

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
SEPTEMBER 1, 2015  
6:30 PM**

Council President Manna 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 Hayes, Manna, Morrell, Riquelme, Zamechansky-present

Councilwoman Correa-absent

Mayor Kelly-absent

Motion to accept the agenda: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

**Approval of Minutes**

Motion to approve the July 21, 2015 Public Meeting and Closed Session minutes:

Councilman Morrell

Second: Councilman Riquelme

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

Councilwoman Zamechansky abstained.

Motion to approve the August 4, 2015 Special Public Meeting minutes: Councilman

Riquelme

Second: Councilwoman Zamechansky

Roll call vote: Council members Riquelme, Zamechansky, President Manna-yes

Council members Hayes and Morrell-abstained

**ADMINISTRATOR PERKINS' REPORT**

The sewer system cleaning project is going well. As of yesterday over 70% of Section 1 is done. They have cleaned over 32,000 ft. and cameraed 25,000 ft.

Dumont is part of a class action lawsuit against Verizon for taxes owed on their property at the corner of E. Quackenbush and Washington Avenue. There is a law that when a telephone company falls below 51% for dial tone service they no longer have to pay taxes.

The Police Department will have the Crossing Guards watch a new online training video.

A FEMA CRS meeting took place August 12<sup>th</sup>. The CRS representative Garrett Byma works directly for the Insurance Services office. Training will be available October and December for the individual appointed, who will be responsible for this program.

United Water will be doing a project, which covers E. Linden from Washington Avenue to Howard Street. They will be replacing the existing six inch water main with a new eight inch water main.

The Borough received an approval letter from Open Space Trust authorizing \$99,221 for Locust Avenue and Brook Street improvements.

## **COUNCIL COMMITTEE REPORTS**

- Mr. Perkins gave Councilwoman Correa's report

### *Recreation*

There are still no minutes on the Borough website since April. The fencing at the Babe Ruth field is complete. Soccer and Football have their permits. There are 23 cheerleaders for basketball and wrestling. Recreation is working with Councilwoman Zamechansky on Dumont Day. AAA men's softball is asking to use TwinBoro Field. They will pay \$55 per game for use of the field.

### *Board of Education*

They are redoing the weight room at the high school. Lease purchasing for a 24 passenger school bus was built into the budget. Enrollment is down three staff members throughout the district.

Councilwoman Correa requested that the Board of Ed meet with the Mayor regarding the deed for 50 Washington Avenue. Mr. Triggiano suggested that whoever wants to attend a Board of Ed meeting is welcome. They could have their attorney present as well as the Board of Ed's attorney to explain their interpretation.

- Councilman Hayes

### *Joint Land Use Board*

At the July meeting, 26 New Milford Avenue application for variance relief was approved. At the August 25<sup>th</sup> meeting there was a formal application on the new Cingular Wireless Tower by the DPW property. Approval was granted for them to go from 120' to 150', conditional upon the engineer's approval.

### *Ordinance Committee*

The committee has been reviewing the smoke-free ordinance and hopefully will be ready to post it for next month.

- Councilman Manna

The Councilman has reached out to neighboring towns to set up a meeting regarding shared services.

### *Finance*

He asked Councilman Hayes, the chairman of the Finance Committee, if he would set up a meeting to discuss a five year plan.

- Councilman Morrell

### *Shade Tree Commission*

They will have adopt-a-tree applications available at Dumont Day.

A borough tree has been cut down without a permit. It could possibly cost the person \$2,000 for cutting down the tree.

Since 2013, 117 permits have been issued. Five borough trees have been saved.

- Councilman Riquelme

Report will be given next meeting

- Councilwoman Zamechansky

This Saturday, September 5<sup>th</sup> is the 5K Run. She thanked Council members Manna and Riquelme for their donations.

Dumont Day will be held September 12<sup>th</sup> with a rain date of September 13<sup>th</sup>. There will be many new vendors. There will be a concert at 7PM, which is sponsored by Mariner's Bank.

### **ATTORNEY'S REPORT**

Last Wednesday, August 26<sup>th</sup>, he was in court on a motion for immunity from further suit that was made a couple of weeks after the action was filed in July. The motion was granted. We now have five months' immunity from August 26<sup>th</sup> at which time additional affordable housing plan is to be prepared and submitted to the court for consideration.

Landmark, the builder who had filed the Builder's Remedy suit last year was granted the right to intervene. The existing Builder's Remedy suit was consolidated into the Declaratory Judgment action so it will be handled as one action, which is more efficient.

A Special Master is being appointed in Bergen County to advise the court on the affordable housing plans being submitted by municipalities.

There is a motion pending for September 4<sup>th</sup> to approve the development fee ordinance that's been languishing at COAH since March, 2014. The approval would help the Borough collect fees for development in town to help defray some of the legal, administrative and hard costs of affordable housing compliance. There is a case management conference scheduled for October 29<sup>th</sup> to follow up on the status.

On the police promotion litigation, Mr. Paster has prepared certifications for the Governing Body who participated in the promotion process in 2013 as well as the Police Chief and the Borough Clerk regarding electronic communications.

The RFQ for professional consulting services yielded only six packages. Given the time of year it was advertised and the rather short notice, he recommended the Council authorize the Municipal Clerk to advertise once more. Councilman Manna suggested we advertise for a commercial land use attorney in addition to those already advertised.

There is a pre-bid meeting tomorrow for Solid Waste and Recycling. Bids are due in October. Hopefully, the bids will be more competitive.

Mr. Paster had prepared an ordinance for tonight on Veteran's Plaza traffic and parking control during school days by the south entrance to the high school campus at the Police Department's request.

**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**

- #15-190** Approval of TwinBoro Columbian Club Casino Raffle Application to be held September 26, 2015; ID#109-6-7021, RL#435 \*
- #15-191** Block 1208, Lot 16-Sushko-100% Tax Exemption \* Councilman Manna asked the Borough Administrator to get a list of tax exemptions.
- #15-192** Tax Bill Grace Period-on or before September 4, 2015 \*
- #15-193** 2014 Audit Certification \* Councilman Manna pointed out that six of ten recommendations were repeated from last year. He requested that Councilman Hayes, finance chair, follow up on this.
- #15-194** Appointment of Lois Rusch as Joint Land Use Board Clerk \*
- #15-195** Approval of Elks Club Annual Fund Drive \*
- #15-196** Councilman Manna asked that the approval of Nixle resolution be pulled until the next meeting since the Mayor had questions on it but is not present tonight due to illness.
- #15-197** Asphalt Paving Systems-Authorization for Road Microsurfacing on McKinley Avenue-N.J. State Contract #81757-\$8,452.84 \*
- #15-198** Kyle Conboy-Accept Application as Dumont Firefighter \*
- #15-199** Approval of Purchase of 2015 John Deere 444K 4WD Loader-\$159,248.93 \*
- #15-200** Approval of Purchase of Elgin Pelican Series P Street Sweeper-\$205,272.90 \*
- #15-201** Approval of Renewal of Membership in the Bergen County Municipal Joint Insurance Fund \*
- #15-202** Bills List \*
- #15-203** Approval of Liquor License-Cedar Tavern t/a Frontier Room (Pocket License) \*
- #15-204** Approval of Tax Appeal-Mikab Properties-\$4,914.62 \*
- #15-205** Traffic Restrictions-Veteran's Plaza \* There was discussion about availability of parking for residents.
- #15-206** William Kelleher-Hire as Temporary DPW Mechanic-\$20 per hour \*

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

Second: Councilman Riquelme

All in favor.

1. Bruce de Lyon, 67 Beacon Street, said he would like the Council to report on the corrective action plan for the audit the next meeting.

Motion to close to the public: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Motion to adopt: Councilman Morrell

Second: Councilman Riquelme

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

### **General Order of Business**

**#15-207** Approval of Person to Person and Place to Place Liquor License from Cedar Tavern Corp. t/a Frontier Room to Shamrock Tavern LLC t/a Ryan's Public House

Motion to adopt: Councilman Morrell

Second: Councilman Riquelme

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

## **Ordinances**

### *Second Reading*

**#1491** An Ordinance to Amend, Revise and Supplement Compensation Ranges for Certain Officers and Employees

Motion to waive formal reading: Councilman Riquelme

Second: Councilman Morrell

All in favor.

Motion to open to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

There was no discussion from the Council.

Motion to adopt: Councilman Morrell

Second: Councilman Riquelme

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

### *First Reading*

**#1492** Amendment of Chapter 21, Section 9-Traffic-of the Dumont Borough Code

Councilman Hayes feels the ordinance should be presented to the Ordinance Committee for review first. Councilwoman Zamechansky suggested that the Board of Ed and Police Department would have more knowledge of what is needed than the Ordinance Committee.

Motion to **PULL** #1492 Councilman Hayes

Second: Councilman Morrell

All in favor.

Motion to open to the public for general questions: Councilman Hayes

Second: Councilman Morrell

All in favor.

1. Bruce de Lyon, 67 Beacon Street, asked for clarification as to whether a meeting has been scheduled with the Board of Education regarding who owns 50 Washington Avenue. How many meetings have there been in the past? Mr. Paster said that he had attended one in March and he's been in contact with the Board attorney. He had asked the Superintendent and Board attorney, shortly after the July 21<sup>st</sup> Council meeting, that a meeting be scheduled. He was told it would be considered by the Board at their August 20<sup>th</sup> meeting. After that meeting they declined to meet at that time. Dr. de Lyon commented that the ownership of 50 Washington Avenue is still up for grabs then. Mr. Paster replied that the deed is in the Borough's name. Until the Borough goes to sell or otherwise convey it, it continues to be the Borough's building. The Board of Education has the right of first refusal over conveyance to a third party. Dr. de

Lyon congratulated Mr. Manna for reaching out to neighboring towns about shared services.

2. Lili Binney, 32 Roxbury, asked for clarification of the September 4<sup>th</sup> motion. Mr. Paster replied that it is a motion to have the court issue an order approving our development fee ordinance, which was submitted to COAH in 2014.

3. James Irwin, 40 Jefferson Street, Hackensack, has come before the Council previously to request the age to buy tobacco products be raised from 19 to 21. Tenafly and Bergenfield have passed an ordinance to raise the age. Twelve towns in New Jersey have passed this ordinance.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

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

Personnel-Fire Department

Landmark Mt. Laurel Declaratory Judgment Update

Rizza-Litigation Update

Contract potential litigation-50 Washington Valuation and Area in Need of  
Redevelopment Designation Discussion

Following Closed Session:

Motion to go back into public: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

Mr. Paster said he is trying to schedule a meeting to hear what Landmark has to say about their proposal for D'Angelo's and Borough Hall. September 26<sup>th</sup> is a possibility if everyone is available. The Municipal Clerk will check.

Motion to adjourn: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Meeting was adjourned at 8:30PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk