

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE SESSION MINUTES
BOROUGH HALL
MARCH 1, 2016
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 change of venue of this public meeting having been posted at Borough Hall, 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, Hayes, Morrell, Riquelme, Zamechansky-present
Mayor Kelly-present

Motion to accept agenda as presented: Councilman Hayes

Second: Councilwoman Zamechansky

All in favor.

Motion to open to the public: Councilman Riquelme

Second: Councilwoman Correa

All in favor.

1. Carl Manna, 108 Harding Avenue, apologized for the behavior of the residents the February 16th meeting and thanked Mr. Paster for responses to his questions. Going forward, it's what is going to be implemented that will have a greater effect on COAH III requirements. Mr. Manna asked questions on behalf of Tom Kelly who could not make the meeting. Will there be any waivers granted for the 25% senior cap? This is not likely. Senior affordable units created in the 1980-1986 period are credited one for one, which is part of our calculations to date. Has it been established yet if there will be a required percentage of restricted units. The response from Mr. Paster was that presumably there will be a 25% age restricted limit for the third round. Will declaratory judgement cases be decided before the court provides municipalities with their obligations? Mr. Paster replied that none have been decided definitively. It's rumored that we can expect our total third round obligation somewhere between 50-100% higher than E-consult. If the settlement is finalized, the Borough would be immunized from further litigation until the numbers are set, we have a chance to formulate a plan, submit it, get court comment, revise as necessary and get approved. We'll have an immunity order pending the establishment of the third round figures.

2. Suzanne Riordan, Harrison Street, asked if anything has to be filed by March 31st to make sure we have immunity. Mr. Paster replied it is carried forward on an ongoing basis by the court provided we are making progress and showing good faith. Ms. Riordan asked if Mr. Paster would sign a piece of paper.

3. Bill Brophy, Margaret Court, questioned the number of credits. Mr. Paster said

that, as he understands it, anything that exceeds our inventory of units past second round, that is eligible will be applied to third round.

4. Bridget Lyne, 136 Davies Avenue, asked for clarification on Mr. Paster's statement that immunity comes into play after the deal is finalized. She asked if that meant what was presented last week. Mr. Paster replied there are some details to be discussed with the Mayor and Council but essentially yes. She asked if the meeting place could hold more people if there is another meeting like the last one. Ms. Lyne asked if St. Mary's school area or adding an additional story to the Board of Education building were considered for a borough hall. Mayor Kelly said that building a borough hall on D'Angelo's property was considered but the developer wanted the same number of units so their project would have ended up with three or four story buildings. Ms. Lyne asked if this would be put to the public at all. The Mayor said the decision would be made by the Council. Ms. Lyne said that last week a Board of Ed member made a statement. Where could she find that statement? She was told it is on facebook.

5. Bill Brophy asked if there are any new laws or guidelines telling us the ratio of affordable to market we would be using. Mr. Paster replied that you get two for one credits on rentals.

6. Suzanne Riordan asked if any more land becomes available could there be another builder's remedy suit? Mr. Paster responded that assuming we have this all resolved with Landmark and get approval, the borough is covered until 2025.

7. Carl Manna asked what authority will be developing round three. Mr. Paster replied the individual trial courts would be the authority.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Zamechansky

All in favor.

The Municipal Clerk read the resolution to enter closed session to discuss Litigation-Landmark v Dumont

Motion to enter: Councilman Morrell

Second: Councilman Di Paolo

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

Following closed session:

Motion to go back into public: Councilwoman Zamechansky

Second: Councilman Hayes

All in favor.

Motion to adjourn: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 9:30PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk