



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
March 5, 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 5th, 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 Hoffman, Councilman Knoller, Councilwoman McGuire

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

Mayor DiPaola announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- APPOINTMENT BY COUNCIL:
 - Board of Health
 - Appointment of Corey Melillo as a Regular member for the unexpired term ending 12/31/20

☞ **Motion** to appoint Corey Melillo as a Regular Member of the Board of Health for the unexpired term ending 12/31/20 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

- RESIGNATION:
 - Environmental Commission

- Resignation of Stephen Frassa as a member and Shade Tree Inspector effective immediately

Mayor DiPaola announced that she hereby accepted the resignation of Stephen Frassa as a member of the Environmental Commission and Shade Tree Inspector effective immediately.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of February 19, 2019

☞ **Motion** to approve the Regular Meeting Minutes as amended and the Closed Session Meeting Minutes of February 19, 2019 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 96-19 Temporary Emergency Budget

☞ **Motion** to approve Resolution No. 96-19 Temporary Emergency Budget 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

VIII. UNFINISHED BUSINESS

- Relocation of the Volunteer Ambulance Corps building – Mayor DiPaola said that members of the Volunteer Ambulance Corps and representatives of other departments had met to discuss relocating their building. Council President Falotico stated that more logistic planning was required as related to redevelopment planning. He noted that Volunteer Ambulance Corps services would continue during the transition.
- Discussion of process for distributing free recycling cans – Mayor DiPaola received a draft notice from Recycling Coordinator Liz Morris related to the distribution of 175 free recycling cans. Councilman Bayley said that Ms. Morris had done a nice job. The message would be communicated through a Swiftreach public notification message, the website and a press release. The cans would be distributed at 64 Locust Avenue from 11 a.m. to 2 p.m. on March 11th, 13th and 15th or until all cans were gone. If a senior was unable to attend, a representative with proof of residency for the senior could obtain the can in their behalf.
- Update on Redevelopment by Borough Attorney – Mr. McCann said the Redeveloper had been trying to set up a meeting with the Borough over the last few weeks. He had been away and had experienced some computer issues, but would contact them on Thursday, March 7th. In addition, the Borough's Redevelopment Attorney, Mr. Richard Malagiere, had been going through documents he received to get up to speed. Mr. McCann anticipated they would meet on Tuesday or Wednesday of the following week. Councilman Knoller asked Mr. McCann to keep the Governing Body apprised of when the meetings were going to take place.

IX. NEW BUSINESS

- Discussion on the formation of an Emerson Pedestrian/Cyclist Safety Task Force – Councilwoman McGuire said she had met with Westwood Councilman Chris Montana and communicated with Westwood Police Chief Michael Pontillo by email.

They had welcomed her inquiry and shared information on how to start a task force. The Boroughs of Westwood and Hillsdale initiated their programs in reaction to a pedestrian fatality in each of their communities. She wanted to be proactive instead of reactive and move forward cost effectively. She stated that multiple developments were to be developed in Emerson's busiest intersections in the foreseeable future. The Emerson Police Department would gather information for a survey during regular hours by identifying areas of concern for pedestrians, cyclists and motorists. The only cost would be for engineering recommendations based on the results. She explained that it would be a collaborative effort partnering with organizations that would provide free programming including Be Street Smart New Jersey, AAA, Easy Ride and Safe Kids Bergen County. The Governing Body discussed initiatives like better lighting at some crosswalks, improved signage and crosswalk flags.

Mayor DiPaola thanked Councilwoman McGuire for bringing this to everyone's attention and explained that she had always been an advocate for having safe routes to school for children; there was always room for improvement. She said she supported the Heads Up, Phones Down initiative as well.

☛ **Motion** to initiate an Emerson Pedestrian/Cyclist Safety Task force and move forward with the survey 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

- Discussion of alternate appointments to Land Use Board – Councilman Hoffman said the Borough Code stated that the Mayor appointed the Alternate members to the Land Use Board but the Land Use Chair designated whether they were appointed as Alternate I, II, III or IV. He referenced the Municipal Land Use Law and said the Alternate's designation was in fact the Mayor's decision. Mr. McCann agreed and said State law overrode a local ordinance. He recommended cleaning up the Borough ordinance so it did not conflict with State statutes. Councilman Hoffman would follow up with Mr. McCann to amend the ordinance.
- Discussion of appointments to Recreation Commission – Councilman Hoffman said this topic was similar to his discussion of appointments to the Land Use Board. He described language that took away some of the Mayor's authority related to appointments. It also negatively impacted the correct staggering of the terms of members. Mr. McCann said he would review this item with Councilman Hoffman.
- Discussion regarding preservation of DeBaun House/American Legion building – Councilman Hoffman discussed an email received by Councilwoman McGuire from Lynn Bartlett, Executive Director of the Bergen County Housing Authority. The email stated that rehabilitation of the DeBaun House was not feasible. He also described other language which was not clear, specifying that a "proposed alternate use of the site acceptable to the Borough" was confusing since it was not a Borough

building. He requested that Mr. Sheola contact Ms. Bartlett for clarification. He also noted that the DeBaun house was one of only two 18th Century homes remaining in Emerson. A report on the condition of the home indicated that a renovation would be expensive, but did not state that it was not feasible. Councilman Hoffman stated that if the home was knocked down, there would be an outcry from the public as they wanted it restored and kept in Emerson. Councilwoman McGuire said the house had been included in a Bergen County Historical Survey as well as the Historic Preservation Committee's Historic Survey of Emerson.

- Discussion of grant opportunities for 2019 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund – Mr. Sheola had consulted with Borough departments to obtain a short list of projects to recommend for this grant. He discussed backstop replacements at Babes Field and Hillman Field and estimated the cost to be between \$40,000 and \$50,000. He also discussed expanding the lightning detection system. He explained that the deadline to file a letter of intent was March 19th and proposed including include both items in the application.

☞ **Motion** to authorize Mr. Sheola to file a letter of intent with the 2019 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund for the replacement of backstops at Babes Field and Hillman Field and to expand the lightning detection system 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

- Discussion of change to zoning ordinance in RC (Retail Commercial) Zone – Mr. McCann stated that the ordinance as introduced would eliminate drive throughs in the RC Zone but that this was not the intent of the Governing Body. Their intent was to only eliminate drive through eateries. He explained that the ordinance as introduced was being sent to the Land Use Board for review and comment. Mayor DiPaola said the Borough's intention was to allow drive throughs at other types of businesses such as banks and pharmacies. Mr. McCann said the notices sent to owners were still in effect; the public had been noticed about the change.

X. INTRODUCTION OF ORDINANCES

First Reading:

Mayor DiPaola announced that Ms. Dietsche would read the following ordinances by title and they would be further considered at a Public Hearing to be held on March 19, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the March 8th, 2019 edition of the Ridgewood News. She added that these ordinances were 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.

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

☞ **Motion** to introduce Ordinance No. 1585-19 on first 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

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

☞ **Motion** to introduce Ordinance No. 1586-19 on first reading was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon 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 introduce Ordinance No. 1587-19 on first reading was **moved** by Councilman Bayley, **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

XI. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1582-19 AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, IN ORDER TO REVISE THE RC (RETAIL COMMERCIAL) ZONE TO REMOVE DRIVE-THRU ESTABLISHMENTS AS CONDITIONAL USES

☞ **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 at 8:20 p.m.

Fred Madura, 10 Groesbeck Court asked about the 20-foot buffer between residential and commercial properties and whether it would remain in place. He also asked for clarification about how the ordinance would impact a 1994 Zoning Board of Adjustment resolution for the Ramsland property which was adjacent to his home.

Ira Weiner, Esq., of Beattie Padovano said he represented Concerned Citizens of Main Street Inc. He thanked the Governing Body for addressing this issue and thanked Mayor DiPaola for her leadership. He said their position was laid out in a letter the Governing Body had received. The real focus of the group he represented was on food related businesses and limiting late hours and traffic problems.

Diana Cella, said she was the daughter of the Ramsland property owner and was glad that the Emerson Post Office's drive through would not be impacted by changes to this ordinance. She stated that drive throughs were helpful for the handicapped and people with children.

Seeing no more 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 Knoller, **seconded** by Council President Falotico and carried at 8:32 p.m.

Mayor DiPaola announced that Ordinance 1582-19 was being sent to the Land Use Board for review and would be revisited on March 19th.

1583-19 AN ORDINANCE AMENDING CHAPTER 61-10 ENTITLED PARKS, PLAYGROUNDS AND RECREATION, 'FEE SCHEDULE' OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, ESTABLISHING FEES FOR PARTICIPATION IN RECREATIONAL ACTIVITIES

☞ **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 at 8:33 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 Council President Falotico and carried at 8:33 p.m.

☞ **Motion** to adopt Ordinance No. 1583-19 on second reading 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

1584-19 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 49 OF THE BOROUGH CODE TO CLARIFY THE AUTHORITY OF THE GOVERNING BODY TO PROVIDE INCREASES TO THE LOSAP PAYMENTS BY RESOLUTION OF THE GOVERNING BODY IN ACCORDANCE WITH APPLICABLE LAW

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried at 8:34 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 Councilwoman McGuire and carried at 8:35 p.m.

☞ **Motion** to adopt Ordinance No. 1584-19 on second reading was **moved** by Council President Falotico, **seconded** by Councilman Hoffman and carried by a roll call vote of 6-0:

RC: Council members:

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

XII. REPORTS

- Borough Administrator Rich Sheola reported on the following:
 - Recent budget meetings were productive and they were on track to introduce the 2019 Budget on March 19th.
 - The Borough was working through issues on Vivian Avenue. Borough Engineer for Special Projects Gary Ascolese was trying to get funds redirected.
 - The Affordable Housing Agent agreement was being worked on.
 - The Borough had met with PSE&G on the project to upgrade gas lines. It was well underway and would continue through 2020. The Police Department was on board with traffic control. Mayor DiPaola noted that

Suez Water had notified residents about potential lead in water lines. She asked Mr. Sheola to contact Kevin O'Connor at Suez Water to coordinate with residents if they had checked their pipes and discovered lead so as to eliminate ripping up the streets more than once.

- The Volunteer Ambulance Corps was planning to relocate; They were moving along as expeditiously as possible.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried at 8:39 p.m.

Paul Hulburt, 55 Jefferson Avenue asked where the Governing Body planned to relocate the Ambulance Corps building. Council President Falotico said they were looking at the Fire Department or Department of Public Works facilities and that it would not affect residential areas.

Lorraine McQueeney asked that residents be reminded that garbage and recycling containers should not be set out until after 6:00 p.m. the night before pickup.

Afrim Hoxha, Chair of the Recreation Commission, asked if the ordinance setting fees for the track and field program was now in effect.

Seeing no more hands, Mayor DiPaola asked for a motion to close the meeting to comments from the public.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman McGuire, **seconded** by Council President Falotico and carried at 8:46 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 97-19

Council President Falotico requested that CA 101-19 be pulled for a separate vote.

☞ **Motion** to approve Consent Agenda Resolution No. 97-19 without CA 101-19 Appoint Michael Dennis Falotico as a Part Time Crossing Guard/Court Officer was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

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

☞ **Motion** to approve CA 101-19 Appoint Michael Dennis Falotico as a Part Time Crossing Guard/Court Officer only was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

YES: Bayley, Hoffman, McGuire, Knoller, Gordon

ABSTAIN: Falotico

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| CA 98-19 | LOSAP Resolution |
| CA 99-19 | Resolution Opposing the Construction of the North Bergen Liberty Generating Gas-Fired Power Plant |
| CA 100-19 | Appoint Amy Levine as a Part Time Crossing Guard Effective Immediately |
| CA 101-19 | Appoint Michael Dennis Falotico as a Part Time Crossing Guard/Court Officer |

- CA 102-19 Resolution of the Borough of Emerson, County of Bergen, State of New Jersey, Supporting the 2019 Distracted Driving Crackdown Campaign
- CA 103-19 Change Order #1 Pine Drive Drainage Improvements Phase I and Phase II
- CA 104-19 Demand a Commitment from Suez North America to Aggressively Replace Lead Service Lines They Own

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

Mayor DiPaola announced that there was no Closed Session.

XVI. RECONVENE

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

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried at 8:50 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk