



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 3, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola welcomed everyone to the December 3rd, 2019 Regular Meeting of the Emerson Governing Body. She read the Sunshine Statement announcing that the meeting of December 3rd, 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 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, Borough Architects Kevin and Rita Settembrino and Deputy Borough Clerk Coleen Goddel.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilwoman McGuire for her absence from the Regular Meeting of November 12, 2019

☞ **Motion** to excuse Councilwoman McGuire for her absence from the Regular Meeting of November 12, 2019 was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- Commendation recognizing the cast and crew of Godspell Junior
- Honoring Francesca Ianora's years of dedicated service to the Emerson Public Library Board of Trustees
- Honoring Bill Panza's years of dedicated service to the Borough of Emerson and the Emerson Public Library Board of Trustees

V. APPOINTMENTS/RESIGNATIONS

Mayor DiPaola announced that there were no appointments or resignations.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of November 12, 2019

☛ **Motion** to approve the Regular and Closed Session Meeting Minutes of November 12, 2019 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VII. FINANCIAL BUSINESS

Mayor DiPaola announced that there was no financial business.

VIII. UNFINISHED BUSINESS

- Stop signs on Palisade Avenue/crosswalk safety on Kinderkamack Road - Mr. Hermansen said he had spoken to Police Chief Mazzeo that morning and was informed that the Borough was still on the list for the County traffic counter. When they received the counting device, they would proceed with the study.
- Discussion of renovation of Borough Hall and/or constructing a new Borough Hall – Mayor DiPaola said the Borough Architect had given a presentation at the Special Meeting of November 28th and asked if anyone had any other information for them in order for him to come back with another version of the proposed plans. She said this was a work in progress and if anyone from the public had any comments, the Governing Body would like to hear from them at the December 17th meeting or any other public meeting; they were always interested in what the residents and taxpayers of the Borough had to say.

Councilman Knoller said some people had reached out to him after the presentation and said the time frame for completing the project was not accurate; they said that it was literally impossible to complete either proposed project in an 18-month timeframe. Mayor DiPaola said that Councilman Knoller could reach out to the Borough Architect. Mayor DiPaola asked Councilman Knoller to reach out to Mr. Settembrino. Councilman Hoffman said the public should be informed of Mr. Settembrino's response.

- Open Space Grant 2019 - repurpose \$25,000 matching grant - Mayor DiPaola said the Borough was awarded a \$25,000 matching grant last year to construct a pavilion for shade and cut down two trees. The Governing Body decided this year not to move forward with those plans. The County had informed the Borough that the \$25,000 matching grant was still available and asked if there was a project, they would like to repurpose those funds for. The County wanted to know by the end of the year. Mayor DiPaola asked if anyone had any proposals that could be voted on at the next meeting. Mr. Hermansen asked that anyone with an idea reach out to him.
- Discussion of ordinance pertaining to second kitchens in single family homes - Mr. Hermansen said this topic was still being researched. They were reaching out to other towns, looking at other ordinances and discussing this with Mr. McCann. Mayor DiPaola noted that Construction Official Richard Silvia had concerns about illegal second dwellings in single family homes. Mr. Silvia was looking for guidance from the Governing Body to put a policy on record in order to be able to guide residents who wished to construct a second kitchen in their homes. There were other safety issues related to gas lines as well. Mayor DiPaola added that they had discussed the fact that if someone already had a second kitchen, it would be grandfathered in; it would only be for new kitchens going forward.

- Safe Pedestrian Routes – Mayor DiPaola said this was Councilwoman McGuire’s item and noted that she had a meeting with Chief Mazzeo earlier that day. They would wait until the next meeting for an update.
- Discussion of RFP/RFQ - Fair and Open Process – Mr. McCann said that at the previous meeting the Governing Body had discussed moving forward with the same group of professionals to make the process easier for the administration without using the Fair and Open process. However, he did not think it was the proper policy perspective they should take. It was in the best interests of the Borough to continue with the Fair and Open Process. He said it was cleaner and made things compliant with state requirements. If the current professionals had done a sufficient job and the Governing Body was pleased with them, they could continue.

☞ **Motion** to add Resolution No. 288-19 Authorization to Advertise for Requests for Proposals for Borough Professionals was **moved** by Councilman Knoller, **seconded** by Council President Falotico carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, Falotico, Knoller, Gordon

- Discussion of SRO agreement – Mr. McCann said he had reviewed the proposed language of the contract agreement and sent it back with additional language. They were in agreement as to the numbers; there were only minor wording changes. Mr. Hermansen asked that the Governing Body review it so that it could be voted on later in the meeting.

☞ **Motion** to add SRO Agreement to the Closed Session Agenda for further discussion on the negotiations was **moved** by Council President Falotico, **seconded** by Councilman Knoller carried unanimously.

IX. NEW BUSINESS

- Discussion of per diem HHS Building Sub-code Official – Mr. Hermansen said that the Borough was in need of a per diem official in the Construction Department because the current Construction Official would not receive the certification to sign off on buildings of a certain size until April 1st.

X. 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 17th, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the December 6th, 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.

1603-19 AN ORDINANCE TO AMEND CHAPTER 132 UNIFORM CONSTRUCTION CODES, SECTION 3 'FEES'

☞ **Motion** to introduce Ordinance 1603-19 on first reading was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, Falotico, Knoller, Gordon

XI. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

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

☞ **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 unanimously.

Corey Melillo, 18 Vivian Avenue asked for more information about the ordinance.

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 Hoffman, **seconded** by Councilman Bayley and carried unanimously.

☞ **Motion** to adopt Ordinance 1602-19 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

XII. REPORTS

Mayor DiPaola reminded everyone that she and members of the Governing Body would be going to Van Saun Park on Wednesday at 4:00 p.m. to decorate the Emerson Christmas Tree as part of the Winter Wonderland hosted by the Bergen County Parks Commission. She said if anyone had a laminated picture that could be added to the tree to bring it down to the Clerk's Office before 3:30 on Wednesday. She also thanked the Department of Public Works for cleaning up the previous day. Councilman Bayley said they also responded to a fire call that day.

- Borough Administrator Rob Hermansen reported on the following:
 - He thanked Borough Engineer David Atkinson and the Borough's grant writers. The NJDOT had announced that Emerson would be receiving \$215,000 towards Ackerman Avenue Improvements – Phase II. These funds would be combined with last year's funds for a total of \$227,000 to get the project completed at one time.
 - The Locust Avenue commuter lot was open. It had to be plowed on the first day due to snow and it went well.
 - He had spoken with Mr. McCann about the Recreation Commission's code of conduct. They wanted to make sure the Little League code of conduct was similar to Emerson's, if not stronger. He hoped to report back to the Recreation Commission in the next couple days. He said the Governing Body did not need to do anything – it was the Recreation Commission's vote – but said they should do a resolution at the end to show that they were in agreement with the commission's decision after they made their final determination. He added that there should be a sign off from the Borough Attorney first as well. Councilman Hoffman said that something should be added to the ordinance to note that there was an exception for Little League indicating that the Borough had no oversight over their procedures. Mr. Hermansen said they could talk to Mr. McCann about that. Councilman Bayley asked about the difference in fees between Emerson Baseball and Little League. Mr. Hermansen said there should be no change. The only difference was that the budgetary line currently went to Emerson baseball. If they went to Little League the Governing Body did not have to do that. They could, if they chose to, and he did not see any reason why this would not continue. He added that the decision would be up to the Governing Body.

Mayor DiPaola said that there had been a concern that if there was any money left over at the end of the Little League season that it would not be returned to the borough. However, she was assured by the Recreation Commission that the funds would stay in-house within the Emerson Baseball program. She added that the scholarships would be provided to any child that needed it so as to leave no child behind. Mr. Hermansen said that nothing would change in the way things were handled except it would be Little League as opposed to Emerson Baseball. The Recreation Commission liked the structure of Little League better and felt it would be a better experience for the kids. The Recreation Commission's concern was whether budgetary funding would continue through the Borough because if it did not, it could become a financial burden to the families.

Mr. McCann said his recommendation was to let them do what they wanted but ask them to provide the Governing Body with a report because it was within their budgetary authority to see if they were living up to the ordinance. Mr. Hermansen said that it was a good check and balance; if they did not believe that they were doing what they were supposed to be doing, then the funding could be pulled. He thought that they were going to adhere to exactly what the Governing Body wanted because they wanted the funding and to take care of the children. Mr. McCann commended the Recreation Commission for bringing this to the attention of the Governing Body because they could have just done it on their own.

- He had attended the League of Municipalities and attended a number of classes on topics including social media, OPRA and affordable housing and learned some very good information. The Police Department was having an issue with the lights in their office and the company that was involved with that was at the convention so he was able to work towards a quick resolution of this issue.
- The Board of Education had agreed with the numbers put forward by the Borough and thanked them for working with them. He said the agreement was a good thing for the safety of the children and he looked forward to working with them in the future for the good of the community.
- He had attended a recent senior meeting with Mayor DiPaola and had the opportunity to meet some of the senior residents.
- The temporary Ambulance Corps building was scheduled to be delivered the following morning. He anticipated that it would be finished within one to two weeks. Mayor DiPaola said the EVAC would also have access to the Recreation Center so they could do their reports. She said that the temporary building was to store equipment and their ambulances.
- The budget process was moving forward. He was working with CFO Lauren Roehrer on this.
- He closed by stating that by the next meeting came, his mother would be celebrating her 80th birthday and wished her a happy birthday.

XIII. PUBLIC COMMENT

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

Corey Melillo, 18 Vivian Avenue thanked Councilman Bayley for his help and hoped that every underprivileged child who was interested would have the opportunity to participate in sports activities. She also asked about the reasoning for citing safety concerns of gas stoves in second kitchens in basements and stated that gas dryers and gas fireplaces were permitted in basements. She thanked the Governing Body for paving the roads and stated that Pascack Avenue had been paved and painted. She stated that the stop sign line was approximately 30 feet from the corner.

Mayor DiPaola asked Mr. Hermansen to have the DPW look at that the following day. Mr. McCann said that it would need to be reviewed by the Borough Engineer to ensure that it met with state requirements.

Ms. Melillo also asked about the parking situation on Locust Avenue heading east and said there was limited visibility making it difficult to make a turn. Mayor DiPaola said this issue should be reviewed by the Borough Engineer. Ms. Melillo also opined on safety issues related to the traffic pattern at the intersection of Main Street and Kinderkamack Road.

Mr. Hermansen said that he would speak to County Engineer Joseph Femia. Mayor DiPaola said she thought there were still a lot of issues since the Kinderkamack Road project had been completed. She had spoken with former Borough Engineer Gary Ascolese who had helped design the project. He was going to send her information about the fact that some of the signaling and other issues had not been done according to the specifications and said these issues would be addressed.

Ms. Melillo also referenced the ordinance allowing overnight parking on Borough streets and asked if a limit could be put on the number of cars per family. Mayor DiPaola said that Property Maintenance had been made aware of some issues and she had a friendly conversation with this particular homeowner. Mayor DiPaola asked Mr. Hermansen to find out what was going on so they could alleviate this issue. Ms. Melillo asked if the ordinance allowing overnight parking could be revisited to put a limit on how many cars could park on the street overnight.

Paul Hulburt, 55 Jefferson Avenue said they should look at the parking situation on Jefferson Avenue. He cited visibility issues when vehicles park illegally during funerals, stating that he was unable to exit safely from his driveway during such events. He commended the Police Department for their assistance.

Mayor DiPaola said that residents should contact the Police desk to assist in resolving any issues and asked Mr. Hermansen to follow up with the Police Chief and Borough Engineer to help resolve line of site issues related to parking.

Corey Melillo asked if there were any shoveling services available for seniors and suggested coordinating with students at the school.

Mayor DiPaola said she had been working on this and reached out to Emerson Schools Superintendent Dr. Gatens. The Borough Attorney had been contacted to consider potential liability. She was working on putting together a senior outreach group that might also be able to offer this service. She added that she had been working on this for a long time and would try to bring this to fruition. Mr. Hermansen said that in his hometown, the Boy Scouts and Girl Scouts provided various forms of assistance. Mayor DiPaola said there were a lot of moving parts and the process would need to be vetted so that people who needed it would get the help.

Pat Hulburt, 55 Jefferson Avenue said that in the past the Girl Scouts received a list of names of residents from town who needed assistance and they helped everyone as much as possible. She said it was not done anymore but she did not know why.

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 Councilman Knoller, **seconded** by Councilman Hoffman and carried unanimously.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 284-19

☞ **Motion** to approve Consent Agenda Resolution No. 284-19 with the addition of CA 288-19 for the Fair and Open Process on the RFQ's was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, Falotico, Knoller, Gordon

CA 285-19 Transfer of Funds

CA 286-19 Governor's Council on Alcoholism and Drug Abuse - Fiscal Grant Cycle
July 2020 - June 2025

CA 288-19 Authorizing Issuance of Request for Qualifications for Professional
Services

XV. CLOSED EXECUTIVE SESSION - Resolution No. 287-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 287-19 was **moved** by Councilman Gordon, **seconded** by Councilman Hoffman and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, Falotico, Knoller, Gordon

#19-12/03-46 Potential Litigation – Redevelopment Update N.J.S.A. 10-4-7

#19-12/03-47 Potential Litigation – Lease Condemnation - N.J.S.A. 10-4-7
Block 419, Lot 6.01

#19-12/03-48 Security Measures – Borough Hall
Police Dept. Reconstruction
and/or Renovation plans N.J.S.A. 10-4-6

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** by Councilman Hoffman, **seconded** by Councilman Knoller and carried unanimously.

Councilman Bayley left the dais for the following vote because he had recused himself.

☞ **Motion** to approve Resolution No. 289-19 authorizing the Shared Services Agreement for the School Resource Officer to be sent to the Board of Education for signature was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 4-0:

RC: Council members:

YES: Hoffman, Falotico, Knoller, Gordon

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 10:38 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk