

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
SEPTEMBER 15, 2020  
6:30 PM**

Chris Tully, Borough Administrator, stated that due to the Governor's mandate on social distancing, this meeting is being conducted by electronic means. He was conducting the meeting from Borough Hall.

Flag Salute, Moment of Silence for all those lost during the COVID-19 pandemic and please keep the two officers who were ambushed in L.A. and fighting for their lives in your prayers.

**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-present

Councilwoman Stewart-absent

Mayor Andrew LaBruno-present

Motion to accept the agenda as presented: Councilman Manna

Second: Councilman Englese

All in favor.

**Approval of Minutes**

Motion to approve the August 11, 2020 Public and Closed Session minutes: Councilman Manna

Second: Councilman Englese

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

Councilwoman Rossillo abstained.

Motion to approve the September 1, 2020 Closed Session minutes: Councilman Manna

Second: Councilman Englese

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

The Mayor stated that at the last meeting some residents expressed concern as to how the meetings are held. Tonight, our Borough Attorney Marc Leibman and Dominic Cinelli, our Risk Manager, are on the call. Mr. Leibman said that we are holding these meetings in accordance with the law. His firm has had issues with Zoom- bombing in some towns. Some of the meetings had to be cancelled. If you have to cancel the meeting because your meeting has become unruly, all of your business will cease that night. Since we meet every two weeks in can mean the delay of resolutions and ordinances being voted on and bills being paid. The method we are using works; it is for safety and gets the job done. He said that he doesn't think any of his firm's towns are meeting in person.

Mr. Cinelli's firm, Brown & Brown, represents 300 public entities in New Jersey. They also represent 18 Joint Insurance Funds in New Jersey. Since the Governor's order,

meetings have been conducted remotely. Dumont has a unique situation, since they don't have their own borough hall right now. His concern would be sanitizing the room. Until we have control of a room, which is in our custody, we are not in a position right now to have in-person meetings. The fall season is also flu season so we should wait and see what occurs.

The Mayor asked if any member of the Council would like weigh in on this subject. Councilman Chae said that he knows of incidents with Zoom so everything we are doing now is working. Councilman Englese has been a public school principal for many years. We have not met in person since March. All of their meetings are done remotely. Back to school night will be done virtually. This is the safest way to handle this. Councilman Gorman said he appreciates Mr. Leibman and Mr. Cinelli's advice. We can keep everything functional and everyone safe. We can look forward to the future but we have to be very cautious. Councilman Manna stated that as an older member of the Council, his thoughts are about safety and health and not being exposed to anything. Since March he has been social distancing and wearing a mask even with family members. To move into a setting we don't have control over would not be safe. The town business is being addressed. Councilwoman Rossillo said that being the Board of Ed liaison, when attending their Zoom meetings, there were times she was kicked off meetings and could not see or hear them for twenty minutes. When people had questions, they had to write them and the Superintendent read them. The method we are using allows people to speak for themselves. Although we all wish we could see each other, this is probably the safest way of doing things. Mayor LaBruno said that conducting meetings this way has not kept us from conducting borough business. Borough operations have been moving full force from the beginning of the pandemic. All of the employees were on staggered schedules. Conducting the meetings in this manner provides the safest possible environment during a public health crisis.

**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**

**#20-179** Bills List \*

**#20-180** Salvatore Ciotti-Accept Application to the Fire Patrol \*

**#20-181** Renewal of the Liquor License for Park Tavern-t/a Schraalenburgh Inn \*

**#20-182** Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee \*

**#20-183** Approval of Camp Acorn's Calendar Raffle to be held 1/1/21 through 6/30/21; ID#373-4-35885, RL#560 \*

**#20-184** Green Acres Agreement for Gina's Field Improvement Grant \*

**#20-185** Authorization of Asplint Release Agreement – Settlement \*

**#20-186** Permanent Police Status – Officer James Fitzsimmons \*

**#20-187** Permanent Police Status – Officer Aizad Ahmed \*

**#20-188** Permanent Police Status – Officer Brandon Terrizzi \*

#20-189 CDBG Columbia Avenue Road Project Change Order #1 (amended) \*

#20-190 Approval of the Creation of a Green Team for Dumont \*

#20-191 Millennium Strategies-Authorization of Execution of Contract for Disaster Recovery Services \*

Mr. Tully wanted to clarify some of the resolutions. Mr. Leibman stated that everyone knows how long the Asplint issue has been going on and how hard we have been working to solve this problem. We are going to put Mr. Asplint on the property over by the Ambulance Corps. It is initially for a term of six months. This way DEP will be satisfied. If Asplint is still there in April, the Borough would provide water and electricity for him. This is the least costly option. Mayor LaBruno said that a couple of years ago he Councilwoman Stewart wanted to take the property by eminent domain. We started the eminent domain process but unfortunately members of the public spoke out that we were pushing a business owner out and it wasn't fair. The Council waived and the deal was struck, which we are still paying for it. Now we have no choice.

Mr. Tully explained that the Ambulance Corp and funeral home were notified. We also reached out to the people with parking permits.

Mr. Norbert, Borough Engineer, explained that as part of the Borough accepting the 25% grant from Green Acres for the Gina's Field project, they need to enter into a project agreement. Signing this agreement does not obligate the Borough to use any of this money. It can use some of the money or all of it. The town would have to provide 75%, which is \$706,896. The change order for Columbia Avenue Improvements is the final change order or the CDBG grant. There was some additional milling and paving and also additional concrete around the park done. The grant the town has covers the amount. Once this resolution is adopted, we will be able to get full reimbursement for this project.

The Millennium Strategies for Disaster Recovery was suggested by our CFO. Mr. Tully said that we want to make sure we get all the money Dumont deserves to recover expended money during this crisis. Mr. Abbasi said that Millennium has been successful in other towns to get reimbursed from FEMA and the County. FEMA keeps changing deadlines. Having Millennium handle this, the town receives refunds quickly. The expenses incurred for the service by Millennium are reimbursable 100% under the Cares Act.

Mayor LaBruno congratulated the three officers on the agenda for moving up to permanent police status.

Motion to open to the public for public comment on the consent agenda: Councilman Manna

Second: Councilman Englese

All in favor.

1. Lili Binney, State College, Pa., questioned the Mayor's comment that the Council Had listened to the residents regarding eminent domain.

2. Lynne Vietri, Wilkens Drive, asked why a construction attorney was hired. How did the underground storage tanks become a change order if all the soil was tested before the bid went out? What was the total tonnage of soil removed from the property? Was it all contaminated? The Cares Act is still taxpayer money and shouldn't be spent unnecessarily. The Mayor and Council ultimately made the decision not to eminent domain and it was the Mayor and Council who put Asplint on Green Acres property without doing their homework.

3. deLyon, Beacon Street, echoed the last two comments on Asplint. How much has been spent on attorney fees, the cost of the temporary fencing, \$10,000 for the shed but the rent was waived for the entire lease. If Asplint was moved to New Milford Avenue you would be paying rent, lose taxes and permanent fencing. He questioned the bill for JCT-what it for and how many payments will follow? He questioned check #64833 for a screen, which is basically a thermometer. We all end up paying for this.

4. Maryann Russini, Roosevelt Avenue, asked if resolution #184, the \$706,000, would be for the both the playground and field? She read an email she said she received from Green Acres stating the Borough will not receive any grant money until Asplint is moved.

5. John Sansone, Beacon Street, said he feels that not going eminent domain was not the residents' responsibility. #6497-Atlantic Fence-is it a one-time fee?

6. Tom Kelly, Beacon Street, said he recalled the Asplint decision was a push to get the Municipal building started. He feels that there were other options. The public input came after learning that Mr. Asplint was going to be put on the Brook Street lot. He had actually spoken up and expressed concern of the effect on the commuters and businesses in town. He was concerned about the cost of moving Asplint off the property. We had heard that he had hired an attorney. Designing a building that required the use of Asplint's property is what led to all these issues and expenses. Did that effect the percentage of our Green Acres grants?

Motion to close to the public: Councilman Manna

Second: Councilman Englese

All in favor.

Motion to adopt the Consent Agenda: Councilman Manna

Second: Councilman Englese

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

## **ORDINANCES**

### ***First Reading***

**#1580** Ordinance Supplementing and Amending Chapter 350 of the Dumont Borough Code-Signage

Motion to **Waive** Formal Reading: Councilman Manna

Second: Councilman Englese

All in favor?

Motion to **pass** on 1<sup>st</sup> reading: Councilman Manna

Second: Councilman Englese

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

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

Second: Councilman Englese

All in favor.

1. deLyon, Beacon Street, asked when the audit would be presented. There are the same comments every year. He feels someone is trying to hide something. He also said that Mayor LaBruno owes the residents an apology.

2. Lynne Vietri, Wilkens Drive, asked how many towns have used Zoom and how many have been zoom-bombed. She said the reason that with the Board of Ed, you can't ask your questions, is that residents are actually on YouTube. She said that she hopes

when the Borough Hall is finished and we have control over the room, that we will go back to in-person meetings and that you weren't setting us up to not return for another 2-3 years. She was upset that the Mayor didn't mention the taxpayers.

3. Maryann Russini, Roosevelt Avenue, thinks Zoom can be looked into more. She feels that the Mayor's recollection of the Green Acres issue is not accurate. He should recant some of what he said.

4. Lili Binney, State College, Pa, asked if the Risk Manager charged for his participation tonight. She cited reasons given tonight as to why we can not have in-person meetings. She would like recordings online. We have the 3<sup>rd</sup> highest taxes. If everything is running so well, why did Sue have to request an extra week to fill her OPRA's?

Borough Engineer Norbert explained that the Gina's Field project has not been finalized yet. The Council sub-committee and Recreation Commission are still considering options and looking to scale back the project. Mr. Norbert said that they are in the process of revising the scope of the project as well as the cost estimates, which should be ready in the next couple of weeks. The resolution tonight reflects the offer made; not the project cost. Mr. Norbert clarified that the Green Acres funding has not been affected by the Asplint issue. Moving forward, though, it might be.

Mr. Cinelli stated that his firm is not charging anything extra for participating tonight.

Mr. Leibman said that we're all focused on saving the Borough money and this (Asplint) was the most cost-saving solution. We never should have been in this situation.

Mr. Tully stated that garbage is picked up twice a week. The first pickup of the week is usually heavier so the company asks that bigger items be put out the second pickup.

Mayor LaBruno stated that he will not apologize. He and Councilwoman Stewart had support from the Council to move forward with the Asplint eminent domain but the residents spoke up against eminent domain because it wasn't fair to the business owner, which

Mr. Kelly stated as well. The Council waived and struck a deal. He's not blaming the residents because the Council should have made a different decision despite what was said. Ms. Russini commented on Zoom meetings with a private entity; we are a public entity so that since the meetings are open to the public, anyone can just call in and bomb us-they don't have to hack in. We were told that by using the Cares Act we are wasting taxpayer money. The funds come from federal taxes throughout the United States. What we are doing is getting our fair share of tax dollars for the Borough of Dumont. We want to make sure we get back every dollar that we spend. As far as the Asplint issue, our Mayor at the time, was the chief negotiator since he knew him. He thought he could broker a good deal. The Council did their due diligence, making numerous calls to the Administrator and Attorney at the time. They were told it was not Green Acres property. Neither of them are here now.

Councilman Manna congratulated the three officers who have achieved permanent status. It is a plus for the community.

Councilman Gorman was not on the Council at the time but he didn't hear the Mayor blame the public for the bad decision on Asplint; he blamed the Council. He also thanked everyone who held the 9/11 ceremony and a special thank you to Matt Banta, who gave a very eloquent speech. Mayor LaBruno said that he is very happy that the

Council is involved again. He wanted to thank our military service members for stepping up after the attacks on 9/11 and keeping us safe.

Motion to close to the public: Councilman Manna

Second: Councilman Englese

All in favor.

Motion to adjourn: Councilman Manna

Second: Councilman Englese

All in favor.

Meeting adjourned at 7:45pm

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk