



MINUTES
REGULAR/BUDGET WORKSHOP
BOROUGH OF EMERSON
MAYOR AND COUNCIL

March 3, 2020

6:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola called the meeting to order and welcomed everyone to the March 3rd, 2020 Regular Meeting/Budget Workshop of the Emerson Governing Body. She said the meeting was being videotaped and could be viewed from a link on the Borough website as well as on Verizon FIOS Channel 36 and Cablevision Channel 77. She read the Sunshine Statement announcing that the meeting of March 3rd, 2020 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, the meeting notice was transmitted to the Record and Ridgewood News on December 19th, 2019, posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and remained continuously posted as the required notices under the Statute. In addition, a copy of the notice was on file in the Office of the Municipal Clerk and had been available to the public since its approval by the Governing Body.

II. ROLL CALL

Present: Mayor DiPaola, Councilwoman Argenzia, Councilman Bayley, Councilwoman Dinallo, Councilman Gordon, Councilwoman McGuire

Council President Hoffman arrived at 6:34 p.m.

Also present were Borough Administrator Robert Hermansen and Borough Clerk Jane Dietsche.

Borough Attorney John McCann arrived at 7:53 p.m.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

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

Mayor DiPaola said that she was going off topic to say that she knew that everyone was concerned about the coronavirus and that residents were stocking up on items at local grocery stores. She said she would never discourage someone from doing something that they felt was appropriate for themselves or their families. However, she asked that everyone stay calm. There had only been 10 possible cases reported in New Jersey and all had tested negative. She and Mr. Hermansen had been on a conference call that afternoon with Governor Murphy, the State Board of Health and other health professionals. She said everyone needed to use common sense approaches to the virus; wash your hands, cover your cough, don't touch your face, and most importantly, if you are sick, stay home and if your children were sick, please keep them home. These behaviors will limit contact and keep the virus from spreading. Information was available on website and updates would be posted as they became available should it be necessary. She said the bottom line was to stay calm; everyone should be prepared but not concerned. No one wanted any mass hysteria. She said that this seems to be no worse than the regular flu. The people most at risk were the people who were always most at risk for influenza or respiratory conditions during the winter – the elderly, people with compromised immune systems, and children. For more information, she recommended looking at the Borough website, calling the local health office, the Center for Disease Control or the State Board of Health.

IV. PROCLAMATIONS & CITATIONS

- Red Cross Month

V. APPOINTMENTS/RESIGNATIONS

Mayor DiPaola announced that there were no appointments or resignations.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of February 18, 2020

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of February 18, 2020 was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried unanimously.

VII. FINANCIAL BUSINESS

- Budget Workshop
 - i. Department of Public Works - DPW Superintendent Perry Solimando appeared before the Governing Body to discuss his budget requests and answer questions related to his budget line items. He requested a pickup truck and funds for building repairs and sidewalk safety. He added that the side walls of the salt bin at the DPW yard were spreading outward and the structure was not able to be repaired. He estimated that a new salt shed would cost approximately \$90,000; additional funds would be required to demolish the existing building. He added that new boilers were needed for Borough Hall but that he would wait until the structure was renovated.

- ii. Fire Department – Fire Chief AJ Sottile said they were in the first year of a three-year plan and were applying for grants. He noted that there were seven new firefighters; he had requested funds for equipment and gear. The current supplies had a ten-year life span and were ten to twelve years old. He stated that Engine 26, a 1998 pumper was beyond its twenty-year life span and explained that once an order was placed, there was a two to three waiting period before a new firetruck would be delivered.

Mayor DiPaola noted that when the Borough anticipated making a large purchase, projections were done to try to space them out so as to have as little impact on the budget as possible. She said the budget workshop presentation would give the public a better understanding of how and why their taxes were utilized. She added that it was difficult to lower taxes and explained that when fund balance was used to keep tax increases low, the cash on hand was taken away. Otherwise the Borough had to bond. Other items discussed included the replacement of the firehouse floor and reinstating the Annual Inspection Dinner.

- iii. Police Department – Chief Michael Mazzeo said he was not including any items for the building in his budget as that could wait for the new building. A new dispatch console had been purchased for the Police Department to dispatch emergency service agencies to calls; it was a big expense but absolutely necessary to keep people safe and could be used in the new building. He discussed three police vehicles that needed replacement but said he was only requesting two this year. Two older Toughbook computers needed replacement as the old ones were sluggish. Among other items he was considering were a surveillance camera for downtown, portable radios and new carbines. He commended Captain Michael McDermott for keeping overtime below what had been allotted and said he was doing a great job.

At the conclusion of the budget workshop, Mr. Hermansen asked the Governing Body to review their budget books and submit any additional questions to him by Thursday, March 12th.

- Resolution No. 72-20 Temporary Emergency Budget

☞ **Motion** to approve Resolution No. 72-20 Temporary Emergency Budget was **moved** by Council President Hoffman, **seconded** by Councilman Bayley and carried by a roll call vote of 6-0:

Roll call:

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

VIII. UNFINISHED BUSINESS

- Open Space Tax – Mr. Hermansen said that by law a referendum would be required on this topic so that residents could make the decision. He noted that in the long run it would save money as the Borough would not have to look for money to provide matching funds for open space grants. He added that bonding cost more in the long run as interest would have to be paid. The funds could be used to prevent overdevelopment. The Governing Body would have to move forward on this no later than the next meeting. Residents were invited to provide input on this topic at the next meeting. Council President Hoffman noted that an open space referendum was presented to voters in 2000 or 2001 and was voted down. Mayor DiPaola said they would listen to the public and decide whether to move forward.
- Discussion of Declaration of Intent to Apply for 2020 Open Space Trust Funds – Mayor DiPaola recommended that they apply for matching grant funds to replace the fence at Washington Park. Mr. Hermansen asked that members of the Governing Body reach out to him with any other suggestions.
- Discussion of 1609-20 Ordinance to Amend Chapter 73 Personnel Policies by Adding Article VI Driver's License Policy – Mr. Hermansen said the MEL/JIF now mandated that driver's license abstracts be obtained for all volunteers, chaperones, employees and Council members to insure and protect the Borough, otherwise taxpayers would potentially be at risk. If an individual chose not to provide their driver's license, they were making a decision not to participate as an employee or volunteer. He noted that an ordinance to put this policy in place was on the agenda for first reading.

IX. NEW BUSINESS

- Discussion of Department of Justice Grant Funding to Increase School Security – Mr. Hermansen said this grant provided an opportunity to increase safety and security at the schools and would share this information with them. There was no action to be taken at this time but he would check with the Borough's grant writer, Bruno and Associates, for the criteria and report back at the next meeting.

X. INTRODUCTION OF ORDINANCES

First Reading:

1609-20 AN ORDINANCE TO AMEND CHAPTER 73 PERSONNEL POLICIES BY ADDING ARTICLE VI. DRIVER'S LICENSE POLICY

☞ **Motion** to introduce Ordinance 1609-20 on first reading was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

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

XI. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1608-20 AN ORDINANCE TO AMEND CHAPTER 150 FIRE PREVENTION SECTIONS 7 PERMIT FEES AND SECTION 9 VIOLATIONS AND PENALTIES

☞ **Motion** to open the meeting to comments from the public on Ordinance 1608-20 only was **moved** by Council President Hoffman, **seconded** by Councilman Bayley and carried unanimously at 7:57 p.m.

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 on Ordinance 1608-20 only was **moved** by Councilwoman McGuire, **seconded** by Councilman Bayley and carried unanimously.

☞ **Motion** to adopt Ordinance 1608-20 on second reading was **moved** by Council President Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0.

Roll call:

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

XII. REPORTS

- Borough Administrator Rob Hermansen reported on the following:
 - He thanked CFO Lauren Roehrer, all department heads and Finance Committee members Councilwoman McGuire and Council President Hoffman for their work on the budget; they did a great job keeping expenses down.
 - The Electrical Services Contract bid was available; bids would be opened on March 12th at 10:00 a.m.
 - Any questions about the 2020 budget should be submitted to him by noon on March 12th.
 - He, Mayor DiPaola and Emerson Chamber of Commerce members Laura Litchult and Dan O'Brien had met and had a good exchange of information. He said they all wanted to work together and were stronger when more companies and businesses were involved. He also thanked Councilwoman Dinallo for working well with the Chamber.
 - They were looking into changing the current phone system and would potentially save money going forward.
 - He and Mayor DiPaola had met with Pastor Art of the Emerson Bible Church. They agreed to place a food collection bin at Borough Hall to help families in need and may also reach out to supermarkets in town. Any volunteer interested in assisting should call the Emerson Bible Church.
 - The SRO agreement would be signed by the Emerson Board of Education on March 9th. The Board of Education said it was very beneficial to the children and community. Mr. McCann noted that he had received a number of requests from other municipalities in Bergen County interested in this agreement and congratulated the Mayor and Council for leading the way.

- He was waiting for proposals for solar panels for a grant for the Emerson Public Library. It was a matching federal grant and would help the library reduce electric costs.
- The electronic sign was back up and running.
- The HIP bus service was scheduled to launch on March 13th. Information would be posted on the Borough website and HIP would blitz social media.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Gordon, **seconded** by Councilwoman Argenzia and carried unanimously at 8:26 p.m.

Corey Mellilo, 18 Vivian Avenue thanked the Governing Body for the open budget workshop process and asked about tax revenue for Block 419. She also asked about gifting the Ambulance Corps property to the redeveloper.

Mayor DiPaola said this was to be discussed during Closed Session; the Borough was in negotiations with Accurate Builders and were not at liberty to discuss. Mr. McCann stated that the prior agreement which was done on December 31st and was being discussed and scrutinized by himself and the Borough's other attorneys. It had been done at the end of 2018 and might possibly end up in litigation based on the fact that it was a last-minute agreement. His advice to the Governing Body from a legal perspective was that they had to do all they could to protect taxpayers and if it smelled bad, it would be exposed, and if it was good, it would be explained. He said they would know more information in the next few weeks.

Sue Gibbons, 158 Ackerman Avenue said she represented her own interests as well as other concerned citizens in town who had a vested interest in understanding redevelopment and ensuring that the Borough was doing what was best for the town. She asked questions related to the Fair Share Housing Plan and the list of obligations which were required to be handled within 120 days as well as what had been fulfilled and what concerns needed to be addressed.

Mayor DiPaola said that Special Counsel for Affordable Housing Brian Giblin was present and noted that an extension had been granted. Mr. Giblin stated that the Borough had asked for and received an extension; the judge had not yet set a date. Mayor DiPaola noted that Mr. Giblin had met with some difficulty in proving the affordable housing unit information provided by the previous Governing Body which was part of the reason the Borough needed the extension. Mr. Giblin added that the development that was supposed to be providing all the units was not being built yet so there was not that much to talk about.

Ms. Gibbons also inquired about the credits given in the Fair Share Housing Plan as it related to the Veterans' Home and various group homes as well as why there was no mention of credits being discussed or considered for Medicaid beds in Borough nursing facilities and whether those could be considered for the future obligation in 2025. She said that since there were concerns about seven units being built offsite, those credits may exist within those facilities.

Mr. Giblin said that the compliance plan submitted was adopted by the judge at the fairness hearings was in compliance and they could not substitute something for what was in the credits that were submitted to the court previously.

Mr. McCann said he did not think that was accurate. The Borough was now deemed in compliance under the current agreement and added that there was no indication that the prior administration even looked at that in terms of whether or not they even qualified. He said it was a potential, but it was not accurate to say it would qualify.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried unanimously at 8:59 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA

☞ **Motion** to approve Consent Agenda Resolution No. 73-20 was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

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

CA 73-20 Authorize Assumption Church to hold a Carnival from May 13 through
17

XV. CLOSED EXECUTIVE SESSION – Resolution No. 74-20

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 74-20 was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

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

#20-3/03-10	Potential Litigation – Redevelopment Update	N.J.S.A. 10-4-7
#20-3/03-11	Potential Litigation – Recreation Commission	N.J.S.A. 10-4-7
#20-3/03-12	Contract Negotiations:	
	Department of Public Works	N.J.S.A. 10-4-4
#20-3/03-13	Contract Negotiations: Borough Architect	N.J.S.A. 10-4-4

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 Council President Hoffman, **seconded** by Councilwoman Argenzia and carried unanimously.

Mayor DiPaola stated that there had been a group of citizens at the meeting with a spokesperson asking questions and she wanted to put it on record that she did say to them that they were always welcome to contact her, the Borough Administrator, the Borough Clerk if they ever needed any information. They did not have to wait for the Mayor's office hours or the public portion of the meeting in order to get information. She said that if anyone has a question, they could call Borough Hall at 201-262-6086 and ask for the Borough Administrator, Clerk, herself, or a member of the Governing Body and we would always do what we could to provide information as quickly as possible.

☛ **Motion** to approve Resolution No. 75-20 to Authorize Giblin & Gannaio, LLC to prepare suit against Emerson Redevelopers Urban Renewal, LLC, Accurate Builders & Developers and JMF Properties as Discussed in Closed Session was **moved** by Councilman Gordon, **seconded** by Council President Hoffman and carried by a roll call vote of 6-0:

Roll call:

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

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 10:23 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk