

Revised 12/19/16

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE SESSION MINUTES
DUMONT SENIOR CENTER
DECEMBER 6, 2016
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: Correa (via phone), Di Paolo, Hayes, Morrell, Riquelme, Zamechansky (via phone)-present
Mayor James Kelly-present

Motion to accept agenda as presented: Councilman Morrell

Second: Councilman Riquelme

All in favor.

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

#16-249 Bills List * Councilwoman Correa requested this resolution be put on the non-consent agenda.

#16-250 Appointment of a Coordinator and Assistant Coordinator for the Borough's Emergency Telephone System * Councilman Riquelme asked for an explanation.

Mr. Herr said it is a state requirement.

#16-251 Tax Court Settlement-B.S.S. Associates-\$19,802.49 Refund *

#16-252 Michael D. Quercia-Hire as Plumbing Subcode Official-\$9,914.00 annually *

#16-253 Thomas Kelly-Appointment as the Borough's Volunteer Official Historian *

#16-254 Approval of Selzer PTO Calendar Raffle March 1 through May 31, 2017;
ID#109-5-37089, RL#467 *

#16-255 Block 109, Lot 31-100% Disabled Veteran Exemption-Refund \$1,139.52 *

#16-256 Block 804, Lot 9-100% Disabled Veteran Exemption-Refund \$1,843.51 *

- #16-257** Award of Quote to R.L. Roem, Jr. for Snow Removal of Bank-Owned Properties-\$75.00 per hour *
- #16-258** Extension of Lease for Police Trailers with Mobilease Modular Space, Inc. - \$2,808 per month*
- #16-259** Steven Quintano-Accept Resignation from the Dumont Police Department as of December 12, 2016 *
- Councilman Hayes wanted to clarify that Resolution #259 is just to accept Mr. Quintano's resignation, not the payout. The Mayor confirmed this.

Motion to open to the public on Consent Agenda items: Councilman Hayes
 Second: Councilman Morrell
 All in favor.

1. Carl Manna, Harding Avenue, referred to resolution #250. He asked if there is a system in place or would this be an extension of using companies like Nixle.
2. Rachel Bunin, Poplar Street, asked who B.S.S. Associates is. The response was that it was a tax appeal settlement. Ms. Bunin asked how long the lease extension for the police is. The response was two years. She congratulated Tom Kelly on his town historian appointment.
3. Carol Banicki, former historian, stated that next year will be the 100th anniversary of Camp Merritt. They will be going into classrooms in Dumont and teach about WWI so that students know the important role Dumont played. She thanked the Mayor and Council for Mr. Kelly's appointment.

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

Motion to adopt the Consent Agenda minus Resolution #249: Councilman Di Paolo
 Second: Councilman Morrell
 Roll call vote: Council members: Correa, Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes

Non-consent Agenda

#16-249 Bills List
 Motion to adopt: Councilman Morrell
 Second: Councilman Riquelme
 Roll call vote: Council members Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes
 Councilwoman Correa-abstained

ORDINANCES

Second Reading
#1500 Ordinance Amending Chapter 75-6 and 9 of the Borough of Dumont Code-Police Hiring
 Motion to waive the formal reading: Councilman Hayes
 Second: Councilman Morrell

All in favor.

Motion to open 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.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Roll call vote: Council members Correa, Di Paolo, Hayes, Morrell, Riquelme,

Zamechansky-yes

The Mayor stated that the Tax Assessor is coming so we will wait to proceed with Ordinance #1509 until he arrives.

First Reading

#1510 An Ordinance Authorizing the Extension for Two Additional Years and Execution of Lease Extension for Office Space on Real Property Known as Portions of Lot 16 in Block 825 on the Tax Map of the Borough of Dumont also known as 80 West Madison Avenue, within the Borough to allow for Temporary Relocation of Municipal Offices, Excluding the Police Department and Municipal Court Session

Motion to waive formal reading: Councilman Hayes

Second: Councilman Riquelme

All in favor.

There was no discussion from the Council.

Motion to pass on the first reading: Councilman Morrell

Second: Councilman Riquelme

Roll call vote: Council members Correa, Di Paolo, Hayes, Morrell, Riquelme,

Zamechansky-yes

#1511 An Ordinance Amending and Supplementing Chapter 108 Section 17 of the Borough of Dumont Code Entitled “Alcoholic Beverages-Prohibited Hours of Sale”

Motion to waive the formal reading: Councilman Morrell

Second: Councilman Hayes

All in favor.

Councilwoman Correa said that there are twenty-four other towns in Bergen County that have the noon opening on Sundays. She would like to leave the ordinance as it stands. We should consider the religious residents in town and infringing on their religious beliefs and not worry about Mayor Kelly’s concern about people who want to tailgate or go down to the shore.

Councilman Hayes said this was a request from some of the businesses in town and it only changes the opening time from noon to 11:00 am. We should try to help the businesses in town. He goes to church every Sunday and it does not bother him.

Councilwoman Zamechansky stated that we are a very diverse town right now and doesn't think what Councilwoman Correa is saying is so anymore. She also checked with the Police Chief and he does not have a problem with it.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Hayes

Roll call vote: Council members Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes
Councilwoman Correa-no

#1512 Ordinance Amending Chapter 182-3 Entitled "Street Openings" of the Revised General Ordinances of the Borough of Dumont, County of Bergen and State of New Jersey

Motion to waive formal reading: Councilman Hayes

Second: Councilman Morrell

All in favor.

Mr. Paster explained that this ordinance is a regulation on street openings by contractors or utilities. It provides for a protocol, fees to be imposed and a moratorium on such openings for 60 months after a repaving. By this ordinance they would have to fully mill and repave the street if they have opened it.

Motion to pass on the first reading: Councilman Morrell

Second: Councilman Riquelme

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

The Mayor called for a short recess-the Tax Assessor will be arriving momentarily.

Mayor Kelly introduced the Dumont Tax Assessor Jim Anzevino. He will address Ordinance #1509-the PILOT program.

Mr. Anzevino stated that he's been the Assessor in Dumont since 1991. He said we are referring to the D'Angelo property, Block 212, Lot 20, 546 Washington Avenue. The land assessment is \$915,000. Block 216, Lot 1 is assessed at \$800,000. Therefore, the total land assessment is \$1,715,000. According to a PILOT agreement, the taxes for the land remain the same. The building improvements are impacted. This project has 124 units at 546 Washington and 22 units of affordable housing on the one acre parcel. The terms of the contract are twenty-seven years from execution of the final agreement or twenty-five years from the completion of the project. The charges can be 2% of the gross construction costs, 10% of the gross rents collected or \$3,500 per market unit. We are going to collect whichever is the greater. We are going to work with the \$3,500. The price is fixed for fifteen years and after the fifteen years it increases to \$3,750. This doesn't affect the affordable housing. He explained the cost, sales and income approaches.

#1509 Ordinance of the Borough Council of the Borough of Dumont Authorizing Real Property Tax Exemption and payments in Lieu of Taxes for Property Known as Block 212, Lot 20 and Block 215, Lot 1 Pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq.

Councilman Hayes explained that this is just to go into negotiations for it.

Motion to waive formal reading: Councilman Hayes

Second: Councilman Riquelme

All in favor.

There were no questions from the Council.

Motion to open to the public: Councilman Hayes

Second: Councilman Morrell

All in favor.

1. Rachel Bunin asked when the developer starts paying. Mr. Anzevino replied that it is for twenty-five years from completion or twenty-seven years from the start of the agreement. When the first phase is done (substantially completed) we will begin taxing them. Ms. Bunin asked about the fine points. Mayor Kelly said that Councilman Hayes wants to make sure the language is very clear in the event the developer wants to sell the units as condos. Ms. Bunin asked what would happen to the affordable housing in that case. Mr. Paster responded that the affordable is going to have a thirty year deed restriction on it that they can't touch.

2. Carl Manna, Harding Avenue, asked if there would be a time limit to complete building. What is protecting the town? Mr. Anzevino responded that after two years they will have to pay fully on the PILOT. Mr. Manna asked if the six acres is transferrable. Mr. Paster replied yes but with the Borough's permission. If they are sold as condos, the PILOT would be discontinued.

3. Tom Kelly, Beacon Street, asked for clarification on what still needs to be negotiated. Mr. Paster explained that this is enabling legislation. Then there is an actual PILOT agreement. The developer's agreement and the PILOT ordinance have to match up with the Landmark settlement agreement. The last documents are more comprehensive. The dollar amounts are "greater than". Councilman Hayes stated that the Board of Education gets the 65% of the land tax. Mr. Kelly asked why D'Angelo's was paying farm tax on the one acre when they were supposed to have five acres used for farming. Mr. Anzevino replied that that was decided by a Council prior to his working in Dumont. Right now we are in litigation on the rollback of the small parcel and the overall value of the larger parcel. Mr. Kelly said it is his understanding that they were supposed to file a form annually showing farmland. The school board will have increased costs as a result of the development. Mr. Anzevino explained that even though the Board of Education costs go up, the Borough covers the cost. Mr. Herr stated that when taxes come into the borough, we give approximately 10% of that to the County, 60% to the school and the town makes due with the balance. The Board of Ed does not pay the municipal employees' salaries or the other costs; the town does. When there is a tax appeal, the town pays the whole thing. That is what we are attempting to avoid with the PILOT program. He feels that the first day after taxes are assessed, Landmark would be in to appeal the taxes. With the PILOT, we know what we are going to get and can plan for the future. Mr. Kelly said that the municipality and the school board have a 2% cap. He said the municipality is supposed to pay for snow plowing, etc. Councilman Hayes said that Landmark is going to pick up those expenses. It will be spelled out in the agreement. Mr. Kelly asked if there is a law that the Council can give more money to the Board of Education.

4. Chris Sheridan, Wilcox, is concerned that as taxes increase, he feels that this will not be a good deal. Mr. Anzevino pointed out that Landmark will be paying for sewer pipe improvements and demolition and remediation of Borough Hall. You would have to float a bond for those.

Motion to close to the public: Councilman Morrell

Second: Councilman Hayes

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Hayes

Roll call vote: Council members Di Paolo, Hayes, Morrell, Riquelme, Zamechansky-yes
Councilwoman Correa-no

Motion carried.

Motion to open to the public: Councilman Riquelme

Second: Councilman Morrell

All in favor.

1. Bruce deLyon, Beacon Street, had requested a copy of the recording of November 22nd. The minutes were handwritten so he would not be able to challenge. It is unprofessional and unethical, in his opinion. He asked if Mr. Herr is coming back next year. Mr. Herr responded that we'll see. Dr. deLyon asked if he had been evaluated this year and when was it completed. Councilwoman Zamechansky said that she had reported it at the September meeting. He then asked what the expectation of a response from a resident to a borough employee is. Mr. Herr replied that it would be answered. Dr. deLyon asked that he return his wife's emails. Mr. Herr said he is very responsive but he doesn't respond to sarcasm and nasty intimidation.

2. Tom Kelly, Beacon Street, said that his passion is that of town historian. As they get into overlay zones, he would like to speak to the planner, Joint Land Use Board or the Council. There are a number of historic properties that are not protected. He would like to see if a historic preservation committee in Dumont.

3. Tom Gorman, Wilcox Street, asked if we have decided on Nixle and Swift reach. Mr. Herr would like to speak to the police about it. Mr. Gorman asked about Bergenfield. Councilman Di Paolo said that they would like to have the architect submit more realistic numbers for that project and 50 Washington Avenue so they can compare them to see which is more feasible. Mr. Gorman is concerned about lack of parking in Bergenfield. Will there be a referendum? The mayor said it's been discussed. Mr. Gorman asked about forming a committee with residents. The mayor replied not at this point.

4. Michael Sullivan, Andover Avenue, spoke of the Bergenfield project. There is no municipality in the state that has done this. He asked if they are trying to put a feather in their cap. It doesn't work. Sharing other services makes more sense. He can't believe what the Council has done. He accused Mayor Kelly and John Perkins of knowing the farm was going to sell. The mayor said that it was a lie. He did not know ahead of time that they were selling that property. Mr. Sullivan asked why we didn't take D'Angelo's by eminent domain. The mayor said we didn't have the opportunity. Mr. Sullivan thanked the DPW for the great job they have done picking up leaves.

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 Matters

Matters involving the purchase, lease or acquisition of real property with public funds.

Motion: Councilman Morrell

Second: Councilman Riquelme

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

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

Second: Councilman Di Paolo

All in favor.

Motion to adjourn: Councilman Hayes

Second: Councilman Morrell

All in favor.

The meeting was adjourned at 8:40PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk