



MINUTES
SPECIAL MEETING
BOROUGH OF EMERSON
MAYOR AND COUNCIL
May 11th, 2020
5:30 p.m.



This special meeting of the Mayor and Council of the Borough of Emerson will be held via the teleconferencing app GoToMeeting on May 11th, 2020 at 5:30 p.m. due to the COVID-19 State of Emergency.

ACCESS INFORMATION:

Mayor and Council Regular Meeting – Monday, May 11 2020

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/142042741>

You can also dial in using your phone: 1 (224) 501-3412

Access Code: 142-042-741

I. CALL TO ORDER

Mayor DiPaola welcomed everyone to the May 11th, 2020 Special Meeting and announced that 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 announced that this Special Meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were sent to the Record and the Ridgewood News on Friday, May 8th, 2020. In addition, copies of this notice were posted on the bulletin board in the Municipal Building, on the Borough website and filed in the office of the Municipal Clerk on the aforementioned date.

II. ROLL CALL

Present: Mayor DiPaola, Councilwoman Argenzia, Councilwoman Dinallo, Councilman Gordon, Council President Hoffman, Councilwoman McGuire

Present via teleconference: Councilman Bayley

Also present were Borough Administrator Robert Hermansen, Borough Attorney John McCann (via teleconference) and Borough Clerk Jane Dietsche

III. RESOLUTIONS

- Resolution 102-20 Attorney Fees to Be Paid on Behalf of Danielle DiPaola

Mr. McCann stated that this resolution was almost identical to the motion passed at the May 5th Regular Meeting. However, it made the language more precise and removed the not to exceed amount of \$20,000. He said the Borough could not handicap an indemnified individual with a finite amount; if an amount was included it would conflict with the agreement to indemnify and make it invalid.

☞ **Motion** to approve Resolution No. 102-20 Attorney Fees to Be Paid on Behalf of Danielle DiPaola was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

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

- Resolution 103-20 Scalco Inc., dba Cork & Keg, – Approval for ABC Temporary Storage at new location 89 Kinderkamack Road

☞ **Motion** to approve Resolution No. 103-20 Scalco Inc., dba Cork & Keg, – Approval for ABC Temporary Storage at new location 89 Kinderkamack Road was **moved** by Councilman Gordon, **seconded** by Councilwoman Argenzia and carried by a roll call vote of 6-0:

Roll call:

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

IV. PUBLIC COMMENT

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

Hearing no requests for comment, 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 Council President Hoffman, **seconded** by Councilman Gordon and carried unanimously.

Mayor DiPaola announced that Rice Notices were issued to all full-time crossing guards on Friday, May 8th for a discussion of personnel and their employment. They spoke to each of them and they all chose to allow to have the discussion take place during public session.

Mr. McCann noted that Governor Murphy had closed the schools down when declaring a State of Emergency but the period of time was not determined. He said that under New Jersey law, it was not unusual for employment to continue under such circumstances. The problem arose when the Governor declared that New Jersey schools would be closed for the rest of the year. According to the New Jersey Constitution, the Borough could not continue to pay someone for not showing up to work.

He said the crossing guards were properly issued Rice Notices as the Borough was planning to discuss unemployment with them. They were given the choice of having the discussion in closed or open session. They all chose to have the discussion take place during open session. He explained that they could not be paid going forward; since there was no job, the Borough would be violating the laws if they continued to pay them. He said that the Federal Cares Act would piggyback on New Jersey State law and they could apply for unemployment after using up all their earned sick time.

The crossing guards were invited to ask questions and inquired about their sick time and filing for unemployment. Mayor DiPaola directed them to speak with CFO Lauren Roehrer if they had any questions. Mr. Hermansen said that if schools reopened in September, the nine crossing guards who were furloughed would be the first rehired.

Motion to approve Resolution No. 104-20 Furlough and/or layoff the school crossing guards for the remainder of the school year was **moved** by Councilwoman Argenzia, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

Roll call:

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

~~V. CLOSED EXECUTIVE SESSION Resolution No. 104-20~~

~~#20-5/11-16 Personnel Crossing Guards N.J.S.A. 10:4-8~~

~~VI. RECONVENE~~

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

VII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 5:54 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk