



**2016
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA		✓		
DI PAOLO		✓		
HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	4	2		

Ordinance No. 1506
Date: October 18, 2016
Page: 1 of 2
Subject: Rent Control Ordinance
Purpose: Amend
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Offered by: Hayes
Seconded by: Zamechansky

Certified as a true copy of an Ordinance adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly

Susan Connelly, RMC, Municipal Clerk

Borough of Dumont, Bergen County, New Jersey

**ORDINANCE AMENDING CHAPTER 322, REVISING CALCULATION OF
MAXIMUM RENT INCREASES UNDER THE JURISDICTION OF THE RENT
LEVELING BOARD IN AND FOR THE BOROUGH OF DUMONT, COUNTY OF
BERGEN AND STATE OF NEW JERSEY**

WHEREAS, the Mayor and Council adopted Ordinance 1414, amending Ordinances 877, 925, 947 and 1004, and codified as Chapter 322 of the Dumont Borough Code, establishing a rent control board in and for the Borough of Dumont, on August 17, 2010; and

WHEREAS, it appears that the Rent Leveling Board of the Borough of Dumont has recommended that the Governing Body adopt an ordinance revising the formula for establishing

maximum rent increases for apartment units subject to the jurisdiction of the Rent Leveling Board; and

WHEREAS, the Governing Body agrees to the recommended revisions and now seeks to codify the revisions to the code establishing maximum rent increases and the formula for calculating same.

THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Ordinance 1414, amending Ordinances 877, 925, 947 and 1004, and codified as Chapter 322 of the Dumont Borough Code, establishing a rent control board in and for the Borough of Dumont, previously adopted on August 17, 2010, specifically section 322-3 of the Borough Code, be and hereby is amended as follows to determine the establishment of rents between a landlord and tenant to whom this article is appropriate shall be determined by the purposes of this section.

Section 1. Formula for calculating rent increases. No landlord shall increase the rental of any housing space more than once in a twelve-month period, except for as provided in Section 322-4 hereof. The maximum increase for a twelve-month period shall be one and one half percent (1.5%) of the current rent or the percentage increase of the Consumer Price Index ("CPI"), based upon an average of the previous 12 months, whichever is greater for all dwelling units covered by Chapter 322 of the Revised Ordinances of the Borough of Dumont. The CPI shall be established and published the average of the previous 12 months of the CPI as is determined by the U.S. Department of Labor Statistics for the New York, New York-northeastern New Jersey area, or its successor. The twelve-month increase shall not exceed 5%.in its entirety.

Section 2 Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.


Section 3 Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

Attest:

Susan Connelly, RMC,
Municipal Clerk
Introduced: October 4, 2016
Adopted: October 18, 2016

BOROUGH OF DUMONT



James J. Kelly, Mayor



**2016
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA		✓		
DI PAOLO				✓
HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	4	1		1

Ordinance No. 1507 (revised)
Date: October 18, 2016
Page: 1 of 2
Subject: Redevelopment Plan
Purpose: Adoption
Dollar Amount: _____

Offered by: Morrell
Seconded by: Zamechansky

Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance Adopted on the 2nd Reading Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly

**Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey**

**ORDINANCE OF THE BOROUGH OF DUMONT
ADOPTING THE REDEVELOPMENT PLAN PRODUCED BY MASER CONSULTING
ON BEHALF OF LANDMARK DUMONT, LLC**

WHEREAS, Landmark Dumont, LLC is the contract purchaser of property described on the tax map as Block 212, Lot 20 and Block 215, Lot 1, known colloquially as D'Angelo Farms; and

WHEREAS, Landmark Dumont, LLC filed a complaint in lieu of prerogative writ for declaratory and injunctive relief seeking a builder's remedy on February 4, 2014 under Docket number BER-L-1297-14; and

WHEREAS, the Borough of Dumont and Landmark Dumont, LLC, arrived at a Settlement Agreement after two years of litigation and negotiation accepted by resolution by the Borough on March 8, 2016; and

WHEREAS, the Borough Council, by resolution dated August 16, 2016, designated Block 212, Lot 20 and Block 215, Lot 1 as an area in need of redevelopment; and

WHEREAS, the Borough Council authorized Maser Consulting to prepare a Redevelopment Plan for the Redevelopment Area; and

WHEREAS, Maser Consulting developed and delivered a Redevelopment Plan for Block 212, Lot 20 and Block 215, Lot 1 on September 14, 2016; and

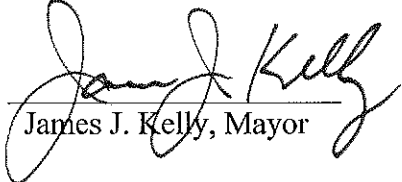
WHEREAS, the Planning Board of the Borough of Dumont (Joint Land Use Board) has reviewed and provided comments on said Redevelopment Plan; and

WHEREAS, having considered the Redevelopment Plan, the Borough Council concurs that the Redevelopment Plan does conform to the agreed upon terms of the Settlement Agreement between Landmark Dumont, LLC, and the Borough of Dumont; and

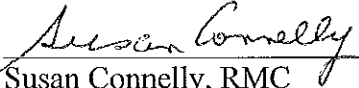
WHEREAS, the Redevelopment Plan conforms to the Borough's Master Plan and Housing Element and Fair Share Plan, which is to be adopted concurrently with the Redevelopment Plan and will provide 22 affordable unrestricted family dwellings units on Block 215, Lot 1.

NOW THEREFORE BE IT ORDAINED by the Mayor and Municipal Council of the Borough of Dumont, Bergen County, State of New Jersey, hereby adopt the Redevelopment Plan prepared by Maser Consulting on behalf of Landmark Dumont, LLC; and

BE IT FURTHER ORDAINED, that upon adoption, this Ordinance, and the Redevelopment Plan shall be served upon the Commissioner of Community Affairs


James J. Kelly, Mayor

Attest:


Susan Connelly, RMC
Municipal Clerk

Introduced: October 4, 2016
Adopted: October 18, 2016



**2016
BOROUGH OF DUMONT
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CORREA	✓			
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HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Ordinance No. 1508
Date: October 18, 2016
Page: 1 of 2
Subject: Computer Server
Purpose: Purchase & Installation
Dollar Amount: \$16,000
Prepared By: Jason Capizzi, Esq.

Offered by: Morrell
Seconded by: Riquelme

Certified as a true copy of an Ordinance adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:
Susan Connelly

**Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey**

**THE CAPITAL IMPROVEMENT FUND TO PROVIDE FOR
THE PURCHASE AND INSTALLATION OF A NEW
COMPUTER SERVER BY THE BOROUGH OF DUMONT**

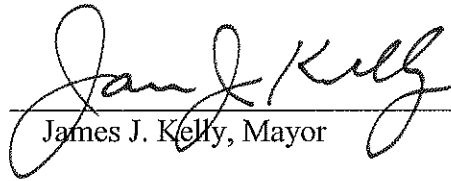
BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUMONT (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. \$16,000 is available in the Capital Improvement Fund of the Borough of Dumont, a municipal corporation of the State of New Jersey (the "Borough") to


provide for the purchase and installation of a new computer server for the Borough Municipal Building, including all work and materials necessary therefor or incidental thereto.

Section 2. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect 10 days after the first publication thereof after final adoption.

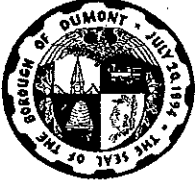

James J. Kelly, Mayor

Attest:


Susan Connelly, RMC
Municipal Clerk

Introduced: October 4, 2016

Adopted: October 18, 2016



**2016
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
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MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY		✓		
MAYOR KELLY				
TOTALS	4	2		

Ordinance No. 1509 (Revised)

Date: October 18, 2016

Page: 1 of 5

Subject: Real Property Tax Exemption and Payments in Lieu of taxes for Block 212, Lot 20 and Block 215, Lot 1

Purpose: Authorization

Dollar Amount: _____

Prepared By: Gregg Paster, Esq.

Offered by: Morrell

Seconded by: Hayes

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

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.

WHEREAS, Landmark Dumont, LLC (the "Owner") owns or has the right and intends to acquire, property known as Block 212, Lot 20 and Block 215, Lot 1, on the tax map of the

Borough of Dumont, County of Bergen, and State of New Jersey and plans to construct on the Property a housing complex including an unrestricted 15% set aside for low and moderate income families, which will meet in part the Borough's obligation to provide low and moderate income housing in the Borough; and

WHEREAS, the referenced property was the subject of a certain litigation entitled Landmark Dumont, LLC v. Borough of Dumont, Planning Board of the Borough of Dumont, et als., Docket number BER-L-1297-14, seeking, among other things, a declaration of a builder's remedy, rezoning of the property, court imposed supervision of the rezoning process, and related relief; and

WHEREAS, the above captioned litigation was settled, and the settlement was approved by the Superior Court of New Jersey, Law Division-Bergen County, after a fairness hearing on May 12, 2016, by an opinion of June 16, 2016 and an Order of the Court; and

WHEREAS, the Owner has been designated as the Redeveloper of the referenced property, which has been declared an Area in Need of Redevelopment by the municipal governing body under laws of the State of New Jersey for the purpose of proceeding with the real property acquisition and construction of the market rate and affordable housing development thereon; and

WHEREAS, the proposed development will be subject to the rules and regulations of the New Jersey Fair Housing Act and the Local Redevelopment and Housing Act; and

WHEREAS, the Long Term Tax Exemption Law of New Jersey, N.J.S.A. 40A:20-1, *et seq.* permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is a qualified subsidized housing project including a recognized percentage of unrestricted low and moderate income rental housing for families under the aforesaid statutes; and

WHEREAS, it is has been negotiated and agreed, as part of the Settlement Agreement, that in exchange for certain concessions and infrastructure improvements to be performed by the Owner, the Borough will prepare, execute and deliver an agreement under the LTTE for a Payment In Lieu Of Taxes program, as duly adopted by Ordinance of the Borough of Dumont.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Dumont as follows:

1. The Borough Council of the Borough of Dumont finds, consistent with the opinion and judgment of the Court, that the proposed development will meet an existing housing need pursuant to the provisions of the Fair Housing Act of 1985 and that the development will be an improvement made for the purpose of providing unrestricted low and moderate income rental housing to qualified families of the Borough and will serve to meet in part the Borough's obligation to provide low and moderate income housing under its fair share obligations with the New Jersey Council on Affordable Housing, as set forth by the New Jersey Supreme Court in its Mount Laurel IV decision, 221 NJ 1 (2015).

2. The Borough Council makes such determination and findings by virtue of and pursuant to and in conformity with the Long Term Tax Exemption Law of the State of New Jersey, N.J.S.A. 40:20-1, *et seq.*

3. The land and the proposed development and improvements, after acquisition by the Owner and construction of the market rate and low and moderate income housing development thereon, shall be exempt from real property taxation as provided in N.J.S.A. 40A:20-1, *et seq.*

4. The Clerk of the Borough shall deliver a certified copy of this Ordinance approving the tax exemption and financial agreement to the Tax Assessor.

5. Upon adoption of the financial agreement, a certified copy of this Ordinance and the financial agreement shall be transmitted to the Director of the Division of Local Government Services.

6. In lieu of real property taxes, the Owner shall make payment to the Borough of Dumont an annual service charge for municipal services supplied to the housing development in an amount equal to Three Thousand Five Hundred (\$3,500.00) Dollars per market rate unit for a period of fifteen (15) years, and an amount equal to Three Thousand Seven Hundred Fifty (\$3,750.00) Dollars per market rate unit for a period of ten (10) years thereafter, and an amount equal to Three Hundred Fifty (\$350.00) Dollars per affordable unit, per year for twenty five (25) years from operating revenue or from such other source as may be available, said payments to commence upon the initial issuance of certificates of occupancy of the development. The Borough shall remit five percent (5%) of this annual service charge to the County of Bergen. The existing assessed taxation shall remain in effect on a pro-rata basis throughout the

construction process until all units approved under the Settlement Agreement and Court Order are completed and certificates of occupancy are issued.

7. The tax exemption from real property taxation hereby granted shall continue for the earlier to occur of (a) the passage of twenty five (25) years from the completion of the development or (b) a determination by the Owner and the Borough that the development is no longer useful.

8. The Borough of Dumont shall require of the Owner the following:

- a. A copy of its Certificate of Incorporation be filed with the Borough Clerk.
- b. Proof shall be provided to the Borough of adherence to the provisions of any state or federal regulations serving to regulate the operation of the development, including, but not limited to COAH eligibility and selection criteria and reporting requirements. Such proof shall be provided as often as may be reasonably requested but in no case less often than required under COAH or FHA regulations.

9. The Owner, COAH, the Superior Court of New Jersey, or any other interested party, may rely upon this Ordinance for the approval of the an application by the Borough for substantive certification and/or a judgment of repose in its affordable housing obligations under the FHA and court decisions interpreting same.

10. The appropriate Borough officials are hereby authorized and directed to execute a Tax Abatement Agreement reflecting the aforesaid annual service charge in lieu of taxes and the contributions and concessions by the Owner.

11. One copy of this Ordinance shall be placed on file with the Borough Clerk and with the Tax Assessor of the Borough of Dumont.

12. Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Borough of Dumont and a newspaper of general circulation in Bergen County.

Upon adoption: This is to certify that the foregoing Ordinance was adopted by the Borough Council of Dumont Borough at a public meeting duly held in accordance with law on _____
_____.

Susan Connelly, RMC
Municipal Clerk

ATTEST:

APPROVED:

SUSAN CONNELLY, RMC
Municipal Clerk

JAMES J. KELLY, Mayor

Introduced: October 18, 2016

Adopted: