

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
MAY 17, 2016
6:30 PM**

The Mayor 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, Di Paolo, Hayes, Riquelme, Zamechansky-present
Councilman Morrell-absent
Mayor Kelly-present

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

General Order of Business

Public Hearing on the 2016 Municipal Budget which was introduced April 5, 2016

Gary Vinci, Borough Auditor, explained that the budget introduced last month was just over \$22,000,000. On the agenda tonight is a budget amendment which will reduce the introduced budget by approximately \$35,000 as well as reduce the tax levy by about \$77,000. Some of the increases in this year's budget are garbage, recycling, tipping fees-\$155,000; State Pension plan-\$96,000; capital improvements-\$75,000; debt service-\$53,000. The original municipal tax increase was \$94. After the amendment, the increase will be \$80. There will be a separate hearing on the amendment at the June 8th Council meeting.

Following questions from Councilwoman Correa, Mr. Vinci explained that there is a \$5,000 line item for an additional stipend for the Borough to have a qualified purchasing agent. There is also a \$3,000 stipend included in the budget for COAH-related items.

Mr. Herr explained that the \$15,000 for the Police Department would be for a used detective car. The FEMA coordinator stipend for \$3,000 could be used for LSRP or flood insurance.

Councilwoman Correa feels that the money allotted for legal fees is not adequate. She questioned the amount allotted for garbage. She asked about the fact that there is no money in the budget for Recreation fingerprinting.

Motion to open to the public: Councilman Hayes
Second: Councilman Riquelme

All in favor.

1. Lili Binney, 32 Roxbury Road, said it seems that the budget she printed from the website is different than what the Mayor and Council are referring to. She asked about legal fees. Ms. Binney asked the process for determining the budget for each department.

2. John Sansone, 119 Beacon Street, asked why the fingerprinting is not done any longer.

3. MaryAnn Russini, 141 Roosevelt Avenue, stated that she is a Recreation Commissioner in charge of certification and fingerprinting. When certification classes are held, each coach receives a form to get fingerprinted in Paramus. Each coach pays for it and if they request a partial refund the Recreation Commission will reimburse them a portion of the fee. Nobody has asked for reimbursement so perhaps that is why there was nothing allotted for it. She said that Mr. Tonner is the chair, so she does not want to speak for him.

4. Matthew Bailin, 12 Elizabeth Street, questioned legal fees in the budget. He read names from the bills list asking if they are attorneys. He asked if they are prepared for tax appeal payments. The response was that legal fees have been increased from last year. Mr. Bailin feels legal fees should be budgeted higher.

5. Michael Sullivan, 125 Andover Avenue, asked what the budget submission process is. Who's going out for bids and making sure we are getting the best price.

6. Suzanne Riordan, 46 Harrison Street, asked the website fee. Mr. Herr replied that the startup fee is \$4,000 and then \$200 per month.

7. Carl Manna, 108 Harding Avenue, asked how much money was allocated for road maintenance. He recommended micro sealing as many streets as possible. He doesn't feel there is enough in the budget. He asked how much was paid for the Jif lawsuit. Mr. Herr responded that he met with JIF and they agreed to the borough paying it off in three years, starting in 2017. Mr. Manna asked if there is enough in the budget for possible retirements.

8. Bruce de Lyon, 67 Beacon Street, asked who does the contracts. There should be timeline parameters. Mayor Kelly replied that the Police and DPW contracts are coming up and they will be looking to negotiate at quite a few things. Mr. de Lyon had expected a power point presentation and charts on the budget tonight. He doesn't feel the auditor should prepare the budget documents-the Administrator/CFO should. We rely on professionals. Mr. Herr responded that by combining the two positions of Administrator and CFO, the borough is saving \$97,500. Also, it is virtually the same in every municipality in this state that this document is done by the auditors and that auditors play a major role in helping to shape the budget. He explained that Borough Hall is shorthanded.

9. Lynne Vietri, 41 Wilkens Drive, asked about the State pensions. She feels there should be some kind of organizational chart and who reports to whom. It's the perception that the employees are sitting in borough hall doing nothing. Are reviews being done?

Motion to close to the public: Councilwoman Correa

Second: Councilman Riquelme

All in favor.

Motion to adopt Resolution #16-120 2016 Budget Amendment: Councilman Hayes

Second: Councilman Riquelme

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

Approval of Minutes:

Motion to approve the February 23, 2016 Special Meeting and Closed Session minutes:

Councilman Riquelme

Second: Councilman Hayes

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

Motion to approve the April 19, 2016 Special Meeting, Public Meeting and Closed

Session minutes: Councilwoman Zamechansky

Councilman Hayes

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

Councilwoman Correa-abstained

Motion to approve the April 21, 2016 Special Meeting minutes: Councilman Hayes

Second: Councilwoman Zamechansky

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

MAYOR'S REPORT

This week is National EMS week and Mayor Kelly thanked all of our emergency personnel. We are very fortunate in Dumont to have the men and women who dedicate themselves to this task.

On May 7th, the borough website was hacked. The software used was proprietary software that's developed and maintained by E-Government. That day the IT professional modified the site's domain to point it away from the host server where the infected files were. We also moved the website to a Facebook page to serve as an interim avenue for the residents until the launch of our new website, hopefully the first week of June. The new website will be constantly updated with security patches.

ADMINISTRATOR REPORT

The New Jersey Department of Treasury was at Borough Hall today to conduct an audit on Affirmative Action compliance. The Borough passed without any findings-kudos to the Municipal Clerk who is primarily responsible for that.

There is a resolution on tonight's agenda for a shared service agreement with Paramus for repair of our fire trucks. In the meantime, they gave us a loaner truck, which we are using right now.

On tonight's agenda is a refunding bond ordinance, which would allow us to take bonds and refund them at a lower cost based on a lower interest rate. We would have to make at least a 3% savings-it is estimated we would be saving \$188,000 over the ten year remaining life span of the bonds.

There will be a shredding event August 20th-part of the day at Bergenfield and part of the day at Dumont.

JIF will be holding a training seminar, which will reduce our insurance costs. Bergenfield and Dumont will be sharing the seminar, which will be held in Bergenfield.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

Board of Education

The Councilwoman attended a BOE meeting last week. They will be doing a water study. The window project at Lincoln and Selzer schools will begin at the end of the year. They are still conducting negotiations with the teachers.

- Councilman Di Paolo

Shade Tree Commission

They had a very successful Arbor Day celebration. They planted a tree at the arboretum and gave an award to Craig Grothues, a teacher at the high school. They still need volunteers. The Commission was not able to buy seeds to give out at the Memorial Day Parade due to money concerns.

Shared Services

They had another meeting about the possible shared municipal complex with Bergenfield. The Dumont and Bergenfield Administrators spoke. Fortunately, both towns have the same planner and engineer. We have an architect but Bergenfield does not so our architect will perform services that are needed. There are two possible scenarios-one with a building on each property and another with a municipal building and police department on one property.

Councilman Hayes

Finance

The finance committee met about ten times. It is a fair budget

Ordinance Committee

The amendment to the police ordinance is on the agenda tonight. Two other ordinances for Shade Tree and Rent Leveling Board should be on the next agenda.

- Councilman Riquelme

DPW

In April the total miles swept was 419 miles. Curbs are being repaired. The DPW has fixed 650 potholes.

Library

The Director has resigned so a committee has been formed to search for a new one.

- Councilwoman Zamechansky

Fire Department

In April there were 31 alarms and 112 man hours spent.

Police Department

In April they received 2051 calls for service, 85 calls for medical reasons, 8 calls for fire and 8 calls for commitment. The Patrol issued 199 traffic summons. The Detective Bureau investigated 10 domestic violence cases and 20 criminal cases.

The Councilwoman thanked the Administrator for working out the agreement for the fire truck repair, which saved the town over \$10,000. She also thanked Carmine (Virtual Town Pages) and Sue Connelly (Borough Clerk) for reacting so quickly the Saturday morning the website was hacked.

Borough Attorney Paster's Report

On May 9th there was oral argument heard by the court in the Board of Education lawsuit over 50 Washington Avenue. A decision should be reached by the Court by the end of the week. The Fairness Hearing on the settlement with Landmark about the Builder's Remedy action was conducted by the May 12th and a decision should be reached next week.

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

#16-121 Approval of Lincoln School PTO On-premise Cash 50/50 Raffle to be held June 3, 2016; ID#109-5-30683; RL#457 *

#16-122 Approval of Street Closing on Cooper Avenue for Car Show *

#16-123 Approval of Hiring Temporary Full-time DPW Employee to Cover for Injured Employee *

#16-124 Bills List *

#16-125 Capital Budget Amendment-Bond Ordinance #1498 *

#16-126 Agreement to Reimburse Co-pay and Deductible toward Rizza Settlement *

#16-127 Approval of Lincoln School PTO On-premise Merchandise Raffle to be held June 3, 2016; ID#109-5-30683; RL#456 *

#16-128 Authorization of Site Feasibility Study-Joint Dumont/Bergenfield Municipal Building and Police Stations-Dumont's Cost \$4,800 * There was discussion about the study.

#16-129 Shared Service with the Borough of Paramus-Fire Truck Repair *

Motion to open to the public on Consent Agenda: Councilman Hayes

Second: Councilman Riquelme

All in favor.

1. Lynne Vietri, Wilkens Drive, asked if the total cost for #128 was \$9,600. The response was yes. Who is the architect? The response was RSC Architects. She asked who would apply for grant money if we end up doing a shared service with Bergenfield. The answer was both towns. If we can't use the 50 Washington Avenue property, what would the other option be? The response was that it's conceivable the whole complex might be in Bergenfield since they have a lot of property.

2. Lili Binney, Roxbury, asked how old Bergenfield Borough Hall is and what condition it's in. Councilman Di Paolo responded that the plan would be to build a new complex next to it, knock the building down and put a parking lot there. The Mayor stated we would share a sally port and jail but the police departments would be separate.

3. Matthew Bailin, Elizabeth St, said that the capacity for council chambers should be 200.

4. Carl Manna, Harding Avenue, stated he feels the Dumont Bergenfield project would be a model but attention should be paid to details, legalities and bonding timeline.

Motion to close: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt the Consent Agenda: Councilman Hayes

Second: Councilwoman Zamechansky

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

Non-Consent Agenda

#16-107 Authorization to Direct the Joint Land Use Board to Conduct an Area in Need of Redevelopment Study on D'Angelo Farms (Previously Tabled)

Mr. Paster stated that paragraph 2 should read block 212, lot 20 and block 215, lot 1. This resolution directs the Joint Land Use Board to conduct a study as to whether the farm qualifies as an area in need of redevelopment. It is the first step. If they find it is not an area in need of redevelopment the property would have to be rezoned consistent with the settlement agreement assuming it deemed fair by the Court.

Councilwoman Zamechansky had suggested having the Borough Assessor attend a meeting to explain the PILOT program.

Motion to open to the public: Councilman Hayes

Second: Councilman Riquelme

All in favor.

1. Lili Binney, Roxbury, stated that an area in need of redevelopment is usually used to entice developers. She asked if we are legally bound to designate this property as an area in need of redevelopment. Mr. Paster responded that this was a suggestion by Mr. Banish, the Court Master. Ms. Binney confirmed that if it is designated, there are PILOTS on that. If not, there is no PILOT. She doesn't understand why we need to designate the area in need of redevelopment if the settlement goes through. Mr. Paster explained that the Joint Land Use Board can't deny an application based on density, height or setbacks. It is all about the PILOTS.

2. Lynne Vietri, asked about the Recreation Director position. If the settlement is not deemed fair by the Court, what would happen? Mr. Paster said it would be back to the drawing board. The builder's remedy suit would probably be reinstated. Ms. Vietri spoke about the 50 Washington Avenue appraisals. She asked if there are any court dates scheduled. Mr. Paster said no.

3. MaryAnn Russini, Roosevelt, asked that the Council vote no to #107.

4. Matthew Bailin, Elizabeth, recommended they vote no also. Density, height and setbacks are the main concerns of the neighboring properties of D'Angelo's. He is concerned about noise.

5. John Sansone, Beacon, reiterated the question why we would designate the area in need of redevelopment. The builder should pay taxes.

6. Bruce de Lyon, Beacon, said he made a statement during the fairness hearing and would like the council read it prior to voting. PILOTS are not good for public schools.

7. Adrian Green, Juniper, said PILOT program does not make sense.

Councilman Di Paolo asked Mr. Paster is this actually institutes the PILOT program. Mr. Paster responded that once the JLUB conducts the study and makes a recommendation, you can just rezone the property and abandon the whole idea. The PILOT program would allow the Borough to collect \$238,000 for the next fifteen years; otherwise you risk a tax appeal if the rents and occupancy don't come in as Landmark is predicting.

8. Rachel Bunin, Poplar, asked the process of building the apartments in phases. Mr. Paster stated that once the Certificates of Occupancy are issued they would start paying on that unit. They would pay the current taxes on the remaining. Ms. Bunin asked about Landmark paying development fees. Mr. Paster replied they would not according to statute. Ms. Bunin said they should not vote for this resolution. She heard the 2017 enrollment for kindergarten at Grant School is higher than it's ever been.

9. Colleen Fisco, Prospect, asked the amount the Borough would receive the first year from the PILOT program. Mr. Paster said approximately \$432,000-the County gets 5%.

10. Suzanne Riordan, Harrison, asked if anyone has asked for a study regarding #107.

Motion to close: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

Motion to adopt #16-107: Councilman Hayes

Second: Councilman Riquelme

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

Council members Correa and Zamechansky-no

ORDINANCES

#1498 Bond ordinance providing for various capital improvements by the Borough of Dumont, appropriating the aggregate amount of \$252,000 therefor, including a grant in the amount of \$155,500 expected to be received from the State of New Jersey Department of Transportation, and authorizing the issuance of \$91,800 bonds or notes of the borough to finance part of the cost thereof

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilwoman Zamechansky

Second: Councilman Hayes

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

#1499 Refunding bond ordinance providing for the refunding of outstanding general improvement bonds by the Borough of Dumont, appropriating \$6,300,000 therefor and authorizing the issuance of \$6,300,000 refunding bonds of the borough to finance the cost thereof

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilman Hayes

Second: Councilwoman Zamechansky

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

#1500 Ordinance amending and restating Chapter 75; Section 6 and Section 9 of the Dumont Borough Code-Police Department: process for hiring and promotions

Motion to waive the formal reading: Councilwoman Zamechansky

Second: Councilman Riquelme

All in favor.

Motion to pass on first reading: Councilwoman Zamechansky

Second: Councilman Hayes

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

Motion to open to the public for General Participation: Councilman Riquelme

Second: Councilwoman Zamechansky

All in favor.

1. MaryAnn Russini, Roosevelt Avenue, asked for the status on the pipe. She had free dirt delivered to her house and her neighbor's house in anticipation of the project beginning. A borough official came to the house and took pictures and she is going to be served a letter asking what she is going to do with the dirt. Councilwoman Correa said that since money was dedicated to that project, it should be done; even though they are now \$40,000 short. She feels that is not Ms. Russini's problem-it's the borough's problem to come up with the money. Mayor Kelly said he is waiting for responses from the rest of the Council. In the past there have been many solutions offered that Ms. Russini didn't like.

2. Debbie Tamburro, Roosevelt Avenue, said that her garage and fence are falling apart so she needs to have an answer on the project. She said that everything that happens here is disgusting and a sham. She is not proud of her town anymore.

3. Janet Boyhen, Johnson Avenue, went to a Recreation Commission meeting and nobody had any answers. She asked who appoints the Commissioners. The Mayor responded that he does. Ms. Boyhen said that there should be a list of rules. She said that the track team has to pay for the awards and the USATF track fees. She was told she now cannot use credit cards. Mr. Esposito, Recreation Director, has not been responsive. Mayor Kelly said he will check into it.

4. Rachel Bunin, Poplar Street, asked if the website domain is changing. Once the website is running, will the residents be able to offer suggestions? The Shade Tree Commission is selling bricks for the arboretum. She wanted to confirm that \$80 municipal tax is annual. At the Fairness Hearing the proposed units on the one acre lot is now 22 units. 7 Poplar is abandoned and has a pool and pond, which need to be drained.

5. Lili Binney, Roxbury, said to make a decision on the Roosevelt Avenue project.

6. Carl Manna, Harding, asked about the purchase of a used detective car for \$15,000. He asked why town vehicles aren't marked with the town logo.

7. Lynne Vietri, Wilkens Drive, asked if there is a limit a resident can bring for the shredding event. She asked why seeds are not being passed out at the Memorial Day Parade. She asked about the tree cutting permits. Mr. Paster said that a \$25 permit is required to determine if a resident's tree is a borough tree, even if it's in the backyard. Ms. Vietri said she feels Ms. Russini's house should be fixed. There are about 2500 students; 600 use mandated special services. It is very costly.

8. Jane Enright, Clark Street, feels that there should be a new microphone system, power point and televised meetings.

9. de Lyon, Beacon Street, asked if the borough is in litigation with Ms. Russini. The response was no. He does not feel it is closed session material.

10. Carrie Graham, Sunset Avenue, said that the problem with the track pizza party is that they are saying they can't have one. They never receive any money from Recreation and she doesn't understand how they can be told they can't have a pizza party for the kids.

11. Janet Boyhen, Johnson Avenue, complained about the Recreation Community

Pass program. Why is there an administrative fee? She purchases equipment for the track team with her credit card. The Mayor will speak to the Recreation Chair tomorrow.

12. Tom Gorman, Wilcox Street, asked if a volunteer coach is considered a non-paid employee of the borough. If a coach is sued, are they covered by the borough? Who gets the results of the fingerprinting and who decides whether they can coach or not. Mr. Paster responded that the Police Chief reviews the results and says whether they are eligible or not. There is no specific explanation. Mr. Gorman asked why coaches are paying for their own fingerprinting. Do the commissioners have to be fingerprinted? Mr. Paster responded that the statute is not clear but if you are not face to face with the kids, you don't necessarily have to be. They should be, however. Once a person takes the Rutgers course, they are automatically immune from liability. Mr. Gorman said that the Council and attorney should make sure that all requirements are met. He asked about the proposed used police car. He worries about liability.

Councilwoman Correa questioned the two hour parking signs on Virginia Avenue; especially concerning the podiatrist and chiropractor's patients.

13. MaryAnn Russini, Roosevelt Avenue, suggested that the Police Department run plates and not ticket Dumont residents.

Motion to close to the public: Councilman Riquelme

Second: Councilman Hayes

All in favor.

The Municipal Clerk read the resolution to go into closed session to discuss Personnel-Police and Personnel-QPA

Motion: Councilwoman Zamechansky

Second: Councilman Hayes

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

Following closed session, motion to go back into public: Councilman Hayes

Second: Councilman Riquelme

All in favor

Motion to adjourn: Councilman Di Paolo

Second: Councilwoman Zamechansky

All in favor.

Meeting adjourned at 10:40PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk