

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
July 21, 2015
6:30 PM**

Mayor Kelly called the meeting to order at 6:30PM

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, Hayes, Manna, Morrell, Riquelme-present

Councilwoman Zamechansky-absent

Mayor Kelly-present

The Mayor asked to have Resolutions #182 and #183 voted upon first: Appointment of Shane Donegan and Samuel Schlamowitz as Probationary Police Officers

Motion: Councilman Manna

Second: Councilwoman Correa

All in favor.

Motion to accept the agenda as revised: Councilman Riquelme

Second: Councilwoman Correa

All in favor.

There was no discussion from the Council on the two resolutions.

Motion to open to the public on Resolutions #182 and #183: Councilman Manna

Second: Councilwoman Correa

All in favor.

Seeing none, motion to close to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

#15-182 Shane A. Donegan-Appoint as Probationary Police Officer

#15-183 Samuel M. Schlamowitz-Appoint as Probationary Police Officer

Motion to adopt Resolutions #182 and #183: Councilman Morrell

Second: Councilman Riquelme

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

Mayor Kelly administered the Oath of Office to Shane Donegan

Mayor Kelly administered the Oath of Office to Samuel Schlamowitz

The Mayor called for a brief recess.

Following a five minute recess, County Clerk John Hogan gave a presentation on several Dumont historic documents, which included original articles of incorporation, the first election held to decide whether we would become the Borough of Dumont, the first exempt firefighter, the original map. He then presented a poster with the documents included on it to the Mayor for the Borough.

Approval of Minutes

Motion to approve the June 16, 2015 Public Meeting and Closed Session minutes:

Councilman Riquelme

Second: Councilman Hayes

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

ADMINISTRATOR PERKINS' REPORT

The meeting with the FEMA CRS representatives is scheduled for August 12th at Borough Hall.

The sewer system cleaning project is going well. They are currently working on a clogged line. They are also videotaping the entire system. We will hopefully be able to save between \$300,000 and \$500,000 a year in sewer charges. It will also identify those that have illegal sump pump connections.

We will be getting the same amount in state aid this year as we received last year: \$1,355,252 as a result of the Best Practices certification.

Mr. Perkins asked that Resolution #15-179 Award of Bid-Solid Waste and Recycling Collection be pulled. He would like the Council to consider going out for rebid. There are some issues with regards to recycling. If the number does not decrease next bid, we have the right to negotiate.

Motion to pull #15-179: Councilman Hayes

Second: Councilman Riquelme

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

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

Recreation

The Councilwoman reported there is a meeting scheduled for August. There is no meeting in July.

Board of Education

A meeting is scheduled for Thursday night.

- Councilman Hayes

Joint Land Use Board

The last meeting was short. A new clerk for the Board, Lois Rusch, was hired.

- Councilman Manna

The Councilman is gratified to see a resolution on the agenda for an RFQ for professionals to help the town to compare and contrast figures and costs. He also has asked a local realtor to check the average cost of 1, 2 and 3 bedroom apartment rentals in Dumont. The 1 bedroom in 2014 averaged \$1,184. In 2015 the average was \$1,210. The average rental for a 2 bedroom in 2014 was \$1,523; in 2015 \$1,407. The average 3 bedroom in 2014 was \$2,148-26 rentals, 17 of which were homes; in 2015 \$2,133.

- Councilman Morrell

No report.

- Councilman Riquelme

DPW

The total miles swept for the month of June was 454. 120 potholes were filled.

Library

There are no meetings during the summer.

MAYOR'S REPORT

No Report

ATTORNEY'S REPORT

Mr. Paster, on behalf of the borough, filed its Declaratory Judgment complaint for an order of compliance with affordable housing requirements on July 1st. He also filed a motion July 8th for immunity from suit from Builders' Remedies for other affordable housing issues, which will be heard August 7th.

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

#15-162 Bills List *

#15-163 Approval of Renewal of Liquor Licenses *

#15-164 Approval of Firefighter Christopher Hargrave to Full Membership *

#15-165 Advance Housing Tax Appeal Settlement-\$10,072.37 *

#15-166 Appointment of Mary Winner as Registrar *

#15-167 Authorization to Enter into a Cooperative Agreement with Middlesex Co-op *

#15-168 Approval of Block Party on Lucille Avenue to be held August 15, 2015 *

#15-169 Approval of Police Department Towing Companies *

#15-170 Approval of Block Party on Erie Street to be held August 15, 2015 *

#15-171 Approval of Block Party on Patton Place to be held August 8, 2015 *

#15-172 Approval of Block Party on Dakota Avenue to be held August 15, 2015 *

#15-173 Debra Mati-Appointment as Tax Search Official-\$300 annually *

#15-174 Support of the Goals and Purposes of the 2004 Highlands Water Protection and Planning Act *

#15-175 Opposition to "User-Friendly Budget" *

#15-176 Montana Construction-Sewer Repair through Riverside Cooperative-\$13,571.83*

#15-177 Approval of Dumont High School Athletic Boosters Off-premise Cash Raffle; RL#432, ID #109-5-24823 *

#15-178 Authorization to Enter Shared Service Agreement to Hire Dr. Burchell-"Fair Share Analysis"-\$2,000 * Mr. Paster explained that Dumont will get its own

counterbalance to the Fair Share Housing Center numbers. Once we have signed on, we should receive the report within ninety days.

#15-179 Award of Bid-Solid Waste and Recycling Collection - **PULLED**

#15-180 Approval of Amended Municipal Court Shared Service Agreement with Haworth and Authorization of Execution *

#15-181 Approval of Maser Consulting Proposal to Prepare Draft Redevelopment Plan-\$13,365.00 **Moved to non-consent agenda**

#15-182 Shane A. Donegan-Appoint as Probationary Police Officer *

#15-183 Samuel M. Schlamowitz-Appoint as Probationary Police Officer *

#15-184 Approval of Maser Consulting Proposal to Prepare Housing Element and Fair Share Plan and Vacant Land Assessment-\$17,500 *

#15-185 Approval of Project Graduation Off-premise Cash Raffle to be Drawn November 17, 2015; ID#109-5-34050, RL#433 *

#15-186 Approval of Dumont High School Boosters On-premise Cash Raffle to be held 9/18/15, 10/2/15, and 10/30/15; ID#109-5-36714, RL#434 *

#15-187 Resolution Designating Block 1215 Lot 12 Commonly Known as the "Borough Hall Property" as an Area in Need of Redevelopment **Moved to non-consent agenda**

#15-188 Construction Management and/or Real Estate Consulting-Authorization to Advertise for RFQ's *

Joe Layton, from Maser Consulting, responded to questions from Councilman Manna on Resolutions #181, #184 and #187. The Supreme Court has said that the third round rules that COAH was trying to adopt are not consistent with the Fair Housing Act of 1985. They said that the second round rules are more appropriate. The second round goes from 2004-2025. The Borough is protected from a builder's remedy lawsuit because we had filed with COAH. Mr. Paster explained that if we had not submitted to COAH in 2013, we would not be eligible to be moving in the court now for declaratory judgment of compliance.

Councilman Manna asked about the Development Fee documentation. Mr. Paster stated that it was submitted but it was never acted upon. We will be asking the court to approve it in the process of litigation.

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

Second: Councilwoman Correa.

All in favor.

1. Dr. Bruce deLyon, 67 Beacon Street, stated that from what he understands nothing was submitted for affordable housing in 1997 and questioned why. Mr. Paster explained that we would still have to do this for the third round whether we had certification for the second round or not. Dr. DeLyon asked for a copy of the Municipal Court agreement, which will be mailed to him. He feels this agreement is an extra expense for the taxpayers.

2. Matthew Balin, 12 Elizabeth Street, asked for an explanation of Resolutions #181, #184 and #187. #181 seems open-ended. The consultant who did the Master Plan must have done an analysis of the fair housing units we had. He would hope they would be able to use that information now. What does vacant land adjustment mean? Mr. Paster explained that it is an analysis of how much available space there is in the municipality. It was not included in the

Master Plan. Mr. Paster explained that Resolutions #181 and #184 are both part of an overall initiative to address its need for a borough hall, need to comply with affordable housing obligations and to make the best use of the current borough hall property. Our feet have been put to the fire by the courts and we now need a new borough hall. Mr. Layton explained that the borough can dictate what the uses would on the site in need of Redevelopment. The borough would be able to recoup the money spent now by getting a developer involved.

3. Mike Gakel, 44 Wilkens Drive, asked if Resolution #187 means that there is no possibility of repairing the property. If so, how did it come about? Mr. Layton responded that the cost to rehabilitate borough hall is cost prohibitive. It has more value as a property for redevelopment. The Joint Land Use Board had passed a resolution declaring it is an area in need of redevelopment based on a study Maser Consulting did. It meets the criteria-one being that it is unsafe, dilapidated and uninhabitable and it is also near bus service, is walkable and promotes the Smart Growth objective of the State. Mr. Gakel does not understand how the town allowed the building to get that rundown. He also stated that he had read that there was an ordinance that the farm property was to be used for single family properties. Mr. Paster responded that the zoning ordinance for that property considers it Park and Public Use. If and when an application for development is filed, and none has been, the default zoning designation would be single family housing. The developer that has the rights to buy it does not want to build single family houses. They have filed a lawsuit to have that zoning designation declared illegal, unconstitutional and exclusionary. That is a component of the compliance judgment the borough is seeking with the fair share and affordable housing. Mr. Gakel doesn't understand why we are rushing. Mr. Paster said we are doing what we are legally obligated to do to protect the town.

Councilwoman Correa asked why we are looking into redevelopment when we are not sure we own the property. She would like to see a contract that specifies it.

4. Lynne Vietri, Wilkens Drive, read a portion of the deed. She said according to the deed the Board of Education has the right of first refusal.

Councilman Hayes agreed with Councilwoman Correa that we should get a legal document stating we own the property.

5. Bruce deLyon, 67 Beacon Street, asked who owns the D'Angelo property. Mr. Paster replied the D'Angelo family. Mr. deLyon asked the amount of taxes being paid. He said we are basically taking direction from the developer.

6. Tom Kelly, 70 Beacon Street, stated that if we are considering a resolution for redeveloping 50 Washington, we are not proceeding with rehabilitation of borough hall. He asked if we are exploring other options to fulfill our affordable housing obligation. How many units would we be looking at to satisfy by redeveloping 50 Washington Avenue and selling to a developer? Would it make more sense to hold off on making a decision on borough hall based on our housing needs?

7. Maryann Russini, 144 Roosevelt Avenue, asked if the Council is looking

to rebuild 50 Washington Avenue or is there a side contract with the builders. She said that the Council, not the borough attorney, is here to protect the town. She said she thinks it's poor planning and asked council members to say how they feel. Councilwoman Correa said she is voting no on #181 and #187. She feels we should know whether we own it 100% first. She doesn't feel we have enough information on what to do with borough hall. She suggested modulars as an option. Councilman Hayes said the Council is frustrated. We are spending a lot of money. Nobody on this Council has anything but the best intentions. Councilman Manna said that the Fair Share Housing, Affordable Housing and other groups are lining up to sue municipalities. This has taken ownership from the municipalities and put it on a level where you wonder how you would fight the Supreme Court and State Legislature. The municipalities, as the borough attorney said, should band together to oppose the fair share housing numbers. We have lawsuits on one hand, the Supreme Court on the other hand and we have to figure out how to utilize six acres and one acre without getting sued again. They are forcing us to do something we don't want to do. We have to figure out how to comply with the courts and yet keep the borough as we know it. Councilman Riquelme stated he wants to make sure that we do the right thing, no matter how long it takes.

8. Bruce deLyon has lived in Dumont for over thirty years. He knew D'Angelo's was going to close. He feels the borough administrator should provide more information. He is the point person. Mr. Perkins responded that when he first started working in Dumont he was given a tour of borough hall. The working conditions were unbelievable. There were many repairs done over the years. Now that we are out, we have two year leases for the current building and the trailers. We should meet with the Board of Education to determine what is going on with that property. It takes part of the equation out of this whole problem. You also have to consider what would bring ratables to town.

9. Lili Binney, Roxbury Road, said that the courts are not forcing our hand; Landmark is forcing our hand. She asked what year Maser started working for the borough. The answer was 2007. She said the planner should have given better advice. She confirmed with Mr. Paster that we sent our fair share plan to Trenton in 2013 but were waiting for the rubber stamp in December 2013. She asked about the vacant land adjustment. Mr. Layton stated that COAH's minimum density for the planning area we are in is ten units to the acre.

Motion to close to the public: Councilman Hayes

Second: Councilwoman Correa

All in favor.

Motion to pull resolutions #181 and #187 from the consent agenda:

Councilwoman Correa

Second: Councilman Morrell

Roll call vote: Councilmembers Correa, Hayes, Manna, Morrell, Riquelme-yes

Motion to adopt Consent Agenda excluding #179,#181,#182,#183 and #187:

Councilman Riquelme

Second: Councilman Morrell

Roll call vote: Councilmembers Hayes, Manna, Morrell, Riquelme-yes

Non-consent Agenda

Motion to adopt Resolution #181-There was no motion-no action was taken

Motion to adopt Resolution #187-There was no motion-no action was taken

ORDINANCE

First Reading

#1491 An Ordinance to Amend, Revise and Supplement Ordinance #1286 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: Councilman Morrell

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilman Hayes

Second: Councilman Morrell

Roll call vote: Councilmembers Hayes, Manna, Morrell, Riquelme-yes

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

Second: Councilman Manna

All in favor.

1. Tom Kelly, 70 Beacon Street, thanked the Mayor and Council for all the work they have put into this. He asked that they reconsider the possibility of renovation. At last month's meeting he said he questioned Resolution #117 from 2008 for a Municipal Center Feasibility Study with Schmidt Architects and was wondering if any information was found on that. Mr. Paster explained that that resolution had been changed to "Downtown Streetscape Study", which was never done. The Borough Hall feasibility study was never done, either. Mr. Kelly said that a vehicular sally port is not required, which would save a lot of money. If you completely rebuild the building you would be left with a much stronger building than those built now. The drain pipes at 50 Washington Avenue have never been replaced. Replacement of drain pipes and roof would solve the drainage problem. All the problems in that building could be solved by renovation and save a lot of money. He questioned parking issues and room sizes.

2. Lynne Vietri, 41 Wilkens Avenue, questioned the Madison Avenue subdivision and why they did not have to provide affordable housing. She said she didn't disagree that the town needs ratables.

Mr. Layton explained that they are going to determine how much can be built on an individual parcel of vacant land.

3. Maryann Russini, 141 Roosevelt Avenue, asked the Mayor if he had any updates from their June 11th meeting. The Mayor said he would like to meet with her and the borough attorney.

4. MaryAnn Annachino, 84 Andover, said she read that Landmark planned to lease the property at D'Angelo's to build a borough hall. She thinks we would regret that decision. The Mayor said that was a rumor. Ms. Annachino feels we should renovate borough hall.

5. Matt Balin, 12 Elizabeth, recommended that residents be included more

and take into account the feelings of the residents.

6. John Sansone, 119 Beacon Street said “it’s all Don Winant’s fault”.

Motion to close to public: Councilman Manna

Second: Councilman Morrell

All in favor.

The Municipal Clerk read the resolution to enter closed session to discuss
Litigation, Personnel-stipend vs. salary and Affordable Housing Litigation

Motion: Councilman Manna

Second: Councilman Riquelme

Roll call vote: Councilmembers Correa, Hayes, Manna, Morrell, Riquelme-yes

Following closed session:

Motion to go back into public: Councilman Hayes

Second: Councilman Morrell

All in favor.

Mr. Paster asked if anyone would be interested in a special meeting to meet with
representatives of Landmark. There was interest. The municipal clerk will poll everyone
regarding availability.

The Mayor adjourned the meeting at 10:20PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk