

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
FEBRUARY 21, 2017
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 Di Paolo, Geist, Manna, Morrell, Riquelme-present
Councilwoman Correa-absent
Mayor James J. Kelly-present

Motion to accept agenda as presented: Councilman Morrell
Second: Councilman Riquelme
All in favor.

Approval of Minutes

Motion to approve the January 17, 2017 Public and Closed Session minutes: Councilman Morrell

Second: Councilman Di Paolo

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

Motion to approve the February 7, 2017 Executive Session and Closed Session minutes: Councilman Morrell

Second: Councilman Di Paolo

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

MAYOR'S REPORT

Mayor Kelly thanked the DPW for keeping the streets clear during the last snowstorm. Borough Hall was closed that day.

ADMINISTRATOR'S REPORT

Mr. Herr reported that Nixle is in the last testing mode. The police department is getting the database ready. Flyers will be sent around town on how to sign up. The ISO, Insurance Service Office, affects the entire community's property and car insurance. The highest tier is a 10; currently Dumont is a 4. There is also a CRS rating system, which is the Community Rating Service. It has to do with the flooding in areas. Certain homeowners have to purchase flood insurance. We have been working with CRS and will receive a rating of 9, which will result in the affected homeowners getting a 5%

reduction in their rates. Mr. Herr thanked the Building Department and engineers for working on that. Mr. Herr and the DPW Superintendent will be looking at a new paving system. The micro sealing project saved the borough over \$1,000,000 last year. There is an Employee Assistance Program resolution on the agenda tonight. This is to help employees who might have emotional, personal, drug or alcohol problems.

COUNCIL COMMITTEE REPORTS

- Councilman Di Paolo

Shade Tree Commission

They met February 13th. The Hackensack Riverkeeper will be at the March 6th Meeting and Arbor Day celebration will be April 29th. The Mayor and Council and employees are challenged to submit art for the contest.

- Councilman Geist

Finance

The Councilman has been discussing the budget with Councilman Manna and the committee will be meeting soon.

- Councilman Manna

Finance

The Councilman, Councilwoman Correa and Mr. Herr have been meeting with the department heads the last couple of weeks.

Ordinance Committee

The committee will be updating the grease trap ordinance as well as some others.

- Councilman Morrell

Recreation

All winter sports are up and running.

Police Department

In January they received 1,913 calls for service; 100 for medical reasons, 15 for fire and 2 for commitments. 259 traffic summonses were issued. There were 29 motor vehicle crashes and 32 burglar alarms responded to. They traveled 9,059 miles. There was a sting operation in town last week, which involved the Bergen County Prosecutor's office, SWAT team and Dumont Police. Chief Conner has asked that any suspicious activity be reported to the police department.

- Councilman Riquelme

DPW

In January 395 miles were swept. The sign department has been very busy making new signs, replacing old signs and repairing signs that came down during winter storms. The DPW picked up several tons of asphalt to fill in potholes.

Library

The Councilman will be attending the trustee meeting tomorrow.

ATTORNEY'S REPORT

There are second readings of two ordinances on the agenda tonight regarding parking. After these are published, parking in yards on unpaved or non-impervious surfaces will be illegal. This was requested by police and code enforcement. There's also an ordinance on for tonight requested by the police chief to allow for lateral and alternate route hiring. After closed session last meeting the Governing Body asked me to put together resolutions adopting the appraisals for 11 and 19 W. Quackenbush with an

eye to negotiating to acquire those as part of a new borough hall complex at 50 Washington Avenue.

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

#17-63 Revision of Resolution #17-63-Housing Authority Community Development

Grant Application *

#17-68 Bills List *

#17-69 Roosevelt Avenue Drainage Project Change Order #1-\$15,960.00 * Councilman Geist requested an explanation. Mr. Herr explained the change order came about approximately ten years ago. Roots were in the way, sewers were not where we thought they would be. In order to accommodate the homeowners affected by flooding changes in the original plan had to be made. We still have enough in the ordinance to seed in the Spring.

#17-70 Eric Barker-Accept Application as Probationary Firefighter *

#17-71 Matthew Bickford-Accept Application as Probationary Firefighter *

#17-72 Approval of Shared Services for Employee Assistance Program with the County of Bergen-\$2,316.50 annually *

#17-73 John Pampaloni-Reappointment as Wastewater Consultant *

#17-74 Adoption of Appraisal for 11 W. Quackenbush Avenue *

#17-75 Adoption of Appraisal for 19 W. Quackenbush Avenue *

#17-76 Approval of Nature's Choice as Yard Waste Dump Site *

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

Second: Councilman Di Paolo

All in favor.

1. Lili Binney, 32 Roxbury Road, referred to Resolutions #74 and #75-appraisals and assumed that this is being considered to put borough hall back at 50 Washington Avenue. She asked who would negotiate with the homeowners. Mayor Kelly responded that it would be the administrator and himself initially and then go to the Council. Ms. Binney asked if they are thinking of eminent domain and asked what the appraisals came in at. Mr. Paster replied that 11 W. Quackenbush was \$660,000 and 19 was \$375,000.

2. Bruce deLyon, 67 Beacon Street, asked about the wording of certification of funds on Resolutions #74 and #75. He asked the cost of bonding. Mr. Herr said that 5% would be put down, interest rates fluctuate. We may go before the Local Finance Board to request a waiver of the down payment once the project is put together.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda: Councilman Morrell

Second: Councilman Riquelme

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

ORDINANCES

Second Reading

#1513 Ordinance Amending Chapter #306-8 of the Borough of Dumont Code

Motion to waive formal reading: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

Motion to open to the public: Councilman Riquelme

Second: Councilman Di Paolo

All in favor.

1. Tom Gorman, 46 Wilcox Street, asked that a synopsis be given when reading the ordinance title.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion adopt on second reading: Councilman Morrell

Second: Councilman Geist

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

#1514 Ordinance Amending Chapter #455, 17E of the Borough of Dumont Code

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to open to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Geist

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

First Reading

#1515 Ordinance Amending Chapter 75-6 of the Borough of Dumont Code

Mr. Paster explained that this ordinance was requested by Police Chief to allow additional latitude for new hires for the police department to accept laterals and/or those involved in the alternate route program.

Motion to waive formal reading: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Di Paolo

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

#1516 Calendar Year 2017 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Mr. Herr explained that this allows the municipality to increase the appropriation cap up to 3.5%, which doesn't mean you have to go that high. It means that if needed, you can. Dumont and just about every town does this every year.

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Di Paolo

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

Councilman Geist-no

Motion to open to the public for general comments: Councilman Di Paolo

Second: Councilman Riquelme

All in favor.

1. Lynne Vietri, 41 Wilkens Drive, asked what municipal appropriations means. Mr. Herr replied it's basically payroll and operating expenses. Ms. Vietri asked if Landmark would still knock the old borough hall down. The response was yes. Ms. Vietri asked that the stone above the door and other things be preserved.

2. Rachel Bunin, 9 Poplar Street, said to take the Arbor Day art contest challenge. The Shade Tree Commission has just received Wildlife certification. Ms. Bunin read a letter, on the record, which was sent February 18th to the Mayor and Council- As everyone knows, the Borough has been subject to periodic and significant flooding resulting in wet basements, property damage, and erosion of critical infrastructure. In an effort to address flooding a significant investment in excess of a million dollars was made on Hirshfeld Brook/storm water remediation. The results of which were decidedly mixed; limited at best but ineffective in many neighborhoods. With storm-water and ecological management in mind I would like offer the expertise of the Dumont Shade Tree Commission in the development of the D'Angelo's property. Intelligent tree placement and proper landscaping will mitigate storm-water runoff, reduce strain on Borough sewers, reduce urban heat island syndrome, promote flora and fauna, and improve the quality of life for the community. There is a significant amount of study on the value of urban trees in managing runoff/storm-water with objective data. Ms. Bunin received a certified letter for the Landmark hearing before the Joint Land Use Board. What are people supposed to do with it? Is there anything we can do? Mayor Kelly said that this is a requirement. The things in the settlement agreement are non-negotiable but there are still things the Joint Land Use Board will have a say in.

3. Lili Binney, 32 Roxbury Road, asked about the rollback? The Mayor said the tax appeal attorney was going to ask the judge for a trial date. The Joint Land Use Board received the site plans three weeks ago and said it would be on the website. Mr. Herr explained that the plans are quite large and people have been coming to the building department to look at them. In order to make copies, it would cost over \$100. Ms. Binney asked Mr. Paster about environmental concerns. He replied that the concerns would be what you would have in any historic farm site-pesticides and fertilizers, things of that nature. There will be licensed site remediation professional who will monitor the remediation. Since 2009, the DEP does not do any direct oversight. Ms. Binney asked

what construction material will be used. She cited the Avalon Bay fires. Mr. Paster suggested the question be asked of the Joint Land Use Board. Councilman Manna said he would hope they would put in firewalls that would limit catastrophic events. Ms. Binney questioned the Council as to whether they knew about Avalon Bay when the settlement agreement was approved. She asked for the breakdown of Mr. Galantucci's \$7,500 fee. She feels the contract should be public and that the borough should have hired a COAH litigator. She questioned the fee Mr. Paster charged for doing the November 22nd minutes. This was the meeting with the Fair Share Housing resolution and wasn't recorded. She asked Mr. Paster if he was in talks with Fair Share Housing about the B2 rezone before the October case meeting, to which Mr. Paster replied yes, but after checking the date the Fair Share Housing issued the report with the 422 number was in May. Ms. Binney asked if there is an official spokesperson for the borough because she pointed out that Mr. Paster charged \$70 for his interview with the Record.

4. Chris Sheridan, 9 Wilcox Street, asked if electronic versions of the plans were requested. Is there any way to have more stringent requirements in ordinances for construction? Mr. Paster replied that it's State standard and local ordinances cannot require more.

5. Tom Gorman, 46 Wilcox Street, suggested that Tom Kelly, borough historian, should go into the old borough hall and remove any artifacts. He asked that the flag be moved to the front of the room. He asked if we have received plans for the new borough hall. The Mayor replied that the architect was asked to go back and revise them since they didn't take into consideration that we would possibly acquire land and then the building would not need to be on stilts. Hopefully, the architect will be ready next meeting to do a presentation. Mr. Gorman asked if there has been any consideration to his suggestion for every council person to have a laptop and microphone. He was told the system will not accommodate any more microphones. He suggested a new sound system so that the microphones would not have to be passed back and forth.

6. Bruce deLyon, 67 Beacon Street, asked the status of the CFO job offer. The Mayor said at this time there are no candidates. Dr. deLyon asked if Mr. Herr is staying, to which Mayor Kelly replied that his contract is being discussed. Dr. deLyon asked the status of Chief Conner's contract and as an employer, does the Council have a contract? He is a taxpayer and feels the Governing Body should limit the terms of the contract. The Mayor responded that the Chief submitted a contract a few weeks ago.

7. Michael Sullivan, 125 Andover Avenue, asked what Dumont gained with the development. He feels the affordable housing should be interspersed within the development and they should be able to use the facilities. Mr. Paster said that we got about \$250,000 worth of new sewer pipe to be installed and they will widen the roadway. They will demolish and abate the old borough hall, which would be between \$650,000-\$1,000,000. The Borough is not necessarily entitled to anything since it's a private developer.

8. Karen Valido, 24 Overlook Drive, wanted clarification of the PILOT. She questioned the tax break that Landmark received. She asked how Mr. Paster is paid. Mr. Paster said that it is time and materials. She didn't understand how he charged to do minutes when he was charging for being at the meeting.

9. John Sansone, 119 Beacon Street, said Landmark got more than they gave.

10. Matthew Bailin, 12 Elizabeth Street, asked why we couldn't go for the bottleneck

south by the gas station to try to get some money to remediate that so we could have bought the property. That should have been part of the deal. He spoke of the B2 overlay of the business district. There will be traffic problems, parking will be a problem for shoppers and people living in that area.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

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

Litigation-Fair Share Housing; Contract Negotiations-use of public property (right of way); Personnel-Police/Dispatch, Acquisition, purchase, lease of real property.

Motion: Councilman Morrell

Second: Councilman Di Paolo

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

Following closed session, Motion to return to public: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

Motion to authorize the Chief of Police to advertise for two new hires and one lateral hire subject to adoption and publication of Ordinance #1515: Councilman Morrell

Second: Councilman Manna

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

Motion to adjourn: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 9:45PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk