

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE MEETING MINUTES
SENIOR CENTER
FEBRUARY 6, 2018
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, LaBruno, Manna, Riquelme, Stewart-present

Councilwoman Correa-absent

Mayor James Kelly-present

David Lafferty was present as Borough Attorney.

Motion to accept agenda as presented: Councilman Manna

Second: Councilman Riquelme

All in favor.

Work Session:

Cleaning out 50 Washington Avenue Borough Hall

Mr. Richards has worked with the Police Chief and found a location to put their evidence locker and sensitive equipment. The Chief is looking at a house near 50 Washington Avenue to put the communications equipment. In addition, Mr. Richards has contacted the Sheriff's office to see if some of their labor can be used. He also spoke to Mr. Kelly, the historian, who said the only things left are the Mayors' photos and some trophies. Mayor Kelly suggested that Recreation determine what is needed from Borough Hall. He said a list should be made of historic items like the archway, which should be preserved.

Update from Council Committees:

Councilman Di Paolo was unable to attend the Recreation meeting but is listening to the recording. There will be another meeting tomorrow evening.

Councilman LaBruno reported that in January the DPW had 21 sewer jobs, 395 miles of street were swept, 27 signs repaired, 3 replaced, 37 catch basins cleaned, 2 repaired. The sign department has been very busy with signs that came down in the winter. The Superintendent has directed that the sewer jet be on the streets every day to head off any sewer problems. Curbs will be repaired when it gets warmer. There were 140 metal pickup stops. The Department has been clearing brooks of debris as needed. They went through 100 tons of salt and plowed once during January. School buses, Police and DPW vehicles were serviced. Two seasonal employees will be returning due to several

worker's comp cases. The Councilman was asked to check whether plow blades are needed.

Councilman Manna extended condolences to the Faulborn family. The DPW is looking to replace manhole covers. The Finance Committee will be meeting with Department Heads regarding their budgets and six-year capital requests. The Committee will be meeting with the CFO to review our five-year projection. The Personnel Committee has reviewed the Police Chief's request for staffing promotions. The CFO will check the costs and the ordinance committee will look into changes in Chapter 75. Property Maintenance and No-knock policy samples were forwarded to the ordinance committee.

Councilman Riquelme stated the Police Committee met with the PBA to discuss police promotions. In 2017, there were 24,210 phone calls for service; 1,017 calls for medical reasons; 85 calls for fire and 50 calls for commitments. There were 11 DWI arrests, 364 motor vehicle crashes investigated, 324 burglar alarms responded to, 526 criminal cases, 115 domestic violence incidents with 9 mandated arrests, 38 indictable arrests.

Councilwoman Stewart stated that the ordinance committee will be meeting tomorrow with the Police Chief to go over the police manual, property maintenance and no knock ordinance. The Committee has received information from the engineer concerning driveway material and will be making a recommendation concerning that ordinance. We are here this evening to vote on the first reading of an ordinance that arose from the lawsuit. They are no different than the ones introduced at the Joint Land Use Board. This is an opportunity to satisfy the law. It protects our town from being subjected to a similar lawsuit as we had with D'Angelo's. The meeting we had last week was to ensure that our historic buildings are not in danger. The BCCLS system by which libraries share books was changed to a new contractor and it has been a mess. She asked the residents be patient.

ADA Ramps: Mr. Richards stated he received numbers from the engineer and has spoken to the CFO. Most of the money expended will be returned except for a portion of the engineering. He is working with the Superintendent regarding some of the storm sewer problems on Washington Avenue.

Approval of Minutes

Motion to approve the January 3, 2018 Reorganization meeting: Councilman Manna

Second: Councilman Riquelme

Roll call vote: Council members LaBruno, Manna, Riquelme, Stewart-yes

Councilman Di Paolo abstained.

Motion to approve the January 17, 2018 Public meeting: Councilman Manna

Second: Councilwoman Stewart

Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Motion to approve the January 17, 2018 Closed session: Councilman Manna

Second: Councilwoman Stewart

Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Motion to approve the January 30, 2018 Special meeting: Councilman Manna

Second: Councilman Riquelme

Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Motion to approve the January 30, 2018 Closed session: Councilwoman Stewart
Second: Councilman Manna
Roll call vote: Council members Di Paolo, Manna, Riquelme, Stewart-yes
Councilman LaBruno abstained.

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

#18-58 Bills List *

#18-59 Knights of Columbus Casino Application Approval to be held March 3, 2018;
ID # 109-6-7021, RL#498 *

#18-60 Authorization of 100% Tax Exemption-Block 201, Lot 9 *

#18-61 Authorization to Scrap Four Vehicles *

#18-62 Approval of Hiring DPW Seasonal Employees James Gill and August Venturini-
\$10.00 per hour and \$12.00 per hour respectively *

#18-63 Police Chief's Contract-Authorization of Execution *

#18-64 Endorsement of the Adopted Housing Element and Fair Share Plan in furtherance
of Settlement of Declaratory Judgment Action and Seeking Judgment of Compliance
from Superior Court

#18-65 Appointment of Millennium Strategies-Borough Grant Writer for 2018-\$3,000
monthly *

Councilman LaBruno requested that #64 be moved to Non-consent.

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

Second: Councilman LaBruno

All in favor.

1. Liz Marchese, Larch Avenue, asked whether Mark Madaio's bill was for one month or more. Mr. Richards will send her a copy of the invoice. Are the vehicles in #61 being replaced? The response was that they have been replaced over time. Ms. Marchese questioned resolution #65.

2. Karen Valido, 24 Overlook Drive, questioned resolution #60. It was explained that the homeowner is a veteran who is 100% disabled.

3. Bruce deLyon, asked why the grant writer to be appointed is a good choice. Did they give a range of expected grant amounts? Councilman Manna said Millennium has a staff who work on a wide range of services for grants. They have clients in Englewood, Park Ridge, Bergenfield, Paramus, Bloomfield, E. Orange and have generated hundreds of thousands of dollars. We have a 14 day opt-out clause. The department heads have been asked to submit their capital needs. The Council has a preliminary list.

4. Gerry Aponte asked if the Recreation Commission will be included in grant proposals? The answer was yes.

5. Lili Binney, 32 Roxbury, remarked that she didn't see the detailed bills list in the

residents' copies tonight. She asked the name of the contractor for demolition of Borough Hall. It was confirmed that it is someone from Garden Homes.

Motion to close: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to accept the Consent Agenda with the removal of #18-64: Councilman Manna

Second: Councilman LaBruno

Roll call vote: Council members Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Non-consent agenda

#18-64 Endorsement of the Adopted Housing Element and Fair Share Plan in furtherance of Settlement of Declaratory Judgment Action and Seeking Judgment of Compliance from Superior Court

Motion to open to the public: Councilman Di Paolo

Second: Councilman Manna

All in favor.

1. Liz Marchese, Larch Avenue, asked why Mr. Paster's name is on the resolution. The Mayor said this was a carryover. Ms. Marchese wanted confirmation that Mr. Paster is no longer doing work for the Borough. The Mayor said he is still working on a contract for acquisition of land on Quackenbush, which has just been submitted to the Governing Body. In response to Ms. Marchese's question as to who negotiated the contract, the Mayor said he and the homeowner and both attorneys. She asked for an explanation of the resolution. Mayor Kelly explained that this is part of the builder's remedy lawsuit, which we settled as well as fair share housing. It amended the Housing Element to include more adequate affordable housing.

2. Tom Kelly, Beacon Street, thanked everyone involved for inclusion of historic properties and protection of them. He questioned whether there was a recent amendment by the Joint Land Use Board. He said that the Housing Element referenced a study for area in need of redevelopment and that it erroneously stated that the JLUB approved of the Maser study. That should be corrected.

Motion to close: Councilman Manna

Second: Councilman LaBruno

All in favor.

Motion to adopt Resolution #64: Councilman Manna

Second: Councilman LaBruno

Roll call vote: Councilmembers Di Paolo, Manna, Riquelme-yes

Councilmembers LaBruno and Stewart-no

Motion carried.

ORDINANCES

First Reading

#1533 An Ordinance to Amend Chapter 455, Article III, "General Regulations and Restrictions" of the Borough of Dumont Zoning Code to Include a New Section 455-21.2, "Downtown Overlay Zone District"

Motion to waive formal reading: Councilman Manna

Second: Councilman LaBruno

All in favor.

Councilman Manna explained that the ordinances tonight that address the completion of the issues brought before the Court and Fair Share Housing. This hopefully brings an end to builder's remedy suits and dealing with Fair Share Housing until 2025. The relief we need has to come from the Legislature.

Councilman LaBruno had to leave the last meeting to be sworn in at the JLUB meeting but feels that we are being held to a certain standard when other municipalities, like Jersey City, aren't. We are densely populated already and being forced to build units here. It is not fair.

Councilwoman Stewart clarified that Burgis Associates said it was done on a regional basis and we are taking the brunt of it.

Motion to pass on first reading: Councilman Manna

Second: Councilman Riquelme

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

Councilman LaBruno-no

Motion carried

#1534 An Ordinance to Amend Chapter 455, Article III, "General Regulations and Restrictions" of the Borough of Dumont Zoning Code to Include a New Section 455-21.1, "Affordable Housing Multi-Family Set-Asides

Motion to waive the formal reading: Councilman Manna

Second: Councilwoman Stewart

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

Councilman LaBruno-no

Motion carried.

Councilman Manna stated we have to amend our set-aside number according to the agreement reached by the Court and Fair Share Housing.

Councilman LaBruno questioned the payment in lieu of. The Mayor explained that a developer is responsible to provide 20% of affordable housing. The Councilman will reach out to Burgis to confirm.

Motion to pass on first reading: Councilman Manna

Second: Councilwoman Stewart

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

Councilman LaBruno-no

Motion carried.

#1535 An Ordinance to Amend Chapter 209, Article III, Section 16.1 "Affordable Housing Development Fees" of the Borough of Dumont

Motion to waive formal reading: Councilwoman Stewart

Second: Councilman Riquelme

All in favor.

Councilman Manna stated that this establishes mandatory fees that developers have to pay to the Borough and is applied to future projects.

Motion to pass on first reading: Councilman Manna

Second: Councilwoman Stewart

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

Councilman LaBruno-no

Motion carried.

#1536 An Ordinance to Amend the Borough of Dumont Municipal Code to Establish a New RP1-Redevelopment Plan 1 Zone District

Motion to waive formal reading: Councilman Manna

Second: Councilman Riquelme

Motion to pass on first reading: Councilman Manna

Second: Councilman Riquelme

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

Councilman LaBruno-no

Motion carried.

#1537 An Ordinance Creating a New Chapter, Affordable Housing to Address the Borough's Affordable Housing Obligations under the Fair Housing Act and the Uniform Housing Affordability Controls

Motion waive formal reading: Councilman Manna

Second: Councilman Riquelme

All in favor.

Motion to pass on first reading: Councilman Manna

Second: Councilwoman Stewart

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

Councilman LaBruno-no

Motion carried.

Motion to open to the public for comments: Councilman Manna

Second: Councilman Riquelme

All in favor.

1. Maryanne Russini, 141 Roosevelt, complimented the fact that everyone now has microphones. She is a Recreation Commissioner and asked when the Mayor received Mr. Tonner's resignation letter. He responded it was in December. She asked when it was decided the Mayor would go to the meeting to swear in the new commissioners in order for there to be a quorum. She didn't know the Mayor could swear the commissioners in. The Mayor said a week or two prior. Ms. Russini feels she was misled as to the January 20th Recreation meeting agenda. There was supposed to be a lighting person and an experienced Rec. person. They weren't there. There was no agenda.

2. Gerry Aponte, 88 Hickory Street, clarified that the agenda for that meeting was the same as the meeting that was cancelled due to the snowstorm. The lighting person changed the date to February 19th and the person from the parks was waiting outside but because the meeting ran late, he had to leave.

3. Mary Normoyle, 106 Randolph, asked when the LSRP will be starting at D'Angelo's. The Mayor replied that the LSRP will be there once they start the remediation. She asked if the escrow was paid up and do we have all the County permits? Mr. Richards responded that to the best of his knowledge the last bills were paid last week and as far as he knows the only permit from the State they received was for the asbestos removal. Ms. Normoyle asked about the driveway coverage. Councilwoman Stewart replied that the definition has been extended and will be discussed by the ordinance committee. In response to Ms. Normoyle's question about the dog park, she was told it is a Recreation issue. She asked the difference in due diligence

in providing information for an OPRA request versus a subpoena and what constitutes due diligence. Mr. Lafferty responded that an OPRA request is directed to the custodian of records of the municipality and a subpoena could be directed to someone else. The custodian of records is charged with filling it within seven days but it can be extended. If there are records the custodian has to obtain from other entities and the entities don't supply them, the OPRA custodian, with certain exceptions, would respond. If the requestor doesn't feel it's complete, they can make a second request or make a complaint with the Government Records Council.

4. Daniel Rowell, 106 Randolph, asked if the Borough has an ethics board. The Mayor said it was eliminated. If there is an ethics complaint, it can be sent to the DCA in Trenton.

5. Tom Kelly, 70 Beacon Street, wished to mention again that Ordinance #1536, page 2 has misinformation referring to approval of Maser by the Joint Land Use Board. In answer to Councilman LaBruno's earlier statement, Jersey City is an urban aid community and meets the criteria. Dumont misses by a small number of criteria. Maybe we will be exempt soon but, in the meantime, we have to absorb those that are exempt in Region 1. Immunity is if everything is followed so we could be challenged. He doesn't remember the exceptions in the RP1 being part of the settlement agreement. He spoke of parking in the affordable housing and the height seems different than in the settlement agreement. He remarked that the Mayor went to several board meetings and wondered how that lends itself to transparency.

6. Lili Binney, 32 Roxbury Road, also noted that the Mayor went to the Joint Land Use Board meeting for the first time. If he doesn't attend any in the future, some might think it was to cast a political vote. The first threat Mr. Paster warned about was if the Landmark settlement wasn't signed, we would have four story buildings in town and now look what we got. She wanted the new attorney to know that she feels the residents were badly represented and how much was not done to protect our town.

7. Bruce deLyon, 67 Beacon Street, asked the amount we are paying the CFO. He checked towns to see what Borough Clerks and Borough Attorneys were being paid. New Milford's Borough Clerk/Borough Attorney's salary was \$137,000, probably with benefits. We are paying our CFO \$50,000-\$75,000, our Borough Clerk approximately \$85,000 and Mr. Richards \$10,000 a month. He asked if the Mayor has checked to see how much other towns are paying, who is negotiating with Mr. Richards and the cost for husband/wife benefits. The Mayor has checked salaries with other Mayors. The Personnel Committee, comprised of Council members Correa, Manna and Riquelme, is negotiating. Mr. Richards guessed that the health coverage would cost about \$22,000. Dr. deLyon feels that Mr. Richards is a good person and trying to do a good job. Has he been evaluated? The Mayor replied that Councilman Manna asked the Council their opinion on his performance.

8. Michael Sullivan, 125 Andover, asked if the Quackenbush property has been acquired. The Mayor said a contract has not been signed yet-it will be discussed in closed session. Mr. Sullivan feels we should take it by eminent domain. The Fair Share was a sham. The professionals did nothing for us. He prefers no overnight parking. It's safer. The Mayor said that the Police and DPW are in favor of keeping it the way it is.

9. Karen Valido, 240 Overlook, feels that changes in overnight parking would be

a bonus for the development. If there is overnight parking on the streets, there should be permits for the residents. She asked if the DPW does road repairs. Highwood and Overlook need to be fixed. The Mayor explained that we fix roads when we get assistance from the government. We try to take care of the worst first. Councilman Manna said he would have to know what project was done on Overlook. One was a short-term fix. There was no warranty.

10. Liz Marchese, Larch Avenue, referred to Ordinance #1536 and asked if people in the development will follow the same standards as those outside as far as parking. The Mayor explained that ordinances we're putting into place have to do with Fair Share Housing. She asked if Councilman LaBruno would share the answer to the question he had for Ordinance #1534. Does this ordinance allow for two family housing in residential areas? She's glad that Ordinance #1535 is finally being enacted. What is the status of Building Department suit and what is the process after the hearing? The Mayor said that they are not finished with the interviews due to sickness. The hearing officer is Michael Breslin, who will report to the Governing Body.

Motion to close to the public: Councilman Manna

Second: Councilman Riquelme

All in favor.

The Borough Clerk read the resolution to enter closed session:

Purchase, Lease or Acquisition of Real Property with Public Funds

Borough Administrator-Negotiations

DPW Superintendent-Negotiations

Personnel-Police

Motion: Councilman Manna

Second: Councilwoman Stewart

Roll call vote: Council member Di Paolo, LaBruno, Manna, Riquelme, Stewart-yes

Following closed session:

Motion to go back into public: Councilman Manna

Second: Councilman Riquelme

All in favor.

Motion to adjourn: Councilman Manna

Second: Councilman Riquelme

All in favor.

Meeting adjourned at 9:20PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk