

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE SESSION MINUTES
FEBRUARY 2, 2016
6:30 PM**

Mayor Kelly called the meeting to order.

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, Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-present
Mayor Kelly-present

Motion to accept agenda as presented: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor

Non-Consent Agenda

RESOLUTIONS

#16-52 Bills List- Councilwoman Zamechansky had requested this resolution be moved to non-consent

Motion to open to the public: Councilman Riquelme

Second: Councilman Morrell

All in favor.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Motion to adopt Resolution #52: Councilman Hayes

Second: Councilman Riquelme

Roll call vote: Council members Correa, Di Paolo, Hayes, Morrell, Riquelme-yes
Councilwoman Zamechansky-abstained

#16-53 Resolution Designating Block 1215 Lot 12 Commonly Known as the "Borough Hall Property" as an Area in Need of Redevelopment

Councilwoman Correa asked if the Board of Education was notified of this resolution and if this resolution is adopted, would they be able to take back their property. Mr. Paster responded that the agreement states that if the Borough ceases to use it, they have the right of first refusal to take it back. As of now, the Borough has not ceased to use it. The councilwoman then asked if the Board of Education could file a lawsuit. Mr. Paster replied that there could be a lawsuit about anything anytime. Councilwoman Correa then asked if we are willing to risk legal fees without having more discussion with the Board of Education. The councilwoman asked if we can still put our borough there if

the resolution is adopted. Mayor Kelly explained that once a plan goes in to use it for a redevelopment project, it is in effect.

Councilwoman Zamechansky asked Mr. Paster to explain the resolution to the residents.

Mr. Paster explained that once the resolution to designate an area in need of redevelopment is adopted, the report upon which it was based becomes ratified and adopted-it is then public record. The resolution is sent to Trenton and filed serving notice to the State that there is an area in need of redevelopment. It then gives the borough taxing and zoning flexibility and the ability to apply for grants depending upon what the property is used for. The Council adopts a plan by ordinance, which is prepared by the borough's planner and then designates a redeveloper. This is a non-bid process.

Councilman Di Paolo clarified that nothing happens until there is a plan and currently there is no plan for the borough hall property.

Motion to open to the public: Councilman Riquelme

Second: Councilman Hayes

All in favor.

1. Maryanne Russini, 141 Roosevelt, doesn't understand if you don't have a plan where borough hall will be. There are rumors that you are going to buy property and build a borough hall there. Why do this resolution-you haven't proven that the Board of Ed can't take the property back from us. Mayor Kelly responded that designating an area in need of redevelopment does not lock us in, does not take it away from the Board of Ed. If we decide to abandon it they can take it back. It doesn't prevent us from building a borough hall there. Mr. Paster added that the building is full of lead, asbestos and mold. The ground underneath it is contaminated.

2. Tom Kelly, 70 Beacon Street, stated that the area in need of redevelopment is usually used for private property; not often used by a municipality on its own property. This land use tool has been referred to as the new eminent domain. He feels this is closing options to anyone who might have an interest in the property. This land use tool overrides the zoning on the property. He said that once the council passes this ordinance, this becomes an area in need of redevelopment, which means that any redevelopment has to be according to the plan that's written. He feels that this is being done so that 50 Washington Avenue can be used for affordable housing provided as part of a deal with the developer. The Joint Land Use Board passed this resolution, which has wording that affordable housing has to be part of the development plan. Will the Joint Land Use Board amend their resolution?

3. Mary Ligio, 19 Shelby Street, said that she doesn't trust what the council is doing. Washington Avenue is very congested now as it is. Nobody is fighting for the people who don't want this in their town.

4. Judy Parker, 55 Susan Drive, Closter, is willing to make an offer on the 50 Washington Avenue property.

5. Rachel Bunin, 9 Poplar Street, asked what the downside is to this resolution. The Mayor responded that until a plan is in place there is no downside. She believes there is a downside.

6. Bob DeWald, Depew Street, said that the Board of Education leased a habitable building to the borough fifty years ago. Now the roof is falling in, there's asbestos and mold in the building. The building has not been maintained by administrations the past fifty years.

7. Jim Smith, 93 Seminole Avenue, doesn't want overdevelopment, he wants reasonable development.

8. Sara Reiss, 30 Marion Avenue, stated that Judy Parker must have a plan, which could turn out to be as big a development as D'Angelo's.

9. Mike Akel, 44 Wilkens, said this sounds underhanded; totally against this resolution. We didn't maintain the building and now we want to raze it so we can do whatever we want with the property.

10. Lili Binney, 32 Roxbury Road, referred to a section of the original 1962 deed regarding occupancy of borough hall and when the property reverts to the Board of Ed. Mr. Paster pointed Ms. Binney to a more recent deed- page 535.

11. Mike Flood, Juniper Street, said there's no need to vote on the resolution tonight.

Motion to close to the public: Councilman Morrell

Second: Councilman Hayes

All in favor.

Motion to adopt Resolution #53: Councilman Hayes

Second: Councilman Morrell

Roll call vote: Council members Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes
Councilwoman Correa-no

Motion to open to the public for general comments: Councilman Hayes

Second: Councilman Di Paolo

All in favor.

1. Libby Avena said she is a member of the Senior Center. She complained about the donated clothes and people are getting sick from them. Mayor Kelly will look into it.

2. Lili Binney asked if there is a legal prohibition to a draft not being made public. Mr. Paster responded that it is in the Open Public Records Act. He will research it. Who of the Mayor and Council is involved with negotiations with Landmark? The Mayor responded he and the rest of the council. Ms. Binney asked if anyone participated in the May 29th webinar on "Preparing for your next steps on affordable housing" presented by Ed Buzak. Nobody seemed to know about it. She asked if it was possible to get a copy of it. There are no validated court-sanctioned third round numbers. She asked if we haven't had a change to the Master Plan, isn't there a provision that Dumont has a one year option following the builder submitting a plan to the JLUB to execute an option to buy the property? Mr. Paster replied that it is a provision in the land use law. Ms. Binney said the borough approved senior restriction according to resolution 93-0166, adopted in 1993. She asked why the borough can't reallocate some of this building for veterans to gain additional affordable housing credits. Mayor Kelly responded that there is a deed that says that this will always be a senior center but he will check.

3. Maryann Russini said there is a rumor that the town is looking into buying the car wash and property for a new borough hall. Mayor Kelly replied that we have reached out to the owner of the property to get a price. She said that the Council, except for Barbara, is not listening to the residents at the meeting when they voted for adoption of the redevelopment resolution.

4. Tom Kelly said he is disappointed the resolution was passed tonight. The Fair Housing Act has not been overturned. They have assumed the role that COAH once played. Towns were given the opportunity to file a declaratory judgment, giving them

protection from the builders' remedy suit. The initial immunity from builders' remedy was five months, which ended for Dumont January 26th. It's been two years since the builders' remedy suit was filed against Dumont. It's been a year since the court has taken over COAH's responsibilities. Mr. Kelly said he feels that Dumont has done nothing to find other opportunities for affordable housing in Dumont other than making a deal with the developer. At this point the court is looking for our plan and the town is trying to make a deal with Landmark so that our plan does not have to be reviewed. The court is obligated to provide a formula which will give us our housing requirements. He said that we need to file for an extension and we need to tell the court we need to know our numbers. Now that the resolution has passed, we should look at 50 Washington Avenue to see if we can satisfy our affordable housing obligations there in a municipally sponsored project. Negotiate with the school board and not deal with Landmark. One hundred plus rental units on the D'Angelo property are going to be a burden on the town. There is a Northern Valley Mayor's seminar on affordable housing.

5. Chris Snell, Franklin Street, asked Mr. Paster about a court hearing. Mr. Paster responded that the immunity was extended to March 31st. They met with special masters appointed by the court to make recommendations, which he will share with the Council before stating them publicly.

6. deLyon, 67 Beacon Street, asked about a comment Mr. Paster made about ceasing to use the 50 Washington Avenue property. Mr. Paster replied that it is for any municipal use. Dr. deLyon asked how the Board felt about the resolution. Mr. Paster said that usually the clerk disseminates information at the request of the Governing Body.

Councilwoman Correa commented that the ball is now in the Board of Education's court. We did have a meeting with the developer but that was not negotiation; it was more to hear what they had to say. She said that she feels that D'Angelo's should be single family homes so that we don't change the makeup of the neighborhood.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Mayor Kelly informed the public that the February 16th meeting will be held at the Knights of Columbus on Armour Place, which can hold about 230 people. The special master, Darlene Green and Landmark will be there. The high school is closed so that was unavailable. If you'd like, you can send questions ahead of time.

The Municipal Clerk read the resolution to go into closed session to discuss:

Landmark vs Dumont litigation

Personnel-Police

Personnel-CFO

Personnel-Administrator, CFO

Motion: Councilman Morrell

Second: Councilwoman Zamechansky

Roll call vote: Council members Correa, Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes

Following closed session, motion to open to the public: Councilman Morrell

Second: Councilman Hayes

All in favor.

Motion to adjourn: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 8:40PM

Minutes respectfully submitted by

Susan Connelly, RMC

Municipal Clerk