

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
REORGANIZATION MEETING MINUTES
JANUARY 3, 2017
6:45 PM**

Mayor Kelly called the meeting to order at 6:45PM
Invocation: Ken Florio, Dumont Fire Department Chaplain

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 public Reorganization meeting in a notice sent to *The Record* and *The Ridgewood News*, filed with the Borough of Dumont, and posted on the Dumont website and the official bulletin board.

Roll Call: Council members Correa, Di Paolo, Hayes (via phone), Morrell, Riquelme-present
Mayor James Kelly-present

General Election Municipal Results:

The Official Results of the Election, dated November 18, 2017, was received by the Municipal Clerk:

Barbara Correa-4,644
Carl Manna-4,361
Jared Geist-3,000
Nicole Talmo-3,097

The Oath of Office was administered to Barbara Correa, Councilwoman, by the Honorable Phil Murphy.

The Oath of Office was administered to Carl Manna, Councilman, by the Honorable Phil Murphy.

Donna Abene, board member of WEDO, presented a certificate to Councilwoman Correa.

Mr. Murphy addressed the Governing Body and residents, particularly those who were just elected and first responders. He complimented the community of Dumont.

Roll Call: Council members Correa, Di Paolo, Hayes, Manna, Morrell, Riquelme-present
Mayor James J. Kelly-present

The Mayor requested a vote on #17-01 now so that the Fire Chiefs could be sworn in.
Motion to adopt #17-01- Appointment of 2017 Fire Department Chiefs: Councilman Manna

Second: Councilman Morrell

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

Mayor Kelly administered the Oath of Office to Deputy Chief Matthew Ferraro, Assistant Chief William Ross and Chief Dan Molinaro.

The Mayor called for a brief recess.

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

- #17-02 Adoption of By-laws for the year 2017 *
- #17-03 Appointment of Gregg Paster, Esq. as Borough Attorney for the year 2017 (moved to non-consent)
- #17-04 Appointment of Carl Manna as Council President for 2017 *
- #17-05 Approval of Mayor and Council 2017 Meeting Dates *
- #17-06 Appointment of Council Committees for the year 2017 *
- #17-07 Appointment of Lerch, Vinci & Higgins as Borough Auditor for 2017 *
- #17-08 Appointment of Waters, McPherson, McNeill as Borough Bond Counsel for 2017 *
- #17-09 Appointment of Acacia Financial as Financial Advisor and Arbitrage Consultant for 2017*
- #17-10 Appointment of Remington, Vernick & Arango as Borough Engineers for the year 2017 (moved to non-consent)
- #17-11 Appointment of Breslin & Breslin as Prosecutor for the year 2017 *
- #17-12 Appointment of Louis DeAngelis, Esq. as Public Defender for the year 2017 *
- #17-13 Appointment of RSC as Borough Architect for the year 2017 *
- #17-14 Appointment of McNerney & Associates as Borough Tax Appraiser for 2017 *
- #17-15 Appointment of Boggia and Boggia as Borough Tax Appeal Attorney for 2017 (moved to non-consent)
- #17-16 Appointment of Herbert & Weiss; McManimon Scotland; Bouregy & Wiss as Borough Special Counsel for 2017 *
- #17-17 Appointment of Chasan, Leyner, Lamparello as Borough Labor Attorney for 2017 (moved to non-consent)
- #17-18 Appointment of Boswell; Remington, Vernick, Arango; Matarazzo; L2A; CME and Suburban as Special Projects Engineers for 2017 *
- #17-19 Appointment of E4 for Employee Assistance Program *
- #17-20 Appointment of Connolly & Hickey as Borough Historic Architects for 2017 *
- #17-21 Lazime Delihasani-Accept Resignation effective January 8, 2017 *
- #17-22 Appointment of Brown & Brown as Borough Risk Manager-2017 *
- #17-23 Approval of Bergen County Law Enforcement Mutual Aid *
- #17-24 Approval of Petty Cash Account *
- #17-25 Approval of Municipal Court Cash Account *
- #17-26 Participation in New Jersey State Cash Management Fund *
- #17-27 Establishment of Delinquent Tax Rate/Penalties *

- #17-28 Authorization of Investment of Idle Funds *
- #17-29 Designation of Official Depositories *
- #17-30 Adoption of 2017 Temporary Municipal Budget *
- #17-31 Approval of Payroll Account *
- #17-32 Approval of Membership in the NJ League of Municipalities*
- #17-33 Approval of Membership in the Bergen County League of Municipalities *
- #17-34 Fire Department Interborough Mutual Aid *
- #17-35 Fire Department Mutual Aid with Oradell, New Milford and River Edge *
- #17-36 Reappointment of Raymond Herr as Joint Insurance Fund Commissioner and Catherine Romeo as Alternate JIF Commissioner for the year 2017 *
- #17-37 Reappointment of Raymond Herr as Affirmative Action, Public Agency Compliance Officer for the year 2017 *
- #17-38 Designation of the Borough's Official Newspapers *
- #17-39 Appointment of Matthew Hayes as Class III member of Joint Land Use Board *
- #17-40 Approval of Block Party, Street Closing and Live Entertainment Applications *
- #17-41 Approval of Volunteer Tuition Credit Program *
- #17-42 Appointment of Larry Bongard as Recycling Coordinator *

Councilwoman Correa requested that #03 be moved to the non-consent agenda.

Councilman Manna requested that #15 be moved to the non-consent agenda. He also asked that #26, #28, #34 and #35 be explained. Mr. Herr explained that #26 and #28 allow the Borough to invest excess funds at a good rate. This would be done with the consent of the Governing Body. Resolution #34 is Fire Department mutual aid with a number of other towns and #35 has to do with Hazmat.

Councilman Hayes asked that #10 and #17 be moved to the non-consent agenda.

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

Second: Councilman Manna

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda minus Resolutions #3, #10, #15 and #17:

Councilwoman Correa

Second: Councilman Manna

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

Non-consent Agenda

#17-03 Appointment of Gregg Paster, Esq. as Borough Attorney for the year 2017

Councilwoman Correa feels we are at a turning point and that it's time for other professionals to have a chance to work with us.

Councilman Manna feels we need a fresh pair of eyes and a strong adversarial position by our representative.

#17-10 Appointment of Remington, Vernick & Arango as Borough Engineers for the year 2017

Councilman Hayes would like to change to Boswell Engineers. He complained about their billing and fees.

#17-15 Appointment of Boggia and Boggia as Borough Tax Appeal Attorney for 2017

Councilman Manna said that they are the lead on the tax appeal on D'Angelo Farms and he has not heard anything from them as to the status. Also, Ditkas Gillen has a blended rate so that the fee is the same for whatever attorney is working on the appeal. He also mentioned Bernstein as a possibility.

Councilman Hayes stated that Boggia & Boggia has been involved in the towns for a long time and have done a tremendous job. They have won seven tax appeals. Ditkas Gillen was actually representing a lot of tax appeals against us before being appointed last year.

#17-17 Appointment of Chasan, Leyner, Lamparello as Borough Labor Attorney for 2017

Councilman Hayes is not in favor of the current labor counsel. Our contracts always work against us and he doesn't like "past practice". We should try someone different.

Councilman Morrell stated that Mr. Shahdanian is not responsive. He bills for every phone call and email and doesn't follow through on things. He also complained about "past practice".

Councilwoman Correa responded that killing past practice starts with the Mayor and Council. They are the ones who tell the professionals what they want. When something is not in a contract you have to revert back to how it was handled before-past practice. She has not had any issues with Mr. Shahdanian responding to her. We just did the police contract so if that was something you wanted to fight, that was the time.

Motion to open to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

1. Bruce deLyon, 67 Beacon Street, speaking of Resolution #17 and past practice, he stated that it is virtually impossible to get every past practice addressed in a contract. Regarding #3, he feels a new attorney is critical. The current attorney has led us down a path that he and the public are not happy with.

2. Jared Geist, 53 Overlook Drive, agreed with council members Correa and Manna on resolution #3. It was unusual for it to become an issue in a campaign but it did. Changed is needed. He submitted an RFQ for the position. He can offer advocacy.

3. Liz Marchese, 235 Larch Avenue, asked what other attorneys filed RFQ's? Mayor Kelly responded Jared Geist, Mark Madaio, Kaufman, and Gregg Paster. She said that it's time for a fresh set of eyes. This litigation has been going on for a long time. We're not getting anywhere. She recommends Kaufman-she worked with them on the Land Use Board.

4. Lili Binney, 32 Roxbury Road, addressing #3, feels we need fresh blood.

5. Tom Kelly, 70 Beacon Street, supports a change for #3. It's time someone from Dumont represents us. Addressing #15, he asked how many appeals were filed and what their win rate was. Mayor Kelly responded that the two large ones-Stop & Shop and Dumont Terrace Apartments-he was able to negotiate and have them withdraw the appeal and settle out of court. Mr. Kelly asked how familiar they are with farmland assessment rollbacks. The Mayor said he also provided information on PILOT discussions. Mr. Kelly recommends he communicate with the assessor and Council to prevent tax appeals.

6. William Betesh, Boggia & Boggia, wished to address some concerns raised

tonight. He was born and raised in Dumont. He has been handling D'Angelo's tax appeal and has been transparent and accountable and answers questions from the Council. On December 2nd he wrote a letter to the Governing Body citing their accomplishments for the two years they worked for Dumont. They have had seven tax appeals withdrawn. He gives all tax appeals filed against Dumont extra attention because it means a lot to him. He speaks to the tax assessor regularly. Mr. Betesh is the only attorney in the firm who handles tax appeals so there is only one rate. It is the same rate as in the past but is open to discussing a lower rate if needed.

Councilwoman Correa asked Mr. Betesh about the rollback taxes and why it is taking so long. He responded that it is still pending and it has taken a while because there was an effort by the parties to incorporate the tax appeal component into the overall settlement. If he is appointed he will detach it from the settlement so that it gets resolved faster. It does not have to wait until the next court date.

Councilman Manna asked how far apart the parties are. Mr. Betesh could not comment on it due to pending litigation.

Motion to close to the public: Councilman Morrell
Second: Councilman Manna
All in favor.

Motion to adopt #17-03-Appointment of Gregg Paster, Esq. as Borough Attorney for 2017: Councilman Morrell
Second: Councilman Riquelme
Roll call vote: Council members Di Paolo, Morrell, Riquelme-yes
Council members Correa, Hayes, Manna-no
Mayor Kelly voted yes to break the tie. Motion carried.

Motion to adopt #17-10- Appointment of Remington, Vernick & Arango as Borough Engineers for the year 2017: Councilman Manna
Second: Councilman Riquelme
Roll call vote: Council members Correa, Di Paolo, Manna, Riquelme-yes
Council members Hayes and Morrell-no
Motion carried.

Motion to adopt #17-15- Appointment of Boggia and Boggia as Borough Tax Appeal Attorney for 2017: Councilman Morrell
Second: Councilman Manna
Roll call vote: Council members Correa, Hayes, Morrell-yes
Council members Di Paolo, Manna, Riquelme-no
Mayor Kelly voted yes to break the tie. Motion carried.

Motion to adopt #17-17- Appointment of Chasan, Leyner, Lamparello as Borough Labor Attorney for 2017: Councilman Manna
Second: Councilman Morrell
Roll call vote: Council members Correa, Di Paolo, Manna, Riquelme-yes
Council members Hayes and Morrell-no

Motion carried.

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

Second: Councilman Riquelme

All in favor.

1. John Sansone said that when he ran, Councilman Morrell said that Mr. Paster had to go. What changed his mind? Councilman Morrell responded that the first year he didn't really know Mr. Paster. The second year he thought maybe they needed a change. This year in a meeting with both Republican and Democrat attorneys, they said that everything Mr. Paster has done, they would do the same thing. We're so close to the end, let him finish it out. Mr. Sansone asked Mr. Paster the amount of the rollback taxes. Mr. Paster responded and Mr. Herr concurred that the amount right now is \$205,000. The discrepancy is that the taxpayer says it should be one number and the Borough says it should be a much higher number-\$1,700,000. Mr. Sansone asked if it is on the one acre or total. Mr. Paster reiterated what Mr. Anzevino said- the large parcel has been taxed commercial since 1986 and the small parcel has been taxed farmland. Nobody here had anything to do with that. Mr. Sansone questioned the tax appeal-they still got money, right. The Mayor responded that a settlement was negotiated.

2. Tom Kelly, 70 Beacon Street, spoke of farmland assessment. He said that the Governing Body and tax assessor don't understand it or Dumont loused it up. He claimed that farmland assessment has to be five contiguous acres to qualify. Approximately an acre was taxed conventionally; the rest received an equivalent to a 90% discount in taxes for many years. The tax assessor is responsible for taking the form every August and computing her taxes based upon what the farmland is worth. If it wasn't done, why are we paying the assessor to work in Dumont. Can we defend the tax appeal on some past agreement? Who made the decision to tie this up as part of the settlement?

Councilman Manna asked Mr. Kelly some questions.

3. Judy Parker, Susan Drive, Closter asked about the Rent Leveling Board appointments.

4. Mary Ann Russini, 141 Roosevelt Avenue, suggested that information be brought to the Senior Center. Bring a laptop to the meeting. Is everything in Borough Hall on our website? The Mayor suggested that questions be emailed to the Council prior to the meeting.

5. Lili Binney, spoke of an email that Mayor Kelly sent November 9th, which came from Mr. Betesh regarding rollback taxes. Ms. Binney asked when the change in rollback begins. Mr. Betesh responded that it would have begun in 2014 and spoke of market value taxes and farmland rollback. Ms. Binney questioned the taxes on D'Angelo's.

6. Rachel Bunin, 9 Poplar Street, questioned a document D'Angelo's filed claiming all their land as farmland when Mr. Betesh and Mr. Paster said that the large parcel is assessed as commercial.

7. Bruce deLyon, 67 Beacon, feels closed session items should be listed on the agenda. He asked about RFQ's for planner, which is on tonight's agenda. He questioned the CFO position, which was advertised recently. He spoke of the reappointment of Mr.

Paster and pointed out there were four RFQ's submitted and speaking for the community asked why the Council couldn't throw them a bone. He commended the three council people who voted against the reappointment and feels the whole thing is shameless.

8. Matthew Bailin, 12 Elizabeth Street, questioned the fact that Mr. Herr doesn't know whether the CFO position being advertised for is part-time or full-time. Mr. Herr responded that we have to see what resumes we receive. There is a shortage of CFO's. Mr. Bailin stated there were a number of deficiencies in the 2015 Audit. One was the reconciliation of the books. Are they currently being reconciled. Mr. Herr said that there is a company doing the reconciliations now. Mr. Bailin asked what CFO duties the new CFO would assume and how many hours would it entail and would it save us money. Mr. Herr explained that it is hard to quantify but he would want the CFO to do more analysis work in addition to the standard CFO work. Hopefully, it would save the borough money.

Motion to close: Councilman Manna

Second: Councilman Morrell

All in favor.

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

Litigation-D'Angelo's, Police Personnel, DPW Negotiations

Motion: Councilman Manna

Second: Councilman Morrell

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

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

Second: Councilman Di Paolo

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Manna

All in favor.

Meeting adjourned at 9:20PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk