

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
SENIOR CENTER  
APRIL 18, 2017  
6:30 PM**

Council President Carl Manna 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 Kelly-absent

Motion to accept the agenda as presented: Councilman Morrell

Second: Councilman Riquelme

All in favor.

**Approval of Minutes**

Motion to approve the March 21, 2017 Public and Closed Session minutes: Councilman Morrell

Second: Councilman Geist

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

Councilman Di Paolo abstained

Motion to approve the April 4, 2017 Special Meeting, Executive Session and Closed Session minutes: Councilman Geist

Second: Councilman Morrell

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

**ADMINISTRATOR HERR'S REPORT**

There will be a shredding event April 29<sup>th</sup> at the DPW from 9AM-1PM

On the agenda, there are two resolutions having to do with selling bonds-this does not increase the debt of the Borough. This authorizes the town to take short term bonds and roll them over into long term bonds.

Mayor Kelly, Councilman Manna, the auditor, bond counsel, financial advisor and he went to Trenton to meet with the Director of Local Government Services. We filed an application with the Local Finance Board for a waiver of down payment for the new municipal building. A bond ordinance is going to have to be passed for the financing of Borough Hall and a substantial down payment (5%) will be required. The Director will review the information. We have to introduce a bond ordinance at the next meeting in order to be heard at the next Local Finance Board meeting May 10<sup>th</sup>. The budget hearing, which was scheduled for tonight, has been postponed. Based on what the Local Finance Board says, we may have to change the budget.

## **COUNCIL COMMITTEE REPORTS**

- Councilwoman Correa

### *Fire Department*

In March, there were 25 alarms and 825 man hours.

- Councilman Di Paolo

### *Shade Tree Commission*

They met yesterday. Arbor Day celebration will be held April 29<sup>th</sup> from 1-3PM. They will be announcing the winner of the annual merit award as well as their art contest. They will be planting a tree. The Commission will be reviewing plans for planting at the D'Angelo's site to ensure they will be an asset to the town. They are also looking for possible sites for a tree nursery.

- Councilman Geist

### *Joint Land Use Board*

The Chairman's opinion is that they are at an impasse over a few issues: Landmark does not want to make soil results available to the Board or give the name of the LSRP and they do not want to broaden their traffic study. There was also a question whether Landmark's LSRP should be relied upon or the JLUB should hire their own. Mr. Madaio, the Joint Land Use Board's attorney, advised that we do not have to hire our own.

Councilwoman Correa suggested Mr. Herr find out how much it would cost to hire our own LSRP. Councilman Geist replied that our engineer has one on staff. The Councilwoman said that we should look into the cost of doing our own traffic study. President Manna said that he had called the engineer and requested the cost to expand the traffic study.

- Councilman Morrell

### *Recreation*

The Easter Egg Hunt was held last week. There were approximately 200 children in attendance. Councilman Manna and Councilman Riquelme were also there with him. The Coach's certification class is being planned. Little League coaches have their lanyards and other coaches will be receiving theirs showing that they are certified.

### *Police Department*

In March, they had 1,898 telephone calls for service-83 for medical reasons and 4 for fires. 213 traffic summonses were issued-118 for parking, 95 moving. 23 motor vehicle crashes were investigated, 23 burglar alarms were responded to, 6 warrants were served and they patrolled 11,209 miles.

- Councilman Riquelme

### *No Report*

- Councilman Manna

At the last meeting, he said he had questioned whether he had received an email from Mr. Herr in response to his request as far as the permits and sub-code officials' needs for Landmark development. He apologized because Mr. Herr had sent the email but somehow it was in the Councilman's "sent" box.

### *Ordinance Committee*

He met with the DPW Superintendent and our wastewater consultant to review and update our grease trap ordinance.

The Councilman said that at the meeting in Trenton the professionals presented our financial history and what we have done in the last five to ten years to increase the credit rating of the Borough. More information was requested of us, which is a good sign that they are considering waiving the down payment.

Councilman Manna added that he feels that the traffic study which was done, is lacking. He asked our attorney to officially ask Landmark to expand the study and request an answer in writing. Mr. Paster said he had but had not yet received a response.

### **ATTORNEY'S REPORT**

Mr. Paster stated that AT&T is looking to extend their lease at Twin Boro Drive. Verizon Wireless is looking for consent for a municipal right-of-way, similar to what Cross River Fiber received a couple of meetings ago. They are looking to put small node wireless communication equipment on existing utility poles. They are also looking for a location owned by the borough to place a tower.

**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**

**#17-107** Bills List \* Councilman Manna explained that during discussion of the budget it was decided the "miscellaneous" label was being abused. Mr. Herr was asked to have those items realigned to their proper lines. That is the reason for a number of "voids".

**#17-108** Endorsement and Authorization of the Submission of the Recycling Tonnage Grant Application \*

**#17-109** Certification of the Annual Solid Waste Tonnage Tax -\$20,441.67 (income for the borough) \*

**#17-110** Approval of Knights of Columbus "Shake the Can" Event to be held 4/20/17-4/23/17 \*

**#17-111** Award of Quote for Landscaping Maintenance of Bank-owned and Foreclosed Properties in Dumont-\$90 per hour \*

**#17-112** Opposition to Community Development Block Grant Funding Cut \*

Councilman Geist feels this resolution is political and not something we should get involved with.

Councilman Di Paolo stated that Dumont receives over \$100,000 in Community Development Block grants so because there is a proposed cut to it, we have every reason to pass a resolution in opposition to the proposed cut.

President Manna said the grant does provide money for road improvements, Meals on Wheels and senior assistance.

Motion to table: Councilman Geist; Seconded by Councilman Morrell. Roll call vote: Council members Geist and Morrell-yes; Council members Correa, Di Paolo, Riquelme, President Manna-no. Motion did not carry.

**#17-113** Approval of Battaglia Associates, LLC to Work Part-time in the Finance Department-not to exceed \$15,000 \* President Manna said that the Council needs to have a discussion as to whether or not an LLC or a CFO should have a greater role in overseeing the finance department. Councilwoman Correa said that we are passing a resolution for prior services rendered. Also, we can't keep paying an outside company when we are paying an administrator/CFO. Motion by Councilwoman Correa to table, Seconded by Councilman Di Paolo. Roll call vote: Council members Correa, Di Paolo, Geist, Morrell, Riquelme, President Manna-yes. Motion carried.

**#17-114** Temporary Capital Budget Amendment of 2017-for Bond Ordinance #1518 \* Councilman Geist can't support this.

#17-112 and #17-114-moved to non-consent

Motion to open to the public: Councilman Riquelme

Second: Councilman Morrell

All in favor.

1. Rachel Bunin, 9 Poplar Street, said she has a foreclosed property next to her that has not been maintained.

Councilman Geist pointed out that according to the resolution, the Borough would not have to front the money.

2. Lili Binney, 32 Roxbury, asked how we keep track of the time spent in Resolution #111. The response was that the vendor hands in a bill.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt the Consent Agenda minus Resolutions 112, 113 and 114: Councilman Riquelme

Second: Councilman Morrell

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

### **Non-Consent Agenda**

**#17-112** Opposition to Community Development Block Grant Funding Cut

Motion to open to the public: Councilman Geist

Second: Councilman Riquelme

All in favor.

1. Andrew LaBruno, 108 E. Linden Avenue, asked if we have a federal grant writer.

President Manna said that it was never considered for the budget. Councilman Di Paolo explained that voting for the resolution is symbolic-the President can do what he wishes. However, we would be sending the resolution to the President and our representatives showing we oppose the cut and asking them to advocate for us. Mr. LaBruno asked how many streets need repair.

Councilman Di Paolo would like the Council to consider putting out an RFQ for a grant writer. Some firms take a percentage and don't charge up front.

2. Tom Gorman, 46 Wilcox Street, said the previous administrator used to apply for grants. He was concerned about the cost.

Councilman Riquelme suggested that the specs of the RFQ specify percentage as opposed to a fee paid up front.

Motion to close: Councilman Geist

Second: Councilman Riquelme

All in favor.

Motion to adopt Resolution **#17-112**: Councilman Di Paolo

Second: Councilman Riquelme

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

Council members Geist and Morrell-no

Motion carried.

**#17-114** Temporary Capital Budget Amendment of 2017-for Bond Ordinance #1518

Mr. Herr explained that the bond ordinance is to replace Police Department vehicles. There was discussion regarding bonding and budgeting.

**#17-115** Resolution Providing for the Combination of Certain Issues of Bonds of the Borough of Dumont into a Single Issue of Bonds Aggregating \$6,075,000 in Principal Amount

**#17-116 Resolution Determining the Form and Other Details of \$6,075,000 General Obligation Bonds of the Borough of Dumont and Providing for Their Sale**

Bond Counsel Capizzi was present and explained that the one resolution combines all the outstanding bond ordinances that will be subject to this sale. This sale authorizes notes which mature June 22, 2017 in the amount of \$6,575,000. \$6,075,000 in bonds are being issued, the proceeds of which, along with \$500,000 of note proceeds, will be used to pay off that note and convert it into permanent financing for the next several years. The Borough's municipal advisor advised that this is advantageous. It avoids ongoing interest rate risk. Interest rates will now be locked in.

Resolution #116 memorializes certain details of the bond sale. The Borough will offer the bonds for sale at a competitive auction on May 16<sup>th</sup>. That day bids will be received and a decision will be made as to the lowest interest.

Motion to open to the public for Resolutions 114, 115 and 116:

Councilman Morrell

Second: Councilwoman Correa

All in favor.

1. Maryann Russini, 141 Roosevelt, questioned the date the order had to be placed for the police cars and the money allotted.

2. Bruce deLyon, 67 Beacon Street, questioned the seed money required and the costs. How much will we be saving? Can the savings be shared with the public? We should try not to bond unless really necessary.

Mr. Capizzi explained that the bidder must deposit 2% with the Borough. All the professionals listed on the last page of Resolution #116 are involved in order to complete the financing. There are fees for the Bond Counsel and other soft costs. As far as the savings, the municipal advisor has given projections but we will know more after the bids are accepted.

Motion to close to the public: Councilman Riquelme

Second: Councilman Geist

All in favor.

Motion to adopt Resolution **#17-14**: Councilman Morrell

Second: Councilman Riquelme

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

Motion to adopt Resolution **#17-115**: Councilman Morrell

Second: Councilman Riquelme

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

Motion to adopt Resolution **#17-116**: Councilman Morrell

Second: Councilman Di Paolo

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

**General Order of Business**

The Hearing on the 2017 Municipal Budget has been Postponed

**ORDINANCES**

*Second Reading*

**#1517** Bond Ordinance Providing for Thompson Street and Schraalenburgh Way Road Improvements by the Borough Dumont, Appropriating \$224,000 therefor and Authorizing the Issuance of \$213,000 Bonds or Notes of the Borough to Finance part of the cost thereof

Mr. Herr stated that we received a Community Development Grant for \$99,000. It was supplemented with \$125,000 of Borough funds.

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

1. Rachel Bunin, 9 Poplar, asked how roads that need improvement get on the list. DeLong is bad. Mr. Herr replied that Community Development sends out a map with roads that are eligible. We also do roads with DOT grants. We did micro sealing on some roads, which helped. There is a different type of milling and paving, which they are looking into. The DPW Superintendent and Engineer have a list of roads that need to get done and DeLong is on the list.

Motion to close: Councilman Morrell

Second: Councilman Geist

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Riquelme

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

*First Reading*

**#1518** Bond Ordinance Supplementing Bond Ordinance No. 1498 Finally Adopted on May 17, 2016, Providing for Various Capital Improvements by the Borough of Dumont, by Appropriating an Additional \$60,000 therefor and by Authorizing the Issuance of an Additional \$57,000 Bonds or Notes of the Borough to Finance the cost thereof

Motion to waive formal reading: Councilman Di Paolo

Second: Councilman Morrell

All in favor.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Riquelme

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

Councilwoman Correa asked Councilman Geist to go through the budget to see where he thinks we should cut to come up with the funds. Councilman Geist responded that he thinks we have to project revenues higher as opposed to just cutting them. There was discussion about a five-year plan, capital projects and bonding.

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

Second: Councilman Geist

All in favor.

1. deLyon, 67 Beacon Street, said he went to the Joint Land Use Board meeting and

requested they get the report. He asks that the Council take a vote demanding a copy of the report. At the last meeting, he brought up the Building Department's appropriations that was \$70,000 over budget. He cited the increases over the years. He asked if research has been done. Mr. Herr responded that it will be discussed in closed session. Dr. deLyon asked if overtime is pensionable and where the money came from. The answer was that it is not pensionable. Mr. Herr said that it came from transfers. deLyon asked how we plan to bond for the municipal building without knowing what it will cost. Mr. Herr replied that we have to do a bond ordinance prior to going to the Local Finance Board for the down payment waiver. We have projections of costs. We are going to go on the high side because even though you pass a bond ordinance, you don't have to start paying the money until you sell the notes to fund that ordinance. We will get more refined plans and costs and then we will appropriate the money but only sell the notes we have to sell to fund that project. The rest can be cancelled. We are going high because we would never be able to go back to the Finance Board and say we underestimated. Dr. deLyon read a letter he submitted to the papers, which stated his frustration over the lack of the architect's Borough Hall presentation to the public and how it will be financed, without input from the residents plus inaccurate advice from professionals.

2. Lili Binney, 32 Roxbury Road, stated her concerns about cut throughs on roads near D'Angelo's and asked for the breakdown of figures RSC had submitted. She cited a 2012 email from Mr. Perkins, which projected the figure for remediation at the time to be \$927,000. Will the real numbers be forthcoming soon? She asked Mr. Paster for clarification on notification of the 422 number from Fair Share Housing to the Council. She questioned the timing and explanation of Resolution #248 and the fact that it referred to an attached appendix, which did not exist. Mr. Paster explained that the Council agreed to a settlement in principle, based on a mediation session of October 24<sup>th</sup> subject to further negotiation and resolution of smaller details. Ms. Binney referenced a January 2017 email between Darlene Green and Josh Bowers regarding the settlement agreement, noting the word "draft" was not used. In response to Ms. Binney's question about the next court date Mr. Paster stated it is May 9<sup>th</sup> at which they will be reporting their progress to the judge. Ms. Binney asked Mr. Paster's opinion as to whether Landmark is right in saying they aren't responsible for off-site traffic remediation. Mr. Paster opined that they have a solid argument that the roads they are not using for ingress and egress are not their responsibility to study. Ms. Binney reminded the Council that years ago they had asked for their own traffic study. She asked when Mr. Paster received the traffic study. What is the name of Landmark's LSRP? She asked President Manna to find out from DEP. She asked if it's within the borough's legal rights to ask that the farm rollback tax be paid immediately. Mr. Paster's answer was no.

3. Debbie Tamburro, 125 Roosevelt Avenue, stated that there are issues with work done on the flood project. Mr. Herr said he will take a look at the properties.

4. Phil Ashare, 149 Roosevelt, spoke of problems with the project also.

5. Chris Sheridan, 9 Wilcox, questioned the timing the traffic report was received by Mr. Paster or the Council. He said that at the fairness hearing Judge Meehan said that there are no adverse consequences of development from the perspective of County engineering. Now it seems they didn't even look at the other intersections. He asked why the architect feels only 13,000 sq.' of the borough hall is usable. He spoke of abatement and demolition.

6. Rachel Bunin, 9 Poplar, announced that Arbor Day will be held April 29<sup>th</sup>. The Shade Tree Commission has found some land at the northeast corner of McCaw Bedford Park to use for a nursery to grow trees. They have fifteen trees being planted through Adopt-A-Tree. There is a showcase at the Library. 130 bags of mulch were distributed at the arboretum. She feels the traffic report is a joke. Nothing changes.

7. Maryann Russini, 141 Roosevelt, said that they broke her leader and gutters.

There are other issues with the project. She asked if there will be a recreation center in the new borough hall.

8. Lynne Vietri, 21 Wilkens Drive, asked if the Recreation account has been reconciled yet. She said the batting cage has been installed at Memorial Park but there is no rug. Councilman Morrell said the rug has been ordered. Ms. Vietri said there is equipment at the field. If it's good, it should be stored in the shed. Councilman Morrell said if it's broken, he'll make sure it's thrown out. Ms. Vietri said we should have gotten our own traffic study.

9. Tom Gorman, 46 Wilcox Street, asked if there is a buildings and grounds committee and who is on it. Did the architect interview the department heads by themselves? He questioned the traffic study and that the police department should be represented at the Joint Land Use Board.

Motion to close to the public: Councilwoman Correa

Second: Councilman Riquelme

All in favor.

The Municipal Clerk read the resolution to enter Closed Session to discuss:

Personnel-Building Department, Finance Department and Administration

Negotiations-Police Chief

Contract Negotiations-AT&T

Motion: Councilman Riquelme

Second: Councilman Di Paolo

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

Following closed session, motion to return to public:

Motion: Councilman Geist

Second: Councilman Riquelme

All in favor.

President Manna called for a motion on a resolution to engage an individual to perform interviews of the persons discussed in closed session, not to exceed \$5,000: Councilman Morrell, seconded by Councilman Riquelme. Roll call vote: Council members Correa, Di Paolo, Geist, Morrell, Riquelme, Manna-yes

Motion to adjourn: Councilman Morrell

Second: Councilman Geist

All in favor.

Meeting adjourned at 11:00PM

Minutes respectfully submitted by

Susan Connelly, RMC

Municipal Clerk