

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
JUNE 16, 2015  
6:30 PM**

Mayor Kelly called the meeting to order at 6:30PM

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, Hayes, Manna, Morrell, Riquelme, Zamechansky-present  
Mayor Kelly-present

Motion to accept agenda as presented: Councilman Riquelme

Second: Councilman Manna

All in favor.

**Approval of Minutes**

Motion to approve the May 19, 2015 Public and Closed Session minutes: Councilman Manna

Second: Councilman Riquelme

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

Councilwoman Zamechansky-abstained

Motion to approve the June 3, 2015 Executive Session: Councilman Manna

Second: Councilwoman Zamechansky

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

**ADMINISTRATOR PERKINS' REPORT**

We have submitted an application to FEMA asking for information about monies owed to the Borough dating back to 2011.

All departments are in compliance with the Right to Know training. Mr. Perkins is checking with the Library.

The Borough received \$31,681.88 for a Clean Communities grant.

We met with Northwest Utilities last week. They are going to begin cleaning and televising the town's entire sewer system. We are looking for water infiltration, which costs the town money.

Mr. Perkins had a seminar with Nixel. There is a component that is free but is very restrictive. There is also Nixel Engage, which can be used by more than two designated people and does not restrict the type of information sent out.

The Memorial Day Parade went very well.

## **COUNCIL COMMITTEE REPORTS**

- Councilwoman Correa

### *Recreation*

The Councilwoman reported that at the last meeting, Mr. Linder still had concerns about the baseballs going on his property from the Babe Ruth field. They are still in the process of getting a company to come to extend the net.

They are looking to implement a new roller hockey shed at TwinBoro.

All their committees seem to be running pretty smoothly.

They wanted to see if they could get security at the parks.

Councilwoman Zamechansky commented that prospective counselors are still waiting to hear whether they were hired. Also, she heard that counselors are getting raises.

- Councilman Hayes

Troop 64 had their 90<sup>th</sup> anniversary celebration and they should be complimented on ninety years of service to the community.

- Councilman Manna

The Councilman thanked Chief Faulborn for providing an escort at Terri Giotis' funeral. He congratulated Matt Bambling for achieving Eagle Scout status.

Kudos to the Shade Tree Commission for their "Ride the Rails" history exhibit.

This past Sunday we celebrated the 90<sup>th</sup> anniversary of Troop 64. Thanks to the Old North Reformed Church for their continued support of scouting in Dumont.

- Councilman Morrell

### *Shade Tree Commission*

The Councilman attended the Shade Tree meeting yesterday. The "Ride the Rails" program was a great event.

The Commission has some concerns regarding the tree permit process and violations.

- Councilman Riquelme

### *DPW*

The total miles swept for the month of May was 490. One sweeper is broken and cannot be repaired. Branches but bundled and tied, no longer than four feet.

Approximately 18 tons of asphalt have been purchased in May and potholes will be filled as needed.

### *Library*

The Councilman will be attending the Library meeting next week.

- Councilwoman Zamechansky

The Councilwoman acknowledged the passing of Ms. Giotis, our CFO for the past nine years.

Christian Baierwalter attended a CSX seminar in Atlanta.

### *Seniors*

They had a summer luncheon at Rockleigh May 29<sup>th</sup>. They are currently in the middle of a canasta tournament.

### *Fire Department*

The total alarms for May was 36 and total man hours 1015. In the past week they were called to Bergenfield and Tenafly for a couple of working fires.

### *Police Department*

There were 1814 calls for service in May; 73 for medical reasons. They issued 181 traffic summonses, 3 DWI arrests and investigated 37 motor vehicle crashes. The Detective Bureau investigated 12 domestic violence cases and handled 58 criminal cases. The Department is in the process of hiring two police officers. They had 90 applications. The Councilwoman thanked everyone who participated in the "Relay for Life". Over \$93,000 was raised.

### *Celebrations*

The 5K Run is September 5<sup>th</sup> and Dumont Day is scheduled for September 12<sup>th</sup>. Volunteers are needed.

### **MAYOR'S REPORT**

The Mayor congratulated Scout Bambling as well as Matthew Dreisbach for achieving Eagle Scout status.

Numerous members of the Police Department did a Torch Run and raised money for Special Olympics.

The Mayor will ask Mr. Baierwalter to present a summary of the CSX seminar he attended.

There was a meeting May 20<sup>th</sup> for the Ad Hoc Committee. They went over the three scenarios and the Architects version of the different plans. At that time the committee felt it was not a viable plan to pursue rebuilding or refurbishing the existing borough hall. The AdHoc Committee just gives suggestions to the Mayor and Council. It does not mean that this is still not being considered. At that time it was also known that the developer approached us to have some discussion. The Committee felt that we should hear what the developer has to say about D'Angelo's as well as the possibility of the borough hall being included.

### **ATTORNEY'S REPORT**

Garbage bids were received May 28<sup>th</sup>. Two bids were submitted. It was a sole bid for garbage and recycling. The prices came in higher than the past.

There have been some new developments in the Rizza vs. Dumont lawsuit.

The declaratory judgment complaint will be ready to be filed by the July 7<sup>th</sup> deadline. Mr. Paster has also been in consultation with Maser Consulting regarding the housing plan. The Area for Redevelopment Study, which is part of it, has also been submitted to the Joint Land Use Board. We have also been approached by the League of Municipalities to retain a third party expert who could address the Fair Share Housing Center's proposed figures.

Also, Mr. Paster was in contact with Haworth regarding the Municipal Court Shared Service agreement and that has been approved by their Council.

**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**

**#15-154** Bills List \*

**#15-155** Sanitary Sewer Project-Shared Service Contract with Northwest Bergen County Utilities Authority \*

**#15-156** Christopher Drobinske-Accept Resignation from the Fire Department \*

**#15-157** Jason Pesce-Accept Resignation from the Fire Department \*

**#15-158** Limo and Taxi Permit Renewals \*

**#15-159** Coin Machine Permit Renewals \*

**#15-160** Agreement with Maser Consulting-Reduction of \$10 in Hourly Rate and a \$5,000 Credit \*

**#15-161** Authorization to Purchase 3-Ton Falcon RME Asphalt Hot Patch Trailer-\$30,888 \*

Motion to open to the public on Consent Agenda items: Councilman Manna

Second: Councilman Riquelme

All in favor.

1. Bill Brophy, Cresskill Avenue, asked how #160 came about. Mr. Paster responded it was a negotiated sum due to 2014 COAH work they had done.

Motion to close to the public: Councilman Manna

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda: Councilman Manna

Second: Councilman Morrell

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

Motion to open to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

1. MaryAnn Russini, 141 Roosevelt, disagreed about a resident having to pay for a permit to cut down their own tree and wanted to know who would benefit. The Mayor said they will be revisiting the ordinance.

2. Annabelle, 20 Beverly Road, said there should parking lines on Grant Avenue.

3. Bill Brophy, Cresskill Avenue, commented about the Shade Tree Commission tree permit discussion. He asked what is being done about the garbage contract, which expired May 31<sup>st</sup>, what percentage it is going up and if it was accounted for in the budget. Mr. Paster explained that we have extensions with both vendors. The contract would be going up 15% for the aggregate. It was not accounted for in the budget, which is why it has to be discussed. Mr. Brophy asked if the ad hoc committee suggested meeting with the developer, would discussion be typical while there is a lawsuit and if there is a timeframe. Mr. Paster responded that it would be considered settlement of negotiation. It would be better to do it sooner than later.

4. Rachel Bunin, 9 Poplar St, stated that one of the benefits of the permit is that sometimes a tree doesn't have to come down. Even if it's the homeowner's tree, it might be a heritage tree and the Commission will offer alternatives. The arboretum should be used by other groups in town. She asked the Mayor whether he has met with the developer and if so who was with him at the meeting. The Mayor responded that Councilwoman Zamechansky, Mr. Paster and Mr. Perkins were with him and right now they are putting together some information for a meeting. Ms. Bunin would like to know

if there is a definite answer on the sally port issue. Mr. Perkins responded that he checked-we need a sally port and will have a sally port if we do a new building. Ms. Bunin said that Ms. Vietri will be submitting an OPRA asking for information between Landmark and the representatives of Dumont. The bench that was taken from the arboretum was found.

5. Lili Binney, 32 Roxbury, suggested that the tree permit regulations should be sent to the TwinBoro. Maybe the \$25 permit fee should be donated. She confirmed declaratory judgment information. She asked about the third party expert available through the League of Municipalities. She asked how many professionals have been asked to review the cost estimates of potential plans. She asked if we have had a commercial real estate appraiser evaluate 50 Washington Avenue and D'Angelo Farms. Mayor Kelly responded that our appraiser, McNerney and Associates, did an appraisal of D'Angelo Farms, the results of which Mr. Paster said was a little under \$2,300,000. Ms. Binney asked the steps for rezoning and timeline. Mr. Paster responded that it is done by the Mayor and Council in consultation with the Joint Land Use Board. The Council would introduce an ordinance to rezone a property. It would then be referred to the JLUB for comment. The Council can then either accept or reject their comment. There is then a second reading and an estoppel period.

6. Tom Kelly, 70 Beacon Street, said he had done research and found that in April, 2008, resolution #117, we entered into a contract with Ronald Schmidt and Associates for a Building Feasibility Study. He asked if anyone could tell him whether that work was completed. The Bergen County Health Department referred to it as a 70-80 page document where detailed measurements, drawings, complete assessment of all hazardous material was completed, scenarios for possible erection of a new building on several different sites. The Mayor stated that the ad hoc committee was provided with the most recent study, after the County told us the building was almost uninhabitable. Mr. Kelly said there are many deficiencies in the current study. Mr. Kelly asked for confirmation as to the requirement of a vehicular sally port. He spoke of the value of the old borough hall and the actual needs for a new borough hall. Were the members of the ad hoc committee made aware of any offers from Landmark before they decided to take renovation off the table? He stated that we should fix what we have.

7. Lili Binney, Roxbury, asked why the ad hoc committee took renovation off the Table without additional information. The Mayor responded that they felt it was not a viable solution.

8. Matthew Balin, 12 Elizabeth Street, asked why D'Angelo's would have to be rezoned when the ordinance states the when it ceases being a farm the property reverts back to single family homes. The Mayor responded that the developer is suing the Borough for our affordable housing obligation. Mr. Paster added that the single family designation doesn't apply until an application is filed to develop, which never happened. They just went right to court on the builder's remedy. Mr. Balin stated that he doesn't think the architect's plans reflect adequate buffer zones. The one story building should be built perpendicular on the property. A courtroom should accommodate 250 people and there should be more parking. He asked about the Police Department trailer cost.

9. Cathy Doherty, Roxbury Road, stated that it doesn't seem to her like we have an affordable housing obligation. Mr. Paster responded that Dumont will definitely have an obligation for third round. There will be competing figures on what our obligation

should be. Ms. Doherty asked whether we would be waiting to negotiate with the builder. Mr. Paster stated that continuing negotiations is in the town's best interest. Things have changed since last summer-we are back in court and we need a new borough hall. It would be better to find a negotiated solution and to have Landmark standing with us rather than against us in the declaratory judgement arena if there is an arrangement acceptable to the Borough. She is concerned that we might negotiate and not have an affordable housing obligation. Mr. Paster stated that it is highly unlikely since D'Angelo's wasn't originally in the mix. We now have a location-50 Washington Ave.- where affordable housing would be better suited and we have an opportunity to put Borough Hall on a larger parcel, which can provide room for things that weren't needed a hundred years ago. Ms. Doherty asked who had more leverage-the developer or the Borough.

10. Rachel Bunin, 9 Poplar St., asked who FARM would lobby. Mr. Paster suggested Assembly people, Governor's office, State Senators would be the ones who could come up with a solution to take this out of the courts. There are six COAH seats available. Ms. Bunin asked if we have a packet together for minimizing or eradicating our future housing obligations. Mr. Paster stated that it is being put together now.

11. James Erwin, 40 Jefferson Street, Hackensack, works at North Jersey Media Group but is present representing GASP (Global Advisors on Smokefree Policy) and is requesting that the town raise the age for buying tobacco to the age of 21.

Councilman Hayes asked if there are minutes from the ad hoc committee meetings.

The Municipal Clerk read the resolution to enter closed session to discuss contract negotiations-solid waste and recycling contract and litigation status update-Rizza and Landmark

Motion: Councilman Manna

Second: Councilman Riquelme

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

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

Second: Councilman Morrell

All in favor.

Councilwoman Correa just got an email from the Recreation Director who said they conducted 40 counselor interviews. All the letters will go out this weekend. The Commission has never brought up raises for counselors.

Motion to adjourn: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 10:40PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk