

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
AUGUST 10, 2021
6:30 PM**

Council President Stewart 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, Gorman, Harvilla, Rossillo, Stewart – present
Mayor Andrew LaBruno – absent

Also present: Borough Administrator Chris Tully, Borough Clerk Jeanine Siek, Borough Attorney Marc Leibman, CFO Issa Abbasi

Motion to Accept the Agenda as presented: Councilman Chae

Second: Councilman Englese

All in favor.

Approval of Minutes

Motion to approve the July 13, 2021 Public Meeting minutes: Councilman Chae

Second: Councilman Englese

Roll call vote: Council members Chae, Englese, Gorman, Harvilla, Rossillo – yes
Stewart - abstain

COUNCIL COMMITTEE REPORTS

Councilman Gorman

- No reports

Councilman Chae

- No reports

Councilman Englese

- *Police Department*

There were 1,703 telephone calls for service, 110 telephone calls for medical reasons, 43 calls for fire and 6 calls for commitments in July. Patrol issued 23 traffic summonses, 6 parking and 17 moving. There was 1 DWI arrest. They investigated 22 motor vehicle crashes, responded to 10 burglar alarms, travelled 8,586 miles, 2 warrants served, 5 street lights and 2 decorative lights not functioning, no car seats installed, no dark house slips issued.

Councilwoman Rossillo

- No reports

Councilman Harvilla

- No reports

Councilwoman Stewart

- *Stigma Free Committee*

They hope to relaunch the committee, and they are meeting on August 18th. If anyone is interested in joining, it would be greatly appreciated.

ATTORNEY’S REPORT

Mr. Leibman stated we are going to discuss potential litigation with CSX in closed session.

ADMINISTRATOR’S REPORT

The Borough Administrator gave an update on the leak in the Police Department, stating he will have an emergency resolution in September if he gets all the necessary information. The current conditions require immediate performance of services and emergent contract. ServPro has remediated the situation as much as they can. He met with Adam Hyack, a field adjuster for Taylor Darwin Claim Services, and was advised to obtain three quotes for damage caused to the lower level. The Borough reached out to RSC Architects for recommendations for appropriate companies to engage with, and we have met with AARK Companies, Lewis Garguilio Company and Mitrakis Construction Group to receive quotes for the repair. We additionally reached out to DART Computers, MAACO Office and Xybix. Once all of quotes, contracts and pricing are received, the Borough will move forward as expeditiously as possible to arrange for the repairs in coordination with the insurance provider to recover the loss incurred by the leak. Rock the Block was a huge success this summer, and there were three incredible events. He thanked all the volunteers, Borough employees, PBA, Shade Tree, Fire Department, Soccer, Recreation, and Tony Como. The Borough was very happy to have summer camp this year, and it ends this week.

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

- #21-191 – Bills List *
- #21-192 – Approval of Block Party on Randolph Avenue *
- #21-193 – Approval of Block Party on Dakota Avenue *
- #21-194 – Approval of Block Party on Cooper Avenue *
- #21-195 – Approval of Block Party on Wolcott Avenue *
- #21-196 – Authorization to Bid – Veterans Memorial Park Playground Equipment *
- #21-197 – Authorization of Collective Negotiations Agreement & Side Bar with DPW *
- #21-198 – Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee *
- #21-199 – Promotion of Chrissy Apicella to Finance Clerk *
- #21-200 – Approval of Dumont Elks Pull Tab Raffle License *
- #21-201 – Approval of Block Party on Beverly Road *
- #21-202 – Approval of Block Party on Merritt Avenue *
- #21-203 – Approval of Execution of Agreement of Fire Truck Shared Service with Fort Lee *

#21-204 – Authorizing the Acceptance of Funding by the NJ Department of Law and Public Safety in Accordance with the SFY21 Body-Worn Camera Grant *

#21-205 – Approval of LSRP Proposal for TwinBoro Field Remediation *

#21-206 – Donation of Paint to Boy Scout Troop #1345 *

#21-207 – Hire Mike Ravenda as Part-time Plumbing Sub-Code Official *

#21-208 – Authorize Award of Bid for Gina’s Field Improvements *

#21-209 – Authorization of Payment – DART Computer Services LLC *

Councilman Chae requested to pull Resolution #21-200 – Approval of Dumont Elks Pull Tab Raffle License from the Consent Agenda.

Council President Stewart requested to pull Resolution #21-199 – Promotion of Chrissy Apicella to Finance Clerk from the Consent Agenda.

Motion to open to the public for Comments on the Consent Agenda Only: Councilman Chae

Second: Councilman Englese

All in favor.

1. Bruce DeLyon, Beacon Street, had multiple questions on resolution #21-199 regarding the promotion of the Finance Clerk. He also commented about payments for the municipal complex on the bills list, as well as resolution #21-209 for Dart Computer Services.
2. Lynn Vietri, Wilkens Drive, asked about the DPW negotiation agreement resolution and the shared service agreement with Fort Lee for the fire truck.

Robert Klein, Borough Engineer from RVE discussed Resolution #21-196 – Authorization to Bid – Veterans Memorial Park Playground Equipment. He stated this is for Phase 1 improvements at Veterans Memorial Park, which is replacing the main play area that is close to the basketball court. It includes new concrete curbing, border, safety surface and playground equipment. It will take up approximately the same area. This is funded by Bergen County Open Space. We just need to finalize the selection of the equipment, and then we can go out to bid.

Council President Stewart **Tabled Resolution #21-196** - Authorization to Bid – Veterans Memorial Park Playground Equipment for a later meeting because they have not yet selected the playground equipment.

Motion to close to the public: Councilman Englese

Second: Councilman Chae

All in favor.

Motion to adopt the Consent Agenda with the exception of 21-196, 21-199 and 21-200:

Councilman Englese

Second: Councilman Chae

Roll call vote: Council members: Chae, Englese, Gorman, Harvilla, Rossillo, Stewart – yes

Resolution #21-199 – Promotion of Chrissy Apicella to Finance Clerk –

Council President Stewart pulled this from Consent because she will abstain on the vote. She explained it is not a reflection on the individual but on the process.

Motion to adopt: Councilman Englese
Second: Councilman Chae
Roll call vote: Council members: Chae, Englese, Gorman, Harvilla, Rossillo – yes
Stewart – abstain

Resolution #21-200 – Approval of Dumont Elks Pull Tab Raffle License –
Councilman Chae pulled this from Consent because he is a member of the Dumont Elks.
Councilman Gorman added that he is also a member.

Motion to adopt: Councilman Englese
Second: Councilwoman Rossillo
Roll call vote: Council members: Englese, Harvilla, Rossillo, Stewart – yes
Chae, Gorman – abstain

ORDINANCES

1st Reading

#1589 Municipal Stormwater Control Ordinance for the Borough of Dumont, New Jersey

Motion to waive formal reading: Councilman Englese

Second: Councilman Chae

All in favor.

Mr. Liebman explained there are federal regulations that fell onto the states, and the states are forcing the municipalities to adopt ordinances like this to comply with federal and state laws. It's to protect water quality. If we do not comply, then it could jeopardize funding from the state.

Motion to pass on 1st reading: Councilman Englese

Second: Councilman Chae

Roll call vote: Council members Chae, Englese Gorman, Harvilla, Rossillo, Stewart – yes

#1590 Ordinance Established Pursuant to N.J.S.A. 40A:11-5(1)(u) and in Compliance with N.J.S.A. 40:48 – 2.49 and N.J.S.A. 56:13-16(i) for Municipal Towing and Storage Ordinance

Motion to waive formal reading: Councilman Englese

Second: Councilman Chae

All in favor.

Mr. Liebman stated that we updated the ordinance after being contacted last year by an unsuccessful towing bidder because the ordinance in effect at that time limited the Borough to seven tow operators. He spent time thoroughly reviewing the ordinance with the unsuccessful bidder's attorney, as well as the police department. The Borough will now have more tow operators on the list.

Motion to pass on 1st reading: Councilman Englese

Second: Councilman Chae

Roll call vote: Council members Chae, Englese, Gorman, Harvilla, Rossillo, Stewart – yes

#1591 Ordinance of the Borough of Dumont, County of Bergen, State of New Jersey, Amending Chapter 75 of the Borough Code – Police Department

Motion to waive formal reading: Councilman Englese

Second: Councilman Chae

All in favor.

There was no discussion from the Council.

Motion to pass on 1st reading: Councilman Englese

Second: Councilman Chae

Roll call vote: Council members Chae, Englese, Gorman, Harvilla, Rossillo, Stewart – yes

2nd Reading

#1588 Prohibiting the Operation of Any Class of Cannabis Business within its Geographical Boundaries and Amending Chapter 455 of the Borough Code

Motion to waive formal reading: Councilman Englese

Second: Councilman Chae

All in favor.

Mr. Leibman discussed why we are adopting this ordinance for a second time. The ordinance was referred to the Joint Land Use Board for consistency review and they were delinquent in getting that review back to us in between first and second reading. The law requires we have the consistency review and discuss it before the second reading. The notice to adjoining municipalities was also taken care of between first and second readings to have a valid ordinance adopted. Mr. Leibman read the Borough of Dumont Joint Land Use Board Consistency Review of Ordinance 1588 in its entirety. The Joint Land Use Board concluded that the limitations and zoning considerations in Ordinance 1588 are substantially consistent with the Borough of Dumont's Master Plan of 2014.

Councilman Chae followed by saying although legalization was passed by referendum, having it in the town is a different sentiment With the Master Plan and zoning, there is nowhere to put a dispensary. There's no real estate that is not within a certain distance between a house of worship or a school.

Council President Stewart stated it was an opportunity to monetize something, and we need revenue.

Councilman Chae does see that the other side regarding the taxation of legal marijuana may be good. However, there is still no clear-cut answer from the State guidance how much revenue there will be.

Councilman Harvilla reiterated that he does not feel this is the right time for Dumont. His major concern is in light of the legalization of marijuana, he doesn't believe the federal law is fully aligned with the state law and the Borough doesn't have the operational capabilities and staffing to deal with any potential challenges. Also, a viable location is not available at this time. The Councilman also expressed concerns about medical marijuana evolving and moving forward.

Council President Stewart added that she read a headline that more than fifty percent of municipalities in New Jersey are already in the process of disallowing it.

Motion to open to the public: Councilman Englese

Second: Councilman Chae

All in favor.

There was no public comment.

Motion to close to the public: Councilman Englese

Second: Councilman Chae

All in favor.

Motion to adopt on 2nd reading: Councilman Englese

Second: Councilman Chae

Roll call vote: Council members Chae, Englese, Gorman, Harvilla, Rossillo – yes
Stewart - no

Public Comment - General Comments

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

Second: Councilman Chae

All in favor.

1. Bruce DeLyon, Beacon Street, inquired about interest payments from sale of bonds from April of 2020 and would like similar accounting for all other bonds. He also asked about the Borough Administrator's certification, and the total cost of the municipal project. He asked about an OPRA regarding the Borough Hall bonds, and meeting packets for public inspection. He further discussed the estimated tax bills and whether they were on the low or high end.

Council President Stewart responded that it is not a requirement that the Borough Administrator be certified. She further stated that the Borough of Dumont is more forthcoming with information prior to a meeting in comparison to most in the county.

The Borough Clerk clarified that an OPRA request was never received regarding the Borough Hall bonds, and asked Mr. DeLyon to resend his request.

2. Mary Normoyle, Randolph Avenue, asked about the DPW Side Bar Agreement and the difference in the COVID relief money. Can it be used for the CSX repair? She asked about handicap accessible doors and the thermo-scan thermometers. She asked what the checks for RSC Architects and RVE in June were for.
3. Lynne Vietri, Wilkens Drive, asked if there would be a resolution for the insurance claim for the water damage to the Police Department, and if anyone contacted Green Acres about removing trees at Gina's Field. She spoke of an article that stated how the affordable housing law is being used as a weapon by developers to destroy the small-town communities. She asked if the Borough Code Official is fining people during COVID for property maintenance violations. She thanked the Council for Ordinance 1588.

Motion to close to the public: Councilman Englese

Second: Councilman Chae

All in favor.

CFO Abbasi stated the RVE check dealt with the Columbia Avenue Sanitary Sewer Emergency and he will email the other check information to the resident. Regarding the estimated tax bill, the Borough estimated the County tax at 3% in coordination with the Tax Assessor/Collector and Borough Auditor since the County had not yet adopted their budget. We do our best to be as close as possible, but we do not control the County tax rate. The ARP funds have been adjusted in many towns, but the money is in our account.

The Borough Administrator stated the cost in the resolution for Dart Computers was encumbered when the Borough provided its financial analysis last year, but because it was a fairly large cost we wanted to be as transparent as possible and include it on a resolution. There are no plans to fill the administrative position at this time. Regarding Resolution #197, the details of the differences in the contract are spelled out in the resolution with the DPW to clarify the Side Bar. After the MOA was agreed to, a side bar was opened with the DPW Association to clarify the mechanic position and sick time accrual. With respect to the shared services agreement with Fort Lee, they have graciously agreed to lend us a fire truck while one of ours is down. He will look

into the bond sale information, whether or not we can use the ARP funds for CSX and he has been working with the contractor to get quotes for the ADA push buttons on the doors. The thermal scanners were covered by CARES funds last year and when the restrictions were relaxed per the State of NJ, they were removed. We will hold onto them, as we really don't know what's going to happen and as always, the Borough completely abides by all State Department of Health regulations and CDC guidelines. Council President Stewart added that we are using the thermal scanner at the Senior Center as added protection. Mr. Tully stated the Borough Engineer confirmed the full proposal for Gina's Field was provided to Green Acres and approved, and it included the trees that were looking to be removed.

Mr. Klein confirmed that the RVE provided a full set of plans, which included tree removals to Green Acres and they did not have any comments on the plans.

Mr. Tully stated that he does not have his CPM, but he has looked into it. The next class begins on October 6th and it's every Wednesday for ten months in Newark from 8:30am until 4:30pm. He will speak to the Governing Body, and if it is their wish, he will certainly move forward and take the CPM courses. However, it is a significant amount of time over a long period of time. It is held every fall and spring.

Closed Session

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

* Potential Litigation – CSX

* Negotiations – Police Department

Motion to close the meeting to go into closed session: Councilman Englese

Second: Councilman Chae

Roll Call Vote: Council members Chae, Englese, Gorman, Harvilla, Rossillo, Stewart-yes

Motion to adjourn: Councilman Englese

Second: Councilman Chae

All in favor.

The meeting adjourned at 8:26 PM.

Minutes respectfully submitted by:

Jeanine E. Siek, RMC
Municipal Clerk