

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
DUMONT SENIOR CENTER  
OCTOBER 17, 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: Di Paolo (arrived at 6:45PM), Geist, Manna, Morrell (via phone until arrival at 7:30PM), Riquelme-present  
Councilwoman Correa-absent  
Mayor James Kelly-present

Also present: CFO's Rutch and Berardo

Motion to accept agenda as presented: Councilman Riquelme  
Second: Councilman Geist  
All in favor.

**Approval of Minutes:**

Motion to adopt the September 19, 2017 Public Meeting, Closed Session minutes: contingent upon the Clerk having made the correction on the vote in the public minutes, which she already had-Councilman Geist  
Second: Councilman Riquelme  
Roll call vote: Council members Geist, Manna, Morrell, Riquelme-yes  
Motion to adopt the October 3, 2017 Executive Session and Closed Session minutes:  
Councilman Manna  
Second: Councilman Riquelme  
Roll call vote: Council members Geist, Manna, Riquelme-yes  
Councilman Morrell-abstained

The Mayor said that as long as there are no objections, he would like to move on Resolution #17-235-Hiring Thomas Richards as Interim Full-time Administrator. There were no objections.

Motion to approve: Councilman Manna

Second: Councilman Riquelme

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

## **ADMINISTRATOR'S REPORT**

Mr. Richards introduced himself. He has been a Councilman, Mayor, Administrator and is presently on leave from the County, where he was the Director of Shared Services. He was a businessman and sergeant in the army. He'll be happy to help anyone at any time.

## **MAYOR'S REPORT**

Sunday will be a commemoration of the 100<sup>th</sup> anniversary of Camp Merritt. It will be held at the monument circle at 1PM. Afterwards, at the American Legion in Cresskill, there will be some refreshments and some speakers present

## **COUNCIL COMMITTEE REPORTS**

- Councilman Geist

He welcomed Mr. Richards since he was part of the interview process. He had read that Mr. Richards had lost jobs due to partisan politics. The Councilman said that he supported him for the position because he felt he was the best person for the position.

### *Finance*

He had a very productive meeting with Councilman Manna.

- Councilman Manna

The Councilman wished Councilwoman Correa well while she deals with a health issue.

He also thanked the entrepreneurs who opened businesses in Dumont: Michael's Car Wash at 30 E Madison Avenue, Tantastic at 137 Washington Avenue, Zai's Desserts at 343 Depew and La Taberna at 31 W. Madison and asked that people support these businesses. Hopefully in the future we will have a Chamber of Commerce again.

After our meeting with Garden Homes, we reached out to the Administrators in the towns they have built. Most of them said that as with every contractor, they have to be checked. Overall, they were given high marks as far as working with the communities they are involved with.

As of today, nobody but Councilman Riquelme has responded to him as far as reading the RFQ's for Construction Management. He needs another council person besides himself, Councilman Riquelme, Mr. Richards and the Municipal Clerk to conduct the interviews. Councilman Geist offered.

### *Finance*

The Committee has met and will hopefully meet again next Friday to review the monthly status of spending versus budget. The new Administrator will attend as well as the CFO's if they have any input.

### *Ordinance Committee*

The Councilman needs a Council member since Councilman Morrell has a conflict with his job. There are a number of issues that need to be discussed.

- Councilman Morrell

### *Recreation*

He was told that we received money from a matching grant, which he wants to confirm. The trailer will be arriving the end of October.

Spin Cycle on Washington Avenue will have their ribbon cutting this Saturday at 3PM.

- Councilman Riquelme

## *DPW*

So far for the month of October 489 miles have been swept. October 9<sup>th</sup> leaf season begins. The week of October 23<sup>rd</sup> any grass clippings can be put in the street away from catch basins. The tree crew is trying to keep up with the tree list from the Shade Tree. Academy Electric performed their periodic inspection of generators. The Councilman gave a report on the sanitary sewer cleaning and TV inspection.

- Councilman Di Paolo

## *Recreation*

The Councilman attended the Recreation meeting in Councilman Morrell's place. There was discussion about the success of Dumont Day and perhaps adding a street fair component to it next year.

There was also discussion about redoing Gina's Field so that Girls' Softball has an adequate playing facility.

Mary Normoyle suggested having a dog park, which the Commission is considering.

## **ATTORNEY'S REPORT**

Mr. Paster had circulated the litigation update to the Mayor and Council last week.

**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**

**#17-236** Quintano-Authorization of Settlement Agreement \*

**#17-237** Adoption of Policy of Notification of Tax Appeals \*

**#17-238** Thompson Street Area CDBG Road Project-Award of Bid to AJM Contractors-\$136,404.55 \*

**#17-239** Bills List \*

**#17-240** Approval of Selzer School Off-premise Merchandise Raffle Application; ID #109-5-37089, RL#487; to be held November 15, 2017 \*

**#17-241** Tyler Bartsch-Accept Application as Fire Auxiliary Member \*

**#17-242** Amendment of the 2017 Salary Resolution \*

**#17-243** Authorization for the Police Department to Participate in the Department of Defense Supplies and Equipment Program \* Councilman Geist said that his prior concerns were addressed. Councilman Manna said that the Police Chief was clear that he was not interested in the vehicles because he understands the cost of maintenance. He is not interested in acquiring weapons. Councilman Di Paolo thanked Councilman Manna and Chief Conner for clarifying this resolution.

**#17-244** Approval of Lincoln School On-premise Merchandise Raffle Application to be held December 2, 2017; ID#109-5-30683; RL#488 \*

**#17-245** Approval of Lincoln School On-premise Cash Raffle Application to be held December 2, 2017; ID#109-5-30683; RL#489 \*

**#17-246** e-Revival-Renewal of Agreement of Electronic Recycling \*

**#17-247** Nicola Attanasio-Accept Application as Firefighter \*  
**#17-248** Michael J. Breslin-Appointment as Hearing Officer \* Councilman Geist's concerns have been addressed so he can support this appointment.  
**#17-249** Approval of DHS Music Boosters On-premise Cash Raffle Application to be held December 20 and 21, 2017; ID #109-5-36714, RL#490 \*  
**#17-250** Approval of DHS Music Boosters On-premise Cash Raffle Application to be held November 16,17,18, 2017; ID #109-5-36714, RL#491 \*  
**#17-251** Bride Vaughn-Accept Resignation-Building Department Technical Assistant \*  
**#17-252** Rachles Michele's-Approval of Purchase of Gasoline and Diesel through Bergen County Cooperative \*  
**#17-253** Resolution Authorizing Assignment and Assumption of Certain Borough Agreements \* Councilman Geist wishes he could vote no but if he did that, in his expertise, we would be opening ourselves up to litigation. Councilman Manna has not been in support of this but is concerned about litigation. (Councilman Morrell's signal was lost for a few seconds).

Mayor Kelly stated that representatives from Landmark and Garden Homes are present tonight.

#### Public Participation-Consent Agenda Only

1. Bruce deLyon, 67 Beacon Street, asked about Resolution #248. The Mayor explained that Mr. Breslin was suggested by our labor attorney. Councilman Geist added that Mr. Breslin has been around for a long time. Dr. deLyon feels that this should have been adjudicated while Mr. Herr was still here in order to save money. He asked how long the process will take. Is it a binding arbitration? Councilman Geist explained that no matter what happens with the hearing, there is a lawsuit. The hearing officer is neutral. Dr. deLyon asked about Resolution #253 and if Landmark has increased their escrow amount and have all the outstanding taxes been paid by Landmark. The Mayor responded that they will be receiving additional invoices, which will be taken care of. The D'Angelo family technically owes the taxes and it should be taken care of by the end of the month. Mr. Paster stated that if D'Angelo's doesn't pay the taxes, the tax appeal attorney can go back to court and the court can impose a lien on the property so it will be paid no matter what.

2. Karen Valido, 24 Overlook Drive, asked for an explanation of Resolution #237. Mr. Rutch explained it is a policy to keep the tax appeal information current.

Motion to close to the public: Councilman Manna

Second: Councilman Geist

All in favor.

Motion to adopt the Consent Agenda: Councilman Manna

Second: Councilman Geist

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

#### **ORDINANCE**

##### *First Reading*

**#1527** Capital Ordinance Providing for Various Equipment and Improvements in and for the Borough of Dumont, County of Bergen, State of New Jersey; Appropriating \$65,000.00, therefore from the Capital Fund Surplus to Pay for the costs thereof

Motion to waive formal reading: Councilman Riquelme

Second: Councilman Morrell

All in favor.

Councilman Manna confirmed that this is money that has already been encumbered.

Councilman Geist reiterated appreciates that we are able to do this without bonding.

Motion to pass on first reading: Councilman Manna

Second: Councilman Riquelme

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

### **General Order of Business**

Discussion of Best Practices Questionnaire

CFO Frank Berardo explained that in order to be eligible for full State Aid, the Borough has to have a score of at least 21 out of 25. The Borough had a score of 21. Councilman Manna asked if the questions that are not applicable, count. Mr. Berardo responded that counts as a “yes”. There are only certain questions the State allows you to answer N/A to. Councilman Riquelme asked why #11 is answered no. Mr. Berardo responded that they were not part of the that audit process but the audit must be completed by June 30<sup>th</sup> and the audit was presented to the Borough July 21<sup>st</sup>.

Councilman Manna asked how we can make sure we are compliant in the future. Mr. Berardo replied that the process begins with the Financial Statement, which is due February 10<sup>th</sup> each year. Once that is completed, it’s given to the auditors who set up appointments with clients to see who is most prepared. The CFO’s will make sure we are ready next year. The Mayor asked if there are any “no” answers that are still a work in progress. Mr. Berardo said that two of the “no” answers are directly related to collective bargaining and one specifically is for sick time payout and the other for longevity payments.

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

Second: Councilman Di Paolo

All in favor.

1. Michael Sullivan, 125 Andover Avenue, asked the status of the laptop computers for Mayor and Council and that we need a better sound system here. Councilman Manna explained we need to get better pricing and then make a decision. The Council feels that the Administrator and Borough Clerk would be the key people who need the chrome books. He complained about transparency. Nobody has listened to FARM’d and they know everything. We’ve lost everything. He doesn’t feel it’s right that three story buildings don’t have elevators.

2. Karen Valido, 24 Overlook Drive, thanked Chief Conner for the driveway situation. How will the law be followed if some driveways are already three plus car widths? She has a list, which she gave to Councilman Manna. Councilman Manna responded that the new Building Official is well aware of what’s out there. The ordinance committee will be revisiting the ordinance. Councilman Geist spoke of a driveway on a property on Depew.

3. Carol Ferra, 150 E. Madison Avenue, had her work done forty years ago. At one

time she asked for a permit to add a driveway but she was not given a permit. She was told she should use gravel. She has family and a tenant with cars. She wants a guarantee they will have parking spaces.

4. Harry Vassalo, E. Quackenbush Avenue, asked if there are any laws that are grandfathered. He hasn't received an answer regarding his issue.

5. Ken Kleber spoke representing his father who lives on 3 Wolcott Road. He is Ninety-nine years old. He got a notice he has to pave his driveway in ten days.

6. Lynne Vietri, 41 Wilkens Drive, asked about the PILOT program kicking in at the new development. Mr. Paster answered once the CO's are issued. Ms. Vietri asked if Garden Homes is also Urban Renewal. Mr. Paster responded yes. Ms. Vietri asked if someone's lawn needs cutting, do they get fined. She doesn't understand why D'Angelo's is not getting fined. The response was that they have been fined.

7. Cheryl Demarest, 7 Wolcott Road, said that an officer came and said that the driveway needed to be redone ten days, which was the wrong information. She has a stone driveway and doesn't understand why she would have to replace it. The Mayor responded that it has to be an impervious surface.

8. Mary Normoyle, 106 Randolph, has a two-car driveway but paving it is too expensive. She wants to use rocks. She has nine trees on her property and is worried about flooding. She needs a pervious surface.

9. Maryanne Russini, 141 Roosevelt, is concerned about water issues. Blacktop isn't good for the environment.

10. Keith Demarest, Wolcott Road, said he has stone with Belgian block and feels it looks very nice. He doesn't want to be forced to have asphalt. He doesn't understand the reasoning. The Mayor stated that this ordinance has been in effect for a long time and one of the reasons it wasn't being enforced properly was the it was written; the Judge would throw out the tickets. The ordinance will be revisited. We want to work with the residents to alleviate the problem.

Councilman Di Paolo said he understands the frustration but this ordinance was more to address the size of driveways so people wouldn't be parking on lawns. He would like to place a moratorium on this ordinance. Councilman Geist seconded the motion.

Chief Conner explained that the two ordinances are being mixed up. 455-17 deals with the surface condition. The other ordinance deals with the size of the driveway.

Councilman Morrell said they are not trying to hurt the residents. The one ordinance was changed from sixteen feet to twenty feet because residents needed more space for parking.

Mr. Paster suggested waiting until April, when parking on the street is permitted.

Chief Conner would like to handle this on a case by case basis. If we put a hold on enforcement, people will be putting their cars on the front lawn. The Chief keeps an updated spread sheet, which he gives to the Building Department. Notices started to go out September 29, 2017. To date, thirty-seven addresses were addressed. Sixteen of those have become compliant. They have ten days to apply for a permit and then forty-five days from the issuance of the permit to have the job completed.

Councilman Di Paolo rescinded his motion and asked that the Chief notify the Governing Body of the outcome once he's contacted the households.

11. Tom Kelly, 70 Beacon Street, suggested that they allow an impervious surface in a conforming driveway. He reiterated the Mayor's announcement about the Camp Merritt 100<sup>th</sup> Anniversary.

12. deLyon, 67 Beacon Street, asked about the items on the capital ordinance introduced tonight and the urgency. Why weren't they addressed in the budget? Why is this not discussed in public? Chief Conner replied that his item was requested previously and denied. Dr. deLyon asked if surplus has been used for tax levy relief in the last few years. He complained about transparency. Mayor Kelly answered that surplus has been used.

13. Adrian Green, spoke about the lack of parking at D'Angelo's.

Motion to close to the public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

The Municipal Clerk read the resolution to enter Closed Session:

Personnel-Police

Contract Negotiations-DPW

Contract Negotiations-Police Chief

Possible Litigation-Tutor Link

Purchase, Lease, Acquisition of Real Property with Public Funds

Personnel-Litigation

Motion: Councilman Morrell

Second: Councilman Di Paolo

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

Motion to go back into public: Councilman Morrell

Second: Councilman Riquelme

All in favor.

Motion to adjourn: Councilman Morrell

Second: Councilman Di Paolo

All in favor.

Meeting adjourned at 10:05PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk