

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
PUBLIC MEETING MINUTES  
DECEMBER 1, 2020  
6:30 PM**

Administrator Tully announced that he is hosting this electronic meeting of the Governing Body from Borough Hall, 80 W. Madison Avenue, Dumont.

Mayor LaBruno called the meeting to order.

Flag Salute

Moment of Silence for all those lost to COVID-19 and for those suffering from it now.

**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-present

Motion to accept the agenda as presented: Councilman Chae

Second: Councilman Gorman

All in favor.

**Approval of Minutes**

Motion to approve the November 10, 2020 Public Meeting and Closed Session:

Councilman Chae

Second: Councilman Gorman

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

Mayor LaBruno stated that in light of recent events that have occurred in our nation, he would like to introduce enhancements to our Celebrations Committee; strengthening the Committee's priorities to reflect the values in our community. Some of these changes will include the addition of cultural affairs, inclusivity, diversity and the expansion of such town events as Martin Luther King Day, Hispanic Heritage Day and Pride Day. The Mayor will be working on this with the Ordinance Committee. He would also strive to make sure our Boards, Committees and Commissions reflect our diversity.

Councilwoman Stewart said that the more inclusive we make our community, the better community we are making.

Councilman Chae stated that the more inclusive our community, the stronger we can be.

Councilman Manna stated it will reflect the demographics of the Borough and should be embraced.

Administrator Tully answered some questions from the last meeting. Referring to Ordinance #1582, the Police Interview Committee is comprised of the members of the Governing Body. A resident had asked about work being performed on her street. He had spoken to her following the meeting and then spoke to a member of the Police

Department and was informed that it had been an emergency repair situation. As to a who was hired as the Municipal Housing Liaison to administer the Borough's Affordable Housing, the response was that there had been a transfer from one firm to another. All necessary reports were filed with the Borough and Fair Share Housing by June, 2020 in accordance with the settlement agreement. We are compliant. A resident had called about parking issues near Washington Promenade. Mr. Tully spoke to the resident and asked the Chief to have parking issues monitored in the area. There was a question about an \$899 expenditure for scanners charged to the Roads account. The response was that these are diagnostic scanners for our Borough vehicles, which were due for an update. There was a question regarding payment to the Record dating back to 2018 and 2019. Finance said the issue with the Record is the way they process their monthly statements, not providing specifics on ads, which causes a delay in payment. As to the question about phone line participation of the meetings, we did try to make accommodations and Borough Attorney Leibman did some research. We will be in compliance with any future changes. Mr. Tully's email is [ctully@dumontboro.org](mailto:ctully@dumontboro.org) and cell is 201-364-7846.

Mr. Leibman did research-we are in compliance with the Open Public Meetings Act. When COVID hit, we looked at the law, which has always permitted electronic meetings. At the last meeting we adopted a resolution regarding remote meetings. The Department of Community Affairs can enact changes to the N.J. Administrative Code but these are not laws. There has been some concern by residents who do not have the ability to dial in to a meeting on their cell phone because their plan is poor and does not cover it unless they pay extra.

Joe Cascio with Lehrer Cumming reported that the landscaping has been completed on Quackenbush and Washington Avenue. We have the final coat of asphalt for the parking lot and striping to be completed. Communications, painting and a few punch list items need to be addressed. We are putting on final touches now. Earlier when we went out to bond, we anticipated some extra costs that were foreseeable. He explained change order #2, which includes nine proposed change orders. Most of them are for soil removal, changes in drainage drawings to prevent flooding into the Sallie port and third-party testing, which is necessary for rebar and concrete installations.

Jeff Schlecht with RSC said the ceilings are being fabricated and we are expecting to have our delivery date confirmation shortly.

**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**

**#20-219** NBCUA Shared Service Agreement for TV Inspection \*

**#20-220** 2020 Salary Resolution \*

**#20-221** DeLong Avenue Project Change Order-(reduction)-\$94,618.03 \*

**#20-222** Rave Mobile Safety- \$7,690 \*

**#20-223** Marian Meinen-Accept Application as a Probationary Firefighter \*

**#20-224** Alan Silverman-Fire Sub-code Official-ratification of Hiring \*

**#20-225** Authorization of 2020 Budget Transfers \*

**#20-226** Authorization of Change Order #2 for the Municipal Complex-\$223,116.98 \*

**#20-227** Brandy Stormer- Accept Application to the Dumont Fire Auxiliary \*

**#20-228** Revised Personnel Policy and Procedures Manual \*

Councilman Manna asked whether all the Nixle information will be transferred to Rave. Mr. Tully responded that we are looking to see if that is possible but there is going to be a full effort to make sure all of our residents are informed of emergency situations and updates.

Council President Stewart stated that Councilman Manna had scrutinized the Delong project; we are, therefore, getting this reduction. We will redirect this money to other roads.

Motion to open to the public on the Consent Agenda only: Councilman Chae

Second: Councilman Gorman

All in favor.

1. Bruce deLyon, Beacon Street, referred to resolution #221, stating there is ponding on his street, Garfield, etc. The project manager had stated that all change orders were foreseen. This is new construction so whoever designed the building had no concept of what they were planning because the 41 change orders are absurd. Soil removal cost \$1,000,000 in change orders. Four inches to twelve inches for drainage-four inches is for residential. Manholes for sewers were missed. What is the reparation for going after the professionals? What is the status of missing change orders for #32 and #39?

2. Mary Normoyle, Randolph Street, asked if Borough Hall is occupied. If not, the second date was to be by 12/25. Are we still on schedule and if not, will we be charged more by the contractor? She asked about the composition of the walls in the Council Chambers.

3. Lili Binney, State College, Pa., said that the change order was dated November 19<sup>th</sup> and did not have the required three signatures. When will it be signed by the contractor and the Borough? Also, the OPRA submitted for the first change order shows one signature. Have all parties signed yet? Will we be expecting more change orders? She asked for confirmation regarding Cumming, which originally contracted at \$389,000 has now been paid over \$650,000.

4. Tom Kelly, Beacon Street, said he had previously questioned the 4" drainage pipe. He asked who engineered this and whether we can receive reimbursement for their mistake. We keep seeing change orders for soil removal. Who did the calculations? Someone needs to be held responsible.

5. Lynne Vietri, Wilkens Drive, asked if a bond can be used for something not related to streets.

6. John Sansone, Beacon Street, said that spending so much money on soil removal is obscene. Someone has to be held accountable for the Sallie port drain, shoddy work, \$1,200,000 for soil removal. The engineer should be held responsible. The contractor for Delong had come and chopped up the street to prevent ponding and now there's a patch and ponding.

Motion to close to the public: Councilman Chae

Second: Councilman Gorman

All in favor.

Motion to adopt the Consent Agenda: Councilman Chae

Second: Councilman Gorman

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

## **ORDINANCE**

*Second Reading*

**#1582** An Ordinance Amending Borough Code Chapter 75 - Provisions setting forth the Police Department Table of Organization and Promotional Procedures

Motion to waive formal reading: Councilman Chae

Second: Councilman Gorman

All in favor.

Discussion from the Council? Mayor LaBruno explained that the attorney cleaned up Chapter 75. The Mayor and Councilman Englese requested that the PBA extend the list by one month, which they agreed to.

Motion to open to the public: Councilman Chae

Second: Councilman Gorman

All in favor.

Motion to close to the public: Councilman Chae

Second: Councilman Gorman

Motion to adopt on 2<sup>nd</sup> reading: Councilman Chae

Second: Councilman Gorman

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

Motion to open to the public for General Comments: Councilman Chae

Second: Councilman Gorman

All in favor.

1. Bruce deLyon, Beacon Street, stated that he has never seen a Mayor attempt to involve himself in school personnel issues. He said that it is the Mayor's mission to hurt the Board of Education. He asked him to resign. He accused the Mayor of lying. When the Mayor and Council make remarks at the end of the meeting, the residents do not have an opportunity to refute what is said.

2. Mary Normoyle, Randolph Avenue, thanked Mr. Tully for answers on the scanners. Are these used in vehicles? Is the scanner actually used for the road or the DPW? Is the scanner kept at the DPW?

3. Lili Binney, State College, Pa, noticed there is no closed session tonight. Has the Cavadias case been settled? She has questions pertaining to the OPRA that was submitted in July. Contractor Bennett wrote that "if the job was run correctly by project manager Cumming, architect RSC and Dumont there would be no need for legal fees." She said she doesn't see legal fees in the change orders, except for a \$14,000 one in July. Have we paid other legal fees? Several of the items that comprised that change order, mostly project delays, were paid as a separate \$550,000 settlement. Why were those paid as a settlement and not a change order? Change order #5, mostly for charges related to seismic category change was for \$554,000 but the OPRA said it was executed at only \$243,000. Do we still owe the difference? When added separately, the July change orders totaled over \$1,500,000-a difference of over \$500,000 more than the \$1,053,000 that was paid. Why? Can you explain a notation that says "allowance \$1,075,000"? The

change order referenced to a memo of understanding that superseded the January 27<sup>th</sup> meeting and corresponding memo of understanding. Change order #6 mentions the February 27<sup>th</sup> meeting yet Borough Clerk Connelly said there are no records responsive to that meeting. Were meetings held both days and can those notes and minutes be made public? Does the Department of Community Affairs still require publicly funded projects with change orders exceeding 20% of the project to be sent to them?

4. Lynne Vietri, Wilkens Drive, asked why subjects to be discussed are not always on the agenda? In the paper today there was an article which stated that a dial-in phone line must be provided for participation. Audio and video should also be provided, according to the paper. She feels some type of video should be provided. She said that at a recent meeting, the Mayor spoke of first amendment rights and people watching his house. She doesn't understand how he can say he had no idea. Did he meet with the Police Chief on this?

5. Maryann Russini, Roosevelt Avenue, spoke of the article on NJ.com, which stated that audio and video links must be provided. Why aren't the meetings livestreamed on Facebook and then people can make comments during the meeting? Saying that someone doesn't have a good plan is insulting

6. Tom Kelly, Beacon Street, said he is outraged that Mr. Leibman remarked that someone's phone plan is poor. The Borough has a bad plan. Free Conference Call gets a cut. It's up to us to find a platform that's better. Many people do not have landlines. Residents should not be excluded.

7. Danielle Velez, 137 Cresskill Avenue, commented how impressed she was by the Mayor's post responding to the accusations at the high school. She read the post and at no time did he question the Superintendent's ability to handle the situation. He did not state the actions as confirmed. He simply stated that the idea of a publicly-appointed pedagogy openly remarking with homophobic dialog is something that does not represent our community. As a teacher, diversity and inclusion is in the forefront of learning.

8. Jennifer Grom, Hickory Street, stated that T-Mobile charges 1cent per minute-it just changed recently-so the Council could not have anticipated it. Zoom and Facebook are more exclusionary-not everyone has computers. She said that there is a very large faction of people in town who are looking for the elected official to say something about the Board of Ed issue. The Mayor of this town represents all constituents. The students at the high school were extremely upset and he was not responsible for this going public. It was on Twitter long before it was on Andrew LaBruno's Facebook page. We needed someone to say something and the Board of Education said nothing. A few days later it was on the school's website listed as a news alert. She is a teacher and is pro-student and wants the students to feel safe.

9. Carmine DeMarco, New York Avenue, has a son who is a junior in high school. We have always tried to instill in our children the values of tolerance, acceptance, understanding and empathy. He commended Mayor LaBruno for taking a pro-active role. As the chief elected representative of the Borough of Dumont, the Mayor possesses the actual and moral authority to communicate to the school district on our behalf on this matter.

10. Jim Savage, 65 Howard Street, thanked the Mayor for speaking out. This is a community issue. A Mayor should speak out in solidarity on social justice issues. He commended the Mayor on his diversity initiative.

11. Katie Gerber, 38 Beverly Road, thanked the Mayor for speaking out in support of the community with regards to the Board of Education issue. The Mayor is a father, a taxpayer and has every right to stand up for the students. She is a teacher and feels that it is a teacher's job to make students feel safe. The Mayor was professional in expressing concern. She is grateful to the Mayor and the thousands of people who signed a petition.  
Motion to close to the public: Councilman Chae  
Second: Councilman Gorman  
All in favor.

Mayor LaBruno stated that as Mayor and a leader of our town, it is vital for me to speak to our community of 18,000 residents about this incident; ensuring them that hate has no home here. This incident does not reflect our beliefs or values. He said he only commented on his Facebook page. He did not share the names of the parties involved or images involving the incident. He did not speak to the media. This evening, the commentary provides further basis to ensure this Governing Body stands their ground against attacks on human rights, stands up for equality and makes changes to their committee structure to ensure we are inclusive.

Council members Stewart, Manna, Gorman and Chae echoed the Mayor's sentiments.

The Mayor said that the Open Public Meetings Act requires public comment only. There is no legal reason for question and answer, back and forth. We are here to conduct Borough business. This is the way our meetings will be conducted. He added that in answer to the question about meeting with the Police Chief, his conversation with a police officer is private.

Motion to adjourn: Councilman Chae  
Second: Councilman Gorman  
All in favor.  
The meeting adjourned at 7:57pm

Minutes respectfully submitted by:

Susan Connelly, RMC  
Municipal Clerk