

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
SENIOR CENTER  
JANUARY 17, 2017  
6:30 PM**

Mayor Kelly called the meeting to order.

Flag Salute, Moment of Silence for Councilman Hayes

**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.

Resignation of Councilman Hayes was received by the Municipal Clerk January 10, 2017

**Roll Call:**

Council members Correa, Di Paolo, Manna, Morrell, Riquelme-present  
Mayor James Kelly-present

Motion to accept agenda as presented: Councilman Manna

Second: Councilman Morrell

All in favor.

Tax Assessor James Anzevino was present.

**Approval of Minutes**

Motion to approve the January 3, 2017 Sine Die meeting, Reorganization meeting and

Closed Session minutes: Councilman Riquelme

Second: Councilman Morrell

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

**MAYOR'S REPORT**

Mayor Kelly congratulated Chris J. Reissner who achieved the rank of Eagle Scout.

We have received the RFQ's for Planner; the COAH Planner RFQ's are due January 19<sup>th</sup>.

The Mayor, Administrator and Borough Engineer met with PSE&G. Larch Avenue has had a high number of gas leaks over the last couple of years so they intend to redo the gas main on Larch Avenue between Summit and Rucereto Avenues in late Spring.

**ADMINISTRATOR'S REPORT**

Mr. Herr stated we are applying for an application with the DOT in the amount of \$249,000 to continue work on Johnson Avenue.

The Borough will be holding a shredding event April 29<sup>th</sup> from 9AM-1PM at the DPW. There will also be one April 9<sup>th</sup> at Bergen Community College.

There were two basic choices for a municipal complex, which were Bergenfield and 50 Washington Avenue. Bergenfield had wanted a firm commitment from the Dumont Council. The Council would not firmly commit until they had more information. Dumont authorized RSC to conduct a more detailed study for both locations. Bergenfield did not move on the joint resolution. They decided to look into repairing their existing building. Therefore, we are having a detailed study done on 50 Washington Avenue. The Bergenfield project is stagnant, to say the least. RSC Architects have been in to speak to department heads regarding the needs in a new complex. If we decide on 50 Washington Avenue, we would consider buying two adjacent properties from owners who are willing to sell to us. This would alleviate potential problems. We would not need to put the building up on stilts, which would save money. The two properties would be used for parking and allow egress onto W. Quackenbush Avenue and on to Park. We would not have to move the police trailers to another location during construction. Moving them would be difficult and very expensive. Instead, if we were to buy the properties, the larger one could be used as a temporary police department. The Chief is agreeable to this. Once the new borough hall is built, those buildings would be torn down. Nothing is definite yet but that's where we stand right now.

## **COUNCIL COMMITTEE REPORTS**

- Councilwoman Correa

### *Fire Department*

In December, there was a total of 41 alarms and 939 man hours. The total alarms for 2016 was 356 and total man hours was 9,900.

- Councilman Di Paolo

No report

- Councilman Manna

The Councilman extended Matt Hayes and his family prayers and positive thoughts. He thanked his family, friends and colleagues for their support. The Councilman is available by email-[cmanna@dumontboro.org](mailto:cmanna@dumontboro.org) or by cell-551-243-4706. He and his colleagues, who are available, will be available to meet at Borough Hall with residents one Saturday a month. This month it will be January 28<sup>th</sup> from 10AM until noon.

We need to respect each other's point of view-civility and patience will be needed.

He and Councilwoman Correa attended a seminar for officials. They received a lot of legislative information as well as the importance of working with their Borough Clerk.

Councilman Manna met with Chief Conner to discuss OEM, met with the personnel committee to get our current staffing status, and will meet with the finance committee Friday. Mr. Herr will take the lead since Mr. Hayes was chairman and has resigned. The Councilman has submitted an outline for a five year plan to Mr. Herr. He and Mr. Herr are also working to get a high level overview of our budget process to give the residents a better idea.

- Councilman Morrell

### *Recreation*

Girls' basketball has 133 players, travel team has 45 players; boys' basketball has 153 players, travel team has 73; roller hockey has 67 players and wrestling has 77 players. Registration for softball, men's softball and senior baseball is starting.

*Police Department*

In December they had 1,830 calls-91 for medical and 14 for fire. 167 traffic summonses were issued-108 parking and 59 moving. They drove 12,250 miles.

- Councilman Riquelme

The Councilman said his prayers are with Matt Hayes and his family. It was an honor to serve with him on the Council.

*DPW*

In December there was a total of 312 miles of street swept and 16 sewer jobs. Brine is being processed and the salt shed has been loaded.

**ATTORNEY'S REPORT**

Mr. Paster said he's been in touch with the Police Department and Building Department regarding lawn parking. There was an ordinance adopted in 2010 that changed the ordinance from multifamily to all residential properties against parking on front lawns. They're working on defining it better.

On tonight's agenda there is a resolution for a real estate appraisal to Mark Hendricks. Our appointed appraiser, McNerney & Associates, has a conflict with the White Beeches Golf Course appeal. Haworth, Oradell and Dumont will all be using the same appraiser for consistency. Dumont has the smallest portion-just under 16% of the property. The pro-rated cost will be \$2,916.50.

Mr. Paster said he was also sorry to hear of Councilman Hayes' illness. He was always a gentleman; he had the courage of his convictions and he wished him all the best.

**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**

**#17-43** Provisional Appointment of Closter Court Administrator \* Mr. Herr explained that this is a state mandate. We have a court administrator and a person who can take over if she isn't there. We have an agreement with Closter that if both were unavailable the court administrator from Closter would come in and cover and vice versa.

**#17-44** Award of Contract to Mark Hendricks of Real Estate Appraisals and Research-not to exceed \$2,916.50 \*

**#17-45** Authorization of Execution of Revised PBA Memorandum of Agreement \*

**#17-46** Bills List \*

**#17-47** Endorsement of the N.J. DOT Local Aid Application \*

**#17-48** Authorization to Re-advertise for Employee Assistance Program RFQ \* The Municipal Clerk explained that the previous RFQ submission from E4 was invalid because they submitted a fee for the population of the town instead of the number of employees.

**#17-49** Reappointment of Irwin Buchheister as Alternate Homeowner Representative \*

**#17-50** Reappointment of Lillian DeCristofaro as Landlord Representative \*

**#17-51** Approval of Garces, Grabler & Lebrocq; Kaufman, Semeraro & Liebman; Mark Madaio; Waters, McPherson, McNeill; Wilentz, Goldman & Spitzer; McManimon, Scotland & Baumann; Chasan Lamparello Mallon & Cappuzzo; Wiss & Bouregy, Long Marmero; Corrigan; Eric Bernstein; Bittiger Elias & Triolo; Ditkas Gillen; Boggia & Boggia; Herbert & Weiss as additional Special Counsel \*

Motion to open to the public on the Consent Agenda only: Councilman Morrell

Second: Councilman Riquelme

All in favor.

1. Tom Gorman, 46 Wilcox Street, asked why we hired so many attorneys in resolution #51. The Mayor said we haven't hired them and they're not being paid. If we need special counsel for any reason, they are on our list.

Motion to close to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

Motion to adopt the Consent Agenda items: Councilman Morrell

Second: Councilman Di Paolo

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

### **Non-Consent Agenda**

**#17-52** Adoption and Authorization of Execution of PILOT Agreement

Councilman Manna has had questions answered by Mr. Paster already but read through the agreement to clarify for the public. He had questioned the Urban connotation, PILOT agreement, sanitary sewer work to be done by Landmark, deeds, soil remediation, large equipment storage, construction costs, ownership and operation, a new remediation law, tax bills, service charge, and roll back taxes, the approval process and protection of the borough's interests in the event they don't complete the project in three years. The Councilman objected to the tax abatement language-we never asked them to be here-they sued us first. The Councilman questioned the disparity between \$1,714,400 to \$915,000. Mr. Anzevino explained that the assessed building value is \$799,400. The smaller parcel is assessed at \$800,000. The zoning for the small parcel is residential; the large parcel is open space recreation. The other council members had sent questions to the borough attorney and received answers as well.

**#17-53** Ratification and Authorization of Execution of Redeveloper's Agreement

Councilwoman Correa questioned why the developer changed names to Urban Renewal. Mr. Paster said his guess would be because establishing a business entity after the first of the year means they wouldn't have to file a tax return for 2016.

Councilman Manna asked why St. Mary's was not an Urban Renewal project. Mr. Paster responded that it was a HUD project. The Councilman questioned the fact that even though we are putting up affordable housing according to COAH regulations, it's still considered redevelopment. There was three criteria on which the Governing Body

agreed it was an area of redevelopment. Councilwoman Correa pointed out that the JLUB had not voted for it.

Councilwoman Correa asked the tax assessor to clarify the tax delinquency notice D'Angelo's had received. Mr. Anzevino said, after calling the tax collector, that everything was paid but the rollback tax.

Councilman Riquelme asked about the rents and affordable controls. Mr. Paster explained that if the rent collected exceeds a certain amount over the projections, the borough is entitled to 10% of that excess. The affordability controls are governed by law-it could be United Way, Habitat for Humanity, Landmark- anyone who's qualified. Annual reports have to be filed.

Motion to open to the public: Councilman Riquelme

Second: Councilman Morrell

All in favor.

1. Tom Kelly, 70 Beacon Street, asked about the addendum attached to the PILOT agreement. Mr. Paster responded that by law these agreements have to be accompanied by a statement from the tax collector as to what amount is owed. Mr. Kelly feels it should be specified it is for the rollback and for which property. He said he and Mr. Anzevino had a conference call today with the Deputy Chief of the Department of Taxation to discuss the rollback issues. He feels that the taxes paid and what should have been paid should be addressed. Mr. Anzevino said they put the rollback on, it was challenged at the County, it was affirmed to the tax court, which is where we are today. We never waited. He pointed out that he is the assessor, not the tax collector. He assesses the land, not the taxes. Since at least 1998, D'Angelo Farms' big lot has paid full market value on that property. They have paid approximately \$863,000 from 1997-2014.

2. Lynne Vietri, 41 Wilkens, asked if Landmark Urban is a non-profit. Mr. Paster answered that it isn't. Ms. Vietri asked if the \$3,500 per unit is paid only when the units are rented. What happens if they go bankrupt? Mr. Paster's response to the first question was when the CO is issued. If they go bankrupt, the PILOT agreement is nullified. The lenders would take over the property and sell it to someone and it would go back as a regular tax assessed property. Ms. Vietri asked about penalties if work is not done on time. What would happen if the resolutions are not adopted tonight? Mr. Paster said he has a conference call with Judge Meehan tomorrow at which point Landmark would probably ask the court if these should be entered by court decree. Ms. Vietri asked what part of the land tax the school would get. Mr. Anzevino stated they would get approximately 65% of \$60,000, based on last year's tax rate. Ms. Vietri asked about business profits.

3. Matthew Bailin, 12 Elizabeth Street, talked about the tax abatement. He suggested the Council should push to have the laws changed so the towns are in control, not the developers. He said he can't read the map. He has an issue with the parking lots, to which the Mayor responded it would be handled by the Joint Land Use Board.

4. John Sansone, 119 Beacon Street, asked Mr. Paster if the developers in other towns with PILOTS and affordable housing are urban renewal. Mr. Paster responded if it's a redevelopment zone under the law, they would be. Mr. Sansone asked when the Council received the information. The Mayor said it's been circulating for several

weeks. Mr. Sansone asked that the non-consent resolutions be postponed until Councilman Hayes' replacement has been sworn in.

5. Lili Binney, 32 Roxbury Road, asked about the duration of the PILOT. She asked Mr. Anzevino his opinion on the length of our PILOT. He responded that based on the facts we have now, it's an excellent deal but we'll know the truth down the road. She is concerned about the machinery left on the property. The Mayor said the Building Department will stay on top of it. She feels Mr. Paster should advocate for them more. She questioned the fact that there are two deeds and the filing date of the rollback tax.

6. Bruce deLyon, 67 Beacon Street, asked why we waited until the day before a conference call to potentially approve an agreement. Mr. Paster explained that originally the call was supposed to be January 9<sup>th</sup> because this was supposed to be considered on January 3<sup>rd</sup> but members of the Council did not wish to take up protracted discussion at the Reorganization meeting, which is mostly ceremonial. Therefore, the call was postponed until tomorrow. Dr. deLyon asked that the resolutions be postponed.

7. MaryAnne Russini, 141 Roosevelt Avenue, asked that an addendum be added giving them a deadline for removal of their equipment and have the area fenced in. Mr. Paster said he would try to negotiate it. She asked about the infrastructure schedule. She thinks the Council should wait to vote until a new councilperson is seated.

8. Chris Sheridan, 9 Wilcox, said he is concerned about the workplace being an eyesore. He spoke about the taxes and PILOT program. He asked if the whole development will be open to all residents. Mr. Paster replied that the affordable housing residents will not have access to the common areas.

9. Jared Geist, 53 Overlook Drive, suggested the vote wait until a new councilperson is seated.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Councilwoman Correa said we are a stigma-free town but the affordable housing is separate and cannot use the facilities of the development. The Mayor stated that stigma-free refers to mental health.

Councilman Manna questioned "project development" in the Redeveloper's Agreement. Mr. Paster said that if there is something in the site plan that triggers a "D" variance, other than what is in the redevelopment plan, they would have to come back to the Governing Body for further review and approval. A "C" variance can be handled by the Joint Land Use Board. To the Councilman's question about the paragraph on ownership, Mr. Paster replied that they can bring in investors up to 49%. They cannot sell individual units; they can only sell the whole parcel.

Councilman Di Paolo questioned the wording "to effectuate the remediation of some or all of the existing conditions on 50 Washington Avenue". Mr. Paster explained that means demolition and remediation.

Councilman Morrell asked how long it would take for demolition if we decided on 50 Washington Avenue. The response was that it would have to be scheduled.

Motion to approve the Non-consent Agenda-**Resolutions #52 and #53**: Councilman Morrell

Second: Councilman Riquelme

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

Council members Correa and Manna-no

Motion carried.

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

Second: Councilwoman Correa

All in favor.

1. Michael Sullivan, 125 Andover Avenue, commented that the affordable housing is excluded and asked about the DPW checking on the sewage on Andover.

2. John Sansone, Beacon Street, said we don't need a new borough hall- renovate it.

3. Lili Binney, 32 Roxbury, asked who gave the demolition figure of \$1,000,000.

The response was Arcari & Iovino. She doesn't feel a new building is necessary. She asked who submitted RFQ's for planners. The response was Burgis, Matrix, Maser and CME. She asked if it wasn't easier to find an administrator than a CFO. Mr. Herr said that he has received only one qualified resume for CFO. Ms. Binney asked how many towns have an Administrator/CFO's. She asked about the salary range of a CFO with like towns. She spoke of a newspaper article about Mr. Herr. Why are we advertising for a CFO when we have one? Mr. Herr has no experience as administrator.

4. Lynne Vietri, 41 Wilkens, asked if the site plan needs to be approved by the County. Mr. Paster said yes and their focus will be traffic. Ms. Vietri asked for a full size copy of the site plan. Mr. Paster said he had requested one. Ms. Vietri said that the document states that "the corporation shall be subject to regulations by the Borough of Dumont." Mr. Paster said it refers to the sale of the property, etc. Ms. Vietri asked about the ownership page. She asked how many employees there are in the Finance Department. Mr. Herr responded there are two full-time people. Ms. Vietri asked about checks before the rollover.

5. Tom Gorman, 46 Wilcox, asked the procedure to replace Mr. Hayes. The Mayor said the County Committee submits three names and the Council would presumably choose one of the three. Mr. Gorman asked about the COAH RFQ's. He heard a rumor that Dumont is \$750,000 in arrears. Mr. Herr responded that that is not true.

6. deLyon, 67 Beacon Street, thanked the Mayor and Council for adding the closed session items on the agenda. He spoke of acceptable closed session items he found online. He said there are no minutes posted on the website since September. He questioned why the November 22<sup>nd</sup> meeting was not recorded. He OPRA'd the cost of the minutes done by the borough attorney, which was \$460.00. In the future the meeting should be recorded. He said there seemed to be some confusion about the resolution passed that night.

7. Matthew Bailin, 12 Elizabeth Street, spoke of traffic issues. The residents appreciate Mr. Hayes' integrity and his passion for serving the people of this community.

8. Chris Sheridan asked if there is any more information on Resolution #248. Mr. Paster has not heard anything from Fair Share Housing since November. He and Darlene Green have followed up but there has been no new development.

9. Mary Ann Russini, 141 Roosevelt, asked if the County sends someone to monitor traffic. Mr. Paster said usually in a development application there are studies done by the developer that are submitted and they are reviewed and recommendations given. It's his understanding that there will be a left only lane northbound into the D'Angelo's complex

and southbound into Poplar and widening the road by a full car width. He hasn't seen it in writing. Councilman Manna said that the traffic should be considered from Chestnut Bend south to New Milford.

10. Bill Brophy, 65 Margaret, said that what he has heard tonight is separate deeds, separate facilities-are we setting up an exclusionary zone? The Mayor said that when they met with Fair Share Housing, they didn't have a problem with it. Mr. Paster stated that the court approved the settlement, approved the units at either 50 Washington or the small parcel at D'Angelo's so it is court sanctioned. The town would not be the target of any kind of discrimination; it would be the developer. He pointed out that the vote was taken on both resolutions on the non-consent agenda.

11. Adrian Green, 58 Juniper Street, said that 50 Washington should be renovated.

Motion to close to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

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

Litigation-Snell

Personnel-Police

Purchase, Lease, Acquisition of Real Property

Motion: Councilman Manna

Second: Councilman Morrell

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

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

Second: Councilwoman Correa

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 11:45PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk