

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
AUGUST 16, 2022
6:30 PM**

Council President Rossillo called the meeting to order at 6:35 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: Absent

Motion to accept the agenda as presented: Councilwoman Stewart
Second: Councilman Gorman
All in favor.

Council President Rossillo presented a Proclamation Honoring Eagle Scout Donald Wagner III

COUNCIL COMMITTEE REPORTS

Councilman Gorman

- *Police*

There were 2,075 calls for service, 118 medical calls and 29 fire calls. There were 144 traffic summonses issued, 35 motor vehicle accident investigations; 25 burglar alarms responded to; 2 warrants served; 2 street lights and 2 decorative lights non-functioning. There were daily visits for the Summer Recreation Camp, including demonstrations by the Bergen County Regional SWAT team. The Department participated in Operation Chill with 7-Eleven where officers handed out free Slurpee coupons to youth in the Borough for observed good behavior and safety. Bicycle helmets were distributed to riders that did not have any. The DMV mobile unit will be at Borough Hall on Saturday, August 27th from 10 a.m. to 2 p.m. Information to register is on the Dumont PD Facebook page. The Councilman thanked Chief Joyce and the Department for all of their work with the Junior Police Academy, and also the EMT's and Fire Department.

- *Recreation – No report.*
- *Cultural Affairs, Inclusivity, Diversity & Celebrations*

The Committee held the Rainbow Café Kickball event at TwinBoro Field on Saturday and it was very nice. He thanked the Chair, Cassandra Francavilla for helping organize the event. The next event will be the Hispanic Heritage Month Celebration at the Dumont Elks on September 16th.

Councilman Harvilla

- *Library*

The Dixon Homestead Library is sponsoring a concert by the Koots tomorrow evening at Memorial Park from 6:30 to 8 p.m.

Councilwoman Stewart

The Councilwoman thanked the Borough Administrator for settling LOSAP for the Borough's volunteers.

- *Fire Department*

They had 25 calls for service in the month in June, for a total of 192 man hours. There were 36 calls for service in the month of July, for a total of 156 man hours.

- *Ambulance Corps*

They had a total of 126 calls in the month of July

Councilman Russell

- *Shade Tree Commission*

The Dumont Shade Tree Commission (DSTC) had its monthly meeting last night, August 15th. The Commissioners voted to resume operations, and would like to meet with Borough officials about operational procedures moving forward. He stated the Commissioners are well trained, knowledgeable and passionate about their work. The Councilman thinks the situation was handled terribly. He thought the resolution last month was until the situation was resolved and now there is a revised ordinance. The Commissioners sent a list of changes for the ordinance to be discussed. The DSTC responds to about 400 tree complaints per year, homeowner concerns/questions, 178 tree removal permits in 2021, court depositions, insurance claims, working with PSE&G during utility upgrades and the tree inventory grant project.

Councilwoman Wrightington

- *Board of Health & Stigma Free Committee – No reports.*

Councilwoman Rossillo

- *Board of Education*

The first day of school is the day after Labor Day. The next Board of Education meeting is Thursday, August 25th.

ENGINEER'S REPORT

John Dunlea, Neglia Engineering stated the 2022 Riverside Cooperative Roadway Paving Program is substantially complete. They inspected the roadways and have an ongoing punch list, most notably being some intersections where the paving overlay will be extended to address lips in the pavement. There are outstanding funds in this project, which creates an opportunity to include additional roadways. The concrete work Bedford Road is complete and has commenced along Virginia Avenue. Bedford Road will be paved in time for the Dumont 5K on September 3rd. The milling and paving of Bedford should commence late next week or early the following week, and Virginia Avenue will proceed after that. Councilman Russell asked about the catch basin covers on Grant Avenue. Mr. Dunlea stated he is not the engineer overseeing that project. Mr. Tully stated he will follow up with the engineer in charge of the Grant Avenue project.

ATTORNEY'S REPORT

Marc Leibman stated they are close to taking action with respect CSX.

ADMINISTRATOR'S REPORT

At Gina's Field, the walkway was completed this week. The splash pad and park are open to the public. There is a temporary fence around the walkway area, and the fence should be installed this week. They still have to hydro seed, do maintenance of the actual field, install the flag pole, parking lot paving and striping. Grant Avenue paving was completed, and rumble

strips and striping were done. They are going through punch list items on the project. There are a number of fall events: Dumont Day, Halloween Festival, Senior Luncheon, 9/11 Ceremony, Cultural Affairs is doing a Latin Dance Night, Winterfest and possibly an Octoberfest this fall. Mr. Tully commended summer rec camp, and said Tony Como and his staff did an excellent job.

Peter Van den Kooy, BFJ Planning, discussed two resolutions on the consent agenda pertaining to the affordable housing program 22-212 – Adoption of Combined 2021 and 2022 Annual Affordable Housing Report and 22-213 – Adoption of Rental Unit Operating Manual. Resolution #212 ties back to the Borough's settlement agreement with Fair Share Housing Center, and is a status on all projects in town. The operating manual was already in place, but there have been some amendments, mostly due to changes at the State level. Councilwoman Stewart asked how the Borough stands in terms of housing requirements. Mr. Van den Kooy stated the Borough is in good shape with the settlement agreement with a judgment of compliance and repose which goes through July 1, 2025. They are looking at the rehabilitation program now as one of sub-programs which needs to be implemented before 2025. This program is geared towards single family or duplex homeownership. The resident qualifies based upon low or moderate income, and their unit requires some kind of major building system in need of repair. The 2023 time frame was discussed at the last Affordable Housing Committee meeting. If the Council would like to launch the program, there would be an operating manual, a set of forms and they would seek to get qualified contractors. The affordable housing trust funds would tie back to existing residents and provide a benefit to the community. He stated this would satisfy the obligation towards rehabilitation credits as the Borough has a 12-unit shortfall.

Mr. Tully commended Chief Joyce on holding a successful Junior Police Academy this year.

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

#22-207 – Bills List *

#22-208 – Appointment of CDBG Regional Committee Representatives *

#22-209 – Approval of Block Party on Blanche Court *

#22-210 – Authorization to Advertise for Bids for Seminole Avenue *

#22-211 – Authorizing Submission of 2023 Recreational Opportunities for Individuals with Disabilities Grant Application to the NJ Department of Community Affairs *

#22-212 – Adoption of Combined 2021 and 2022 Annual Affordable Housing Report *

#22-213 – Adoption of Rental Unit Operating Manual *

#22-214 – Authorization of 2021 LOSAP Contributions *

#22-215 – Approval of TwinBoro Field Lights to Remain on Until 10:30PM *

#22-216 – Approval of Delta Dental Insurance Renewal *

#22-217 – Approval of Revision to 2022 Council Committee Assignments *

#22-218 – Endorse Submission of Bergen County CDBG Grant Application for Dulles Drive Improvement Project *

#22-219 – Amend Resolution 22-193 Authorizing the Dumont Joint Land Use Board to Conduct a Preliminary Investigation to Establish a Non-Condensation Redevelopment Area to Include Two Additional Lots *

#22-220 – Approval of DHS Music Boosters Association 50/50 Cash Raffle Application *

#22-221 – Approval of Dumont Volunteer Ambulance Service 50/50 Cash Raffle Application *

#22-222 – Approval to Hire Edward Rynander as DPW Truck Driver/Laborer *

#22-223 – Approval of Block Party on Dixon Avenue and Cooper Avenue *

#22-224 – Approval of Block Party on Merritt Avenue *

#22-225 – Approval to Promote Jodie Delehanty to Payroll and Benefits Clerk *

#22-226 – Approval to Promote Donna Faulborn to Senior Citizens Director *

Councilwoman Stewart stated #208 lists the Borough as a municipality, and asked that street addresses be provided for the two lots added to #219. The Borough Attorney commented they are required to identify properties by block and lot. The street addresses are number 10 and 14.

Motion to pull **Resolution #22-219** – Amend Resolution 22-193 Authorizing the Dumont Joint Land Use Board to Conduct a Preliminary Investigation to Establish a Non-Condensation Redevelopment Area to Include Two Additional Lots for discussion: Councilman Russell
Second: Councilwoman Stewart; All in favor.

Public Comment - Consent Agenda Only

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

All in favor.

1. Tom Kelly, Beacon Street, spoke about the consent agenda process and the discussion of items on the consent agenda. He asked if the properties on the resolution were discussed prior to the meeting.
2. Lynn Vietri, Wilkens Drive, asked if resolution #212 was being filed as a fiscal year and if it was late. She also questioned the bill for the Construction Litigator.
3. Maryann Russini, Roosevelt Avenue, questioned the additional councilperson in resolution #217 and what line item the Picerno Giordano bill was charged to. She understands resolution #219 is to increase ratables and thinks they should rezone the whole town. Ms. Russini discussed the redevelopment at the corner property. She stated none of the PILOT money goes to the school district.

The Borough Attorney stated that no one on this Governing Body voted on that PILOT. It is a contract between the developer and the Borough and cannot be changed.

4. John Sansone, Beacon Street, asked questions about items on the bills list, and if the Benefits Clerk and Senior Citizens Director are new positions.
5. Mary Normoyle, Randolph Avenue, questioned the lots on resolution #219 and commented on payments made to JCT Solutions, the engineers and the risk manager.
6. Bruce DeLyon, Beacon Street, asked if the Borough has job descriptions for these positions and the cost of the dental insurance.
7. Rachel Bunin, Poplar Street, hopes there was a lesson learned from past mistakes made with development.

Motion to close to the public: Councilwoman Stewart

Second: Councilman Gorman; All in favor.

Mr. Van den Kooy answered questions regarding the affordable housing annual report and stated the Borough is compliant. Mr. Leibman added that keeping up with the many affordable housing compliance requirements protects the Borough from builders' remedy action lawsuits. He stated there is a Borough appointed liaison who is taking the necessary training courses and affordable housing procedures in place when people contact Borough. Mr. Van den Kooy said the Fair Share Plan has been implemented, ordinances have been adopted, the rehabilitation process is on the right track and the manual is being kept up to date. The report is based on the signing date of the settlement agreement, not fiscal or calendar year.

The CFO stated their common practice at the recommendation of the auditor is to create a blanket purchase order to encumber funds in an account. He reviewed the charges mentioned by the resident, and every account was properly charged. Mr. Abbasi said the descriptions sometimes do not line up because there is only so much you can fit on the line.

The Borough Administrator answered questions regarding the temporary staffing agency stating it was budgeted for this year. The dental renewal was for one year at the recommendation of our Risk Manager at no additional cost.

Motion to adopt the Consent Agenda: Councilwoman Stewart
Second: Councilman Wrightington; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Russell, Stewart, Wrightington – yes

Council President Rossillo asked if the Council had anything they would like to discuss regarding Resolution #22-219. Councilman Russell stated he would like a roll call vote. Councilman Harvilla said he reviews all resolutions prior to the meetings. The block and lot numbers are what is necessary for the legal documents since that is what the tax rolls are based on. He did know the two new addresses, 10 West Madison, owned by 10 West Madison Associates and 14 West Madison, owned by 14 Madison Associates. The Councilman stated he appreciates the questions and it is very important for engagement.

Councilwoman Wrightington explained this is to allow an investigation and do a study on the area. The developers are looking into what they can and cannot do. It is to keep the Governing Body and the boards informed because they did learn from what happened at DeAngelo's. This is the first step to get information and input from the constituents, and to work together. They are the owners of the properties, and are entitled to find out what they can do.

Councilman Harvilla added the Borough is beginning to redo and reassess the Master Plan. The responsible thing to do is try to encompass and review every aspect. When a property owner in the downtown area requests an exploration of a redevelopment zone, expanding it to include the entirety of the downtown area when that developer is paying for a portion of the project makes good fiscal sense. It allows the Borough to get an idea on a broader level what is possible within that entire area. This is exploratory, and nothing will be done until the process and report is completed, reviewed and presented to the public.

Mr. Leibman stated this is quite different than what happened with D'Angelo Farms. There was litigation and fair share housing was involved with D'Angelo's. Englewood Cliffs did

not settle their case and ended up with judgments against the taxpayers for hundreds of thousands of dollars in litigation expenses to pay the builders' lawyers. That municipality will now be burdened with over 100 affordable housing units and 400-500 units of market rate housing because they fought their obligation to create affordable housing. Mr. Leibman stated he would never second guess any Mayor or Council member who settled this case for the Borough. The Borough now has an opportunity for a developer to pay its professional to do its research. The last time the Borough did a comprehensive Master Plan was around 1981, and it states that due to fiscal constraints the Planning Board prepared the document themselves. It has been reexamined and updated periodically to meet all the Borough's obligations, but there has not been a beginning to end, full reexamination of the Master Plan in about forty years. It will cost money, but it must be done.

Motion to adopt **Resolution 22-219** – Amend Resolution 22-193 Authorizing the Dumont Joint Land Use Board to Conduct a Preliminary Investigation to Establish a Non-Condensation Redevelopment Area to Include Two Additional Lots for discussion: Councilman Gorman
Second: Councilman Harvilla; Roll call vote: Council members: Gorman, Harvilla, Rossillo, Stewart, Wrightington – yes; Russell - no

ORDINANCES

2nd 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 Stewart

Second: Councilman Harvilla

All in favor.

Motion to open to the public: Councilwoman Stewart

Second: Councilman Russell

All in favor.

1. Bruce DeLyon, Beacon Street, asked the average impact to tax bills and what was included in the ordinance. He compared debt among 42 other municipalities, and asked what the debt limit is.

Motion to close to the public: Councilman Gorman

Second: Councilwoman Stewart

All in favor.

Motion to adopt on 2nd reading: Councilwoman Stewart

Second: Councilwoman Wrightington

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

2nd Reading

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

Motion to waive Formal Reading: Councilwoman Stewart

Second: Councilman Russell

All in favor.

Councilwoman Stewart asked if this represents a change by closing all retail establishments at midnight, such restaurants and bars? Mr. Leibman stated it shall not include businesses that have a valid liquor licenses or businesses that are making deliveries, but all other retail businesses shall be closed to the public between 12 a.m. and 5 a.m. A section was also added to stop contractors from working very early in the morning. He said there were previously no limitations to stop any type of establishment from operating 24-hours a day.

Motion to open to the public: Councilman Russell

Second: Councilman Gorman

All in favor.

1. Maryann Russini, Roosevelt Avenue, commented on landscaper hours ending at 7 p.m.

She clarified that this would not apply to a homeowner.

Motion to close to the public: Councilwoman Stewart

Second: Councilwoman Wrightington

All in favor.

Motion to adopt on 2nd reading: Councilwoman Stewart

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

1st Reading

#1610 Ordinance Amending Chapter 283 - Care and Control

Motion to waive Formal Reading: Councilwoman Stewart

Second: Councilman Russell

All in favor.

Mr. Leibman provided some background that this revision came from comments from the Recreation Commission making field space available to other groups not governed by them, including groups from outside of Dumont. When it comes to Green Acres funding, you have to make that space available to everybody. The Borough can charge fees and there is required signage. This ordinance accounts for all of this.

Motion to pass on 1st Reading: Councilwoman Stewart

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

1st Reading

#1611 Ordinance Amending Chapter 344 of Borough Code – Shade Trees

Mr. Leibman said the ordinance has been revised for the Governing Body's consideration before receiving comments late today from the DSTC. They had a meeting last night and voted to resume operations. Councilwoman Stewart feels it is premature to introduce the ordinance without looking at the DSTC's comments from last night's meeting. Mr. Leibman proceeded to review the revisions to Chapter 344 by each section in detail. He stated the Governing Body can vote to table, or move forward. The comments received today can be incorporated between first and second reading as long as they are not substantive. If they are substantive changes, then the ordinance would have to be reintroduced.

The Borough Administrator explained that the intention of the ordinance is to clarify the process and bring that authority to the Borough. He stated the Borough appreciates everything the DSTC does: Arbor Day, plantings, maintaining the Arboretum and the nursery, education, all incredible things. Mr. Tully is thankful the DSTC voted last night to resume operations. The Borough has

an Arborist with over ten years' experience in both private and public sector. Since the resolution was adopted last month, the process has been going very well, but this does need to be approved via ordinance. The Borough wants the DSTC to continue the great work they do, but the process, especially the liability issues, needs to be handled by the working professionals of the Borough. The current ordinance requires individuals to appeal decisions in front of the Mayor and Council, and speak of their situation on camera and the time it takes is not right. This needs to be improved. However, the updated ordinance will give the Borough the authority to maintain trees within the right of way, especially with regards to issues with sidewalks. He stated even if a portion of the tree is in the Borough right of way, the Borough will perform the work. The Building Department, DPW and Arborist all reviewed and agreed with the changes made. The Governing Body shall decide how to proceed; to vote to introduce tonight or make a motion to table.

Councilman Gorman and Councilwoman Stewart discussed the decision-making process in the ordinance and who was responsible for that process. The Councilwoman said her instinct is to table the ordinance for further review. She is not opposed to it but would like to get input from the DSTC. Councilman Gorman stated he was the DSTC liaison for two years and would like the DSTC input on the issue as well. Councilman Harvilla hopes for increased communication, and has questions about the DSTC email response to the ordinance changes. Councilwoman Wrightington stated she would also like to hear from the DSTC. Council President Rossillo asked if the suggested changes provided from the DSTC were the only requested changes.

The Borough Attorney stated writing this ordinance was a process which took many hours, discussing it one on one with Council members, to get everyone's input into the document they have. Mr. Leibman suggested that he meet with members of the DSTC to discuss their comments and concerns.

Councilman Harvilla stated the DSTC should have time to review the ordinance and provide their recommendations. He is in favor of pulling the ordinance.

Motion to TABLE #1611 Ordinance Amending Chapter 344 of Borough Code – Shade Trees:
Councilwoman Stewart; Second: Councilman Harvilla

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

Mr. Leibman further stated that he will hold a meeting with a representative of the DSTC and Councilman Russell, the liaison to the DSTC to go over the proposed changes and craft something that meets everyone's needs.

Public Comment - General Comments

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

Second: Councilwoman Stewart

All in favor.

1. Tanya Zimmerman, Elm Street, discussed the numerous DSTC programs, the mission of the DSTC, and the education they provide on the importance of trees. She explained how proposed recommendations for the ordinance relate to their mission. Ms. Zimmerman asked how volunteer positions are filled, the status of the tree inventory project and the official Borough website.
2. Bruce DeLyon, Beacon Street, questioned an OPRA request he submitted and the cost to review it. He discussed the redevelopment areas, and the Council's input in the process.
3. Rachel Bunin, Poplar Street, feels encouraged and thanked Councilman Russell for his support on behalf of the DSTC. The DSTC will work together with the Borough on the

ordinance. She discussed the importance of services provided by the DSTC and CORE training. Ms. Bunin stated they communicate via the website and social media.

4. Tara Barker, Blanche Court, thanked the Council for approving her block party. She is hopeful that the ordinance was tabled and the positiveness heard from the Council tonight. She asked about the process for ordinance changes and volunteer appointments, as well as the Borough website. Ms. Barker discussed the importance of CORE training. The Borough Administrator clarified there is only one website for the Borough of Dumont. It is dumontnj.gov, as it has always been. The other version is a beta version for our new website which is not complete.

5. Sally Tayeb, Walsh Drive, explained a tree situation from 2005 when DPW was the primary responder for all tree issues. She felt it was a conflict of interest to send the tree guy out to determine should he have to do some work. It was then that the DSTC and ordinance was formed to manage trees. The DSTC removed 400-500 trees per year, but also planted 1,000 trees over 16 years. She hopes the Borough takes the recommendation of avoiding the conflict of interest where the person doing the work is not the person who does the determination of what work to do. Ms. Tayeb also stressed CORE training.
6. Lynn Vietri, Wilkens Drive, commented on the Affordable Housing reports, and said she thought a Master Plan was done between 2013-2019 while DeAngelo's was being built. She said there should be a conversation with the schools about new properties that may have PILOTs. She commented on the increase in the enrollment at the schools and the ordinance affecting landscapers' hours.
7. Michael Sullivan, Andover Avenue, stated ordinances should be rewritten in a work session, and commended the number of streets that were paved in town.
8. John Sansone, Beacon Street, asked if the positions of the promoted employees will be filled. He commented on blocks and streets of the areas that are being re-examined.
9. Mary Normoyle, Randolph Avenue, asked about Rec closing for hot weather and the water source for the splash pad. She commented on the Mayor's donations from the professionals.
10. Maryann Russini, Roosevelt Avenue, discussed a situation regarding a summons issued to a resident by the DSTC for cutting down trees based on information received via an OPRA request.

The Borough Attorney responded the case was handled in Central Municipal Court by a Prosecutor appointed by the County Executive and a Judge who has no contact in Dumont. His understanding is the person who received the summons is a town volunteer. There is more to it than what you will see in the OPRA. There was a plea agreement, which was placed on record and approved by a Judge, and a fine was imposed. One of the changes being discussed in the ordinance is to clarify the procedures on how violations like this are enforced.

Ms. Russini mentioned the roll call vote to ask for discussion. She also stated the splash pad at Gina's Field was very nicely done, and there have been a lot of kids there.

Motion to close to the public: Councilman Gorman

Second: Councilwoman Wrightington

All in favor.

Councilman Harvilla commented that it would be irresponsible to weigh in on the Mayor's donations because he is not a campaign finance attorney, but he doubts anything he has done

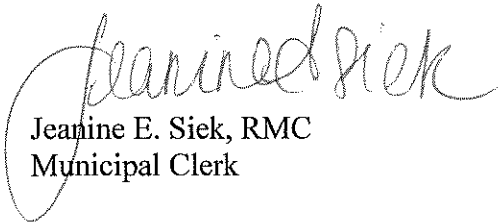
broke any laws. In the extent version of the DSTC ordinance, the only individual requiring CORE training is the Code Enforcement Officer. He said if CORE training is mandated by law or key to the performance of the DSTC, then it should be added to the ordinance. Mr. Leibman stated the training has to do with pesticides, and he agreed to meet with two DSTC members, as well as Councilman Russell to go through the ordinance.

The Borough Administrator stated the Gina's Field splash pad just opened this past weekend and was not used for summer recreation. They had a temporary structure at Memorial Park so camp could remain open when it was over 90 degrees. Regarding the shade tree ordinance, he reminded the Council there are residents who are suffering and have sidewalk issues that need to be addressed. He hopes the decision on tree removals and working with residents moves forward in a quick manner. It needs to be addressed by ordinance. The process for commission appointments is the Mayor's appointment. For the tree inventory grant, he spoke to the State and the volunteer hours can be captured from volunteers and employees. Mr. Tully further stated that to call it a conflict of interest for Borough employees to do their job shows disrespect for Borough employees who work very hard on behalf of the residents of the Borough of Dumont every single day, and he does not feel it was a fair comment.

Motion to adjourn: Councilwoman Stewart
Second: Councilwoman Wrightington
All in favor.

The meeting adjourned at 9:27 PM.

Minutes respectfully submitted by:



Jeanine E. Siek, RMC
Municipal Clerk