



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
January 21, 2020
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola called the meeting to order and welcomed everyone to the January 21st, 2020 Regular Meeting of the Emerson Governing Body. She said the meeting was being videotaped and could be viewed from a link on the Borough website as well as on Verizon FIOS Channel 36 and Cablevision Channel 77. She read the Sunshine Statement announcing that the meeting of January 21st, 2020 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 19th, 2019, 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, Councilwoman Argenzia, Councilman Bayley, Councilwoman Dinallo, Councilman Gordon, Council President Hoffman, Councilwoman McGuire

Also present were Borough Administrator Robert Hermansen, 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 were absent from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

**Ceremonial Swearing in of
Councilwoman Patricia L. Dinallo by her sister
Ramsey Mayor Deirdre A. Dillon**

**Presentation of Certificates of Commendation to
Councilwoman Jill McGuire
Councilwoman Nicole Argenzia
Councilwoman Patricia L. Dinallo**

By Bergen County Board of Chosen Freeholders Chairwoman Mary Amoroso

- Proclamation recognizing Celebration of Life Day – January 22, 2020
- Commendation recognizing Maeve McFadden and Maximilian Zhang, Bergen County Academies, Regeneron STS Scholars

V. APPOINTMENTS/RESIGNATIONS

- **RESOLUTION No. 41-20 BOROUGH PROFESSIONAL APPOINTMENTS – AWARD PROFESSIONAL SERVICE CONTRACTS FOR ONE YEAR PERIOD USING THE ‘FAIR AND OPEN PROCESS’ in accordance with the ‘New Jersey Local Unit Pay to Play’ Law, Pursuant to N.J.S.A 19:44A-20.4 et seq. ‘Fair and Open’ for Calendar Year 1/1/2020 through 12/31/2020 (Appointment by Mayor on Consent and Advice of Council)**
 - Resolution No. 41-20A Ratify Selection of Land Use Board Attorney – Chris Martin, Esq., Morrison Mahoney, LLP
 - ~~Resolution No. 41-20B Ratify Selection of Land Use Board Engineer – Neglia Engineering~~
 - Resolution No.41-20C Grant Writer - Bruno Associates
 - Resolution No. 41-20D Public Defender – William R. Fenwick, Esq., Pearce Law, LLC

Mayor DiPaola announced that Resolution No. 41-20B was being pulled from the agenda.

☞ **Motion** to adopt Resolutions No. 41-20 A, 41-20C and 41-20D Borough Professional Appointments –was **moved** by Councilwoman McGuire, **seconded** by Council President Hoffman and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

Councilwoman Dinallo addressed the public and thanked the Council for voting for her to fill the unexpired seat. She gave a big thank you for making it possible for her to have a ceremonial swearing in that evening so that her husband Richard, her daughter Katherine, her son Paul, all her grandchildren, her cousins Jimmy and Tommy, and her sister Deirdre and her husband could attend. She said it was really a family affair and thanked her friends including Bergen County Board of Chosen Freeholders Chairwoman Mary Amoroso for taking time out of her busy schedule to come to help. She noted that many times people were defined by the labels society attached to them which limited people’s ability to interact in an intelligent and open-minded way. She added that in Emerson people were more than that; they were members of a wonderful community that she had been a part of for well over 50 years. Emerson had a big heart that made it different than so many towns around it. She promised to work collaboratively, diligently and lovingly this year to keep Emerson the special place it was and always had been.

- Environmental Commission
- Resignation of Kevin Leeds as a regular member for the unexpired three-year term ending 12/31/21 effective 1/2/20

☞ **Motion** to accept the resignation of Kevin Leeds as a regular member of the Environmental Commission for the unexpired three-year term ending 12/31/21 effective 1/2/20 was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried unanimously.

VI. MINUTES FOR APPROVAL

- Approval of Sine Die/Reorganization and Closed Session Meeting Minutes of January 2, 2020

☞ **Motion** to approve the Sine Die/Reorganization and Closed Session Meeting Minutes of January 2, 2020 was **moved** by Councilman Gordon, **seconded** by Councilwoman Argenzia and carried unanimously.

VII. CORRESPONDENCE

Mayor DiPaola announced that copies of the correspondence were available in the office of the Municipal Clerk.

- Letter dated December 12, 2019 from Verizon; Re: Fiber Optic technology updating.
- Letter dated December 18, 2019 from Bergen County Municipal JIF; Re: Bergen County Municipal Joint Insurance Fund 2020 Assessment Bill.
- Resolutions from the Borough of Fairview and Lodi Re: Resolution Calling for Study Commission to Review the Open Public Records Act.
- Resolutions from Borough of Maywood, Borough of Old Tappan, Borough of Hillsdale, Borough of Harrington Park, Borough of Closter, Borough of Fairlawn, Borough of Bergenfield, Borough of Waldwick, Township of Rochelle Park; Re: Interlocal Service Agreement – Mutual Aid Plan Rapid Deployment Force.
- Resolution from the Borough of Westwood; Re: Mutual Aid – Pascack Valley Fire Departments.
- Letter from Department of State; Re: Training on how to organize and lead a Local Complete Count Committee (LCCC).
- Letter dated January 3, 2020 from NJDOT; Re: Final Reimbursement for Main Street- Linwood Ave Section 4 & 5.

VIII. FINANCIAL BUSINESS

- Resolution No. 42-20 Bill List

☞ **Motion** to adopt Resolution No. 42-20 Bill List was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

- Resolution No. 43-20 Temporary Capital Budget

☞ **Motion** to adopt Resolution No. 43-20 Temporary Capital Budget was **moved** by Councilwoman Dinallo, **seconded** by Councilman Bayley and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

IX. UNFINISHED BUSINESS

- Discussion re: amendments to Chapter 266, Article II of Borough Code - Tree Management – Council President Hoffman outlined suggested amendments to Chapter 266 related to tree preservation and woodland management. Council consensus was that these changes were warranted and would hold everyone accountable. Mayor DiPaola asked that the changes be incorporated into an ordinance to be introduced at the next meeting.
- Discussion re: Land Use Board recommendations for amending Chapter 248 of the Code of the Borough of Emerson at Section 38 Entitled ‘Curbs and Sidewalks Required for New Construction’ – The Governing Body and Mr. McCann discussed suggested revisions to Chapter 248 Streets and Sidewalks submitted by the Land Use Board related to updating language on requirements for sidewalks and curbs for new construction.

Land Use Board Vice Chair Gary Schwinder was invited to speak and stated that all new construction currently required sidewalks and curbs but noted that there were instances where this requirement presented aesthetic issues or would result in drainage problems.

Governing Body consensus was that this topic needed further review by the Land Use Board, the Land Use Board Engineer and Council members before moving forward.

- Follow up discussion of architectural plans for Borough Hall – Mr. Hermansen said Borough Architect Kevin Settembrino had distributed revised plans to the Governing Body for review. Mayor DiPaola asked that Police Chief Mazzeo and the Ambulance Corps view the plans and provide feedback to ensure that their needs were being met. Mr. Settembrino would be present at the next meeting.
- Town and Country property sale process – Mayor DiPaola said that Town and Country had owned property on Forest Avenue for many years but had become delinquent on taxes. The Borough had proceeded with an in-rem foreclosure; a judge had awarded the property to Emerson. The Borough Engineer was in the process of determining how many buildable lots could be planned for the property. The properties would potentially be sold at auction to create revenue and build on taxable income. Mayor DiPaola said everything would be discussed at meetings and neighbors would be asked for their feedback as they wanted to hear from the public before making any moves.

- Update on Palisade Avenue stop sign study – Mr. Hermansen said the County no longer provided traffic counters to municipalities. Instead the Borough would need to rent a device at a cost of \$500 per location if they wanted to move forward with this study. The Governing Body discussed traffic conditions and safety issues and whether crosswalks were sufficient at specific locations. After discussion, Mayor DiPaola said that she, Councilman Bayley, Councilwoman McGuire and Mr. Hermansen would review the traffic hotspots, discuss with Chief Mazzeo and confer with Borough Engineer Dave Atkinson to come up with a plan to keep pedestrians safe.

☞ **Motion** to direct the Borough Engineer to go over the hot spot pedestrian areas including locations on Palisade Avenue, Locust Avenue and Kinderkamack Road by Starbucks at a cost of no more than \$500 was **moved** by Councilman Bayley, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

- Update on the firehouse floor – Mr. Hermansen said that the Borough would be reviewing proposals from three vendors but had only received two responses so far. He was analyzing the cost with CFO Lauren Roehrer and had put aside additional funds for a total floor fix. They would try to move forward as quickly as possible in the spring so the fire trucks could remain outdoors in warmer weather. He estimated the repair would cost approximately \$448,000 for the project only plus additional costs for engineering.

X. NEW BUSINESS

- Discussion of adding historic element to Master Plan – Councilwoman McGuire said she begun advocating for adding an historic element to the Master Plan when she was the Chair of the Historic Preservation Committee during the plan reexamination in 2017. That goal was placed in the reexamination and she thought it would be a good time for the Governing Body to begin considering it. Mayor DiPaola said they should ask for input from the Historic Preservation Committee and perhaps have come committee meetings and work with Mr. Hermansen and Borough Planner Caroline Reiter about how to move forward. It would then go to the Land Use Board for a recommendation before coming to the Governing Body. Councilwoman McGuire said it was a long process and would take a minimum of ten months to do properly. It would help with proper planning for the community, was environmentally friendly since it reduced carbon footprints, fostered higher quality of life, promoted pride in the community and enhanced the quality of how a community developed and planned for development. She said it would be based on the Bergen County Historic Site Survey of 1981-1982, which had been recently updated by the Emerson Historic Preservation Committee in January of 2019, could serve as a foundational starting point for the Historic Preservation Element.

XI. INTRODUCTION OF ORDINANCES

First Reading:

1605-20 CAPITAL ORDINANCE OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF AN SUV FOR THE POLICE DEPARTMENT AND VEHICLE DIAGNOSTIC EQUIPMENT FOR THE DPW IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$55,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND

☞ **Motion** to introduce Ordinance 1605-20 on first reading was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1604-20 AN ORDINANCE REGARDING SECOND KITCHENS IN SINGLE FAMILY RESIDENCES IN THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance 1604-20 only was **moved** by Council President Hoffman, **seconded** by Councilwoman McGuire and carried unanimously.

Gary Schwinder, Vice Chair of the Emerson Land Use Board, 99 Linden Avenue asked for more information about the ordinance.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1604-20 only was **moved** by Council President Hoffman, **seconded** by Councilwoman McGuire and carried unanimously.

☞ **Motion** to adopt Ordinance 1604-20 on second reading was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried by a roll call vote of 4-2:

Roll call:

YES: Bayley, McGuire, Dinallo, Gordon

NO: Hoffman, Argenzia

XIII. REPORTS

- Mayor and Council

Councilman Bayley welcomed the new Councilmembers and thanked the Fire Department for hosting their reorganization dinner. He said it was a beautiful event. He thanked the outgoing members and welcomed the incoming members and said they were doing a great job. He had attended the reorganization meeting of the Joint Insurance Fund and met the members of the Library Board of Trustees. He said the members of the Library Board were the happiest group in town and looked forward to working with them.

Councilwoman McGuire said she and Council President Hoffman had attended Jeopardy Night hosted by Assumption Church and had a fun time. She and Councilwoman Argenzia had attended the Newly Elected Officials training. She had attended the reorganization meeting of the Land Use Board. The Recreation Commission meeting had been cancelled due to a lack of quorum. She had attended the Chamber of Commerce meeting as their co-liaison where they had discussed ideas for future community events. She added that they were always looking for new members.

Councilwoman Dinallo said she planned to meet with the Chamber of Commerce and would attend the upcoming meetings of the Board of Education and Fire Department.

Council President Hoffman had attended the reorganization meeting of the Shade Tree Commission on January 8th where they had reelected Margaret Boyce as their Chairperson. They held off on appointing a Vice Chair but appointed three subcommittees and discussed the tree planting process. They were also going out for quotes for tree contractors and discussed plans for Arbor Day. They may have a memorial ceremony as they had done in the past. He had also attended the meeting of the Ambulance Corps.

Councilman Gordon gave the January report of the Department of Public Works and noted that they had cleaned up debris on the railroad tracks and in the yard at 173 Hasbrouck Avenue caused by a Borough tree which had fallen. They had replaced the pump on the brine tank and started producing brine solution for the winter. After the ice storm of December 17th, they cleaned up several fallen limbs and trees throughout town. Footings were also being dug for the temporary ambulance building. He thanked the employees of the Department of Public Works for searching through accumulated recycling at the yard and locating a handbag which had been mistakenly disposed of by a resident.

Councilwoman Argenzia had attended the Ambulance Corps reorganization meeting the previous evening where they had elected their officers. Emerson Health and Rehabilitation had hosted a dinner for the Corps to thank them for responding to their facility and helping their staff. They had also discussed how to transport patients with special equipment needs. She also gave the 2019 annual report for the Ambulance Corps. They had discussed their specific requirements related to Borough Hall renovations and voiced concerns about the temporary building under construction they would be occupying, the requirement to store the ambulances and computer equipment at the proper temperature and the need to have a proper location for members to be warm and wash up after a call. The Board of Health meeting had been cancelled as there was no quorum due to illness.

- Borough Administrator – Robert Hermansen reported on the following:
 - He thanked the DPW for getting the roads clean after the recent snow. They did a fantastic job as they always did.
 - He had attended the Fire Department Installation Dinner and said it was a very good evening.
 - He said contract negotiations with the DPW were ongoing. Another meeting was scheduled for the following week.
 - He had met with Recreation Commission Presiding Officer Bob Quinones and Mr. McCann to discuss recreation topics.
 - He had met with Court Administrator Laurel Carnazza who had suggested that the Borough consider using an E-ticketing system to save time and money. The current manual process for entering ticket information was very time consuming.
 - He had met with Extel; the Borough's telephone contract was coming up for renewal soon. He was looking for the best value and to save some money and would report back soon.
 - He had met with the attorneys for affordable housing.
 - The lights in the Police Department had been adjusted to allow them to adjust the brightness at no cost to the Borough.
 - He had met with Qualified Purchasing Agent Roy Riggitano. He said he was a fantastic person and looked forward to working with him.
 - He had met with the Police Chief about a new program called BEAST to catalog evidence using barcodes.
 - He had a conversation with a volunteer to discuss the Borough's requirement to obtain copies of each volunteer's driver's license in order to check them to protect the Borough from liability issues. He added that coincidentally he had received a call from the JIF Safety Director and noted that this requirement is coming from the Joint Insurance Fund and not the Borough and is in place to protect municipalities from lawsuits.

Mayor DiPaola added that the Borough would also be instituting more stringent background checks for volunteers and employees. They were working with Borough Labor Attorney Cathy Elston to put this process in place.

- Mayor DiPaola reported on the following:
 - She had met with the BCUA to determine the need for a new catch basin in Continental Woods. A joint venture with Suez Water, the BCUA and the Borough was being discussed. She discussed the area behind homes on Eagle Drive and at the base of Douglas Street and Orchard Avenue. There were issues of property maintenance as well as residents who were encroaching on the easement. She said this issue would be sorted out in the coming months and noted that everyone would work together to move forward and resolve the issue of standing water in residents' backyards.
 - Work being performed by PSE&G was being done in coordination with the Police Department. Announcements were being shared through Swiftreach, the Borough website and Twitter.
 - She would begin holding office hours on the first and third Tuesday of each month beginning at 5:00 p.m. She added that she could also be reached by email at mayor@emersonnj.org or on her Borough cell phone at 201-599-1534.
 - She congratulated Anthony Sottile on becoming Chief of the Emerson Fire Department and wished him and all new officers in the department the best. She also said she had a good time at their installation dinner.
 - She had attended the Senior's meeting. They were a lovely bunch and she encouraged everyone over the age of 60 to participate. Their meetings took place on the second Thursday of each month at noon. They also hosted many programs.
 - The Pascack Valley Mayor's Association would be holding a breakfast at the Iron Horse on January 29th. It would provide an opportunity for people to meet their mayors.
 - She was planning to begin the Mayor's Wellness Program again with a weekly 'Walk with the Mayor.' She would announce the first walk soon and encouraged everyone to join for fun and to get to know each other.
 - She gave an update on Redevelopment, noting that some buildings had been demolished but the former Cozy Café and apartment house were still standing until all issues were rectified. She added that the Redevelopers were required to clean up rubble. The Borough would check to see if they could enforce property maintenance codes and hoped that this would be rectified swiftly. She added that the Borough did not have a lot of control over private property. In addition, the Cork and Keg issue was still pending and there was still hope for negotiations; there was discussion for a one-day mediation between the two parties. The status of the Laurel Chinese Restaurant was a private matter and was in the court system with no current time frame.

- Borough Clerk Jane Dietsche had no report.

- Borough Attorney John McCann reported on the following:
 - He had meetings with several entities: representatives of the BCUA, the Recreation Commission, and the redeveloper regarding Affordable Housing. Special Counsel Affordable Housing Brian Giblin recommended having to add to the existing plans. In the main building, the redeveloper would have to add a three-bedroom apartment.
 - Councilman Bayley had asked that information about Local Government Ethics be shared with the Governing Body; it had been distributed by the Borough Clerk.
 - With regards to a vaping ordinance, the State and Federal Government were struggling with it. He continued to monitor developments and recommended that everyone sit tight and see what developed.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman Argenzia, **seconded** by Councilwoman McGuire and carried unanimously at 9:17 p.m.

William Fenwick, Esq., 5 Mae Court, Park Ridge thanked the Governing Body for the opportunity to serve as the Borough's Public Defender.

Kate Stutzel, 186 Eagle Drive asked about the Mayor's process of appointing members to boards and commissions and why an alternate believed she was passed over for full membership to the Recreation Commission.

Mr. McCann said that from a legal perspective, no one had a right to any appointment. Mayor DiPaola said that each decision was made on an individual basis.

Gary Schwinder, 99 Linden Avenue congratulated Councilwoman McGuire, Councilwoman Argenzia and Councilwoman Dinallo and wished them a lot of luck. He asked about shade trees which had been planted years ago in the median strip and the policy for placement of new tree plantings. He also requested that when the Borough Engineer evaluate the buildable area at the former the Town and Country property, that the Governing Body ask him to consider a place for people to recreate.

James Corti, representative of Congressman Josh Gottheimer, presented a certificate to Councilwoman Dinallo on being appointed to the Borough Council.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried unanimously at 10:09 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA

☞ **Motion** to approve Consent Agenda Resolutions No. 44-20 through 50-20 was **moved** by Councilman Gordon, **seconded** by Councilwoman Argenzia and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

- CA 44-20 Resolution Authorizing the Borough of Emerson Through the Emerson Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office 1033 Program to Enable the Emerson Police Department to Request and Acquire Excess Department of Defense Equipment
- CA 45-20 Appoint Rob Hermansen as Public Agency Compliance Officer
- CA 46-20 Appoint Richard Silvia as Certified Fire Official for a three-year term beginning January 1, 2020 through December 31, 2022
- CA 47-20 Authorizing Disposal of Surplus Property - 1993 Chevy Suburban
- CA 48-20 Authorizing Disposal of Surplus Property – Public Address Amplifier
- CA 49-20 Service Agreement for a Certified Recycling Professional (CRP) To Prepare the Annual Recycling Tonnage Report
- CA 50-20 Refund of Tax Overpayments (4th Quarter - 2019)

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 51-20

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 51-20 was **moved** by Councilwoman Argenzia, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

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|-------------|---|-----------------|
| #20-1/21-03 | Personnel – Special Labor Counsel | N.J.S.A. 10-4-8 |
| #20-1/21-04 | Potential Litigation – Redevelopment Update | N.J.S.A. 10-4-7 |
| #20-1/21-05 | Potential Litigation – Lease Condemnation - Block 419, Lot 6.01 | N.J.S.A. 10-4-7 |
| #20-1/21-06 | Contract negotiations - SRO | N.J.S.A. 10-4-7 |

XVII. RECONVENE

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

☞ **Motion** to reconvene and extend the curfew to 11:30 p.m. was **moved, seconded** and carried unanimously.

☞ **Motion** to return to Closed Session was **moved, seconded** and carried unanimously.

☞ **Motion** to reconvene was **moved, seconded** and carried unanimously.

☞ **Motion** to retain the services of Charles Rabolli, Jr., Esq. of the Law Firm of Messineo Law, LLC to do a complete liability review of the Recreation Commission problem at a cost of \$150.00 per hour was **moved** by Councilwoman McGuire, **seconded** by Council President Hoffman and carried by a roll call vote of 6-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon, Argenzia

☞ **Motion** to approve Resolution No. 52-20 to Authorize Execution of School Resource Officer (SRO) Shared Service Agreement with the Emerson Board of Education was **moved** by Council President Hoffman, **seconded** by Councilwoman Argenzia and carried by a roll call vote of 5-0:

Roll call:

YES: McGuire, Dinallo, Hoffman, Gordon, Argenzia

ABSTAIN: Bayley

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 11:28 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk