



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
November 12, 2019  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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I. CALL TO ORDER

Mayor DiPaola welcomed everyone to the November 12<sup>th</sup>, 2019 meeting. She read the Sunshine Statement announcing that the meeting of November 12<sup>th</sup>, 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 20<sup>th</sup>, 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 Bayley, Councilman Gordon, Councilman Hoffman, Councilman Knoller

**ABSENT:** Councilwoman McGuire

Also present were Borough Administrator Robert Hermansen, Councilwoman Elect Nicole Argenzia, Borough Attorney John McCann and Deputy Borough Clerk Coleen Goddel.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Council President Falotico for his absence from the Regular Meeting of October 22, 2019

☞ **Motion** to excuse Council President Falotico for his absence from the Regular Meeting of October 22, 2019 was **moved** by Councilman Bayley, **seconded** by Councilman Knoller and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- November is Health Awareness Month
  - National Diabetes Month
  - National Epilepsy Month
  - World Pancreatic Cancer day in Emerson is November 21, 2019
  - National Prematurity Awareness Month and November 17<sup>th</sup> is World Prematurity Day

V. APPOINTMENTS/RESIGNATIONS

- Volunteer Fire Department
  - Appointment of Travis Segarra Avila as a probationary member effective immediately

☞ **Motion** to appoint Travis Segarra Avila as a Probationary Member of the Volunteer Fire Department effective immediately was **moved** by Councilman Bayley, **seconded** by Council President Falotico and carried unanimously.

- Land Use Board
  - Resignation of Evan Kutzin as a Class IV Member for the four-year unexpired term ending 12/31/21 effective immediately

☞ **Motion** to accept the resignation of Evan Kutzin as a Class IV Member of the Land Use Board for the four-year unexpired term ending 12/31/21 effective immediately was **moved** by Councilman Bayley, **seconded** by Council President Falotico and carried unanimously.

- Governing Body
  - Resignation of Chris Knoller as a Councilmember for the unexpired three-year term ending 12/31/20 effective 12/31/19

☞ **Motion** to accept the resignation of Chris Knoller as a Councilmember for the three-year unexpired term ending 12/31/20 effective 12/31/19 was **moved** by Councilman Bayley, **seconded** by Council President Falotico and carried unanimously.

Mayor DiPaola stated that they were sorry to see him go and that they had been working together for a long time. Councilman Knoller stated that it had been a long run, eight years.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of October 22, 2019

☞ **Motion** to approve the Regular Meeting Minutes the Closed Session Meeting Minutes of October 22, 2019 was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried unanimously.

## VII. CORRESPONDENCE

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

- Letter dated October 8, 2019 from Bob Russo, Executive Director, New Jersey Warehousemen & Movers Association; Re: Public Movers Act (PMA) recent changes.
- Email dated October 30, 2019 from Extel Communications, Inc.; Re: Telephone system upgrade.
- Memo dated October 24, 2019 from Bergen County Municipal Joint Insurance Fund; Re: Public Hearings -2020 Proposed Budgets.
- Memo dated October 25, 2019 from Bergen County Municipal Joint Insurance Fund; Re: Dividend to members.
- Notice of Public Hearing from Emerson Board of Education; Re: Revised meeting schedule – November 11<sup>th</sup> meeting changed to November 18<sup>th</sup>.
- Resolution dated October 31, 2019 from the Borough of Closter; Re: Master Plan Re-Examination Report.
- Email dated October 30, 2019 from Allison McLeod of DEP; Re: Radon Action Awareness Program.

## VIII. FINANCIAL BUSINESS

- Resolution No. 265-19 Bill List

☞ **Motion** to adopt Resolution No. 265-19 Bill List was **moved** by Councilman Knoller, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:

**RC: Council members:**

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

## IX. UNFINISHED BUSINESS

- Discussion of appointing a Qualified Purchasing Agent - Mr. Hermansen said he had a discussion with Mr. McCann on this topic and their recommendation was that the Borough hire a qualified person while he potentially attended the required classes. It was in the best interest of the Borough to have someone who was already certified. Mr. McCann added that there was a period of one year that the Borough would not necessarily have to appoint a qualified QPA but he said it was important to get someone who was qualified and had the certification. Councilman Knoller asked if this could be a shared service with another town. Mayor DiPaola asked if the position had to be advertised if they wanted to pursue a shared service agreement. Mr. McCann said that the position would still have to be advertised.

☞ **Motion** to advertise for a QPA was **moved** by Councilman Knoller, **seconded** by Councilman Hoffman and carried by a roll call vote of 5-0:

**RC: Council members:**

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

Councilman Bayley asked for follow-up on a couple of items– the first being stop signs on Palisade Avenue. Mr. Hermansen had spoken to Police Chief Mazzeo and Neglia Engineering. The Borough was waiting for the County to provide a device to do a traffic count and for Neglia Engineering to do their own traffic study. Councilman Bayley also inquired about the status of the SCBA grant. Mr. Hermansen said the grant would be submitted at the end of the year by the firm hired at the last meeting, Firehouse Grants. He said they did not anticipate hearing back until the spring. If they did receive money for the packs, they could put that back in the capital budget for next year.

#### X. NEW BUSINESS

- Presentation by Cross River Fiber about fiber optic installations on utility poles  
Mr. Robert Sokota of Cross River Fiber appeared before the Governing Body. He explained that his company leased and installed fiber optic cables on existing utility poles and was used by companies that required high end telecommunications like financial institutions or medical offices. He said it was not for individual homes or small businesses and provided a higher level of security for confidential data as well as the ability to handle large amounts of data. Mr. Hermansen said that having fiber optic service would make the Borough a more desirable location for businesses that require this level of service such as a microdata center. Councilman Knoller asked if the installation would provide any benefit to the Borough. Mr. Sokota said that it did not provide any financial benefit other than reimbursing for police traffic duty and related expenses during installation but said that ultimately the service would provide better infrastructure for the Borough. Mr. Hermansen said that he would provide further information for the Governing Body to review so that a decision to move forward could be made at the next Council meeting.
- Community Development Block Grant – Mr. Hermansen said he had met with DPW Superintendent Perry Solimando and Borough Engineer Dave Atkinson to look at areas in the Borough and had identified three streets which would qualify for repaving under this grant. This would enable the Borough to fund the paving of other streets.
- Requirement to perform annual driver’s license checks – Mayor DiPaola said this was a requirement of the Joint Insurance Fund. Mr. Hermansen said it was based on indemnifying the Borough. He explained that driver’s licenses needed to be reviewed to be sure they were clean for anyone who drove on behalf of the Borough. He noted that Labor Attorney Cathy Elston was preparing a policy and would address situations where an individual did not wish to provide their license.

Council President Falotico said that the background check done for baseball was more stringent than what was done for the Ambulance Corps and Fire Department. He asked that this be looked into and addressed. Mr. McCann said that Ms. Elston was working on this.

- Discussion of ordinance pertaining to second kitchens in single family homes – Mr. Hermansen said Construction Official Rich Silvia had informed him that there were single family homes in the Borough with second kitchens; this allowance may have been grandfathered in. He said the Borough needed to address this situation so that the Building Department had a consistent policy in place. Mr. McCann asked how the Governing Body wanted to address this as a policy matter – did they want to limit single family homes to one kitchen and require that a homeowner apply for a variance if they wanted a second kitchen? Currently there was no policy in place. Any home that currently had a second kitchen would be grandfathered in. Mr. McCann said the Council should work with Mr. Silvia on this and if they put a policy in place, that the effective date would be after any current building permit applications. His recommendation was that if they wanted to move forward to introduce an ordinance at the next meeting and have the effective date be January 1, 2020. He asked the number of current permit applications for second kitchens be determined. Mr. Hermansen said that many municipalities had an ordinance prohibiting second kitchens and noted that a second kitchen was usually determined by the presence of a stove. Councilmembers expressed some concerns about enacting an ordinance and asked for more information. Mr. Hermansen said they could reach out to him with any questions but hoped to introduce it at the next meeting.
- Discussion of ordinance to Amend Chapter 132 Uniform Construction Codes, Section III ‘Fees’ – Mayor DiPaola said they had received a request from former Construction Code Official Michael Sartori to increase some of the permit fees. This had taken place but upon examination by the State, some items had to be further addressed. The current Construction Code Official, Rich Silvia, had examined it and was ready to go forward with the new fees. Mr. Hermansen said the goal was for the fees to be consistent with other municipalities and to introduce the ordinance at the next meeting.
- Borough phones – Extel Communications discussion of contract expiration – Mr. Hermansen had met with representatives from Extel Communications. He noted that while the Toshiba phone system worked very well, he had been informed that the company had been sold and that the current Toshiba phones would no longer be serviced. There was no need to take action at this point but it would need to be addressed in the next few years.
- Sine Die in December and Reorganizational Meeting on Thursday, January 2, 2020 – Mayor DiPaola said she had discussed changing the Sine Die meeting to the end of the current year with Borough Clerk Jane Dietsche. This would require a change in the current by-laws. She also said that the Reorganization Meeting, originally scheduled for the first Tuesday in 2020, January 7<sup>th</sup>, should be changed to Thursday, January 2<sup>nd</sup> so there would be a functioning Governing Body and move forward with the business of the Borough. Mr. McCann said that holding the Sine Die in January technically created issues; it was odd to have old Councilmembers sit at the dais even though they were no longer in office but noted that it happened. He said he would research this topic and prepare a memo. Mayor DiPaola said that while the Sine Die was in large part ceremonial, it made more sense to do it at the end of the year. Councilman Knoller asked if the Sine Die was held in late December but it was necessary to hold a special meeting, whether that could still take place. Mr. McCann said that it could occur as the councilmember’s term would not end until December 31<sup>st</sup>. Council consensus was to not make any changes to the Sine Die/Reorg meeting on January 2<sup>nd</sup> but to consider addressing it when next year’s by-laws were adopted.

XI. INTRODUCTION OF ORDINANCES

**First Reading:**

Mayor DiPaola announced that Ms. Goddel would read the following ordinance by title and it would be further considered at a Public Hearing to be held on December 3rd, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the November 15th, 2019 edition of the Ridgewood News. 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.

**1602-19 AN ORDINANCE AMENDING CHAPTER 274, VEHICLES AND TRAFFIC, § 274-27.1 COMMUTER PARKING, ARTICLE V MUNICIPAL PARKING AREAS**

☞ **Motion** to introduce Ordinance 1602-19 on first reading was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

**RC: Council members:**

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

XII. ADOPTION OF ORDINANCES

**Second Reading and Public Hearing:**

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

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried unanimously.

John (inaudible), Emerson Towing, 1 Emerson Plaza East thanked the Governing Body for taking the time to update the rate schedules. He noted that the last time the ordinance had been updated was 2002 and the new fee schedule would help the industry avoid lawsuits. He asked why the fees were only increased to 75% of the state maximum.

Mayor DiPaola responded that the Governing Body had gone back and forth on this issue and determined that the rate increase would impact mostly insurance companies but ultimately it trickled down to the consumer. She added that the Borough had also done a survey of surrounding towns and the rates were now more commensurate with other towns in the Pascack Valley

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 on this ordinance only was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried unanimously.

☛ **Motion** to adopt Ordinance 1601-19 on second reading was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:

**RC: Council members:**

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

### XIII. REPORTS

- Mayor and Council

Councilman Bayley thanked the Volunteer Fire Department for hosting the Annual Rag-a-Muffin Parade and said it was a big success. They would be busy in December. Santa would be touring the Borough on December 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> and there would be a hotline so residents would know where Santa was in town during his visits. He also reported that the Fire Department needed new members. The Joint Insurance Fund continually sent information about updated workshop notices classes which were distributed by Mr. Hermansen and Ms. Dietsche to keep everyone up to date on safety.

Councilman Hoffman said the Environmental Commission met on October 23<sup>rd</sup> and were working on better ways to protect the Emerson Woods Preserve, focusing mainly on three problems. The first was the dumping of food for consumption; a Board of Health ordinance prohibited this activity and the Board was looking into this. In addition, pets were not kept on leashes and people were not picking up after them. The third issue was bikers using illegally created trails. Chairperson Clark had read a letter she drafted for distribution to various officials which he anticipated coming to the Mayor and Council. Chairperson Clark and another member were working on a guide to the Emerson Woods. November 6<sup>th</sup> was the final closing date for the Community Garden. Chairperson Clark was working on an online registration process to make it easier to sign up for a garden plot. They would be dividing each plot into two sections next year so more residents could participate. The commission had already begun planning for next year's Earth Week. The Arbor Day Ceremony, previously run by the Environmental Commission over the last few years, would be taken over by the Shade Tree Commission again next year.

He had no report for the Shade Tree Commission; they were scheduled to meet the following night. He noted that tree removal requests continued to come in at a steady pace. With the Shade Tree Commission now separated from the Environmental Commission, they were now doing a more efficient and proactive job. It helped keep the town safer.

He closed by noting that he had received some calls from residents concerned about a fence being installed by Suez Water surrounding their property. It was not being put up by the Borough. He said there were two gates that allowed entry but, in the future, locks might be installed on them. Councilman Hoffman said it was not totally fenced in which created an issue where more people would use the illegal trail to get on their property. In addition, the illegally constructed bridges had not been taken down. People would find the easiest way to access the illegal bike trail. He asked Suez not to do this but it was done anyway. People will still use the trails and you would see more destruction to the Emerson Woods; he thought that this needed to be addressed with Suez.

Council President Falotico asked if the DEP had been notified of the bridges. Councilman Hoffman confirmed that they had been informed. He added the area contained freshwater wetlands which could lead to violations. Council President Falotico said he worked with the DEP in another municipality and would mention it to them.

Council President Falotico congratulated Councilwoman McGuire and Councilwoman-elect Argenzia and gave a report on the Library Board of Trustees October 10<sup>th</sup> meeting. Circulation was down for September; they had received a state aid check in the amount of \$3,242 as well as a refund from the BCCLS delivery system. He discussed their budget request for 2020. They had put in a request for a grant for a new roof and an update to the restrooms. He asked that Mr. Hermansen follow up on the security cameras located at the library which would update communication with the Police Department.

He also gave the October report of the Volunteer Ambulance Corps. At their recent meeting they discussed issues with their accommodations at the DPW building – a diesel smell in the garage bay, no bathroom or tables and chairs. He was aware that they had spoken with Mr. Hermansen. They were looking for access to the other building. Mayor DiPaola said she had spoken with Captain Dave Mason who said that their bigger concern was the Wi-fi service. She said that the DPW was unable to give them access to the bathroom as this would enable them to access the entire building. They were looking at doing something else going forward. Mayor DiPaola said that originally the plan was for the Corps members to use the vacant home on Locust Avenue and station the vehicles at the DPW. However, Captain Mason said that did not work for them. Mr. Hermansen said that when they met, they said they would work around the lack of bathroom facilities. Mayor DiPaola said they were still working on resolving this situation. Council President Falotico said that his meeting was with the entire membership of the Corps, not only the Captain, and they were not happy with the accommodations. Mayor DiPaola said the members should communicate their needs with the Captain and officers and be aware of the chain of command when they had a complaint. They also asked that the Borough check the batteries and pads in the AED units because most of the pads were expired.

Councilman Knoller congratulated Councilwoman McGuire and Councilwoman-elect Argenzia and offered his help; he would answer any questions and provide his insights. He said the Marine Corps had celebrated its 144<sup>th</sup> Birthday the previous Sunday. He gave the October report of the Police Department. He had attended the Bergen County Police Chiefs' Fundraiser with Chief Mazzeo, Captain McDermott and the Chief's son Nicholas and they had a nice time; it was a worthwhile cause. He said he would be unable to attend the Board of Health meeting the following Thursday and asked if someone could attend in his place. Mayor DiPaola said that as the current President of the Board of Health, Councilwoman-elect Argenzia would provide an update to the members.

Councilman Gordon congratulated Councilwoman McGuire and Councilwoman-elect Argenzia and gave the monthly report of the Department of Public Works. They had recycled 10,920 lbs. of metal, generating revenue of \$341.25. They had responded to a report of sewage running out of the door of Cozy Cafe and Grill on October 18th. The DPW placed a dam to prevent sewage from entering the catch basins. The NJDEP had been contacted and handled the cleanup.

New playground signs required by Municipal Joint Insurance Fund Inspections report were designed, produced and installed at Hillman, Ackerman, Rosengart, Washington and Longview Parks. DPW Superintendent Perry Solimando and some staff attended National Gas Emergency Response training in Mahwah on October 29<sup>th</sup>.

DPW staff attended CDL training in Ridgewood on November 4<sup>th</sup>. New wiring to allow hook-up of internet to the temporary ambulance building at the DPW was run. The new equipment was anticipated to also improve internet performance at the DPW garage. The DPW completed cleanup at 58 Locust Avenue in preparation for the new commuter parking lot. They continued leaf bag distribution with second bags being distributed from October 21<sup>st</sup>.

Mayor DiPaola followed up on the earlier discussion about Suez Water. She had received a call from a resident at a home adjacent to the Suez property. She and Mr. Hermansen went to the location and to their disbelief observed that a fence was being erected which they had not been informed of in advance. Suez Water had applied for a permit on August 30<sup>th</sup> with the Construction Department but no one had been informed because it was Suez's property and they had every right to install a fence. She followed up with Suez and was informed that they were not trying to penalize people who were enjoying the Emerson Woods in the proper way. The issue resolved around bicyclists building paths, dogs running off leash and animal waste that was not picked up by owners. Cameras to monitor activity were installed but one was stolen and the no trespassing signs had been vandalized twice.

Off-trail paths being built were blocking sewer lines and drainage ditches. Suez said the main purpose of their property was watershed protection and this was being violated. When they originally won the lawsuit in 2009 there was a conservation easement from the state – part of that agreement was that the property was to be fenced in. They had not complied for the last ten years but now there was a need to protect the watershed. The intention was to fence the area off for the present, put in the gates and eventually allow people to apply for a recreation permit to gain access by key. Councilman Hoffman said that currently people needed a key to access the reservoir for fishing. Mayor DiPaola noted that people had enjoyed it for many years, but Suez was at the point where in order to keep the water supply safe for everyone's health and well-being, they needed to focus more on protecting the watershed.

Councilman Hoffman said that people were ignoring the signs and receptacles and had ruined it for everyone else. Mayor DiPaola said there would be growing pains but they would be able to contact Suez for a permit and to obtain a key and gain access. But there would be rules requiring dogs to be on leashes. She said it was sad that they would have to look at a chain link fence which was unsightly for the beautiful nature that bordered the Emerson Woods Preserve but it was Suez's right to install the fence to protect the property and the watershed. Councilman Hoffman said that while there might be additional pressure on the Emerson Woods Preserve, he did not think it was a huge concern at the present time. Council President Falotico said that there needed to be more enforcement personnel to monitor the property.

Mayor DiPaola also discussed the DeBaun House and said a very generous member of the community had offered to do electrical work and spearhead an effort for volunteers to rehabilitate the structure. She had met with Councilwoman McGuire, a resident with knowledge of construction, the volunteer, the Chair of the Emerson Historic Preservation Committee and the Commander of American Legion Post 269. She said the American Legion was the owner of the building and the Borough did not have a say in what happened. She added that a group had met two months ago, including Lynn Bartlet and John Biale of the Bergen County Housing Authority. She noted that after a tour of the interior, the building was in very poor shape. She said Post 269 wanted a meeting room for veterans. At that meeting the Post was ready to bulldoze the building and get their meeting room. She had proposed constructing a meeting room with more veterans' housing above but everything needed to go through the Post. That option was of interest to the HSBC. Mayor DiPaola said that the structure was not currently on the list of New Jersey Historical Places but did have value to Emerson and Bergen County as a local place of history. She did not think anyone wanted to knock it down, but the funds necessary to restore it to its original state or to rehab the building might be cost prohibitive. She hoped to get the Post and County together for meetings to see if there was any way to help them facilitate a plan.

She said that the Seniors would be having a meeting on Thursday and encouraged any residents age 60 or over to join. They had a good time, usually had a speaker and she attended to give them updates on what was going on in town. She said it was a nice group of people, where seniors could meet with friends and neighbors.

PSE&G would potentially begin paving again on November 18<sup>th</sup> in the area of Palisade Avenue. She informed the public that there would be vacancies on some of the boards and commissions in town and if anyone was interested, to contact her or the Clerk's office because they would love to have more people involved. She said that it was the real Columbus Day that day and it was called Coat Blue; if anyone had any old coats, she asked that they reach out and drop them off at shelters. She encouraged everyone to help the needy. She congratulated Councilwoman-elect Argenzia and Councilwoman McGuire and welcomed Ms. Goddel to the meeting to cover for Ms. Dietsche. She said that Ms. Goddel was doing a great job.

- Borough Administrator Robert Hermansen reported on the following:
  - 2020 budgets had been submitted by department heads and they would now be reviewed with CFO Lauren Roehrer. A meeting was scheduled with DPW Superintendent Solimando to go over details about finishing the Locust Avenue commuter parking lot. They would be discussing details regarding the cost, ease of moving and life expectancy of various materials related to the installation of fencing.

☛ **Motion** to authorize DPW Superintendent Perry Solimando to choose the fencing for the Locust Avenue commuter parking lot based on the best interests of the Borough and the neighborhood was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried unanimously.

- He had spoken with Borough Architect Kevin Settembrino about the renovation or reconstruction of Borough Hall and that plans would be available to the Governing Body in the next couple weeks. Upon receipt of the plans, he would set up a meeting with the Building and Grounds Committee.
- The SRO agreement would be discussed in Closed Session but noted that he had met with Emerson Schools Superintendent Brian Gatens and Business Administrator Phil Nisonoff on this topic and looked forward to having that taken care of.
- He gave an update on the Recreation Commission's potential transition to Little League Junior Baseball and said the members wanted to make sure that there would not be a big change. He noted that the only change would be who was running the program. Once they had made their decision, he recommended that the Governing Body memorialize it at a meeting.
- Councilman Hoffman asked about the Code of Conduct and whether Little League would in any way supersede the Borough's ordinances. Mr. Hermansen confirmed that Little League would take precedence. Councilman Hoffman said that in the past, this situation led to a lot of disciplinary issues and that ordinance and bylaws might have to be changed. Mr. Hermansen said the Recreation Commission was currently going through that process. Councilman Hoffman said he had a real concern having an outside entity coming in and telling the Borough's Recreation Commission, which was supposed to be in charge of the Recreation program, what they were supposed to do. He noted that they should look at everything very carefully and cautiously. Mr. Hermansen said they would do their due diligence. Councilman Hoffman asked if the Little League would be paying permit fees. Mr. Hermansen said they would not because the only difference was who was managing it. Mr. Hermansen said he had told the Recreation Commission that once they decided what they wanted to do, then they should come to him to see if it fit and if a change was necessary it would be discussed.
- PES&G would begin paving shortly and the information would be posted to the Borough website. Mayor DiPaola said she had been made aware that PSE&G was doing some trenching without notifying residents. She asked that they make sure to inform residents when they were going to be trenching and when they would be paving so people would be prepared.
- There were some concerns that the lighting in Borough Hall was a little too bright. A representative would be coming out to work on this.
- Issues related to deliveries by idling trains at a local business in the early morning hours were being worked on with Shared Assets. They had promised that they would find out who was making the deliveries at that time and make sure that all deliveries were at the right time. Since he had spoken to them, there had been no complains about overnight idling. They could not make any promises about what occurred during the day. He added that the company had said that it was not easy for an idling train to be turned on and off. Mr. McCann confirmed that they would have to comply with local ordinance.

- Deputy Borough Clerk Coleen Goddel had no report.
- Borough Attorney John McCann said had reached out to the attorney who represented the owner of the gas station who said he would make sure that his client cooperated with the local ordinances. The remainder of his report would take place during Closed Session.

XIV. PUBLIC COMMENT

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

XV. RESOLUTIONS ON CONSENT AGENDA NO. 266-19

☞ **Motion** to approve Consent Agenda Resolution No. 266-19 was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

**RC: Council members:**

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

- CA 267-19 Resolution Calling for Study Commission to Review the Open Public Records Act (OPRA)
- CA 268-19 Change Order #2 Vivian Avenue and Pershing Street Drainage Improvements
- CA 269-19 Transfer of Funds
- CA 270-19 Authorization for 100% Disabled Veteran Exemption - 76 Vivian Ave, Emerson (Block 101, Lt 14) as of the date of the purchase, September 12, 2019
- CA 271-19 Authorizing Borough Clerk to suspend all Recreational Sports Activities on Election Days to ensure sufficient voter parking
- CA 272-19 Resolution Confirming Contract with Approved State Vendor for Contracting Units Pursuant to N.J.S.A. 40a:11-2a (Dell Marketing LP)
- CA 273-19 November Is National Diabetes Month
- CA 274-19 November is National Epilepsy Month
- CA 275-19 World Pancreatic Cancer day in Emerson is November 21, 2019
- CA 276-19 Change Order #1 2018 ADA Ramps on County Roads, PA Contractors
- CA 277-19 Close of Contract - 2018 ADA Ramps on County Roads, PA Contractors
- CA 279-19 National Prematurity Awareness Month and November 17th World Prematurity Day

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 278-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 278-19 was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

**RC: Council members:**

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

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|--------------|--|-----------------|
| #19-11/12-42 | Contract Negotiations - SRO  | N.J.S.A. 10-4-7 |
| #19-11/12-43 | Potential Litigation – Emerson Redevelopers<br>Urban Renewal, LLC Re: Environmental Issues | N.J.S.A. 10-4-7 |
| #19-11/12-44 | Rice Notice - Personnel Settlement - Litigation  | N.J.S.A. 10-4-8 |

XVII. RECONVENE

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

☞ **Motion** to reconvene was **moved** by Councilman Hoffman, **seconded** by Councilman Bayley and carried unanimously.

☞ **Motion** to add Resolution No. 280-19 pertaining to Mr. Richard Sheola’s separation agreement as Interim Borough Administrator to the agenda was **moved** by Councilman Hoffman, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:

**RC: Council members:**

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

Mr. McCann said the resolution was a product of a negotiation between Mr. Sheola, Labor Counsel and himself. He added that Mr. Sheola was not a full-time employee; he was hired as an interim part time Borough Administrator and his original hiring resolution and two amendments had an expiration date. However, Labor Counsel advised that in order to perfect Mr. Sheola’s separation from the Borough, the Mayor and Council were required to vote on a termination of his services. In no way did the termination reflect on his work performance. He had been commended by this Mayor and Council. Mr. Sheola would be paid 90 days salary pursuant to the NJ Statute requirement.

☞ **Motion** to move on the action outlined above pertaining to Mr. Richard Sheola’s separation agreement as Interim Borough Administrator to the agenda was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:

**RC: Council members:**

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

☞ **Motion** to add Resolution No. 282-19 pertaining to the SRO agreement to the agenda was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 4-0 with one abstention.

**RC: Council members:**

**YES: Hoffman, Falotico, Knoller, Gordon**

**ABSTAIN: Bayley**

☞ **Motion** to amend Mayor DiPaola's reference to Resolution No. 282-19 to convert it to Resolution No. 282-19 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 4-0 with one abstention.

**RC: Council members:**

**YES: Hoffman, Falotico, Knoller, Gordon**

**ABSTAIN: Bayley**

Mr. McCann discussed the resolution pertained to an agreement between the Borough of Emerson and the Board of Education related to the SRO agreement and outlined details of the proposed agreement.

☞ **Motion** to approve Resolution No. 282-19 related to the proposed SRO agreement was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 4-0 with one abstention.

**RC: Council members:**

**YES: Hoffman, Falotico, Knoller, Gordon**

**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 11:03 p.m.

Respectfully submitted,

Jane Dietsche, RMC  
Borough Clerk