



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
June 23, 2020
6:45 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



This meeting of the Mayor and Council of the Borough of Emerson was held via the teleconferencing app GoToMeeting on June 23rd, 2020 at 6:45 p.m. due to the COVID-19 State of Emergency.

Mayor & Council Regular Meeting - Tuesday, June 23rd at 6:45 p.m.
Tue, Jun 23, 2020 6:45 PM - 10:45 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.
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United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 916-962-565

I. CALL TO ORDER

Mayor DiPaola called the meeting to order at 6:45 p.m. and welcomed everyone to the June 23rd, 2020 Regular Meeting of the Emerson Governing Body. She said the meeting was being held via teleconference due to the COVID-19 virus outbreak. She noted 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 read the Sunshine Statement announcing that the meeting of June 23rd, 2020 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, notice of this meeting was sent to the Record and Ridgewood News on December 19, 2019 and noticed to said newspapers; posted at the entrance to Borough Hall, on the bulletin board in the Municipal Building and has remained continuously posted as required under the Statute.

Access was provided to the general public via teleconferencing on the GoToMeeting application and a link and phone number to access the meeting was posted for the public.

II. ROLL CALL

Present: Mayor DiPaola, Councilman Bayley (via teleconference), Councilwoman Dinallo, Councilman Gordon, Council President Hoffman, Councilwoman McGuire

Councilwoman Argenzia arrived at 7:25 p.m.

Also present were Borough Administrator Robert Hermansen, Borough Clerk Jane Dietsche and Deputy Clerk Coleen Goddel (via teleconference). Borough Attorney John McCann arrived at 7:25 p.m.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

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

IV. PROCLAMATIONS & CITATIONS

- Proclamation honoring Senior Class of 2020

V. APPOINTMENTS/RESIGNATIONS

- **Recreation Commission**

- Resignation of Robert Quinones as a Regular Member for the five-year term ending December 31, 2021 effective June 18, 2020
- Resignation of Eilish Viggiani as the Alternate II Member for the five-year term ending 12/31/22

☞ **Motion** to accept the resignation of Robert Quinones as a Regular Member for the five-year term ending December 31, 2021 effective June 18, 2020 was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried unanimously.

☞ **Motion** to accept the resignation of Eilish Viggiani as the Alternate II Member for the five-year term ending 12/31/22 was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried unanimously.

- **MAYOR'S APPOINTMENTS**

- **Recreation Commission**

- Appointment of Eilish Viggiani as a Regular Member for the unexpired five-year term ending 12/31/21
- ~~Appointment of _____ as the Alternate II Member for the unexpired five-year term ending 12/31/22~~

Mayor DiPaola announced that she was appointing Eilish Viggiani as a Regular Member of the Recreation Commission for the unexpired five-year term ending 12/31/21. An alternate would be appointed at a future date.

- **MAYOR'S APPOINTMENT WITH COUNCIL CONFIRMATION**

- **Library Board of Trustees**

- ~~Appointment of _____ as a Regular Member for the five year unexpired term ending 12/31/20~~

Mayor DiPaola said she this appointment was being postponed until the next meeting.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of June 9, 2020

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of June 9th, 2020 was **moved** by Councilwoman McGuire, **seconded** by Councilman Gordon and carried unanimously.

VII. CORRESPONDENCE

Mayor DiPaola announced that copies of the correspondence were available in the office of the Municipal Clerk.

- Various emails dated May 27, 2020 through today from NJ Department of Community Affairs, NJ DEP and Bergen County Health Department; Re: Coronavirus (COVID-19) Updates.
- Email dated June 10, 2020 from Kate Stutzel; RE: Sunday Prayer for Peace Ceremony
- Resolution dated June 1, 2020 from Borough of Leonia; Re: Declaring Racism a Public Health Crisis
- Resolution dated May 28, 2020 from Township of Mahwah; Re: Recognize National Gun Violence Awareness Day and to commit to prevent gun violence
- Resolution dated June 9, 2020 from the Borough of Westwood; Re: Supporting A4190
- Resolution dated June 11, 2020 from the Borough of Fort Lee; Re: Supporting enactment of regulations requiring 100% rate of aerial line high-speed internet service accessibility in each individual municipality throughout the State of New Jersey

VIII. FINANCIAL BUSINESS

- Resolution No. 122-20 Bill List

☞ **Motion** to adopt Resolution No. 122-20 Bill List was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 5-0:

Roll call:

YES: Bayley, McGuire, Dinallo, Hoffman, Gordon

IX. UNFINISHED BUSINESS

- Discussion of Ordinance 1615-20 An Ordinance to Amend Chapter 47-Land Use Procedures at Section-26 Entitled Fees and Section 26.1 Entitled Escrow Deposits and Chapter 236- Site Plan Review at Section 9 Entitled Fees and Section 9.1 Entitled Escrow Deposits of the Code of the Borough of Emerson – Mr. Hermansen said this ordinance was on the agenda for first reading and would amend escrow deposits amounts and fees that had not been updated since the 1970's.

- Discussion of Ordinance 1616-20 Amending Chapter 248 of the Code of the Borough of Emerson, Section 38 Entitled ‘Curbs and Sidewalks Required for New Construction’ – Mr. Hermansen said this ordinance was on the agenda for first reading based on recommendations from the Land Use Board. The Land Use Board was seeking a better indication and more control of where sidewalks should be required. Council President Hoffman pointed out a discrepancy in the wording of the ordinance. Land Use Board Attorney Chris Martin was contacted to discuss the ordinance. Mayor DiPaola said the purpose of the ordinance was to give the power of decision making on this item to the Land Use Board. Governing Body consensus was to pass the ordinance on first reading and if a change was needed that was not material, it could be adjusted before the second reading and public hearing.
- Driver’s license policy reminder – Mr. Hermansen discussed the Borough’s driver’s license policy based on the Joint Insurance Fund requirement that all employees, elected officials and volunteers submit to a check of their license annually. He said that if someone refused to submit their license, they would be subject to administrative action up to removal. An email would be sent out with a deadline date and grace period for submission and it would be up to each department/board/commission secretary to ensure compliance.

X. NEW BUSINESS

- Discussion of Resolution Opposing Governor Murphy’s action on Homestead Rebate and Property Tax Freeze – Mr. Hermansen said he had been receiving phone calls from seniors about their property tax relief being taken away by the Governor. He asked if the Governing Body would be interested in preparing a resolution expressing their opposition to this freeze. Mayor DiPaola said the Pascack Valley Mayors’ Association was discussing this topic and that they or other municipalities may have already adopted a resolution on this topic. Council consensus was to place a resolution on the next meeting agenda.
- Discussion of Police Appropriate Authority – The Governing Body, Mr. Hermansen and Mr. McCann held an extended discussion about who made up the Appropriate Authority for the Police Department and the proper interpretation of the ordinance. Governing Body consensus was that this topic needed to be revisited at the next meeting and the ordinance needed to be cleaned up.

XI. INTRODUCTION OF ORDINANCES

First Reading:

Mayor DiPaola announced that the next order of business was the Introduction of Ordinances. Upon approval, these ordinances would be further considered at a Public Hearing to be held on July 21st, 2020 at 7:30 p.m. either in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, NJ or by teleconference and published in The Record. All ordinances were posted on the Borough website and on file in the Office of the Municipal Clerk in the Emerson Borough Hall, Municipal Place, Emerson, NJ. Should you need a hard copy please call Borough Hall and one will be mailed to you free of charge.

1615-20 AN ORDINANCE TO AMEND CHAPTER 47-LAND USE PROCEDURES AT SECTION-26 ENTITLED FEES AND SECTION 26.1 ENTITLED ESCROW DEPOSITS AND CHAPTER 236- SITE PLAN REVIEW AT SECTION 9 ENTITLED FEES and SECTION9.1 ENTITLED ESCROW DEPOSITS OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance 1615-20 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

1616-20 AN ORDINANCE TO AMEND CHAPTER 248 OF THE CODE OF THE BOROUGH OF EMERSON AT SECTION 38 ENTITLED "CURBS AND SIDEWALKS REQUIRED FOR NEW CONSTRUCTION"

☞ **Motion** to introduce Ordinance 1616-20 on first reading was **moved** by Council President Hoffman, **seconded** by Councilwoman Argenzia and carried by a roll call vote of 6-0:

Roll call:

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

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1613-20 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 open the meeting to comments from the public on this ordinance only was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried unanimously

Hearing no requests from the public, 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 Councilman Gordon, **seconded** by Councilwoman Argenzia and carried unanimously.

☞ **Motion** to adopt Ordinance 1613-20 on second reading was **moved** by Councilwoman McGuire, **seconded** by Council President Hoffman and carried by a roll call vote of 6-0:

Roll call:

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

1614-20 AN ORDINANCE TO AMEND CHAPTER 128 CERTIFICATES OF OCCUPANCY, SECTION 1

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Council President Hoffman, **seconded** by Councilwoman McGuire and carried unanimously

Hearing no requests from the public, 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 Hoffman, **seconded** by Councilwoman Argenzia and carried unanimously.

☞ **Motion** to adopt Ordinance 1614-20 on second 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

XIII. REPORTS

- Mayor and Council

Councilman Bayley said the graduation ceremony was very enjoyable and thanked the Police Department, Volunteer Ambulance Corps, Volunteer Fire Department and Department of Public Works for their efforts. He also commended Mr. Hermansen for his brilliant work in getting the firehouse floor to the finish line and said that without his diligence the project would have been pushed off to next year.

Councilwoman McGuire reported that Recreation Commission Presiding Officer Bob Quinones had stepped down at the last meeting. The Alternate Presiding Officer Paul Coombes would be filling in until a replacement was chosen a Special Reorganization Meeting scheduled for the following evening. She congratulated Eilish Viggiani on her appointment as a regular member and said she had done a lot of great work while serving as an alternate member. The Summer Kickoff had been tentatively rescheduled to August 29th with a rain date of August 30th as long as things proceeded well. Recreation softball and baseball would be restarting with guidelines and safety precautions in place; it would be great to see kids on the baseball field again. She and Commissioner Gordon had met with the Police Chief Mazzeo. She said that Chief Mazzeo maintained an open-door policy and was available to assist residents in any way possible. He could be contacted any time through the non-emergency number 201-262-2800 or by email at mazzeo@emersonpd.org. The Police Department also maintained a website and Twitter feed which included updates from the department and community policing events. She loved participating in the car parade honoring the graduating seniors and said it was a great community event where everyone got together to do something great for the senior class and show them off as they deserved to be. She congratulated the seniors and all students for working hard during the past few months in quarantine and wished them a great summer.

Councilwoman Dinallo reported on the Chamber of Commerce and congratulated Dan O'Brien, owner of Academy Electric, for having supplied all the electric generator power for West Point's outdoor graduation, the first time it was held in an outdoor setting. The general in charge of the event was very pleased and said it was the first time they had no problems with generators during the ceremony even when it was indoors. The Chamber would be hosting a blood drive on Friday, July 10th at Assumption Church from noon to six p.m. Cradles to Crayons would be open for summer programs. She said it was great to see the town opening up and noted that people had been great about social distancing. The school district was looking forward to their onsite July 8th graduation on the football field. They were grateful that the Governor was lifting the cap on attendance to five hundred people; only graduates and their families would be able to attend. The ceremony would also be available via livestream for those who were unable to attend.

Council President Hoffman said the Shade Tree Commission was already working on fall planting; they were tweaking some of the process and it should go more smoothly in the fall. By the end of the year they will have planted about 30 new trees. They were discussing when to hold their Arbor Day ceremony which had been delayed; it would probably take place in September or October. Tree Inspector Steve Frassa was also doing an exhaustive survey of trees throughout town to gauge their health. Speaking on behalf of the Commission, he said that residents who had previously received an approval for trimming or removal of a shade tree trimmed or removed were a little concerned about when that work would take place. He explained that there was a spending moratorium and that Mr. Hermansen was permitting that they spend 25% of their budget. He noted that the list was far longer than the budget allowed, and said that the work would eventually get done. He asked that residents be patient.

Councilman Gordon gave the Department of Public Works monthly report and noted that they were sanitizing Borough Hall, the library, Recreation Center, bus stops, trash receptacles and the DPW facility daily. Grass cutting was ongoing and the chipper was being sent out twice a week to chip branches for residents. They had also planted flowers and mulched the Veterans' Monument for Memorial Day. In addition, they had prepared the temporary ambulance structure for the installation of the garage door. He had enjoyed the parade for the graduating seniors. He thanked Mr. Hermansen for his due diligence on the firehouse floor project. He also thanked the Governing Body for being as open and transparent as possible.

Councilwoman Argenzia gave the monthly report of the Volunteer Ambulance Corps and said they were glad the doors to their temporary structure had been installed and hoped that electrical work would take place next. Their fund drive would begin soon. They had received notice from Stryker that the defibrillators were old and needed to be replaced. The old ambulance was not running properly and needed to be looked at. They would be holding virtual meetings for the remainder of the year. Board of Health Officer Angela Musella had retired and was replaced by Gina Behre. The Board of Health thanked the Police and Fire Departments for helping keep everyone safe. The Board would be holding a special meeting on Thursday to amend the ordinance related to food license to extend the deadline to renew for 90 days. She discussed planting a tree in memory of Board of Health Nurse Kay Hodges who had passed away last year shortly before her 100th birthday. Council President Hoffman said they should reach out to the Shade Tree Commission on this item.

Mayor DiPaola reported on the following:

- No new Covid-19 cases had been reported in the last two weeks, only recoveries. Nursing homes were beginning to let relatives visit loved ones. She thanked all who had offered help to families during this crisis. She added that things were beginning to open up.
- The Governor's Executive Order permitted 25% capacity or a total of 100 people for indoor gatherings – whichever was less - and a maximum of 250 people for outdoor gatherings. There was no limit for outdoor political or religious gatherings. People should continue safe procedures; there was no requirement for a mask outdoors if someone was in good health. If someone was comfortable wearing a mask and social distancing, they should feel free to do so. She noted that masks were required to be worn when in a store and everyone should follow their doctor's advice.
- She encouraged everyone to check the fields and catch a game. She said that tennis would be starting up and suggested that residents contact the Recreation Commission to volunteer to keep the courts open and allow more people the opportunity to play.
- The public would be invited to the next Council meeting; she looked forward to seeing people again. A policy would be put into place for temperature checks, social distancing and the wearing of masks. In addition, Borough Hall would be opening to the public by appointment only in July; it was a way to be welcoming to the public while keeping Borough employees safe.
- The seniors would be holding a meeting on July 9th and would practice social distancing, wear masks and sit at appropriately separated tables.
- She reminded everyone to be safe with Fourth of July fireworks.
- She had a ball at the Senior Class drive-by celebration. She thanked every member of the community who came out for them. She was floored by the huge turn out and thanked the Volunteer Fire Department and Chief AJ Sottile for raising a huge American flag; it was so moving. She said it was a fantastic night and she received so many thank you's that she wanted to continue the trend.

Borough Administrator Rob Hermansen reported on the following:

- He applauded the Senior Class celebration and said it would be done annually in the future. He thanked all volunteers, parents, the Mayor and Governing Body as well as the Volunteer Ambulance Corps, Police Department, Auxiliary Police, Volunteer Fire Department, and Department of Public Works – everyone was a part of it. Everyone was absolutely floored by how well it went.
- NJDOT would be assigning an engineer to assist in the grant funded continuing streetscape improvements to Kinderkamack Road. He hoped that a meeting with the engineer would take place before the next Council meeting so he could provide an update.
- Bids had been received for the firehouse floor. He hoped to schedule a preconstruction meeting before the July 4th holiday. He noted that the bids came in under budget.
- Installation of the new telephone system for Borough Hall was almost complete.
- Borough Hall would reopen to residents by appointment only once office safety improvements had been completed.

- He had sent questions to the County about reimbursements for the CARE Act and thanked all department heads for thinking outside the box. They were waiting to hear back on the good ideas submitted to keep the Borough buildings safe.
- He congratulated all graduates.
- He discussed the Borough's moratorium on spending and said that third quarter tax payments were due on August 1st. He believed this would be the hardest cycle and the Borough was keeping its belts tight. All departments had been told to contact him before spending anything as they needed to keep track of where they were. He said there would be a shortfall in revenue due to the challenges of Covid-19.
- Borough Clerk Jane Dietsche discussed the upcoming Primary Election and explained that voting would be limited to provisional paper ballots only. The polling place for all districts would be the Emerson Senior Center and only disabled voters would be able to vote in the voting booth.
- Borough Attorney John McCann had no report.

XIV. PUBLIC COMMENT

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

Hearing no requests from the public, 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.

XV. RESOLUTIONS ON CONSENT AGENDA

☞ **Motion** to approve Consent Agenda Resolutions No. 123-20 through 129-20 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

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| CA 123-20 | Resolution Authorizing Inclusion in the Bergen County Community Development Program |
| CA 124-20 | Resolution Authorizing Execution of an Agreement with the County of Bergen to Supersede the Cooperative Agreement Dated July 1, 2000 and Amendments thereto Establishing the Bergen County Community Development Program |
| CA 125-20 | Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87 - Fiscal Year 2020, State Of New Jersey, Division of Environmental Protection, Clean Communities Grant in the Sum Of \$14,176.31 |
| CA 126-20 | Resolution Authorizing Not to Exceed Limitations for Neglia Engineering for the Construction Management of the 2019 Pascack Valley Cooperative Paving Program |

- CA 127-20 Confirm Appointment of Marie Shust as Shade Tree Commission Secretary for the Borough of Emerson
- CA 128-20 Award contract for firehouse floor repairs to Infrastructure Repair Service for the total amount of \$322,911.30.
- CA 129-20 Authorize Mayor DiPaola to sign Bergen County Cares Act Municipality Reimbursement Agreement

XVI. CLOSED EXECUTIVE SESSION – Resolution No. 130-20

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 130-20 was **moved** by Councilwoman McGuire, **seconded** by Councilwoman Argenzia and carried by a roll call vote of 6-0:

Roll call:

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

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| #20-6/23-17 | Litigation – Redevelopment Update | N.J.S.A. 10.4-7 |
| #20-6/23-18 | Property Sale - Town and Country | N.J.S.A. 10.4-5 |
| #20-6/23-19 | Personnel | N.J.S.A. 10.4-8 |
| #20-6/23-20 | Contract Negotiations –
Borough Architect – Borough Hall | 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.

☞ **Motion** to add Borough Architect Settembrino’s contract proposal for Borough Hall architectural services to the agenda was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried with one abstention by Councilwoman McGuire.

☞ **Motion** to approve Borough Architect Settembrino’s contract proposal for Borough Hall architectural services for the new addition/renovation in the amount of \$749,500.00 was **moved** by Councilman Gordon, **seconded** by Councilwoman Dinallo and carried by a roll call vote of 5-0 with one abstention:

Roll call:

YES: Bayley, Dinallo, Hoffman, Gordon, Argenzia

ABSTAIN: McGuire

☞ **Motion** to advertise an RFQ for a new Special Counsel - Redevelopment 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

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 10:39 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk