

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
DUMONT SENIOR CENTER
SEPTEMBER 19, 2017
6:30 PM**

Mayor Kelly called the meeting to order.

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 (arrived at 6:50), Geist, Manna, Morrell, Riquelme-present

Mayor James Kelly-present

Motion to accept agenda as presented: Councilman Morrell

Second: Councilman Manna

All in favor.

Approval of Minutes:

Motion to approve the August 15, 2017 Public Meeting and Closed Session minutes:

Councilman Morrell

Second: Councilman Riquelme

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

Councilwoman Correa-abstained

Motion to approve the September 5, 2017 Executive Session and Closed Session minutes:

Councilman Morrell

Second: Councilman Riquelme

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

MAYOR'S REPORT

On September 12th there was a meeting with Scott Leventhal of Garden Commercial Properties and their attorney. They will be purchasing the D'Angelo's property from Landmark. Also in attendance was Mr. Paster, Councilman Manna, Councilman Morrell, Mr. Paster and himself. Tom Torso, Larry Liebowitz and Andy DelVecchio from Landmark were also present. Garden Properties expressed their understanding of the obligations of the settlement agreement. They have a manager who will live at the development and be responsible for both the market rate units and affordables. They also have a firm-Piazza & Associates, which will administer the affordable units and monitor

compliance of the affordable housing regulations. They are very knowledgeable about COAH. They would like to start the project as soon as possible.

The Mayor explained that the Executive Session meetings of the Governing Body are meant to be work sessions, when they have time to discuss issues facing the town. The only time there will be resolutions or ordinances on them is if they are time-sensitive. They will be open to the public at the beginning of the meeting. The members of the Governing Body are always available to the residents by phone or email.

COUNCIL COMMITTEE REPORTS

- Councilwoman Correa

No Report

- Councilman Geist

No Report

- Councilman Manna

The Councilman researched the cost of laptops for the Governing Body, which Mr. Gorman had been suggesting. The HP he looked at was \$580 each without tax or extended warranty. The IT person recommended chrome books, which would go to the cloud. Those, plus the license, Microsoft Office, security, firewall and to have the Senior Center set up with wireless would come to over \$8,100 for nine laptops. That would be just to access the website. There are different platforms, however, to access the various Borough departments, which would have to be taken into consideration.

Mr. Herr did not receive compensation when he retired.

We have a candidate for Borough Administrator, which will be discussed.

There was a meeting with the Construction Code Official, JLUB Chairman, Police Chief, Municipal Clerk, Councilwoman Correa and himself to discuss and address various issues. Spatial Data platform is being looked into to see if information from the police department can be integrated.

- Councilman Morrell

Police Department

There were 1,979 calls for service; 94 for medical reasons, 3 for fire. They issued 148 traffic summonses, investigated 32 motor vehicle crashes, responded to 27 burglar alarms and traveled 15,324 miles. There were 5 drug arrests.

Recreation

Football is up and running-their numbers are down. Cheerleading and soccer are up and running. Recreation did a great job Dumont Day. It is estimated 4,500 people stopped by during the day.

- Councilman Riquelme

No Report

ATTORNEY'S REPORT

Bids for the Dixon Homestead Library Roof Replacement were reviewed. The low bidder was Integrity Roofing. He is also in the process of reviewing RFQ's for Construction Management for the Borough Hall project. He received a call from the JLUB chairman to discuss some of the issues related to driveway widths. The Governing Body should discuss this.

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

#17-221 Bills List *

#17-222 Corrective Action Plan for 2016 Audit *

#17-223 Appointment of Frank Berardo as QPA for 2017-5,000 annually *

#17-224 Approval of Submission of 2018 NJDOT Municipal Aid Grant *

#17-225 Donna Gelb-Approval of Hiring as Full-time Administrative Assistant/Webmaster-\$35,000 annually *

#17-226 Approval of State Contract Vendors * Councilman Geist questioned this. Mr. Paster explained that using these vendors exempts you from having to go out to bid.

#17-227 Approval of A Block Party Request on Blanche Court September 23, 2017 *

#17-228 Mark Nubile-Accept Resignation as Police Dispatcher, effective October 17, 2017 *

#17-229 Johnson Avenue Improvements (Phase 2) #1 Final Change Order-\$1,525.04 *

#17-230 Johnson Avenue Improvements (Phase 2) Approval of Final Payment and Release of Retainage *

#17-231 Johnson Avenue Improvements (Phase 2) Accept Two-year Maintenance Bond and Release of the Performance Guarantee *

#17-232 Award of Bid for Dixon Homestead Library Flat Roof to Integrity Roofing-\$67,340 *

#17-233 Approval of Grant School PTO On-premise cash raffle to be held October 25, 2017; ID#109-5-37131, RL#485 *

#17-234 Approval of Grant School PTO Bingo to be held October 25, 2017; ID#109-5-37131, RL#486 *

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

Second: Councilman Morrell

All in favor.

1. Bruce deLyon, 67 Beacon Street, commented about #222. How will the Mayor and Council monitor the recommendations in the audit. The Mayor said the CFO monitors it; he reports to the Finance Chair, who will report to the Council. Dr. deLyon asked if the CFO will ever come to a public meeting. The Mayor responded that he's here at this meeting.

2. Mary Normoyle, 106 Randolph, questioned the State Vendor list-wouldn't it be better to have competition? Mr. Rutch, the CFO, explained that the companies on the list have gone through the bidding process through the State. There is competition.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor

Motion to adopt the Consent Agenda: Councilman Morrell

Second: Councilman Riquelme

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

ORDINANCE

Second 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 Morrell

Second: Councilman Geist

All in favor.

Councilman Geist reiterated that the money was not bonded.

Motion to open to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

1. deLyon, 67 Beacon Street, confirmed that whatever money doesn't get spent will go into the capital reserve.

Motion to close: 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

Councilman Di Paolo's committee report:

Shade Tree Commission

They met last night. Dumont Day was a big success for them. On September 21st they will be celebrating "World Peace Day" at the arboretum. They will be presenting a program at Honiss School about deforestation. They are looking to start a tree nursery on Bedford Avenue and starting an arboretum lending library.

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

Second: Councilman Manna

All in favor.

1. Lynne Vietri, 41 Wilkens Drive, remarked that Dumont Day was a great success. She asked whether the site plan can be changed by Garden Homes. The Mayor said that it will be the same and they are working with the same architect as Landmark. We are in negotiations to purchase one property on W. Quackenbush. Garden Homes will be demolishing the old borough hall. Ms. Vietri asked if we should have someone else look at the settlement agreement. Councilwoman Correa interjected that she had sent out an email to the Mayor and Council asking on their opinion on having special counsel review the settlement agreement. She received feedback from just about everyone. Ms. Vietri commented that she feels we might be going from bad to worse by going from Landmark to Garden Homes.

2. Tom Gorman, 46 Wilcox Street, thanked Councilman Manna for looking into the computers. He asked the Mayor if he had checked the certification of the CO2 on the new police cars. Mayor Kelly responded that the cars haven't come in yet. Mr. Gorman

asked if there are plans for the new borough hall yet. The Mayor replied that once we know if we have the side property, we'll hire RSC Architects to do the plans. Mr. Gorman is concerned about no elevators in the affordable housing. The Mayor said he would check with Garden Homes to see whether they would add elevators. Mr. Gorman read a letter written by Jackie Corless, 52 Larch Avenue, which stated that she feels that Mr. Paster did not fulfill his fiduciary obligation and did not work in the best interest of the town. Based on information Ms. Binney brought forward at the September 5th meeting, she feels that an ethics complaint should be filed or that he should step down.

3. Judy Parker, 55 Susan Drive, Closter, asked when demolition of 50 Washington Avenue will commence and whether neighbors will be notified. The Mayor replied that there is no date yet and they will be notified.

4. Chris Sheridan, 9 Wilcox, asked if Garden Homes is obligated to use the same professionals, such as the architect, as Landmark. Mr. Paster replied that he doesn't think it is contractual but the Engineer's and Architect's work product is proprietary so if they hired another firm they would have to start over again. Mr. Sheridan asked why we couldn't acquire the D'Angelo property like Garden Homes did. Eminent domain was discussed.

5. Daniel Rowel, 106 Randolph, asked what happens with the Board of Ed lawsuit now that 50 Washington Avenue is going to be used. Mr. Paster responded that he sent a letter and had a conversation with the Board's attorney. It sounded like there is a possibility of amicably settling that suit. He hasn't heard back from them since last week. Mr. Rowel said that Mr. Paster and those on the Council who voted for Mr. Pater should resign.

6. Mary Normoyle, 106 Randolph, suggested a dog park at Wareham Park. She was told that she should present her idea to the Recreation Commission, which controls the parks.

7. Karen Valido, 24 Overlook Drive, asked for an explanation of case law. What if the developer goes bankrupt or if they can't sell their units? Mr. Paster said that usually the bank that loans the money forecloses, takes the project back and sells to a third party. Ms. Valido asked about the new driveway ordinance. She asked who is policing the ordinance. Is there a difference for people who use pavers? The Mayor replied that the Police Department and Building Department will be monitoring it.

8. Michael Sullivan, 125 Andover, asked if people have been notified by mail that driveways have to be in by a certain date. The Mayor stated it is on the borough website.

9. deLyon, 67 Beacon Street, said there is a need for work sessions. He recommended that they be held at the Senior Center, not at the borough hall. Also, there is no elevator at borough hall. Councilman Manna said he was the one who pushed for the work session; he'll look into it. Dr. deLyon said that at the last meeting, about fifteen to twenty people spoke out against the borough attorney. He had asked that the Council go into closed session to discuss this. Did they? The Mayor responded no. Dr. deLyon handed Councilman Geist OPRA #135 from 2016 pertaining to emails to and from Mr. Paster.

10. Tom Kelly, 70 Beacon Street, feels that the work sessions should be at the Senior Center. The one-acre lot at D'Angelo's is still a mess. He stated that Garden Homes has a dismal record with EPA violations so he recommends that our attorney and building department pay close attention to the remediation. Is there a date for the fairness

hearing? Mr. Paster said it took place on September 6th. It was announced at the August meeting and was in the newspaper. Mr. Kelly feels that the historic sites in the overlay zone is a violation and flood zones are not suitable for affordable housing. Who will supervise the demolition and cleanup of contaminants at 50 Washington Avenue? Mr. Paster stated that there is an outside contractor who will be responsible. Will the contractor comply with prevailing wage? Has the site plan be approved? Mayor Kelly stated that everything but the sewer projects has been signed off on. Mr. Kelly pointed out there were considerable overages for the County project for RSC Architects. Councilman Manna replied that there were many change orders, which drives up the price. The RSC proposal was discussed. Mr. Kelly feels that we should renovate the building. Additional parking is not needed. The building front should be preserved. Acquisition of property was discussed. He set up a tent Dumont Day with memorabilia. The 100th anniversary of Camp Merritt will be held October 22nd at Madison and Knickerbocker from 1PM-3PM. There will be a presentation at 6:30PM on October 25th at the Dixon Homestead Library.

Motion to close to the public: Councilman Morrell

Second: Councilman Manna

All in favor.

Councilwoman Correa questioned no elevator in the affordable housing units. The Mayor said there will be an outside firm, Piazza & Associates, who will make sure it's in compliance. Councilman Geist said that at a Joint Land Use Board meeting Mr. DelVecchio and the Board attorney, Mr. Madaio, both agreed that they don't have to have an elevator. Mr. DelVecchio was asked if they would put in elevators and he said no. Councilwoman Correa is afraid of being accused of discrimination.

The Councilwoman made a motion to hire special counsel to review the settlement; not to open it up

Second: Councilman Geist

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

Council members Di Paolo, Morrell, Riquelme-no

Mayor Kelly-no

Motion failed.

Councilwoman Correa made a motion to remove Gregg as Borough Attorney

Second: Councilman Geist

Roll call vote: Council members Correa, Geist-yes

Council members Di Paolo, Manna, Morrell, Riquelme-no

Motion failed.

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

Litigation-Assignment of Property Rights-Landmark

Personnel-Administrator

Personnel-Police

Labor litigation-Cavadias v. Dumont

Motion: Councilman Geist

Second: Councilman Di Paolo

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

Motion to go back into public: Councilman Riquelme

Second: Councilman Di Paolo
All in favor.
Motion to adjourn: Councilman Riquelme
Second: Councilman Geist
All in favor.
Meeting adjourned at 9:20PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk