

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 66-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia			X			
Rice			X			
McGuire	X		X			
Timmerman			X			
Gordon		X	X			
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

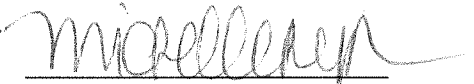
AUTHORIZATION OF EMERGENCY TEMPORARY BUDGET APPROPRIATIONS

WHEREAS, N.J.S. 40A:4-19 provides that where contracts, commitments or payments are to be made prior to final adoption of the 2024 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time provided.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that the following additional temporary appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for her records:

APPROPRIATIONS:	SALARY & WAGES	OTHER EXPENSE
Administration		\$ 30,000.00
Police Department		\$ 41,150.00

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson, February 6, 2024.



 Michelle Ryan
 Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 67-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

**AUTHORIZATION OF SHARED SERVICE AGREEMENT - CERTIFIED
RECYCLING PROFESSIONAL (CRP) TO SIGN THE ANNUAL RECYCLING
TONNAGE REPORT – BERGEN COUNTY UTILITIES AUTHORITY (BCUA)**

WHEREAS, commencing in 2012, municipalities are required by the New Jersey Recycling Enhancement Act (“REA”) P.L. 2008, CHAPTER 6, to have their mandatory Annual Recycling Tonnage Reports approved and signed by a Certified Recycling Professional (“CRP”); and

WHEREAS, the Annual Recycling Tonnage Reports must be submitted via email to the New Jersey Department of Environmental Protection (“NJDEP”) utilizing a spreadsheet provided by the NJDEP on or before April 30th of each year; and

WHEREAS, the Borough of Emerson (“Municipality”), by ordinance, has duly enacted a recycling plan for all recyclable materials, as designated by the Bergen County Solid Waste Management Plan and amendments thereto; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the Bergen County Utilities Authority (“BCUA”) and the Municipality, hereinafter referred to as “The Parties”, to enter into Agreements for the services contemplated herein, without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

WHEREAS, the Parties are desirous of entering into a Shared Service Agreement for the BCUA to provide a Certified Recycling Professional to sign the Borough of Emerson’s Annual Recycling Tonnage Report.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Emerson, County of Bergen, State of New Jersey that the Shared Service Agreement for a Certified Recycling Professional to sign the Annual Recycling Tonnage Report between the Borough of Emerson and the Bergen County Utilities Authority, incorporated herein by reference, be and is hereby approved, subject to review and approval by the Borough Attorney; and

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RESOLUTION**

NO.: 67-24

DATE: 02/06/2024

BE IT FURTHER RESOLVED that Mayor DiPaola is hereby authorized and directed to execute said Shared Service Agreement on behalf of the Borough of Emerson; and

BE IT FURTHER RESOLVED that a copy of same shall be forwarded to the Bergen County Utilities Authority.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson, February 6, 2024.



Michelle Ryan
Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 68-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

**GRANTEE AUTHORIZING RESOLUTION –
2023 BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL PROGRAM –
ACKERMAN PARK: RENOVATIONS OF BASKETBALL COURTS**

BE IT RESOLVED, that the Mayor and Council of the Borough of Emerson wish to enter into Bergen County Trust Fund Project Contract Number 2300356 (“Contract”) with the County of Bergen for the purpose of using a \$60,111.00 matching grant award from the 2023 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled “Ackerman Park: Renovations of Basketball Courts”, located at 9 & 10 Remington Avenue, Block 609, Lot 6 and Block 508, Lot 5 on the tax maps of the Borough of Emerson; and

BE IT FURTHER RESOLVED, that the Governing Body hereby authorizes Mayor Danielle DiPaola to be the signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Governing Body hereby acknowledges that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 13, 2025; and

BE IT FURTHER RESOLVED, that the Governing Body acknowledges that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Governing Body acknowledges that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on February 6, 2024.



Michelle Ryan
Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 69-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

**AUTHORIZE TAX APPEAL SETTLEMENT –
GUTTILLA BUILDING INVESTMENT LLC V. EMERSON BOROUGH**

WHEREAS, Guttilla Building Investment LLC (“Plaintiff”), represented by counsel, appealed the assessment levied on property located at 72 Kinderkamack Road, designated as Block 609, Lot 2 on the Borough of Emerson, New Jersey Tax Map, for the tax years 2021, 2022, and 2023; and

WHEREAS, the Governing Body of the Borough of Emerson (“Defendant”) has been advised of the proposed settlement of the Property Tax Appeals filed on behalf of Guttilla Building Investment LLC (hereinafter the “Tax Appeals”), under Tax Court of New Jersey Docket Numbers 005128-2021 (2021), 003543-2022 (2022), and 001847-2023 (2023); and

WHEREAS, the Governing Body of the Borough of Emerson has been advised as to the merits of the subject Tax Appeals by the Borough’s Tax Appeal Attorney and the Borough Tax Assessor; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeals in accordance with the settlement proposal as recommended by the Borough’s Tax Appeal Attorney and Borough Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Emerson that it hereby authorizes and approves a settlement in Guttilla Building Investment LLC v. Emerson Borough (“The Parties”) for property located at 72 Kinderkamack Road, Emerson, New Jersey, designated as Block 609, Lot 2 on the Borough Tax Map, as follows:

- 2021 Tax Appeal filed under Docket No. 005128-2021 is withdrawn as well as any counterclaim filed; and
- 2022 Tax Appeal filed under Docket No. 003543-2022: The Assessment shall be adjusted as follows:

	<u>Original Assessment</u>	<u>New Assessment</u>
Land:	\$ 458,600.00	\$ 458,600.00
Improvements:	\$ 841,400.00	\$ 741,400.00
Total:	\$1,300,000.00	\$1,200,000.00

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
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3. 2023 Tax Appeal filed under Docket No. 001847-2023: The Assessment shall be adjusted as follows:

	<u>Original Assessment</u>	<u>New Assessment</u>
Land:	\$ 458,600.00	\$ 458,600.00
Improvements:	\$ 841,400.00	\$ 641,400.00
Total:	\$1,300,000.00	\$1,100,000.00

4. The Parties have made examination of the value and property assessment of the properties and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
5. All excess taxes paid shall be refunded to the Plaintiff by way of a credit against future tax payments starting when the first payment due once the judgments become final.
6. The above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

BE IT FURTHER RESOLVED, that with respect to same, the Borough Administrator, Borough Treasurer/CFO, Borough Tax Assessor, Borough Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on February 6, 2024.


Michelle Ryan
Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 70-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

**AUTHORIZING SALE OF SURPLUS PROPERTY THROUGH GOVDEALS.COM
AUCTION- 2007 DODGE DURANGO, 2009 FORD CROWN VICTORIA, 2011 FORD
CROWN VICTORIA, 2013 FORD INTERCEPTOR, & WHELAN LIGHT BAR**

WHEREAS, the Borough of Emerson is the owner of certain surplus property which is no longer needed for public use; and


WHEREAS, N.J.S.A. 40A11-36 authorizes municipalities to offer for sale, public property which is no longer needed for public service; and

WHEREAS, the Governing Body of the Borough of Emerson are desirous of selling said property in 'as is' condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Emerson as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available on line at govdeals.com and also available at the office of the Borough Clerk.
2. The sale will be conducted online and the address of the auction site is govdeals.com
3. The sale is being conducted pursuant to Local Finance Notice 2008-9 & 2008-21R.
4. A list of the surplus property to be sold is attached. See Schedule A.
5. The surplus property as identified shall be sold in as 'as-is' condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Mayor and Council of the Borough of Emerson reserves the right to accept or reject any bid submitted.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on February 6, 2024.



 Michelle Ryan
 Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 70-24

DATE: 02/06/2024

SCHEDULE A:

ITEMS TO BE SOLD AS IS

2007 Dodge Durango

Make	Dodge
Model	Durango SXT 4X4
Year	2007
Engine	4.7 L V8
Plate #	VAZ64P
VIN #	1D8HB38P27F584927
Mileage	

2009 Ford Crown Victoria

Make	Ford
Model	Crown Vic
Year	2009 10/08
Engine	4.5
Plate #	MG85666
VIN #	2FAHP71V09X115896
Mileage	

2011 Ford Crown Victoria

Make	Ford
Model	Crown Vic
Year	2011
Engine	4.6
Plate #	MG91657
VIN #	2FABP7BV9BX109215
Mileage	

2013 Ford Interceptor

Make	Ford
Model	Interceptor
Year	2013
Engine	3.7
Plate #	MG69210
VIN #	1FM5K8AR0DGB28257
Mileage	

Whelen Interceptor Light Bar

Make	Whelen
Model	LFL Liberty Series Model No. SB8DDEE
Year	2012
Length	48"

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 71-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITIES COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Governing Body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Emerson, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson, February 6, 2024.



Michelle Ryan
Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 71-24

DATE: 02/06/2024

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF BERGEN

We, members of the Governing Body of the Borough of Emerson being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Mayor and Council of the Borough of Emerson in the County of Bergen;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)

Jim Mc Guire

(L.S.)

[Signature]

(L.S.)

Daphney Rice

(L.S.)

(L.S.)

[Signature]

(L.S.)

(L.S.)

Quinn Gordon

(L.S.)

(L.S.)

Michele Argenza

(L.S.)

Sworn to and subscribed before me this

7 day of February

Notary Public of New Jersey

Patricia Rusch

[Signature]

Borough Clerk

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the Governing Body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
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NO.: 72-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

AUTHORIZATION OF NOT TO EXCEED LIMITATIONS FOR SETTEMBRINO ARCHITECTS FOR THE PROFESSIONAL DESIGN, BIDDING AND CONSTRUCTION MANAGEMENT OF THE ELEVATOR AND LOBBY ADDITION FOR THE EMERSON FIREHOUSE PROJECT AKA EMERSON FIRE HOUSE ELEVATOR PROJECT

WHEREAS, on November 7, 2023 the Borough Architect, Settembrino Architects submitted an initial proposal for the professional design, bidding and construction management of the Elevator & Lobby Addition for the Elevator and Lobby Addition for the Emerson Firehouse Project aka Emerson Fire House Elevator Project; and

WHEREAS, updates were made to said proposal; and


WHEREAS, the Borough of Emerson is desirous to accept Settembrino Architects' final proposal for the Elevator and Lobby Addition for the Emerson Fire House Project aka Emerson Fire House Elevator Project:

- **Total Cost: \$45,500**
- **Reimbursable Expenses**

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following account: 4-01-20-100-028.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Emerson that not to exceed limitations are hereby approved and established in the amount of \$45,500 plus reimbursable expenses for the architectural firm of Settembrino Architects.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson, February 6, 2024.



 Michelle Ryan
 Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 73-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

**AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES FOR
LOCAL DISTRICT SCHOOL TAXES**

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral amount, and

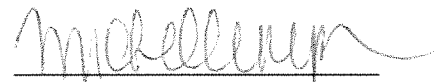
WHEREAS, the Borough desires to increase the Deferred School Taxes to an amount permitted under State statutes and to be effective at December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council that the following Deferred School Taxes be hereby increased for the year ended December 31, 2023 as follows:

	Deferred Local District School Taxes
Amount Deferred December 31, 2022	\$11,280,646
Amount Deferred December 31, 2021	<u>10,938,215</u>
Amount of Increase	<u>\$ 342,431</u>

BE IT FURTHER RESOLVED, by the Borough Council that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson, February 6, 2024.



 Michelle Ryan
 Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 74-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia						
Rice						
McGuire		X				
Timmerman	X					
Gordon						
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

AUTHORIZATION OF NOT TO EXCEED LIMITATIONS FOR PUMPING SERVICES, INC FOR THE UPDATE OF THE RANDOLPH AVE PUMP STATION UTILIZING THE PASSAIC VALEY COOPERATIVE PURCHASING SYSTEM

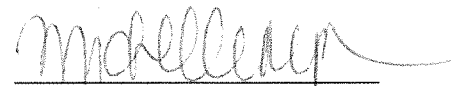
WHEREAS, on January 31, 2024, the Borough Engineer, Neglia Engineering received a proposal from Pumping Services, Inc for equipment and labor for the Randolph Ave Pump Station Upgrade utilizing pricing derived from the Passaic Valley Cooperative Purchasing System of which the Borough of Emerson is a member;

- **Equipment for Randolph Ave Pump Station Contact B364-2: \$64,260.57**
- **Labor Contract B369-11: \$4,118.25**

WHEREAS, the Chief Financial Officer has certified the availability of funds in the Capital Account C-04-23-673-005.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Emerson that not to exceed limitations are hereby approved and established in the amount of \$68,378.82 for Pumping Services, Inc.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson, February 6, 2024.



Michelle Ryan
Acting Borough Clerk

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION**

NO.: 75-24

DATE: 02/06/2024

Council	Motion	Second	Yes	No	Abstain	Absent
Argenzia			X			
Rice		X	X			
McGuire	X		X			
Timmerman			X			
Gordon			X			
Moore						X
Mayor DiPaola	---	---				

Carried Defeated Tabled

Approved on Consent Agenda

AUTHORIZATION TO ENTER INTO CLOSED SESSION AND EXCLUDE PUBLIC

WHEREAS, the Open Public Meeting Act, N.J.S.A. 10:4-12, permits the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

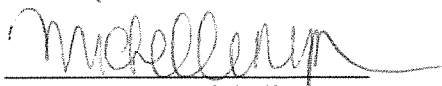
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Emerson, County of Bergen, State of New Jersey as follows:

1. That the public shall be excluded from the meeting and discussion of the herein after specified subject matter:

Closed Session Docket #	Item Title or Description	Statutory Reference
#24-02/06-04	Litigation/Redevelopment Update	N.J.S.A. 10.4-12b (7)
#24-02/06-05	Personnel	N.J.S.A. 10.4-12b (8)
#24-02/06-06	Contract Negotiations	N.J.S.A. 10.4-12b (4)

2. It is anticipated at this time that the above stated subject matter will be made public within a reasonable time, the substance of which will be released after the Mayor and Council or the specific authorized public body has reviewed and specifically accepted the data.
3. This resolution shall take effect immediately.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on February 6, 2024.


 Michelle Ryan
 Acting Borough Clerk