

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
DECEMBER 15, 2015  
6:30 PM**

**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, Morrell, Riquelme, Zamechansky-present  
Mayor Kelly-present  
Councilman Manna-absent

Motion to accept agenda as presented: Councilman Morrell  
Second: Councilman Hayes  
All in favor.

Approval of Minutes:

Motion to approve the November 10, 2015 Public Meeting and Closed Session:

Councilman Riquelme

Second: Councilwoman Zamechansky

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

Councilman Morrell-abstained

Motion to approve the December 1, 2015 Executive Session and Closed Session:

Councilman Morrell

Second: Councilman Hayes

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

Councilman Riquelme-abstain

**COUNCIL COMMITTEE REPORTS**

- Councilwoman Correa

*Board of Education*

The bid for the new mud hut came in higher than expected so they will try to negotiate with the company to see if they can get the amount reduced.

- Councilman Hayes

*Ordinance Committee*

In 2016 they will be considering the Police request to change the hiring policy and Shade Tree is seeking a change in the ordinance regarding cutting down trees. Smoking regulations in public areas has been adopted.

*Joint Land Use Board*

The last two meetings were cancelled. There are two applications pending before the board: a subdivision of two separate lots-one on the corner of Prospect and Barbara Road and the other on Locust.

- Councilman Morrell

*Shade Tree Commission*

He met with Chairman Slaman who would like fines levied on residents who cut down trees without a permit. Mr. Paster said that section 8 of the ordinance spells out the penalty schedule.

- Councilman Riquelme

*DPW*

In November they swept 632 miles of road. Leaf pickup ended last Friday

- Councilwoman Zamechansky

*Senior Center*

Approximately 100 seniors attended the holiday luncheon on December 3<sup>rd</sup>. The New Year's Eve party will be at the Senior Center

*Police*

In November there were 1,743 calls for service; 66 for medical, 8 for fire or gas, 4 for commitment. Patrol issued 397 traffic summonses. Detectives investigated 13 domestic violence cases and handled 51 criminal cases.

*Court*

The Councilwoman, Judge Holdsworth, Court Administrator Horbert and Borough Administrator Perkins to start the interview process to fill the position of Deputy Court Administrator.

*Fire Department*

There were 28 alarms and 725 man hours in November.

*Celebrations*

Winter fest was a success. Next year it will be held on the second Friday in December. Thanks to Councilman Morrell for playing Santa, DPW, Fire, Police, Police Reserves, Captain Conner and Bill Bowen who volunteer and do not get paid.

**ATTORNEY'S REPORT**

Mr. Paster attended a meeting of the municipal Shared Services Defense Committee last week. The affordable housing numbers is due out tomorrow. At that point the matrix will be updated.

**MAYOR'S REPORT**

Last week the Bergen County Health Department ran a stigma-free symposium. Several members from the Woman's Club will be the main portion of the task force.

**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**

**#15-259** Bills List \* Councilwoman Correa and Councilman Riquelme asked questions about certain payments. Councilwoman Zamechansky requested this resolution be moved to the non-consent agenda. Councilwoman Correa said she knows the auditors were in working on the Recreation funds. How much of the auditor's fees was that? Shouldn't the Recreation Commission be responsible for paying those fees?

**#15-260** Amended Salary Resolution \* Councilwoman Correa questioned this-she feels the welfare director is underpaid.

**#15-261** Tax Settlement-Dumont Terrace Apartments \*

**#15-262** Richard Ledderman-Accept Resignation as Dumont Firefighter \*

**#15-263** Authorization to Re-advertise for Alternate Prosecutor, Alternate Public Defender, Borough Physician and Risk Manager for the year 2016 \*

**#15-264** Approval of DHS Music Boosters On-premise Cash Raffle to be held 2/24/16 and 4/27/16; ID#109-5-36714; RL#443 \*

**#15-265** Approval of DHS Music Boosters On-premise Merchandise Raffle to be held on 2/20/216, ID#109-5-36714; RL#444 \*

**#15-266** Approval of DHS Music Boosters On-premise 50/50 Cash Raffle to be held on 2/20/16, ID#109-5-36714; RL#445 \*

**#15-267** Authorization of Transfer of 2015 Budget Appropriations \* Councilwoman Correa wanted to be assured that the account the money is taken from won't be short. She also asked if we had been credited by Maser for the \$5,000 agreed upon.

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

Second: Councilwoman Zamechansky

All in favor.

1. Lili Binney, Roxbury Rd, followed up on Councilwoman Correa's question whether Recreation should be responsible for paying the auditor. She asked if this would be a legal question. Mr. Paster responded that his initial thought on this would be if the borough asked for the audit, the borough would pay for it but at this point he isn't sure it is Recreation-related.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt the consent agenda: Councilman Morrell

Second: Councilman Riquelme

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

## **Non-Consent Agenda**

**#15-259** Bills List

Motion to adopt: Councilwoman Correa

Second: Councilman Morrell

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

Zamechansky-abstained

## **ORDINANCE**

### *Second Reading*

**#1496** Bond Ordinance Providing a Supplemental Appropriation of \$160,000 for the Temporary Relocation of Municipal Offices in and by the Borough of Dumont, in the County of Bergen, New Jersey, and Authorizing the Issuance of \$152,000 Bonds or Notes of the Borough to finance part of the cost thereof.

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Morrell

All in favor.

Motion to open to the public: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilwoman Correa

All in favor.

Motion to adopt on second reading: Councilman Hayes

Second: Councilman Morrell

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

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

Second: Councilman Riquelme

All in favor.

1. Mitchell Buchheister, 9 Cedar Road, asked about the legality of housecleaning signs all over town. Is White Beeches going to be paved? The Mayor responded that he doesn't think so.
2. Lynn Vietri, Wilkens Drive, asked for clarification of the Dumont Terrace tax settlement resolution. Mr. Paster explained that they are assessed at a little over \$19,500,000. They were seeking a reduction to approximately \$17,500,000. The reduction was \$570,000. Ms. Vietri asked for clarification on the Sunshine Law. She also asked if one wanted to know what a certain sport had in their account, they should be able to find out. Councilwoman Correa said the auditors are currently working on that. The Mayor replied that the auditor is completing an investigation as to where the money should be allocated. Ms. Vietri asked if they have met with the Board of Education yet. Mr. Paster replied yes. They each have a better understanding of where each of the parties is in terms of the property. Ms. Vietri asked if there is an organizational chart of the people who work in town and get paid. She saw an article which stated that the residents of Montclair would get first shot at the affordable housing. Mr. Paster replied that it usually has to be a blind lottery but since it is in the courts, things could change.
3. Tom Gorman, Wilcox Street, asked if the website could be used to let people know what sections of town leaves are being picked up on certain days.
4. Lili Binney, Roxbury Road, had questions about the recent matrix. She asked if it would be alright to send articles to the Mayor and Council. She cited the situation in Montclair, which had passed all three rounds. Now the third round doesn't count. Therefore, they are suing so that until the new COAH plan is approved, developers could not challenge the number Montclair had. Montclair has hired an attorney to help E-

consult, which is representing 300 municipalities. Since Mr. Buzak is busy with the League of Municipalities, perhaps we should hire an attorney to help E-consult. Ms. Binney explained the term overlay zone is a commercial zone that's redesignated to allow apartments to be built over commercial properties that can be used for affordable housing obligations. She asked if the mayor would consider making the commercial areas of Washington, Madison and W. Shore an overlay zone to fulfill any affordable housing obligations we may have. Mr. Paster explained that once we get the D'Angelo's situation resolved, everything else falls by the wayside because the court will approve presumably whatever we go in with once Landmark's out of the mix. The D'Angelo's six acres are assessed commercial but zoned P for public use. Ms. Binney asked where Maser gets their information. Can the residents have input? Mr. Paster responded yes. Ms. Binney spoke of ideas we could have done in the past. She asked if there was a meeting with Landmark planned. Mr. Paster responded there is one planned for Thursday. The numbers E-consult is providing is our position going into court. Ms. Binney asked if recreation and conservation areas have any effect on our affordable housing obligation. What is the effect of White Beeches on affordable housing? Mr. Paster replied that Green Acres properties cannot be used for affordable housing. As long as White Beeches continues to be used as a golf course, there is no effect. Ms. Binney asked for confirmation that Maser used the most recent flood maps. She questioned 15C public property-Wareham Road. There was a question regarding 94 Virginia Avenue and whether it is considered low to medium income. She had a copy of the deed. Ms. Binney had sent some questions: the latest housing element and fair share plan draft, which cannot be released because of attorney-client privilege. Her next question dealt with vacant land and what size building can be considered.

5. Tom Kelly, 70 Beacon Street, stated it was his understanding regardless of what our plan is going forward, that the D'Angelo's factor basically nullifies anything that we come up with as a plan. Mr. Paster stated that essentially is the case. Mr. Kelly stated that it seems to him that nobody really knows how the court is going to rule with these things. He thinks that what our answer will be in the Landmark lawsuit is that Dumont, although we haven't filed our paperwork with COAH over the past couple of years, we have substantial housing providing for substantial affordable opportunities in Dumont. He thinks that we ought to be thorough with things like the Advanced Housing group home on Virginia Avenue. There may be a deed restriction for low to moderate income even though the clients there are living independently. We should be working to find every location and making sure that everything is accurately counted. Mr. Kelly spoke of Tenafly's \$2.4 million project. The lion's share of the funding came from the state housing and mortgage financing agency, United Way and the Bergen County Office of Community Development. So sometimes in terms of a town like Tenafly or Dumont, they can look at sites that come up for sale or are buildable. We have a site right now on West Madison Avenue that was approved for three buildable lots. If people don't count but the apartment does, we need to contact the landlords and find out if any of them are willing to put a deed restriction on them.

6. Judy Parker, 55 Susan Drive, Closter, asked if we have any idea on how long this is going to take. Mr. Paster stated that we are on a fast track. The court is expecting us to be prepared to proceed either with a settlement or trial early this spring. Ms. Parker is a real estate agent. John Glidden, the mayor of Closter, met with the Bergen County Housing Authority. The town identifies and purchases a parcel of land such as the one on West Madison Avenue with the three parcels using the Community Development Block Grant and then calls the Bergen County Housing Authority and they handle the whole project. They put together the architects, the plumbers, the electricians, the construction guys and they build all the units. They have been working on one in Norwood and they are beautiful. Some of them are even modular with a modular foundation. You have your affordable housing and one to one COAH credits and it doesn't cost the town any money.

7. Cathy Doherty, 110 Roxbury Drive, addressed Councilman Hayes stating that he had asked if we want the town to be in the business of real estate. She said that she thinks that is not anyone's intention. What we do want is for the Mayor and Council to be strategic in thinking through how we can solve the affordable housing and where it is pretty clear that the Closter mayor did something, she asked Mayor Kelly if this idea had been considered by them. Mayor Kelly stated that he would contact John Glidden to see who he spoke to. He stated that he believes we already have quite a few group homes in town; he thinks that we are also at the max for these numbers. Mayor Kelly stated that they will be speaking with the developers to find out what their plans are and start the negotiation process. Councilwoman Correa stated that now that we have met with the BOE, we understand where they stand and she is ready to go into a meeting with the developer to hear what he has to say. Ms. Doherty asked if everyone is going in to the meeting with the same strategy. Councilwoman Correa said she doesn't know what everyone's strategy is, only hers. Mayor Kelly stated that the Council listens to the residents; they are not for overdeveloping the property. However, there are certain laws that we have to abide by. Councilwoman Zamechansky asked how you can have a strategy when you don't know what they are going to say to you. Ms. Doherty said you should have a Plan A, Plan B and Plan C. Councilwoman Zamechansky stated that you listen and then you discuss. Ms. Doherty said no, you have a plan in your head, you listen, and then you go back and brief about it. She said it is the perception that the Council is an unbelievably dysfunctional group. Ms. Doherty asked how many meetings they have had on this topic that have been productive. She thinks the council meetings have been a waste of time. Councilman Hayes stated that we are in the middle of a lawsuit and we cannot say anything. Ms. Doherty asked how other towns can solve this but we can't. We did the study on vacant lands, study on group homes, we worked hard at that and we were tardy because we didn't do the study ten years ago. We didn't because we didn't need it 10 years ago. Mr. Paster stated that when you are in litigation, the whole picture changes. You have some really onerous issues. After 2 ½ years we have come to the end of the road; you have to make a decision. Do you want to roll the dice, leave the answers in the hands of someone who doesn't come from your town or care about your town or do you want to maintain control and have some say on issues such as height, how far from the borders, who is going to widen the road, who is going to pay to expand the sewer system? The problem is you can't put all your cards on the table because that is the way the process works. Ms. Doherty stated that when he filed that

Master Plan, we thought that we were filing it to prevent builders remedy lawsuit. Mr. Paster advised that at the time that was exactly the right move. We filed the plan and the plan was accepted. When the suit came it was dismissed from the court pending further proceedings. The Supreme Court came back and said COAH is not operating; now you go back to the court. We have made every right move. At a certain point there is no magic formula. At some point you have to come to grips with reality and just play with the hand you have been dealt and that's where we are. To say this Mayor and Council has been unresponsive or inactive or is somewhat delinquent on this thing is absolutely unfair. Mr. Paster went on to say that risking a builder's remedy and all that comes with that, is never a good choice. I would hazard a guess that by April 1<sup>st</sup>, all of these issues will have to be made one way or the other. Ms. Doherty stated that she did not believe that it would be the best outcome. Mr. Paster responded that it is not going to be single family houses; the law says that's exclusionary. Unfortunately, that's what we are dealing with.

8. Lili Binney, Roxbury Road, asked Mr. Paster if the height can be controlled if it's a builder's remedy. Mr. Paster stated that rather than having your site plan go to your planning board for approval, the court decides. So the Joint Land Use Board would have no input on that. Ms. Binney asked about the PILOT program. Mr. Paster stated that's where the developer pays one price rather than the assessed value. Ms. Binney stated that this has been going on since December, 2013 or even before. We could have had 20 or 30 affordable housing unit credits. It is frustrating.

9. Cathy Doherty, 110 Roxbury Road, stated we should have been more strategic and had a better relationship with Mary D'Angelo. Councilman Hayes stated that supposedly there was an agreement with the family and the Mayor and Council at that time that when they wanted to sell the property, Dumont would have the right of first refusal.

10. Lynn Vietri, Wilkens Drive, worked for D'Angelo's for 4 ½ years and doesn't agree with what she did with the sale. However, in April, 2013 when the road over on Gordon was closed because of the gas station leak the businesses nearby were strapped for 31 days. If a customer could not get to your business for 31 days, you would be pissed off as hell and I am telling you that's why she did what she did. Time after time, she went to the police station and asked them to redirect the traffic, and they never did it. She was preparing for Easter and Spring, her busiest time of the year, and delivery trucks couldn't get there because the roads kept closing without any notification. That was the type of relationship you guys had with her.

Motion to close to the public: Councilman Riquelme

Second: Councilman Morrell

All in favor.

Ms. Schaefer read the resolution to go into closed session to discuss:

Personnel-Borough Administrator Contract

Personnel-Police (Volz)

Employment Litigation-Rizza

Following Closed Session, motion to go back into public: Councilman Hayes

Second: Councilman Morrell

All in favor.

Motion to adjourn: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Meeting adjourned: 10:20PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk