

Amended 7/18/17

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
EXECUTIVE SESSION MINUTES  
DUMONT SENIOR CENTER  
JUNE 13, 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, Manna, Morrell, Riquelme-present  
Mayor James J. Kelly-present

Motion to accept agenda as presented: Councilman Manna

Second: Councilman Morrell

All in favor.

Motion to move Resolution #142 from the Consent Agenda to be voted upon now:

Councilman Riquelme

Second: Councilman Manna

All in favor.

Motion to adopt **Resolution #17-142** Nicholas Foglio-Authorization to Hire as a Dumont Police Officer: Councilwoman Correa

Second: Councilman Riquelme

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

Chief Conner introduced Mr. Foglio and gave his background and credentials. He came out #1 in a complicated and strenuous process. The Chief stated that Mr. Foglio will be pinned with the badge he was pinned with in 1986.

The Oath of Office was administered to Nicholas Foglio by Mayor Kelly

**Approval of Minutes:**

Motion to approve the May 16, 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 May 30, 2017 Closed Session Minutes: Councilman Manna

Second: Councilman Morrell

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

**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**

- #17-144 Charles Cumella-Accept as Intern with the Dumont Police Department \*
- #17-145 Edward Rossi-Accept Resignation as Construction Code Official/Building Sub-code Official \*
- #17-146 Approval of Clean Communities Grant as an Item of Revenue-\$30,771.25 \*
- #17-147 Approval of Coin-Operated Machines Permit Renewals\*
- #17-148 Approval of Taxis and Limousine Permit Renewals \*
- #17-149 Liquor License Renewals \*
- #17-150 Gregory Khan-Hire as DPW Seasonal Employee-\$10.00 per hour \*
- #17-151 Approval of a Block Party on Beverly Road August 19, 2017 \*
- #17-152 Approval of a Block Party on Larch Avenue July 8, 2017 \*
- #17-153 Approval of Block Party on Patton Place August 5, 2017 \*
- #17-154 Approval of Block Party on Seneca Avenue June 24, 2017 \*
- #17-155 Joseph Tedford-Accept Resignation from The Dumont Fire Department \*
- #17-156 Joseph Tedford-Accept Status from Active Member to a Social Member of the Dumont Fire Department \*
- #17-157 Joseph Villone-Hire as Dumont Police Officer as of May 31, 2017-\$50,000 \*
- #17-158 Lauren Morgan-Hire as Dumont Police Office as of May 31, 2017-\$30,555 \*
- #17-159 Kyle Daily-Accept Resignation from the Dumont Fire Department \*
- #17-160 Patricia Rusch-Appointment as Certified Technical Assistant \*
- #17-161 Approval of Boy Scout Troop #1345 Car Show \*
- #17-163 Authorization to Retain a Hearing Officer for Various Disciplinary Matters \*
  
- #17-165 Approval of RSC Architects' Proposal for the Design of a New Municipal Building Project at 50 Washington Avenue-\$630,000 \*

Motion to **table** #165: Councilman Manna

Second: Councilwoman Correa

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

Councilwoman Correa requested #143 and #162 be moved to non-consent

Councilman Geist asked that #164 be moved to non-consent

Motion to open to the public on the Consent Agenda items: Councilman Riquelme

Second: Councilman Manna

All in favor.

1. deLyon, 67 Beacon Street, asked what sewers are being repaired. Mr. Herr responded First Street. Dr. deLyon questioned the fact that there will be a vote on the Capital Budget Amendment before knowing whether the bond ordinance will pass.

2. Karen Valido, 24 Overlook, asked the difference in salaries in Resolutions #157 and #158. Mayor Kelly responded it was the experience of each.

Motion to close: Councilman Morrell

Second: Councilman Geist

All in favor.

Motion to adopt the Consent Agenda omitting #143, #162, #164 and #165: Councilman Morrell

Second: Councilman Riquelme

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

### **Non-consent Agenda**

**#17-143 Bills List** Councilwoman Correa is concerned about the number of voided checks. She will check with the auditor. She looks at every invoice before signing. She found that some phones and iPads not being used were being paid for.

**#17-162 Authorization of Settlement of Litigation of Declaratory Judgment Action**

Councilwoman Correa said she just received it today and isn't sure if it's the same as they already received. She has concerns about the overlay map. We shouldn't be held hostage by Fair Share Housing.

Councilman Manna had questions about the map and historic sites in the overlay zone. We are not protected. Litigation would be extremely costly. 2.5% of residents in Dumont are at the poverty level.

John Szabo, Burgis Associates, stated that the Borough filed a declaratory judgment action in July, 2015 in response to the Supreme Court Mount Laurel decision. The Borough filed to protect the town from Builder's Remedy suits. The courts will determine what the obligation will be and will rule on the actions presented to the court looking for a judgment of compliance and repose. Fair Share Housing Center is an interested party. The Judge will rule and FSH will be an objector to the Borough plan. There is disparity in numbers between E-Consult and FSH. Numbers keep going up. The GAP is the difference between what Fair Share is saying and what E-Consult is saying for previous years. Many municipalities have decided that they would come to some reasonable settlement that they can live with and FSH can live with so it can be settled. Mr. Szabo spoke of the borough's obligations. He explained that towns are not obligated to physically build the units in the overlay zones. The Courts say you have to create a realistic opportunity to build. Mr. Szabo recommended that the tail ends of the overlay zone, which are zoned B2 but are basically residences, should be rezoned.

Councilman Manna read much of the agreement aloud, saying it is not fair and equitable; discussion ensued. Mr. Szabo explained that many of his questions are statutory. Councilman Manna stated that the Borough of Dumont for the duration of this document should be held harmless if there is no affordable housing built.

Councilman Geist questioned the disparity of numbers on the Fair Share Housing website. It went up more than other towns. He asked about the 70 demos reported by the building department. He asked about historic properties included in the overlay zone. Since there will be a new governor, would it be worthwhile to wait? Mr. Szabo does not feel it is because the legislature could have done things but didn't.

Councilman Di Paolo asked about unmet need and credits. Mr. Szabo stated it is the 295 number minus 81. The Councilman noticed that this agreement was until 2025-it was supposed to be until 2027. Mr. Paster said that he pushed for 2027 but they would not agree to it.

Councilman Riquelme asked if there are other towns filing suit. Mr. Szabo said other than one, towns are settling.

Motion to open to the public: Councilman Riquelme

Second: Councilman Geist

All in favor

1. Chris Sheridan, 9 Wilcox Street, asked about the dates of the maps. What is concerned about our responsibility in 2025. He thinks we should have fought at the time of the original settlement agreement. We should not agree with this agreement

2. Lili Binney, 32 Roxbury, doesn't feel this agreement is reasonable. She spoke of the increased numbers, rehabs and certain cities being exempt due to poverty level. She would like verbiage in the agreement to protect the town. She spoke about the Fair Share Housing change in time period from 2027 to 2025 and whether the Borough Attorney alerted the Council. She feels enough is enough.

3. Tom Kelly, 70 Beacon Street, said we would be complying if we want to proceed to litigation if we have valid reasons. He spoke of the numbers provided by Fair Share Housing and E-Consult, vacant land adjustment and credits. He feels that we should proceed with litigation and demand that the court assign us our obligation. Hire special counsel to review it. We then could apply all of our credits, even though Fair Share Housing will probably challenge some of them, come up with a housing plan with smaller overlays and have real protection. He also spoke of the historic sites in town. He said there was missing information in the agreement in November. He is concerned about overlay parking.

4. Rachel Bunin, 9 Poplar, questioned the overlay zone. She hopes the agreement won't be approved. She will be at the Schepisi legislative meeting Thursday. The Council should look into regulating short term rentals.

5. Andrew LaBruno, E. Linden Avenue, spoke of using deed-restricted units and housing for veterans for credits.

6. Michael Sullivan, 25 Andover Avenue, spoke of the effect on taxes, police and schools and concerned about the future of the town.

7. Karen Valido, 24 Overlook Drive, spoke of the 70 demos reported by the building department and whether the number has been corrected. She asked what incentives builders have to build affordable housing. She is concerned about parking for the overlay zone. Dumont has 224 homes in foreclosure; people are struggling.

8. Matthew Bailin, Elizabeth Street, said we are talking about 214 unmet need. He is concerned about the roads handling the traffic and lack of parking in the overlay zone. The density issue in every town is not being addressed. He feels the Governing Body needs to speak to the state senators and let the residents know which senators the residents should write to.

9. John Sansone, 119 Beacon Street, said he spoke to DCA. They said that Dumont qualifies three out of four requirements to get the aid that Hackensack qualifies for as urban and doesn't have to have affordable housing. He clarified that demos are calculated by taking down a house completely.

10. Ms. Chaffardet, 57 Highwood Drive, asked if eminent domain is part of the overlay zone.

11. deLyon, 67 Beacon Street, stated Fair Share Housing is an opponent, a lobbyist

for the builders. They take advantage of small communities. He spoke of HoHoKus, which got a deal of eighteen units using the excuse that they don't have a lot of land. He questioned the active participation of the Governing Body and the fact that they received the final agreement today. Every deal we've entered into hurts our town. We shouldn't rush into anything. Mayor Kelly explained that they have had the agreement for months but today's agreement had a few changes. They have talked about it in closed session with the planner.

12. Maryanne Russini, 141 Roosevelt Avenue, questioned the map and the overlay zone. She feels we should fight the agreement.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Councilwoman Correa feels that the Governing Body isn't being given all the information by the attorney. In March, 2016, they didn't know about the BOE until the next day, which was the Landmark issue. She is tired of being badgered.

Motion to adopt Resolution #143-Bills List: Councilman Manna

Second: Councilman Morrell

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

Councilman Di Paolo asked if there is any reason Resolution #162 has to be voted on today. He feels it is unfair to the Council because they just received the changes today. Mr. Paster said that if we don't resolve the matter, he suspects we would get a trial date in the Fall. The last conference with the Court was last Monday and at that time, based on prior closed session discussion at the last Council meeting, he indicated that his mandate was that they were likely to settle. He will go back and tell the Court that the Council wants to discuss this further. Councilman Manna feels this should be tabled to give them more time.

Motion to table Resolution #162: Councilman Di Paolo

Second: Councilman Manna

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

#### **#17-164 Capital Budget Amendment-Bond Ordinance #1523**

Mr. Geist feels that this should have been accounted for in the budget or taken out of surplus. Mr. Herr explained that there are sink holes on First Street, which happened after the budget was adopted.

Motion to adopt: Councilman Morrell

Second: Councilman Manna

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

The following two resolutions are considered conflict because Council members are members of the two clubs.

#### **#17-166 Renewal of Conflict Liquor License-Twin Boro Columbian Club**

Motion to adopt: Councilman Morrell

Second: Councilman Riquelme

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

Councilman Morrell-abstained

**#17-167** Renewal of Conflict Liquor License-Dumont Elks Lodge #2593

Motion to adopt: Councilman Geist

Second: Councilman Manna

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

Council members Di Paolo and Riquelme abstained

## **ORDINANCE**

### **Second Reading**

**#1520** Ordinance Amending Driveways-Chapter 380-3 of the Dumont Code

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 Di Paolo

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Riquelme

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

**#1521** Ordinance Amending Zoning: Driveways and other Paved Areas-Chapter 455-20 of the Dumont Code

Motion to waive the formal reading: Councilman Morrell

Second: Councilman Manna

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

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

**#1522** Ordinance Amending Off-Street Parking-Chapter 455-17 of the Dumont Code

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 Manna

Second: Councilman Riquelme

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Manna

Second: Councilman Riquelme

All in favor.

1. Maryanne Russini, 141 Roosevelt Avenue, asked for an explanation of the ordinance. Mayor Kelly explained that it is allowing residents to widen their driveways for parking.

Motion to adopt on second reading: Councilman Morrell

Second: Councilman Riquelme

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

*First 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 Manna

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Riquelme

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

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

Motion to waive formal reading: Councilman Manna

Second: Councilman Geist

All in favor.

Councilman Manna explained that this addressed the need to have the grease traps monitored by businesses so that problems don't arise in the sanitary sewer system, which would be costly for the town.

Councilman Di Paolo asked if this ordinance would apply to businesses on Columbia Avenue located in Bergenfield. Councilman Manna replied that since they are using our sanitary sewer system, we do have the authority.

Motion to pass on first reading: Councilman Morrell

Second: Councilman Manna

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

Motion to open to the public: Councilman Geist

Second: Councilman Manna

All in favor.

1. Lynne Vietri, 41 Wilkens Drive, thanked the Mayor for attending the Sports Awards Dinner. She asked where traffic detail money goes. Mr. Herr responded the money goes into a reserve fund. Part of the money pays a portion of police salaries. Ms. Vietri questioned the fact that RSC Architects is charging 4%, which is low. She is concerned that this is a low number to get the job and will submit an additional service request at the end of the job. She noticed two voided checks on the bills list. Mr. Herr replied that the vendor did not receive the check, so we stopped payment on the check and it was voided. The Board of Education check which contained two payments was voided in order to give them two separate checks. Councilwoman Correa said she has questions for the auditor about double payments.

2. Lili Binney, 32 Roxbury Road, asked about the Open Space Grant, which is about \$313,000. She commented that had they listened to Mr. Paster's information about Open Space requirements, Dumont would have missed out on the grant money. She thanked Councilman Morrell for working on it. She asked what the Councilman had asked the professionals to pay for. The Councilman replied that it was for a trailer for storage, which cost \$1500. Ms. Binney cautioned the Council to be transparent. She asked about borough employees clocking in and overtime procedures. How often does the auditor come in to town? She heard that change of use is done by the Building Department. Mr. Paster said it would be handled by the Joint Land Use Board. Ms. Binney spoke about the budget process timeline and that Mr. Herr should have known about the overtime issue by October, November. Ms. Binney asked about RSC's RFQ and any other proposals and why RSC was chosen. Were their needs study compared to Arcari's? Did either measure the police department? There are significant differences in both reports-



Police Department size, teen center, social services, grossing factor and construction costs. She spoke of the Police Department being constructed in New Milford.

3. Rachel Bunin, 9 Poplar Street, asked why Arboretum South plans were not included in the Open Space Grant. Mr. Herr said the project had to be scaled back. She feels an ordinance for regulating short term rentals should be done-Oradell has adopted one. She commented on the \$3,900,000 that New Milford just spent on a Police Department.

4. Mary Normoyle, 106 Randolph, questioned the review process of minutes. The last minutes on the website are May 2<sup>nd</sup>. She found comments and questions she had made were either kind of sensationalized or sanitized. She had asked questions, not reflected in the minutes. There should be public scrutiny in a timely fashion.

5. Mike Flood, Juniper Street, asked the status of the Building Department. The Mayor said they have a possible candidate to fill the position of the Building Official.

6. Tom Kelly, 70 Beacon Street, asked that someone check whether a trailer is permitted on Green Acres property. He requested permission to enter 50 Washington Avenue.

7. MaryAnne Russini, 141 Roosevelt, asked the status of the Building Department. Mr. Santanasto, labor counsel, advised that any questions about personnel matters concerning discipline is confidential and can't be discussed in public. It is Ms. Russini's opinion that some of the employees in the Building Department are overworked. With Landmark, they will need help. What happened to them is a disservice.

Motion to close to the public: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

Councilwoman Correa asked Councilman Morrell how the trailer is being paid for. She asked what happens to funds if you don't use them. Mr. Herr explained that you have to finish the project within two years and then the town applies for reimbursement. The Councilwoman asked for confirmation that we're using the \$246,000 left over from a previous grant towards the current grant.

The Municipal Clerk read the resolution to enter Closed Session:

Personnel-County Dispatch

Personnel-Quintano

Personnel, Possible Litigation-Delihasani

Personnel-Building Department

Personnel-Administrator

Purchase, Lease, Acquisition of Real Property with public funds

Motion: Councilman Manna

Second: Councilman Di Paolo

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

Councilman Morrell left the meeting at 11:35PM

Following Closed Session, motion to go back to public: Councilman Di Paolo

Second: Councilman Geist  
All in favor.

Motion to Hire Paul Renaud as Construction Official/Building Subcode, Zoning Officer  
and Fire Inspector part-time-4 hours, 4 days a week at a salary of \$75,000, no overtime:  
Councilman Manna

Second: Councilwoman Correa

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

Motion to adjourn: Councilman Di Paolo

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 1:00AM

Minutes respectfully submitted by:

Susan Connelly, RMC  
Municipal Clerk