

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
MARCH 15, 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 Riquelme

Second: Councilman Morrell

All in favor.

A proclamation was presented by the Mayor to the Dumont Bandits Roller Hockey Team

Approval of Minutes:

Motion to approve the February 9, 2016 Special Meeting and Closed Session minutes:

Councilman Morrell

Second: Councilwoman Zamechansky

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

Motion to approve the February 16, 2016 Public Meeting minutes as amended:

Councilman Morrell

Second: Councilwoman Zamechansky

(Councilwoman Correa asked that the minutes be amended to reflect that she had asked that the meeting be postponed until we could get a larger facility.)

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

Motion to approve the March 1, 2016 Executive Session and Closed Session minutes:

Councilman Morrell

Second: Councilman Riquelme

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

**MAYOR'S REPORT**

No Report

## **ADMINISTRATOR'S REPORT**

We will be going out to bid for resurfacing of Locust & Brook March 22<sup>nd</sup>.  
The finance committee has been spending a lot of time on the budget.  
Mr. Perkins wished Ray Herr luck in taking over his position and that of CFO.

## **COUNCIL COMMITTEE REPORTS**

- Councilwoman Correa

### *Board of Education*

There was a representative from the N.J. State Boards Association, who did a presentation on ethics. They decided to give the mud hut a makeover as opposed to rebuilding it. They made a statement that if the Board of Ed received funds in payment for the 50 Washington Avenue property due to the right of first refusal, it is their intention to have all the money go back to the taxpayers in one form or another.

- Councilman Di Paolo

### *Shade Tree Commission*

On March 7<sup>th</sup> there was a global climate seminar. They discussed the effect of climate change in our community and our state and what we can do about it.

### *Shared Services*

The Councilman will be meeting with members of the Bergenfield governing body to discuss shared services and possibly a shared facility going forward.

- Councilman Hayes

### *Finance*

The committee has met seven times and the budget should be introduced the next meeting.

### *Rent Leveling*

They met last night and discussed the CPI, which sets the apartment rent increases. Some landlords complained because the CPI was so low for years. They are looking into a resolution to raise the allowable rent increase.

### *Joint Land Use Board*

The February 23<sup>rd</sup> meeting was cancelled due to lack of agenda

- Councilman Morrell

### *Recreation Commission*

Mr. Esposito will have set hours on Tuesdays and Thursdays from 6-8PM. He will be punching in and punching out. The Easter Egg Hunt will be held this Saturday at 10AM at Memorial Field.

- Councilman Riquelme

### *DPW*

Grass and yard waste pickup begins the week of March 22<sup>nd</sup>.

### *Library*

They regret the passing of Anais Scott, librarian.

- Councilwoman Zamechansky

### *Seniors*

There will be a St. Patrick's Day party this Thursday and March 31<sup>st</sup> there is a trip planned to see "Man of LaMancha" at the Westchester Theater.

### *Fire Department*

There was a total of 30 calls and 842 man hours in January.

### *Police Department*

In February, there was a total of 1949 telephone calls for service, 100 calls for medical response and 1 telephone call for commitment. Patrol issued 300 traffic summons and one DWI. The Detective Bureau investigated 11 domestic violence calls and handled 38 criminal cases.

### **ATTORNEY'S REPORT**

Mr. Paster reported that they had a case management conference on the Landmark suit last Thursday. The court set a fairness hearing for April 21<sup>st</sup>. It's open to the public-Judge Meehan, Room 301. There will be a formal motion made on behalf of the Borough.

**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**

**#16-69** Bills List \* Councilwoman Correa questioned several bills on the list. She asked that it be moved to non-consent

**#16-70** Authorization to Pay \$200 per month for Rental of Fire Chiefs' Office at Fire Company #3 \* Councilwoman Correa asked why we are paying rent. Mr. Perkins explained that when the Fire Department had to vacate their office at 50 Washington Avenue they moved all their files and equipment to Company #3, which they own.

**#16-71** Approval of RSC Proposal-Police Building Feasibility Study and Conceptual Design-\$28,750 \* Councilwoman Correa said she does not want to spend the money on a place we aren't definitely putting the building and then have to do it again. Mayor Kelly responded that they would be doing a schematic of the building itself to see how much space is needed. Councilwoman Correa made a motion to pull this from the agenda, seconded by Councilman Hayes. Roll call vote: Council members Correa, Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes

**#16-72** Appointment of Raymond Herr as Affirmative Action/Public Agency Compliance Officer \*

**#16-73** Approval of Release of Retainage for Locust and Dumont Avenue Resurfacing Project \*

**#16-74** Approval of Acceptance of Two Year Maintenance Bond and Release of Performance Guarantee for Locust and Dumont Avenue Project \*

**#16-75** Approval of Change Order #1-Final-for Locust and Dumont Avenue Resurfacing Project-credit \$7,824.12 \*

**#16-76** Authorization of GIS Data Exchange Agreement with Bergen County \* Councilman Di Paolo asked if there is a charge. Mr. Perkins explained that it is a free service from the County. They've taken our sewer and street maps and are doing overlays with maps that are already in the County's hands. When we get it back we will

have every fire hydrant, every street pole and every manhole identified. It's a shared service agreement.

**#16-77** Authorization of Transfer of 2015 Budget Transfer of Appropriation Reserves \* Councilwoman Correa questioned the need for this resolution. Mr. Herr explained that it is moving money from one line item to another. It is not an expenditure.

**#16-78** Authorization of Execution of Settlement Agreement and General Release for Sergeant Keith Volz \*

**#16-79** Authorization to Hire DPW Seasonal Help-\$10 per hour \*

**#16-80** Authorization to Sell Borough Surplus Items through GovDeals Inc. Internet Auctioneering Services; State Contract T-2581/83453 \*

**#16-81** Authorization to Dispose of Vehicles as Scrap \*

**#16-82** Authorization for Two Sites for Disposal of 2016 Seasonal Yard Waste \*

**#16-83** Maser-Approval of Proposal Investigation for Designation of 546 Washington Avenue an Area in Need of Redevelopment-\$7,400 \* Councilwoman Correa questioned this resolution. Mayor Kelly explained that it is part of the settlement and allows us to do the PILOT program for the taxes. Councilwoman motioned to table. There was no second. Mr. Paster responded that the PILOT program is in lieu of actual taxation. There's a concern about this property not renting for the rents, it protects the town from appeals and it nets the borough \$254,000 more than actual taxation.

**#16-84** Appointment of Carolyn Blakeman as Clean Communities Coordinator-\$3,000 annually \*

**#16-85** Paul Olivo-Approval of Dismissal from the Fire Department \*

**#16-86** Authorization for the Execution of Raymond Herr's Contract \*

**#16-87** Appointment of Raymond Herr as JIF Commissioner \*

**#16-88** Appointment of Raymond Herr as Community Development Representative \*

**#16-89** Approval of Knights of Columbus Casino Night to be held April 16, 2016; ID#109-6-7021, RL#447 \*

Motion to open to the public on Consent Agenda items: Councilman Hayes

Second: Councilman Morrell

All in favor.

1. Irwin Buchheister, Cedar Lane, asked for an explanation of Resolution #70.

2. Lynn Vietri, 41 Wilkens, asked whether there could be a memo section for each check on the bills list. She asked about the check to NY Mellon. Mr. Herr said the Edmunds is very limited but he is working on it. Ms. Vietri asked if there is a conflict interest for Mr. Herr to work as Administrator and CFO. The Mayor answered no. Ms. Vietri would like to see the ins and outs of Recreation accounts. Mr. Herr replied that is possible. Ms. Vietri asked if the Area in Need of Redevelopment applies to the smaller parcel at D'Angelo's and doesn't the town have to own the property? Mr. Paster responded that both parcels are included and the town does not have to own the property.

3. Matthew Bailin, 12 Elizabeth Street, said that the money from the PILOT program goes to the town, not the school board so if there are kids from the development who go to the school how will that be funded? The Board of Ed should get its fair share to educate the children. He feels that we shouldn't do the PILOT program. He asked who suggested this program. Mayor Kelly said that we did because it benefits the town. Mr. Bailin asked about the safety of the houses which abut the farm when remediation is being conducted and would there be a meeting. The Mayor said that there would be an

LSRP who oversees the remediation. Mr. Bailin asked Mr. Paster to disclose what the judge said. Mr. Paster responded that the judge commended the council for going ahead with the vote despite the criticism. From what he knew of the case it was going to be an uphill battle for the borough with the open piece of property there. He gave April 21<sup>st</sup> as the hearing date at which time he'll hear testimony from the planners for the borough and the developer and from the Special Master and make a determination whether the amount of affordable housing that's being provided is commensurate with the overall housing being built. Also, the Judge requested the motion to dismiss the Board of Education suit filed before April 21<sup>st</sup>. Mr. Paster intends to file it tomorrow.

4. Maryanne Russini, Roosevelt Avenue, asked why we couldn't have the developer split the cost in #83. She feels that we gave the developer everything.

5. Carl Manna, Harding Avenue, asked what they would change the CPI to. Councilman Hayes said that the raise permitted would be 1½ percent. How many affordable homes are there in town? Councilman Hayes said he will let him know. Mr. Paster said we would be getting \$434,000 from the developer, which would be phased in as they build it. The tax appeals that have been pending for the past three years will be withdrawn as part of the settlement. Mr. Manna suggested putting an explanation of the PILOT program on the website for the residents.

6. Bob DeWald, Depew St., wanted confirmation that the taxes will be fixed for twenty-five years. He said that as school taxes go up every year, the only people not paying increases are the residents not living at Landmark. He doesn't feel it's a good deal.

7. Cathy Doherty, Roxbury Rd., spoke of the rise in her tax bill in the past twenty four years. She pointed out that the school population has declined but the school budget hasn't declined. She asked if the Council thought the Board of Education is fiscally irresponsible. The Mayor responded that as a resident and taxpayer, he believes they could do a better job of tightening their belts. Ms. Doherty spoke of state mandates at the schools and the cost and compared it to Borough expenses.

8. Pete Fusco, 42 Haworth, spoke of Landmark units and tax exemptions.

9. de Lyon, spoke of taxes and money going to projects. Municipalities can bond if money is needed. He said he lives in the neighborhood of D'Angelo's and asked why the borough waited three years to be concerned about contamination. He spoke of the police study involving Brook Street and Blauvelt. The Mayor responded that the building would be in the municipal parking lot. The Blauvelt property is being considered for parking. Dr. de Lyon asked the cost of the Blauvelt property. Isn't this a flood area? Isn't there any other property available? Mayor Kelly explained that the Borough would have to spend \$2,000,000 for just the property.

10. Mike Flood, 19 Juniper St., said that regarding people grumbling about the rent for the Fire Chief's office. Company #3 go above and beyond. They take money out of their pockets. All the fire houses are great.

11. Lili Binney, Roxbury Rd, asked about the motion to dismiss the Board of Education suit.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

Motion to adopt the Consent Agenda: Councilwoman Zamechansky

Second: Councilman Hayes

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

### **Non-consent Agenda**

#### **#16-69 Bills List**

Councilwoman Correa asked several questions. She asked if it was possible for the Council to receive the bills list earlier than Friday. Administrator Herr responded that we could move the deadline up but then bills received after that would have to wait until the next month.

Motion to adopt the Bills List: Councilwoman Zamechansky

Second: Councilman Hayes

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

### **Ordinance**

#### *First Reading*

#### **#1497 Calendar Year 2016 Ordinance to Exceed the Municipal Budget Appropriation**

Limits and to Establish a Cap Bank

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

Motion to pass on the first reading: Councilman Riquelme

Second: Councilman Morrell

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

Administrator Herr explained that virtually every municipality adopts this ordinance. If it's needed, we have it. If it isn't needed it will be saved for future years. The Division of Local Government Services requests that we do this.

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

Second: Councilwoman Zamechansky

All in favor.

1. Lili Binney, 32 Roxbury, asked Mr. Paster if any additions were put in any Landmark proposal or did he move to strike any potential red flag areas detrimental to Dumont. How many cases has he litigated on behalf of Dumont? How many has he won? Mr. Paster said there were five different versions. He said that he has litigated five or six cases. Ms. Binney stated that nearly everyone remained realistic about having to settle with Landmark. However, no impact study was done prior to the Council vote. The settlement allows Landmark to avoid paying any developer's fees, any improvements except for those directly on the property and gives them tax incentives for all. She said that the town gave away total zoning rights for eighteen affordable housing units. She asked if Landmark wants to build wood-framed buildings, would we be able to stop them. She spoke of a possible misallocation of 99 units. Ms. Binney complained that they have been ignored. She said she hopes that this agreement, without due diligence, does not ultimately bankrupt Dumont.

2. Carl Manna, Harding Avenue, asked if money has been set aside in the budget for a new website. He asked about Nixel. He asked who would be replacing Mr. Perkins as COAH liaison. Councilwoman Correa suggested Tom Kelly. Mr. Manna said that we could join the County flood program-CRS-but need someone to oversee it. Mr. Perkins explained that the position is very involved. CRS suggested an outside engineering company, which handles flood issues and the CRS program. Mr. Manna said that residents have spent their own money in the past. He feels it needs to be done as soon as possible. He asked who on the Council was aware of the suit filed by the Board of Education right before the meeting at which the settlement was approved and if they knew, would the resolution have been tabled. Mr. Manna asked if the borough engineer got back to the Council with a flow chart. Mr. Perkins replied that they have had two meetings with them and are waiting for Landmark to submit theirs so a comparison can be done. Mr. Paster said he would be filing a motion to dismiss the Board of Education suit tomorrow and the judge will rule on it in about two and a half weeks.

3. Ken Freeman, Cresskill Avenue, asked if the settlement had been voted down, what would have happened? Mayor Kelly replied that Landmark would have proceeded with the builder's remedy lawsuit. Mr. Paster was asked and said that our affordable housing credits would have been challenged and would not have an opportunity to get a partial judgment of compliance and immunity until third round figures are established and a plan submitted. In addition, keeping the buildings at D'Angelo's two stories, tax appeals being withdrawn and potential remediation at 50 Washington Avenue are the positives. He said those on the dais have a thankless job and thanked them.

4. Mary Ryan Liggio, Madison Ave., asked if the affordable housing will only be able to keep that status for thirty years. The answer was yes, according to administrative code.

5. Matthew Bailin, Elizabeth St., questioned setbacks affecting his home. They are showing a parking lot that extends within 5-7 feet of the property line that is right by his house. Mr. Paster stated the spots will be moved. The setback, by law, is the buildings, not the parking lot. He spoke of traffic on Washington Avenue. Mayor Kelly responded that Landmark has been notified by the County that the road would have to be widened. Mr. Bailin asked if NJ Transit has been contacted. He and his wife are concerned about shrubbery coverage. The Shade Tree Commission should be involved. In his opinion, Mr. Paster didn't push to try to get more credits in so that we would have less affordable housing requirements. He feels the Landmark proposal had a lot of giveaways.

6. Lynne Vietri, Wilkens Drive, asked who the witnesses would be April 21<sup>st</sup>. Mr. Paster said Landmark's planner Richard Price, Darlene Green, Frank Banish and members of the public. Ms. Vietri asked if you have an area of redevelopment, isn't the Joint Land Use Board supposed to be involved. Mr. Paster replied that the Council directed the Board to conduct a study. They have a hearing, make a recommendation and then it returns to the Council. Ms. Vietri asked besides Ms. Green and Mr. Paster, has the Council hired any other professionals, specialists? She asked that since the lawsuit has been filed by the Board of Ed and Mayor Kelly's wife is on the Board of Ed, shouldn't the Mayor recuse himself? Mayor Kelly responded that his wife has not been permitted to attend any closed session meetings since the 50 Washington Avenue subject has arisen so he feels there is no conflict. Ms. Vietri asked if we could partner with United Way or

any other non-profit for COAH units. She said there is a rumor that as of June, D'Angelo's has an out from this contract.

7. Dr. de Lyon, Beacon St., asked who is representing the Borough in the Board of Education lawsuit. If they build the eighteen units on the corner lot, the Borough would be paid \$6,000, much less than from homeowners. In his opinion, there will be 50-75 kids at a minimum. In his opinion the town is giving the developer tax breaks to come in and destroy the town. He spoke of the lawsuits in town. He questioned closed minutes and what information would be received if they are OPRA'd.

8. MaryAnne Russini, Roosevelt Ave., asked when the Roosevelt Avenue bid will be going out and the timeframe. She commented on the Landmark area.

9. Sal Maurice, 25 Druid Ave., asked the projected time Landmark will start. He suggested that homeowners who live around D'Angelo's test their soil and if they hire an environmental attorney, would they have to pay for the legal fees? Mr. Paster stated that the historical polluter is responsible for the cleanup. The contract between D'Angelo's and Landmark designates that the D'Angelo family would be responsible for the first \$250,000 and Landmark is responsible for the next \$250,000; after that they split the cost. Anything on the surrounding properties would be the responsibility of the polluter. Mr. Maurice said stormwater is important.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Mayor Kelly thanked Mr. Perkins for his service over the past years.

Mr. Perkins stated that this is his last council meeting. He thanked the governing body for their professionalism and handling the challenges every day. He complimented past and present council members, Mr. Paster, borough hall staff, DPW staff, the borough auditor, the police department members and fire and ambulance department members.

He is proud of his accomplishments, including getting the borough out of state oversight within two years, updating our credit rating, working with Community Development for HUD grants, working with Open Space for grants for various improvements to parks in town and working with presenting two applications to Trenton, which helped our flooding problems. He stressed that although there was a post on March 13<sup>th</sup> by the de Lyons saying that he had signed a petition that went to the Board of Education regarding 50 Washington Avenue, it is a lie. He said he'll miss his interaction with the residents. Mr. Perkins, as a borough administrator, took direction from the governing body.

At a previous meeting, de Lyon said his pension was nobody's business. Mr. Perkins disagreed and said his pension is four times greater than the average New Jersey pension. In 2015 Mr. Perkins had sent an email to Ms. de Lyon asking to meet with her because of some of the things that were being said about him. Her comment was "what goes around, comes around", which sounds personal. He and members of his family have no idea why that comment would be made.

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

Litigation-Board of Education

Potential Litigation-Swim Club

Litigation-Landmark v. Dumont



Personnel-Police

Motion: Councilwoman Zamechansky

Second: Councilman Riquelme

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

Following closed session, the governing body went back into public. Mr. Paster stated that Resolution #83 was pulled from consent retroactively-motion by Councilman Morrell and seconded by Councilman Hayes-Councilwoman Correa voted no. The vote was 5-1.

Motion to adjourn: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 10:25PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk