

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
EXECUTIVE SESSION MINUTES  
DUMONT SENIOR CENTER  
SEPTEMBER 5, 2017  
6:30 PM**

**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 (arrived at 6:40PM), Manna, Morrell, Riquelme-present  
Mayor James Kelly-present

Motion to Accept Agenda as presented: Councilman Manna

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**

**#17-165** Approval of RSC Architects Proposal for Municipal Complex at 50 Washington Avenue \* The Mayor announced that this resolution shall be tabled until next meeting.

**#17-207** Endorsement of Vantage Health Community Development Grant Application \*

**#17-208** Kathleen Schaefer-Accept Letter of Retirement as of September 29, 2017 \*

**#17-209** Approval of 2017 Salary Resolution \*

**#17-210** Approval of Remington, Vernick and Arango Proposal for First Street Drainage Project -\$21,240\*

**#17-211** Authorization to Advertise for Bids for First Street Drainage Project \*

**#17-212** Approval of St. John's Columbiettes #1345 On-premise Merchandise Raffle to be held October 28, 2017 at 61 Armour Place; ID#109-6-7021, RL#484 \*

**#17-213** Designees for Execution of Treatment Works Applications \*

**#17-214** Approval of Right-of-way Use by Dumont Board of Education for Repurposing of Police Call Boxes for Private Fiber Wide Area Network \*

**#17-215** Approval of Pascack Valley Meals on Wheels On-Premise Merchandise Raffle Application to be held October 20, 2017; ID#547-4-40051, RL#482 \*

**#17-216** Approval of Camp Acorn Calendar Raffle Application to be held January 1, 2018-June 30, 2018; ID# 373-435885, RL#483 \*

**#17-217** Authorization of Execution of Agreement with AXA Equitable-Deferred Compensation Plan \*

**#17-218** Authorization of Cancellation of General Capital Improvements \* #218 and #219 address some of the comments in the audit.

**#17-219** Cancellation of General Capital Fund Grant Receivables \*

**#17-220** Approval of Block Party on Wolcott Street to be held Saturday, September 9, 2017 \*

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

Second: Councilman Di Paolo

All in favor.

1. Lili Binney, 32 Roxbury Road, asked why Resolution #165 was tabled again. The Mayor stated that some council members had questions and would like to meet with RSC.

2. Bruce deLyon, 67 Beacon Street, questioned the status of a presentation on Borough Hall. He would like to see the money from #218 dedicated to tax relief. The Mayor said the presentation will be made when the design of the building is ready.

Motion to close to the public: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to adopt the Consent Agenda, not including Resolution #165: Councilman Morrell

Second: Councilman Manna

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

## **Ordinance**

### *First Reading*

**#1526** Capital Ordinance Providing for Various Equipment and Improvements in and for the Borough of Dumont, County of Bergen, State of New Jersey; Appropriating \$115,000.00, therefore from the Capital Fund Surplus to Pay for the costs thereof

Motion to waive formal reading: Councilman Manna

Second: Councilman Morrell

All in favor.

The Mayor explained that the money will be used for the DPW line striping machine and traffic control equipment; hardware and software for the Building Department and a new roof for the library.

Councilman Manna pointed out that this is money the CFO found going through our old bond ordinances. This is not money being bonded.

Motion to adopt on first reading: Councilman Manna

Second: Councilman Riquelme

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

Motion to open to the public for General Comments and Questions: Councilman Morrell  
Second: Councilman Manna

All in favor.

1. Lili Binney, 32 Roxbury Road, asked about Landmark selling to Garden Homes. Did the Council read up on them? She asked the reason Landmark is selling, documentation regarding the transfer and the date of transfer. Mr. Paster and members of the Council replied they heard last week. Mr. Paster doesn't know the specific reason it's being sold. He thinks they are trying to transfer in about 45 days. There has to be an application made to the Governing Body to approve their financials. Ms. Binney asked if Mr. Paster discussed the negative ramifications of agreeing to a clause forbidding us input if Landmark wanted to sell. Mr. Paster replied that it is a private land transaction so we would not have input. She asked if they knew the affordable housing would be segregated. Did he make it clear what happens with the PILOT if Landmark sold? Mr. Paster responded that the original plan was to put the housing at 50 Washington Avenue. The PILOT was explained. Ms. Binney listed misinformation. Many things were an advantage for Landmark. She defined fiduciary responsibility. She cited emails to and from Mr. Paster, Mr. DeVecchio and Mr. Madaio. She feels that Landmark selling D'Angelo's was pre-ordained. She asked the Council if they feel the professionals acted in the best interests of Dumont as legally required and do they still think they weren't duped.

2. deLyon, 67 Beacon Street, asked when the corrective action plan will be adopted by the Council. Councilman Manna explained that the corrective action was just received. They have to review it and it will be on the September 19<sup>th</sup> agenda. Dr. deLyon questioned Mr. Paster's competency and suggested he resign tonight. Otherwise, the Council take up a vote to get rid of him. He feels he has done nothing to help us. He is concerned that the new owner will come in and try to renegotiate the PILOT for less.

3. Daniel Rowel, 106 Randolph Avenue, said those who voted for Mr. Paster in January should resign.

4. Michael Sullivan, 125 Andover Avenue, said that Mr. Paster should resign because he hasn't represented the residents. He heard a rumor that the affordables weren't going to be built until later. He asked what percentage of affordable would be built in the overlay. The Mayor responded 20%. Mr. Sullivan was concerned about the cost of developmentally disabled children moving in, although he has nothing against them since he is close to Spectrum for Living.

5. Karen Valido, 24 Overlook Drive, asked why Landmark sold after all the work they put in and will everything stay the same. The Mayor replied that the plans and everything would stay the same. Ms. Valido cited the new developer, Garden Homes, has been involved in lawsuits for not abiding in EPA laws and water runoff. Would hiring our own LSRP be considered? Who will be following up from the town? Councilman Geist feels it's a good idea to have our own LSRP.

6. John Sansone, asked what profit Landmark is making. There should have been an addendum that if the property was sold, we would be able to renegotiate.

7. Maryann Russini, 141 Roosevelt Avenue, thanked Andrew LaBruno and Carole Stewart from Dumont Community Group for a great job on the 5K Run. She asked if the grass was cut at D'Angelo's. The response was yes. Ms. Russini asked if there is an

order in which the affordable housing units must be built. Mr. Paster replied that the affordables have to be built proportionately to market rate. Ms. Russini asked if it is necessary to have Mr. Paster at closed session meetings. She would like to save money. Councilman Manna explained that we are in negotiations for acquisition and in the middle of litigation so it is necessary to have him there. We are doing a very good job- the municipality tax is \$.29 on the dollar. The new CFO's have been very thorough looking for money to be reallocated. The Ms. Russini wants to be sure the Building Department has enough staff when D'Angelo's is being built. She asked the process for employee overtime.

8. Mary Normoyle, 106 Randolph Avenue, asked the Council if they trust Mr. Paster. Councilwoman Correa said no, Councilman Di Paolo said yes, Councilman Manna said she wouldn't be asking if she was at the January meeting. He has not been happy with issues with Landmark. Ms. Normoyle said we need new legal advice.

9. Jackie Corless, Larch Avenue, feels the fiduciary duty and ethics have been Violated.

10. Liz Marchese, 235 Larch Avenue, asked the budget amount for the engineers to oversee the D'Angelo's project. Is overtime being anticipated? Are there enough inspectors? Was enforcing what we agreed to in the settlement discussed? Mayor Kelly stated it was discussed with the Building Department official, who felt it wasn't something they couldn't handle.

11. Andrew LaBruno, 108 E. Linden, asked if there is a form the employees have to fill out. The answer was yes.

12. Adrian Green, Juniper Street, spoke of her concerns with the overlay zone, which would involve more people and the train with oil tanks that runs through town. She would like to hear more from Mayor Kelly.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Councilwoman Correa commented that there was no representation from our professionals on the 4 additional units. What power do we have to change things in the transfer from Landmark to Garden Homes? There must be a loophole. How can we delay the transfer? She recommended that we find a lawyer who will really dig in for us. Mr. Paster responded that it's essentially one company stepping into another's shoes. You can always try to renegotiate.

Councilman Manna asked if the contract between D'Angelo's and Landmark has been consummated. Mr. Paster replied that it hasn't been. The new developer would take the existing contract. There is a clause that allows it to be assigned from one purchaser to another.

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

Purchase, Lease, Acquisition of Real Property with Public Funds

Motion: Councilman Morrell

Second: Councilman Manna

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

Motion to go back into public: Councilman Morrell  
Second: Councilman Riquelme  
All in favor.

Councilman Morrell said that Recreation would like to take the air conditioning units outside of the old Borough Hall no longer being used, and use them for the food huts. Mr. Aponte will install them for free.

The Municipal Clerk stated that she is going to give File Bank the mandatory sixty-day notice and move the Borough files to a storage unit. File Bank is very costly.

The meeting was adjourned at 8:50PM

Minutes respectfully submitted by:

Susan Connelly, RMC  
Municipal Clerk