

REVISED 12/14/15

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE SESSION MINUTES
DECEMBER 1, 2015
6:30 PM**

Mayor Kelly called the meeting to order at 6:30PM

Flag Salute, Moment of Silence

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members: Correa, Hayes, Manna, Morrell, Zamechansky-present

Councilman Riquelme-absent

Mayor Kelly-present

Motion to accept agenda as presented: Councilman Manna

Second: Councilwoman Zamechansky

All in favor.

Mayor Kelly administered the Oath of Office to Shade Tree Commissioner Rachel Bunin

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#15-257 Authorization of Transfer of 2015 Budget Appropriations *

#15-258 Capital Budget Amendment for Bond Ordinance #1496 *

Councilman Manna stated that when we go through the budgetary process, we should be aware of the ongoing costs of our rentals, etc. He strongly suggests that there should be a checklist to account for items outside what is planned and budgeted for.

Motion to open to the public for consent agenda questions: Councilman Manna

Second: Councilman Hayes

All in favor.

Motion to close: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to adopt the Consent Agenda: Councilman Manna

Second: Councilwoman Zamechansky

Roll call vote: Council members Correa, Hayes, Manna, Morrell, Zamechansky-yes

Ordinances

Second Reading

#1494 Ordinance Establishing Chapter 360- Regulating Smoking in and upon Public Buildings and Public Properties, Parks, Playgrounds and Recreation Areas entitled “Smoking Prohibited” of the Ordinances of the Borough of Dumont

Motion to waive formal reading: Councilman Manna

Second: Councilman Hayes

All in favor.

Councilwoman Zamechansky suggested that there should be a designated smoking area.

Councilman Hayes responded that this would be addressed by the Recreation Commission.

Motion to open to the public: Councilman Manna

Second: Councilman Hayes

All in favor.

Motion to close to the public: Councilman Manna

Second: Councilwoman Correa

All in favor.

Motion to adopt on second reading: Councilman Hayes

Second: Councilman Manna

Roll call vote: Council members Correa, Hayes, Manna, Morrell, Zamechansky-yes

#1495 An Ordinance to Amend Chapter 209, Article III, Section 16 “Developer Fees” of the Borough of Dumont, County of Bergen, State of New Jersey

Motion to waive formal reading: Councilman Manna

Second: Councilman Hayes

All in favor.

Councilman Hayes explained that one of the regulations of COAH-Affordable Housing is that the Borough has to supply money to support the COAH program. With the adoption of this ordinance we will be able to charge a development fee for knockdowns and new buildings. That money is dedicated to COAH. A COAH coordinator will be responsible for this.

Motion to open to the public: Councilman Manna

Second: Councilman Hayes

All in favor.

1. Rachel Bunin, 9 Poplar Street, asked if the money collected is only used in Dumont. The answer was yes.

2. Lili Binney, 32 Roxbury, asked why other towns have done this years before us.

Motion to close to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to adopt on second reading: Councilman Manna

Second: Councilman Hayes

Roll call vote: Council members Correa, Hayes, Manna, Morrell, Zamechansky-yes

First Reading

#1496 Bond Ordinance Providing a Supplemental Appropriation of \$160,000 for the Temporary Relocation of Municipal Offices in and by the Borough of Dumont, in the County of Bergen, New Jersey, and Authorizing the Issuance of \$152,000 Bonds or Notes of the Borough to finance part of the cost thereof.

Motion to waive formal reading: Councilman Hayes

Second: Councilman Morrell

All in favor.

Motion to pass on the first reading: Councilman Manna

Second: Councilman Hayes

Roll call vote: Council members Correa, Hayes, Manna, Morrell, Zamechansky-yes

Motion to open to the public for general comments: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

1. Lili Binney, 32 Roxbury Road, asked if it would have been possible to charge developers without the ordinance and stored the money for when we needed it. Mr. Paster explained that we would need to actively participate in the COAH process. Ms. Binney asked if we had filed to get our rounds one and two taken care, would we have been considered participants in COAH. Mr. Paster answered yes-it's a thirty year process. Ms. Binney congratulated the Mayor on his victory. She then cited some of the criticisms levied against him during the campaign-lack of ability or lack of communication. She said he attended a special meeting October 17th prior to closed session. What came out of the meeting and would he consider it beneficial? The Mayor stated he cannot comment on the closed session but he feels it was beneficial. She asked if since that time he had called other special meetings, emailed the Council concerning Borough Hall estimates, emailed the Council about the current lawsuit. She asked the Mayor if he knew the name of our Special Master for COAH, when the next meeting will be and if he knew the name of our E-Consult point person. The Mayor answered no. Ms. Binney asked if the mayor received the FARM'D email sent to him with Mr. Perkins and the Council copied. The Mayor said he did receive it. She wanted to know why they did not receive a response. The Mayor responded that he was waiting for answers. Ms. Binney asked what the Mayor hopes to accomplish and what his vision for Dumont is. Mayor Kelly responded the plan is to stay the course; he is working with the professionals and council members. Ms. Binney asked Mr. Perkins if he was the COAH liaison. He replied he did attend the classes. She asked if he knew the E-consult contact or communicated with them; what constitutes a bonus credit. Mr. Perkins replied that based on the classes, once our plan was approved, he would get involved with the rehab properties and how the properties were rented out. It is not a paid position. She then addressed the Council and asked why none of them pushed to get things done. She asked about getting different professional opinions on Borough Hall. Councilman Manna said that we advertised for RFQ's for them and they are currently being reviewed. Ms. Binney asked Mr. Paster if the deadline for the towns to submit their Affordable Housing

Plan is December 9th. Mr. Paster said that it is not. We submitted our matrix summary last Wednesday. When the E-consult report comes out, we'll have more definitive numbers. Ms. Binney asked who an objector would be. Mr. Paster responded it would be Landmark. Ms. Binney asked if we have a draft of a Fair Share and Housing Element and whether they could see the vacant land report. She feels that the vacant land should be double-checked. Mr. Paster explained that we have a skeleton from 2013 which we have to plug in new figures and methodologies based on the consensus on how it will be formulated. Maser works on it. The vacant land report is available now. D'Angelo's six acre parcel is assessed commercial so it doesn't qualify as vacant land.

2. Bruce deLyon, 67 Beacon Street, asked why an attorney is present at the public meetings. Is he paid by the hour; if so, how much is his hourly rate. Mr. Paster responded that he had asked the Board of Ed attorney if he knew why boards of education do not have attorneys present at their meeting but governing bodies invariably do. He didn't know either. Mr. Paster said that he doesn't get a retainer or stipend; just time and materials-he charges \$140 per hour, which has been the same rate for years. The average in the past five years is about \$81,000. Discussion ensued between Dr. deLyon and Mr. Paster regarding pensions and figures. Dr. deLyon asked if Mr. Perkins is staying or retiring; has he been evaluated? Why was the auditor at a Council meeting and what is his hourly rate? He asked if there is anything that can be reported regarding the meeting with the Board of Education. Mr. Paster responded that they came to some understanding over the issues of the right of first refusal on Borough Hall.

3. Matthew Bailin, 12 Elizabeth Street, asked the process in reviewing the timetable for objections and how we respond. Mr. Paster responded that the dates are set by order of the court. He said he had spoken to the Landmark attorney and they both agree that the timeline they are on is not practical and they are going to ask the judge to extend it. By mid-January we would have our plan finalized and formulated. The Special Master will take our plan; they'll get a chance to respond to our plan and then we'll try to do a resolution everyone can live with through a mediation process. If that's unsuccessful, we would be scheduled for trial. Mr. Bailin suggested scheduling meetings for these subjects ahead of time; they can always be cancelled.

4. Judy Parker, Susan Drive, Closter asked if we are still paying for heating bills at 50 Washington Avenue. Mr. Perkins said we still need heat so that pipes don't freeze and we also have much documentation and equipment in the building. What is the delay in designating 50 Washington Avenue as an area of redevelopment? She said that there is a tree that is splitting her sidewalk at 103 Washington Avenue. Her insurance company is going to drop her unless she does something about it. Mayor Kelly is working with the Shade Tree Commission on that now.

5. Tom Kelly, 70 Beacon Street, asked if other locations are being looked into for affordable units other than D'Angelo's. The Mayor said that they are looking for locations for a Borough Hall. Mr. Kelly has found some possibilities that would satisfy all kinds of affordable housing units. The Council should be looking into locations to satisfy some of these units.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

The Municipal Clerk read the resolution to enter closed session to discuss:

Personnel-Borough Administrator

Personnel-Police

Employment litigation-Rizza

Litigation-COAH/Landmark.

Personnel-Finance

Motion Councilwoman Zamechansky

Second: Councilman Morrell

Roll call vote: Council members Correa, Hayes, Manna, Morrell, Zamechansky-yes

Following closed session: Motion to return to public meeting: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

The Governing Body authorizes an offer for Deputy Court Administrator per discussion in closed session and authorizes the Municipal Clerk to advertise for a full-time CFO consistent with the salary ordinance and duties as governed by statute and ordinance.

Motion to approve: Councilman Morrell

Second: Councilwoman Zamechansky

Roll call vote: Council members Correa, Hayes, Manna, Morrell, Zamechansky-yes

Motion to adjourn: Councilman Morrell

Second: Councilman Hayes

All in favor.

Meeting adjourned at 9:40PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk