

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
EXECUTIVE MEETING MINUTES
DUMONT MUNICIPAL COMPLEX
MARCH 21, 2023**

Meeting to Authorize Closed Session at 6:35 PM

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

- Potential Litigation – Affordable Housing
- Attorney-Client Privilege – Legal Advice regarding Borough Website

Mayor LaBruno 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: Councilman Russell; All in favor.

General Order of Business

Motion to Adopt Resolution #23-115 - Authorization to Hire Police Officers Jesse Baiza & Kamal Elsayed: Councilman Morrell

Second: Councilwoman Stewart

Roll call vote: Council members Aponte, Harvilla, Kelly, Morrell, Russell, Stewart - Yes

Motion to Adopt Resolution #23-116 – Approval of Promotions with the Dumont Police Department: Councilwoman Stewart

Second: Councilman Kelly

Roll call vote: Council members Aponte, Harvilla, Kelly, Morrell, Russell, Stewart - Yes

Mayor LaBruno administered the Oath of Office to Dumont Police Officers Jesse Baiza and Kamal Elsayed

Mayor LaBruno administered the Oath of Office to Dumont Police Officers Patrick McDermott and Joseph Villone for promotions to Police Sergeant

WORK SESSION

- **By-Laws** – Councilman Russell advised that the Borough needs to adopt new by-laws and that by-laws were last adopted in 2020. The Councilman would particularly like to remove public comments and go back to public discussion and would be in favor of a 5-minute time limit. Councilwoman Stewart indicated that she would be in favor of the change in wording along with the 5-minute time limit. Councilman Harvilla's concern for a public discussion is that if there was a limit of 5 minutes, with the back-and-forth between council and members of the public, it could cut into the time that the public has to make their point. Councilman Kelly stated there is a misconception that by-laws need to be changed with every new council. He believes that by-laws, by nature, should be not easily changed or re-written with a new council. Councilman Kelly would support changes to the public comment time limits. He thinks that a hard 5-minute time limit, where council members are not inclined to answer questions or have any discussion with residents, cripples the ability to field questions and put matters to rest. He suggested a change to the by-laws where time limits could be available by a motion and majority vote when needed. Councilman Harvilla stated he would be in favor of a by-laws committee that would make sure that there would not be any conflicting language between the by-laws and any ordinance or code. Councilman Harvilla stated he would not want to limit public commentary but thinks there should be a process that is reliable. Having a process that could change on any given night based on the number of people at a meeting creates a sliding scale that may create problems. Attorney Geist agrees that there should not be any contradiction between the code and the by-laws. The Borough Code states there should be a by-laws committee and a committee should be formed before any by-laws are changed. Time limits is a policy decision decided by the council but Attorney Geist suggested that the time clock could be stopped when the council is talking. Mayor LaBruno stated that he agrees with Council Harvilla about changing the process on any given night or meeting creates a slippery slope. Councilman Harvilla asked if there is a conflict between the by-laws and the code regarding the signing of bills. Borough Administrator Tully stated he agrees that the council should be signing purchase orders but requested there be something in writing to that effect. Attorney Geist stated this could be done via resolution and would be a quicker process than changing the by-laws. The code could always be revised at a later point. The Mayor stated he will appoint a by-laws committee.
- **Outdoor Dining** – Mayor LaBruno stated that he requested this matter be on the agenda as a couple of restaurant owners called him regarding the matter. Outdoor dining was passed by resolution because of Covid and a lot of restaurants have seen the benefits of outdoor dining and to continue outdoor dining for this year, another resolution would need to be passed. Councilman Morrell asked if the resolution would encompass tables on the sidewalk or platforms. Mayor LaBruno stated that it would cover whatever the prior resolution stated. He also stated that some restaurants build platforms because of the way their sidewalk is structured. Councilman Morrell stated he spoke to restaurant owners by Denaros and they were against platforms, specifically Uncle Frank's and Denaros. The owners stated that they would see rats. Councilman Morrell stated that he never saw people seated at the outdoor tables in that area and that he only saw La Taberna employees sitting at the outdoor tables when they were on break. Councilman Russell has no problem putting tables against the sidewalk but is against platforms.

Councilwoman Aponte stated that she also heard complaints from Uncle Frank's and residents that there are parking issues on Veterans Plaza and agrees with Councilman Morrell that there should only be tables and no platforms. Councilwoman Stewart stated that she has not heard any complaints about outdoor dining. Councilwoman Aponte stated that she never saw people utilizing outdoor dining at Da Mimmos. Mayor LaBruno and Councilwoman Stewart disagreed with Councilwoman Aponte. Attorney Geist stated that if there was a consensus among the Council, a resolution could be put on for the next meeting. Councilman Kelly suggested to reach out to the restaurants along Veterans Plaza and La Taberna to hear their concerns and whether they would be able to put tables on the sidewalk without losing parking spaces and for people to be able to utilize the sidewalks. Mayor LaBruno stated that what is available for one restaurant should be available for all restaurants. Councilman Harvilla stated that as with the accommodation made for Covid and overnight parking, so was an accommodation made for outdoor dining. He also stated that there are a lot of local business that are still struggling to make up the revenue lost during Covid and anything that can be done to help them, should be done. Next steps were discussed. Councilman Stewart suggested to distribute the resolution in effect so the Council could look at it. She would also call around to the local restaurants and gauge interest in outdoor dining. Councilman Morrell would also reach out to restaurants. Administrator Tully will distribute the resolution.

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

#23-117 – Approval of Knights of Columbus “Shake the Can” *

#23-118 – Authorization of Signatory for Certification of Resolutions *

#23-119 – 2022 Budget Account Transfers *

#23-120 – Endorsement of CDBG Project – Vantage Health Park Avenue Second Floor Renovation *

#23-121 – Approval of Donation of Memorial Bench *

#23-122 – Authorization of Grant for Memorial Park Phase III - *Removed*

Councilman Kelly requested to **Remove Resolution #23-122** – Authorization of Grant for Memorial Park Phase III from the Consent Agenda

Public Comment - Consent Agenda Only

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

Second: Councilwoman Stewart; All in favor.

1. Maryanne Russini, Roosevelt Avenue, requested an explanation as to the nature of Phase III in Resolution 23-121. Borough Administrator Tully explained that Phase III is for a water feature and other general improvements to Memorial Park. Mr. Tully explained that the resolution is only to accept the award. After acceptance, the future of the project can be discussed. Money can also be used for another park. It was also confirmed that the grant is a matching grant.
2. John Sansone, Beacon Street, wanted to clarify what the amount that was to be spent on the splash pad. Administrator Tully stated that he would have to look at the application but the grant award is for \$87,000. Mr. Sansone asked what was used last year for a water feature. Councilman Stewart answered that the DPW rigged a device. Mr. Sansone suggested that a less costly alternative be found.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Aponte; All in favor.

Councilwoman Stewart explained, regarding Resolution 23-121, that a blue stone bench was being donated by the Women’s Club of Dumont in honor of Barbara Affunti. The bench will be placed in front of Borough Hall.

Motion to adopt the Consent Agenda: Councilwoman Stewart

Second: Councilwoman Aponte

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

Non-Consent Agenda Items

Council Comments – Resolution #23-122

Councilman Kelly stated the reason for pulling the resolution is to reel in spending. He stated that financial advisors have advised to scale back bonding and to do only whatever is necessary and essential. It was clarified that accepting the award does not bind the Borough to spend any money.

Councilman Morrell stated that the Borough does not have enough money to keep bonding everything. He expressed concern about fixing the bathrooms in Memorial Park, only to have them continuously vandalized. He believes the money from Phase II is enough to fix the problems that need to be fixed.

Mayor LaBruno stated that he is concerned that if the Borough starts declining grants, the state may stop awarding Dumont grants. Councilwoman Stewart agreed. Borough Administrator Tully clarified that there is no capital ordinance attributed to the \$96,000 Phase II award yet.

Councilman Harvilla suggested that perhaps insurance coverage is available for broken sinks. He believes that if the Council votes to turn down the award, the Borough is limiting themselves in the future to make needed improvements.

Motion to Adopt Resolution #23-122 – Authorization of Grant for Memorial Park Phase III:
Councilman Harvilla
Second: Councilwoman Aponte
Roll call vote: Council members: Aponte, Harvilla, Kelly, Stewart – yes;
Morrell, Russell - No

ORDINANCES

1st Reading

#1619 – An Ordinance to Amend, Revise and Supplement Ordinance No. 1593 and its Progenies as to the Establishment of Certain Compensation Ranges and Related Items for Certain Officers and Employees – 2023-2024 Salary Ranges Municipal Court Administrator

Motion to **WAIVE** Formal Reading: Councilman Russell

Second: Councilwoman Stewart

All in favor.

Attorney Geist and Councilman Kelly gave a brief overview of the ordinance. Councilman Kelly stated that the ordinance will cost the Borough less going forward by eliminating overtime payout in the approximate amount of \$10,000. Councilwoman Stewart added that the ordinance would make the position of court administrator a department head.

Motion to **PASS** on 1st Reading: Councilwoman Stewart

Second: Councilman Morrell

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

Public Comment - General Comments

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

Second: Councilman Kelly

All in favor.

1. Avinash Melkote, Brookfield Road, updated the Council regarding surrounding towns' status on a quiet zone for railway crossing. Mr. Melkote requested the issuance of an RFQ for firms to bid on a diagnostic study to understand the scope and cost of a quiet zone. Councilman Harvilla stated that he is still reading through the information that Mr. Melkote sent to him. Councilman Harvilla also stated that he has significant concerns for public safety, particularly because Dumont is one of the few municipalities that has a high school that is contiguous to the railroad track. Councilman Kelly is concerned about the present condition of safety features at the town's railroad crossing and thinks it would be useful to see information regarding cost of additional safety features on the tracks and would rather see the quieter horns than quiet zones.
2. Bill Linder, Blanche Court, spoke about the cracks developing on the basketball court and the use of grant monies to fix problems. He also spoke about the town not receiving any monies from the swim club and his concern about the insurance they have. Attorney Geist stated that he will get the swim club issue on a closed session meeting in the near future.
3. Maryanne Russini, Roosevelt Avenue, followed up on shipment costs for the eggs for the Easter egg hunt. She also requested a follow up to Ms. Normoyle's question about Chris Snell settlement. Attorney Geist stated that the settlement payment was \$43,336.24. This was the final payment and there are no other Borough obligations regarding this matter. Ms. Russini questioned Councilman Harvilla about a comment he made

pertaining to compared salaries to other towns and asked him what other towns he was referring to. She would like to know what towns Dumont would be compared to.

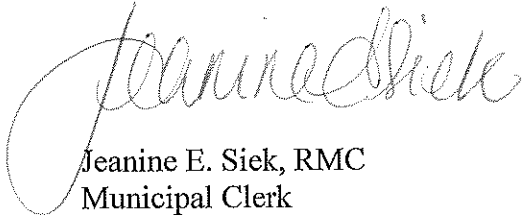
4. Lynne Vietri, Wilkens Drive, commented regarding time limits for the public when there are a lot of people, the quiet zone for train issue, the issue regarding payment for fixing problems with Borough Hall when it is a new building. Ms. Vietri also commented the swim club provides a valuable service and jobs, and also that insurance costs could go down without dropping coverage.

Motion to close to the public: Councilwoman Stewart
Second: Councilman Morrell; All in favor.

Motion to Adjourn: Councilman Harvilla
Second: Councilwoman Stewart
All in favor.

The meeting ended at 9:29 p.m.

Respectfully submitted,



Jeanine E. Siek, RMC
Municipal Clerk