

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
OCTOBER 18, 2016
6:30 PM**

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 (arrived at 6:50PM), Hayes, Morrell, Riquelme, Zamechansky-present
Mayor James Kelly-present

Motion to accept agenda as presented: Councilman Riquelme

Second: Councilman Morrell

All in favor.

ORDINANCE

Second Reading

#1507 Ordinance of the Borough of Dumont Adopting the Redevelopment Plan Produced by Maser Consulting on Behalf of Landmark Dumont, LLC for Block 212, Lot 20 and Block 215, Lot 1

Motion to waive the formal reading: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

The Mayor stated that Darlene Green from Maser Consulting is present to answer any questions.

Councilwoman Correa asked who is paying for Ms. Green to be here. The Mayor replied that we are.

Motion to open to the public: Councilman Morrell

Second: Councilman Hayes

All in favor.

1. Ray Slaman, Sherwood Road, President of the Shade Tree Commission, would like to have input on trees planted and landscaping. Ms. Green replied that there is a list of species specified for this area of New Jersey in the redevelopment plan. Also, there are planting standards for along the streets, in the parking lots as well as the buffer area. They will have to submit a landscape plan when they come in for site plan approval and that can be made available for public inspection.

Motion to close to the public: Councilman Morrell

Second: Councilman Hayes

Motion to adopt on second reading: Councilman Morrell

Second: Councilwoman Zamechansky

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

Councilwoman Correa-no (Councilman Di Paolo was not present at this time)

Approval of Minutes:

Motion to approve the September 20, 2016 Public Meeting minutes: Councilman Morrell

Second: Councilwoman Zamechansky

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

Motion to approve the September 20, 2016 Closed Session minutes: Councilman Hayes

Second: Councilman Riquelme

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

MAYOR'S REPORT

Mayor Kelly congratulated Engine Company 1, who celebrated their 120th anniversary.

There are issues with the Madison Avenue railroad crossing and the way CSX performed the job. They are supposed to return tomorrow. We've also sent some complaints to CSX regarding subpar work. The Mayor will also contact our congressman, who is on the Transportation Committee.

ADMINISTRATOR'S REPORT

Mr. Herr reported that phones went down today in Borough Hall for about two hours. There was a problem with our phone carrier but it has been resolved.

The Police and the County Road Department got involved when we had the CSX problems. Mr. Herr also called the governmental relations representative at CSX.

We've reached out to Nixle and Swiftreach. We will be meeting with the Chief and the Captain to discuss their recommendations as to which would be the best for us. We would like to start using them on January 1st.

Dumont will be receiving a recycling tonnage grant in the amount of \$16,927, which was from 2014, and will go into next year's budget.

The Best Practices Workbook was received from Division of Local Government Services. Every municipality must fill it out. You must get a certain number of answers correct; otherwise the municipality is penalized by having their state funding taken away. In the past there have been fifty questions; this year it was reduced to thirty questions. We received a passing score of 87%.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

Board of Education

She attended the last meeting. There was a large crowd due to the Teacher Negotiations taking place. They went into fact finding and they do have the 2% cap for tax levy. If they were to go above that, they would be looking at a \$700,000 increase. The fact finder came in with a middle range percentage, which was not acceptable to the Teachers' Association. If they were to give the teachers the percentage they wanted, they would have only about \$180,000 to cover next year's budget, which could be detrimental to the school: special ed. students moving into the district, annual maintenance, health benefit

increases, worker's compensation and any unfunded requirements that are mandated by the State, which could exceed \$5,000,000. Right now they are not in a good position with their negotiations. They unanimously agreed to reject the fact finder's report.

- Councilman Hayes

Ordinance Committee

There are some requests for amendments to ordinances from the Board of Health, for change in hours for plenary retail liquor stores sale and Police hiring.

- Councilman Morrell

Recreation Commission

They will be purchasing two sheds for storage for TwinBoro Field. Mr. Herr and the auditor have gotten their basic numbers.

- Councilman Riquelme

DPW

In September a total of 445 miles was swept; approximately 10 curbs were repaired this month; all crosswalks and stop bars are now completed in all the school area; mechanics have services police vehicles as needed.

- Councilwoman Zamechansky

Police Department

Patrol issued 160 traffic summonses, 1 DWI arrest and investigated 26 motor vehicle crashes. The Detective Bureau handled 35 criminal cases, 8 domestic violence cases, 8 indictable arrests and 3 drug related arrests. There was a total of 106 hours of training.

Personnel Committee

In September they did Mr. Herr's six month evaluation. It was discussed with him and overall an excellent evaluation.

- Councilman Di Paolo

Shade Tree Commission

They met yesterday. They planted 28 new trees this autumn. The annual Shade Tree conference for certification and education is this October. Six members will be attending. There was a review of the Commission's third five year plan, which is being prepared by Ron Farr-a highly accomplished arborist with the Society of American Foresters. Out of the many plans he has looked at the Dumont plan and the work of the Dumont Shade Tree Commission is the best program in the region. Our urban forest provides flood mitigation and reduced the cost of emergency management. They have saved the town thousands of dollars in repairs we've avoided during storms because of the tending of the trees. They also are selling bricks for the arboretum for \$75.

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

#16-224 Bills List *

#16-225 Capital Budget Amendment-Server *

- #16-226** Approval of Dumont High School Athletic Boosters Calendar Raffle to be held 4/1/17 through 6/30/17; ID#109-5-24823; RL#461 *
- #16-227** Approval of Dumont High School Music Boosters On-premise Cash Raffle to be held 12/21/16, 12/22/16, 4/25/17, 4/26/16; ID#109-5-36714; RL#462 *
- #16-228** Approval of Dumont High School Music Boosters On-premise Cash Raffle to be held 11/17/16, 11/18/16, 11/19/16, 3/16/17, 3/17/17, 3/18/17; ID#109-5-36714; RL#463 *
- #16-229** Approval of Block Party Request-Dixon Avenue to be held October 29, 2016 *
- #16-230** Steven Bickford-Accept Application as Probationary Firefighter Status *
- #16-231** Authorization of County Road Resurfacing Shared Services Agreement *

There was no discussion from the Council.

Motion to open to the public on Consent Agenda items: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

Motion to close: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda: Councilman Riquelme

Second: Councilwoman Zamechansky

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

Non-consent Agenda

#16-232 Resolution Appointing a Designated Redeveloper for Area in Need of Redevelopment, Block 212, Lot 20 and Block 215, Lot 1 and Authorizing Preparation of a Redeveloper's Agreement

There was no discussion from the public.

Motion to open to the public: Councilman Hayes

Second: Councilman Riquelme

All in favor.

1. Lili Binney, Roxbury, asked why this is on non-consent.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt Resolution #232: Councilwoman Zamechansky

Second: Councilman Morrell

Roll call vote: Council members Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes
Councilwoman Correa-no

ORDINANCES

Second Reading

#1506 Ordinance Amending Chapter 322, Revising Calculation of Maximum Rent Increases under the Jurisdiction of the Rent Leveling Board in and for the Borough of Dumont

Motion to waive formal reading: Councilman Hayes

Second: Councilman Morrell

All in favor.

Councilman Di Paolo made a motion to table this ordinance. This was already tabled in order that it could be worked on. This essentially is the same proposal. He would like to propose a compromise with the Rent Leveling Board so that the landlord would be able to raise rent but at the same time protect the town's most vulnerable. He handed out the CPI index prices dating back to 1990 and Dumont's demographics. At this time the rents can only be raised by landlords according to the CPI, maxed out at 5%. This ordinance would weaken that rent control, so that regardless of the CPI the landlords can raise the rent 1.5%. The CPI in the past two years has been low. Dating back to 1990, there were only three years when the CPI was below 1.5%. The Councilman stated that there are 79 households in town that live below the poverty level and not living in subsidized housing. 30.1% of those living in Dumont are renters. We have 263 households that make less than \$10,000 per year; 309 households that make less than \$15,000 per year and 643 households that make less than \$25,000 per year. There are many who are struggling. He feels the landlords should be able to raise the rent 1.5% but that there should be a mechanism for those who are living in poverty.

Councilwoman Zamechansky asked if Ralph Williams, the Rent Leveling Chairman, could speak.

1. Ralph Williams, Madison Avenue, explained that they had met twice. The first time the ordinance was proposed there was an increase of 5%, with the CPI. Both the tenants and landlords agreed upon the 1.5%. The Council disapproved it. It came back to the Board. It stayed at 1.5%, which he feels is very reasonable.

Councilwoman Correa said in talking to Seniors she found that Medicare B is going up next year. Seniors are very upset about an increase.

Mayor Kelly called for a roll call vote following Councilman Di Paolo's motion to table the ordinance, seconded by Councilwoman Correa.

Roll call to table: Council members Correa and Di Paolo-yes

Council members Hayes, Morrell, Riquelme and Zamechansky-no

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

2. Judy Parker, 55 Susan Drive, Closter, is a landlord representative on the Rent Leveling Board. Bergenfield has a 4% increase, New Milford has a 2% ordinance. She pointed out that people who live in houses get increases every year. There are landlords who don't increase the rents but it would be good to have the ordinance in place.

3. Tom Kelly, Beacon Street, stated that Dumont has an abundance of affordable housing. The Board's advice should be heeded.

Motion to close to the public: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt Ordinance #1506 on second reading: Councilman Hayes

Second: Councilwoman Zamechansky

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

Council members Correa and Di Paolo-no

#1508 Capital Improvement Fund to Provide for the Purchase and Installation of a New Computer Server

Motion to waive the formal reading: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

1. John Sansone, Beacon Street, asked the cost of the server and if it would be transferrable when Borough Hall is moved. The Mayor responded the cost is \$16,000 and it will be transferable.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Riquelme

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

First Reading

#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 Morrell

Second: Councilman Riquelme

All in favor.

Councilman Hayes asked if the town would be protected if the landlord doesn't get the rents he is requesting. Mr. Paster replied that the details will be in another document.

Councilwoman Zamechansky stated she has asked several times to have the tax assessor come to a meeting to explain the PILOT program to the residents.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Hayes

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

Council members Correa and Zamechansky-no

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

Second: Councilman Riquelme

All in favor.

1. Jeff Pollak, Richard Drive, asked if there is an evacuation procedure if there is train catastrophe. The Mayor responded that there is an evacuation plan but due to the recent accidents, the County has suggested that we work with their emergency management people.

2. Tom Kelly, Beacon Street, asked about the additional documents referring to the

PILOT program. Mr. Paster replied that the actual agreement is referenced in the ordinance. This is just authorizing it. Mr. Kelly asked if Councilman Hayes' concern about the property being sold would be addressed in these documents. Mr. Paster said it would be in both documents. Mr. Kelly would like the Mayor and Council to review and specify what they would like put in regarding ownership transfers. He would like a percentage put aside for the school board.

3. Matthew Bailin, Elizabeth Street, agrees money should go to the Board of Education and is concerned that the town won't get the PILOT fees until the certificate of occupancy for the whole development is given. He asked what we would be getting in taxation until we receive the PILOT fees. Mr. Paster explained that these are built in groups and the PILOT payment would be in effect as each group is built and approved. The remaining would pay the existing tax, which is substantially lower.

4. Dr. deLyon, Beacon Street, noticed the two opportunities for public participation have been restored. Will this continue? Who supported this idea? The Mayor said he did this at his discretion to streamline the meeting; everyone had an opportunity to come to the microphone and ample time to speak. Dr. deLyon feels that the architects' presentation to the Mayor and Council should have been in public, not at a closed session meeting. He read some acceptable closed session items. He demanded the material be disseminated to the public immediately and that the architect make a presentation at the next public meeting. Mayor Kelly stated that part of the presentation was the possibility of land acquisition, which is allowed under closed session. When the Council has decided what option, it will be available to the public. Dr. deLyon asked if any meetings have been scheduled with Bergenfield to discuss a joint-owned facility. Will the public be included in the process? The Mayor stated a meeting is not yet scheduled.

5. Lili Binney, Roxbury Rd., asked if the Mayor and Council realized the twenty five year PILOT designation until the last C.O. was issued. She questioned the number of Section 8's in town. She asked the appraisal amount of the car wash property. The Mayor replied \$1,500,000. Ms. Binney asked how Landmark is being compensated for processing the affordable housing applications and what procedure do they follow? Mr. Paster replied they are not and they would follow the Fair Housing Act procedure. It was part of the settlement agreement. Ms. Binney said when Mr. Perkins was here he was to take classes to be our affordable housing specialist at no additional cost to the taxpayers. Will we still have someone do that? The Mayor responded that those classes are no longer offered. Ms. Binney spoke of the farm rollback taxes and appeal. Mr. Paster explained that Mr. Betesh was present. Ms. Binney asked how she would find out exactly when D'Angelo's filed the appeal for the farm rollback. Could someone on the Council find out?

6. Carl Manna, Harding Avenue, stated that CSX is an ongoing problem. Are both the Dumont and Bergenfield bond counsels involved in the discussion of the joint venture? What was his take on it and who would assume the risk of bonds for the project? Did anyone check the credit ratings for the two towns? Mayor Kelly explained that one suggestion was to create an authority for both towns and then go through the County to get financing. Both towns have similar ratings-Bergenfield has less debt and a significant surplus.

7. Rachel Bunin, Poplar Street, is a Shade Tree commissioner and asked that the

Commission be consulted on trees and not just go by the Redevelopment Plan. She agreed with Councilman Hayes on the concern if Landmark wished to sell the development at some point. She asked that there be some oversight on who goes into the affordable housing units. Councilman Hayes said he had spoken to the JLUB chairman and when the site plan is submitted to them, he was assured that the Shade Tree Commission would be involved.

8. Tom Gorman, Wilcox Street, asked if the Dumont-Bergenfield venture would be put out for referendum. He had asked if the Mayor had thought about his suggestion of having residents involved as a committee. He asked the exact amount dedicated to OEM. He asked Mr. Herr if he had met with Bill Ebenhack and Steve Cavadias on the sidewalk issue. Mr. Herr is still trying to get the meeting together with additional people. Mr. Gorman asked if Landmark will be required to get a permit to cut down their trees. The reply was yes.

9. Adrian Green, Juniper Street, asked if Landmark would be handling the affordable housing. Mr. Perkins was going to do something. Councilman Hayes explained that previously certification was necessary. COAH has been disbanded; classes are no longer offered but he's sure the State would oversee it. We wouldn't have to hire someone or worry about being fined. Ms. Green said the residents would like to know more about the PILOT, as Councilwoman Zamechansky had suggested. She would like the affordable units dispersed among the other units.

10. Matthew Bailin, Elizabeth Street, has issues with the Master Plan and the distance of buffers. If the trees on the side of the property are taken down, it will have a negative impact on surrounding properties. He would like ordinances explained more in the future. He questioned the setbacks and buffers. Parking lots will be very noisy. There should be a minimal impact on the surrounding properties. Has the traffic study been released? The Mayor said it has not been completed yet. Mr. Bailin asked if there is a problem once the property is developed, will the developer be accountable. Mr. Paster replied that if there is an issue that is the responsibility of a neighboring property they would be responsible. Mr. Bailin said he noticed a couple of weeks ago two police officers were walking on the D'Angelo property. The Mayor explained that they had noticed the gate was open.

11. deLyon, wanted to make sure that Landmark will be responsible for getting tree permits. The Mayor said it would be monitored by the Building Department. deLyon requested a motion for the two public speaking sessions. Mayor Kelly replied it doesn't need to be voted on, it's already part of the bylaws.

12. Tom Kelly, Beacon Street, asked if we are still asking the court for certification on our affordable housing plan. Mr. Paster answered yes. Mr. Kelly asked if that requires a person in that capacity at the borough level. Mr. Paster replied it's at the court's discretion. The courses are no longer being offered so it would be nearly impossible for every town to have someone in-house. St. Mary's has their own through Domus, Roche is handled by the County, and group homes have their own private administration. Mr. Kelly questioned that discussion of the scenarios for borough hall and police department are in closed session. Will options be presented to the public prior to a decision? Residents should have input. If an option is the location at Brook Street, it is in a flood zone, which would be a problem. Use the 50 Washington Avenue building; just remediate it.

13. Daniel Roll, Howard Street, stated there was no attorney's report.

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:

Personnel-CFO

Purchase, lease, acquisition of real property with public funds

Police-negotiations

Motion to adopt: Councilman Morrell

Second: Councilman Riquelme

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

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 9:55PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk