

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
JULY 20, 2022
6:30 PM**

Mayor LaBruno called the meeting to order at 6:41 PM.

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 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, The Record and Ridgewood News and Facebook.

Roll Call:

Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington: Present
Mayor: Andrew LaBruno: Present

Motion to accept the agenda as presented: Councilwoman Rossillo
Second: Councilwoman Wrightington
All in favor.

Approval of Minutes

Motion to approve the June 14, 2022 Regular Meeting minutes: Councilwoman Stewart
Second: Councilwoman Rossillo; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

MAYOR'S REPORT

Mayor LaBruno thanked all the vendors, volunteers, DPW, Police Department, Fire Department, DVAC, Recreation Director, Borough Administrator and everyone who came out to make Rock the Block a successful event this past weekend. Every Thursday is Movies in the Park, and tomorrow the Borough will host an 80's Dance Party before the movie, Goonies. He thanked the Dumont Community Group for sponsoring the town events. Riverside Coop paving is moving along. Charles and Hamilton are already milled and paved. Merritt, Highwood, Garden and Dixon are underway. Grant Avenue paving project concrete work has begun, and Bedford and Virginia will start next week. Colonial Parkway will start late September, as well as the Druid Bridge and Seminole Avenue projects before the end of year. The parks look great; Gina's Field will be opening soon and Memorial Park has been a tremendous asset with the new basketball courts and playground. The Mayor thanked everyone who helped make this happen, especially the Council who supports the improvements to the Borough's parks and infrastructure.

COUNCIL COMMITTEE REPORTS

Councilman Gorman

- *Recreation* - No report.
- *Police*

There were 1,941 calls for service, 103 medical service calls and 20 fire calls. There were 156 traffic summonses issued, 31 motor vehicle accident investigations; 13 burglar alarms responded

to; 2 warrants served; 2 street lights and 2 decorative lights non-functioning. Police Department members participated in the Special Olympics Torch Run on June 10th, Pride Walk on June 10th and Rock the Block on June 18th, as well as attended the Lincoln School Family Night. The Councilman thanked the department for everything they do.

Mayor LaBruno added there are spots available for the Junior Police Academy for anyone entering grades 8-12. It will be held August 8th – 11th. Information is on the PD website.

Councilman Harvilla

- *Library*

The Library Board of Trustees meeting was held on June 22nd. The Board discussed remediation of the foundation leaks and cracks, and are securing estimates. Plans for construction of the ADA compliant bathrooms will be finalized in August. The library has decided to temporarily put the landscaping and hardscaping project on hold. The library circulation numbers continue to maintain a growth trend. The next meeting of the Library Board of Trustees is September 28th.

- *Arts, Beautification and Economic Development Committee*

They held a brief non-core meeting on July 16th, and the next full committee meeting will be on September 15th.

Mayor LaBruno added the library has two great programs posted on their website; Bound by Books and Oceans of Possibilities.

Councilwoman Rossillo

No report.

Councilwoman Stewart

- *Ambulance Corps*

There was a year to date total of 716 calls since January 1, 2022. The busiest month was January. The majority of the calls have to do with car accidents, falls, breathing issues and chest pain.

- *Fire Department*

They had 192 manhours in the month in June. There were 2 fires, 1 mutual aid call, 5 motor vehicle accidents, 10 fire alarms and 1 brush/rubbish fire; for a total of 25 calls for service.

Councilman Russell

- *Shared Services*

No report.

- *Shade Tree Commission*

The Shade Tree meeting was on Monday but there is nothing to report, as things are a mess.

Councilwoman Wrightington

- *Board of Health & Stigma Free Committee*

No report.

ENGINEER REPORT

Robert Klein, RVE, reported that Gina's Field is near completion; play areas are done, the building has some outstanding plumbing and electrical work, the spray park needs to be tested, and the retaining wall and tree removal needs to be done. Grant Avenue concrete work is complete, and pipe replacement will take place on Monday or Tuesday. Milling will start the end of the week, followed by paving. The job should be complete by August 1st, minus restoration of striping and installation of rumble strips by the school crosswalks. The Borough Administrator clarified that the bathrooms and spray park at Gina's Field should be completed by next week. Mr. Klein stated his initial recommendation was that the heritage tree at Gina's Field be removed so it did not affect the features around it. When construction or any work is done around a tree,

the tree can be compromised. He stated it would be better to remove the tree. Mayor LaBruno added there has been a large amount of pigeon and bird fecal matter within the park. Mr. Klein added that leaves and twigs get caught in the drains of the spray park and can cause a maintenance issue. He also discussed park bench placement. Councilwoman Stewart asked if the flooding issue on Grant Avenue has been addressed. Mr. Klein replied that a drainage pipe is being upsized prior to paving on Grant Avenue next week to address this issue. Councilman Russell asked if the water company is working on the mains on Grant Avenue. The Borough Administrator stated Suez was notified of the road program months ago. They are charged with looking at those areas for possible lead pipe replacements prior to the Borough projects being done. He stated there's a five-year moratorium.

John Dunlea, Neglia Engineering stated the Riverside Coop Paving Program should be completed by early next week. Those roads include Chestnut Street, Highwood Drive, Garden Street, a portion of Baker Lane, Dixon Avenue, Hamilton Avenue, Merritt Avenue and Charles Street. The Borough received beneficial pricing, so prior to executing the contract, it was increased from \$250,257.40 to \$530,125.85. The concrete work for Virginia Avenue and Bedford Road will start next week and take about 1-2 weeks. They will then mill and pave for completion by the 5K in September. The engineer is onsite every day keeping track of things. Councilwoman Stewart asked about flooding at Virginia and Washington. Mr. Dunlea stated the problem is water discharging into the stream, rather than undersized pipes. When water in the stream is high, there is nowhere for it to go. However, curbs are being installed along the roadway to help address the problem.

ADMINISTRATORS REPORT

Mr. Tully thanked the Finance Committee for their work on tonight's Capital Ordinance which provides much needed equipment for many departments in the Borough. He also thanked all of the volunteers for their help at the community events. Mr. Tully stated the Dumont Shade Tree Commission (DSTC) suspended operations. The DSTC was not instructed or authorized to suspend operations by the Borough, and were advised of this at a meeting on June 27th, via email July 1st and July 6th and at a meeting the Administrator attended on July 5th. The resolution on tonight's agenda gives the Borough authority to move forward with the timely and important removal of trees. It puts the Building Department in charge of the permitting process and DPW in charge of removing dangerous trees. While they move through this process together, the resolution gives the Borough authority to make sure these issues are dealt with in a timely and safe manner.

Public Hearing: 45 Romano Drive Tree Removal Denial Appeal

Attorney Liebman swore in Mr. Joseph Celentano of 45 Romano Drive

Mr. Celentano provided the following sworn testimony. He stated there was a large heritage tree he had to remove in 2019 because it had infiltrated his sewer line. That was the first time he met Mr. Slaman. Mr. Celentano asked him about the tree in question today because he noticed it was starting to peel up the driveway. Mr. Slaman told him it was a Borough tree and he wasn't allowed to touch it. Now the driveway has gotten worse. Mr. Celentano stated that ¾ of his driveway is uneven and heaving. He emailed the Shade Tree back in April and received no response. He emailed Mr. Slaman and the Borough Administrator in May. Mr. Tully responded, and sent the Construction Official and DPW to look at the property, and they contacted Mr.

Slaman. Mr. Slaman met him on May 4th. Mr. Celentano explained he works in excavation and the tree is 17 inches from the driveway. The structural roots and other roots that go across the driveway are going to be damaged, and he is concerned about safety. Mr. Celentano contacted Arrow Tree who recommended taking it down for safety reasons. Mr. Celentano asked if he wanted to extend his driveway, could he remove the tree. Mr. Slaman said he would not allow that. Bill Smithson from Arrow Tree, a Licensed Tree Expert for 40 years, provided a report on May 11th stating the tree should be removed for safety reasons, which was given to Mr. Tully and Mr. Slaman. On May 20th, Mr. Celentano received the official DSTC report, which he forwarded to Arrow Tree. Bill Smithson, Jr. also a License Tree Expert from Arrow Tree then looked at the tree and provided a report. Mr. Celentano pointed out Mr. Smithson, Jr.'s report contradicts a few of the points in the DSTC report. He stated excavation of the driveway will damage or remove necessary roots and if the structural roots are damaged, the tree would be unsafe and hazardous. Mr. Celentano stated public safety should not be put at risk, and as a homeowner, he should be able to repair his property. Mr. Celentano also referenced an email Mr. Slaman sent to the Mayor and Council where he values the cost to replace the tree at \$9,000.00. He feels more comfortable taking the Smithson's word regarding the integrity of the tree, who have been licensed for over 40 years. He noted Mr. Slaman just received his certification in August 2021. Mr. Celentano is concerned the tree will fall on his neighbor's home. PSE&G is going to cut the west side of the tree and he will then excavate the south side of the tree for the driveway.

The Borough Attorney clarified that the owner would be responsible for the expense of removing the tree, as well as signing an indemnification agreement, if the appeal was granted.

Motion to Approve the Appeal for the removal of the tree at 45 Romano Drive: Council President Rossillo; Second: Councilman Harvilla; All in favor.

Motion to adopt #22-177 –Appeal of Denial for Shade Tree Removal at 45 Romano Drive: Councilman Harvilla; Second: Council President Rossillo; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

WORK SESSION - West Madison Holdings, LLC - 2 West Madison Ave.

Matthew Capizzi, Tenafly, NJ, Attorney on behalf of West Madison Holdings, LLC, owner of the corner property where the former location of the Wells Fargo branch was located. They are requesting the Council authorize the Planning Board to begin a study of this property to see if it qualifies as an area in need of redevelopment. If the council so authorizes, the property owner will deposit an escrow amount with the municipality to cover the cost of review for the Board Engineer, Attorney and Planner. The Planning Board would then be tasked with reviewing the site, the surrounding properties and applicable redevelopment regulations, and whether certain criteria are met that warrants an area for redevelopment. Mr. Capizzi stated he took a preliminary look, and based on some of the shortcomings with ingress and egress of the site, outdated infrastructure of the buildings, and the fact that it's vacant, they believe the probability is high. The Planning Board will make their determination and prepare a report to send to the Governing Body for analysis to either accept or reject the Planning Board's designation. If the Planning Board was to recommend the designation and the Council was to accept it, then a plan of redevelopment would begin for the site.

Kristin Russell of Collier Engineers, the Borough Planner, also discussed the redevelopment process. Redevelopment is a cousin to zoning and under certain circumstances the state allows a municipality to deem an area in need of redevelopment. There are a number of legal criteria that a property needs to meet in order to qualify. Tonight, there is a request before

the governing body to ask the Joint Land Use Board (JLUB) to have that area in need study prepared. The Planner would be the one to undertake that study, and will present the findings to JLUB and then to the Governing Body. If the area qualifies and the Governing Body agrees, then a redevelopment plan is developed. It is basically zoning on steroids, and gives the municipality more control over the site and developer than traditional zoning, but functions pretty much the same as far as what uses and bulk standards are permitted. Certain parcels and areas that meet criteria based on difficulty to redevelop on their own, or the capital or real estate going on in the area, are able to take advantage of this special zoning process.

Councilwoman Stewart asked about Mr. Capizzi's letter addressing the Wells Fargo property. Mr. Capizzi answered it addresses the building which is over 50 years old and is an applicable means for a designation. Some points highlighted in the letter, as well as applicable subsections of the redevelopment shows how certain criteria of the redevelopment regulations are met. You only need to meet one of them, and just by a preliminary snapshot assessment, it seems the area meets three or four of them. Councilwoman Stewart stated this town has been torn apart by a decision made about an area in need of redevelopment with DeAngelo's Farms and it is very sensitive to the people in this town. Longer term residents in this town look at that building as a part of its heritage and history. She asked what the intention is with the building. Mr. Capizzi responded the building will come down, but there are certain facets of the existing Wells Fargo building they are attempting to integrate into the proposed redesign. Ms. Russell stated they are only approving an authorization for the JLUB to conduct the study. If the Planner finds that it qualifies, JLUB will hear it again and refer it back to the Governing Body, who would need to agree with the Planner. The next step is writing a redevelopment plan, which is like writing new zoning. If the Governing Body does not feel the redevelopment plan is appropriate, then they do not need to adopt it. The JLUB is the referring authority, and the Governing Body is the approving authority. Mr. Capizzi stated with the redevelopment process there is a constant dialogue with the JLUB and Governing Body about what may be proposed before the plan is in place so there is a mutual understanding of what is acceptable. He stated this property is already fully developed which the underlying zoning allows. They feel they can accomplish something better for both the municipality and the developer through the redevelopment discussion.

Councilman Gorman asked about the timeframe of the process. Ms. Russell said it will be a few months, and she will need to give the findings on the area in need study. Mayor LaBruno repeated the Governing Body is instructing the JLUB to act as the Planning Board to undertake this study. The Borough is in the driver seat for what happens at the property. Mr. Leibman stated there are two resolutions (22-193 & 22-206) on tonight's agenda for approval to conduct an area in need of redevelopment study.

Mr. Capizzi represents the other property owners as well, which is the block around the supermarket area. He stated this property has frontage on West Quackenbush. The entire site will be studied as an area in need of redevelopment including the parking lot area and the Stop-N-Shop building itself. The property owner's intent is to splinter off the portion approximate to Quackenbush and do some sort of mixed-use development. The scale has not yet been defined.

Councilman Harvilla stated the developers are looking to invest in the future of Dumont. Moving forward with this type of study is essential to determine what the future of the Borough is going to look like.

The Municipal Clerk read the 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

- #22-188 – Bills List *
- #22-189 – Approval of Knights of Columbus Casino Night Raffle Application *
- #22-190 – Approval of Block Party on Teak Road *
- #22-191 – Authorization of Veteran Tax Exemption – Block 502, Lot 26 *
- #22-192 – Accept Application from Salvatore Ciotti as Probationary Firefighter *
- #22-193 – Authorization for JLUB to Conduct Preliminary Investigation of Non-Condensation Redevelopment Area *
- #22-194 – Authorization of Bergen County Snow Plow Agreement *
- #22-195 – Authorization of Shared Service Agreement with Northwest BCUA *
- #22-196 – Authorization for the DPW to Provide Services Previously Rendered by the Dumont Shade Tree Commission (revised) *
- #22-197 – Authorization of Emergency Appropriation for DPW Loader Bucket with Claw *
- #22-198 – Approval to Hire Seasonal Positions for Dumont Summer Recreation Camp *
- #22-199 – Ratification Award of Emergency Contract for Tree Removal - 239 Johnson Avenue *
- #22-200 – Approval of Dumont Elks Pull Tab Raffle License Application (*pulled from Consent*)
- #22-201 – Increase Award Amount for 2022 Riverside Cooperative Road Resurfacing Program *
- #22-202 – Approval to Submit Grant Application & Execute Contract with NJDCA for American Rescue Plan Firefighter Grant Program *
- #22-203 – Approval to Hire Tony Como as Summer Camp Director *
- #22-204 – Approval to Hire Rebecca Vazquez as Recreation Coordinator P/T (revised) *
- #22-205 – Approval to Hire Mark Abdulla as Full-time Probationary Mechanic *
- #22-206 – Authorization for JLUB to Conduct Preliminary Investigation of Non-Condensation Redevelopment Area - Block 1215, Lots 2, 14, 15 and 17*

Councilman Russell motioned to **Pull Resolution #22-196** – Authorization for the DPW to Provide Services Previously Rendered by the Dumont Shade Tree Commission (revised).

Second: Councilwoman Stewart; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Wrightington – no; Russell, Stewart – yes

Councilman Gorman motioned to **Pull Resolution #22-200** – Approval of Dumont Elks Pull Tab Raffle License Application to abstain.

Second: Councilman Harvilla; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

Public Comment - Consent Agenda Only

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

Second: Councilman Russell

All in favor.

1. John Sansone, Beacon Street, asked who in DPW will oversee the Shade Tree responsibilities and will the Borough have to hire someone? He also commented about the cost of the Riverside Coop paving and the part-time recreation coordinator position.
2. Tara Barker, Blanche Court, discussed the minutes from the Shade Tree Commission meeting and Resolution #22-196, and requested that it be pulled.
3. Ray Slaman, Sherwood Road, stated he is licensed arborist and was a member of the DSTC for 16 years. He discussed the past history of the DSTC, recent communications with the Mayor and the relationship with the DPW. He reviewed the legal guidelines of the DSTC and the benefits of its status.

Mayor LaBruno stated he met with DSTC members, DPW Superintendent, Borough Administrator and Risk Manager during the height of Covid regarding cleaning up the shade tree process.

4. Lynn Vietri, Wilkens Drive, stated she attends many of the Shade Tree events and activities, and hopes this gets resolved.
5. Bruce DeLyon, Beacon Street, discussed the necessity of having a certified arborist and the cost. He commented that the redevelopment resolutions should include addresses.

Motion for 5-minute recess: Councilwoman Stewart. Second: Councilman Harvilla; All in favor.
 Motion to open to the public for Comments on Consent Agenda Only: Councilwoman Rossillo; Second: Councilman Gorman; All in favor.

6. Tanya Zimmerman, Elm Street, DST Commissioner, stated Borough trees should be replaced if the Borough removes them. She commented on Resolution #22-196, the reasons for the suspension of the DSTC and the DPW taking over tree inspections.
7. Joe Celentano, Romano Road, stated the DSTC has only had a certified tree expert since 2021 and commented on the poor response time by the DSTC. He feels it is a good idea to have the DPW handle the trees.
8. Abbie Slaman, Sherwood Road, DST Commissioner, discussed the DSTC from the formation of the ad hoc committee, as well as its mission and purpose. She stated the members all took Core Training. Ms. Slaman also discussed communications with the Borough Attorney, Administrator and Mayor.
9. Maryann Russini, Roosevelt Avenue, questioned why the DPW needs a loader with bucket claw, the additional money for the Riverside Coop paving and NJDOT funding for Bedford. She asked about resolution #22-196 and the redevelopment at Wells Fargo.
10. Margaret Slaviky, Park Avenue, stated she lives next to the bank parking lot and asked about resident input with the redevelopment of Wells Fargo. She has lived in town a long time and hopes the building will not be close to her property line.
11. Tom Kelly, Beacon Street, discussed emails between the Mayor and the DSTC, as well as resolution #22-196. He stated the redevelopment addresses include more than the Wells Fargo and Starbucks properties. Mr. Kelly felt there should be discussion on the Shade Tree resolution and the public hearing.
12. Mary Normoyle, Randolph Avenue, questioned the part-time recreation position and a shade tree that was recently removed in front of her house.

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

Discussion regarding Council comments on Consent agenda items.

Motion to adopt the Consent Agenda: Councilwoman Rossillo
Second: Councilman Gorman; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Wrightington – yes; Stewart – no

Motion to adopt **Resolution #22-200** – Approval of Dumont Elks Pull Tab Raffle License Application: Councilman Harvilla; Second: Councilwoman Rossillo
Roll call vote: Council members: Harvilla, Rossillo, Russell, Stewart, Wrightington – yes; Gorman - abstain

ORDINANCES

2nd Reading

#1607 Ordinance Amending Chapter 75 of the Borough Code – Police Department (revised)

Motion to waive Formal Reading: Councilwoman Wrightington

Second: Councilwoman Rossillo

All in favor.

Councilwoman Stewart stated an additional Council person will be added to the police committee, which will make it two Council members and the Mayor. In the past, it was three Council members on all committees. The Borough Attorney stated the Borough could be in violation of the Sunshine Law because it was written that the Mayor may take part. Now it is two Council members and the Mayor on every committee. The Councilwoman stated the Borough is a strong Council, not a Faulkner community. She is not happy they have gone from three Councilmembers and the Mayor if need be, to two Councilmembers and the Mayor on everything.

Mayor LaBruno stated that the power does not rely on the Committee, it relies here on the dais where the Council has all the votes. He only votes in a split tie. Therefore, the Council has not lost any power.

Motion to open to the public: Council President Rossillo

Second: Councilman Gorman

All in favor.

No one wished to be heard from the public.

Motion to close to the public: Councilman Gorman

Second: Councilman Russell

All in favor.

Motion to adopt on 2nd reading: Councilman Harvilla

Second: Councilman Gorman; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

1st Reading

#1608 Bond Ordinance Providing for Various Capital Improvements by the Borough of Dumont, Appropriating the Aggregate Amount \$1,272,000 therefor and Authorizing the Issuance of \$1,208,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Motion to waive Formal Reading: Councilwoman Rossillo

Second: Councilman Russell

All in favor.

Councilman Russell stated the Borough just approved the budget and now they are going for another \$1.2 million. He would like to plan a little better.

Councilman Harvilla replied the \$1.2 million was included in the budget. It was determined the Borough would do two bond ordinances this year; one to ensure moving forward with all items that had to get done on behalf of the Borough, such as roads and parks. This is the second bond ordinance; a determination based on a second round of negotiations included to ensure we are keeping up with the maintenance of vehicles and other support items such as radios. The Councilman stated this is not new, it was part of the plan. It is exactly what was discussed publicly over the past three months.

The CFO added they are very strategic with the Finance Committee. Much of the credit with splitting the bond ordinance goes to the Borough Administrator. In communities that adopt bond ordinances at this time, they are looking at October-November to pave roads by the time funding is in place, which is too late. This gives the Borough leverage to put projects out to bid early, hopefully getting a better price. They are doing their best to put the Borough in prime position to acquire equipment, help pave roads and pick up leaves. Mr. Abbasi stated this is nothing new, the money is prepared and split in the budget for the bond ordinance. He stated resolution #22-197 (Emergency Appropriation for the DPW Loader Bucket with Claw) is fronting the money so the Borough does not have to wait for the Bond Ordinance to purchase a DPW truck to pick up leaves in order to help improve the quality of life for the Borough.

Motion to pass on 1st Reading: Councilman Gorman

Second: Councilman Harvilla; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

1st Reading

#1609 Ordinance Amending Chapter 455-22 - Hours of Operation

Motion to waive Formal Reading: Councilwoman Stewart

Second: Councilwoman Rossillo

All in favor.

The Borough Attorney explained this creates restrictions on hours of operations for businesses within the Borough. The Police Department raised issues about some businesses operating very late at night or early morning hours, disturbing residences. When the ordinance was reviewed, there was really no limitation on the hours of operation of any business in town. Businesses not governed by this include those that have a liquor license or any business that delivers. However, retail businesses are to be closed between the hours of midnight and 5 a.m., and no contractor work in residential zones between 7 p.m. and 7 a.m.

Motion to pass on 1st Reading: Councilwoman Rossillo

Second: Councilwoman Wrightington; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

Public Comment - General Comments

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

Second: Councilwoman Rossillo

All in favor.

1. Tara Barker, Blanche Court, provided her background and involvement on the DSTC. She asked if the DSTC will find out their roles and responsibilities moving forward, and what the future of the DSTC is?

2. Bruce DeLyon, Beacon Street, commented about Bond Ordinance #1608, the estimated cost to tax payers and how it relates to the budget. He questioned the bonds that were consolidated, the building department lawsuit and when the tax revaluation will start. Dr. DeLyon asked when the audit will be available and the Mayor's social media page.
3. John Sansone, Beacon Street, asked about the estimate for the Druid foot bridge. He commented on his experience with the DSTC and the current situation.
4. Lynn Vietri, Wilkens Drive, asked about the NJDOT money received for the Bedford and Virginia project, and if the Master Plan is being redone with the redevelopment. She questioned the remainder of American relief money and how it will be used. Ms. Vietri discussed Girls Softball Day and softball being audited, and an OPRA request submitted.
5. Maryann Russini, Roosevelt Avenue, discussed an OPRA request submitted and the building department lawsuit. She asked about the police sally port, ADA doors and CSX lawsuit. Ms. Russini asked about the Cummings account and the DPW claw is to cut down trees. She commented on Girls Softball Day and the Shade Tree emails.
6. Allison Sosinsky, E. Quackenbush Avenue, commented in support of the DSTC.
7. Mary Normoyle, Randolph Avenue, asked who is doing the website redesign.
8. Tom Kelly, Beacon Street, thanked Councilwoman Stewart for her comments and spoke about consent agenda process and discussion. He discussed the Economic Development Committee's report by the Planner to do the study on the downtown, and the results of the survey in the report that he received via OPRA. He stated it is not that he does not like change, he does not like overdevelopment.

Motion to close to the public: Councilman Gorman

Second: Councilwoman Rossillo

All in favor.

The CFO stated the Finance Committee, Administrator and Department Heads have gone through this budget process over five to six months. The idea this year was to split up the bond ordinance, and the DPW loader with claw was a need. The resolution is a way to appropriate money in the budget, which will come from the Bond Ordinance, but allows the Borough to purchase the vehicle with claw. It is not easy to buy equipment these days. The Borough is not immune from the outside economic factors plaguing everyone right now.

Anthony Schiraldi, the DPW Superintendent stated the loader bucket is used to pick up leaves. The DPW currently has one loader bucket with a claw that picks up the leaves. Leaves are picked up once a week during leaf season, which no other town does. Without this other bucket, there cannot be a second crew on the road. Mr. Schiraldi gave some background; one of the trucks they use is a hand me down from the Police Department which has a cracked frame. The mechanics have welded the frame twice but it cannot plow or be used to push leaves into the bucket anymore. He explained the old leaf collection process, and how it requires a lot of man power. The new leaf collection process using a loader bucket with claw requires less man power. Mr. Schiraldi provided a background on the age of the equipment at the DPW. They have fixed everything they could to keep it running due to budget restraints. The Superintendent stated the loader bucket is a very important piece of equipment and if they do not order it in the next couple of weeks, then they won't have it. He discussed the tree that was removed by the DPW tree guy. He informed the Superintendent that the tree was 100% dead and the root ball was out of the ground. Dennis is the tree guy and has ten years of experience in cutting trees. He has taken the

test and the 15-week course. It is not an easy test. He worked for PSE&G doing line clearance for four years and is an ACRT line clearance arborist. He is retaking the test in September.

Mr. Dunlea stated the original award resolution for the Riverside Coop was \$250,257.40. Prior to that award the Borough bonded close to \$720,000.00. The award amount is being increased prior to executing the contract, so it is not a change order. The Borough is taking advantage of money that is already bonded and utilizing the favorable pricing. That is why we added those roads. The Borough is not adding \$530,125.00. The increase is \$279,868.45. The benefit of the Riverside Coop is the Borough is bidding a project with a number of other communities. The overall amount awarded to American Asphalt was about \$4.5 million, and the Borough of Dumont was a portion of that. The Borough takes advantage of the larger sum to get better pricing and do more roads. Regarding Bedford Road, the Borough received about \$206,000.00 in funding from NJDOT. The Druid Avenue Bridge was between \$45-50 thousand.

Mayor LaBruno stated the NJDOT sent a letter on June 16th awarding the Borough of Dumont an allotment of \$500,000.00 for the Bedford Road Enhancement Project. He stated they work with the grant writers to go after money to help offset costs.

Irene Kim Asbury, Special OPRA Counsel, stated she assists the Borough's Record Custodian/Borough Clerk in addressing complex OPRA requests. She has been assisting with three OPRA requests (22-145, 22-146 and 22-147) received on 7/7/22 within minutes of each other by Ms. Vietri and Ms. Russini. They demand emails over the course of nine separate days, and include for each date about eleven separate people. There are a lot of combinations here, so we do not know what the scope of this control group is. The Borough Clerk has reached out to all Borough staff and the DSTC to request they forward all responsive emails or possibly responsive emails to these requests for review. OPRA has twenty separate exemptions these documents must be reviewed for, such as attorney-client privilege, deliberative process privilege, inter- and intra-agency consultative materials, personal identifiers, protective privacy, etc... The Borough Clerk has requested at three separate times for all individuals discussed to send copies of all emails. To date they have heard responses from three of the DST Commissioners. The Borough cannot commence full review of our control group until we are certain have received all potentially responsive documents. They have received many duplicative and long email chains, which need to be reviewed individually and in the context in which they were generated and received. Review of control groups takes far longer than simpler requests for single or multiple documents from a single individual. It's time consuming because you have to harvest a response from anyone who's involved in the OPRA request, and must be organized in a format that allows them to be reviewed. Many things have to be considered, the Borough's response or anticipated response of the incident in question has not yet been resolved, as well as potential litigation. That is why Borough Counsel's advice is sought as well. OPRA has such a high standard for a Custodian's response, and in fact almost 100 percent of the liability under OPRA is shifted by statute to the Records Custodian, who is personally liable for any deficiencies in the response. The Borough has to be careful why and how we respond. It is helpful if everyone would respond to the request for the records, and the response could be processed much faster. The Borough has fully complied with every requirement under OPRA; replied within the required seven days, given a valid reason why there is a delay, kept in touch as requested, not denied anything or implied that we are denying anything and does not wish to respond with an unfulfilled request.

Ms. Asbury Kim noted all three requests came in together and were almost identical requests; therefore, traveled on the same time line. The responsive documents for all three requests are in the same control group, reviewed at the same time and responses will be sent out at the same time with any proper redactions. In the future, the responses will be segregated and addressed separately. However, the size and scope of the request is a valid response.

Councilman Gorman thanked Ms. Kim Asbury for her thorough explanation, as OPRA is very complicated.

The Borough Administrator stated NJDOT funding was for Bedford Road and Grant Avenue. The Borough tries to be as aggressive as possible applying for all State, County and any other resources to limit the financial obligation of the Borough. The Capital Ordinance was always done late in the year, and it would be the fall by the time the funding was in the Borough. It is very hard to begin projects in the fall, so he is pleased with the timing of the two capital bonds; one back in March for 10 to 11 roads, and the introduction of tonight's capital ordinance for equipment purchases for Borough employees and departments. Mr. Tully provided everything he felt was appropriate regarding the Cummings payment but cannot comment further due to the potential litigation. Regarding the DSTC issue, he needs to make sure it continues to be functional at the Borough. On June 20th, the DSTC suspended operations. Mr. Tully was notified of the suspension of operations, apparently due to the Mayor's email. The Mayor does not have the authority to suspend operations, nor did he state in his email that operations should be suspended. Mr. Tully reiterated at a meeting to work through the issue on June 27th with the DSTC that the Borough would like the DSTC to continue operations while the process was worked on. That was reinforced in an email on July 1st and on July 6th, and at another meeting on July 5th. Tonight's resolution allows the Borough to move forward to make sure this essential service of processing permits and removing dangerous trees in the community can continue because overnight an entire operation was suspended. Mr. Tully met with the DSTC on June 27th with the hope they could move forward, and he still has that belief. He will need advisement from the Governing Body on a path forward. With tonight's resolution and the great team the Borough has, they will do a great job. It's unfortunate the DPW Superintendent felt the need to read an employee's qualifications tonight. Also, the Borough posted on social media about mosquito spraying on Friday morning.

Mayor LaBruno responded to the resident on Park Avenue stating the area is already zoned to be four stories. All the Governing Body did tonight was allow the JLUB to get the planner involved to look at that area to possibly redevelop.

The Borough Attorney stated there will be a public process throughout the redevelopment process, and he urged the neighbors in that area to be involved. The Council received a letter from Mr. Capizzi regarding his client's properties and the Borough Planner was consulted. The Borough Planner suggested that some other properties be included in the study. Studies like this are expensive and the developer has agreed to pay all fees associated with it. The idea is to do a comprehensive examination of the intersection so the Governing Body gets a full, complete opinion of what the development opportunity is for that area. The idea is the developer pays our Planner, our JLUB examines that area and makes recommendations. The other property owners have not been contacted and they have not contacted the Borough. Mr. Leibman stated everyone

complains about cost and expense, but when it comes to generating ratables and income to balance the budget, everybody gets cold feet. Everyone wants the best for the town. If the Borough leaves everything the way it is, taxes will keep going up. Generating ratables is the only way forward, but you have to produce ratables that are not cost producing. Regarding the DSTC issue, the Mayor's concern came from residents' complaints. Mr. Celentano came tonight and explained his position, but is not the only person who has complained to the Mayor. There are issues with timeliness, people being told they cannot remove a tree because a portion is in the Borough right of way or people cannot make improvements to their property because a tree has to be protected. Correspondence from the DSTC to residents contains no reference to their appeal rights. Mr. Celentano found out about his appeal rights because he called the Borough Administrator. The Mayor's position about volunteers interacting is his opinion because he does not want conflict among neighbors. The DSTC took his opinion and decided to suspend operations. The Borough Attorney and Administrator had a meeting the DSTC members and felt things would get back to normal. Instead the DSTC ceased to operate. There is a state statute that says if you refuse to serve in your appointed capacity, the position is deemed vacant. Every member of the DSTC has made that determination by voting to suspend services and refusing to serve. The positions are vacant, and something has to be done. The DSTC ordinance also says if someone applies for a tree removal permit, and it is not denied within five days, it is deemed granted. This means anyone who wants any tree removed can submit their \$25 fee to request their permit, and since the DSTC is not doing anything, any tree can come down. The Governing Body is elected to protect the residents. Mr. Leibman stated he will not discuss trial strategy or where settlement money is coming from regarding the Cavadias matter. He stated Ms. Kim Asbury is excellent, so he will normally just look at her OPRA responses and does not bill for that. He only bills for OPRA emails if he spends a lot of time going through them. The Borough is waiting for its own OPRA response to the Bureau of Public Utilities regarding the CSX matter. They have requested multiple extensions and that is the last thing the Borough is waiting on before filing a lawsuit to recover the substantial monies expended at what appears to be their negligence.

Councilman Harvilla stated at least \$1 million in ARPA funds were kept in reserve to offset budgetary impact one to two years into the future. The CFO stated the Borough received the second payment of \$916,687.20, bringing the current total to \$1,071,374.40. The first tranche had \$762,000 put into this year's budget. It may be used for loss revenue, response to public health emergency, workers performing essential work during COVID, provisions of government services and improvements to water, sewer or broadband infrastructure. Funds must be encumbered by 12/31/2024 and expended by 12/31/2026, and are subject to audit by the US Treasury. Councilman Harvilla added there have been assumptions made about what information members of the Council had regarding the DSTC in real time which were incorrect. Most emails were not seen by the Council until Mr. Slaman resigned from the DSTC. He believes relationships are mendable. The Council needs time to review everything and deliberate. The Councilman stated deliberation is not cowardly, it makes good government. He stated resolution 22-196 was intended for one purpose only; that the abdicated functions of the DSTC are being covered by the Borough. It does not make any determination about the future of the DSTC. He has had a long and wonderful relationship with the DSTC and respects them immensely.

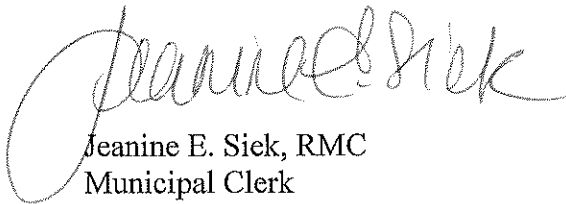
Mayor LaBruno stated that leaders fix issues, they do not run away and give up. Tough decisions equal progress, while they are not always the easiest, he believes the Borough can get there. There were comments made about disrespecting volunteers. The Mayor stated he is a volunteer himself. He said just because we disagree does not mean we cannot move forward. He appreciates all of the comments tonight, and the Governing Body will discuss how to move forward.

Motion to return to Closed Session at 10:02 p.m.: Councilwoman Rossillo
Second: Councilwoman Wrightington
All in favor

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

The meeting adjourned at 10:53PM.

Minutes respectfully submitted by:



Jeanine E. Siek, RMC
Municipal Clerk