

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
NOVEMBER 9, 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 James Kelly-present

Motion to accept agenda as presented: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Power point presentation by John Capazzi and Ken Mihalik of RSC Architects. Different options were presented for the Borough Hall/Police Station project. One option would be a joint Dumont/Bergenfield site, which would result in reduction of construction costs, operational costs, create flexible space to be used by both municipalities, and provide a new town village. Acquisition of a gas station and a vacant lot would be included as well as using the Bergenfield municipal property. Councilwoman Correa asked the cost of acquiring the land. Mr. Herr responded that the estimated cost for the two properties would be approximately \$1,800,000. At this point Bergenfield is insisting that Dumont buy them. Mr. Paster stated that he believed the gas station had already been remediated so the cost of that should be nominal.

The 50 Washington Avenue site for both administration and police department-due to limited space, the building would have to be raised.

Another option would be to have the administration building at 50 Washington Avenue and Police Station at Brook Street-the advantage of this option is that the Police Department could be built while the police department is still functioning at 50 Washington Avenue. The disadvantage is that is in a flood plain. The former car wash site on Madison Avenue was considered but the town would be losing rateables in that case.

Mr. Capazzi confirmed for Councilwoman Zamechansky that a sallie port would be needed at 50 Washington Avenue.

Councilman Hayes had mentioned that someone who owns a lot near the 50 Washington Avenue site is willing to sell. Councilwoman Correa asked the price but it is unknown as this point. Mayor Kelly stated it could help with parking.

1. Tom Kelly, Beacon Street, asked where the square footage was derived from. The architect said that they used a previous report. Mr. Kelly said the needs study should be re-evaluated. If the Brook Street lot was used it would impact businesses, ambulance corps and drainage. The joint project seems more expensive and there are legal issues like eminent domain. He questioned the sallie port requirements.

2. Lynne Vietri, Wilcox Drive, asked if everything goes in Bergenfield, what would 50 Washington Avenue be used for? Mayor Kelly said it could be used for Borough purposes. Ms. Vietri asked why Dumont would have to buy the two properties in Bergenfield and who would pay for remediation. Mr. Paster explained that if remediation is needed the owner would pay for it.

3. Lili Binney, Roxbury Road, stated that when you are condemning a building the owner has to get fair market value. She questioned that Dumont would be paying for the two properties. Councilman Di Paolo explained that Dumont needs tangible property in order to bond and Bergenfield would be losing two rateables. We would pay for the facility based on the percentage we'll be using; therefore if we are using only 40% of the building and paying 40% of the \$23,600,000-even with the \$1,800,000 for the land acquisition, it comes in below the \$13,100,000 for the two buildings and more than \$2,000,000 less than the combined building. Ms. Binney requested this presentation will be online. The Arcari Iovino presentation a couple of years ago was very basic. Everything was \$12,000,000. How did they come up with eighty parking spaces? Mr. Capazzi explained that this is a broad picture of what can be put on the site.

4. John Sansone, 119 Beacon Street, confirmed that the building at Brook Street would be elevated. He asked what would happen to the sallie port if it floods. Mr. Capazzi would try to design it so it would be above the flood plain.

5. MaryAnn Russini, Roosevelt Avenue, asked the value of the Bergenfield building. After the building is demolished, what would the value of the parking garage be? She would like the numbers provided to her.

6. Michael Sullivan, Andover Avenue, does not feel it makes sense for Dumont to go to Bergenfield. Will this go out for referendum? Bergenfield police are civil service, Dumont police are union.

7. Tom Gorman, Wilcox Street, asked the cost of building a police station on Brook Street. The response was \$5,500,000. Who will knock down the building at 50 Washington Avenue? Mayor Kelly responded Landmark. Mr. Gorman asked the cost of a new building. Mr. Mihalik replied \$7,600,000 just for administrative offices. Mr. Gorman asked if it would make sense to put the police department at 50 Washington Avenue. If Brook Street floods, what would happen to the Police Department? Did anyone look into buying 175 Washington Avenue? Councilwoman Correa said she and the Mayor spoke to the owner and he is not interested in selling. Mr. Gorman questioned the condemnation process of the land in Bergenfield and the cost of putting a new building at 50 Washington Avenue. Are we still in litigation with the Board of Education? Mr. Paster said an appeal is pending. Mr. Gorman asked about the last committee meeting with Bergenfield. Councilman Di Paolo said that he, Mr. Herr, Mr. Paster, Bergenfield's mayor and Councilman Tully were there. Mayor Kelly was away. A needs study and financing were discussed. Mr. Herr said Bergenfield was adamant about Dumont paying the \$1,800,000 for the land purchase.

8. Matt Bailin, 12 Elizabeth Street, asked if Council meetings will be held here or in the new building. What would the seating capacity be? The Mayor said the meetings would be held in the new building. Councilman Di Paolo said it would be close to 250. Is court held in the same room as meetings? The response was yes. Mr. Bailin asked if the New Milford police department was looked at. Mr. Capazzi said that the cost we are talking about is about the same. Mr. Bailin asked if any council people have gone to Bergenfield meetings to see what their residents feel. He suggested negotiating fees for bonding.

9. Carl Manna, Harding Avenue, asked if the land in Bergenfield fair market value. The Mayor said it was the assessed value. Mr. Manna feels we should get fair market value.

10. Bruce deLyon, Beacon Street, asked if construction costs include contingency fees, if there is a construction manager and architectural fees included. Mr. Capazzi responded contingency fees and architectural fees are included; no construction manager. Dr. deLyon asked if soft costs are included. The Mayor said bond counsel would not be included but the other soft costs would be.

11. Mary Liggio, Madison Avenue, feels that once you're locked into the joint venture with Bergenfield, you won't be able to get out of it. She feels there are many issues. She doesn't feel Dumont borough hall should be in Bergenfield. She is concerned as to the responsibility each town would have when issues arise.

Councilwoman Correa stated that it is time to make a decision; this has been going on too long. She doesn't feel going to Bergenfield is a good decision. She lives in Dumont and feels we should stay in Dumont. She also feels that the borough hall and the police department should be together. She asked when a decision would be made. The Mayor said by the new year.

Approval of Minutes

Motion to approve the October 4, 2016 Special Meeting and Closed Session minutes:

Councilwoman Zamechansky

Second: Councilman Hayes

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

Motion to approve the October 4, 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

Motion to approve the October 18, 2016 Public Meeting and Closed Session minutes:

Councilman Hayes

Second: Councilwoman Zamechansky

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

Motion to approve the October 25, 2016 Special Meeting and Closed Session minutes:

Councilwoman Zamechansky

Second: Councilman Morrell

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

MAYOR'S REPORT

Mayor Kelly said that CSX has come back numerous times to look at the Madison Avenue crossing. They will be coming back to fix it. The County and Senator Cardinale are also involved to help get the problem resolved.

Also, a pole on Washington Avenue fell and hit a car. There were some minor injuries.

There was a meeting with PSE&G and the Shade Tree Commission. After the PSE&G project by the high school was completed, it was discovered that trees were removed. The Shade Tree Commission wanted to have them replaced; however, because of Homeland Security, there can't be trees blocking the view of the school. PSE&G agreed to plant trees in other parts of town.

ADMINISTRATOR HERR'S REPORT

Taxes are due tomorrow; otherwise interest will be charged.

The Roosevelt Avenue drainage project is starting this week.

The last day for leaf pickup will be December 9th.

Today there was a flag raising ceremony at the high school for Veteran's Day. It was a nice program and the band was impressive.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

Board of Education

They will have a meeting tonight

- Councilman Di Paolo

No report

- Councilman Hayes

Ordinance Committee

The Committee met on the 27th and went over some ordinance changes: change in hours for liquor stores, street opening ordinance and police hiring ordinance.

- Councilman Morrell

Recreation

As a follow-up to Councilwoman Zamechansky's question about the microwave, he had asked Recreation. They said the microwave was someone's personal microwave. He feels that everything in the hut should be documented at the beginning of the season.

- Councilman Riquelme

No report

- Councilwoman Zamechansky

Senior Citizens

She thanked Councilman Hayes for helping at the Halloween party.

They have a Santa play murder mystery November 17th at noon.

Fire Department

In October there were 35 alarms and 931 man hours.

ATTORNEY'S REPORT

Mr. Paster prepared the police hiring ordinance, which amended the points for military service and some other minor changes. Chief Conner had requested waiving testing procedures for lateral hires but Mr. Paster would like to review the language of other towns.

On October 24th there was a meeting with Fair Share Housing Center, Frank Banish-court master, the Mayor, Joint Land Use attorney, planner and himself. They had mediation on the greater affordable housing declaratory judgement action and there is a proposal which appears to be acceptable to the Council. It would not require the Borough to build any additional units on its own. It would presumably result in increased rateable properties in town and would grant total compliance and repose that would go to 2025.

Councilwoman Correa criticized ordinance chairman Hayes' handling of getting ordinances done and why liquor store change in hours was put ahead of other ordinances.

Councilwoman Zamechansky has spoken to Chief Conner about the liquor store change in hours and he had no problem with it.

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

#16-243 Bills List *

#16-244 Authorization for the Municipal Clerk to Advertise for RFQ's for 2017 *

#16-245 Purchase of Gasoline (#998-16) and Diesel Fuel (#999-16) from Rachel's/Michele's Oil Co. Inc. through Bergen County Cooperative Contract Purchasing System *

#16-246 Approval of Fire Co. #1's Boot Drive Request to be held November 25, 2016 *

#16-247 Authorization of Execution of the PBA Memorandum of Agreement *

Councilwoman Zamechansky spoke about resolution #247. She said the Police Committee and PBA committee have been meeting since April 10th. It is a five year contract-1.85% salary increase; longevity for new hires which will not begin until the thirteenth year and will be topped at 9% at the end of year 25. E day will be eliminated and 3 personal days will be maintained; 12 sick days until they're at top patrol pay when they would get 15; officers prior to 2001 receive 30 days. All officers beginning January 1st will pay 30% into medical; terminal leave they'll have the option of 25% payout in one year or going up 5% increments for year 6 when it will be 50% annual salary. This way the Borough would have to come up with less money each year for payouts. Comp time will be valued at the rate earned.

Councilman Hayes had emailed labor counsel Shahdanian with some questions on the PBA contract but hasn't heard from him so he would like to table the resolution tonight. Councilwoman Zamechansky said there were allowances made since the last discussion.

Councilman Morrell feels it's a good contract. He feels Councilman Manna should have some input.

Motion to table Resolution #247: Councilman Hayes

Second: Councilman Morrell

Roll call vote to table: Council members Hayes and Morrell-yes

Council members Correa, Di Paolo, Riquelme, Zamechansky-no

Motion to table not carried.

Councilman Di Paolo thanked the PBA for their concessions. He spoke to Mr. Shahdanian who recommended the contract as is.

Motion to open to the public on the consent agenda: Councilman Riquelme

Second: Councilman Morrell

All in favor.

Councilman Hayes stated he feels Councilwoman Correa should recuse herself from voting on the contract because she has a family member on the Police Department. The Councilwoman has cited in the past that prior Councilman Brophy had voted on resolutions having to do with the Police Department and he also has a family member on the force.

1. Carl Manna, Harding Avenue, said he appreciated the suggestion that he have input on the PBA contract but the sitting council should vote on it. He asked about Resolution #245 and whether there has been an increase. Mr. Herr explained it's the same percentage over the base they're paying. Mr. Manna suggested that a separate dedicated fund be set aside for payouts as they come up.

2. Lynne Vietri, Wilkens Drive, asked if the 30% is for all coverage. The answer was yes. What is the difference between terminal leave and sick leave? Councilwoman Zamechansky said they don't get paid for sick leave-use it or lose it. Terminal leave is money the police receive when they leave. The former chief's contract was different. Ms. Vietri asked if Mr. Herr knows the budget for each sport. Mr. Herr said yes. Ms. Vietri said there seems to be a problem with Community Pass. She had questions about the bills list: Scott Manna for \$39,368. Mr. Herr replied that is a tax lien refund. She asked about Structures LLC, which was for the sheds for Recreation.

3. Matthew Bailin, Elizabeth Street, said there have been large payouts to municipal employees throughout New Jersey. Are we saving money on this PBA agreement? Councilwoman Zamechansky said that spreading it out over six years helps the Borough. Councilman Di Paolo explained that they get 50% of their latest salary right now. If they want it all at once, the Borough pays it in one shot. Some officers ask that it be paid out over two or three years but it is still at 50%. With the new one, if an officer wants the full 50% terminal leave they have to have it paid out in six years. If they want it sooner than that it goes down in 5% increments. Mr. Bailin asked what benefits the police receive upon retirement. Councilwoman Zamechansky responded that they would be getting their comp time but now it would not be based on current rate so it saves the Borough money. Mr. Bailin asked if residents can call the DPW after the December 9th deadline for leaf pickup.

Motion to close to the public: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt the Consent Agenda excluding Resolution #247: Councilwoman Zamechansky

Second: Councilman Morrell

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

Non-Consent Agenda

#16-247 Authorization of Execution of the PBA Memorandum of Agreement

Motion to adopt: Councilwoman Zamechansky

Second: Councilman Riquelme

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

ORDINANCES

First Reading

#1500 Ordinance amending Chapter 75, Sections 6 and 9 of the Borough of Dumont Code (Previously Tabled)

Motion to waive formal reading: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilman Hayes

Second: Councilman Morrell

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

#1509 Ordinance of the Borough Council of the Borough of Dumont Authorizing Real Property Tax Exemption and Payments in Lieu of Taxes for Property known as Block 212, Lot 20 and Block 215, Lot 1 pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40a:20-1, *et seq.*

Motion to waive formal reading: Councilman Riquelme

Second: Councilman Morrell

All in favor.

Councilman Hayes asked for clarification on page 5-the 27 years. He would like to make sure there is specific protection for the borough. Mr. Paster explained that this is reintroduction of an ordinance. After the introduction, he met with tax collector, tax assessor, tax appeal counsel, auditor, administrator and the mayor to discuss specific statutory protection which the borough is entitled to, which have been added in. There are reporting requirements from the owner; there are alternatives to the negotiated flat fee that would be based upon income and construction costs. That is the reason it is being reintroduced.

Motion to pass on first reading: Councilman Hayes

Second: Councilman Morrell

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

Council members Correa and Zamechansky-no
Motion carried.

Motion to open to the public for general comments and questions: Councilwoman Correa
Second: Councilman Di Paolo

All in favor.

1. Lili Binney, Roxbury Road, questioned when the RSC presentation was put on the agenda. What is the cost to gut 50 Washington Avenue, leave the shell and put Borough Hall and the Police Department there? Could you consider doing that? The Mayor said that it has been decided that it is not a viable solution.

2. Tom Kelly, Beacon Street, said the construction costs are almost \$400 per sq.' for all scenarios; renovation would be under \$200 per sq.' There were never estimates to fix the building. Teachers are looking for 8.5%. The police gave back a huge amount. We don't have the money to build a new building. People will be priced out of town. Ask Landmark to do the interior demolition instead. A small but secure sallie port can be built and he feels there is ample parking. Did we get our affordable obligation yet? Mr. Paster hasn't discussed it with the Council yet but it is a compromise that allows us to take all of our credits in exchange for what might be a slightly higher number that would be imposed on us. It would leave the town in good shape. It's a way to get finality and potentially property improvement in the commercial district. This would resolve things through 2025. If the settlement is settled before the Supreme Court renders a decision on the gap period and borough's obligation would be 20% less than the agreed upon settlement or more than the 20% we would be eligible for deductions. Mr. Paster that an overlay zone in the commercial districts in town has been proposed and endorsed by the Joint Land Use Board. The way the settlement is structured right now, we would have an unmet need of 50 units. As long as we have the overlay zone to address that, we have the judgment of repose. Mr. Kelly questioned the overlay zones and credits. The Council should speak up to the courts; wait for the court decision.

3. MaryAnn Russini, Roosevelt Avenue, feels that Councilwoman Zamechansky should have asked the Recreation Commissioner about the missing microwave. Is someone spearheading the Roosevelt Avenue project? She needs numbers for the pipes; she has no company to tap in. The pipe is in already and isn't going down to Cooper, which was the original plan. She is unhappy with the lack of communication from the contractor. The Mayor will meet with the engineers tomorrow and get a schedule for her.

4. Lynne Vietri, Wilkens Drive, said that if there was no PILOT, 62% would go to the Board of Education. Do we get taxes on the 22 units? Mr. Paster responded that it would be \$350 per year or 2% of the rent, whichever is higher. Ms. Vietri asked if we could use the 62% and put it toward the building of borough hall. Mr. Paster said that you could dedicate the amount in a special account. They do pay the assessed value on the land and then they get a credit against whatever the service charge is. On the land tax, 62% does go to the Board of Ed.

5. Matthew Bailin, Elizabeth Street, said the taxes should have been explained in detail. Mr. Paster explained that this is just the enabling legislation; there is a separate agreement that has more detail. He asked whether concrete could be put down at the railroad tracks rather than macadam. Mr. Herr explained that the elevation is too high. He saw testing being done on the soil at D'Angelo's. Will the Council receive a report?

Mr. Paster responded that it was the testing in anticipation of the environmental report that would be part of their site plan application. The testing revealed signs of chlordane and another chemical. A DEP case was opened, which will be part of the remediation of the site.

6. deLyon, Beacon Street, questioned the closed session rationale and property acquisition discussion. There will be no closed sessions on building something. If 50 Washington seems to be the preferred option, why was there a presentation on the Dumont Bergenfield joint project? Village School in Closter is old and is being gutted and renovated. Why not do the same with 50 Washington? The Mayor said it was decided that would not be something they wanted to do. Dr. deLyon wanted clarification that there would no more closed sessions on plans presented today. The Mayor said that if there needs to be discussion regarding the acquisition of property in Bergenfield, it would be done in closed session.

7. John Sansone, Beacon Street, said he wanted to congratulate Barbara Correa and Carl Manna on their win last night and wished them luck.

8. Carl Manna, Harding Avenue, asked the height restriction in town now and what it would be with the overlay? Councilman Hayes replied the current restriction is 28' and Mr. Paster stated the proposal with the overlay is 42'. The whole idea is that the settlement would not encroach on single family neighborhoods. Mr. Manna is concerned about parking.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

The Municipal Clerk read the resolution to enter closed session for discussion of Personnel-Recreation Commission and Litigation-Affordable Housing

Motion: Councilman Morrell

Second: Councilwoman Zamechansky

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

Following closed session, motion to go back into public: Councilman Morrell

Second: Councilman Riquelme

Motion to adjourn: Councilman Morrell

Second: Councilman Riquelme

All in favor.

The meeting was adjourned at 10:10PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk