



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 1, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola welcomed everyone to the October 1st, 2019 meeting. She read the Sunshine Statement announcing that the meeting of October 1st, 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, Council President Falotico, Councilman Gordon, Councilman Hoffman, Councilman Knoller, Councilwoman McGuire

Councilman Bayley arrived at 7:39 p.m.

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor DiPaola announced that all members of the Governing Body were present at the last meeting.

IV. PROCLAMATIONS & CITATIONS

- National Walk to School Day – Wednesday, October 2nd

V. APPOINTMENTS/RESIGNATIONS

- Appointment of Anthony Mirabelli as a Regular Member of the Fire Department effective October 1, 2019

☞ **Motion** to appoint Anthony Mirabelli as a Regular Member of the Emerson Volunteer Fire Department effective immediately was **moved** by Councilman Bayley, **seconded** by Council President Falotico and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of September 17, 2019

☛ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 17, 2019 was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried unanimously.

VII. FINANCIAL BUSINESS

Mayor DiPaola announced that there was no financial business.

VIII. UNFINISHED BUSINESS

- Commuter Parking – Mayor DiPaola stated that she and members of the Emerson Police Department arrived at the commuter parking area on Block 419 the morning after flyers had been posted by the redeveloper on commuter's vehicles. The flyers stated that commuters could no longer park there. She informed the commuters that they could continue to park there. The Borough had reached out to the redeveloper that morning who acknowledged they had made an error in the location of the commuter spaces, and agreed to continue to allow Emerson commuters to use the lot until December 1, 2019. She added that the Borough was in the process of creating a temporary lot on Locust Avenue of about 50 spots for residents of Emerson who had commuter parking permits.
- Request for new permitted uses in RC Zone – Dog day care/hotel, medical offices – Mr. Sheola said requests had been made to the Borough to open a dog day care/hotel facility as well as medical offices in the RC Zone. The request had been reviewed by the Borough Planner who submitted a letter stating that both uses would be compatible. He said the recommendation would now go forward through the standard process. He would send a letter to the Land Use Board for their review and recommendation and anticipated that the process would take a total of about six to eighth weeks.
- Discussion of amending Ordinance CHAPTER 264 SECTION 10 'TOWING AND STORAGE FEE SCHEDULE' OF THE BOROUGH OF EMERSON – Mayor DiPaola said the Governing Body had been presented with three options to consider as proposed amendments to the current towing ordinance. Mr. Sheola said that unless a specific rate was listed, the tower could not charge for a specific service. Police Chief Mazzeo was asked for his opinion on this item and said the Police Department was not involved in the cost factor and did not dictate fees. After discussion, Governing Body consensus was to introduce an amended ordinance utilizing the New Jersey State Police rates as a guideline but amending the fees to reflect 75% of the maximum rate for each service. Mr. Sheola said he would prepare an ordinance for introduction at the next meeting.

IX. NEW BUSINESS

- Recording of all Board/Commission/Committee meetings in Council Chambers – Mr. Sheola said it had come to the Borough’s attention that some boards, commissions and/or committees were not taking advantage of the recording system in the Council Chambers. Rather, they were using a pocket recorder which was noted was not ideal. He proposed making it a Borough policy that all boards, commissions and/or committees use the recording system in the Council Chambers to record all public meetings. After discussion, Governing Body consensus was that, in the spirit of transparency, to have any board, commission and/or committee that did not use the current recording system in the Council Chambers use an electronic pocket recorder at their public meetings through the end of the year and use the Liberty Recording System in the Council Chambers effective January 1, 2020-

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 October 22nd, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the October 4th, 2019 edition of the Ridgewood News. 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.

1600-19 AN ORDINANCE TO AMEND CHAPTER 264 SECTION 10 ‘TOWING AND STORAGE FEE SCHEDULE’ OF THE BOROUGH OF EMERSON

☞ **Motion** to table Ordinance 1600-19 and introduce it at the October 22, 2019 meeting 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

1601-19 AN ORDINANCE AMENDING CHAPTER 61 ‘PARKS, PLAYGROUNDS, RECREATION, DEPARTMENT OF’ § 61-4 A, B, C TERMS OF COMMISSIONERS; VACANCIES

☞ **Motion** to introduce Ordinance 1601-19 on first reading 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

XI. ADOPTION OF ORDINANCES

Mayor DiPaola announced that no ordinances were being adopted that evening.

XII. REPORTS

- Borough Administrator Rich Sheola's report is submitted to the minutes hereto. In addition, he reported on the following:
 - He reminded senior citizens and homebound residents that Meals on Wheels was a great opportunity to obtain hot meals.

Mayor DiPaola added that she had been in touch with Pascack Valley Meals on Wheels Director Jeanne Martin, and would begin volunteering to deliver meals to seniors and the homebound on October 14th. She noted that the fee was \$135.00 per month which would provide two meals a day as well as free personal products and an opportunity for social engagement.

- He had obtained an email from CSX about the trains idling at night behind Kuiken Brothers. CSX said the train was not theirs. He said he would follow up with New Jersey Transit to verify.

Mr. McCann said it did not matter who owned the train; what mattered was who was making the noise. Mr. McCann added that CSX should be told not to wait and asked that they be put in touch with him and have the Police Department enforce the noise ordinance. He added that the only way to get their attention was to enforce the ordinance.

Councilman Bayley said that lengthy idling presented an environmental issue as well.

- Budget Preparation memos for 2020 had recently gone out to all department heads recently.
- He had reviewed the Best Practices Inventory Checklist with CFO Lauren Roehrer. The results would be presented at the next meeting.
- He followed up on a request from Council President Falotico about the electrical and Wi-Fi network needs of the Volunteer Ambulance Corps at their new location. These needs were being addressed.
- Recycle Coach was a new application available on the Borough's website. It had been developed by the NJDEP. It allowed residents to set up a calendar linked to their smartphone to remind them of recycling pickup dates.
- The Borough had reviewed its current grant writer, Bruno and Associates. They consistently looked for new grants and notified the Borough of upcoming opportunities. In 2019 they had been paid \$10,500 dollars and had received in excess of \$978,000.000 worth of grants. In addition, there were pending grants totaling \$996,000.00. He said the Borough was getting its money's worth and recommended reappointing them on in 2020.

- Borough Attorney John McCann gave a follow up report on commuter parking issues related to upcoming redevelopment on Block 419. He had contacted them at 5:00 a.m. the morning after the redeveloper had notified commuters that they would no longer be allowed to park in the Borough's commuter lot. He said the redevelopers had not intended to offend residents; it was done with the exuberance of their project manager. He said if the Borough had a project manager in place, this would not have happened. He also reported that the Borough's COAH attorney had asked for another extension before submitting the COAH plan. There was no firm time for the redeveloper to start work. The State was anxious for the plan to be approved; he would ask the redeveloper what their plans were as the Court and Fair Share Housing wanted to know and the redeveloper had an obligation.
- Mayor DiPaola reported on the following upcoming events:
 - The Motor Vehicle Commission would be at Borough Hall on October 2nd from 10 a.m. to 2 p.m.
 - On October 2nd, 3rd and 4th, the Bergen County Clerk would hold Satellite Office hours from 10 a.m. to 2 p.m.
 - A breast cancer walk would take place on October 5th beginning at 8:30 a.m. at Emerson Junior/Senior High School.
 - The annual Flu Clinic had been cancelled due to the lack of supply of the hybrid vaccine.
 - Leaf bag distribution would begin on October 7th.
 - The Chamber of Commerce would hold a Pancake Breakfast at Applebee's in Paramus on October 13th.
 - Borough Hall would be closed for Columbus Day on October 14th.
 - On October 10th, District 39 would be holding an Office on the Road at Borough Hall and the Emerson Senior Center.
 - The last date to register to vote in the November 5th General Election was Tuesday, October 15th. The Borough Clerk's office would be open until 9 p.m. for late night voter registration.

XIII. PUBLIC COMMENT

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

Seeing no 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 Councilman Knoller, **seconded** by Council President Falotico and carried unanimously.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 240-19

☞ **Motion** to approve Consent Agenda Resolution No. 240-19 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

- CA 241-19 Tax Lien Redemption 234 Pascack Ave (Bl 104, Lt 10)
- CA 242-19 Police Officer Matthew Martino – Permanent Appointment
- CA 243-19 Police Officer Kyle Cullen – Permanent Appointment
- CA 244-19 Authorization to Enter into a Community Development Block Grant Agreement for a Senior Cognitive Training and Intellectual Wellness Program in the amount of \$6,000.00
- CA 245-19 Approve Cancellation of Grant Balances
- CA 246-19 Resolution Confirming Contract with Approved State Vendor for Contracting Units Pursuant to N.J.S.A. 40A:11-2a (WITMER PUBLIC SAFETY GROUP)
- CA 247-19 2020-2021 Bergen County Department of Health Services Contract Agreement for Blood Borne Pathogen Program
- CA 248-18 Appoint Zachary Woods as Part Time Police Dispatcher
- CA 249-19 Approve cell-tower lease extension on DPW property
- CA 250-19 Authorization to Enter into a Community Development Block Grant Agreement for Rudolph Way and Dawn Drive Roadway Improvements in the amount of \$167,667.50
- CA 251-19 Authorization Not to Exceed Limitations for Neglia Engineering for Construction Management Services for Bergen County ADA Ramps

XV. CLOSED EXECUTIVE SESSION - Resolution No. 252-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 252-19 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

- #19-10/01-38 Personnel – Rice Notice:
 - Borough Administrator/QPA N.J.S.A. 10-4-8
- #19-10/01-39 Personnel – Rice Notice: Borough Clerk N.J.S.A. 10-4-8

XVI. RECONVENE

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

☞ **Motion** to reconvene was **moved, seconded** and carried unanimously at 9:00 p.m.

☞ **Motion** to retain Rich Sheola as the Qualified Purchasing Agenda on his separation as Interim Borough Administrator 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

☛ **Motion** to add an issue to the agenda related to a fire call at Block 419 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

Mr. Sheola stated that it was his last Council meeting and said it had been an honor and privilege to work for the Borough for the last eight months.

Mayor DiPaola said that she was speaking on behalf of the Borough and thanked Mr. Sheola for stepping in as the Interim Borough Administrator with three new Council members and a new Mayor.

Mayor DiPaola discussed a fire call at 184 Kinderkamack Road which had taken place the previous Thursday or Friday in the redevelopment zone. She had received an anonymous call about fire call and said the Police or Fire Department had come upon a squatter in the building. She noted that none of the buildings at Block 419 were secure. She asked what could be done going forward and had been told that it was the responsibility of the redeveloper. She wanted it on record so the redeveloper knew that they had an obligation to secure the buildings. Mr. McCann said he would reach out to the redeveloper's attorneys.

Chief Michael Mazzeo was invited to the dais at 9:00 p.m. to discuss this topic. Mayor DiPaola asked what steps the Borough could take to ensure the buildings on Block 419 were secured. She requested that she be informed of issues such as this so that the appropriate follow up actions could be taken. She said that the fire call and evidence of a squatter should have been relayed to the appropriate officials so that the redeveloper could be contacted to resolve the issue.

Mr. McCann said that if 'no trespassing' signs were put up and the Police Department was informed, they could enforce it. Mayor DiPaola added that the only reason it was brought up was to keep everyone safe.

Chief Mazzeo stated that it was the responsibility of the Construction Official. Mayor DiPaola said that they needed to get a handle of what was going on at this location so they could rein in any problems. Mr. McCann noted that Block 419 was private property and the way the owners would be informed is by warning or citation. He said that if someone was in violation of the Borough code, they would be issued a warning or violation. He added that 'no trespassing' signs were an immediate necessary step in order for the Police Department to have any enforcement rights.

Chief Mazzeo asked to be informed when the 'no trespassing' signs were posted so that he could inform his department and that they could enforce it. Mr. McCann said that Mr. Sheola should send out the letter to the redevelopers stating that all buildings should be secured immediately as well as to ask who had given permission to allow the garage doors of the former Ambulance Corps building to be removed.

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 9:16 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk