

**BOROUGH OF DUMONT  
BERGEN COUNTY, N.J.  
EXECUTIVE MEETING MINUTES  
DUMONT MUNICIPAL COMPLEX  
SEPTEMBER 19, 2023**

Meeting to Authorize Closed Session at 6:00 PM

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

- Potential Litigation - Municipal Complex
- Contractual Matters - Asplint Parking Lot Lease
- Pending Litigation - Building Department Lawsuit
- Contractual Matters - Swim Club Lease

Council President Russell called the meeting to order at 7:15 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, Kelly, Morrell, Russell, Stewart - Present

Councilman Harvilla and Mayor Andrew LaBruno - Absent

Motion to accept the agenda as presented: Councilwoman Stewart

Second: Councilman Morrell; All in favor.

**WORK SESSION**

**Gina's Field Splash Pad** – Councilman Kelly gave background on the status of the splash pad. The splash pad is currently not in working condition. There was a broken pipe and leak that resulted in water spraying into the control box. The Borough has been working to remedy the situation. The Borough believes the repairs should be covered by warranty. There was also an issue in the spring due to missing parts from the winterization of the pad. The parts were replaced and about half the cost was covered by a claim with our insurance company. The loss was about \$5,300. The water feature opened but it was noticed that the water volume was not as it was the previous year. A problem was found and corrected, and the water pressure was resolved. The water feature worked until the pipe broke. The Borough's intention is to get the water feature fixed and ready for use by next season.

Regarding questions about the water bills. There was a prior broken pipe, before the water feature was open to the public, that resulted in excess water usage that the Borough was not responsible for. The payment of the bill was held up while matter was settled. A credit was ultimately issued. Once the water feature was open to the public, the majority of the water usage occurred. The splash pad does not re-circulate water. Councilman Kelly broke down the water usage for the different months the water feature was open. He stated it is important to know the cost of the water to use the water feature was not factored into the budget. The Councilman also stated he does not believe it was well-understood, when the feature was chosen, the manner in

which the water was used and eventually drained into the sewer system. The Borough will be paying for the water usage from the splash pad and will also pay for the sewage treatment. The usage of the splash pad will have to be built into future budget. Limiting the hours that the feature is used could potentially lower some of the costs associated with it. Councilman Morrell noted that there have been discussions regarding limiting the hours of use, and he noted he has observed, many times, the water feature being used by non-residents.

**OPRA Special Service Charge Discussion** – Municipal Clerk Siek stated there has been prior discussion regarding legal bills pertaining to OPRA requests. Ms. Siek stated the Borough often gets OPRA's that need to be run by OPRA Counsel and/or given to the Borough professionals to get documents. She also stated OPRA's take a lot of Borough Hall staff time to respond to, including time spent searching through e-mails and documents. The law allows a special service charge to requestors and Ms. Siek has been discussing the matter with the Borough Attorney to come up with a way to implement the special charge. Attorney Geist recommended the plan be universally imposed for OPRA's over a certain dollar threshold. Mr. Geist also would like to see the OPRA Counsel bills to be submitted timely to get more accurate picture of the amount charged. Mr. Geist stated surcharges are definitely lawful to use and he will research whether implementing a special service charge should be done via ordinance or 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. 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**

- #23-263 – Authorization to Advertise for Bids - Transportation/Disposal/Recycling of Leaves\*
- #23-264 – Authorization to Participate in LESO Program \*
- #23-265 – Approval of Joint Insurance Fund Commissioner and Alternates \*
- #23-266 – Endorsement of CDBG Roof Replacement Project for Vantage Health System, Inc. – 2 Park Avenue \*
- #23-267 – Endorsement of CDBG Roof Replacement Project for Vantage Health System, Inc. – 55 W. Quackenbush Avenue \*
- #23-268 – Authorization of DPW Superintendent Contract for Anthony Schiraldi \*
- #23-269 – Authorization to Advertise for Bids-2022 CDBG Dulles Drive Improvement Project \*
- #23-270 – Authorization to Advertise for Bids - 2023 Road Resurfacing Program \*
- #23-271 – Authorization to Advertise for Bids – BCOS Veterans Memorial Park Phase II and Berkley Park Improvements \*
- #23-272 – Approval of Knights of Columbus Casino Night Raffle License Application \*
- #23-273 – Recognizing the Month of September as Hunger Action Month \*
- #23-274 – Certification of 2022 Audit \*
- #23-275 – Authorization to Enter into CDBG Grant Agreement for Senior Center Improvement Project \*

hours for less than an hour. Councilman Kelly confirmed the property is not on the inventory of Green Acre protected properties.

Motion to close to the public: Councilwoman Stewart

Second: Councilman Morrell; All in favor.

**Motion to Adopt Resolution #23-276** – Authorization to Enter into Lease Agreement with Dwain Asplint for Brook Street Parking Lot Spaces: Councilwoman Stewart

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

## **ORDINANCES**

### ***2<sup>nd</sup> Reading***

**#1625** – Ordinance Amending Chapter 75 of the Dumont Borough Code – Police Department

Motion to waive formal reading: Councilman Morrell

Second: Councilman Kelly; All in favor.

Motion to open to the public: Councilman Morrell

Second: Councilwoman Stewart; All in favor

1. Maryanne Russini, asked for a quick overview of the ordinance. Attorney Geist gave quick summary.

Motion to close to the public: Councilman Morrell

Second: Councilwoman Aponte; All in favor.

Motion to Adopt on 2<sup>nd</sup> reading: Councilman Morrell

Second: Councilwoman Stewart

Council members Aponte, Kelly, Morrell, Russell, Stewart – yes; Harvilla – absent

**#1626** – Ordinance Amending Chapter 182-2, Subsection C-3 of the Dumont Borough Code – Elevator, Electrical and Mechanical Subcode Fees

Motion to waive formal reading: Councilwoman Stewart

Second: Councilwoman Aponte; All in favor.

Attorney Geist gave a brief summary of the ordinance.

Motion to open to the public: Councilman Morrell

Second: Councilman Kelly; all in favor.

No one from the public wished to be heard.

Motion to close to the public: Councilwoman Stewart

Second: Councilman Morrell; All in favor.

Motion to Adopt on 2<sup>nd</sup> reading: Councilman Kelly

Second: Councilman Morrell

Council members Aponte, Kelly, Morrell, Russell, Stewart - yes; Harvilla – absent

**#1627** – Ordinance Amending Chapter 21-5 of the Dumont Borough Code – Parking Prohibited

Motion to waive formal reading: Councilman Kelly Second: Councilman Morrell; All in favor.

Attorney Geist gave brief summary of the ordinance.

Motion to open to the public: Councilwoman Stewart

Second: Councilman Kelly; All in favor.

1. Mike Francavilla, requested a more detailed summary of the ordinance. Attorney Geist elaborated on the ordinance and noted the language of the ordinance was cleaned up but there was no change in the intent.
2. Michael Sullivan, confirmed this ordinance does not have anything to do with overnight parking.
3. Maryanne Russini, asked if residents who park on the street need to be residents of those streets. Attorney Geist replied no. Chief Joyce clarified that the ordinance does not change anything that already exists. It just separates overnight parking in one section and street cleaning in another.
4. Avinash Melkote, expressed concern that residents with houses do not park in their driveways but on the street that interferes with street cleaning and asked if that can be addressed. Councilman Kelly would be concerned about the cost of signage and enforcement.

Motion to close to the public: Councilman Morrell

Second: Councilman Kelly; All in favor.

Motion to Adopt on 2<sup>nd</sup> reading: Councilwoman Stewart

Second: Councilwoman Aponte

Council members Aponte, Kelly, Morrell, Russell, Stewart – yes; Harvilla – absent

#### **Public Comments – General Comments**

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

Second: Councilman Morrell; All in favor.

1. Joan Strubel, thanked the Council for the handicap button on the front door. She confirmed that overnight ticketing will be on a daily basis.
2. Mike Francavilla, spoke about parking overnight during the winter. He expressed concern about families who do not have room in their driveways to accommodate the number of cars they have. Mr. Francavilla suggested alternate side of the street parking. Councilwoman Aponte stated there are streets in the Borough where there is no room for parking on one side of the street. Councilman Morrell noted there are municipal lots and enough notice was given so residents had the opportunity to widen their driveways. Councilman Kelly made the correction that municipal lots do not allow overnight parking. He stated overnight parking in a municipal lot could be a later discussion. Councilwoman Aponte also noted there will be future discussion on how to accommodate the hardships on residents from lack of parking.
3. Michael Sullivan, stated he is an advocate for the prohibition of overnight parking for safety reasons.
4. Maryanne Russini, requested information regarding the Building Department lawsuit. Attorney Geist replied there is a court ordered settlement conference on October 24<sup>th</sup> and trial date set for January 2, 2024. Ms. Russini also spoke about the splash pad and converting it into something that saves money on water; the paving of streets and what streets are in the Riverside Coop paving program; the length of Dumont Day with weather delays; the status of an organization chart; and how much the Borough owes in bond money.
5. Bruce DeLyon, clarified that the Annual Debt Statement is posted on the website. He is happy that the Borough will be seeing some money on the Asplint lease. Dr. DeLyon

asked how many recommendations were on the Audit Report. Councilman Kelly replied that there were 12 recommendations on the Report.

6. Avinash Melkote, spoke about alternate side of the street parking and how some streets in Dumont are wider than others and perhaps considering this arrangement on the wider roads. Councilman Kelly noted there has been ongoing discussion regarding alternate side of the street parking and how there are challenges to that solution. Mr. Melkote also spoke about his previous request to consider a study on establishing a quiet zone in Dumont. Mr. Melkote made another request for the study to be done.

Motion to close to the public: Councilman Morrell

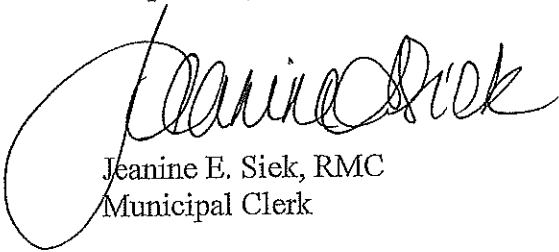
Second: Councilwoman Aponte; All in favor.

Motion to Adjourn: Councilman Morrell

Second: Councilwoman Stewart; All in favor.

The meeting ended at 8:48 p.m.

Respectfully submitted,



Jeanine E. Siek, RMC  
Municipal Clerk

