

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

**NO.: 100-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**APPROVAL OF MARCH 19, 2024 BILL LIST**

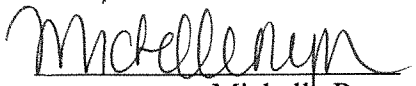
**BE IT RESOLVED** that the Governing Body of the Borough of Emerson, County of Bergen, State of New Jersey does hereby approve the following Bill List/Check Register.

CURRENT claims in the amount of:	\$204,142.71
RESERVE CURRENT ACCOUNT claims in the amount of:	\$37,030.42
HOUSING TRUST ACCOUNT claims in the amount of:	\$0.00
ANIMAL TRUST ACCOUNT claims in the amount of:	\$362.40
RECREATION TRUST ACCOUNT claims in the amount of:	\$19,384.40
CAPITAL ACCOUNT claims in the amount of:	\$102,695.23
TRUST ACCOUNT claims in the amount of:	\$2,193.00
CONSTRUCTION ESCROW TRUST ACCOUNT claims in the amount of:	\$3,646.84
<b>TOTAL CLAIMS PAID</b>	<b>\$369,455.00</b>

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Emerson that the following claims have been paid by the Borough Administrator prior to the Bill List Resolution in the following amounts:

CURRENT claims in the amount of:	\$2,060,541.79
RESERVE CURRENT ACCOUNT claims in the amount of:	\$44,783.98
ANIMAL TRUST ACCOUNT claims in the amount of:	\$0.00
STATUTORY ACCOUNT claims in the amount of:	\$493,429.62
RECREATION TRUST ACCOUNT claims in the amount of:	\$0.00
CAPITAL ACCOUNT claims in the amount of:	\$0.00
TRUST ACCOUNT claims in the amount of:	\$0.00
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:	\$0.00
CONSTRUCTION ESCROW TRUST ACCOUNT claims in the amount of:	\$0.00
<b>TOTAL CLAIMS PAID</b>	<b>\$2,598,755.39</b>

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.

  
 Michelle Ryan  
 Acting Borough Clerk

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

**NO.: 101-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**AUTHORIZE REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, tax overpayments have been received for the following parcels and the property owners have requested a refund of said overpayments.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Emerson, County of Bergen, State of New Jersey that the Treasurer is hereby authorized to issue municipal checks as follows:

1. Block 609, Lot 2  
72 Kinderkamack Rd  
\$10,452.00

Guttilla Building Investments LLC  
307 Blvd  
Hasbrouck Heights, NJ 07604

2. Block 724, Lot 1  
137 Palisade Ave  
\$3,301.23

CoreLogic Refund Department  
3001 Hackberry Drive  
Irving, TX 75063

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Michelle Ryan  
Acting Borough Clerk

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

**NO.: 102-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**RESOLUTION ENDORSING A 2024-2025 BERGEN COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
IMPROVEMENTS TO 2<sup>ND</sup> STREET PROJECT**

**WHEREAS**, a Bergen County Community Development grant of \$122,290.00 has been proposed by the Borough of Emerson for “Improvements to 2<sup>nd</sup> Street” project; and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Borough of Emerson; and

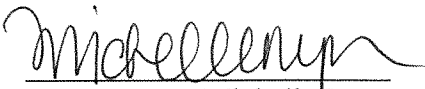
**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CDBG funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Emerson hereby confirms endorsement of the aforesaid project; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be placed on file and made available in the office of the Borough Clerk who shall forward a copy to the Borough Administrator, CMFO, and the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.

  
 Michelle Ryan  
 Acting Borough Clerk

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

**NO.: 103-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**AUTHORIZE SECOND ONE-YEAR CONTRACT RENEWAL FOR BASIC LIFE  
SUPPORT SERVICES BY HOLY NAME EMS FOR THE PERIOD FEBRUARY 1, 2024  
TO JANUARY 31, 2025 IN AN AMOUNT NOT TO EXCEED \$25,000**

**WHEREAS**, on February 1, 2022, Resolution 71-22 was adopted by the Governing Body authorizing the Borough of Emerson (“Borough”) to enter into a one-year contract with Holy Name EMS for their provision of Basic Life Support Services at a cost not to exceed \$25,000; and

**WHEREAS**, the initial term commenced upon the signing of the agreement with automatic one-year renewals unless terminated by either party upon sixty days prior written notice; and

**WHEREAS**, New Jersey Local Public Contracts Law, N.J.S.A. 11A:11-15(21) allows for the provision of emergency medical services for a term not to exceed five years; and

**WHEREAS**, the Borough exercised the first one-year renewal option on said contract with Holy Name EMS via Resolution 70-23 on February 7, 2023; and

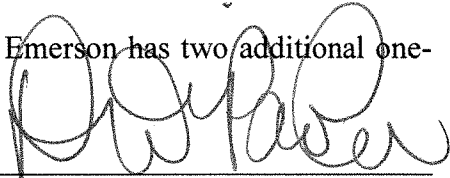
**WHEREAS**, the Borough has determined that it is in the interests of the Emerson taxpayers to further extend the contract and to exercise a second one-year renewal option.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Emerson hereby authorizes a second renewal of the contract with Holy Name EMS, inclusive of the initial terms and conditions incorporated by reference herein, for the one-year period, retroactive from 2/1/24 through 1/31/25, at a cost not to exceed \$25,000; and

**BE IT FURTHER RESOLVED** that Mayor DiPaola is hereby authorized to sign an agreement on behalf of the Borough of Emerson; and

**BE IT FURTHER RESOLVED** that the Borough of Emerson has two additional one-year renewal periods to exercise at its option.

AGREED TO:



Danielle DiPaola, Mayor

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.



Michelle Ryan  
Acting Borough Clerk

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

**NO.: 104-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**AUTHORIZE SECOND AND FINAL ONE-YEAR CONTRACT EXTENSION FOR  
ELEVATOR INSPECTION AND PLAN REVIEW SERVICES TO NEW JERSEY  
TECHNICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$4,902.00**

**WHEREAS**, the Borough of Emerson (“Borough”) entered into a one-year agreement with New Jersey Technical Services, Inc. on January 4, 2022 via Resolution 45-22 for provision of on-site elevator inspections and plan review services through December 31, 2022; and

**WHEREAS**, New Jersey Local Public Contracts Law, N.J.S.A. 11A:11-15(11), allows for the provision of such services to be undertaken by private agencies pursuant to the State Uniform Construction Code Act for a term of not more than three years; and

**WHEREAS**, the Borough of Emerson exercised the first one-year extension through December 31, 2022 of said contract on November 22, 2022 via Resolution 272-22; and

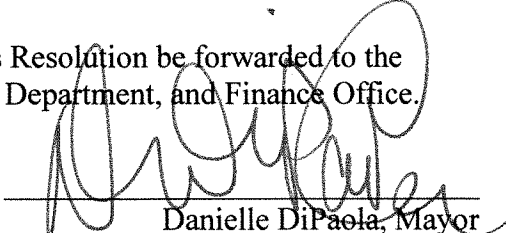
**WHEREAS**, Construction Code Official Scott Wickersheim has reviewed said agreement and recommends that a second one-year extension of the contract be exercised.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Emerson that it hereby authorizes a second and final renewal with New Jersey Technical Services, Inc., retroactive from January 1, 2024 through December 31, 2024, with all terms and conditions of the initial 2022 contract remaining in effect including New Jersey Technical Services, Inc. receiving 80% of the fees collected under the code (anticipated to be \$3,922.00) and the Borough retaining 20% of said fees (anticipated to be \$980.00); and

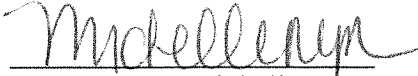
**BE IT FURTHER RESOLVED** that Mayor Danielle DiPaola is hereby authorized to sign an agreement on behalf of the Borough of Emerson; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the DCA’s Office of Regulatory Affairs, the Emerson Building Department, and Finance Office.

AGREED TO:

  
Danielle DiPaola, Mayor

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.

  
Michelle Ryan  
Acting Borough Clerk

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

**NO.: 105-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**AUTHORIZE EXECUTION AND FILING OF AN  
AFFORDABLE HOUSING DEED RESTRICTION FOR  
161 KINDERKAMACK ROAD, UNITS B & H, BLOCK 616, LOT 1.01**

**WHEREAS**, the Borough of Emerson (the "Borough") has or will, as part of its Affordable Housing obligations, enter into an agreement (the "Agreement") with Obernauer Enterprises, LLC (the "Owner") to develop two (2) residential low- or moderate-income family rental projects (the "Project"), located at 161 Kinderkamack Road, Units B & H, Emerson, New Jersey 07630 (Block 616, Lot 1.01); and

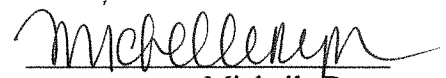
**WHEREAS**, pursuant to said Agreement and applicable provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et. seq., a deed restriction (the "Deed Restriction") setting forth the affordability controls and control period is to be executed by the Borough and the Owner, and thereafter filed with the Bergen County Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Emerson, County of Bergem State of New Jersey that Mayor DiPaola and the Acting Municipal Clerk be and hereby are authorized to execute the Deed Restriction in such form as has been approved by the Borough's Affordable Housing Attorney; and

**BE IT FURTHER RESOLVED** that the Borough's Affordable Housing Attorney be and hereby is authorized to file the fully executed Deed Restriction with the Bergen County Clerk.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.

  
Michelle Ryan  
Acting Borough Clerk

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

**NO.: 106-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**GRANT PERMISSION TO BERGEN COUNTY MOSQUITO CONTROL DIVISION TO  
CONDUCT AS-NEEDED AERIAL SPRAYING FOR MOSQUITO LARVA IN  
IMPOUNDED WATER WITHIN THE BOROUGH OF EMERSON SHOULD  
EXTREME AND EMERGENT CONDITIONS OCCUR DURING THE 2024 SEASON**

**WHEREAS**, the Bergen County Department of Public Works, Mosquito Control Division (Mosquito Control) has proposed as-needed aerial spraying for mosquito larva in impounded water should, and only if and when, extreme and emergent conditions develop within the County of Bergen during the 2024 Season; and

**WHEREAS**, Mosquito Control has provided the Borough of Emerson a proposed map where said as-needed spraying would occur should, and only if and when, such extreme and emergent conditions warrant; and

**WHEREAS**, Mosquito Control’s proposed map includes the area of Emerson Woods in the vicinity of Oradell Reservoir; and

**WHEREAS**, in compliance with N.J.A.C. 7:30-9.10e, Mosquito Control has also provided a packet, dated March 12, 2024, with information regarding its operations and plans for as-needed mosquito control treatment in 2024 for adult mosquitoes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Emerson grants permission to the Bergen County Department of Public Works, Mosquito Control Division to conduct as-needed aerial spraying for mosquito larva in impounded water with the following conditions:

1. That as-needed aerial spraying for mosquito larva in impounded water will only be conducted should, and only if and when, extreme and emergent conditions warrant such action during the 2024 Season for the health, welfare, and safety of the public; and
2. That such action will only be conducted in the area as identified on the proposed map provided by Mosquito Control to the Borough of Emerson; and
3. That Mosquito Control will provide the Borough of Emerson with reasonable notice of any action that may need to be taken; and

**BE IT FURTHER RESOLVED** that pursuant to N.J.A.C. 7:30-9.10(e) 2iii, the Borough of Emerson wishes to share this information with the public and a copy of the proposed map for as-needed aerial spraying for mosquito larva in impounded water as well as the March

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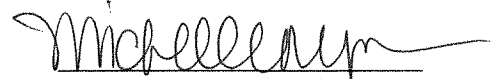
**NO.: 106-24**

**DATE: 03/19/2024**

12, 2024 packet with plans for as-needed mosquito control treatment of adult mosquito on file for public inspection in the Clerk's Office.

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.



Michelle Ryan  
Acting Borough Clerk



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

**NO.: 107-24**

**DATE: 03/19/2024**

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

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.

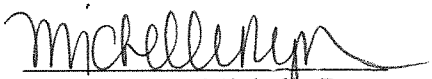
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Emerson, County of Bergen, State of New Jersey as follows:

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
#24-03/19-13	Litigation/Redevelopment Update/Attorney-Client Privilege	N.J.S.A. 10.4-12b (7)
#24-03/19-14	Personnel	N.J.S.A. 10.4-12b (8)
#24-03/19-15	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 March 19, 2024.

  
 Michelle Ryan  
 Acting Borough Clerk

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

**NO.: 108-24**

**DATE: 03/19/2024**

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

Carried  Defeated  Tabled

Approved on Consent Agenda

**AUTHORIZATION TO APPOINT PROFESSIONAL SERVICES CONTRACTS BY  
“FAIR AND OPEN PROCESS” IN ACCORDANCE WITH THE  
“NEW JERSEY LOCAL UNIT PAY TO PLAY” LAW, N.J.S.A. 19:44A-20.4 et seq.,  
FOR CALENDAR YEAR 2024**

**WHEREAS**, the Borough of Emerson has determined that a need exists for the services of various professionals for the Borough of Emerson, County of Bergen, New Jersey for Calendar Year 2024; and,

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available as noted below; and,

**WHEREAS**, the award of these contracts shall be for the contract year through December 31, 2024 and is contingent upon availability of funds in the 2024 CY Budget, and in the event of unavailability of such funds, the Borough of Emerson reserves the right to cancel this contract.

**WHEREAS**, a request for qualifications was published and provided in accordance to the aforementioned law; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that a Resolution of appointment for professional services be publicly advertised;

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

(1) The Mayor and Borough Clerk are hereby authorized and directed to engage the services of:

POSITION	NAME/ADDRESS	NOT TO EXCEED	ACCOUNT
<b>Alternate Prosecutor</b>	Marco DiStefano, Esq. Law Office of Marco DiStefano, LLC 2050 Emerson Avenue Union, NJ 07083	\$300 per session, \$8,000.00 annually	4-01-25-275-027

**BOROUGH OF EMERSON  
COUNTY OF BERGEN, NEW JERSEY  
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**NO.: 108-24**

**DATE: 03/19/2024**

(2) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE BOROUGH** as required by law within ten (10) days of its passage.

(3) The vendors shall supply the Borough of Emerson with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.

(4) The vendors shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Borough from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreements authorized herein.

**CERTIFICATION**

I, Michelle Ryan, Acting Borough Clerk of the Borough of Emerson, in the County of Bergen, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Borough Council at a Regular Meeting held on the 20<sup>th</sup> day of February, 2024.

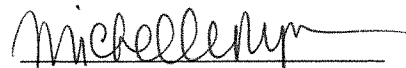
**IN WITNESS WHEREOF**, I, Michelle Ryan, Acting Borough Clerk of the Borough of Emerson, have hereunto set my hand and affixed the seal of said Borough this 20<sup>th</sup> day of February, 2024.



Michelle Ryan  
Acting Borough Clerk

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I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Emerson on March 19, 2024.



Michelle Ryan  
Acting Borough Clerk