

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE MEETING MINUTES
DECEMBER 22, 2021
6:30 PM**

Council President Stewart called the meeting to order.

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 date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings are posted at Borough Hall, was sent to ***The Record*** and the ***Ridgewood News***, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members: Chae, Harvilla, Rossillo, Stewart – present
Englese, Gorman - absent
Mayor Andrew LaBruno – absent

Also present: Borough Administrator Chris Tully, Borough Clerk Jeanine Siek, Borough Attorney Marc Leibman, CFO Issa Abbasi

Motion to Accept the Agenda as presented: Councilwoman Rossillo
Second: Councilman Chae
All in favor.

Borough Administrator Tully announced that we are going to move through the agenda and go straight to the Consent Agenda.

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

- #21-270** – 2021 Salary Resolution * (*previously tabled*)
- #21-275** – Bills List *
- #21-276** – Approval of Towing Company List *
- #21-277** – Authorization of Cresskill 9-1-1 Shared Services Agreement 2022-2024 *
- #21-278** – Approval to Hire Dispatcher Mullins (revised) *
- #21-279** – Approval to Hire Crossing Guard – Ronald Villone (revised) *
- #21-280** – Authorization of Approval of PBA Contract *
- #21-281** – Ratify Registration in OMNIA Partners National Cooperative *
- #21-282** – Promotion of Brian Joyce to Dumont Chief of Police *
- #21-283** – Authorization of Employment Contract – Police Chief Joyce *
- #21-284** – Authorize 2021 Budget Transfers (revised) *

- #21-285 – Authorization of 2022 Bergen County Health Shared Services Agreement *
- #21-286 – Authorization of Final Payment Agreement with RSC Architects *
- #21-287 – Authorization of Emergency Contract with J. Fletcher Creamer & Sons for Sewer Work *
- #21-288 – Authorization of Emergency Contract with National Water Main for Sewer Work *
- #21-289 – Authorization to Enter into Grant Agreement with NJDEP for Tree Inventory Project *
- #21-290 – Appoint Irene Kim Asbury as Special Counsel for National Opioid Settlement *
- #21-291 – Authorization to Sign Agreements for National Opioid Settlement *
- #21-292 – Approval of Cancellation of December 28, 2021 Mayor & Council Meeting *
- #21-293 – Authorization of Execution of Contract – Borough Administrator Peter Christopher Tully *
- #21-294 – Approval of Change Order Number 1 for Goosetown Communications (revised) *
- #21-295 – Approval of Promotions with the Dumont Police Department *
- #21-296 – Authorization to Hire Dumont Police Officers *

Construction Litigation Attorney, Gerry Onorata called into the meeting to discuss Resolution #21-286–Authorization of Final Payment Agreement with RSC Architects. Over the past year, the Borough has been discussing the outstanding contract balance with RSC. Both parties have recently agreed upon a number of \$257,500, which is substantially less than what they were looking for. They agreed to waive all claims against the Borough for any additional compensation and anything arising out of the project with their own work and its consultants. RSC executed an unconditional lien waiver and final release, giving up all rights against Borough for additional compensation once paid the \$257,500. As part of the release, they agreed to indemnify and hold the Borough harmless, if something should arise in future, as an added layer of protection in the close out documents.

Council President Stewart congratulated Chief Brian Joyce. He was installed Saturday morning into his new office. She is excited to have him on board, and believes he will be an excellent Chief. She is relieved negotiations and a contract were completed for the new Chief. The Council President thanked Chief Joyce for his cooperation getting this done. Also, regarding the Police promotions and new hires, the Police Commissioner, the Mayor, the Chief and Police Committee reviewed the candidates and we have a fine rise in the ranks for many of our officers. She congratulated them all and announced they will be installed on January 2nd. The Council President also stated that she prays for the health and safety of everyone who is ill and effected by Covid.

Public Comment - Consent Agenda Only

Motion to open to the public for Comments on Consent Agenda Only: Councilwoman Rossillo
Second: Councilman Chae

All in favor.

1. John Sansone, Beacon Street, asked about the final bill for RSC and had various questions on Resolution #287-Emergency Contract with J. Fletcher Creamer & Sons for Sewer Work. He also had many questions regarding the bills list.
2. Lynn Vietri, Wilkens Drive, asked why the salary guide was for 2021 and if there be one for 2022? She commended Chief Joyce and the other officer who responded for the

respect and helpfulness they showed at an accident she had. Ms. Vietri asked if the RSC agreement lets them off the hook if anything else comes up with the building. She questioned the Servpro bill.

3. Tom Kelly, Beacon Street, commented on the RSC agreement and believes some items that have come up in this project that have cost the Borough money are issues directly related to an architectural firm. He listed various issues he was aware of and asked if determined to be related to the architects work, if compensation was sought for these errors. He stated the building exceeded the architects original estimate by almost twice what was originally estimated, and the architect should be held accountable. Mr. Kelly also questioned the Goosetown change order expense.
4. Maryann Russini, Roosevelt Avenue, questioned checks to Remington Vernick Engineers and the Borough attorneys. She asked what firm the OPRA attorney is working for. She commented on the RSC payment and the problems with the building.
5. Bruce DeLyon, Beacon Street, commented on the Borough Administrator's agreement and salary increases. He wished the new Police Chief luck and asked how his salary compares to previous Chiefs. On the bills list, he questioned payments to S&P Global ratings and the various attorney payments. Dr. DeLyon reviewed and remarked on the attorney's fees on the budget statements from previous years.

Motion to close to the public: Councilman Chae

Second: Councilwoman Rossillo

All in favor.

Motion to adopt the Consent Agenda: Councilman Chae

Second: Councilwoman Rossillo

Roll call vote: Council members: Chae, Harvilla, Rossillo, Stewart – yes

Englese, Gorman - absent

Public Comment - General Comments

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

Second: Councilwoman Rossillo

All in favor.

1. John Sansone, Beacon Street, asked about the LED lighting that was damaged during the flood and the final amount that is being paid to RSC Architects. It's great to see the projects being done, as long as it's fiscally sound. When will meetings be streamed?
2. Bruce DeLyon, Beacon Street, stated Resolutions #287 & #288 are being paid with bond ordinances that are ancient numbers, and asked why this money isn't returned as tax relief or spent early on or used as surplus. He commented on the annual debt statement, and he saw the Reorg meeting advertised for January 6th. Dr. DeLyon asked about the 2022 meeting schedule and accessibility of public social media pages and websites.
3. Maryann Russini, Roosevelt Avenue, questioned what ServPro did and the total of the complex. Has the Department of Corrections signed off on the Police Department yet and when will handicap doors be done? What firm did the attorneys go to and are billable hours the same? She congratulated Brian Joyce.

4. Lynn Vietri, Wilkens Drive, stated the Reorg meeting is on January 6th, which is the same night as the Board of Education's meeting. She hopes in the future they won't be on the same night in the event residents would like to attend both.
5. Tom Kelly, Beacon Street, asked about payments made to Cummings in 2018 and 2019, and if final payment has been made to them? He believes there were some issues with the project management of the building, and would like to see a full accounting of which professionals were paid what.

Motion to close to the public: Councilman Chae

Second: Councilwoman Rossillo

All in favor.

Borough Administrator Tully reviewed the resident's questions regarding the RSC settlement agreement. Mr. Onorata stated with respect to this settlement agreement, the Borough has not waived any claims against RSC in the event something needs to be addressed in the future. In regards to issues brought up by residents, he cannot state they are all necessarily design issues. All issues we had with RSC were considered when we reached their settlement and it helped facilitate the settlement by reducing the amounts they were alleging was owed them. Although it's not itemized, we did bring certain things to their attention during our discussions with them which helped reduce the settlement amount.

The Borough Administrator then addressed several residents' questions. The final tally with RSC was \$630,000, not including the settlement. He asked the CFO to confirm. The emergency situation with J. Fletcher Creamer could be a potential litigation situation, but the jet nozzle removed was not our DPW's. As for the bonds that paid for the sewers, we can't speak for the bonds that took place in previous years. The CFO went through old bond ordinances and found the money to pay for these sewer issues rather than add it as an emergency resolution for next year's budget. At Twin Boro Field, three loads of field clay were spread today and the back stop should be completed in January, as part of the commitment made by the Borough for Gina's Field to add another field for girls' softball. The change order for Goosetown was a quote for antennas, lines and labor which was not part of the original quote. For Servpro, as per our Borough Auditor, the money had to be taken out of the buildings and grounds budget due to it being remediation work.

Borough Attorney Liebman answered several resident's questions His new law firm is Chiesa, Shahanian and Giantomasi, and it can be found at csglaw.com. Irene Asbury has relocated to Post Polak in Essex County and will serve as the Borough's Opioid settlement counsel, as she is for a number of other municipalities. It is very time sensitive, and the Borough stands to receive about a quarter million dollars to combat drug addiction in the community. Mr. Leibman stated the separate bills from his former law firm was a request from the Council and former Clerk to break out and track legal fees more accurately. There are separate invoices for particular matters, including a separate line item for OPRA requests to track the legal expense of the endless stream of OPRA requests. The Borough sometimes gets exceptionally complicated OPRA requests, asking for police data, including juvenile and domestic violence information, as an example. It's an ever-changing area of law. It's critically important that it's done right because if it's not, then the Borough can be challenged and Clerk is personally liable. Ms. Asbury is the best OPRA

lawyer that he has encountered in his practice. The soil moving fee is from Bergen County and is charged to any municipality who is moving soil. He commented that Mr. Tully negotiated with Suez to make a substantial payment to defray road paving expenses.

CFO Abbasi confirmed that the RSC year to date payment of \$630,000, excluding the settlement agreement, is correct. The salary resolution adopted this evening covers all exempt employees in the Borough for 2021 back to January 1st. This was adopted as part of the 2021 budget. It must be done after the budget is adopted, typically in September. Next year the goal is to adopt it in the third quarter. Regarding bond ordinances, Mr. Abbasi has reviewed and identified several bonds with the Auditors that had excess money left in them from prior sewer improvement repairs. These bond ordinances were loosely written, and it is a benefit to the Borough and taxpayers to be able to pull money which has already been borrowed and is available. They predate this administration. The money cannot be canceled and put into budget surplus. Also, he explained that items paid on the bills list state the word budget next to it. It is what follows, such as “C” for Capital or “1” for 2021 that indicate where it is charged.

Council President Stewart wished everyone a happy holiday and asked everyone to be very careful with the Omicron variant.

Motion to adjourn: Councilman Chae
Second: Councilwoman Rossillo
All in favor.

The meeting adjourned at 7:40 PM.

Minutes respectfully submitted by:

Jeanine E. Siek, RMC
Municipal Clerk