

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
JULY 19, 2016
6:30 PM**

Mayor Kelly called the meeting to order at 6:40PM

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 Kelly-present

Motion to accept agenda as presented: Councilman Morrell

Second: Councilman Riquelme

All in favor

Approval of Minutes:

Motion to approve the June 8, 2016 Public Meeting minutes: Councilman Hayes

Second: Councilman Riquelme

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

Motion to approve the June 21, 2016 Public Meeting and Closed Session minutes:

Councilman Riquelme

Second: Councilman Morrell

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

Motion to approve the July 6, 2016 Special Meeting and Closed Session minutes:

Councilman Morrell

Second: Councilman Hayes

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

MAYOR'S REPORT

No Report

ADMINISTRATOR'S REPORT

Mr. Herr stated that tax bills will be going out in about a week and there will be a grace period of August 26th before any interest penalties accrue.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

Buildings and Grounds

The Councilwoman met with Mr. Herr, Captain Conner and Captain McKeary regarding issues concerning the 50 Washington Avenue building. The back area is overgrown, which the DPW will take care of; vehicles in need of repair; making sure the siren, which is no longer used and is on the building is secure.

- Councilman Di Paolo

Shade Tree Commission

They met yesterday. They are selling bricks for \$75 to be displayed at the arboretum. They are tending the community garden.

Shared Services

The Councilman, Mr. Herr and Mr. Gallo, the administrator of Bergenfield met to discuss the possibility of a shared municipal complex. Things are progressing.

- Councilman Hayes

Joint Land Use Board

The Board met last Thursday. The vote was 7-1 in not accepting the Area in Need of Redevelopment study for the D'Angelo property.

Rent Leveling Board

The tabled ordinance is back on tonight's agenda. The Councilman spoke to the tax assessor and the Chairman of the Board Ralph Williams, as well as some Rent Leveling Board members to see if they had had a change of heart. They all said it is a fair ordinance. Hopefully the Council will vote in favor of the ordinance tonight.

- Councilman Morrell

Recreation

Summer Rec is up and running. Many parents say it is the best year so far. Summer basketball is up and running with over 100 kids participating.

- Councilman Riquelme

DPW

In June 395 miles were swept. They are keeping a close watch on debris in the brooks due to all the storms we have been having. 81 potholes were filled on the east side and 52 on the west side. All crosswalks and stop bars and signs are being readied for the upcoming school year. Missing signs are being replaced.

- Councilwoman Zamechansky

Fire Department

In June there were 23 total alarms and 807 man hours.

Senior Citizens

Tomorrow they are going to see the Rockettes Summer Show. There are still tickets available.

The Senior Center has been open during the hot weather as a cooling station.

Police Department

In June there were 2,211 telephone calls for service. Patrol issued 212 traffic summons and there was 1 DWI arrest. The Detective Bureau investigated 7 domestic violence cases, 2 sexual assault cases and handled 50 criminal cases.

ATTORNEY'S REPORT

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

- #16-158** Approval of the Promotion of Michael J. Conner to Dumont Chief of Police *
- #16-159** Approval of Project Graduation Off-premise Raffle Application to be drawn November 16, 2016; ID#109-5-34050; RL#458 *
- #16-160** Approval of Police Department Towing Companies for 2016-2017*
- #16-161** Approval of Block Party to be held on Beverly Road July 30, 2016 *
- #16-162** Approval of Block Party to be held on Lucille Drive August 13, 2016 *
- #16-163** Authorization of Refunds of Tax Overpayments by the Proper Financial Officer *
- #16-164** Approval of Change Order #1-Resurfacing of Locust Avenue and Brook Street Project (-\$4,044.00)*
- #16-165** Approval of Release of Retainage for Resurfacing of Locust Avenue and Brook Street Project *
- #16-166** Approval of Acceptance of Two Year Maintenance Bond and Release of the Performance Bond for Resurfacing of Locust Avenue and Brook Street Project *
- #16-167** Christian Baierwalter-Accept Resignation from the DPW as of July 20, 2016 *
- #16-168** Approval of Hiring James Gill as Seasonal Employee of the DPW-\$10.00 per hour *
- #16-169** Approval of Hiring Scott Guez as Seasonal Employee of the DPW-\$10.00 per hour *
- #16-170** Support of Veterans' Treatment Courts Legislation in New Jersey *
- #16-171** Approval of Block Party on Margaret Court September 3, 2016 *
- #16-172** Resolution to Confirm Dumont Bus Stop Locations *
- #16-173** Approval of Block Party on Dakota Avenue August 13, 2016 *
- #16-174** Chief Faulborn-Approval of Exit Agreement *
- #16-175** Approval of Block Party on Omaha Street August 6, 2016 *
- #16-176** Approval of Block Party on Erie Street August 6, 2016 *
- #16-177** Bills List *
- #16-178** Third Quarter Tax Grace Period Extension to August 26, 2016 *
- #16-179** Dumont's Five Wastewater Pump Stations-Approval of Shared Services Agreement with Northwest Bergen County Utilities Authority-\$5,000 annually *
- #16-180** Resolution Honoring the Bergen Volunteer Center on its 50th Anniversary *
- #16-181** Certification of the 2015 Audit *

Councilwoman Correa asked the meaning of the certification of the 2015 audit. Mr. Herr responded that it says that the Governing Body has received the audit and has read it. It is a requirement.

Motion to open to the public on the consent agenda items: Councilman Hayes

Second: Councilman Riquelme

All in favor.

1. Bruce de Lyon, 67 Beacon Street, asked if the auditor will be coming to give a presentation at a meeting. Mr. Herr answered no. Dr. de Lyon mentioned that there were fifteen recommendations, five of which were repetitive. It is an extensive list.

Councilwoman Correa said she also was concerned and spoke to Ms. Connelly who said that the Borough Administrator would be writing a corrective action plan.

Mayor Kelly said he had met with the Borough Auditor and Mr. Herr regarding the report. Many issues are standard operating procedures that are not being followed but there have been hectic times in the finance department-our CFO passed away and we had a temporary CFO, which didn't seem to work out as well. The Mayor suggested that we put in standard operating procedures so that every employee understands what is expected.

Dr. de Lyon also asked about the addition of an employee, which had been mentioned previously. The Mayor stated that they are looking for someone with credentials for the Finance Department.

2. Lynn Allgran, Chief Executive Officer of the Bergen Volunteer Center thanked the Governing Body for considering the resolution honoring them on their 50th anniversary.

3. Matt Bailin, 12 Elizabeth Street, spoke of Resolution #174, Chief Faulborn's exit agreement. He said that the accumulated sick days, vacation days, personal days and compensatory time were at the final pay rate. Our town has limited resources in raising taxes. In future negotiations, we need to limit the number of unused sick days and charge at the rate they are incurred. He asked for an explanation of the terminal leave. The Mayor said that everything is contractual and that most of the Council agrees. The PBA contract is coming up. Mr. Bailin asked if Captain Conner would receive special benefits upon his promotion. He hopes that Captain Conner would give the town some relief. The Mayor replied that an agreement hasn't been worked out yet.

Motion to close: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt the consent agenda: Councilman Morrell

Second: Councilman Riquelme

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

The Mayor and Council offered congratulations to Mike Conner on his promotion to Chief.

Non-consent Agenda

#16-182 Approval of Landmark Settlement Agreement Amendment #1

Mayor Kelly explained that there were two options in the settlement agreement with Landmark. Option 1 was to use 50 Washington Avenue for affordable housing units and then everything else would go to the D'Angelo's property. Due to the litigation between the Borough and the Board of Education, we don't have the time to wait for that appeal to be heard. Most of the council members have been in favor of option 2 anyway. This also includes Landmark paying for the sewer work needed on the other side of town by Fleetwood.

Councilwoman Correa questioned the need to have had the Joint Land Use Board consider D'Angelo's an Area in Need of Redevelopment.

Councilman Di Paolo asked if all the affordable housing was going to be on the one acre parcel. The answer was yes. The Councilman has an issue with this.

Motion to open to the public on Resolution #182: Councilman Hayes

Second: Councilman Riquelme

All in favor.

1. Tom Kelly, Beacon Street, asked if Option 2 is used, would Landmark still demolish Borough Hall. The Mayor said that was part of both options.

2. Lynne Vietri, Wilkens Drive, asked if the Council is going for option 2 to rezone the property. Mr. Paster said the Council will discuss it tonight. Ms. Vietri said they had pleaded with the Council not to pass the settlement agreement and now we are stuck with it.

3. Michael Sullivan, 125 Andover, asked why the affordable people would be put on one lot-it's the haves and the have nots.

4. Lili Binney, 32 Roxbury, stated this is exclusionary zoning.

5. Matthew Bailin, 12 Elizabeth Street, asked what sewer improvements would be made, what improvements did the engineers say were necessary and the cost for the residents for improvements Landmark is not going to pay for. The Mayor responded that Landmark will be taking care of the pipes in the Fleetwood section and on-site.

6. Maryann Russini, 141 Roosevelt, asked that the resolution be tabled.

7. Carl Manna, 108 Harding, agrees that the plan is exclusionary. He also asked if a cost analysis has been done regarding the sewers. Would it be more cost effective for the town to pay for it? Mayor Kelly said that he attended a meeting with Landmark engineers and our engineers. Both engineers looked for a way to solve the problem and a resolution was reached but at that time it was the Borough that was going to pay for it.

8. Doreen Barkley, 31 DeLong, asked how the Council would feel if affordable housing was built by their homes. She agrees with Councilman Di Paolo that they should be disbursed throughout the complex. This needs to be tabled and discussed further.

9. Sandy Fernandez, 199 Summit, said that Councilman Hayes had remarked that he doesn't have a copy of the resolution so she assumes he did not read it. Councilman Hayes responded that he had read it but didn't bring a copy with him. Ms. Fernandez stated that last week the motion to expedite the Board of Education's appeal was denied. A couple of days later the courts ruled against the gap period. On March 8th residents asked the Council to wait until the courts resolved this matter. Last week the JLUB said they didn't feel D'Angelo's was an area in need of redevelopment. She asked the Council to think about what they are doing.

10. Tom Gorman, 46 Wilcox Street, asked where the sewer is going. Mr. Paster replied that the large parcel goes to Andover and the small parcel goes to Washington and down. Mr. Gorman asked if the property would have to be built up so that the front building can flow downhill. If that was the case, we're probably talking a height of 45'.

11. Mariann Anecchino, 84 Andover Ave, said that Andover has an issue with flooding already. She said that their decision will have an impact for years to come. Thorough studies should be done. If all the affordable housing is on one property the Borough will be sued by the ACLU. Table the resolution.

12. Michael Sullivan, Andover, said that a truck comes twice a month to clean out the

sewers. He is concerned if there will now be more sewage. The Mayor replied that the Borough Engineer looked at it and there is no potential problem there.

Councilman Di Paolo suggested that there be a meeting with the residents and the professionals.

13. Linda Fusco, Harwick Road, is concerned about tax appeals and the environment and feels that the Borough should do their own environmental study. If not, she will call the State.

14. Suzanne Riordan, 46 Harrison Street, asked why there is a rush to make a decision tonight.

15. Lili Binney, 32 Roxbury, said that Landmark's deadline is August 1st but the hard deadline is September 1st. Had we not signed the settlement agreement we would be sitting pretty.

16. Karen Valido, 24 Overlook, has concerns about environmental issues. She asked what would happen if the Council doesn't vote on this by August 1st. Mr. Paster responded that Landmark can go back to court and make a motion to have the court enforce the settlement with sanctions and any fees Landmark was going to pay would then be the Borough's responsibility. It's a matter of doing what the Borough agreed to do or having it imposed by the court. Ms. Valido suggested we just go back to court.

17. John Sansone, 119 Beacon Street, asked for assurance that if the agreement is signed there won't be PILOTS. The Mayor explained that the agreement has already been signed. All this resolution is doing is choosing one of the options in the agreement. It has nothing to do with the PILOT. Mr. Sansone doesn't want the PILOT program. He asked if the whole road will be paved when the sewer improvements are done.

18. Bruce de Lyon, 67 Beacon Street, has no problem with affordable housing. Judge Meehan said he had no influence on PILOTS. The Joint Land Use Board and the residents here don't want it. He asked how many of the Council have read the report. The Mayor said they are not privy to that report. It's Landmark's report and they don't have to give it to us until they submit a site plan. Dr. de Lyon feels that the address will label those who are challenged, which isn't fair.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

Councilwoman Correa made a motion to table Resolution #182, seconded by Councilman Di Paolo

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

Council members Morrell and Riquelme-no

Ordinances

Second Reading

#1502 Ordinance Amending Chapter 322, Revising Calculation of Maximum Rent Increases under the Jurisdiction of the Rent Leveling Board of Dumont-previously tabled Councilman Di Paolo stated he is displeased with this ordinance. He has spoken to numerous seniors and apartment residents and they are grateful that we have rent control in town. By allowing the rents to go up, it will be pricing people out. He urged the Council not to vote for this ordinance. Councilwoman Zamechansky explained that she was in a meeting today when Councilman Di Paolo had tried to reach her so she never had the opportunity to speak to him so she is going to have to abstain. Councilwoman

Correa said that her decision to not vote in favor of the ordinance is the same as last meeting.

Motion to open to the public: Councilman Hayes

Second: Councilman Riquelme

All in favor.

1. Sandy Fernandez, 199 Summit Avenue, asked if the Rent Leveling Board had asked the Borough Administrator to reach out to all the Bergen County towns to request their rent leveling ordinances. She is not for or against this ordinance. Most towns do not use the CPI.

Councilman Hayes argued that if this ordinance isn't passed you will see a lot of tax appeals. This is a very fair ordinance.

2. Carl Manna, 108 Harding, asked if the ordinance reflects an appeal process. Councilman Hayes replied that people can come before the Rent Leveling Board.

3. Judy Parker, 55 Susan Drive, Closter, asked if Councilman Di Paolo spoke to landlords. The increase doesn't cover the property tax increase or property maintenance. She said she is on the Rent Leveling Board, on which there are landlord and tenant representatives, and they spent a lot of time discussing this and compromising. 1.5% increase is nothing.

4. Lili Binney, Roxbury, said this is all because we are trying to avoid tax appeals. The decision would be easier if you had all the facts.

5. Michael Sullivan, Andover, has a relative who received a high rent increase. It was a mistake and was rectified. He asked if anyone checks to make sure the renters are receiving the correct increase.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Hayes

Roll call vote: Council members Hayes and Morrell-yes

Council members Correa, Di Paolo, Riquelme-no

Councilwoman Zamechansky-abstained

Ordinance defeated.

#1504 Bond Ordinance supplementing Bond Ordinance #1436 finally adopted on December 20, 2011, providing for various storm water sewer improvements by the Borough of Dumont, by appropriating an additional \$46,000 therefor and by authorizing the issuance of an additional \$43,500 bonds or notes of the Borough to finance the cost thereof

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

Motion to open to the public: Councilman Di Paolo

Second: Councilman Riquelme

All in favor.

Motion to close: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilwoman Zamechansky

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

First Reading

#1505 An Ordinance to Amend, Revise and Supplement Compensation Ranges for Certain Officers and Employees

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

Motion to pass on first reading: Councilman Morrell

Second: Councilwoman Zamechansky

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

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

Second: Councilman Morrell

All in favor.

1. Tom Kelly, Beacon Street, asked why an option had to be chosen. The Planning Board overwhelming voted that the farm did not meet the definition of an area in need of redevelopment. He asked the Mayor and Council and attorney to really consider what they are asking. If the Mayor and Council opt to vote in favor to make it an area in need of redevelopment, he thinks they are violating the law in trying to make it meet the criteria when it doesn't. By offering the PILOT program the town is giving up a lot of money and eliminating the school board. We have immunity until the third round obligation is established. E-consult is predicting 0, with the gap considered. We should get our own prices to renovate 50 Washington Avenue.

2. Lili Binney, Roxbury, stated that the JLUB did not vote to designate 50 Washington or the farm as areas in need of redevelopment. As of today, Dumont likely finds itself without any affordable housing obligations. Most likely a court ruling will now find against a builder's remedy lawsuit if the town has no affordable housing obligations, even if they aren't certified compliant for rounds one and two. The only thing Landmark is holding over our heads is the sewer improvements. We currently have no sewer problems so they are offering to pay for a problem they are causing. We didn't hire an independent, unbiased planner. She spoke of FARMD's planner. She said that Council members Di Paolo and Riquelme had made a campaign promise to not make any decisions without all the information. She spoke of the vote to designate the farm an area in need of redevelopment. She mentioned transparency.

Councilman Di Paolo responded that he had said while campaigning that he would work to avoid the lawsuit. After he was elected, there were many emails and phone calls exchanged between Ms. Binney and himself. Once he voted against what she wanted she cut him off and looked at him as an adversary. What she said was not a fair representation.

3. Lynne Vietri, Wilkens Drive, said that minutes from 2014 are not on the website. The Municipal Clerk will check on that. She asked Mr. Paster if the farm rollback would have been back three years from when the property ceased to be used. It would only have applied to the small parcel though. Who is paying the taxes? Mr. Paster thinks it is Landmark. Ms. Vietri questioned the fact that Mr. Layton from Maser said he was not asked until May 27th for the Area in Need of Redevelopment Study but Resolution #83

was passed March 15th. She asked why Mr. Banish, the special master would have suggested the PILOT program. Mayor Kelly replied that there were discussions with him to work out a settlement. She asked if the borough attorney is always present during closed session-that is not the case for the Board of Education. Mr. Paster explained that every municipality he has seen has the attorney present. The Board of Education is not a politic body so there are different rules. Ms. Vietri asked what the Non-profit for New Jersey Families Supports that he was an attorney for is. Mr. Paster replied it was a Political Action Committee, no longer in existence.

4. de Lyon, Beacon Street, asked if he has the right to email people twenty-four hours a day whose email addresses are on the borough website. The Mayor said they can be sent anytime. Dr. de Lyon said that in light of OPRA #135, the borough attorney has done everything he can to facilitate the deal on behalf of Landmark, often at the expense of our community. He read some of the emails from the OPRA. One of the emails was one which his wife wrote to an in-town service group asking for their potential support in standing with the Board of Education on the 50 Washington Avenue property. He feels they are being targeted. He was publicly trashed by the former Borough Administrator at his farewell meeting.

5. John Sansone, Beacon Street, questioned an email dated May 26th from Gregg Paster stating the Special Master suggested the PILOT program.

6. Carl Manna, Harding Avenue, asked about the status of a CRS appointee. Mayor Kelly responded that they are meeting August 3rd with a CRS specialist. FEMA reinstated our applications with CRS. The specialist will advise us as to how to get a good rating. The Mayor will ask for suggestions on how quickly we can get someone on board.

7. Chris Sheridan, Wilcox Street, asked why Councilwoman Correa couldn't speak. The Councilwoman said she felt betrayed by the emails.

8. Maryann Russini, Roosevelt Avenue, said she understands that each member of the Council received a package with copies of emails. They are all over social media. She said the comments are very disturbing.

9. Mary Normoyle, 106 Randolph, is very upset about what's going on. She was close to foreclosure and her flood insurance is very high. She feels that the borough attorney is not appreciated here anymore. She asked why the builders would build something if they didn't expect to get the rents requested.

10. Matthew Bailin, Elizabeth Street, said the Farm'd people are so knowledgeable and involved and doesn't understand why the Council hasn't used them more. He asked if it would be possible to ask Landmark for an extension of time until the Board of Education litigation is resolved.

11. Pete Fusco, Harwick, is angry about the emails. He said that he is disgusted with the group and if they come up for election, they'd better not come to his door because he's "in the second amendment".

12. Daniel Rowe, Howard Street, asked Mr. Paster if anyone had ever told him you shouldn't put anything in an email that's going to be read in an open forum that would embarrass you. If the farm land is not remediated by the owners it would have to be remediated by the town. If the land is designated as an area in need of redevelopment the taxes won't be spread out among the taxpayers. He said integrity is important.

13. Karen Valido, Overlook Drive, said she doesn't feel Mr. Paster is working for the

residents. She questioned the fact that Dumont is looking into a joint venture with Bergenfield and Mr. Paster is the prosecutor for Bergenfield.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

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

Litigation-Landmark

Personnel-Police

Motion: Councilman Hayes

Second: Councilwoman Zamechansky

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

Motion to go back into public following closed session: Councilman Morrell

Second: Councilman Hayes

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Hayes

All in favor.

Meeting adjourned at 10:40PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk