

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
JULY 14, 2020
6:30 PM**

Administrator Tully hosted the meeting from Borough Hall. He announced that the meeting is being held electronically as per the Governor's Executive Orders 107 and 108. Council President Stewart called the meeting to order.

Flag Salute, Moment of Silence for first responders and all those suffering the pain of social injustice.

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 time, date and location of this public meeting of the Governing Body by means of communication equipment, N.J.S.A. 10:4-8(b) on the Borough website, Borough Hall and Facebook.

Roll Call:

Council members Chae, Englese, Gorman, Manna, Rossillo, Stewart-present
Mayor Andrew LaBruno-absent

Motion to accept the agenda as presented: Councilman Manna

Second: Councilman Chae

All in favor.

Donald Norbut from Remington Vernick Engineers presented the information for the hearing.

Hearing-Bergen County Trust Fund Program for Installation of New Playground Equipment at Memorial Park

The project will include upgrades to the existing picnic grove, ADA accessible features as well as some ADA equipment. It is a matching grant.

Motion to open to the public: Councilman Manna

Second: Councilman Chae

All in favor.

1. deLyon, Beacon Street, asked where the matching funds would come from. He feels questions should be answered. His tax bill went up dramatically.

2. Maryanne Russini, Roosevelt Avenue, doesn't think this is the time to do this. Gina's Field hasn't been done yet.

3. Liz Marchese, Larch Avenue, said she has been receiving responses to her questions.

4. Mrs. Carmona, 222 Glen Avenue, agrees that now is not the time. She wanted a breakdown of the change orders.

Motion to close to the public: Councilman Manna

Second: Councilman Chae

All in favor.

Councilman Gorman asked Mr. Norbut to explain the process and the timeline for the playground project.

Approval of Minutes

Motion to approve the June 16, 2020 Public and Closed Session minutes: Councilman Manna

Second: Councilman Chae

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

Gerard Onorato, Esq. who was hired to handle the dispute with Bennett, said that Bennett asserted he was owed for 645 days' delay and asked for \$3,000,000. He settled for \$550,000. The settlement agreement is on tonight's agenda.

Marc Leibman, Borough Attorney, stated that this resolves all outstanding claims.

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

#20-135 Bills List *

#20-136 Authorization of Execution of Chief Michael Conner's Separation Agreement *

#20-137 Appointment of Thomas McKeary as Acting Police Chief *

#20-138 Approval of Light Modified Duty Policy *

#20-139 Authorization of Bergen County Plowing Agreement *

#20-140 Change Order #1 Final-Columbia Avenue CDBG Road Program-\$1200 *

#20-141 Authorization to Submit an Application to the Bergen County Open Space Trust Fund Program *

#20-142 Authorization of Execution of Agreement with Valley Health System *

#20-143 A Resolution Authorizing Inclusion in the Bergen County Community Development Program *

#20-144 A Resolution Authorizing Execution of an Agreement with the County of Bergen to Supersede the Cooperative Agreement Dated July 1, 2000 and Amendments thereto Establishing the Bergen County Community Development Program *

#20-145 Consent and Agreement to the Execution of an Order of Provisional Authorization and Designation of an Acting Municipal Court Administrator between the Municipality of Dumont and the Municipality of New Milford *

#20-146 Adoption of Policy Addressing the Protection and Safe Treatment of Minors *

#20-147 James Grob-Accept Fire Patrol Application *

#20-148 Vincent Mazzilli-Accept Application as a Firefighter *

#20-149 Brian Levitzki-Accept Application as a Firefighter *

#20-150 Authorization of Execution of "Cares Act" Agreement *

#20-151 Suspension of Fees for Garage Sales *

#20-152 Resolution for Member Participation in the Educational Services Commission of New Jersey Cooperative *

#20-153 Authorization of Execution of Settlement Agreement with Bennett Company *

#20-154 Approval of Change Order #1 for the New Municipal Complex Project-\$1,053,884.28 *

#20-155 Approval of Purchasing Equipment from Goosetown for Police Dispatch-

\$1,274,390.67 *

Motion to open to the public for consent agenda items: Councilman Manna

Second: Councilman Chae

All in favor.

1. Dr. deLyon, 67 Beacon Street, said the \$550,000 is absurd. The money is coming from the residents. Resolutions were added late today. The Council members are failures.

2. Lynne Vietri, Wilkens Drive, asked what the thirty change orders are. Can they be OPRA'd? 645-day delay is almost two years. Are there anymore change orders?

3. Mary Normoyle asked the projected increase for taxpayers due to the removal of the trailers. Why was there a vote on the PILOT letter? It is still in draft form.

4. Ms. Carmona, 222 Glen, asked when they can meet with the Mayor. Funds were spent without the residents' input.

5. Michael Sullivan, Andover Avenue, spoke of the rent for the trailers, storage, borough hall, etc.

Motion to close to the public: Councilman Manna

Second: Councilman Chae

All in favor.

Mr. Leibman-PILOT-memo sets forth a billing mechanism, an audit process, amount greater the set amount per unit or percentage of the gross construction costs or a percentage of the gross profits.

Mr. Onorato-each delay notice has a dollar value. The contractor submitted four delay notices to the Borough. There was a substantial reduction from the \$3,100,000 he was seeking.

Joe Cascio-the change order included the \$550,000 lump sum, additional soil removal and seismic category changes.

Council President Stewart explained that some of the change orders were for the changes the Department of Corrections made for the Police Department after they had already approved them.

Motion to adopt the Consent Agenda: Councilman Manna

Second: Councilman Chae

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

ORDINANCES

Second Reading

#1577 Ordinance Amending Chapter #392 of the Borough of Dumont Code-Pools

Motion to waive formal reading: Councilman Manna

Second: Councilman Chae

All in favor.

Motion to open to the public: Councilman Manna

Second: Councilman Chae

All in favor.

1. Maryann Russini, Roosevelt Avenue, hopes people don't have to get a new fence that it would be grandfathered.

2. Tom Kelly, Beacon Street, asked for the short version.

Mr. Leibman explained that this amendment helps people with portable pools and height limitations so there is no need for them to go before the Joint Land Use Board.

3. Michael Sullivan spoke about the intersection at Grant and Washington. Mr. Leibman stated that he has spoken to the gas station owner to let him know we are still interested.

Motion to close to the public: Councilman Manna

Second: Councilman Chae

All in favor.

Motion to adopt Ordinance #1577: Councilman Manna

Second: Councilman Chae

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

#1578 Supplemental Bond Ordinance of the Borough of Dumont Adding \$3,500,000 in total Appropriation to the Municipal Building Project

Mr. Cascio explained that this would encompass the monopole, the remainder of any change orders, Goosetown and furniture.

Motion to waive formal reading: Councilman Manna

Second: Councilman Chae

All in favor.

Motion to open to the public: Councilman Manna

Second: Councilman Chae

All in favor.

1. deLyon, Beacon Street, remarked that the architects are incompetent. There should have been no change orders since they were starting with clean construction.

2. Liz Marchese, Larch Avenue, said she figured out that there would be \$621,000 left. What would it be used for?

3. Tom Kelly, Beacon Street, requested an explanation of the change orders and asked if we could recover some money from the professionals. He said that a \$22,000 credit for the fire pump was not enough. What went wrong with the project?

4. Maryann Russini asked the tax impact with this ordinance. Whose fault was it for the delays? The tower should have been included. Can we recoup some money?

5. Ed Aguilar, 37 Sherwood, asked what we have given up to pay these change orders? Are we going to recoup some of the money due to the changes from the Department of Corrections?

Mr. Onorato stated that there were four separate notices alleging changes in transmittals and delays. At this time, Bennett's is just allegations.

Mr. Cascio stated that \$550,000 is in change order #1. He also responded to the fire pump question, saying that the credit was for material not yet ordered yet. We are currently in discussions with the Department of Corrections so that we don't have to make revisions.

Mr. Schlecht said the pre-design and design of the police department was compliant until they made requests for revisions. When it relates to fire safety and security, we have to defer to their requests.

President Stewart stated that there have been times over the past few years due to health reasons and loss of employment, that she has struggled to pay her taxes. She understands.

Councilman Chae explained that the reason we are bonding for the \$3,500,000 is so that we have money in case something unexpected happens. The money not spent will be used to pay down the bond.

Motion to close to the public: Councilman Manna

Second: Councilman Chae

All in favor.

Motion to adopt Bond Ordinance #1578: Councilman Manna

Second: Councilman Chae

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

#1579 Bond Ordinance Providing for Various Capital Improvements by the Borough of Dumont, Appropriating the Aggregate Amount of \$762,000

Motion to waive formal reading: Councilman Manna

Second: Councilman Chae

All in favor.

President Stewart explained that usually the capital ordinance is close to \$1,000,000 and includes two police cars but through cooperation from the Police Department, Ambulance Corps and Fire Department, it is much lower.

Motion to open to the public: Councilman Manna

Second: Councilman Chae

All in favor.

1. deLyon, Beacon Street, said we have a good Police Department, Fire Department and DPW but when you say they are cooperating, if you look at your six-year plan, you are looking to bond \$4,000,000 this year. The fact that we have 20-30-year-old turnout gear or radios shows that someone was asleep at the wheel. You use the pandemic. There's no transparency.

2. Maryann Russini asked if the bonding for \$9,500 is really necessary.

3. Tom Kelly, Beacon Street, is concerned that the Fire Department radios would not be compatible with the Police Department in the new building.

4. John Sansone, Beacon Street, asked if a streetscape could be included in the Grant project.

Motion to close to the public: Councilman Manna

Second: Councilman Chae

All in favor.

Motion to adopt Bond Ordinance #1579: Councilman Manna

Second: Councilman Chae

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

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

Second: Councilman Chae

All in favor.

1. Dr. deLyon finds the commentary absurd and asked why soil is being removed. He remarked that Goosetown didn't bid on the last bid.

2. John Sansone stated that since the fire pump is labor intensive there should be more of a credit. He feels that Cumming dropped the ball. He would like downtown to be nicer looking.

3. Cary Stopsky, 48 E. Quackenbush, said that parking on non-public streets should be addressed. Some streets are marked two-hour parking. Is there an ordinance that says certain sides of the street will be cleaned? He has the brook by his house. There are several mounds by the Senior Center, where the water does not flow and it goes into the bocce ball court and by his house. Is that going to be addressed or does he have to get Senator Cardinale involved?

4. Lynne Vietri, Wilkens Drive, said that the BOE used Zoom for their meeting and intend having an in-person meeting in July. The Mayor commented that an in-person meeting was irresponsible because two members of the Council were in an at-risk population for COVID-19. She doesn't feel this is reason not to meet in person. If anyone is worried, they can call in. Since the Senior Center is closed, they had enough time to research another meeting place.

5. Mary Normoyle asked Mr. Leibman if he has seen anything as convoluted as the PILOT agreement. When can we expect to start collecting money? The information on the website was marked "draft". Is it final? She said there seems to be confusion on who is to sign off on the LOMA documents dealing with flooding. Is it the Building Department or a special person who handles it?

6. Maryann Russini, asked about bills dealing with the White Beeches tax appeal. When will it be settled? There are a lot of voids and duplicate payments, especially on page 11. What did we offer Bennett in January? Was anything discussed between January and July? She would like an update on Gina's Field.

7. Liz Marchese, Larch Avenue, asked if the Borough is taking action against the person responsible for the change orders, having them done in the time prescribed within the contract in order to help mitigate the settlement. Who is that person and what is the process for change orders to be approved? What is the percentage of current occupancy at the D'Angelo's property and how many CO's have been granted? What is the percentage not built out yet? There is an opinion that the residents are not getting the bang for their buck. Have the trailers been budgeted for. If so, when they are removed what would the money be used for?

Mr. Leibman said he had spoken to the Borough's tax appeal attorney and the White Beeches tax appeal has been dismissed.

Motion to close to the public: Councilman Manna

Second: Councilman Chae

All in favor.

President Stewart asked if any of the Council would like to speak. Councilman Manna said that Mr. Sansone, who is on the Beautification Committee, has some positive ideas. He suggests that Mr. Sansone should contact the chairperson and put together a plan and cost estimate to present to the Administrator. He added that we are all taxpayers and that only \$.31 of the tax dollar is on the municipal side of the tax bill. For that we get police protection, volunteer EMS and fire department 24/7, 365. We have the DPW, which maintains the infrastructure. We have a public library, senior programs, social services, recreation programs and other commission and committees. We have countless

volunteers. He disagrees with those who might say they're not getting the bang for the buck.

President Stewart responded to Ms. Russini's comment about the \$9,500 part of the bond ordinance. When they work on the budget, they are limited by a 2% cap on anything they do in an operating category. When something exceeds that, they need to bond.

She added that she doesn't like having the meetings this way. The Governing Body has been acting on the advice of our risk management team, who handles our insurance. We were exploring using Zoom. There was a Zoom meeting in Edgewater where a naked man ran across the stage and then someone else let out with racial epithets.

Councilman Chae stated that we have an Economic Development Committee, which should work with the Beautification Committee. Reach out to him if you would like to join the Economic Development Committee.

The Municipal Clerk read the resolution to enter Closed Session for discussion of:

Attorney-Client Privilege Conversation

Litigation-Cavadias

Litigation-Asplint

Motion: Councilman Manna

Second: Councilman Chae

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

Following closed session, motion to go back into public: Councilman Manna

Second: Councilman Chae

All in favor.

The meeting was adjourned at 9:00PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk