

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
AUGUST 16, 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, Zamechansky-present

Councilman Riquelme-absent (family emergency)

Mayor Kelly-present

Motion to accept agenda as presented: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor

Approval of Minutes:

Motion to approve the July 19, 2016 Public Meeting and Closed Session minutes;

Councilman Morrell

Second: Councilman Di Paolo

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

MAYOR'S REPORT

No Report

ADMINISTRATOR'S REPORT

Mr. Herr reported that the Fire Department ladder truck is back in service. It was repaired under budget.

The Shredding event is scheduled for August 20th. The truck will be in Bergenfield in the morning and at Dumont DPW in the afternoon. They are available to both Bergenfield and Dumont residents at either location.

We successfully refunded a series of 2010 bonds at a lower interest rate, which will result in a savings of \$230,361 over the next nine years. It is on the agenda tonight for the Council's approval.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

No report

- Councilman Di Paolo

Shade Tree Commission

They had a meeting yesterday. They also had a successful brick installation in the walkway by the gazebo this past weekend. If you would like to purchase one, the cost is \$75. Members will be at Dumont Day and will be giving away seeds.

The Commission had not received the \$25 tree permit fees from 2013-2015.

Shared Services

There was another successful meeting with Bergenfield regarding the possibility of a shared municipal complex.

- Councilman Hayes

No report

- Councilman Morrell

No report

- Councilwoman Zamechansky

No report

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

#16-183 Approval of DHS Music Booster On-premise Cash Raffle to be held 9/9/16, 9/23/16, 10/14/16, 10/22/16 and 11/24/16; ID# 109-5-36714, RL#459 *

#16-184 Bills List *

#16-185 Approval of Remington, Vernick & Arango Engineers' Proposal for Roosevelt Avenue Drainage Improvements Project-\$19,150.00 *

#16-186 Resolution Confirming the Sale of General Improvement Refunding Bonds, Series 2016 of the Borough of Dumont *

#16-187 Award of Employee Assistance Program RFQ *

#16-188 Corrective Action Plan for the 2015 Audit * Councilwoman Correa commended Mr. Herr for getting this plan completed so quickly.

#16-189 Approval of Camp Acorn Calendar Raffle Application to be held January 1, 2017-June 30, 2017: ID#373-4-35885, RL#460 *

#16-190 Battaglia Associates-Hire Part-time in Finance Office-\$15,000 annually *

Non-consent Agenda

#16-182 Approval of Landmark Settlement Agreement Amendment #1 (previously tabled)

#16-191 Designation of Block 212, Lot 20 and Block 215, Lot 1 as an Area in Need of Redevelopment

#16-192 Authorization of Preparation of the Redevelopment Plan-\$14,650

There were no comments or questions from the Council.

Motion to open to the public: Councilman Hayes

Second: Councilman Morrell

All in favor.

Mr. Paster stated he is taking no questions tonight.

1. John Sansone, Beacon Street, commented about the August 11th meeting and that the Borough would not be in violation of the settlement agreement if the property is rezoned. The County planner said nothing has been received regarding a traffic plan or site plan on the D'Angelo project. The widening of the road would usually be the builder's responsibility. Mr. Sansone stated that you don't have to vote for the redevelopment to be in agreement with the contract.

2. Lynne Vietri, Wilkens Drive, commented that minutes should be more detailed. What authority will the Joint Land Use Board have over the project? The Mayor explained that if the property is not declared an area in need of redevelopment, a judge will determine whether the JLUB will still be in place. Ms. Vietri confirmed that the JLUB members are appointed by the Mayor and that the members and liaison have to pass a course; she read their roles and responsibilities. She assumes the members of the Governing Body are not planners or have taken the course and are not qualified to overrule the JLUB.

3. Rachel Bunin, Poplar Street, hopes the Council will vote in favor of the Joint Land Use Board's recommendations. She feels the JLUB did their homework and that the two planners' testimonies were thin.

4. Maryann Russini, Roosevelt Avenue, asked Mr. Herr the cost of this "fiasco". Mr. Herr doesn't have the numbers with him. Ms. Russini commented about emails between Mr. Paster and Mr. DelVecchio and taxes on D'Angelo's. She asked whether D'Angelo's has been issued violations. She said that voting yes would be rewarding them for making the property look the way it is.

5. Chris Sheridan, Wilcox Street, asked about Resolution #191 and the report given at the Joint Land Use Board meeting. The resolution is using different arguments than are in the report. The report for 50 Washington Avenue had a substantial amount of backup. In this report, it was only Mr. Layton, the planner, who he doesn't feel is qualified to speak to the condition of the building. Criteria B doesn't fit the criteria. Criteria D is not the information Mr. Layton used in his report. He questioned whether the Governing Body had the final report and stated he doesn't want to see another lawsuit because of this.

6. Mariann Anecchino, Andover, stated that the JLUB concluded that the D'Angelo property doesn't qualify as an area in need of redevelopment. She read an excerpt from a 2005 court case-ERETC vs. Perth Amboy and encouraged the Governing Body not to vote to designate D'Angelo's as an area in need of redevelopment.

7. Carl Manna, Harding Avenue, asked the status of the new police chief's contract and the Community Rating System. Mayor Kelly responded that there is no contract yet and that he and the administrator are working on CRS now. Mr. Manna asked about Nixel. He asked how Recreation is going.

8. Mindy Leonard, Essex Place, said she doesn't understand why D'Angelo's would be considered an area in need of redevelopment and spoke of the emails. The next borough attorney should be from town. There are four houses on her block for sale. Why are there no movies or concerts any longer?

9. Karen Valido, Overlook Drive, spoke of the ERET vs. Perth Amboy court case

and the process the planner used. The report didn't meet substantial evidence, which is the case in this instance also. She feels the Joint Land Use Board might have a leg to stand on if you go against them since this case is very similar.

10. Tom Kelly, Beacon Street, feels there is insufficient evidence to prove that the property meets the criteria to support the designation of D'Angelo's as an area in need of redevelopment. He spoke of the JLUB attorney's answer to Landmark's motion as to why they did not find D'Angelo's an area in need of redevelopment. There is case precedent where it must be established not just with opinions of planners. Layton didn't enter the building. There were items in the report not mentioned at the Fairness Hearing. He mentioned Gallatin vs. Paulsboro and ERETC vs. Perth Amboy. Certain information on contamination wasn't given to the JLUB and how it might not get developed if they didn't call it an area in need of redevelopment. He believes it is challengeable in court. The Mayor and Council, guided by the attorney, are pushing for PILOTS. They will destroy the schools. He said the Governing Body is violating Land Use Law if they go against the Joint Land Use Board decision. They should go back to court and tell them they can't make it an area in need of redevelopment-it doesn't meet the criteria.

11. Lili Binney, Roxbury Road, questioned Mr. Paster's decision not to answer questions. She questioned that the draft is different than the final copy of the report. She wondered whether the Council realizes that a valid criteria to negate a builder's remedy lawsuit is that the site is environmentally constrained. She said the Council is here solely to decide if they think the JLUB made the wrong decision. She asked if everyone has received a copy of the JLUB's resolution and the formal certification Mr. Madaio submitted to the court on August 1st. The small lot is just a vacant lot. There is no need to declare it an area in need of redevelopment. The large lot has several structures, which could be removed, without the need of redevelopment designation. This is the last chance to do the honest thing.

12. Mary Normoyle, Randolph Avenue, has lived here twenty-two years. She is very upset about what's happening.

13. Gerry Aponte, Hickory Street, asked Mr. Herr the status of Recreation financials. Mr. Herr replied that he gave the department a complete list of all the finances but never heard from them for over a month. Councilman Morrell told him that some commissioners didn't think they were correct. They plan to have the auditors come in. Mr. Aponte also asked about putting a storage shed behind the hut. Mr. Herr said that there is a contamination concern. Also, he had been told it had gone out for bid but it never had. Mr. Aponte said they have changed the size of the shed.

14. Dan Roell, Howard Street, said not to vote for the area in need of redevelopment.

15. Adriann Green, Juniper Street, asked the Council to vote with the JLUB.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt the Consent Agenda: Councilman Hayes

Second: Councilman Morrell

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

Councilwoman Correa said that there are discrepancies between Mr. Sheridan's report and her draft report. She took the emails as an insult. She feels very little has been accomplished in three years.

Councilwoman Zamechansky is abstaining on the vote-she was away and did not have enough time to read everything.

Councilman Di Paolo stated that after comparing the two reports they are not that different but he found that there are some omissions in the draft report. You don't have to meet all the criteria-the building is obsolete; it's not in any condition to be used in its current use.

Motion to adopt Resolutions #182, #191 and #192 on the Non-Consent Agenda:

Councilman Morrell

Second: Councilwoman Zamechansky

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

Councilwoman Correa-no

Councilwoman Zamechansky-abstained

Ordinances

Second Reading

#1505 An Ordinance to Amend, Revise and Supplement Ordinance #1491 and its Progenies as to the Establishment of Certain Compensation Ranges and Related Items for Certain Officers and Employees

Motion to waive formal reading: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

Motion to adopt on second reading: Councilman Morrell

Second: Councilwoman Zamechansky

Roll call vote: Councilmembers Correa, Di Paolo, Hayes, Morrell, Zamechansky-yes

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

Board of Education litigation

Contract negotiations-property acquisition

Negotiations-Bergenfield

Personnel-Building Department

Personnel-Department of Public Works

Personnel-Police

Motion: Councilman Morrell

Second: Councilwoman Zamechansky

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

Following closed session

Motion to go back into public: Councilman Hayes

Second: Councilman Morrell
All in favor.

Motion to adjourn: Councilman Morrell
Second: Councilman Hayes
All in favor.

Meeting adjourned at 9:00PM

Minutes respectfully submitted by

Susan Connelly, RMC
Municipal Clerk