



MINUTES
REGULAR MEETING/
2019 BUDGET INTRODUCTION
BOROUGH OF EMERSON
MAYOR AND COUNCIL

March 19, 2019

7:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola read the Sunshine Statement announcing that the meeting of March 19th, 2019 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, the meeting notice was transmitted to the Record and Ridgewood News on December 20th, 2018, posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and remained continuously posted as the required notices under the Statute. In addition, a copy of the notice was on file in the Office of the Municipal Clerk and had been available to the public since its approval by the Governing Body.

II. ROLL CALL

PRESENT: Mayor DiPaola, Councilman Bayley, Council President Falotico, Councilman Gordon, Councilman Knoller, Councilwoman McGuire

Councilman Hoffman arrived at 7:34 p.m.

Also present were Interim Administrator Rich Sheola, Borough Attorney John McCann and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor DiPaola announced that no members of the Governing Body had been absent from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

- Women's History Month – March 2019
- Recognition of Emerson/Park Ridge 2018-2019 Wrestling Team members Luke Mazzeo and Nick Babin for achieving Silver Medals at the State Wrestling Tournament
- Commendations for Outstanding Achievement as Emerson/Park Ridge 2018-2019 Wrestling Team Coaches Stan Woods, Joe Mazzeo and Rick Eichenlaub

V. APPOINTMENTS/RESIGNATIONS

- BOROUGH PROFESSIONAL APPOINTMENTS Award Professional Service Contract for a One Year Period using the ‘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 the Calendar Year 1/1/19 through 12/31/19 unless otherwise stated

- Resolution No. 105-19 Borough Prosecutor – Neil Tortora

☞ **Motion** to approve Resolution No. 105-19 Award Professional Service Contract for a One Year Period using the ‘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 the Calendar Year 1/1/19 through 12/31/19 to Neil Tortora for Borough Prosecutor services was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Resolution No. 106-19 Borough Public Defender – Jeff Carney

☞ **Motion** to approve Resolution No. 106-19 Award Professional Service Contract for a One Year Period using the ‘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 the Calendar Year 1/1/19 through 12/31/19 to Jeff Carney for Borough Public Defender Services was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Resolution No. 124-19 Grant Writer - Bruno Associates

☞ **Motion** to approve Resolution No. 124-19 Award Professional Service Contract for a One Year Period using the ‘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 the Calendar Year 1/1/19 through 12/31/19 to Bruno Associates for Grant Writing services was **moved** by Councilwoman McGuire, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Historic Preservation Committee

- Resignation of Don Pierro as Class B member effective February 6, 2019

Mayor DiPaola announced that she hereby accepted the resignation of Don Pierro as the Class B member of the Historic Preservation Committee effective February 6, 2019.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of March 5, 2019

☞ **Motion** to approve the Regular Meeting Minutes of March 5, 2019 as amended was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VII. CORRESPONDENCE

Mayor DiPaola announced that copies of the correspondence are available in the Office of the Municipal Clerk.

- Resolution from Township of Washington; Re: Demand a commitment from Suez North America to aggressively replace lead service lines they own.
- Letter dated 3/5/19 from Bergen County Utilities Authority; Re: BCUA 2019 Recycling Enhancement Grant Program
- Letter dated 3/7/19 from Bergen County Municipal Joint Insurance Fund; Re: 2018 Safety Awards
- Resolution from Township of Teaneck; Re: Urging the Port Authority of NY and NJ to offer Carpool incentives across all Lanes of Travel
- Resolution from Township of Teaneck, Borough of New Milford and Borough of Harrington Park; Re: Opposing the Vegetative Management Response Act
- Resolution from Township of Rochelle Park and Village of Ridgefield Park; Re: Opposing construction of the North Bergen Liberty Generating Gas-Fired Power Plant
- Letter dated 3/4/19 from County of Bergen, Department of Planning and Engineering; Re: Intersection of Forest Avenue and Soldier Hill Road

VIII. FINANCIAL BUSINESS

- Resolution No. 107-19 Bill List

☞ **Motion** to approve Resolution No. 107-19 Bill List was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Resolution No. 108-19 Resolution of the Borough Council of the Borough of Emerson to Authorize the Institution of an In-Rem Foreclosure on Property Located at Block 901.01, Lot 1, 175 Forest Ave. as Shown on the Official Tax Maps of the Borough of Emerson

☞ **Motion** to approve Resolution No. 108-19 Resolution of the Borough Council of the Borough of Emerson to Authorize the Institution of an In-Rem Foreclosure on Property Located at Block 901.01, Lot 1, 175 Forest Ave. as Shown on the Official Tax Maps of the Borough of Emerson was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- **INTRODUCTION OF 2019 MUNICIPAL BUDGET**

- Resolution No. 109-19 Authorizing Increase in Deferred School Taxes for Local District School Taxes

☞ **Motion** to approve Resolution No. 109-19 Authorizing Increase in Deferred School Taxes for Local District School Taxes was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- 1588-19 BOROUGH OF EMERSON BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK

☞ **Motion** to introduce Ordinance 1588-19 BOROUGH OF EMERSON BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Resolution No. 110-19 GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE 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"

☞ **Motion** to approve Resolution No. 110-19 GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE 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" was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Resolution No. 111-19 Introduction of 2019 Municipal Budget

☞ **Motion** to approve Resolution No. 111-19 Introduction of 2019 Municipal Budget was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

Mr. Sheola said this year's budget overall was \$12,421,268.00 and increased appropriations by \$286,000.00 or roughly 2.4%. He said the tax rate would increase by .022 points and increase the municipal portion of the tax bill by approximately \$97.00 per year on the average home. He said an executive summary would be posted on the Borough website and available in the office of the Municipal Clerk. The budget hearing would take place on April 16th. Councilman Knoller said they had started with an increase of approximately \$250.00 and were able to get that down to \$97.00; they pared it down as best they could. Councilman Hoffman said they had worked to reduce it but there were some increases they had no control over including the Bergen County Utilities Authority fees.

Mayor DiPaola thanked Councilman Knoller and Councilman Hoffman for working very hard on the budget. She was present at most of the meetings and said they were not spending a lot of money at all this year, explaining that the Borough had no control over most of the statutory increases. She said they would work even harder next year to keep the budget as tight as possible. Councilman Hoffman noted that a large portion of residents' taxes were from the Board of Education which they had no control over. Mayor DiPaola added that the school referendum had passed which would lead to a tax increase.

IX. UNFINISHED BUSINESS

- Cell phone/tablet discussion – Councilman Knoller led an extended discussion regarding a Borough cell phone which had been purchased for Mayor DiPaola under the direction of former Borough Administrator Robert Hoffmann. He stated that the Council set policy and collectively made decisions and questioned Mr. Hoffmann's authorization to purchase this item. The Governing Body and Mr. McCann discussed issues related to OPRA, personal privacy and the need for the Governing Body to set policy going forward. They also reviewed the option of providing tablets or cell phones to members of the Governing Body and exploring whether department heads wanted these items.

☞ **Motion** to permit the Mayor to have a Borough-issued cell phone was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 4-2:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Gordon

NO: Falotico, Knoller

Mr. Sheola said he would review issues related to issuing tablets and/or cell phones to Councilmembers and department heads and report back at the April 16th meeting.

- Video recording/televising Mayor and Council meetings – Councilwoman McGuire shared the results of her research on this topic, noting that she had spoken to both the Borough's IT Consultant, Doug Neumetzger of DART Computer and William Wood of Gramco Business Communications, the recording equipment provider. She said recording video simultaneously with audio was easily done and outlined multiple options for sharing the video including live streaming, providing it to ECTV to post on their video channel or posting to YouTube or the Borough website. Mayor DiPaola said she had been working on this initiative for eight years. She and Councilman Hoffman had run on the issue of transparency in government and bringing government to the people. Governing Body consensus was to table this topic until Councilwoman McGuire and Council President Falotico were able to visit the Borough of Woodcliff Lake and view their system so as to make a sound decision.

- Discussion of authorization to sign cell tower upgrade agreement – Mr. McCann said he had spoken to the vendor and confirmed that the upgrade did not involve 5G technology. Their plan was to perform a standard upgrade and replace existing materials on the ground. This item was a resolution included on the Consent Agenda.

X. NEW BUSINESS

- Discussion of paving 58 Locust Avenue to establish a commuter parking lot – Mayor DiPaola discussed the vacant property at 58 Locust Avenue and suggested that it be used as a commuter parking lot. A preliminary estimate had been obtained which indicated that 57 spots could be set up at this location.

☞ **Motion** to create parking at 58 Locust Avenue with privacy screening in the most economical way possible was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- Formation of Redevelopment Subcommittee per Third Amendment to Redevelopment Agreement – The Governing Body discussed the formation of a Redevelopment Subcommittee as outlined in the Third Amendment to the Redevelopment Agreement. The agreement stated that the redeveloper would work with the Borough to review site plans and make the downtown project as acceptable as possible to the Governing Body and residents.

☞ **Motion** to form a Redevelopment Subcommittee consisting of Mayor DiPaola, Councilman Hoffman and Councilman Gordon was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

Mayor DiPaola said Mr. Sheola would participate as well and noted that the Subcommittee would report back to the full Governing Body.

- PSEG Gas Line Replacement – Paving Policy Consideration – Mayor DiPaola said the Borough had several meetings with representatives of PSE&G and that this project was already ongoing. She noted that the Borough ordinance required that roads be repaved curb to curb after work was performed. However, she asked that DPW Superintendent Perry Solimando and Borough Engineer Dave Atkinson be allowed leeway in interpreting the ordinance so they could work with PSE&G and Suez Water. This plan would serve the Borough and allow this project to proceed as economically as possible for everyone. This item was included on the Consent Agenda.
- Supporting PSEG Clean Energy Future - Smart Meters/ Smart Communities Initiative – The Governing Body agreed that this initiative was a good decision. It would provide energy and cost savings for the Borough and include switching over to LED street lighting. This item was included on the Consent Agenda.

XI. INTRODUCTION OF ORDINANCES

First Reading:

Mayor DiPaola announced that Ms. Dietsche would read the following ordinance by title and it would be further considered at a Public Hearing to be held on April 2, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the March 22nd, 2019 edition of the Ridgewood News. She added that this ordinance was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building where copies would be available to the General Public at no charge.

1589-19 AN ORDINANCE CREATING A SPECIAL EVENTS COMMITTEE IN THE BOROUGH OF EMERSON

The Governing Body discussed the creation of a Special Events Committee, the functions they might oversee and whether any of their duties would duplicate the efforts of the Recreation Commission. Governing Body consensus was that the Recreation Commission did an excellent job and that this ordinance should be pulled for further consideration. They anticipated creating a Special Events Committee in 2020 to lighten the load for members of the Recreation Commission and adding extra events or supplementing efforts for current events. Councilwoman McGuire mentioned that the 80th anniversary of the dedication of Borough Hall would take place this year. Councilman Hoffman said the American Legion would appreciate assistance with the Memorial Day Remembrance Ceremony to make this solemn occasion more meaningful for more residents of the Borough.

☞ **Motion** to pull the introduction of Ordinance No. 1589-19 from the agenda for further discussion was **moved** by Council President Falotico, **seconded** by Councilman Bayley and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1585-19 AN ORDINANCE CREATING A BEAUTIFICATION COMMITTEE IN THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried.

Seeing no hands, Mayor DiPaola asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilman Bayley and carried at 9:17 p.m.

☞ **Motion** to adopt Ordinance No. 1585-19 on second reading was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

1586-19 AN ORDINANCE AMENDING CHAPTER 27 ENVIRONMENTAL COMMISSION IN THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilwoman McGuire, **seconded** by Council President Falotico and carried at 9:18 p.m.

Seeing no hands, Mayor DiPaola asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on this ordinance only was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried at 9:18 p.m.

☞ **Motion** to adopt Ordinance No. 1586-19 on second reading was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

1587-19 AN ORDINANCE AMENDING CHAPTER 132 UNIFORM CONSTRUCTION CODES, SECTION 3 'FEES'

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried.

Seeing no hands, Mayor DiPaola asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried at 9:19 p.m.

☞ **Motion** to adopt Ordinance No. 1587-19 on second reading was **moved** by Councilman Knoller, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

XIII. REPORTS

- Mayor and Council

Councilman Gordon reported on the Historic Preservation Committee, noting that they had named Phil Mazzo as President and Christian Triana as Secretary. They had adopted a resolution supporting the efforts to renovate the DeBaun house instead of tearing it down. He also gave the monthly report of the Department of Public Works. They had distributed a limited number of recycling bins to residents age 60 or over. All containers had been distributed on March 11th, the first day they were made available. He said that Baseball Opening Day would take place on April 6th and DPW employees were performing their spring cleanup.

Councilman Knoller thanked everyone for their hard work on the 2019 budget and said he wished it had been lower but it was sound. The Board of Health would be sending a draft ordinance to Mr. McCann regarding banning hookah lounges in the Borough. He had attended the first official meeting of the Police Department Appropriate Authority and said they would do a better job of communicating to the public and Governing Body things that were going on in the Police Department, particularly Community Policing events.

Council President Falotico thanked Mr. Sheola for joining the Borough and hitting the ground running. He thanked Councilman Gordon for attending the recent meeting of the Volunteer Ambulance Corps and gave their monthly report. He had met with representatives of the Ambulance Corps, Police Department, Department of Public Works and Fire Department to work on finding a temporary location to relocate the Ambulance Corps. It was a good start and he appreciated everyone putting forth their efforts. He added that the Ambulance Corps was looking for volunteers and directed those interested to contact them through their website. He had attended the recent meeting of the Library Board of Trustees and said they were working with a designer to redo the interior and purchase new furniture. He outlined current programs as well as the upcoming summer reading program.

Councilwoman McGuire reported on the Recreation Commission. She had attended the track open house and the athletes were all very excited for their first season. Approximately 100 athletes had registered and their uniforms looked amazing. She said the Emerson Junior/Senior High School track coaches had attended and were thrilled to have the new track as a feeder program. They would be holding a 4th and 5th grade dance on April 5th at the Villano School gymnasium at no cost to the attendees. There would be a DJ, food and drinks and they were looking for chaperones. She said the Recreation Commission does a great job with this event. The Friends of Emerson Junior Baseball would be holding a fund-raising event on March 30th at the Knights of Columbus Hall in Westwood. She gave an update on the Pedestrian/Bicyclist Safety Task Force and noted that the Police Department had begun working on their survey which was the first step in the data analysis and pre-evaluation. She was very grateful for all the work they were doing. She and Council President Falotico had met to discuss technology efforts and gather information. They planned to touch base with Woodcliff Lake about the process they used to record their council meetings.

Councilman Hoffman reported on the Environmental Commission and said they were planning the first ever Emerson Earth Week which would begin on Global Earth Day on April 22nd and ran through April 28th. On April 24th the Emerson Public Library would be holding an afternoon story time with an environmental theme, on April 26th they would be holding a kick off at the Community Garden at Centennial Park so everyone could get to know each other. An Arbor Day Tree Planting would take place on April 27th and on April 28th there would be a clean up at Emerson Woods. Information would be posted about these events on the Borough website. He asked Mr. Sheola if he had been able to follow up with Lynn Bartlett of the Bergen County Housing Authority regarding alternate uses for the DeBaun House and a solution that would be acceptable to Emerson. Mr. Sheola said that it was still not clear and he would contact Ms. Bartlett and Mr. Biale again.

Mayor DiPaola said the Governing Body should respect history and pass a resolution in support of preserving the DeBaun House. Councilman Gordon read the resolution adopted by the Historic Preservation Committee which is attached to these minutes.

Councilman Bayley congratulated Luke Mazzeo and Nick Babin on their wrestling accomplishments and welcomed Mr. Sheola as the Interim Administrator. He reported on the Volunteer Fire Department and said they were pleased that the repair of their floor and wall were included in the budget. They appreciated the increase in the LOSAP contributions as well. He explained that he was unable to attend meetings of the Chamber of Commerce due to a conflict in his work schedule. Mayor DiPaola requested that a member of the Governing Body attend in his absence so as to show support for the Chamber. Councilwoman McGuire and Councilman Gordon offered to work this out by covering for him as necessary. He had attended a meeting with Mayor DiPaola, the Department of Public Works, Mr. Sheola and the Borough Engineer about PSE&G's gas line replacement. They discussed coordinating their efforts with Suez Water's replacement of lead pipes and Borough drainage work so multiple openings would not lead to unnecessary double paving. He noted that PSE&G would be responsible for approximately a million square feet of asphalt paving by the time the project was complete. It would benefit the Borough when its own paving schedule was determined. He said that perhaps the Borough could swap streets with PSE&G to get more streets paved.

- Interim Borough Administrator Rich Sheola stated that he had provided a written summary of his activities over the last two weeks and said he enjoyed being in Emerson. He said the staff and Governing Body were terrific to work with. Mayor DiPaola said he was doing a great job and she was looking forward to getting more accomplished for Borough residents.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney John McCann said he had started to rewrite the ordinance for the Land Use Board appointments to comply with current Land Use statutes. A number of contract issues had been cleared up including the agreement for cell tower upgrades. A meeting had taken place the previous week with the Mayor, Council President Falotico, Mr. Sheola, Redevelopment Attorney Mr. Malagiere, Mr. Klugman of Accurate Builders and Developers and his attorneys. The purpose of the meeting was to discuss the redevelopment project as a whole and where they were going as well as the creation of the Redevelopment Subcommittee. He confirmed that the Paragraph 9 which discussed the creation of the Redevelopment Subcommittee applied not to the building of an emergency service facility but to the actual project itself. He noted that the December 31, 2018 resolution tied up the agreement between the Borough and its obligations going forward. It was in the best interest of the Borough and the taxpayers to proceed with the agreement. It created duties for the Borough to comply with including the creation of the Redevelopment Subcommittee.

He said the subcommittee was important because it created an agency requirement for the members; the subcommittee members had a duty to work with the redeveloper to ensure compliance with all aspects of the agreement. It placed a heavy burden on taxpayers and the Borough to proceed in a good faith effort to cooperate. He noted that there was a poison pill there that the Borough needed to be aware of. In the agreement, the redeveloper has agreed to build the emergency services building but if the Borough did not identify and begin things by the end of the year, the redeveloper was not obligated to complete it. There were also other time elements with respect to the Court order and the COAH requirements. He said he received the cooperation of the redeveloper and his attorneys. He recognized that this was a contentious issue in the Borough but for those who opposed it, there was not a lot that could be done to 'stop the project'. Under any contract, there was a duty to cooperate under the law and a duty to act in good faith. Anything contrary to those parts of a contract subjected Borough officials to potential personal liability and the Borough needed to move forward with the project.

Mr. McCann also discussed the status of the Vivian Avenue drainage project. Nothing was stopping the project from moving forward. He had prepared an interlocal agreement and sent it to the Westwood Borough Attorney. The Borough could move forward without the agreement signed.

Mayor DiPaola said she wanted to discuss environmental concerns with Mr. Paparo. Mr. McCann said it would be appropriate to do this during Public Comment.

Mayor DiPaola discussed a number of meetings she had attended including the Senior Citizens monthly meeting, a meeting with PSE&G about their road work, a meeting regarding redevelopment, regularly scheduled Land Use Board meetings, the recycling bin distribution, and a meeting regarding relocating the Ambulance Corps. She had also attended the school play which was wonderful. Everything was moving forward very well with the Borough and it was a pleasure working with everyone. She was trying to make sure that everything was being done right. There had been a lot of questions at the Senior Citizen's meeting about lead in the water and she encouraged people with concerns to contact Suez to request that their water be tested. The Borough would be holding a Shredding Day on June 14th. She urged people to recycle to reduce fees for dumping garbage. There had been a slight issue the previous day with recycling due to the windy weather and asked residents to delay putting out their recycling until Monday morning if inclement weather was expected to reduce cleanup. She added that DPW Superintendent Perry Solimando would be permitted to suspend recycling pickup when bad weather was expected.

Mayor DiPaola discussed a recent house fire in the Borough. The Police Chief, Fire Department, Police Department, and Ambulance Corps arrived quickly and everyone was safe. She remained to make sure that everyone was okay. She had reached out to Mr. McCann who quickly contacted the County and various agencies to figure out how to help these residents. He and his wife had generously provided two nights lodging for the family and their pets at a hotel. She said the Borough was very quick to take care of its own and that was why she loved Emerson and never left. She asked Mr. Sheola to put a process in place for such emergencies to assist residents in their time of need. Mr. Sheola said they had already begun the process.

Mayor DiPaola also discussed the DeBaun home, owned by the American Legion. Commander Hogan did not want it to be torn down. She said the Post needed a place to meet and that the building was important to a lot of people. The Borough would try to assist in an effort to save the structure. She said she would ask Construction Official Mike Sartori and other professionals to walk through the building and report back on its condition. She proposed passing a resolution at the next meeting in an attempt to save the DeBaun house.

XIV. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried at 10:04 p.m.

Scott Voorhees, 147 Grand Boulevard commented on the distribution of the free recycling containers to residents aged 60 and over. He opined that residents who worked during the week should have been taken into consideration and the containers should have been distributed on the weekend. He also opined that there had been an insufficient number of containers distributed. Mayor DiPaola noted that the Borough had received a limited number of free recycling containers and there had been discussions on the fairest way to distribute them. She told Mr. Voorhees that the line began far in advance of the 11:00 start time. She apologized for not doing it at a convenient time for all residents but said that it had been advertised that if a resident could not attend, they could send someone in their place with appropriate identification to obtain a container for them. She said that five cans would be distributed during Earth Week at the discretion of the Environmental Commission during the programs they were running and another twenty would be raffled off during the Summer Kickoff. She had looked into purchasing more bins but it would be cost prohibitive. The Borough would have to purchase almost 1000 bins at a cost of approximately \$56,000.00 and that was money that the Borough did not have. It was a one-shot deal that the Borough had received them for free.

Joseph Paparo, Esq., of Porzio, Bromberg and Newman, an attorney for the redeveloper, Accurate Builders and Developers, thanked Mayor DiPaola, Councilman Knoller, Mr. Sheola and Mr. McCann for their participation in a productive meeting. He said the redeveloper's primary goal was to put out good information and noted that they valued transparency. He looked forward to working with the Redevelopment Subcommittee. He noted that the architectural plans were being finalized and would be forwarded to the Borough Clerk for distribution upon completion. The Redevelopment Subcommittee would then have 30 days to meet and review them.

Mayor DiPaola asked about environmental concerns at the site and inquired about the process for determining whether the area was clean enough to build on. Mr. Paparo said that this was part of their due diligence; they had hired licensed environmental consultants and identified areas of concern. They could not move forward without NJDEP approval. Issues would have to be addressed, reviewed and approved by the NJDEP as meeting the standards for residential project development. The redeveloper was not permitted to show the reports to the public at the current time due to confidentiality issues.

Mayor DiPaola said it had been a very productive meeting and appreciated Mr. Klugman's working with the Borough as a whole. Mr. Paparo updated the Governing Body on their timeline, noting that three closings were scheduled between Friday and Monday and the remainder would take place within the next two to three weeks.

Mayor DiPaola said she was very concerned that the tenants on these properties would be taken care of; they were friends and neighbors and important to everyone. She knew they were dealing with them in good faith and asked that if any of them wished to return after the project was complete, that they be given the opportunity or first right of refusal to come back. She also wanted them taken care of in some way during the transitional period of building. Mr. McCann said it was a primary concern of the Borough that the redeveloper would work very hard for the tenants. There was a window of opportunity with the developer to move quickly and offer accommodations.

Mr. Paparo said they had reached out to all the tenants; they had more success with some than with others. He noted that the Redevelopment Agreement required that if the redeveloper could not work out an agreement with a tenant, then it was the Borough's obligation to condemn them. He said they were trying to avoid this. Mayor DiPaola stated that this was something the prior Governing Body had agreed to. The current Governing Body had to deal with this and hopefully would not have to face it as she was not comfortable with it. She had been advised that the members of the Governing Body were legally bound to abide by the redevelopment agreement. She was very uncomfortable with this because she was not in favor of going that route; she hoped the redeveloper would work with the tenants to make them happy and feel good about moving out and going somewhere else for a period of time. She hoped they would have a home they could come back to on Kinderkamack Road so they could restart their businesses and flourish. Mayor DiPaola said she appreciated that Mr. Klugman was willing to work with the Borough and business owners in order to start the project off on the right foot in terms of accommodating the Borough. Mr. Paparo anticipated that work on the project would begin at the end of June/beginning of July. Mayor DiPaola said that as long as the redeveloper was working with the Governing Body and business owners, they would work with the redeveloper.

Councilman Hoffman said the former Governing Body put them in this situation. Mayor DiPaola agreed, noting that she, Councilman Hoffman, Councilwoman McGuire and Councilman Gordon did not vote for this project and were not responsible for the decisions made but were going to make the best of it. They were willing to work in good faith to do what was best for Emerson.

Mike Myers, 38 Allison Way opined that the phone discussion was of paramount importance and thanked Councilman Knoller for potentially saving the Borough hundreds of dollars. He wished that he had been as vocal when the debacle on Block 419 had started. He opined that Councilman Knoller had talked more about cellphones that evening than the future of Emerson.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried at 10:44 p.m.

Ms. Dietsche informed Mayor DiPaola that two resolutions should be pulled from the agenda, CA 122-19 and CA 123-19 as they had not been received yet.

☛ **Motion** to approve Consent Agenda Resolution No. 112-19 without CA 122-19 and 123-19 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- CA 113-19 Resolution Authorizing Not to Exceed Limitations for Boswell Engineering for the NJDOT Vivian Ave Drainage Project
- CA 114-19 Resolution Authorizing Not to Exceed Limitations for Boswell Engineering for the Bergen County Community Development Block Grant for Dogwood Lane Drainage Improvement
- CA 115-19 Authorization for GFWC Woman's Club to Plant Pinwheel Garden in Front of Borough Hall
- CA 116-19 Award Tree Services Contract to Ace Tree Surgeons for Calendar Year 2019 in an amount not to exceed \$53,000
- CA 117-19 Authorize the Borough to obtain Appraisal for Property Located at Block 211, Lot 1, 386 Kinderkamack Road
- CA 118-19 Authorize the Borough to obtain Appraisal for Property Located at Block 901.01, Lot 1, 175 Forest Avenue
- CA 119-19 Authorize Mayor to sign consent letter for equipment upgrades to cell tower site at DPW yard
- CA 120-19 Resolution to Address Gas Infrastructure Upgrades and Improvements Under the Board of Public Utilities Gas System Modernization Program Ii, Allowing Public Service Electric and Gas Company the Ability to Work with The Municipality on Planning and Restoration of Road Openings Outside the Current Road Restoration Ordinance
- CA 121-19 Authorize execution of Interlocal Affordable Housing Administration Agreement with Paramus
- ~~CA 122-19 Authorize Shared Service Agreement with Borough of Westwood - Vivian Avenue Drainage project - **PULLED**~~
- ~~CA 123-19 Authorize Shared Service Agreement with Borough of Westwood - Main Street/Linwood Avenue Sections 4 & 5 - **PULLED**~~
- CA 125-19 Supporting PSEG Clean Energy Future - Smart Meters/ Smart Communities Initiative

XVI. CLOSED EXECUTIVE SESSION - Resolution No. XX-19

Mayor DiPaola announced that there was no Closed Session.

XVII. RECONVENE

The Borough of Emerson reserves the right to return to Open Session and, if appropriate, take formal action.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved** by Councilwoman McGuire, **seconded** by Council President Falotico and carried at 10:49 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk