

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
JUNE 8, 2016
6:30 PM**

Council President Correa 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 (left at 8:40PM), Riquelme, Zamechansky-present
Mayor Kelly-absent

Motion to accept agenda as presented: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

Public Hearing on the 2016 Municipal Budget Amendment

Mr. Herr explained that the amendment reduced the amount to be raised by taxes by \$77,606.00. This reduced the introduced budget from \$104 tax increase for an average assessed home to an \$80.00 municipal increase for the year. There was a revenue item for over \$42,000, which had not previously been collected by the borough. A \$62,000 item was removed from the current account to the capital account and changes were made to salary & wages and O&E. The total for salary & wages increased by \$6,307 and the O&E increased by \$21,000 for the website startup fee, affordable housing and a used car for the detective bureau. The net amount of this is a reduction of \$77,606.00.

Resolution #16-130 Approval of Amendment #2 of the 2016 Municipal Budget

Resolution #16-131 Approval of Budget Self-Examination

Resolution #16-132 Adoption of the 2016 Municipal Budget

Motion to open to the public: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

1. Carl Manna, 108 Harding Avenue, asked about what items were moved to capital. Mr. Herr responded it was the cameras for the police cars. Mr. Manna asked if there was anything in the budget to address the lease of the trailers and 80 W. Madison and the amount of each. Mr. Herr said there is enough money for this year and a little into 2017 but bond counsel and the auditors have told us that unless there was a fairly firm plan in place we would have to add those lease amounts into the budget for 2017. If we have a

definite plan, we would be able to bond for it or it would have to come for current but we'll get through this year.

Motion to close to the public: Councilman Di Paolo

Second: Councilman Hayes

All in favor.

Councilman Di Paolo questioned the amounts budgeted for attorneys. Mr. Herr responded that \$10,000 was added on the second amendment. Mr. Paster agreed that the additional amount should be enough.

Motion to adopt Resolutions #16-130, #131 and #132: Councilman Hayes

Second: Councilman Morrell

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

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

#16-133 Authorization of Execution of Renewal Agreement with Valley Health System for Alcohol and Drug Testing *

#16-134 Approval of Municipal Court Shared Service with Bergenfield *

#16-135 Authorization of Roosevelt Avenue Drainage Improvements *

#16-136 Authorization to Hire Frank Berardo as Qualified Purchasing Agent-\$5,000 annually * Mr. Herr explained that the State strongly recommends that every municipality has one. It raises the bid threshold significantly. He can also do certain specifications that cannot be done normally.

#16-137 Authorization of Tax Appeal Settlement for 13 Washington Avenue for tax years 2013, 2014 and 2015 *

#16-138 Approval of Hickory Street Block Party to be held June 18, 2016 *

#16-139 Approval of Renewal of Snow Plowing Program with the County of Bergen *

#16-140 Approval of Mercury Environmental Proposal for Licensed Site Remediation Professional Services-TwinBoro Field-\$1,475 for two year period *

#16-141 Authorization to Advertise for RFQ for Employee Assistance Program * Mr. Herr explained that this program assists employees if they have substance abuse problems.

#16-142 Approval of Officer Shane Donegan's Status Changed from Probationary to Permanent Police Officer *

#16-143 Approval of Officer Samuel Schlamowitz's Status Changed from Probationary to Permanent Police Officer *

#16-144 Removed from agenda

#16-145 Authorization to Participate in the State Local Cooperative Housing Inspection Program-Borough will receive \$1,700 *

#16-146 Appointment of Bergen County Division of Community Development Borough Representatives *

#16-147 Appointment of William Brophy as Part-time Interim Recreation Director *

Councilwoman Zamechansky commended the selection of Bill Brophy and congratulated the two police officers.

Motion to open to the public: Councilman Hayes

Second: Council President Correa

All in favor.

1. Lili Binney, Roxbury Road, asked the amount the Borough had to refund 13 Washington Avenue (Dominos). The response was approximately \$8,000 for three years. The Borough, not the school board, refunds the amount of the appeal

2. Matthew Bailin, Elizabeth Street, questioned Resolution #133. He asked what was entailed in Resolution #134. The response was that we had been using Haworth's facilities. Bergenfield is giving us an 18% reduction in the fee and their venue is larger.

3. Carl Manna, Harding Avenue, asked about #140. Mr. Paster explained that DEP requires an LSRP to monitor. This is for a two year period. Mr. Manna asked if the Recreation Director would be a full-time position. Councilman Morrell explained that the full-time position is not allotted in the budget. The position has been advertised and resumes are being received. Bill Brophy would step in part-time until someone is hired. The Commission would decide whether it would eventually be a full-time position.

4. Jerry Aponte, Hickory Street, said that as a Recreation Commissioner, does not agree with the process of Resolution #147. He has trouble accessing his borough email. He requested a meeting prior to Mr. Brophy being hired. It is his understanding that it was an email vote, which Mr. Paster said is not legal. He has a problem hiring Mr. Brophy as interim recreation director. Mr. Paster stated that this is really a Recreation Commission decision so the Governing Body does not need to vote on it. He suggested that the administrator can take emergency action to bring someone in on a temporary basis. Mr. Aponte stated that there are in-house problems.

5. Christopher Snell, Franklin Street, asked the acceptable ways to vote. Mr. Paster explained that unless it is an emergency, a special meeting can be called with notice to the newspapers 48 hours prior. It is the Sunshine Law. Mr. Snell agreed with Mr. Aponte, saying that there has been a struggle with leadership and guidance, misinformation and miscommunication. He feels there should be procedural training. The Commission needs help.

6. Denise Wrightington, Prospect Avenue, is vice-chair of Recreation. If there are any questions, she would answer them. Some of the emails are not working. She told Mr. Brophy she would help out.

7. John Sansone asked how someone will be chosen. The response was that it was advertised and resumes are being accepted. Mr. Herr will be part of the hiring process.

Motion to pull Resolution #147: Councilwoman Zamechansky

Second: Councilman Di Paolo

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

8. Sal Maurice, Druid Avenue, said that Resolution #140 is a good price for two

years. He asked what they are looking for. Mr. Paster explained it was historic fill and that \$750 of the fee goes to the DEP. Councilman Di Paolo said that the company is going to make sure the cap has not been disturbed.

9. Jerry Aponte asked about the shed they planned on putting at TwinBoro Field. Mr. Herr explained that specifications have to be written and it would have to go out for bid. It is more than a shed-it's a two story building on Green Acres property. You have to get permission from Green Acres. You can't put the shed where the remediation was done. He had asked the Recreation Commission questions like whether it needs electricity, heat, burglar alarm, fire alarm, etc. Also, is it ADA compliant? Mr. Herr gave the answers received to the Engineer. Mr. Aponte said they could possibly scale it down. He will speak to Chairman Tonner about it.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda: Councilman Riquelme

Second: Councilwoman Zamechansky

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

ORDINANCES

Second Reading

#1498 Bond Ordinance providing for various capital improvements by the Borough of Dumont, appropriating the aggregate amount of \$252,000 therefor, including a grant in the amount of \$155,500 expected to be received from the state of New Jersey Department of Transportation, and authorizing the issuance of \$91,800 bonds or notes of the borough to finance part of the cost thereof

Motion to waive formal reading: Councilman Riquelme

Second: Councilman Morrell

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Riquelme

Second: Councilman Hayes

All in favor.

Matthew Bailin, Elizabeth Street, asked for an explanation. The response was that \$155,500 of the bond ordinance will be reimbursed to the town from a grant. Mr. Herr explained that passing the ordinance only allows the Borough to spend the money. Eventually, we would have to go out and sell notes, which are usually for one year. How long the bond lasts depends on the life expectancy of what you are buying or repairing. Mr. Bailin asked why we can't start reserving for replacement of vehicles instead of bonding.

Motion to close to the public: Councilman Morrell

Second: Councilman Hayes

All in favor.

Motion to adopt on second reading: Councilwoman Zamechansky

Second: Councilman Morrell

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

#1499 Refunding Bond Ordinance providing for the refunding of outstanding general improvement bonds by the Borough of Dumont, appropriating \$6,300,000 therefor and authorizing the issuance of \$6,300,000 refunding bonds of the Borough to finance the cost thereof

Mr. Herr explained that sometimes the Borough can go out and refund bonds at a lower interest rate. The Council will be giving authorization to refund the 2010 series of bonds-if we can get a lower interest rate where we can save 3% of the total cost we can go ahead and do it.

There was no discussion from the Council.

Motion to open to the public: Councilman Riquelme

Second: Councilman Di Paolo

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt on second reading: Councilman Hayes

Second: Councilman Riquelme

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

#1500 Ordinance amending and restating Chapter 75; Section 6 and Section 9 of the Dumont Borough Code-Police Department: process for hiring and promotions

Mr. Paster explained that there is a question on section 2 as to whether that was what was intended by the Ordinance committee. The Police senior officers had requested it and that's why he included it. If Section 75- 9A (b) (2) and A (4) (f) are going to be removed, the ordinance would have to be re-introduced. He recommends tabling the second reading tonight. If it does not need substantive changes in the future, the second reading can be voted on at another meeting.

Motion to table: Councilman Morrell

Second: Councilman Riquelme

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

First Reading

#1501 Bond Ordinance providing for various capital improvements by the Borough of Dumont, appropriating the aggregate amount of \$185,000 therefor and authorizing the issuance of \$176,000 bonds or notes of the Borough to finance part of the cost thereof

Motion to waive formal reading: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Mr. Herr explained that there are three items in this multipurpose ordinance: one is for the mobile recording devices for the Police Department, which the Attorney General

has said must be in all police cars; second is gear for the Fire Department and third is for microsealing the roads.

There was no discussion from the Council.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Riquelme

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

#1502 Ordinance Amending Chapter 322, Revising Calculation of Maximum Rent Increases under the Jurisdiction of the Rent Leveling Board of Dumont

Motion to waive formal reading: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

There was no discussion from the Council.

Mr. Paster explained that the Rent Leveling Board had recommended this.

Currently, rents under rent control in town are governed directly by CPI (consumer price index), which has been less than 1% over the past two years. Costs for the landlords have been rising. The decision was made to cap the rent increase at the greater of CPI or 1 and 1/2%, rent increases to be no more than once in a twelve month period.

Motion to pass on first reading: Councilman Hayes

Second: Councilwoman Zamechansky

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

#1503 Ordinance Amending Chapter 344 SHADE TREES of the Dumont Code-Permits and Penalties

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Mr. Paster explained that there was a deficiency in the fines and penalties portion of the Shade Tree ordinance. This was recommended by the Commission.

Councilman Di Paolo stated that Chairman Slaman of the Shade Tree Commission was hoping the second offence could be raised to \$500. Discussion ensued. The Ordinance Committee felt that \$500 was too high.

Motion to pass on first reading: Councilman Morrell

Second: Councilwoman Zamechansky

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

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

Second: Councilwoman Zamechansky

All in favor.

1. Christopher Snell, Franklin, is currently a Recreation Commissioner. He read a statement as advised by his attorney, requesting that the Governing Body reinstate him as a coach. He had been fingerprinted, had his concussion awareness certification, signed

the Coaches Code of Ethics and taken the Rutgers Coaching Certification Course. He had been coaching for three years but in 2014 when he was nominated to run for councilman to fill a vacated seat, he received a letter from Police Chief Faulborn stating that due to his criminal background check, he was in violation of the Recreation by-laws. He wondered whether it was discrimination, the nature of his crime committed over twenty-five years ago or politics which prompted the actions taken. He had requested an appeal but was told there is none. He said he has since learned there is an appeal process.

2. Lynn Vietri, Wilkens Drive, asked if the rent leveling ordinance covers all apartments in town and whether it applies to new tenants. She asked if Landmark would have to take out a permit to remove trees. Councilman Hayes replied yes. Ms. Vietri said that at the last Joint Land Use Board meeting there was discussion about the area in need of redevelopment. When did the study begin? Mr. Paster responded that it was March 15th, which was prior to the Joint Land Use Board meeting. Ms. Vietri asked if it was finished yet.

3. John Sansone, 119 Beacon, asked about where the parking will go at 50 Washington Avenue. Mr. Paster replied that the Board of Education has appealed the decision dismissing their suit so it will hold everything up. If it is still pending September 1st, all the units will go up to D'Angelo's. If that occurs, it makes the appeal moot because either the property will be used for just municipal use or the Council decides to just give it back to the Board. Mr. Sansone asked what 50 Washington Avenue would be used for then.

4. Lili Binney said that the Rent Leveling ordinance would also benefit Landmark. She asked if page 4 of the judge's ruling, which cites Darleen Green acknowledging that the project would involve \$1,000,000 site cleanup, was for 50 Washington Avenue. The answer was yes. She asked how that figure was arrived at. Mr. Paster responded that it was based on asbestos, lead, mold contamination, etc. from the Landmark engineers, with our engineers review. Ms. Binney asked if anyone has done any environmental borings on D'Angelo's property. She is concerned about contamination. Mr. Paster replied that there was a phase II done on that property, which included borings. It is not the Borough's property. It is DEP monitored. Landmark would have to pay for the remediation. Ms. Binney asked about the tank at 50 Washington Avenue. Ms. Green spoke about the widening of the roadway on page 4. Mr. Paster replied that that was determined by the County planning board.

5. Matthew Bailin, Elizabeth Street, asked why the administrator didn't have the reports. Mr. Paster said that the reports are usually reviewed by the Joint Land Use Board. Mr. Bailing asked if the ninety day deadline for the town to submit the architectural plan for 50 Washington Avenue to Landmark passed. Mr. Paster responded that there is a hard deadline of September 1st. Mr. Bailin asked if Landmark has submitted a site plan to the County. Mr. Paster said they hadn't.

6. Michael Sullivan, Andover Avenue, asked if a price has been set for the 12,000 square feet of borough hall space. Mr. Paster responded that it is on hold pending the appeal of the Board of Education dismissal of the lawsuit. Mr. Sullivan said that Dumont will be known as Bergenfield North in the future. We have no way of knowing what the town will be paying for the space. He was concerned about the Police Department. He was also concerned about the sewers around D'Angelo's.

7. Carl Manna, Harding Avenue, spoke of the rent control ordinance amendment and

his concern for the seniors on a fixed income. He asked if there is a process to protect those who can't afford the rent increase. It was suggested that Councilman Hayes, liaison to the Rent Leveling Board, speak to the Board to see if there is an appeal process.

8. Tom Gorman, asked about the sewer amendment to the Landmark settlement agreement. Could the engineer's report be put on the website? He questioned the need to pay for a permit to remove a tree on someone's own property and what constitutes a "tree". There is a house in town where the bottom fifty feet of branches was removed from a sixty foot tree. Does the town have a stump grinder? How long does it take to remove the stump? He asked if there could be a referendum to vote on the Dumont-Bergenfield joint building. If this goes forward, are we planning for the future? Who will be making decisions for the Police Department? Communication is important.

Councilwoman Correa asked what happens if the Joint Land Use Board votes against D'Angelo's as an area in need of redevelopment. Mr. Paster responded that it's hypothetical but if that was the case all the things Landmark was going to pay for as part of the settlement would come off the table and would be up to the town to pay.

9. Matthew Bailin, Elizabeth Street, said that at the fairness hearing Mr. DelVecchio said that they would be taking care of the sewers on-site. Now to hear that there is a change in the agreement regarding the sewers means Landmark is paying their rightful share of the upgrades. Mr. Paster said there is no signed agreement yet so he has not announced it. It is contingent on the PILOT going through.

10. Lynne Vietri asked if we are having Dumont Day. The answer was yes.

11. MaryAnn Russini, Roosevelt Avenue, said she hoped that when the Governing Body heard Landmark won they didn't take it as a victory because it changed the whole outlook of the town.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Councilwoman Zamechansky said that someone has made a website about her. She would be happy to discuss with anyone who wants to. She stated she is not a thief; during her eleven years on the Council she has not done anything unethical. It slams Dawn Totten, Terrie Giotis and Chief Venezia who signed things.

We are not celebrating over the Landmark decision. The saddest part is what is happening to this town. She read something from Facebook-"The Mayor and Council made this mess. I say we stop supporting any of their hangs". The Councilwoman said we have to get this town more cohesive.

The Municipal Clerk read the closed session resolution to discuss personnel-police; litigation-Board of Education and litigation-Landmark

Motion: Councilman Riquelme

Second: Councilman Hayes

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

Following closed session, motion to return to public: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

Motion to adjourn: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

Meeting adjourned at 9:55PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk