



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
February 19, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola read the Sunshine Statement announcing that the meeting of February 19th, 2019 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, the meeting notice was transmitted to the Record and Ridgewood News on December 20th, 2018, posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and remained continuously posted as the required notices under the Statute. In addition, a copy of the notice was on file in the Office of the Municipal Clerk and had been available to the public since its approval by the Governing Body.

II. ROLL CALL

PRESENT: Mayor DiPaola, Councilman Bayley, Council President Falotico, Councilman Gordon, Councilman Hoffman, Councilman Knoller, Councilwoman McGuire

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor DiPaola announced that no members of the Governing Body had been absent from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

- Emerson Volunteer Fire Department
 - Honoring Dennis Falotico for 57 years of dedicated service
 - Honoring William Ramagli for 58 years of dedicated service

V. APPOINTMENTS/RESIGNATIONS

• APPOINTMENTS BY MAYOR:

Mayor DiPaola stated that there had been some confusion at the previous meeting about appointments of members and had reached out to Land Use Board Attorney Christopher Martin regarding the appropriate way to appoint members. She then announced the following resignation and appointments to the Land Use Board:

- Land Use Board
 - Resignation of Don Pierro as Alternate member effective February 6, 2019
 - Appointment of Don Pierro as Class IV member for the term ending 12/31/22
 - Appointment of Stephanie Clark as Class II member for unexpired term ending 12/31/19
 - Appointment of Michael Timmerman as Alternate III member for the term ending 12/31/20

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of February 5, 2019

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of February 5, 2019 as amended was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VII. CORRESPONDENCE

Mayor DiPaola announced that copies of the correspondence are available in the Office of the Municipal Clerk.

- Resolution from Township of Teterboro, Borough of Waldwick, Borough of Midland Park, Borough of Rockleigh, Borough of Cresskill; Re: Opposition to Construction of the North Bergen Liberty Generating Gas-Fired Power Plant
- Resolution from Borough of Oradell; Re: Cover-up and Assistance Program between Oradell and Emerson Fire Departments.
- Letter dated 1/29/19 from NJ Building & Construction Trades Council; Re: Proposed Power House
- Grant Activity Report dated from January 1, 2019 through January 31, 2019 from Bruno Associates
- Resolution from Borough of Tenafly; Re: Tax Relief for Historical Properties
- Resolution from Township of Teaneck; Re: Demand a commitment from Suez North America to Aggressively Replace Lead Service Lines they own.
- Email dated 1/28/19 from Borough of Oradell; Re: Six notices that relate to Affordable Housing at the February 12, 2019 Mayor and Council meeting
- Letter dated 1/28/19 from Bergen County Utilities Authority; Re: BCUA 2019 Recycling Enhancement Grant Program
- Resolution from Borough of Paramus; Re: Authorizing Interlocal Service Agreement- Mutual Aid Plan and Rapid Deployment Force
- Letter dated 2/1/19 from Phillips, Preiss, Grygiel, Leheny and Hughes, LLC; Re: Emerson CDB Redevelopment Project-Relocation Information Booklets

VIII. FINANCIAL BUSINESS

- Budget Workshop
 - Department of Public Works – DPW Superintendent Perry Solimando presented Capital Budget requests for 2019 including a utility body hook lift truck and funds for sidewalk safety and emergency building repair. He noted that if funds for boiler repairs were allocated this year, the request for replacement boilers could be delayed. The Governing Body asked about the ‘Welcome to Emerson’ signs and he said he would determine if the present signs were in need of replacement. He concluded by thanking CFO Lauren Roehrer for her assistance with budget preparation.
 - Volunteer Fire Department - Fire Chief Tom Carlos said they had a five-year Capital Plan in place. He requested replacement of the 1998 pumper truck and noted that in a couple years the insurance company would deem it unusable. He emphasized the need for a working pumper truck in town. He stated that the packs would be out of date in two years and recommended replacing them gradually over time as it would cost \$230,000 to replace them all at once. In addition, the Fire Department currently had six or seven new members and the gear for each new member would total \$2,000. He added that the gear had only a ten-year life span; funds had been set aside in the five-year plan for equipment needs.

Councilman Bayley commended Chief Carlos for the influx of new members and for making them feel welcome. Mr. Sheola said that with 47 active members, there should be a plan for systematic replacement of their gear. He also suggested looking into purchasing a new fire truck through a state contract.

- Police Department – Chief Michael Mazzeo’s capital requests included a new breathalyzer and fingerprint machine. He also discussed having the Rogers Group perform a review of the department’s rules, regulations, policies and procedures as part of a plan to achieve state or national accreditation at a cost of \$25,000. He noted that the Joint Insurance Fund offered this amount of money to perform this review but because of code problems in the department, Emerson would not qualify. If a new Police facility was constructed, the department could become accredited at that time. Other items he requested included a new vehicle to replace a 1993 Suburban and purchasing two new Toughbooks in 2020 for use in police vehicles. The Governing Body and Mr. Sheola discussed implementing a long-term progressive plan for the yearly replacement of older vehicles.
- Municipal Clerk Jane Dietsche’s requested consideration of replacing the outdated sound system in the Council Chambers as it was causing intermittent interference with the recording of meetings. The cost to replace only the sound system was \$6,192. However, since the Governing Body had determined they would like to record video as well, an estimate to include a single camera in the package would add \$3,510.00 to the cost for a total estimate of \$9,702.
- Library Board of Trustees – Library Director Camille Valentino and Children’s’ Librarian Victoria Bright thanked the Governing Body for their support of the Emerson Public Library over the years and complimented Ms. Bright for doing a great job. They distributed flyers outlining upcoming programs and requested that the Governing Body consider their request to replace furniture.

Mayor DiPaola said she loved the library and it was the living room of the community.

Councilman Knoller thanked Ms. Roehrer for working so diligently with the department heads and figuring out ways for them to obtain the items they needed. He recognized all the time and hours she had devoted to budget preparation and said they really appreciated it. He also thanked her for her help in guiding the Finance Committee.

Mayor DiPaola thanked all the department heads for stepping up to run the Borough in the absence of an administrator and keeping things running smoothly. She added that Ms. Roehrer was able to assist them with many situations and, on a moment's notice, was able to give them all the answers they needed.

- Resolution No. 88-19 Bill List

☞ **Motion** to approve Resolution No. 88-19 Bill List 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

IX. UNFINISHED BUSINESS

Mayor DiPaola requested that the order of business be rearranged to allow DPW Superintendent Solimando to participate in two discussions before leaving.

☞ **Motion** to change the order of the agenda was **moved** by Councilwoman McGuire, **seconded** by Councilman Knoller and carried unanimously.

- Update on Vivian Avenue Drainage Project - Mr. McCann outlined a presentation by Special Project Engineer Gary Ascolese which had taken place at the previous meeting, noting that this drainage project was divided into two sections. One section had not been identified when this issue was originally examined and was located entirely in Westwood. They proposed adding this as Phase II of the plan. A relevant question was if this was a Westwood issue, how would it impact Emerson and why would Emerson entertain it. There was no good relevant answer that would make sense from Emerson's perspective. He had reached out to Emerson's Bond Counsel Steve Rogut as well as the Westwood Borough Administrator Ben Kezmarsky. Mr. Kezmarsky stated that in his opinion, drainage improvements in Westwood at James Street and Pershing Avenue were a luxury and not needed. For Emerson to do the Phase II improvements in Westwood, the Borough would need to bond and increase its debt limit.

Councilman Knoller agreed and said the Borough should just complete the portion of the project that was originally agreed to. Westwood had adopted a resolution naming Emerson as the lead agency on this project; Westwood had bonded for the money which was part of Emerson's operating budget. However, he added that Emerson needed an operating agreement based on the Westwood resolution that detailed the fact that the grant awarded to them by NJDOT totaling \$185,000 would be transferred and in what time frame that would occur. He said that Emerson needed that money in order to complete the project as the lead agency. Mr. McCann requested that the Governing Body authorize him to prepare this agreement and noted that it was time sensitive as the project needed to be awarded by April 12th.

☞ **Motion** to authorize the Borough Attorney to proceed to prepare an agreement with Westwood related to the Vivian Avenue Drainage Project 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

Mayor DiPaola thanked Mr. McCann for helping out with this situation because there were a couple legal issues surrounding it and, with everyone's help, it could finally get moving.

- Distribution of recycling cans and introducing an ordinance to set fee schedule – The Governing Body followed up on a discussion which had taken place at the previous meeting. Councilman Bayley said that since the Borough received the recycling cans at no cost, they should be distributed at no charge. They were going to give 175 containers to senior citizens on a first come, first serve basis, similar to the distribution of leaf bags. There would be a limit of one can per senior household. The Environmental Commission would receive a few as Earth Week program incentives. A few would be distributed by raffle to residents at the Summer Kickoff/Day in the Park in June. Notification would be through Swiftreach notification system and the Borough website. Mayor DiPaola thanked everyone for their help with this initiative.

☞ **Motion** to authorize the distribution of the 200 free recycling cans received from Gaeta Recycling as noted above was **moved** by Councilman Knoller, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

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

- Discussion of reinstating Shade Tree Commission – Councilman Hoffman led a discussion of reinstating the Shade Tree Commission and hiring a Shade Tree Inspector as well as increasing the salary for this position by \$1,000 to get it closer to what it had been in 2016. A line item for a secretary's salary was also needed. He noted that the individuals who had handled shade tree issues over the last two years, including DPW Superintendent Perry Solimando and the members of the Environmental Commission, had been very helpful and supportive. The Finance Committee had suggested a budget of \$53,000 for the commission if it was reinstated. Councilman Hoffman said the previous ordinance could be reintroduced with some simple changes which he outlined in detail. He proposed that the commission consist of a minimum of four members and two alternates, all being mayoral only appointments.

Mayor DiPaola suggested reaching out to previous members to see if they were interested in volunteering again. Members of the Governing Body discussed the position and salary for a Shade Tree Inspector, as well as exploring the option of a shared service agreement. Councilman Hoffman explained that requests for tree inspections from concerned residents had tripled since 2015 due to severe weather incidents. He added that many trees in the Borough were planted in the 1950's during a boom in development and were reaching the end of their life expectancy. Among other topics discussed were obtaining salary information from other municipalities, certification qualifications and posting the job in the interest of transparency. Mayor DiPaola said the Borough needed to keep the town safe by being proactive again. The Council also agreed on continuing to maintain the trees in the Borough's right of way.

☞ **Motion** to start the process of reinstating the Shade Tree Commission by ordinance was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

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

- Discussion of creating Beautification Committee – Mayor DiPaola said she had discussed this item at the Reorganization Meeting and requested that an ordinance be drafted similar to one in the Borough of Oradell. She said the committee would participate in beautifying the Borough with flower pots, holiday decorations, etc. She suggested that they would work in conjunction with the Shade Tree Commission and Environmental Commission.

☞ **Motion** to create a Beautification Committee by ordinance for introduction at the next meeting was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

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

X. NEW BUSINESS

- Discussion of Construction Code Ordinance – increasing fees – The Governing Body discussed increasing the current fee schedule in the Construction Department and noted that changes in State law related to permit requirements had resulted in a significant reduction in revenue. Construction Official Mike Sartori had indicated that the department had not increased their fees in eight years; in order for the department to be self-sufficient, it would be necessary to increase the fees by ordinance.

☞ **Motion** to direct the Borough Attorney and Borough Administrator to devise an ordinance increasing construction permit fees was **moved** by Councilman Bayley, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

RC: Council members:

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

- Discussion to expand background checks to other volunteers – Council President Falotico said the Governing Body had successfully revised the ordinance related to processing background checks for recreation volunteers. After consulting with the Fire Chief, it was determined that members of the Volunteer Ambulance Corps and Volunteer Fire Department should also be included in this procedure. Mayor DiPaola said Council President Falotico should meet with the Police Chief and Appropriate Authority so as to move this initiative forward at a future meeting.
- Discussion of amending Chapter 290 Zoning to repeal four story construction – Mayor DiPaola stated that as a Councilwoman she had been against four story construction and had made it a point while campaigning with Councilman Gordon and Councilman Hoffman to reduce the number of stories permitted from four back down to three. She proposed changing the zoning for future development to a limit of three stories.

Council President Falotico said four story construction was only mentioned under the Affordable Housing Plan. He said there was an agreement in place with the Special Master which might conflict with this. He explained that the number of stories was not referenced in the Central Business District Zone, only the height in feet. He said that the Borough should move forward carefully so this change would not do something contrary to the agreement. Mayor DiPaola said she would have the Borough's attorneys check into that. She added that this plan would not affect any of the redevelopment agreements that were currently in place. Rather it would only apply to any new buildings going forward. She said it was clear that Emerson residents wanted to maintain a more consistent downtown with a small-town character and feel rather than larger buildings along Kinderkamack Road. Councilman Falotico said he did not disagree, but did not want to be on the other end of a lawsuit.

XI. INTRODUCTION OF ORDINANCES

Mayor DiPaola announced that Ms. Dietsche would read the following ordinances by title and they would be further considered at a Public Hearing to be held on March 5, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the February 22nd, 2019 edition of the Ridgewood News. She added that these ordinances were on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building where copies would be available to the General Public at no charge.

First reading:

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

Councilwoman McGuire said she believed the Council needed to look at Starbuck's impact on members of the community who lived on Kinderkamack Road. She added that residents had attended meetings and stated that issues including traffic had impacted their quality of life and curb appeal of their homes. There was an opportunity to make a change and move forward to make sure the Borough was pedestrian friendly. They needed to consider residents' quality of life as opposed to the benefit of redevelopers.

Councilman Hoffman said he agreed entirely – as years went by, there were more and more traffic problems. Emerson did not have a separate commercial area and businesses were very close to residential areas. Eateries, especially those with drive throughs, generated a lot of traffic. He said they needed to make this change for the sake of residents and the safety of the Borough's roadways. Mayor DiPaola said that she agreed and voted no the first time it was presented. She was all in favor of excluding food related drive throughs in the Borough going forward.

Councilman Knoller said there had been traffic before Starbucks and there would be traffic after Starbucks. He did not think the business should be faulted for the increased traffic but was inclined to agree with the sentiment about drive throughs and quality of life. However, he did not want to single out a business as the sole cause. He stated that Kinderkamack Road was one of the busiest roads in Bergen County; it would continue to be busy regardless of whether Starbucks was there with a drive through or not.

Councilman Hoffman said he passed Starbucks quite often and had seen a couple near collisions when drivers made a left turn. He did not think this had been allowed originally. Starbucks was not responsible for all the traffic on the streets – there were a number of reasons and this situation was present in other towns as well. But he had seen it a little bit there and did not want to see it anywhere else.

☞ **Motion** to introduce Ordinance No. 1582-19 on first reading was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

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

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

☞ **Motion** to introduce Ordinance No. 1583-19 on first reading 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

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

☞ **Motion** to introduce Ordinance No. 1584-19 on first reading was **moved** by Councilwoman McGuire, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:

RC: Council members:

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

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1581-19 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF STORM DRAINAGE IMPROVEMENTS AT DOGWOOD LANE IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$240,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A FEDERAL GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried at 9:10 p.m.

Seeing no hands, Mayor DiPaola asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilman Hoffman and carried at 9:11 p.m.

☞ **Motion** to adopt Ordinance No. 1581-19 on second reading was **moved** by Councilwoman McGuire, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

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

XIII. REPORTS

- Mayor and Council

Councilman Bayley had attended a meeting of the Joint Insurance Fund where they were focusing heavily on cyber incidents and had prepared a roadmap to avoid them. He applauded the Volunteer Fire Department for the efforts to increase their ranks and thanked each of the members for their service to the Borough. He congratulated Dennis Falotico and William Ramagli on their years of service to Emerson. He noted that he was the Council Liaison to the Emerson Chamber of Commerce but their meetings conflicted with another job. Mayor DiPaola, Councilwoman McGuire and he had reviewed over thirty resumes the Borough had received for the position of Borough Administrator and would discuss their findings with the full Governing Body.

Councilman Hoffman had attended the January 23rd Reorganization meeting of the Environmental Commission where they had reviewed projects undertaken the previous year including the Community Garden and Sustainable New Jersey; these would be ongoing. They had also discussed plans moving forward. At their next meeting, they would be creating committees and assigning specific tasks to members.

Councilwoman McGuire reported that the Recreation Commission had added track and field as a sport and anticipated signing up about seventy children. Registration was scheduled to begin on March 6th and they would be allocated a start up budget. She wished them a successful season. The Recreation Commission was planning a third and fourth grade dance sometime in the spring. They were also planning a concert and wanted to include seniors but a date had not yet been finalized. The Summer Kickoff was tentatively scheduled for June 22nd with a rain date of June 23rd but this date had to be confirmed with the fireworks vendor. She said the Land Use Board resolution memorializing Valero's application had been approved. DART Computer's contract with the Borough for information technology services had been renewed for 2019. The Personnel Committee had held its initial meeting of the year to go over resumes to fill the position of Borough Administrator. They planned to meet with Mr. Sheola on this topic.

Council President Falotico said he and Councilman Gordon had attended the monthly meeting of the Volunteer Ambulance Corps on February 4th. They were planning to relocate and had inquired about moving supplies as they began cleaning and packing up. He said the Department of Public Works would assist in the move. He noted that the Ambulance Corps was in need of volunteers. He reported on the February 14th meeting of the Library Board of Trustees and said January circulation was up compared to last year. They were in the process of getting new furniture and reallocating space. He described their upcoming programs and said a fundraiser was scheduled on February 24th at California Pizza Kitchen. He said the Borough website needed a complete overhaul and that volunteer members of organizations should be listed for transparency and so residents would know who to contact. He concluded by giving the January report of the Ambulance Corps.

Councilman Knoller said the Finance Committee had held two budget meetings with another scheduled for the following week. They were working hard to come up with a reasonable budget and keep any tax increase as low as possible. He commended CFO Lauren Roehrer for doing a tremendous job and thanked her for her suggestions and direction. He anticipated the budget would be introduced on March 19th. He had been on the Finance Committee for many years and they had done a good job in the past and wanted to keep it that way. Mayor DiPaola had been in attendance during budget meetings and had provided direction based on what she wanted to accomplish.

Mayor DiPaola explained that there had been little or no increase in municipal taxes for several years and somewhere along the line, things that had been put off would eventually have to be purchased. The Finance Committee and Council were working very hard to keep the increase as low as possible but it was inevitable that there would be a slight increase in 2019. This would be in addition to an increase due to the school referendum and possibly an increase from the County. She noted that they were tightening their belts as much as possible. Borough departments and emergency services were being asked to do the same and they looked forward to everyone's cooperation so they could serve up a palatable budget.

Councilman Knoller also discussed the budget and traffic issues around the schools with Chief Mazzeo and said that while warnings had been given in the past, officers would start ticketing in the hopes of deterring traffic issues. He also discussed an ordinance passed in 2018 regarding no parking or limited time parking and wanted to make sure that the signs had been installed. Mayor DiPaola asked Mr. Sheola and DPW Superintendent Solimando to follow up on this. There were plans to look at other areas to restrict overnight parking based on line of sight and the width of streets.

Councilman Gordon gave the monthly report of the Department of Public Works, providing information about monthly metal recycling, a recently submitted report on NJDEP E-Waste collection and an application submitted for a \$3,000 BCUA Recycling Enhancement grant. The grant could be applied to enhancements to the Recycling Center or programs to recycle difficult to recycle materials such as Styrofoam. Their annual Shade Tree Report had also been completed and submitted to the Chair of the Environmental Commission and Councilman Hoffman. DPW Superintendent Perry Solimando and Recycling Coordinator Liz Morris had attended a Swap and Share Workshop at the BCUA on February 7th. He also announced that the Emerson Junior/Senior High School would be performing their school play, Sister Act, on March 8th, 9th, 15th and 16th.

Mayor DiPaola welcomed Interim Administrator Rich Sheola to the Borough and thanked all department heads for their work in the absence of an administrator. She discussed a letter sent by Suez Water concerning lead in water and said residents could call them to test their water for free. If lead was detected, Suez would provide a free pitcher to filter it out.

- Borough Administrator Rich Sheola thanked everyone for the warm welcome and said he had met with everyone that day. He said the Borough had a top-notch staff who were very helpful. He noted that there was a need to prioritize former Borough Administrator Bob Hoffmann's memo of 44 projects and would report back to the Council on this topic. He said he would get as much done as possible while working in an interim capacity.
- Borough Clerk Jane Dietsche welcomed Mr. Sheola to the Borough and said she looked forward to working with him.
- Borough Attorney John McCann said he had met with Police Chief Mazzeo to discuss a School Resource Officer and planned to discuss it further with the School Superintendent and the Board of Education. The Borough had received an objection to the ordinance passed in December regarding redevelopment. He noted it was a matter of litigation but he was not too concerned. The COAH final judgement had been extended to 2028.

Brian Giblin, Special Counsel for Affordable Housing arrived and explained that the Borough did have a period of repose and was thus in compliance until 2028. There were a number of housekeeping items that needed to be complied with within a 120-day time frame. He had spoken with the Court Appointed Special Master and they were working through the items that needed to be completed in the next four months.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman McGuire, **seconded** by Councilman Knoller and carried at 9:36 p.m.

Fred Madura, 10 Groesbeck Court asked about the Master Plan and how it affected the Ramsland property. He also asked if there would be any impact on the downtown project if four story development was removed.

Robert Obernauer, 101 Linwood Avenue opined that an employee of his gas station had been harassed recently and said he had invested hundreds of thousands of dollars in his property as well as signing over a large portion of his property for \$1 to the County for the Kinderkamack Road widening project. He opined that operational difficulties had resulted through no fault of his own. Mayor DiPaola stated that he was not being harassed. She explained that police were called and it was observed that the fuel truck was impeding pedestrian traffic on the sidewalk along his property.

Don Pierro, 70 Eagle Drive requested that the Building Department should publish a worksheet to ease the ability to calculate fees. He also said the height and number of stories of construction in the Borough should be reviewed.

Laura Litchult, 300 Kinderkamack Road discussed scheduling the upcoming Chamber of Commerce Car Show and noted she did not want it to conflict with the Summer Kickoff.

Bob Petrow opined that the drive through ordinance process was fishy and asked how a drive through was put in without receiving notice.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried at 10:01 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 89-19

☞ **Motion** to approve Consent Agenda Resolution No. 89-19 was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:
YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- CA 90-19 Authorize the hiring of Christopher Smithson as a Part Time Dispatcher for the Emerson Police Department effective immediately
- CA 91-19 Authorize Relay for Life – Eastern Division – American Cancer Society, Inc. to Advertise on the Municipal Right of Way to Paint the Town Purple
- CA 92-19 Appoint Qualified Purchasing Agent – Richard Sheola
- CA 93-19 Authorizing Tonnage Grant Application to New Jersey Department of Environmental Protection
- CA 94-19 Authorize reappraisal of 122 square foot size portion of Block 412, Lot 3 easement property located at 222 Kinderkamack Road

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 95-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 95-19 was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried by a roll call vote of 6-0:
YES: Bayley, Hoffman, McGuire, Falotico, Knoller, Gordon

- 19-2/19-08 Personnel – Rice Notice: Dept. of Public Works N.J.S.A. 10:4-8
- 19-2/19-09 Potential Litigation – Redevelopment N.J.S.A. 10:4-7
- 19-2/19-10 Litigation Update – Affordable Housing 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 was **moved, seconded** and carried unanimously.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried at 10:36 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk