

Revised 4/16/18

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE MEETING MINUTES
SENIOR CENTER
MARCH 6, 2018
6:30 PM**

Mayor Kelly called the meeting to order.

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 (arrived at 6:35 PM), LaBruno, Manna, Riquelme (arrived at 6:45PM), Stewart-present

Mayor James Kelly-present

Also present: Borough Attorney Lafferty and COAH Planner John Szabo

Motion to accept agenda as presented: Councilman Manna

Second: Councilman LaBruno

All in favor.

Work Session:

Councilman Manna explained that over a year ago, he, the Mayor of Hopewell Township and Ms. Binney had met with the chairperson of N.J. Housing. Mr. Byrd is now trying to establish a coalition of municipalities in order to change the COAH regulations. If anyone is interested, the Councilman will give them the contact information.

Budget Process-Councilman Manna stated that the Finance Committee continues to review the budget with the Department Heads. Between snowstorms and emergencies over the past couple of weeks, we haven't been able to complete the process. We're hopeful we will be able to introduce the budget by March 20th. We are looking at upgrading the ADA ramps on Madison and Washington Avenues prior to the paving of those by the County. Another area to be addressed is a storm water pipe running south on Washington Avenue between Depew and Woods Place toward New Milford. Following the completion of reviewing the videotaping of sanitary sewers in town, fixing or replacing segments will be decided. They will be looking into replacing Fire Department equipment and DPW equipment.

Grants for Capital Projects-Administrator Richards has been in touch with the grant writers. He's working on a grant for shade tree and looking into grants for infrastructure.

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

- #18-84 Approval of Transfer between 2017 Budget Appropriation Reserves * Mr. Richards explained that the 2017 audit should be paid with 2017 money. The CFO is transferring money from the reserve to pay for the 2017. From now on, 2018 will be paid for with 2018 funds. They had not properly put the money in the budget in prior years.
- #18-85 Approval of Acceptance of Surplus Vehicle from the Borough of Bergenfield *
- #18-86 Kevin Oldewurtel-Accept Resignation from the Dumont Fire Department *
- #18-87 Authorization of Execution of Bergen County Community Development Grant for Columbia Avenue Rehabilitation-\$86,883 non-matching *
- #18-88 Patricia Rusch-Accept Resignation-Building Department Technical Assistant *

Motion to open to the public on Consent Agenda Items: Councilman LaBruno

Second: Councilwoman Stewart.

All in favor.

1. Lili Binney, 32 Roxbury Road, asked if Ms. Rusch was leaving the Borough, to which the Mayor responded yes. Ms. Binney asked Mr. Richards who “they” are when he spoke of money in the budget. Mr. Richards explained that this is something that has been done a long time in the past. Our current CFO picked it up and made the correction.

2. Bruce deLyon, 67 Beacon Street, asked why the auditor didn’t pick it up and how many years it has gone back. The Mayor will find out the information. In response to Dr. deLyon’s question about the surplus vehicle, Mr. Richards said it is in good condition. This will save the Borough money paid for mileage when an employee has to go out of town. Bergenfield had extra equipment and is willing to give it to us.

Motion to close to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to adopt the Consent Agenda: Councilman Manna

Second: Councilman LaBruno

Roll call vote: Council members Di Paolo, LaBruno, Manna, Stewart-yes

Councilman Riquelme-abstained

ORDINANCES

Second Reading

#1533 An Ordinance to Amend Chapter 455, Article III, “General Regulations and Restrictions” of the Borough of Dumont Zoning Code to Include a New Section 455-21.2, “Downtown Overlay Zone District”

Motion to waive formal reading: Councilman Manna

Second: Councilman Di Paolo

All in favor.

Motion to open to the public: Councilwoman Stewart

Second: Councilman LaBruno

All in favor.

1. Judy Parker, Susan Drive, Closter, asked if we know the overlay zone boundaries. John Szabo from Burgis Associates replied that it is an overlay zone defined by the Fair Share Housing settlement agreement. It covers the B2 zone with the exception of single family neighborhoods.

Motion to close to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to adopt on second reading: Councilman Manna

Second: Councilman Di Paolo

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

Councilman LaBruno-no

#1534 An Ordinance to Amend Chapter 455, Article III, “General Regulations and Restrictions” of the Borough of Dumont Zoning Code to Include a New Section 455-21.1, “Affordable Housing Multi-Family Set-Asides

Motion to waive formal reading: Councilman Manna

Second: Councilman LaBruno

All in favor.

Councilman LaBruno does not agree with the fact that the developers who pay in lieu of payment for affordable housing, we would still be responsible for those units not being built and they are not required to pay a development fee.

Motion to open to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to close to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to adopt on second reading: Councilman Manna

Second: Councilman LaBruno

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

Councilmembers LaBruno and Stewart-no

#1535 An Ordinance to Amend Chapter 209, Article III, Section 16.1 “Affordable Housing Development Fees” of the Borough of Dumont

Motion to waive formal reading: Councilman LaBruno

Second: Councilman Manna

All in favor.

Councilman LaBruno has an issue with the developers being able to give us a payment in lieu of and not having to give us the housing or pay a development fee. Single family homes are required to give us 1.5%. He doesn't like it.

Councilman Manna asked why the Joint Land Use Board did not have a problem with this ordinance when they reviewed it. Mr. Szabo responded that this ordinance is the exact ordinance outlined in the Fair Housing Act and is consistent with the statute.

This is a dedicated trust and this money can be used for affordable housing. Without this fund, you would have to budget administrative costs.

Motion to open to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

1. John Sansone, 119 Beacon Street, doesn't understand why they are exempt from the 1.5% development fee.

2. Lili Binney, 32 Roxbury Road, questioned that developers are exempt from paying 1.5% in the overlay zone. Mr. Szabo stated that the Fair Share Housing Act enables municipalities to adopt ordinances that can create an affordable housing trust. If not the spending plan, your programs and administrative costs through the regular budget. Developers do pay unless they're in an inclusionary development.

3. Michael Sullivan, Andover Avenue, asked about administrator fees. Mr. Szabo replied that the trust fund has to be replenished. The borough has to hire a municipal liaison who will prepare reports and send to COAH. The money collected will go into a trust managed by the CFO. The administrator will have to monitor all the projects to make sure they are living up to their agreements.

Motion to close to the public: Councilman Manna

Second: Councilwoman Stewart

All in favor.

Motion to adopt: Councilman Manna

Second: Councilman LaBruno

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

Councilmembers LaBruno and Stewart-no

#1536 An Ordinance to Amend the Borough of Dumont Municipal Code to Establish a New RP1-Redevelopment Plan 1 Zone District

Motion to waive formal reading: Councilman Manna

Second: Councilman Riquelme

All in favor.

Motion to pull the ordinance: Councilman LaBruno

Second: Councilwoman Stewart

All in favor.

Mr. Szabo explained there is misinformation in this ordinance. It states the JLUB approved the area in need of redevelopment, when it actually did not. It is unusual for the Land Use Board to recommend a plan and not the designation. He made an assumption he shouldn't have and apologized for that. It is not fatal to our compliance efforts because the body is true to the redevelopment plan. Once it is reintroduced, the JLUB should have an opportunity to review the corrected version.

Councilman Manna wanted assurance that by not sending this ordinance to the court with the other ordinances will not create a problem. Mr. Szabo said this is already the law so it will not. Mr. Lafferty confirmed that he had contacted the judge and explained the situation and they said there would not be a problem.

Roll call vote to pull: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

#1537 An Ordinance Creating a New Chapter, Affordable Housing to Address the Borough's Affordable Housing Obligations under the Fair Housing Act and the Uniform Housing Affordability Controls

Motion to waive formal reading: Councilman Manna

Second: Councilman Di Paolo

All in favor.

Motion to open to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to close to the public: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to adopt on second reading: Councilman Di Paolo

Second: Councilman Manna

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

Councilman LaBruno-no

#1538 Calendar Year 2018 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Motion to waive formal reading: Councilman Manna

Second: Councilwoman Stewart

All in favor.

Mr. Richards explained that this allows the Borough to go to a little over 3% for emergencies. Every municipality passes this.

Motion to open to the public: Councilwoman Stewart

Second: Councilman LaBruno

All in favor.

Motion to close: Councilman Manna

Second: Councilwoman Stewart

All in favor.

Motion to adopt: Councilman Riquelme

Second: Councilman Manna

Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

#1539 Ordinance Amending Chapter 21, Section 31.1 of the Borough of Dumont Code Concerning Handicapped Parking

Motion to waive formal reading: Councilwoman Stewart

Second: Councilman LaBruno

All in favor.

The Mayor explained that the Police Department recommended that the Eye Care Center have a handicapped parking space in front of their building.

Motion to open to the public: Councilman LaBruno

Second: Councilman Manna

All in favor.

Motion to close to the public: Councilman LaBruno

Second: Councilwoman Stewart

All in favor.

Motion to adopt: Councilman LaBruno

Second: Councilman Riquelme

Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Motion to open to the public for comments: Councilman LaBruno

Second: Councilman Riquelme

All in favor.

1. John Sansone, Beacon Street, questioned demo permits. Councilman LaBruno explained that the demolition permit has been picked up. We have a meeting scheduled with Garden Homes this week to get an idea of timeline. The environmental permits come from DEP. Mr. Sansone asked how much money we receive from Clean Communities. Money should be used to beautify downtown. He asked if there is a running ledger on the Bond Ordinance for Borough Hall. The answer was yes.

2. Lili Binney, 32 Roxbury Road, said that there should be a Clean Communities citizens' group headed by Mr. Sansone. She asked how many times a year auditors visit a smooth-running town and an estimate of money. Last year we paid the auditor \$175,000. The Mayor will check with the CFO. Ms. Binney asked if there are provisions in any contract that minimize payouts. She said Chief Venezia received close to \$285,000 and Chief Faulborn received close to \$260,000. She said that they were also paid for terminal and sick time. Does the County give copies of the permits to the municipality when the County Planning Board approves them? She asked if Mr. Richards could get them.

3. deLyon, 67 Beacon Street, has an issue that all the information wasn't transferred for the previous attorney to the present attorney. He requested that the Council pass a resolution tonight to get the information transferred. He asked when 50 Washington Avenue will be demolished, said that land acquisition has been listed for closed session many months and is looking for building updates. He asked why there is still water and electricity in the old building and the elevator is still being inspected. Mayor Kelly explained that we are in negotiations for a piece of property, which is needed to get the machinery in. Mr. Richards explained that the elevator is still being used. The building still must have a sprinkler system and there's a meter to feed the police trailers.

4. Michael Sullivan, 125 Andover Avenue, requested that Garden Homes install elevators in the affordable housing. He asked about handicap spaces. Mayor Kelly replied that there are state statutes. Mr. Sullivan asked what is happening with the light at Grant and Washington? The Mayor said it is being discussed. Why don't we take the property by eminent domain?

5. Mary Normoyle, 106 Randolph, asked for emails that were previously redacted. She had heard that Gregg Paster is special counsel. Councilman LaBruno stated that Mr. Paster did not submit an RFQ for special counsel and was not awarded a contract for special counsel. Ms. Normoyle asked why we paid him \$1200 in February. Mr. Richards said that involved meetings to transfer information to the new attorney. She asked if all the needs studies for departments were completed. She asked when the hearing is scheduled. The Borough Attorney answered that it probably won't be a live hearing; the judge will issue a judgment of repose.

6. MaryAnn Russini, 141 Roosevelt Avenue, asked what the attorney's rate is per

hour. Mr. Lafferty replied that it is \$150. She asked if all the records are going to be transferred to the new attorney. Mr. Lafferty said that the Municipal Clerk has the records. She would like to have the Council meetings televised. Mr. Richards replied it would be more cost-effective to wait until we are in the new building. If there are no elevators in the affordable housing, it will affect the ambulance corps.

7. Daniel Rowell, 106 Randolph Avenue, asked if we are still in negotiations with 27 W. Quackenbush, even though he is receiving a lot. Mayor Kelly said that it is more about location. At the JLUB meeting, Mr. Szabo said that Mr. Paster is our special counsel for COAH and his bill says COAH. If Mr. Paster is still on the books Mr. Rowell feels the Mayor must resign.

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

The Municipal Clerk read the resolution to enter closed session to discuss:
Purchase, Lease, Acquisition of Real Property with Public Funds
Personnel-Administrative
Personnel-Building Department
Motion: Councilman LaBruno
Second: Councilman Riquelme
Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Following closed session, motion to go back into open: Councilman Manna
Second: Councilman Riquelme
All in favor.
Motion to adjourn: Councilman Manna
Second: Councilman LaBruno
All in favor.

Meeting adjourned at 9:00PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk