

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
AUGUST 15, 2017
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 Di Paolo, Geist, Manna, Morrell, Riquelme-present

Councilwoman Correa-absent

Mayor James Kelly-present

Also present: Borough Attorney Paster

Motion to accept agenda as presented: Councilman Di Paolo

Second: Councilman Morrell

All in favor.

Approval of Minutes

Motion to approve the July 18, 2017 Special Meeting and Closed Session Minutes:

Councilman Riquelme

Second: Councilman Morrell

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

Motion to approve the July 18, 2017 Public Meeting 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 congratulated Sean Adomilli for attaining Eagle Scout. His project is a memorial at the intersection of Washington and Virginia Avenue to honor Matthew LaPorte, who was killed at Virginia Tech several years ago. Mr. LaPorte was a resident of Dumont.

Council Committee Reports

- Councilman Di Paolo

No Report

- Councilman Geist

No Report

- Councilman Manna

Personnel Committee

Borough Administrator interviews are currently being held. No decision has been made yet but there are two or three candidates who we will ask to return for a second interview

- Councilman Morrell

The Councilman reported that he has submitted a letter to Sue Connelly stating that he will not be running in November. He has a job which doesn't allow him the time to allow the commitment to attend all the meetings, which he feels is important.

- Councilman Riquelme

No Report

Borough 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

#17-184 Bills List *

#17-185 Roosevelt Avenue Drainage Improvements-Change Order #2 (-\$900) *

#17-186 Roosevelt Avenue Drainage Improvements Release of Performance Bond and Approval of Maintenance Bond *

#17-187 Tax Grace Period *

#17-188 Authorization of Mandatory Payroll Direct Deposit *

#17-189 Matthew Mitchell-Interim Fire Official-\$6,200 annually, pro-rated*

#17-190 Approval of DHS Music Boosters On-premise Cash Raffle to be held September 15th, September 28th, October 27th and November 3rd; ID#109-5-36714; RL#479 *

#17-191 Approval of D'Angelo's Tax Appeal Settlement and Farmland Rollback Assessment *

#17-192 Approval of CarBlue, LLC Limousine Service *

#17-193 Approval of the Purchase of Three Ford Explorer Utility Vehicles with Accessories-\$118,617.03 *

#17-194 Approval of Dumont Elks #2593 On-premise Merchandise Raffle to held October 21, 2017; ID#109-6-33628; RL#481 *

#17-195 Approval of Dumont Elks #2593 Off-premise Cash Raffle to held October 21, 2017; ID#109-6-33628; RL#480 *

#17-196 Lois Rusch-Joint Land Use Board Secretary-\$75.00 for cancelled scheduled meetings *

#17-197 Certification of the 2016 Audit *

#17-198 Authorization to Advertise for Bids for Thompson Street Roadway Improvements *

#17-199 Authorization for the CFO to Void Unnecessary Encumbrances *

#17-200 Authorization for the CFO to Cancel Stale-dated Payroll Checks *

- #17-201** Authorization to Execute DPW Superintendent and Foremen Contract *
- Councilman Riquelme explained that this is a four-year contract, 1.85% increase in salary each year and their contributions toward their health benefits plan is as follows: 1st year: 35%, 2nd and 3rd: 20% and the last year will be 35%
- #17-202** Authorization to Advertise for Bids for Replacement of the Library Roof *
- #17-203** Authorization to Advertise Request for Qualifications for Construction Management/Project Management Consulting Services *
- #17-204** Approval of Continuation of Shared Services with Bergenfield Municipal Court*
- #17-205** Approval of Amended Purchasing and Payment Procedures *
- #17-206** Authorization to Place Affordable Housing Public Question on the General Election Ballot * Councilman Geist asked if this could be a binding referendum. Mr. Paster explained it cannot by statute.

Motion to open to the public on Consent Agenda items: Councilman Morrell
 Second: Councilman Di Paolo
 All in favor.

1. Lili Binney, 32 Roxbury, asked for an explanation of \$15,000 to McNerney for 511 Washington Avenue. The response was that it was part of the tax settlement. Ms. Binney asked for corroboration that there are three separate tax assessments on Resolution #191. Bill Betesh, Borough Tax Appeal attorney, explained that the D'Angelo's settlement has several components: the tax appeal that was brought by D'Angelo's for a reduction in their assessment primarily on their larger parcel, which has now been withdrawn; a second action was brought by the Borough, called the farmland assessment, after the farm closed, which includes 2012, 2013 and 2014. This is why the resolution assessment is for \$800,000 three times. The entire tax issue will now be resolved. Jim Anzevino, Borough Tax Assessor, said that this is a pretty big win for the Borough because our appraisal report came in at about \$550,000. Landmark's appraisal came in at about \$525,000. We settled this for \$800,000 for the years 2012, 2013 and 2014, substantially higher. There was discussion about the taxes paid on both parcels. The total taxes D'Angelo's must pay is \$77,824. **2012 is \$25,456, 2013-\$25,984 2014 \$26,384.**

2. Tom Gorman, 46 Wilcox Street, asked about CO2 certification for the new police cars. The Mayor will check. In answer to Mr. Gorman's question referring to Resolution #203, Mayor Kelly stated it pertains to the new Borough Hall. The closed session item pertains to the Lutheran Church on Washington Avenue, which was being considered for Borough Hall.

3. Bruce deLyon, 67 Beacon Street, pointed out that page 2 of the audit resolution is missing, which he finds very convenient. He said that all prior audits and budgets are missing from the website. He spoke of unresolved and new recommendations in the past audits and the seventeen for this year. He accused everyone of incompetency. We need a forensic audit. He spoke of what is lacking in the town. The corrective action was adopted last August but nothing was corrected. What is the auditor doing to guide employees? Councilman Manna replied that there was no oversight and that is why during the interviews for CFO, we wanted to make sure they knew what needed to be corrected. Within the past three weeks that the new CFO firm has been working, they

have addressed five of the twelve repeats and are currently working on two of the new ones. Resolution #197 is missing the second page.

4. Lynne Vietri, 41 Wilkens Drive, said that Resolution #191 should be thrown out because the owners named are deceased and \$25,000 a year is too low. The response was that the deed is still in their name. Councilman Geist stated that our hands are tied on this because both appraisals are close in number.

Mr. Betesh explained that the State of New Jersey encourages farming and gives them a very favorable assessment. However, when the farm closes, there's a special statute that triggers fair market value on that property both in the year the farm closes and the two years prior. You need to have proof that the land is worth what we say it's worth and they have the ability to challenge that. Our experts valued the small parcel at about \$550,000. Landmark's appraisal was valued at \$525,000. The settlement being agreed to sets the assessment at \$800,000 for each year. If this case were to go to court and the judge will look at the proof submitted. It is likely the judge will likely recommend a value in the appraisal range. Ms. Vietri questioned the acreage necessary to deem the land a farm; discussion ensued.

Motion to close to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

Mayor Kelly read the second page of Resolution #197 aloud.

Motion to approve the Consent Agenda resolutions: Councilman Morrell

Second: Councilman Manna

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

ORDINANCE

Second Reading

#1525 An Ordinance to Amend, Revise and Supplement Compensation Ranges for Certain Officers and Employees

Motion to waive formal reading: Councilman Manna

Second: Councilman Morrell

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

1. Tom Gorman, 46 Wilcox Street, asked whose ranges are changing. The Mayor responded it's the Borough Clerk, Assistant Finance Clerk and a new one-Finance Agency.

Motion to close to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

Motion to adopt on second reading: Councilman Manna

Second: Councilman Morrell

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

Motion to open to the public for comments and questions: Councilman Morrell

Second: Councilman Manna

All in favor.

1. Lili Binney, 32 Roxbury, asked the status of Chief Conner's contract. The Mayor replied that the attorneys are working on it. Ms. Binney asked the status of the Open Space Grant. The Municipal Clerk had checked-it is a process; no deadline for approval was given. Ms. Binney asked about the report regarding the Lutheran Church being used for a Borough Hall. It will be discussed in closed session. Ms. Binney asked if there was a statute of limitations on tax appeals. Mr. Betesh replied that you can file a tax appeal in the current year. Ms. Binney asked what constitutes an open hearing. Mr. Paster responded that anyone can come in and watch. Ms. Binney asked how our referendum resolution differs from Assemblywoman Schepisi's. Mr. Paster replied that Schepisi's resolution asked whether the Building Department should stop issuing building permits effectively in contravention of court orders, which is not going to happen. No construction official is going to risk his license or go to court on a contempt charge. Our resolution states that the Governor and the Legislature do their jobs, fill out the COAH Board and change the statute, if necessary, to give the municipalities the tools to administer Affordable Housing obligations that are practical and achievable. After discussing his concerns with the Assemblywoman, she told him to go ahead and adjust it.

2. Harry Vassallo, 137 E. Quackenbush. He owns 143 E. Quackenbush and 144 Madison Avenue. He had spoken to Steve, the zoning officer, and purchased 144 Madison Avenue. He has now received a "cease and desist" from the Building Official, Mr. Renaud and wants it rescinded. The Mayor will check into it.

3. Betty Krystyniak, 569 Prospect Avenue, requested that her husband and the other employees who currently have a common attorney, be permitted to keep him.

4. Lynne Vietri, 41 Wilkens Drive, asked what account the rollback tax money would go into. Councilman Manna said it would go into surplus. Ms. Vietri said that the overlay zone will be a problem for the small businesses.

5. Bruce deLyon, 67 Beacon Street, said that the budgets are no longer on the website. He commented on the personnel case. If the employee wants to waive his rights and have the hearing in public, they should be able to. He feels that trying to disqualify an attorney is a waste of money.

6. John Sansone, 119 Beacon Street, asked the plan for Washington Avenue. The Mayor replied that the County will be repaving Washington Avenue. The curbs and sidewalks will be part of the construction.

7. Tom Gorman, 46 Wilcox Street, reiterated his request for laptop computers for the people on the dais.

8. Daniel Rowell, 106 Randolph Avenue, asked Councilman Morrell when his term expires. He replied it ends the end of the year. Mr. Rowell said that the Mayor, Council members Riquelme and Di Paolo should resign because they voted for Mr. Paster.

9. Michael Sullivan, 125 Andover Avenue, asked if the burglar alarm has been taken care of at 80 W. Madison Avenue. He spoke of the referendum.

10. Maryanne Russini, 141 Roosevelt Avenue, spoke of the employees' charges and the money it costs. It's a good idea to hire an interim administrator. We should have a full-time Mayor to oversee things. She had said in the past that there will be more work involved for the Building Department with Landmark construction.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

The Municipal Clerk read the Closed Session resolution to discuss:

Purchase, Lease or Acquisition of Real Property with Public Funds

Personnel-Administrator

Motion: Councilman Manna

Second: Councilman Morrell

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

Following closed session, motion to return to public: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Manna

All in favor.

Meeting was adjourned at 8:30PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk