

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
MAY 16, 2017
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, Di Paolo, Geist, Manna, Morrell, Riquelme-present

Mayor James Kelly-present

Also present: Borough Engineer Gleassey, Borough Architects Capazzi and Schlecht and Borough Auditor Vinci.

Motion to accept agenda as presented: Councilman Riquelme

Second: Councilman Manna

All in favor.

A presentation was given by RSC Architects Capazzi and Schlecht on the cost effectiveness of building a new municipal building in comparison to rehabilitating the old building. Mayor Kelly explained that this is not a designed building; it is based on a needs study. Mr. Schlecht said it would cost \$14,000,000 for rehabilitation as opposed to \$13,800,000 for new construction. The basement in the old building is unusable. There are environmental concerns with rehabbing. The corridors are wide and the ceilings are high, which is a waste of space and energy. A 9,900 square foot addition would have to be added, which would cost approximately \$3,000,000. Acquisition of properties are being considered. Parking and access to the building is another factor. If the structure is demolished, there would be a clean slate. A three story 9,000 square foot footprint could easily fit.

1. Mr. Fusco, 46 Harwick Road, asked if there would be a working basement in the new construction. The answer was yes.

2. Lili Binney, 32 Roxbury Road, asked if a renovation is done, couldn't there be a more efficient layout? How do you condition and maintain ceiling heights? What will the size of the sallie port be? Can records be stored in the rehabbed building basement? There was discussion about window replacement, the structural engineer, roof remediation and why an addition is necessary

3. John Sansone, 198 Beacon Street, asked about remediation. If we renovate,

Landmark should still pay for remediation.

4. Bruce deLyon, 67 Beacon Street, confirmed that the project will take about 2 and ½ years to complete. What is being demolished if rehabbed? Why is there a \$60,000 cost for demolition in the presentation? What percentage will the architect get for the project? Less than 7 or 8%. Why is there a million dollar contingency fee for new construction? Windows in schools, etc. are custom made.

5. Chris Sheridan, 9 Wilcox Street, asked how it was determined that the common corridors are structural. He questioned the floor plan square footage. The settlement agreement says Landmark is responsible for the abatement and demolition of the building. The judge ruled the value of that at about \$1,000,000. Landmark's obligation should be at least \$800,000. We might not need the addition if his calculations are correct.

6. Michael Sullivan, Andover, asked if the town would be going out to bid for additional design and construction.

7. Tom Kelly, 70 Beacon Street, feels the Borough Hall report is suspect due to a conversation he said he had overheard between the Administrator and Engineer. He asked about the basement ceiling heights. Engineer Gleassey explained that the heights vary. Mr. Schlecht said there are some areas that would constitute habitable spaces but there's a concern as to how you would get to them. There are no consistent floor areas either. The engineer said he has to make sure it's in compliance. Mr. Kelly questioned the necessity of replacement of the structure of the roof and life span of the building. He requested the needs study be reviewed, not to spend \$15,000,000 on a new borough hall. The Board of Ed replaced their windows at a lower cost than the estimate given for borough hall.

8. Lynne Vietri, Wilkens Drive, said the Board of Education received grants for their window replacement.

9. Matthew Bailin, 12 Elizabeth Street, asked if the Police Department was asked for their needs. Mr. Schlecht said the space for Administration and Police Department is approximately 50-50. Mr. Bailin said the Council Chambers has to be larger than the old one. We need additional parking.

10. Tom Gorman, 46 Wilcox Street, asked what percentage of the architect's projects come in within budget. Mr. Schlecht replied their projects are 5% or less of the budgeted amount. Mr. Gorman said the Police Department should be larger-plan for the future.

Councilwoman Correa said that she believes what Tom Kelly said he overheard. The architects and engineer left.

General Order of Business

Mr. Herr explained that we had to wait to have the hearing until we knew the amount of the down payment. We will then introduce a resolution on the amendments. On May 30th there will be a hearing on the amendments.

He gave a power point presentation. He spoke of Revenues, Appropriations, Budget Caps, Tax Levy Cap. He explained that Reserve for Uncollected Taxes is a bad debt. It has to be figured into the budget because you never know for sure how much money will be collected in taxes. The County and the Board of Education get 100% of their budget. If there is a shortfall, it would come to the town. The total appropriations

within "CAP" is \$16,924,620. Total general appropriations subject to "CAP" is \$16,633,938. The amount below allowable appropriations "CAP" is \$301,682. The maximum allowable amount to be raised by taxation is \$17,688,532. The 2017 amount to be raised by taxation for municipal purposes is \$17,688,532. The amount below the maximum tax levy "CAP" is \$79,556. The library tax is state-mandated and is \$656,735. The municipal tax on the 2017 introduced budget is \$17,688,532. The impact on an average home assessed at \$307,000 is \$77.00-\$72.00 for municipal purposes and \$5.00 for the Library. The Library receives 1cent of the taxes, the County 8cents, the Board of Ed 61cents and the Municipality keeps 30cents of every dollar.

There was discussion about budgeting closer to what we brought in last year and surplus.

A six-year projected plan is being worked on.

A monthly budget check should be done monthly. Department Heads should make sure they are not going to overexpend.

1. Lynne Vietri, Wilkens Drive, asked if there is a budget report that can be seen by residents? Does the town give money to Recreation? The answer to both was yes. The municipality pays salaries. Ms. Vietri asked the process if taxes are not paid.

2. Bruce deLyon, 67 Beacon Street. commented that Mr. Herr gave a good presentation and asked if it could be put on the website. Dr. deLyon asked why we collected \$1,000,000 in excess of our budgeted costs. Mr. Herr said that goes into surplus. Dr. deLyon wanted clarification that if \$420,000 was taken out of surplus, there could be a 0 tax increase.

Motion to close to the public: Councilman Riquelme

Second: Councilman Manna

All in favor.

Borough Auditor Vinci responded to the question about surplus. Reserve for uncollected appropriations is a statutory calculation. The budgets for the last five years the Borough anticipated collecting 98% of their taxes. Last year 99.1% was collected, which generated \$700,00 back into surplus. The key is to be able to replenish that full 1.1% so that the amount of surplus stabilizes.

Mr. Herr thanked Chief Conner for loaning the Police Department equipment and for being the AV technician tonight.

Motion to approve Resolution #129 2017 Budget Amendment: Councilman Manna

Second: Councilman Morrell

Roll call vote: Council members Correa, Di Paolo, Manna, Morrell, Riquelme-yes
Councilman Geist-no

Approval of Minutes

Motion to approve the April 18, 2017 Public and Closed Session minutes: Councilman Morrell

Second: Councilman Riquelme

Roll call vote: Council members Correa, Di Paolo, Geist, Manna, Morrell, Riquelme-yes

Motion to approve the May 2, 2017 Executive Session and Closed Session minutes:
Councilman Morrell
Second: Councilman Geist
Roll call vote: Council members Correa, Di Paolo, Geist, Morrell, Riquelme-yes
Councilman Manna: abstained

MAYOR'S REPORT

No Report

ADMINISTRATOR'S REPORT

Mr. Herr went with the Mayor, Bond Counsel and Auditor May 10th to the Local Finance Board in Trenton to get the final approval of the waiver of the down payment request we had made. It was a 6-0 vote by the Board in favor of the waiver.

The hearing on the amendment will be held May 30th. They have to be advertised first. Hopefully the budget will be adopted at that time.

Johnson Avenue is being repaved.

The Borough will be conducting a bond sale May 23rd for the \$6,075,000 in BANS we are rolling over into permanent financing. Our bond rating has also been re-affirmed at the AA rating by Standard and Poors. Last August we went out to refinance existing bonds at a lower interest rate due to our AA rating and saved \$320,000.

Mr. Herr asked that people not park in the Seniors' back parking lot for the meetings. They have no place to park when they come home.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

Board of Education

They have passed their budget. They raised \$683,000. There are no cuts in staff or programs. The cost per pupil is \$15,202, which is below the state average. The tax on an average home assessed at \$307,000 will be \$124.08. They have settled the contract with the teachers.

Fire Department

In April, there were 25 alarm calls, using 735 man hours.

- Councilman Di Paolo

Shade Tree Commission

They had a meeting yesterday. Their request for a mailbox in Borough Hall has been fulfilled.

- Councilman Geist

Joint Land Use Board

They approved the D'Angelo's application at the last meeting. The Board felt that since there were no variances in the application, they did not have a lot of control over it.

- Councilman Manna

Both the Borough engineer and the Joint Land Use Board engineer agreed that the Landmark traffic study was lacking. They discussed the intersection at DeLong and Washington, Andover, Grant, Gordon and Washington Avenue. The Councilman started a conversation with the County about the intersection of Grant, Gordon and Washington Avenue. The Borough Attorney sent a letter to the County with our concerns. The

County agreed that a baseline study be done and it would be conducted during the school year. Mr. Paster confirmed that the County asserted that the traffic count would be submitted prior to June and the results would be transmitted to the Borough for further action. The letter indicated that the goal from the Borough's perspective, was to perform a reconfiguration, if possible.

- Councilman Morrell

No Report

- Councilman Riquelme

DPW

In April, the total miles swept was 234 miles. There is a long list of asphalt curbs in need of repair and they are attempting to fix four or five a week.

ATTORNEY'S REPORT

Mr. Paster stated that there are some ordinances on the agenda tonight to expand parking capability on private property. They expand driveways on private property from 16' to 20', the extra four feet not to be counted against impervious coverage for zoning purposes.

He participated in a conference call with the Court with Special Master Banish and the Fair Share Housing Center. Councilman Manna was also on the call. The purpose of the call was to determine whether we were going to report the settlement of the declaratory judgment affordable housing case that's been in court for the last two years. He indicated that the Borough is planning on moving forward. He explained that we have two new council members this year as well as a new planner. Fair Share Housing balked. Of those towns which have not taken offers that have been made, FSH is pulling back and looking at increased figures. In addition, a new report from Dr. Kinsey increased numbers almost across the board throughout the state. Dumont's number is slightly higher than 422 which they had assessed in the May 2016 report. The Court was definitive that Dumont has been taking affirmative steps and trying their best to comply with our affordable housing obligations and would not look kindly by the agency to try to renege on our prior deal. We are now getting close to Exhibit A in last year's November 22nd resolution. Mr. Paster has to go over it with the planner and Governing Body but he is optimistic that we will be able to get a judgment of repose during the summer.

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

#17-130 Bills List *

#17-131 Approval of Lincoln School PTO On-premise Merchandise Raffle to be held June 9, 2017; ID#109-5-30683; RL#477 *

#17-132 Approval of Lincoln School PTO On-premise Cash Raffle to be held June 9, 2017; ID#109-5-30683; RL#478 *

#17-133 Endorsement of State Local Cooperative Housing Inspection Program * Mr. Herr explained that this allows the Borough to accept money from the State for housing inspections.

Motion to open to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

Seeing none, motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda: Councilman Morrell

Second: Councilman Geist

Roll call vote: Council members Correa, Di Paolo, Geist, Manna, Morrell, Riquelme-yes

ORDINANCES

Second Reading

#1518 Bond Ordinance Amending and Supplementing Section 3(a) of Bond Ordinance No. 1498 Finally Adopted on May 17, 2016 to Provide for the Purchase of an Additional Sport Utility Vehicle by the Borough of Dumont, to Appropriate an additional \$60,000 therefor and Authorize the Issuance of an additional \$57,000 bonds or notes of the Borough to finance the cost thereof- Reintroduction

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Mr. Herr stated it is for a police vehicle.

Motion to open to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

1. Matt Bailin, 12 Elizabeth Street, asked if we could use the budget to pay for this.

Motion to close: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Riquelme

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

Councilman Geist: no-he is not opposed to the vehicle but doesn't feel we need to bond for it.

First Reading

#1520 Ordinance Amending Driveways-Chapter 380-3 of the Dumont Code

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

There was discussion regarding the frontage size of houses.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Riquelme

Roll call vote: Council members Correa, Di Paolo, Geist, Morrell,

Riquelme-yes

Councilman Manna-no

#1521 Ordinance Amending Zoning: Driveways and other Paved Areas-Chapter 455-20 of the Dumont Code

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme
All in favor.

Mr. Paster explained that this ordinance applies to residential; whereas Ordinance #1520 applies to multi-family dwellings. The amendment to 455-20B addresses Councilman Manna's concerns. Unless your garage is 13½' or better, you can't go to 20'.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Riquelme

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

Councilman Manna-no

#1522 Ordinance Amending Off-Street Parking-Chapter 455-17 of the Dumont Code

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

The Municipal Court had requested that penalties be specifically added to this ordinance and that is the only change.

Motion to pass on the first reading: Councilman Morrell

Second: Councilman Geist

Roll call vote: Council members Correa, Di Paolo, Geist, Manna, Morrell, Riquelme-yes

Motion to open to the public for general comments or questions: Councilman Morrell

Second: Councilman Manna

All in favor.

1. Lynne Vietri, 41 Wilkens Drive, asked if you would get a variance to make your driveway bigger. She asked Mr. Paster if the court conversation had to do with the 83 units. Shouldn't we wait to see what happens with the Schepisi bills? Mr. Paster explained that we don't have time to wait. Mayor Kelly added that if numbers came in lower, we would receive the benefit of that number. Ms. Vietri asked when the Landmark project would begin and would the surrounding neighbors receive notification from the LSRP when the soil would be remediated. Councilman Geist said that he didn't know the start date and according to Chairman Bochicchio they would be notified. Ms. Vietri asked about the cost for summer camp and if the fee covers the cost of camp? Councilman Morrell said he believes it decreased \$25. It does cover the cost for summer camp. Recreation Commissioner Aponte affirmed that it covers salaries and everything. Ms. Vietri commented that closing roads hurts businesses.

2. Lili Binney, 32 Roxbury, commented that both borough hall scenarios don't include acquiring properties, improving properties or cost overruns. She's concerned that the actual figures will be higher. She questioned the architect's comments about efficiency and long-term dependability. She asked Mr. Paster about a comment he made in the past that if we went to Brook Street, it sounded like Landmark might provide \$300,000 to \$400,000. How much money would they give us if we renovate? Mr. Paster replied he wasn't sure what she is referring to but it sounds like cash in lieu of demolition. Landmark would abate the hazardous materials in the building and remove the fuel tank. Ms. Binney asked why the borough hall issues weren't financed and remediated following Mr. Perkins' memo stating it would cost \$972,000. The Mayor doesn't recall. Ms. Binney asked for a referendum.

3. Tom Kelly, 70 Beacon Street, feels we could litigate instead of settling with Fair Share Housing. He spoke of overlay zoning and a density ordinance and suggested taking another look at the credits with the planner. Do impact studies. He asked for an

apology regarding the conversation he said he heard Mr. Herr having with the engineer. He feels he's been treated disrespectfully. He asked for help for the taxpayers of Dumont and for the Council to do their homework. Double check whether the basement could be used if renovated. Renovations shouldn't cost more than new. Could we continue to have court in Bergenfield and meetings in the Senior Center? Residents should be told the dollar amount the bond will cost and there should be a referendum.

4. Police Chief Conner, Wilcox Street, wanted to clarify the parking ordinance #1522. There are residents parking on the front, side and back of their properties, putting astro-turf down and considering it a driveway. He feels Ordinance #1521 is also important. It is a quality of life issue.

5. Bruce deLyon, 67 Beacon Street, agrees with Ms. Binney and Mr. Kelly. He questioned a \$60,000 cost in the presentation to take down part of borough hall. He would like to have it verified. He asked the cost of renting the current borough hall and police trailers. Mayor Kelly replied \$120,000 which is included in the bond. He questioned the cost to the taxpayers. He would like a referendum.

6. Mary Normoyle, 106 Randolph, asked the status of Mr. Herr's contract. She asked about the investigation the Mayor had referred to at a previous meeting. She questioned Mr. Herr about how the report was supposed to read. Mr. Herr said he never instructed a professional to reach a preconceived decision. Ms. Normoyle then pointed out that Mr. Paster should know Dumont's FSH numbers.

Motion to close: Councilman Morrell

Second: Councilman Geist

All in favor.

Councilwoman Correa asked if we could take the money out of surplus for the police vehicle, even though we just adopted the ordinance. The finance committee will discuss it.

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

Personnel-Building Department, Finance Department and Administration

Contract Negotiations-Police Chief

Potential Litigation-Quintano

Lease, Acquisition, Purchase of Real Property with Public Funds

Motion: Councilman Morrell

Second: Councilman Riquelme

Roll call vote: Council members Correa, Di Paolo, Geist, Manna, Morrell, Riquelme-yes

Following closed session: Motion to go back to public: Councilman Morrell

Second: Councilman Manna

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 12:45AM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk