

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
SENIOR CENTER
DECEMBER 17, 2019
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 are 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 Chae, Englese, Rossillo, Stewart-present

Council members LaBruno and Manna-absent

Mayor James J. Kelly-present

Motion to accept agenda as presented: Councilwoman Stewart

Second: Councilman Chae

All in favor.

MAYOR'S REPORT

Mayor Kelly thanked the residents of Dumont for having the faith to elect him for two terms as Mayor. He thanked everyone who worked along with him. He thanked Ms. Connelly for being a great Borough Clerk. All of the council members thanked the Mayor for his service as Mayor.

ADMINISTRATOR'S REPORT

The New Milford railroad crossing is in the process of being repaired. Mr. Richards submitted a six-year capital plan to the Finance Committee. Dumont has received \$11, 725 as a dividend from JIF, which will be put toward the first quarter payment. The ADA crosswalks on New Milford Avenue have be completed. The paving will start the first week of April and soon after the ADA ramps will be built on Washington Avenue. Mr. Richards thanked the Mayor and Council for the opportunity to serve them and the people of Dumont.

COUNCIL COMMITTEE REPORTS

- Councilman Chae

Municipal Building

The steel has gone up and the concrete has been poured.

The Councilman thanked Lt. Joyce for offering to cover Jersey City during the Detective's funeral.

Rent Leveling Board

The ordinance is going to be reworked a little bit.

- Councilman Englese

Personnel

We are looking for a full-time CFO and Administrator. The Personnel Committee has been reviewing the resumes and will begin the interview process soon.

- Councilwoman Rossillo

Ambulance Corps

No report

Board of Education

We are looking forward to better communication in the future. We intend to sit down with some of the Board members.

- Councilwoman Stewart

Library

The Library had the opportunity to participate in a study done by the University of Michigan. It reflects the spirit of the community and how we come together in times of need.

Shade Tree

They had their wreath-making event and raised \$650 for the High School Scholarship fund.

ATTORNEY'S REPORT

Mr. Leibman spoke of a memo pertaining to Rent Control. He had consulted with the Borough Planner and the attorney for the Rent Leveling Board while crafting the following. There is an overhead aerial view of the town that shows you the areas we're talking about. We are talking about the overlay zone that's highlighted-to remove rent control under certain limited circumstances. It will also resolve a poorly written ordinance, which has caused some problems at the Rent Control Board. The exemptions right now are motels, hotels and similar type buildings in which up to 1/3 of the occupied floor space is commercial and housing units of two units or less in which the owner of the premises resides; housing units, newly constructed and rented for the first time are exempted, and the initial rent may be determined by the landlord. All subsequent rents will be subject to the provisions of this chapter. The change would be: Exempt from this chapter are motels, hotels and similar-type buildings. Also exempt from this chapter are housing units of two units or less in which the owner of the premises resides; Also exempt from this chapter are newly constructed housing units, that receive Certificates of Occupancy on or after enactment of this ordinance, however such units are exempt only when rented for the first time. All rents subsequent to the initial rent will be subject to the provisions of this chapter. Also exempt from this chapter are units in the RP1 District, Redevelopment Plan 1 and the Downtown Overlay Zone District in buildings (or an assemblage of buildings on a single lot) containing 25 or more residential rental units. Also exempt from this chapter are housing units constructed and restricted for Affordable Housing, the rents of which shall be governed by law. Exemption from this chapter does not constitute exemption from Affordable Housing.

Mr. Leibman explained that affordable housing is the primary reason for rent

control. The laws have changed in New Jersey in the last few decades. Rent control can also be a problem for landlords. If a landlord can't generate enough income to justify the investment, they won't invest in the community. They won't modernize their housing. He is presenting this for the Governing Body's consideration.

ENGINEER'S REPORT

Mr. Norbert explained that Columbia Avenue was paved a couple of weeks ago. The striping will be done on a clear day. We need to go out to bid and then award a contract in February for Delong Avenue. He spoke about the Gina's Field Improvement Project.

Approval of Minutes

Motion to approve the November 12, 2019 Public and Closed Session minutes:

Councilwoman Stewart

Second: Councilman Chae

Roll call vote: Council members Chae, Rossillo, Stewart-yes

Councilman Englese abstained.

Motion to approve the December 3, 2019 Executive and Closed Session minutes:

Councilman Englese

Second: Councilwoman Stewart

Roll call vote: Council members Chae, Englese, Rossillo, Stewart-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

#19-294 Bills List *

#19-295 Appointment of Municipal Humane Law Enforcement Officer \$5,243.70 *

#19-296 Approval of Appointment of Fire Department Chiefs *

#19-297 Zachary R. O'Connor-Hire as Dumont Police Officer-\$26,902.00 *

#19-298 Dillon L. McInerney-Hire as Dumont Police Officer-\$32,282.00 *

#19-299 Approval of Knights of Columbus On-premise Merchandise Raffle Application; ID#109-67021, RL#552 *

#19-300 Approval of Knights of Columbus Off-premise Cash Raffle Application; ID#109-67021, RL#553 *

#19-301 Approval of Naming the Dumont Soccer Office on Charles Street in Memory of J.J. Donegan *

#19-302 David Nizborski-Hire as Plumbing Inspector-\$35 per hr. *

#19-303 Martin LiSanti-Promotion to Sergeant-\$131,036 per year *

#19-304 The Arc of Bergen & Passaic-Endorsement of Community Development Block Grant *

#19-305 Mark Abdulla-Hire as DPW Truck Driver/Laborer-\$57,662.39 *

#19-306 August Venterini-Hire as DPW Truck Driver/Laborer-\$24,300.26 *

#19-307 Chief Conner-Authorization of Contractual Payment-\$14,229.72 *

#19-308 Jules Aita-Approval of Additional Parking *

#19-309 Edward Scannavino-Hire as Plumbing Inspector-\$12,000 per year*

Motion to open to the public on the consent agenda items minus #310: Councilwoman Stewart

Second: Councilwoman Rossillo

All in favor.

1. Bruce deLyon, 67 Beacon Street, asked about an item on the bills list in the amount of \$3,000,000. Mr. Richards stated that this was due to moving from one bank to another. The CFO would be able to answer this question better.

2. Lynne Vietri, 41 Wilkens Avenue, asked the reason for the difference in salary for the plumbing inspectors and the DPW hires on the agenda. Councilwoman Stewart responded that one was an interim inspector hired on an hourly basis until the new one comes in at \$12,000 per year. Mark has more experience-he had worked at the DPW for over six years prior.

Motion to close to the public: Councilman Englese

Second: Councilman Chae

All in favor.

Motion to approve the Consent Agenda items: Councilman Chae

Second: Councilman Englese

Roll call vote: Council members Chae, Englese, Rossillo, Stewart-yes

Non-consent Agenda

#19-310 Policy on Recreation Volunteers *

Mayor Kelly requested that Resolution #310 be moved to the Non-consent Agenda. It is very vague and he doesn't understand the urgency. He is against this resolution. He said there was supposed to be a meeting with him, Borough Attorney, some members from Recreation, Police Chief, someone from Risk Management and someone from JIF. That meeting has yet taken place.

Mr. Leibman said that the meeting the Mayor is referring to is in response to the Police Chief's letter with respect to his obligations to perform background checks. The resolution tonight is the recommendation of multiple attorneys to adopt this resolution now. The statute referenced in the resolution allows the municipality to do this. It provides for maximum protection of the public welfare and it was based on conversations that they've had. There was some confusion today as to whether the resolution should stay on the agenda or not. The current Recreation by-laws are out of date.

Councilman Chae feels we need something in place to protect our children.

Mayor Kelly said that the difference between the by-laws and this is that the appeal process is being eliminated. He feels that Recreation should be involved. The timing of it is wrong. He would also like to hear from Council President Manna and Mayor-elect LaBruno who are not present. He asked for a second for this to be tabled. There was no second.

Motion to open to the public: Councilwoman Stewart

Second: Councilman Chae

All in favor.

1. Christopher Snell, 84 Franklin Street, that this resolution is retaliatory and discriminatory because it bans anybody from having the opportunity to be an employee or coach in Dumont. He feels that he was a victim of bias when he ran for Council. The

town just settled a lawsuit with Snell in the amount of \$400,000. He said he made a mistake when he was 18 years old. He asked the Council to rethink their decision on this resolution. People should have a second chance.

2. Gerry Aponte, Hickory Street. Recreation Commission Chairman, hopes the Council will reconsider their decision on this resolution. They are considering hiring an outside company to do the background checks.

3. Cesare Papetti, 340 New Milford Avenue, is speaking as a district administrator for Little League. Everybody should have a background check. We have to protect our kids but you have to give volunteers a second chance. You should have a committee without the Police Chief, who would have already denied the person because the fingerprinting showed that they were disqualified. Each situation should be considered.

4. Mike Flood, 19 Juniper Street, said it seems that the Police and the Council is abandoning Recreation. Please reconsider.

5. Maryanne Russini, Roosevelt Avenue. said that when she was on the Rec. Commission, she was liaison for fingerprinting and coach certification. This resolution doesn't give a second chance. If someone has something on their record, the volunteer can hire a lawyer and get it taken off their record. She questioned whether the Council is overstepping the Commission. Mr. Leibman responded that in his opinion the Governing Body sets the policy. Every other Commission or Committee is subservient to the Council. Ms. Russini asked how many ID lanyards have been given out since she left. Councilwoman Stewart said they are up to date according the Director.

6. Tom Kelly, 70 Beacon Street, said he is concerned the manner in which it was put on the agenda. He asked if emails had gone back and forth among the Governing Body. Mr. Leibman responded no. Mr. Kelly said that either this is part of the settlement or a reaction to the settlement. It would be better to wait until the Mayor-elect and Council President to be present at the meeting this voted upon. The Council should proceed cautiously with this. If any coaches with criminal history in past years have been able to coach, he would question why.

Motion to close to the public: Councilman Chae

Second: Councilman Englese

All in favor.

Mayor Kelly asked if anyone wanted to second his motion to Table this resolution.

Councilwoman Stewart seconded the motion to table.

Roll call vote: Council members Chae, Englese, Rossillo, Stewart-yes

ORDINANCE

Second Reading

#1570 Salary Ordinance Amending Salary Ordinance #1554

Motion to waive the formal reading: Councilman Englese

Second: Councilman Chae

All in favor.

There was no discussion from the Council.

Motion to open to the public on Ordinance #1570: Councilman Englese

Second: Councilman Chae

All in favor.

Motion to close: Councilwoman Rossillo

Second: Councilman Chae

All in favor.

Motion to adopt on second reading: Councilwoman Stewart

Second: Councilwoman Rossillo

Roll call vote: Council members Chae, Englese, Rossillo, Stewart-yes

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

Second: Councilman Chae

All in favor.

1. Judy Parker, Susan Drive, Closter, the landlord member of the Rent Leveling Board questioned why the rent control ordinance discussion did not involve the Rent Leveling Board. Mr. Leibman replied that Mr. Rendo, the attorney for the Rent Leveling Board, was involved in all the discussions so she should ask him. If there are twenty-five units in a single building it would not be subject to rent control in that zone. Ms. Parker feels that the rent control ordinance should be abolished. Property taxes increase but the rent allowed is not equal.

2. Christopher Snell, 84 Franklin Avenue, thanked the Council for tabling the resolution. He said the money doesn't mean anything to him; it's the principle. According to the settlement, there would be nothing to prevent him from applying to be a coach again in Dumont. He finds it inciteful that this resolution was forced back onto the agenda at the request of David Pfund. On December 3, 2019 the Council voted to accept the settlement agreement. Now on December 17th there is a resolution which would keep me from coaching. He offered to be part of the DARE program so that kids could learn from someone first-hand.

3. Lynne Vietri, 41 Wilkens, asked why the attorney and the clerk are able to override the Mayor. Mr. Leibman said it was a simple misunderstanding. At the last Board of Education meeting they were informed that the PILOT money was going to be used for a roads fund. Councilwoman Stewart explained that part of the money would be put in a trust so that we can repair roads on a timely basis. Ms. Vietri said that there are people living at D'Angelo's so should the PILOT have started? Mr. Leibman said he didn't think the PILOT has kicked in yet. Ms. Vietri thanked the Mayor for his service.

4. Karen Valido, Overlook Drive, thanked Councilwoman Stewart and Councilwoman Rossillo for attending the last BOE meeting. She complimented Councilwoman Stewart for doing her due diligence and sharing that knowledge. She will send the Councilwoman the State Comptroller's report. Taxes in New Jersey are crippling taxpayers.

5. Michael Sullivan, Andover Avenue, feels that people should be given second chances. He is involved with Fellowship helping people. He is also concerned that there will be seven council members of the same party.

6. John Sansone, Beacon Street, said he has coached every sport. We need coaches like Chris who can have a positive effect on kids. The Council would have passed the resolution if the residents didn't speak up. When will the taxes from the Municipal Complex effect the taxpayers? Mayor Kelly explained that each year we don't go out for the whole thing at one time. Mr. Sansone wished Mr. Richards luck.

7. deLyon, 67 Beacon Street, said he noticed the lawsuit is referred to Cavadias litigation. Are there other people still involved? Labor Attorney answered yes. Dr. deLyon congratulated Snell for his fortitude. He said that allowing him to coach according to the settlement and trying to pass a resolution to bar him from coaching is bad negotiating. He had asked for the cost of the Snell litigation and learned that it cost the town \$62,000. He asked about a check made out to QBE in the amount of \$21,308. Is that included in the \$62,000? Mayor Kelly will check. Dr. deLyon has been asking a question repeatedly about whether there is a recommended amount for surplus. He also looked through the SDL portal on the website and noticed there are a lot of open permits. The open permits are due to the owner or contractor not asking to have inspections. If someone is about to sell their house, they should check on the SDL portal to see if there are open permits.

8. Marianne Russini, Roosevelt Avenue, asked about the open permits. Mr. Leibman explained that it is the obligation of the homeowner to close out the permits. Ms. Russini asked if anyone had reached out to the DEP. When she had called, she was told that they were told to hold all funds for Dumont until the violation is resolved. Mr. Leibman stated that he would inform the Governing Body the status in closed session.

9. Conor Gorman, 87 W. Quackenbush Avenue, said he is very proud of our town for helping Jersey City; in particular, Grant Street Café and the police department. He enjoyed helping make wreaths as a fundraiser for the Shade Tree Commission.

10. Tom Kelly, 70 Beacon, thanked Mayor Kelly for serving the town. He said that overdevelopment is a big issue that not everyone is in favor of. The Rent Leveling Board was bypassed. Councilwoman Stewart informed him that in the calendar there is a tear-out asking for people's input. He is concerned about older developments, which would not get a tax break whereas the new developers would. He feels that might lead to litigation. We are a dense town. We should consider what the long-term effects will be.

11. Gerry Aponte, Hickory Street, thanked Councilwoman Stewart for meeting with Recreation and the engineer. He thanked Grant Street Café for what they did for Detective Seals. He thanked Mayor Kelly for his service. He thanked Ms. Connelly for all of the knowledge she imparts. He wished Mr. Richards the best. He thanked the Council for tabling the resolution for the Recreation policy. He also thanked them for adopting the resolution to name the soccer office after JJ Donegan.

Councilwoman Stewart shared a survey of thirty-two towns in our area and how they handle posting resolutions since some people have questioned this. 69% of them do not post resolutions prior to the meeting; 66% do not present ordinances prior to a meeting. We are doing our best to post information.

Councilman Chae wanted to clarify the information on reworking the rent control ordinance. It stemmed out of a landlord's question. The landlord ended up withdrawing their application. The attorneys talked about it and felt that we should have a more modern ordinance. That's why it seemed like the Rent Leveling Board was bypassed when they actually weren't.

Motion to close to the public: Councilwoman Stewart

Second: Councilman Chae

All in favor.

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

Potential Litigation-Asplint
Litigation-Cavadias
Personnel-Police
Light Duty Policy-Collective Bargaining
Public Bidding-New Municipal Complex
Potential Litigation-Borgaro
Motion to adopt: Councilman Chae
Second: Councilwoman Stewart
Roll call vote: Council members Chae, Englese, Rossillo, Stewart-yes

Following closed session:
Motion to go back into public: Councilman Englese
Second: Councilman Chae
All in favor.

Labor Attorney Lustig read Resolution #311 into the record after discussion in closed session: the Council is authorizing the separation agreement for Sgt. Joseph Rizza.

WHEREAS, Police Department Sergeant Joseph Rizza has expressed his intent to retire from the employ of the Borough of Dumont effective December 31, 2020, along with his expectation of certain benefits of retirement;

WHEREAS, at the time of his retirement, Mr. Rizza's employment is covered by the Agreement now in place between the Borough of Dumont and the Patrolmen's Benevolent Association (Local 377) ("Agreement");

WHEREAS, the Borough and Mr. Rizza have determined that it is in their mutual best interest to enter into the attached Separation Agreement and thereby resolve all issues that may be in dispute, and all issues related to Mr. Rizza's separation from employment with the Borough; and,

BE IT RESOLVED, the Governing Body of the Borough of Dumont authorizes the attached Settlement Agreement to be executed;

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to Sgt. Rizza, Chief Conner, CFO, Personnel and the Finance Department

Motion to approve Resolution #311: Councilman Englese
Second: Councilman Chae
Roll call vote: Council members Chae, Englese, Rossillo, Stewart-yes

Motion to adjourn: Councilman Englese
Second: Councilwoman Stewart
All in favor.

Meeting adjourned at 9:05PM
Minutes respectfully submitted by:

Susan Connelly, RMC, Municipal Clerk