

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

Mayor Kelly called the meeting to order at 6:50PM

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, Geist, Manna, Morrell, Riquelme-present

Mayor James Kelly-present

Also present: Borough Attorney Paster

Motion to accept agenda as presented: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Approval of Minutes

Motion to approve the May 16, 2017 Public Meeting Minutes: Councilman Morrell

Second: Councilman Riquelme

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

Motion to approve the May 30, 2017 Special Public Meeting Minutes: Councilman Morrell

Second: Councilman Riquelme

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

Motion to approve the June 13, 2017 Executive Session Minutes: Councilman Morrell

Second: Councilman Riquelme

Roll call vote: Council members Correa, Di Paolo, Geist, Manna, Morrell, Riquelme-yes, contingent upon correction of typos on page 3 and page 5

Motion to approve the June 13, 2017 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 June 27, 2017 Special Public Meeting and Closed Session

Minutes: Councilman Riquelme

Second: Councilman Morrell

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

Mayor's Report

We have received a number of resumes for the positions of CFO and Administrator. We have met with a few CFO's. On tonight's agenda is a resolution to hire a firm until we find a permanent CFO but they could possibly be permanent. As far as Administrator, we have a resolution to hire an interim. Hopefully, by the August meeting, will have both positions filled.

Council Committee Reports

- Councilwoman Correa

No Report

- Councilman Di Paolo

Shade Tree Commission

They swore in a new commissioner. They have also hosted Night at the Gazebo events at the arboretum, which have been successful. They also awarded two academic scholarships to two seniors. They would like to sit with the ordinance committee to discuss shade tree coverage and planting new trees in town. They would like to meet with Recreation to talk about Sorosis Park.

- Councilman Geist

Joint Land Use Board cancelled their last meeting. The Finance Committee has had one meeting since the last meeting.

- Councilman Manna

In the last few weeks he and the Mayor have met with the Borough Engineers and Traffic Engineers. After review, it is apparent to the Council that it is light. The Borough Attorney was requested to contact the County to have them do a traffic study of that intersection. It was done the third week of June. The engineers from Boswell and Remington recommended having a sensor light on Gordon. The other recommendation was to have a crosswalk that offsets from the gas station. We will be continuing dialog with the County.

Personnel Committee

We had more than eighty applicants for Borough Administrator, of which eight have had governmental experience. We will be scheduling interviews. A number of CFO's have been interviewed. We plan on having a CFO in place by the end of the month. We have looked at a couple of entities that can provide us with an interim CFO.

- Councilman Morrell

Police Department

In June, they received 2,320 telephone calls for service-88 call for medical, 6 for fire and 8 for commitments. There were 154 traffic summonses issued-13 parking, 141 moving. There were 37 motor vehicle crashes investigated, 29 burglar alarms responded to, 5 warrants served and 12,407 miles traveled.

Recreation Commission

There are over 400 children in summer camp. They've had special activities and the registration fee was lower this year than last year.

DPW

They have been checking sewer lines in order to pre-empt sewer backups. Five sewer jobs were found this month before backup. 454 miles were swept in June. They have filled approximately 128 potholes.

Library

Circulation has increased.

Ambulance Corps

They looking to purchase emergency lighting for their new truck.

Borough Attorney's Report

At the request of the Recreation Commission and Councilman Morrell, Mr. Paster has been reviewing Green Acres restrictions on park land use to be sure there is no interference with the summer rec. program. He has also interfaced with the Clerk's office to get regulations together regarding the CFO position.

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

#17-171 Bills List * Councilwoman Correa requested this be moved to non-consent since she did not have a chance to look at the bills.

#17-172 Approval of Limo Chief Limousine Permit Renewal *

#17-173 Authorization of Tax Appeal Settlement -219 Washington Avenue-\$2,225.89 *

#17-174 Appointment of Sustainable Communities Associates as CFO *

#17-175 Kenneth Menezes-Appointment to the Board of Health *

#17-176 Approval of Police Department Towing Companies for 2017-2018 *

#17-177 Approval of Person to Person Liquor License from Shamrock Tavern LLC t/a Ryan's Public House to La Taberna LLC *

#17-178 Approval of Block Party to be held August 5, 2017 on Erie Street *

#17-179 Approval of Block Party to be held August 19, 2017 on Omaha Street *

#17-180 Approval of Block Party to be held August 12, 2017 on Dakota Avenue *

#17-181 Appointment of Councilmembers Di Paolo and Morrell and Mayor Kelly as Community Development Representatives and Councilman Riquelme as Mayor's Alternate *

#17-182 Accept Retirement of Raymond Herr as of July 31, 2017 *

#17-183 Authorization to Engage Firm which can Provide a Part-time Interim Administrator *

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

Second: Councilman Riquelme

All in favor.

1. Bruce deLyon, 67 Beacon Street, had questions about a bill for a fire truck and whether there is a capital plan for new trucks. Councilman Manna said there is a new truck in the 2018-2019 six-year capital plan. When asked about resolution #174, Councilman Manna explained that two of the CFO's are familiar with the Borough-one is our tax collector and the other has done our bank reconciliations. They would be working five days a week, four hours a day. The other part is they would be looking at

finances from January through July to make sure the Borough is up to speed. They will be working on premises and off. Dr. deLyon asked when the audit would be available.

2. Tom Gorman, Wilcox Street, asked questioned the administrators' resumes.

3. Lili Binney, 32 Roxbury, asked if the ad for administrator was definitive.

Councilman Manna answered it was.

4. Lynne Vietri, 41 Wilkens, asked about the firm which does our bank reconciliations.

5. Daniel Rowel, 106 Randolph, asked for an explanation of Resolution #181. The Mayor explained it's a requirement of Community Development.

Motion to close to the public: Councilman Morrell

Second: Councilman Geist

All in favor.

Motion to adopt the Consent Agenda excluding #171: Councilman Morrell

Second: Councilman Di Paolo

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

Non-Consent Agenda

#17-171 Bills List

Motion to adopt: Councilman Morrell

Second: Councilman Geist

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

Councilwoman Correa-abstained

#17-162 Authorization of Settlement of Litigation of Declaratory Judgment Action (previously tabled)

Councilman Manna stated he has had many concerns. There were concessions made by Fair Share Housing as to them not suing us if this resolution is passed. That will not prevent them from joining in suit with other entities. We need to settle our obligations. FSH had led us to believe we would get ten years repose from Builder's Remedy and now we find out it's eight years.

Councilman Geist feels we can withdraw the lawsuit and not settle. The professionals say we are open to Builder's Remedy lawsuit if we move forward with this option. However, if there is no Builder's Remedy lawsuit, we can keep the zoning and overlay the way we want. If there is a lawsuit, we would have to deal with it at the time.

Motion to adopt #17-162: Councilman Morrell

Second: Councilman Riquelme

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

Council members Correa, Geist, Manna-no

Mayor Kelly-yes-to break the tie.

Resolution passed.

ORDINANCES

Second Reading

#1523 Bond Ordinance Providing for Sewage System Improvements by the Borough of Dumont, Appropriating \$80,000 therefor and Authorizing the Issuance of \$76,000 Bonds or Notes of the Borough to Finance part of the cost thereof

Motion to waive formal reading: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Councilman Geist feels we should use surplus money for this.

Motion to open to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

1. Tom Gorman, 46 Wilcox Street, asked what this is for. The response was for First Street.

2. Maryanne Russini, 141 Roosevelt Avenue, questioned whether the Council understood what they were voting for.

Motion to close to the public: Councilman Geist

Second: Councilman Riquelme

All in favor.

Motion to adopt on second reading: Councilman Manna

Second: Councilman Morrell

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

Councilman Geist-no

#1524 Supplement to Ordinance-Chapter 339 Sewers of the Dumont Code-Grease Traps

Motion to waive formal reading: Councilman Manna

Second: Councilman Di Paolo

All in favor.

Motion to open to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to close to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Manna

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

First Reading

#1525 An Ordinance to Amend, Revise and Supplement Compensation Ranges for Certain Officers and Employees

Motion to waive formal reading: Councilman Manna

Second: Councilman Morrell

All in favor.

Councilman Di Paolo asked what changes were made. The Mayor responded: Police Chief, Assistant Finance Clerk and Borough Clerk; Finance Agency was added.

Motion to pass on the first reading: Councilman Manna

Second: Councilman Morrell

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

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

Second: Councilman Morrell

All in favor.

1. Lili Binney, 32 Roxbury Rd., asked if the Police Chief has a contract yet. The response was not yet. Ms. Binney asked what the architect's report on the Lutheran Church showed. The Council just received it today. Have we heard anything on the Open Space grant? The answer was no. Did they give a level of service grade on the traffic study? Who was in attendance at the special meeting besides those present now? The Mayor replied Frank Banish. Ms. Binney asked how many special meetings in the past fourteen months there have been to discuss the Fair Share Housing settlement. She asked the Mayor what effect the overlay will have on the town. He doesn't feel it will have much effect. She didn't feel it was right to have no discussion from residents prior to voting on the settlement resolution. She asked who the plaintiff in the farm rollback is. Mr. Paster replied that it is Dumont. The defendant is the Estate of D'Angelo. Mr. Paster will find out the docket number, as requested. Ms. Binney asked the status of the tax appeal. The Mayor explained that we will have closed session with the tax assessor and tax appeal attorney after this meeting. Ms. Binney asked what it costs for a town to apply for certification for COAH. How many special meetings in 2005 did Mr. Paster call Maser Consulting in to discuss COAH certification? There was discussion of the 2007 Master Plan. Ms. Binney accused Mr. Paster of lobbying the past three years, which in her opinion will result in overdevelopment. He didn't ask an affordable housing litigator to face FSH and didn't ask for a second planner's opinion. Mr. Paster replied he considers it representation. He's worked to minimize the impact on the community.

2. Lynne Vietri, 41 Wilkens Drive, feels Nixle is great. She asked if TwinBoro, Swim Club and Gina's Field are all Green Acres, to which the answer was yes. There was discussion as to whether it could be built on. She asked if the affordable housing units at D'Angelo's will be able to be converted to market ratable. Mr. Paster's answer was yes, in thirty years. She spoke of an editorial written by Mr. McLaughlin on nj.com regarding segregating the affordable housing. She wanted it known that Dumont residents are not in favor of it. She spoke of the 2013 Master Plan.

3. John Sansone, 119 Beacon Street, applauded Mr. Geist's third option. This town should be fixed up.

4. Rachel Bunin, 9 Poplar St., said that Dumont is going to look like Brooklyn. The Old North Church might be in jeopardy because of the resolution approval.

5. Matthew Bailin, 12 Elizabeth Street, said that the Council disregarded the people's advice and opinions. The agenda states "public participation". He urged everyone to contact the County Prosecutor. A traffic study was not done on the downtown area. It would work if there are two lanes each way. Parking will be an issue.

6. Michael Sullivan, 125 Andover Avenue, nobody fought for us or listened to FARM'd. He feels that the professionals do nothing for this town. He complimented Councilman Geist. Councilman Manna took exception to Mr. Sullivan accusing him of not being transparent.

7. Bruce deLyon, 67 Beacon Street, said only three people on the Council did the right thing. Mr. Paster never fought for us. He is the major problem. The third round never went in. He spoke of Cresskill's numbers. He spoke of the Board of Education lawsuit.

8. Mary Ann Annechino, 84 Andover, expressed concern about the decisions the Council has made will affect the taxpayers. She complimented Council members Correa, Geist and Manna for questioning.

9. Tom Kelly, 70 Beacon Street, expressed disappointment in denying public comment prior to vote on the resolution. He questioned the number of credits for the overlay zone, handicap accessibility, density, traffic and performance of the overlay zone, vacant land adjustment and the probability of lawsuits. He felt that we should have had a special affordable housing litigator to review the settlement. Historic sites are in jeopardy.

10. MaryAnn Russini, 141 Roosevelt Avenue, asked if the Council members would be able to change their vote and if so, the process. Mr. Paster said yes and explained. She suggested the Council members who voted yes, leave. She feels the people at the meeting have been disrespected.

11. Robert Iaconetti, 72 Huntting Drive, was told his matter would be discussed with him in closed session tonight.

12. Chris Sheridan, 9 Wilcox Street. said the Council made a poor decision tonight. We won't be protected in the future.

13. Tom Gorman, 46 Wilcox Street, asked if there is a burglar alarm system in Borough Hall. The answer is no. Mr. Gorman asked about laptop computers for the Mayor and Council. He asked whether the suspension hearings for personnel would be open or closed. The response was that the judge will rule on that decision. He feels that this is the worst Governing Body except for two people.

14. Daniel Rowel, 106 Randolph Avenue, asked which council members voted to appoint Mr. Paster and told those council people, who also voted yes to the resolution, to resign. He feels Mr. Paster should go to jail.

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:

Litigation: D'Angelo Farms Tax Appeal

Litigation and Negotiation: Municipal Court

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 into public: Councilman Morrell

Second: Councilman Geist

All in favor.

Councilman Manna feels the Governing Body should hold an actual work session the first meeting of the month with no resolutions or ordinances unless absolutely necessary.

Motion to adjourn: Councilman Morrell
Second: Councilman Riquelme
All in favor.

Meeting adjourned at 9:45PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk