



MINUTES
REGULAR MEETING/
BUDGET AMENDMENT HEARING
BOROUGH OF EMERSON
MAYOR AND COUNCIL

May 7, 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 May 7th, 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, Councilwoman McGuire

ABSENT: Councilman Knoller

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Excuse absence of Councilman Bayley from the Regular Meeting of April 16, 2019

☞ **Motion** to excuse the absence of Councilman Bayley from the Regular Meeting of April 16, 2019 was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- Recognizing Cast and Crew of Emerson Junior/Senior High School Spring Production of Sister Act

V. APPOINTMENTS/RESIGNATIONS

- Police Reserve Officer – Appointment effective immediately
 - Alex Dinardi

☞ **Motion** to appoint Alex Dinardi as a Police Reserve Officer effective immediately was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried unanimously.

- APPOINTMENT BY MAYOR:
 - Shade Tree Commission – Initial Appointments
 - Steve Frassa as a Regular Member for the five-year term ending 12/31/23
 - Mike Guarriello as a Regular Member for the five-year term ending 12/31/23
 - Maria Buchert as a Regular Member for the four-year term ending 12/31/22

Mayor DiPaola announced that she was appointing Steve Frassa and Mike Guarriello as Regular Members of the Shade Tree Commission for the initial five-year terms ending 12/31/23. She further announced that she was appointing Maria Buchert as a Regular Member for the initial four-year term ending 12/31/22.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of April 16, 2019

☞ **Motion** to approve the Regular Meeting Minutes as amended and the Closed Session Meeting Minutes of April 16, 2019 was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried unanimously.

VII. FINANCIAL BUSINESS

- ADOPTION OF THE 2019 MUNICIPAL BUDGET
 - Resolution No. 142-19 Self Examination of Budget

☞ **Motion** to approve Resolution No. 142-19 Self Examination of the 2019 Municipal Budget was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

- PUBLIC HEARING ON AMENDMENT TO 2019 MUNICIPAL BUDGET

☞ **Motion** to open the meeting to comments on the Amendment to the 2019 Municipal Budget only was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried unanimously.

Seeing no hands, Mayor DiPaola asked for a motion to close the meeting to comments from the public on the Amendment to the 2019 Municipal Budget.

☞ **Motion** to close the meeting to comments from the public on the Amendment to the 2019 Municipal Budget only was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried unanimously.

- Resolution No. 143-19 Adoption of the 2019 Municipal Budget

☞ **Motion** to approve Resolution No. 143-19 Adoption of the 2019 Municipal Budget was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

VIII. UNFINISHED BUSINESS

- Borough cell phones/tablets for department heads – Mr. Sheola had taken a poll of the employees designated as eligible for a Borough cell phone. They had declined the offer and understood the ramifications under the Open Public Records Act. He noted that Police Chief Mazzeo had requested two phones for the Detective Bureau. After discussion, Governing Body consensus was to authorize this request.

☞ **Motion** to approve the purchase of two cellphones for use by the Detective Bureau was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

- Relocation of Ambulance Corps – Mr. Sheola had attended a meeting with Mayor DiPaola, Council President Falotico, Councilman Gordon and representatives of the Police Department, Fire Department, Ambulance Corps and Department of Public Works to discuss relocating the Ambulance Corps. A determination was made to use a site at the DPW yard and construct a 30' x 30' metal building with two vehicle bays. Files would be stored securely in another Borough building. This plan was acceptable to the squad. Mr. Sheola estimated that the total cost of the building and related items would be under the \$40,000.00 purchasing threshold and would take less than two weeks to construct.

☞ **Motion** to agree to the DPW yard site chosen and keep the process of relocating the Ambulance Corps moving forward was **moved** by Council President Falotico, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

- Possible County field usage – Mr. Sheola was told that the County of Bergen had approved the use of the open space in front of the Soldier Hill Golf Club located on Palisade Avenue for Emerson Recreation Pre-K soccer activities. The Borough would have to provide an insurance certificate and hold harmless agreement to the County as well as inspect the field. The Governing Body appreciated the offer from the County especially since there was a need for more locations for recreational events. Mr. McCann said a simple agreement would be drafted to allow for field usage.

IX. NEW BUSINESS

- Education reimbursement policy – Mr. Sheola discussed costs related to employee training for State licenses and certifications. He proposed that if an employee had taken courses paid for by the municipality and then resigned, a portion of the total cost of the courses be reimbursed by the employee to the Borough. The Governing Body discussed the appropriate length of time to require repayment. Council consensus was to enact a policy to require an employee to reimburse the entire amount within one year, two thirds of the cost within the second year and one third within the third year. Mr. Sheola was directed to contact the Borough Labor Counsel on next steps.

- Police outside jobs trust accounting – Mr. Sheola said the Borough currently charged \$140.00 for outside duty police work. The officer received \$104.64 and the remainder went into the Miscellaneous Revenue Not Anticipated (MRNA) fund. The gas and oil account did not receive any reimbursement. He proposed using 3% of the total, or \$4.20 per hour, to reimburse the Borough for gas and to create a reserve account to replace vehicles in the future.

☞ **Motion** to set aside 3% of police outside duty funds for fuel costs per the Administrator’s recommendation was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

- Flood Damage Prevention Ordinance – NJDEP revisions required; RE: floodplain management regulations – Mr. Sheola explained that the New Jersey Department of Environmental Protection required that the Borough’s flood damage prevention ordinance be updated and adopted by August 21st, 2019. The NJDEP would then submit it to FEMA. Mr. Sheola, DPW Superintendent Perry Solimando and Borough Engineer Dave Atkinson would be working on this item.

X. INTRODUCTION OF ORDINANCES

First Reading:

Mayor DiPaola announced that Ms. Dietsche would read the following ordinance by title and it would be further considered at a Public Hearing to be held on May 21st, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the May 10th, 2019 edition of the Ridgewood News. She added that 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.

1592-19 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS, THE RECONDITIONING OF A FIRE ENGINE AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW ADDITIONAL FURNISHINGS AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,043,670 TO PAY THE COST THEREOF, TO APPROPRIATE BOROUGH TRUST FUND MONEYS, TO MAKE A DOWN PAYMENT, 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 introduce Bond Ordinance No. 1592-19 on first reading was **moved** by Councilman Bayley, **seconded** by Council President Falotico and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

1593-19 AN ORDINANCE TO ESTABLISH RANGES FOR SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2019

Mayor DiPaola announced that Ordinance 1593-19 was being tabled for a short personnel meeting in Closed Session.

XI. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1591-19 AN ORDINANCE AMENDING CHAPTER 132 UNIFORM CONSTRUCTION CODES, SECTION 3 'FEES'

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried at 8:33 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 Councilwoman McGuire and carried at 8:34 p.m.

☞ **Motion** to adopt Ordinance No. 1591-19 on second reading was **moved** by Council President Falotico, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:
RC: Council members:
YES: Bayley, Hoffman, McGuire, Falotico, Gordon

XII. REPORTS

- Borough Administrator Rich Sheola's report was submitted to the Governing Body and is attached hereto to the minutes. He had attended a preconstruction meeting about Dogwood Lane. There were continuing discussions with the BCUA about their easement behind Eagle Drive. Staff members had inspected the location and noted that some residents had encroached on the easement. The Borough was working on creating handicapped parking spaces for commuters.

Mayor DiPaola asked Mr. Sheola to contact the County Engineer to revisit the configuration of Kinderkamack Road as she did not see much improvement in the traffic pattern. Council President Falotico said that traffic backups were due to the train and this would only change if the train did not block the road; NJ Transit would not make this change for safety reasons. Mayor DiPaola said that the roadwork had made the situation worse and that it was completely unacceptable.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried at 8:46 p.m.

Jim Collis, 16 Crest Road said he lived close to Memorial Elementary School and was concerned about heavy equipment noise when upcoming construction and renovations began. He requested that the noise ordinance be amended to prevent heavy equipment from operating in a residential zone before 8:00 a.m. Mayor DiPaola requested that this item be placed on the next agenda and that a standard be put in place for the Borough as a whole.

Lorraine McQueeney, 115 Grand Boulevard questioned the calculations used to determine the Borough's unmet affordable housing need. She stated that she wanted to ensure that the paperwork submitted to the State was accurate so the Borough would receive all its credits and Block 419 redevelopment could be done on a smaller scale. She opined that the redevelopment project was a misguided monster that should have been put to a vote. She opined that Block 419 was not a viable construction site due to potential toxic contamination. Mayor DiPaola requested that Mr. Sheola, Mr. McCann, Special Counsel Affordable Housing Brian Giblin and Borough Planner Caroline Reiter look into this. Mr. McCann said the Borough's affordable housing obligation totaled 238 units and was already part of the settlement agreement.

Pat Hulburt, 55 Jefferson Avenue asked about the Armenian Home and whether the eligible beds had been included in the Borough's affordable housing obligation.

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 Councilwoman McGuire, **seconded** by Councilman Gordon and carried at 9:42 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 144-19

☞ **Motion** to approve Consent Agenda Resolution No. 144-19 was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

- CA 145-19 Emerson Cleaners – Approve Laundry License Renewal for one-year period May 1, 2019 through April 30, 2020
- CA 146-19 Approve Cancellation of Capital Improvement Appropriation Balances
- CA 147-19 Appoint Ryan Orr as a Part-Time Court Officer
- CA 148-19 Appointment of David Stanziale, Esq. as Acting Prosecutor for the State v. Pablo Cruz. DWI Matter
- CA 149-19 Permission for Church of the Assumption to hold a Carnival from May 15th through May 19, 2019
- CA 150-19 Authorize Mayor DiPaola to sign contract with D&L Paving for Main Street/Linwood Avenue Sections 4 & 5
- CA 151-19 Authorize Mayor to sign Memorandum of Understanding – Chief Financial Officer
- CA 152-19 Authorize Advertising and Hiring of Construction Official, Building Sub-code Official and Fire Protection Sub-Code Official

XV. CLOSED EXECUTIVE SESSION - Resolution No. 153-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 153-19 was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

19-5/7-15	Personnel – Rice Notice: Borough Clerk	N.J.S.A. 10:4:-8
19-5/7-16	Contract Negotiations – School Resource Officer	N.J.S.A. 10:4:-7
19-5/7-17	Potential Litigation – Architectural Services	N.J.S.A. 10:4:-7
19-5/7-18	Litigation – Redevelopment	N.J.S.A. 10:4:-7

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, seconded** and carried unanimously.

☞ **Motion** to extend the meeting curfew to 11:30 p.m. was **moved, seconded** and carried unanimously.

☞ **Motion** to extend the employment of Interim Borough Administrator Rich Sheola until August 23rd, 2019 was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

☞ **Motion** to increase the pensionable salary of the Borough Clerk by \$2000.00 and reduce the stipend from \$5,000.00 to \$3,000.00 was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

☞ **Motion** to retain the Borough Attorney to defend the interests of the Borough from the Civil Action Summons served on the Borough two weeks ago, Tanveer Hassan vs. the Borough of Emerson, was **moved** by Councilman Gordon, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Falotico, Gordon

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried at 11:23 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk