

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
EXECUTIVE MEETING MINUTES
DUMONT MUNICIPAL COMPLEX
JANUARY 17, 2023**

Meeting to Authorize Closed Session at 6:30 PM

The Municipal Clerk read the resolution for the Closed Session Meeting to discuss:

- Pending Litigation – CSX Lawsuit
- Pending Litigation – Building Department Lawsuit
- Personnel – Police Department

Council President Russell called the meeting to order at 7:07 PM.

Flag Salute, Moment of Silence

Sunshine Law: In compliance with the Open Public Meetings Act of the State of New Jersey, Notification of this Meeting has been sent to our Official Newspapers, posted on the Borough website and Notice posted at Borough Hall and filed with the Borough of Dumont.

Roll Call:

Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – Present

Mayor: Andrew LaBruno – Absent

Also in attendance: Borough Administrator Chris Tully, Borough Clerk Jeanine Siek, CFO Issa Abbasi, Borough Attorney Jared Geist

Motion to accept the agenda as presented: Councilwoman Stewart

Second: Councilwoman Aponte; All in favor.

Motion to remove Resolution #23-56 – Appointment of Geist Law LLC as Borough Attorney for 2023 from the Consent Agenda: Councilman Harvilla

Second: Councilwoman Stewart; All in favor.

Motion to Adopt Resolution #23-56 – Appointment of Geist Law LLC as Borough Attorney for 2023 from the Consent Agenda: Councilwoman Stewart

Second: Councilman Harvilla

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Councilman Harvilla stated he spoke with Mr. Geist regarding having a discussion at a future closed session meeting regarding any pending litigation that he have to recuse himself from or that could be a conflict of interest in relation to his 2017 council tenure.

WORK SESSION

- Overnight Parking

Councilman Kelly asked for this topic to be discussed. There's been confusion when enforcement would start besides notices placed on residents' cars over the last month. At the November 21, 2022 meeting, an ordinance was introduced to eliminate any restrictions on overnight parking, making parking permissible on Borough streets with the exception of a few.

The council voted unanimously to table it, and it expired at the end of the year. So the existing ordinance remained in full effect as it had before that. Historically, there were exceptions made by the Police Chief, Mayor and Borough Administrator. When the COVID pandemic hit, the Mayor suspended the ordinance. In November 2021, a resolution was done retroactive to October 15th, suspending the overnight parking restriction until December 1st. After that, there was no communication until November 21, 2022. He and Councilman Harvilla both feel that prior to full enforcement there should be adequate warning to the residents. Chief Joyce and Administrator Tully have asked for guidance before returning to full enforcement. He believes there should be conversations in public but doesn't believe the Council should dictate how the ordinance gets enforced. It should be done by means of an ordinance change or by resolution. The Mayor encouraged residents to reach out to the Council, and to his knowledge there were two residents who reached out, each on different sides of the issue.

Councilman Morrell discussed this with Chief Joyce. There are many new residents in town and they should have until October 15th to make the necessary arrangements for parking their cars overnight, such as extending their driveways. He said if it snows, the ordinance is still in effect and cars will be ticketed. The Councilman stated that come October 2023 the ordinance should go into full effect again.

Councilman Harvilla stated in November that his concern was the suspension of enforcing this ordinance was the result of an emergency, a global health crisis. He understands homes were built in Dumont during a time when families only had one or two cars. Many individuals recently moved to Dumont who were unaware of the overnight parking restriction. There is a long-standing ordinance prohibiting overnight parking that needs to be enforced with the caveat that the situation needs to be reviewed with a process in place for individuals who have more automobiles than driveway space. His concern is not enforcing the ordinance without a substantive change could be a liability for the Borough. The Councilman stated Bergenfield residents have been taking advantage of the fact that Dumont is not enforcing their ordinance.

Attorney Geist suggested have a warning period, and stated the Police Chief has the power to enforce an ordinance or not.

Councilman Morrell stated he is all for the ordinance but wants to give residents enough time because more people are home now. On October 15th, it will be enforced. He just wants to hold off this season, and then the residents have ten months to figure it out where to park their cars.

Councilman Kelly said residents have the ability to call in a vehicle, and it used to be on the website. He would request the Police Department be liberal in the call-in exceptions all but when there is inclement weather predicted. As for the people who have to widen driveways or park on their lawn, where will they park when it snows? The cars parked in the street creates difficulty when the DPW is collecting leaves and they often have to call during snow storms for cars to be removed from the streets. Alternate side of the street parking town wide would require about four signs per block which is a big expense. Some people do not use their driveways and prefer to park in the street. The Borough also has some very narrow roads, which has created problems during emergency situations when cars are left in the road.

Councilwoman Stewart is concerned about the communication aspect, and is in favor of the hiatus as long as the police department and DPW are okay with it for the time being.

Council President Russell stated he agrees to give the residents time.

Councilwoman Aponte agrees to give people time to widen their driveways or other provisions to park their cars. She had three kids, and it was hard to park all of their cars.

Councilman Harvilla stated his primary concern is public safety. He understands this is an inconvenience for some but thinks a resolution should be passed to suspend the enforcement. Residents have moved into Dumont and are unaware that there is a process in place for overnight parking. He suggested a welcome packet for new residents.

Councilman Kelly commented the last resolution expired in November 2021.

The Borough Administrator suggested working with the Attorney on a resolution for the next meeting codifying an extension of overnight parking for 2023, with full enforcement going back into effect on October 15, 2023. The Borough will utilize its communication efforts to get the information out to residents, and work with the DPW and Police Department to get through this period.

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 Council member or member of the public. Any item may be removed for further discussion or 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

- #23-20 – Approval of Block Party, Street Closing and Live Entertainment Applications (Previously tabled) *
- #23-40 – Approval of Contract Extension - Sustainable Communities Associates (Previously tabled) *
- #23-43 – Reappoint Dr. Eileen Quaglino to the Dixon Homestead Library Board of Trustees (Previously tabled) *
- #23-45 – Appoint Cultural Affairs Council Liaisons for 2023 (Previously tabled) *
- #23-46 – Reappoint Kristin Norena to Cultural Affairs, Inclusivity, Diversity and Celebrations Committee (Previously tabled) *
- #23-47 – Reappoint Kevin Grom to the Rent Leveling Board as Alternate Tenant Representative (Previously tabled) - *Removed*
- #23-48 – Appoint Joseph Trentacosta to Arts, Beautification and Economic Development Committee (Previously tabled) - *Removed*
- #23-49 – Appoint Erica Ball Winn to Arts, Beautification and Economic Development Committee (Previously tabled) - *Removed*
- #23-50 – Approval of Amended 2023 Council Committees (Revised) * (*Council President Russell*)
- #23-51 – Appointment of Apruzzese, McDermott, Mastro & Murphy as Borough Labor Attorney for 2023 (Previously tabled) - *Removed*
- #23-52 – Appointment of Acacia Financial Group as the Borough’s Financial Advisors for 2023 (Previously tabled) *
- #23-53 – Appointment of Millennium Strategies, LLC as the Borough’s Grant Writers for 2023 (Previously tabled) *
- #23-54 – Appointment of Colliers Engineering and Design as the Borough’s Planner for 2023 (Previously tabled) - *Removed*
- #23-55 – Appointment of Brown & Brown Metro as the Borough’s Risk Manager for 2023 (Previously tabled) - *Removed*
- #23-56 – Appointment of Geist Law LLC as Borough Attorney for 2023 - *Removed*
- #23-57 – Appointment of Rogut McCarthy, LLC as the Borough’s Bond Counsel for 2023 *

- #23-58 – Appointment of Post Polak, P.C. as Special OPRA Counsel 2023 *
- #23-59 – Appointment of Boswell Engineering as Borough Engineers for 2023 - *Removed*
- #23-60 – Authorization to Advertise for Additional RFQ's for 2023 Professionals (Revised) *
- #23-61 – Appointment of Borough's Special Projects Engineers for 2023: Remington & Vernick Engineers and Neglia Engineering - *Removed*
- #23-62 – In Support of Senate Bill S-3213 Which Authorizes the Creation and Issuance of Registered Nurse License Plates *
- #23-63 – Removal of Tenafly Auto Collision LLC from Policy Towing List *
- #23-64 – Authorization to Remove & Refund 2022 Added Assessment & 2021 Omitted Added Assessment Due to County Board Judgments *
- #23-65 – Accept Letter of Retirement from Carolyn Blakeman *
- #23-66 – Voluntary Recognition of DPW Union UA Local 855 - *Removed*
- #23-67 – Approval of Transition of Legal Services for Borough Attorney Leibman *

Councilman Kelly requested to remove the following resolutions from the Consent Agenda:
 #23-48, 23-49, 23-51, 23-54, 23-55, 23-66

Councilman Harvilla requested to remove the following resolutions from the Consent Agenda:
 #23-59, 23-61

Councilman Harvilla commented on #23-61- Appointment of Borough's Special Projects Engineers for 2023: Remington & Vernick Engineers and Neglia Engineering. His understanding is RVE is being kept on for any issues that may arise since they were the oversite engineers for construction of Borough Hall. For #23-59 – Appointment of Boswell Engineering as Borough Engineers for 2023, the Councilman stated that Boswell's head to head cost is significantly higher than the other two firms that submitted. He is concerned if they need to hire subject matter experts. He knows Boswell is a well-regarded engineering firm, but it's mainly a cost issue.

Councilwoman Stewart commented that the Borough has had several engineers in her tenure on the Council, without a doubt Neglia was the best performing engineering company from her perspective. Boswell does have a history in Dumont and was the Borough engineer for several decades.

Councilman Kelly stated that according to Attorney Leibman's notes and what they saw in the RFQ's, it seemed like pretty similar comparisons. Councilman Harvilla replied the referenced numbers are for field techs.

Councilman Morrell requested to remove the following resolutions from the Consent Agenda:
 #23-47

Public Comment - Consent Agenda Only

Motion to open to the public for Comments on Consent Agenda Only: Councilwoman Stewart Second: Councilman Kelly; All in favor.

1. Karen Valido, Overlook Drive, thanked the Council for the open discussion and it's nice to hear everyone's feelings on things.

2. Lynne Vietri, Wilkens Drive, asked about the names in the parentheses on the agenda. The Municipal Clerk explained the name in parenthesis is whomever requested that resolution be placed on the agenda. Ms. Vietri said she thinks it's a great idea.
3. Maryanne Russini, Roosevelt Avenue, asked if there are three Council members on each committee. Mr. Geist stated they are allowed to go to three members, unless required otherwise by ordinance. She also asked what positions they are advertising for RFQ's. The Municipal Clerk listed the positions that will be advertised.
4. Mary Normoyle, Randolph Avenue, asked if the Special OPRA Counsel appointment is Irene, and if RVE will only be used in regard to Borough Hall and not new projects.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Stewart; All in favor.

Councilwoman Stewart noted Carolyn Blakeman's retirement who has been with the Borough for a very long time as Fire Department Secretary, DPW Road Department Secretary, also as a Crossing Guard. It's a great loss to Dumont, and she wishes her all the best.

Motion to adopt the Consent Agenda: Councilwoman Stewart

Second: Councilman Harvilla

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Non-Consent Agenda Items

Motion to Deny Resolution #23-47 – Reappoint Kevin Grom to the Rent Leveling Board as Alternate Tenant Representative: Councilman Morrell; Second: Councilman Russell

Roll call vote: Council members: Aponte, Kelly, Morrell, Russell – yes;

Harvilla, Stewart – no

Motion to Deny Resolution #23-48 – Appoint Joseph Trentacosta to Arts, Beautification and Economic Development Committee: Councilman Morrell; Second: Councilman Russell

Roll call vote: Council members: Aponte, Kelly, Morrell, Russell, Stewart – yes;

Harvilla – no

Motion to Deny Resolution #23-49 – Appoint Erica Ball Winn to Arts, Beautification and Economic Development Committee: Councilwoman Aponte; Second: Councilman Kelly

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Motion to Deny Resolution #23-51: Appointment of Apruzzese, McDermott, Mastro & Murphy as Borough Labor Attorney for 2023: Councilman Morrell; Second: Councilman Kelly

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Motion to Deny Resolution #23-54 – Appointment of Colliers Engineering and Design as the Borough's Planner for 2023: Councilman Kelly; Second: Councilwoman Aponte

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Motion to Deny Resolution #23-55 - Appointment of Brown & Brown Metro as the Borough's Risk Manager for 2023: Councilman Morrell; Second: Councilwoman Aponte

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell – yes; Stewart – no

Motion to Adopt Resolution #23-59 – Appointment of Boswell Engineering as Borough Engineers for 2023: Councilman Morrell; Second: Councilman Kelly
Roll call vote: Council members: Aponte, Kelly, Morrell, Russell, Stewart – yes; Harvilla– no

Motion to Adopt Resolution #23-61 – Appointment of Borough’s Special Projects Engineers for 2023: Remington & Vernick Engineers and Neglia Engineering: Councilman Harvilla
Second: Councilwoman Aponte
Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Motion to Table Resolution #23-66 – Voluntary Recognition of DPW Union UA Local 855:
Councilman Kelly; Second: Councilman Morrell

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

Councilman Kelly stated he would like more information, as he is not familiar with the process that takes place. They are not opposed to the DPW forming their union with Local 855. They would like to have a discussion to better know the process for the next meeting. Councilwoman Stewart and Council President Russell both stated they agree. Councilman Morrell said they want to find out what it’s about and would like more information.

Public Comment - General Comments

Motion to open to the public for General Comments: Councilwoman Stewart

Second: Councilman Morrell

All in favor.

1. Cary Stopsky, East Quackenbush Avenue, appreciates their thoughts and concerns on overnight parking, but is concerned about parking on both sides of the street on Quackenbush. The police are enforcing two-hour parking during the day. Councilman Harvilla stated he will look into the parking ordinance and get back to him. Mr. Stopsky also stated that kids are playing on the Senior Center bocce ball court.
2. John Sansone, Beacon Street, welcomed the new Council members. He asked about the cost of flood repairs and if it’s coming from the bond or insurance is paying for that, as well as JCT Solutions bill. He commented on cracks in the road on Delong. Councilman Morrell asked for a summary of the building costs and repairs.
3. Bruce deLyon, Beacon Street, commended Council President Russell on the quality of the way the meeting was run and welcomed Mr. Geist. He met with the Construction Official and resolved the driveway issue.
4. Maryanne Russini, Roosevelt Avenue, discussed an OPRA request she filed regarding Dumont girls’ softball and the Bergen County Prosecutors Office (BCPO). Mr. Geist stated if it was something with the BCPO, we would not be privy to that and she could certainly OPRA them. They discussed the process by which a complaint is made to the Prosecutor’s Office. Ms. Russini congratulated the new Council and welcomed the Borough Attorney. She gave kudos to DPW for putting the Gina’s Field sign back up.
5. Mary Normoyle, Randolph Avenue, welcomed Mr. Geist back and asked about a voided check on last month’s bill list. Mr. Abbasi responded that the check came out of the wrong account and was voided, which is not shown on the bills list. Only the actual checks are shown on the bills list.

Motion to close to the public: Councilwoman Stewart

Second: Councilman Kelly; All in favor.

Councilman Kelly asked if Dumont Girls Softball audit was ever discussed in Closed Session and what transpired. Councilwoman Stewart replied that it was not, and everyone on Council found out about it the same way everyone else did.

Councilman Harvilla stated he would like to get Mr. Stopsky's email address to follow up regarding the parking on Quackenbush.

The Borough Administrator stated the appointments not made this evening will go back out for RFQ and not make it on to an agenda until the second meeting in February. He would like confirmation for Labor Attorney and Risk Manager if there are any issues in that time period to continue using them until there is a replacement. Mr. Geist stated they are still on until the Mayor and Council appoints a new professional.

Councilman Morrell stated all of their emails are on the Borough website, and residents can email them with any questions prior to the meetings.

Motion to return to Closed Session meeting at 8:42 PM: Councilwoman Stewart

Second: Councilman Morrell

Roll call vote: Council members: Aponte, Harvilla, Kelly, Morrell, Russell, Stewart – yes

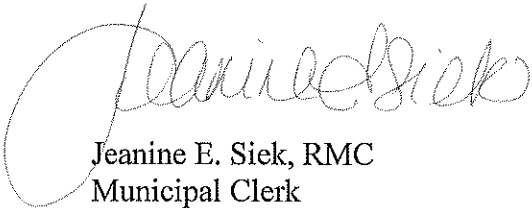
Motion to Adjourn: Councilman Morrell

Second: Councilwoman Stewart

All in favor.

The meeting ended at 10:20 p.m.

Respectfully submitted,



Jeanine E. Siek, RMC
Municipal Clerk