

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
NOVEMBER 23, 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, Gorman, Harvilla, Rossillo, Stewart – present
Englese - absent
Mayor Andrew LaBruno – absent

Also present: Borough Administrator Chris Tully, Borough Clerk Jeanine Siek, Borough Attorney Rafael Corbalan, CFO Issa Abbasi

Motion to Accept the Agenda as presented: Councilwoman Rossillo
Second: Councilman Gorman
All in favor.

Approval of Minutes

Motion to approve the October 26, 2021 Public Meeting minutes: Councilwoman Rossillo
Second: Councilman Chae
Roll call vote: Council members Chae, Gorman, Harvilla, Rossillo, Stewart – yes
Englese – absent

Motion to approve the November 9, 2021 Executive Meeting minutes: Councilman Chae
Second: Councilman Gorman
Roll call vote: Council members Chae, Gorman, Harvilla, Rossillo, Stewart – yes
Englese – absent

Council President Stewart stated that the community has really come together in our sadness of what Aaron Vasquez's family is going through. It is not Borough sponsored, but there will be a vigil on Wednesday night at Sorosis Park.

COUNCIL COMMITTEE REPORTS

Councilman Gorman

- *Shade Tree*

The Dumont Shade Tree is doing their annual wreath making at the Elks Lodge on December 6th. You are required to register on-line in advance at dumontshadetree.org.

Councilman Chae

- No reports

Councilwoman Rossillo

- *Fire Department*

They are also meeting tonight, so the report will be available for the next meeting.

- *Board of Education*

Dr. Poidomani reported that 84% of the staff is now vaccinated, and the rest of the staff is complying with testing requirements. In light of the tragic event that occurred, they are offering services to the children or anyone effected by this terrible loss. Aaron Vasquez was a classmate of the Councilwoman's son, and it has been very difficult on the children in the community. Their thoughts and prayers are with the family.

- *Ambulance Corps*

In September, there was a total of 104 calls, in October, a total of 102 calls, and in November, so far there have been 49 calls. The total number of calls from January through November is 1,070.

Councilman Harvilla

- *Library*

The Board of Trustees meeting was held on November 17, 2021. They reviewed the internal refurbishment timeline for both the children and adult wings. The library will be closed for three weeks to accommodate the installation, but curbside pickup will be available from 10am – 5pm on Saturdays, November 27, December 4 and December 11. The library will reopen the week of December 13th. The Library is creating a new logo encompassing the historic nature of the library. The next meeting is December 15th at 6pm, and they will review all their numbers year to date.

Council President Stewart reported that our Fire Department was able to use our rescue equipment that was purchased two years ago to assist a neighboring town extricate victims from an automobile accident.

ADMINISTRATOR'S REPORT

The Borough Administrator reported that the Cresskill 9-1-1 Agreement was entered into in 2016 to provide a shared service to Cresskill. They paid us in 2016 but not in the years following. This resolution captures the funds owed to the Borough. Additionally, we are reaching out to Cresskill to continue the agreement but at a better monetary value going forward. CDBG Merritt Avenue is a grant application on the agenda tonight as we try to improve our infrastructure across the Borough. Suez has been performing a large amount of work within the Borough repairing water lines. The Borough is getting a reimbursement of \$115,000 for the roads they are working on, specifically Depew and Manhattan. Winterfest is planned for December 10th at 6pm. The police are moving forward with hiring and promotions. Progress downstairs with the repairs in the PD is nearly complete. The 2022 budget meetings will begin in December.

CFO Abbasi discussed Resolution #21-270, the annual Salary Resolution which covers all Borough employees not covered by a bargaining unit or association contract. It seeks to increase salaried employees base pay by a 2% retroactive increase to January 1, 2021. These increases were already included in the 2021 adopted budget passed. Resolution #21-271 is another Budget Transfer resolution which transfers funds for various reasons which the CFO reviewed in detail.

The Fire Department needed additional equipment in need of replacement after Hurricane Ida. FEMA money has been applied for but unfortunately can take several years to receive.

Council President Stewart commented that she is requesting to pull the salary resolution from the consent agenda because she has a couple of questions.

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

#21-260 – Bills List *

#21-261 – Accept Resignation from Dumont Police Officer - Alexis Gonzalez *

#21-262 – Accept Resignation from Crossing Guard – Robert Ryan *

#21-263 – Authorization of 100% Veteran Tax Exemption – Block 412, Lot 23 *

#21-264 – Authorization to Invoice Cresskill for 9-1-1 Emergency Shared Services Agreement *

#21-265 – Endorse Submission of Grant Application for Bergen County CDBG Project at Merritt Avenue *

#21-266 – Authorization to Enter Grant Agreement for Colonial Parkway Improvements *

#21-267 – Approval of Project Graduation Dumont High School Calendar Raffle Application *

#21-268 – Approval of Selzer School PTO On-premise Merchandise Raffle Application *

#21-269 – Approval of Selzer School PTO On-premise Raffle Application *

#21-270 – 2021 Salary Resolution *

#21-271 – Budget Transfers *

#21-272 – Appointment of Interim OPRA Special Counsel – Irene Kim Asbury *

#21-273 – Authorization for Marc Leibman to Remediate Dispute of Joint Land Use Board Counsel Fees *

#21-274 – Authorization of Agreement for Suez Water NJ Paving Contribution *

Motion to table Resolution #270 – 2021 Salary Resolution from the Consent agenda:
Councilwoman Rossillo, Second: Councilwoman Stewart, All in Favor.

The Borough Administrator explained that we are appointing Ms. Irene Kim Asbury as Interim OPRA Special Counsel for the remainder of the year, just as we had our Borough Attorney Mr. Leibman, as they both left the previous law firm.

Public Comment - Consent Agenda Only

Motion to open to the public for Comments on Consent Agenda Only: Councilwoman Rossillo
Second: Councilman Gorman

All in favor.

1. Bruce DeLyon, Beacon Street, asked about the appointment of the OPRA Special Counsel of Ms. Asbury and the need for it, and had questions regarding the bills list on charges to the bonds and a payment made to DCG.
2. Lynn Vietri, Wilkens Drive, asked if the resolution for the payment of the Cresskill 9-1-1 services was part of the corrective action plan and if the salaried employees receive

overtime? She also asked about the appointment of the Special OPRA Counsel and discussed previous OPRA requests made.

3. John Sansone, Beacon Street, questioned the Borough Hall complex bills charged to the bond and various other charges to the bills list. He also asked about a reoccurring charge for temporary fencing.
4. Mary Normoyle, Randolph Avenue, asked the status of the landscaper Asplindt's current location by the DVAC and the recent resignations of two police officers. She questioned the current staffing of the PD.

Motion to close to the public: Councilman Gorman

Second: Councilwoman Rossillo

All in favor.

Motion to adopt the Consent Agenda as revised: Councilman Chae

Second: Councilwoman Rossillo

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

Public Comment - General Comments

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

Second: Councilwoman Rossillo

All in favor.

1. Bruce DeLyon, Beacon Street, commented on notes listed on the bills list and previous questions about bonds. He noted Acacia Financial was on the bills list, and asked what they do. He would like input on bonds and money being spent. Mr. DeLyon commented that he sees the rationale on resolution #274–Suez paving contributions and thinks it's a good approach to receive money. He would like to know the plan for this money.
2. Mary Normoyle, Randolph Avenue, asked about the further cabling needed for the livestreaming of the meetings.
3. Gary Buccheister, Virginia Avenue, explained his application process to the Joint Land Use Board for installation of a walkway next to his driveway to park his wheelchair van. At the August JLUB meeting, his request to install the walkway was approved. He was required to pay \$100 application fee and \$500 attorney escrow. He is being charged \$712 by the attorney, which creates a financial hardship and the request is for ADA purposes. He is asking the Borough Council to reduce or eliminate these fees. The state statute requires him to first bring it to the Borough Council before he can appeal to the County Construction Board.
4. Lynn Vietri, Wilkens Drive, asked about overnight street parking and for examples of lost revenue categories that COVID relief money can be used for. Did the FSA resolution approve a vendor and will employees have to use the money annually? Ms. Vietri asked about the approval of the meeting minutes on tonight's agenda. She agrees Mr. Tully is doing a great job but feels a certification is not just a piece of paper.
5. John Sansone, Beacon Street, feels Mr. Tully is doing more than a fine job and doesn't feel anyone is personally attacking him. He questioned if the town purchases uniforms, bullet proof vests, etc. for new police officers and if they reimburse the Borough if they resign in their first year of employment. Has Cummings been paid yet? He thanked Mr. Chae for his service, and also Mr. Englese. Mr. Sansone believes there should be dialogue at the meetings.

Motion to close to the public: Councilman Gorman
Second: Councilman Chae
All in favor.

CFO Abbasi responded to numerous questions. The \$8,500 Acacia bill is connected to a September 2020 bond anticipation note. The Borough of Dumont's Annual Debt Statement states that we have \$41.9 million in debt, not \$50 million. The school boards debt is actually a deduction on our debt. The lost revenue component of the ARP funds can include new support lines, such as for the police departments who were not writing as many tickets during the pandemic, and miscellaneous fees that the Clerk's Office or Registrar's Office takes in. Lost revenues from delinquent taxes, or fines/permits from the Fire Department or Municipal Court. The FSA resolution allows us to contract with National Benefit Systems, which was compared to another vendor. It is up to the Borough whether or not to have a carry over provision.

Administrator Tully also answered residents' questions. DCG was for the PD repair that was captured in the emergency resolution a couple of months ago. Cresskill had encumbered the funds and said we needed to capture the monies owed via resolution. Salaried employees do get overtime, Department Heads are not entitled to overtime. The bill for the door repair was for an internal door in the Borough, and the Borough is pursuing the ADA buttons which is quite a costly item. The LSRP bill is for TwinBoro Field and the temporary fencing is for the Asplindt property. The Borough cannot comment on any of the questions regarding personnel issues. JCT has to add a cable in order to livestream using Facebook live. Resolution #21-273 authorizes the Borough Attorney, Mr. Liebman to remediate the dispute between the Joint Land Use Board and Mr. Buccheister. Mr. Tully will be in contact with the Borough Attorney and Mr. Buccheister, but wanted to make sure he knew the Borough was following up with his request.

The Borough Clerk explained the resolution for the Interim OPRA Special Counsel. The Borough receives a high volume of OPRA requests, over 600 last year and 450 so far, this year. Some come from litigious requestors and in order to protect the town, we have counsel to review those requests. If anything has personal identifiers or items to be redacted, it's reviewed by the attorney. In the past, the Borough Attorney has always reviewed any high-volume requests. The Borough's law firm had someone who specializes in OPRA's, and we want to continue working with her.

Councilman Chae responded regarding the JLUB application at Virginia Avenue. He did receive an email from Mr. Buccheister, but the Borough Attorney advised him not to reply because he sits on the Joint Land Use Board, and it could be a conflict. The Joint Land Use Board did waive some of the fees for this application. The full escrow fee of \$1,500 was reduced, the board engineering fee for review of the application was waived and there were no on-site inspections. The remaining fee is \$281. The resolution was passed by the Council tonight for the Borough Attorney to remediate that fee.

Councilman Harvilla apologized for interrupting Dr. DeLyon, and wished everyone a happy and safe Thanksgiving holiday. He stated Mr. Buccheister had engaged with the Borough Attorney the night prior to sending his email to the Council. A response by a member of the Governing Body would have been inappropriate and would have circumvented the attorney's input. At the

last Mayor and Council meeting, it was illustrative of the challenges the Governing Body faces in managing the maintenance of the infrastructure support of the municipality. It was noted Quackenbush had been repaved, consequently cars are speeding down the street. It's the nature of progress. Another issue frequently brought up is flooding in our streams and the sewer systems backing up. We do have a plan. If we remediate piecemeal in the Borough and don't consider the complete dynamic of all the areas around us, then we spend money and it doesn't resolve the issues. We have to be thoughtful about the way we remediate any issue. The Councilman stated there's a Borough Hall here that he was not part of planning. However, when there are issues, he is responsible for remediating those issues. Furthermore, Roberts Rules does not permit dialogue, but the Councilman welcomes interaction outside. He will not make commentary on policy outside of a proper platform, out of cognizance of mitigating risk for the Borough. Regarding Mr. Tully's certification, there is no mention of the Administrator position or the requirements of the position in the Borough's by-laws, or the three prior iterations of by-laws. Mr. Tully meets all of the requirements of the job posting from 2019 and the Borough Code. There is no mention of certification being a requirement. Councilman Harvilla stated he has never received the level of response, commitment, attention to detail, or accessibility from previous Administrators, even before he was on Council, that he has gotten from Borough Administrator Tully.

Motion to adjourn: Councilman Gorman
Second: Councilman Chae
All in favor.

The meeting adjourned at 7:44 PM.

Minutes respectfully submitted by:

Jeanine E. Siek, RMC
Municipal Clerk