



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
July 16, 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 July 16th, 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 Borough Administrator Rich Sheola, Borough Attorney John McCann and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor DiPaola announced that all members of the Governing Body were present at the last meeting.

IV. PROCLAMATIONS & CITATIONS

Mayor DiPaola announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Tim Murphy from the Department of Public Works effective July 19, 2019

☞ **Motion** to accept the resignation of Tim Murphy from the Department of Public Works effective July 19, 2019 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of June 25, 2019

☞ **Motion** to approve the Regular Meeting Minutes as amended and the Closed Session Meeting Minutes of June 25, 2019 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.

- Ordinance received from the Borough of Haworth; Re: Amend Chapter XXVI of the Code of the Borough of Haworth Entitled, Land Use Regulations.
- Letter received from the NJ DOT dated June 18, 2019; Re: Denial of the Safe Route to School application.
- Letter received July 1, 2019 from Arbor Day Foundation; Re: Congratulating Emerson on earning recognition as a 2018 Tree City USA.
- Resolution from the Borough of Closter; Re: An Ordinance designating 189/203 Hickory Lane a Historic Landmark and Amending Chapter 200, Zoning, Attachment 3, Designation of Historic Landmarks.

VIII. FINANCIAL BUSINESS

- Resolution No. 195-19 Bill List

☞ **Motion** to approve Resolution No. 195-19 Bill List was **moved** by Councilman Knoller, **seconded** by Councilman Bayley, and carried by a roll call vote of 6-0:

RC: Council members:

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

IX. UNFINISHED BUSINESS

- Leasing train station from NJ Transit for use by Historic Preservation Committee – Mr. Sheola reported that he did not yet have a response from New Jersey Transit and would follow up.
- Update on Subcommittee plans for Borough Hall – Mayor DiPaola outlined a recent meeting with Borough Architect Kevin Settembrino and Rita Settembrino regarding the best and most cost-effective way to update Borough Hall facilities. The most cost-effective plan would be to rehabilitate the building and construct an addition rather than knocking it down. They had explained that it would not be necessary to bring Borough Hall up to code if it was considered historically significant. Mayor DiPaola noted that the Police Department would be brought up to Department of Corrections standards and lesser changes would be made to the remainder of the structure. Councilman Knoller said that before he made a decision regarding Borough Hall, they needed all the facts and an analysis comparing renovation versus constructing a new building. Council President Falotico and Councilman Hoffman were in agreement and had commented accordingly. The Governing Body discussed the need to obtain all the data and facts before making a decision and requested that the Borough Architect make a presentation at the next meeting and include estimates comparing renovation to replacement. The Governing Body discussed the need to obtain all data and facts before making a decision and requested that the Borough Architect make a presentation at the next meeting and include estimates comparing renovation to replacement. Mayor DiPaola noted that it was not in the interest of the majority of the public to knock down the structure; residents recognized that the Police Department needed more space; it was imperative that they be able to work safely. She said the Borough should spend as little as possible to move forward and noted that the Governing Body would tell the architect what they wanted that was economical and move forward.

X. NEW BUSINESS

- Review procedure for contractor signs on residential property – Mayor DiPaola stated that permits were no longer needed for residential roof replacement. Roofing contractors were placing signs on residents' lawns and she said there should be some consideration of charging a permit fee for the signs so the Borough has a record of who is permitted to have a sign up. This topic would be addressed further at a future meeting.

XI. 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 August 13th, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the July 19th, 2019 edition of the Ridgewood News. 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.

1597-19 AN ORDINANCE AMENDING CHAPTER 89 SHADE TREE COMMISSION, SECTION 5: POWERS

☞ **Motion** to introduce Ordinance No. 1597-19 on first reading as amended was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller 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:

1594-19 AMEND CHAPTER 156 FLOOD DAMAGE PREVENTION

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried unanimously.

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 Gordon and carried unanimously.

☞ **Motion** to adopt Ordinance No. 1594-19 on second reading was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

RC: Council members:

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

1595-19 AMEND CHAPTER 266, ARTICLES I AND II OF THE BOROUGH CODE – TREE PRESERVATION AND WOODLANDS MANAGEMENT

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried unanimously.

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 Knoller and carried unanimously.

☞ **Motion** to adopt Ordinance No. 1595-19 on second reading was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0:

RC: Council members:

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

1596-19 AMEND CHAPTER 264-10 TOWING AND STORAGE FEES

Mayor DiPaola announced that this ordinance was going to be tabled for further review. Seeing a member of the public who wished to speak on this ordinance, she asked for a motion to open the meeting to comments from the public on this ordinance only.

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried unanimously.

Michael Salemme, Bergen Brookside Towing, said the Borough's towing rates had not been updated in sixteen years and stated that the New Jersey Legislature had recently passed legislation to give municipalities the power to itemize prices and services. He said the ordinance as introduced left out many services and if they were not itemized, the towers could not charge. He said he would be happy to meet with someone from the Borough to discuss further.

Mayor DiPaola directed Mr. Sheola to meet with the liaisons to Streets and Municipal Services, Borough residents Paul Hulburt and Robert Obernauer who had spoken on this topic at the previous meeting, and Police Chief Mazzeo or his representative and come up with an amended fee schedule. She said the Governing Body was looking for a more moderate approach for taxpayers and wanted to be fair to everyone.

Seeing no more 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 Knoller and carried unanimously.

☞ **Motion** to table Ordinance No. 1596-19 to be revisited at a future meeting 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

XIII. REPORTS

- Borough Clerk Jane Dietsche had no report.
- Borough Attorney John McCann said an employee situation had arisen in the last few days and Labor Counsel Catherine Elston had raised issues related to two sections of the Employee Handbook.

Councilman Hoffman asked that the Borough's Social Media Policy be reviewed as well since he thought it might violate a public employee's right to free speech.

Mayor DiPaola stated that Mr. McCann should be made aware of all legal issues. Governing Body consensus was to agree to allow Mr. McCann to have a conversation with Ms. Elston on the two sections of the Employee Handbook that required revisions.

- Mayor and Council

Councilman Bayley had no report.

Councilman Hoffman said he did not have a report for the Environmental Commission as they did not meet in the summer. The first meeting of the reconstituted Shade Tree Commission had taken place on July 3rd and it was productive and promising. They discussed what a Shade Tree Commission did including planting, tree removal and tree management issues. One member was interested in chairing the commission and would probably take the position at their next meeting. Advertisements had been placed for a Shade Tree Inspector and Secretary with applications due on August 12th. Their meetings were scheduled for the second Wednesday of each month.

Councilwoman McGuire had visited the set of the Amazon movie Chemical Hearts which had recently finished filming at Emerson Junior/Senior High School. She said it was awesome to be behind the scenes and looked forward to watching the many young Emerson residents who participated as extras. On June 28th she had attended the 19th Annual Pascack Valley Junior Police Academy graduation and congratulated all the graduates as well as those who contributed to the program's success. On July 3rd she had participated in an Appreciation Barbecue for the Emerson Borough Hall staff. The food was delicious and everyone had a great time. She thanked Mr. Sheola for manning the grill and expressed gratitude for all who contributed food and dessert for the event. She congratulated Philip Gianastasio and Jacob Berens of the Recreation Track program for going to the Regionals and qualifying for Nationals by placing in the top five. Jacob earned third in Javelin and Philip earned fourth in Long Jump. Fall Cross-Country was scheduled to begin soon. She closed by noting that she had been excited to see an article in the North Jersey news and Community Life about Bergen County historic sites which included the WPA Emerson Borough Hall.

Council President Falotico thanked Mr. Sheola for hosting the Employee Appreciation Barbecue and said it was a generous gesture. He thanked all the employees for all they did for the Borough. He had attended the Pascack Valley Junior Police Academy graduation and said it was nice to see the Emerson Police Department join with the Borough of Westwood and Washington Township for this program. He asked for information related to two outstanding easements which were needed to receive funds from Bergen County. He inquired about the feasibility of installing vending machines near the Hillman Field concession stand for the convenience of the public when it was unmanned. He presented the June report of the Volunteer Ambulance Corps and noted that they were packing up their equipment and anxious to learn where they would be relocating. The EVAC had a new member from the Borough of Oradell and was in need of more volunteers. He had attended the July 11th meeting of the Library Board of Trustees and said they were experiencing parking issues due to patrons of a nearby dance studio. Vehicles were parking close to the bend in the road and children were running across the street, creating hazardous conditions. He asked that this be looked into.

Mayor DiPaola said she had met with the owner of the building where the studio was located and asked if arrangements could be made for parents to park in the rear at that location.

Council President Falotico said that IT Consultant Doug Neumetzger was working on getting the feed up and running for the security cameras overlooking the recreation fields. He noted that the Emerson Public Library was continuing to work on updating its interior. They offered many programs which were posted on their website. Each library in Bergen County had received a grant of \$2,400 from the Bergen County Freeholders. All issues noted in the library's annual audit had been resolved.

Councilman Knoller had no report.

Councilman Gordon gave the monthly report of the Department of Public Works, noting that they had supported the Recreation Commission in setting up, running and cleaning up for the Summer Kickoff. It was a great success. The New Jersey Department of Environmental Protection had published the draft 2017 tonnage grant payments and the Borough would potentially receive \$12,772.03 if the figures were confirmed. They had also replaced the batteries in all the fire and security systems at Borough Hall and the library. The tall grass at the Town and Country property on Forest Avenue had been trimmed and clean up was taking place at 58 Locust Avenue.

Mayor DiPaola had received information from Chief Financial Officer Lauren Roehrer related to the tax rates and noted that the Borough's tax rate for this year is 2.845%, an increase of 4.71%. She explained that the municipal increase was 2.822%, the County increase was .79% and the school increase was 6.15%. Tax bills would be mailed shortly. Tax dollars were allocated as follows: one cent of every dollar went to the library; twenty-seven cents went to the municipality; sixty-two cents went to the school board and the County received ten cents of every dollar.

She said the Governing Body was having a tiny issue with communication. She asked that everyone cooperate when Mr. Sheola reached out to liaisons to schedule a committee or subcommittee meeting. She requested that everyone please respond accordingly and work with him to get meetings started so they could get things accomplished. She noted that it would be nice if the people who were going to attend a meeting responded so that the meeting planner and colleagues knew, as a courtesy, who would be present.

Property Maintenance was working on a lot of resident complaints. There had been some confusion, not only by the Borough but also by property owners, about an easement behind Eagle Drive and who owned the property. It had been determined that Suez Water owned all the property on the easement behind the homes on Eagle Drive all the way to the high school. The Bergen County Utilities Authority owned the easements north of Orchard Avenue. She was happy to finally get that resolved so the Borough knew who to contact when there were issues.

She thanked Mr. Sheola for his help at the Employee Appreciation Barbeque and said the employees appreciated it. She thanked Ms. Dietsche for always going above and beyond. She said the Borough currently had a part time Administrator and she found herself in Borough Hall a lot assisting Ms. Dietsche with day to day tasks. She said Ms. Dietsche was getting hit with a lot of extra work and appreciated her diligence in getting everything done on behalf of the Governing Body and the Borough; it did not go unnoticed. She also thanked CFO Lauren Roehrer and everyone else who always helped and pitched in when things needed to get done. She hoped everyone was having a nice summer.

She requested that the meeting schedule go back to two meetings a month during the summer so they could do more Borough business going forward. She felt the frustration and knew that some other members of the Governing Body were uncomfortable with the one meeting per month in the summer. She asked that this be noted when the 2020 annual meeting schedule was being prepared. If someone was going to be on vacation and miss a meeting, they were welcome to join the meeting as an elected official via phone. As long as the Governing Body could hear the councilmember and they could hear the Governing Body, it was legal and they would be considered in attendance.

- Borough Administrator Rich Sheola had submitted a report which is attached hereto. He also reported on the following:
 - He had discussed the feasibility of a parking lot at 58 Locust Avenue with DPW Superintendent Perry Solimando and Borough Engineer Dave Atkinson. One option was to create a smaller lot for employees and an overflow for the public on Court days with the idea that the back lot would eventually be taken over by structure. The other option was to make a much larger lot using almost the entire piece of property for commuter parking. He welcomed comments from all Governing Body members.
 - A fact-finding meeting had taken place with the Borough Architect Kevin Settembrino. Some initial concept plans were spelled out. Going forward he thought they would get a very good design. Mr. Settembrino's firm had experience with a number of municipal projects; they understood municipal functions which was extremely important and said they would provide a good design.

Mayor DiPaola requested that the Council liaisons to Buildings and Grounds be included in the next meeting. In addition, all appropriate liaisons should be included in a lot of the different ad-hoc things happening. She asked that the appropriate members be apprised of their activities so that everyone knew what was going on. The goal was to be as open and transparent as possible.

- Mr. Sheola said the Borough had received three very minor comments on the Audit and Corrective Action Plan. One was already corrected and the other two would be addressed before the end of the year. This was a testament to the dedication of the staff all around. In addition, budget and revenue reports were on track.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried at 8:51 p.m.

Joseph Paparo, Esq., Porzio, Bromberg and Newman P.C., stepped to the podium and was informed by Mayor DiPaola that, out of consideration to the residents present, she generally asked someone to come up to the podium. She said that if any residents wished to speak, she wanted to give them the opportunity first. She added that if no one else wanted to speak the floor was his. No other member of the public wished to speak.

Joseph Paparo, Esq., Porzio, Bromberg and Newman P.C., on behalf of Emerson Redevelopers Urban Renewal LLC, provided an update on the status of the redevelopment project. He said he had made a commitment at a meeting to appear and provide periodic updates on the Block 419 project and their intention was to honor that commitment to the Borough and the public. He had sent a letter to Mr. McCann the previous day expressing some frustration with the Borough on a number of issues and welcomed a response. He noted that the Third Amendment to the Redevelopment Agreement had provided for a 30-day subcommittee review of the final site and architectural plans. He said they would be happy to participate to answer any questions. He also noted that many of the Block 419 properties were now vacant. They were interacting with various Borough officials including the Construction and Fire Departments to secure utility shut-offs so the properties would be ready for demolition. He noted that the lender required that the properties be safe and secure for liability purposes; they could not be unoccupied and unsecured.

Mr. Paparo asked that a timeline be determined for vacating the Ambulance Corp building as they were close to demolition.

Mayor DiPaola asked Mr. Paparo to reach out to the Borough Administrator so that he knew what was going on instead of contacting separate departments. She added that Mr. McCann and Ms. Dietsche should be copied on any communication as well.

Jack Klugman, owner of Accurate Builders, Emerson Redevelopers Urban Renewal LLC stated that they wanted to get the project going.

Mayor DiPaola said that her understanding was that a resident was still living in the apartment building. She said that Property Maintenance had notified them of issues at that location as well; some debris was cleaned up and the lawn was cut but it still did not look good. While she knew their intention was to knock down the building, until that took place, the Borough would appreciate if the debris was removed. Mr. Klugman said that if they could not get the tenant out, they would need the Borough's help to do so. The Mayor said it was her understanding that the redeveloper had an agreement with the resident in the apartment building. Mr. Paparo said they would certainly deal with that and it was a minor issue. They were not looking to demolish a building which still held a resident.

Councilman Gordon asked what they would be doing for the residents of the two-story building at 200 Kinderkamack Road while demolition was taking place. Mr. Klugman explained that they would be installing fencing around it and would be using a licensed demolition company. Councilman Gordon asked if they would work with the residents if they had any requests. Mr. Paparo and Mr. Klugman agreed.

Mr. Klugman said they required assistance as per the Redeveloper's Agreement in order to move forward in the proper way. He asked that they have someone they could communicate with. Mayor DiPaola said Mr. Sheola would be the appropriate contact and that she and Mr. McCann should be copied as well.

Mr. Klugman said they had extended the time permitted for the Ambulance Corps to vacate their building to July 1st but it was now the middle of July. He said he needed them to move out; they had been given six months.

Mayor DiPaola said there had been some miscommunication. One of the redeveloper's representatives had met with the Construction Code Official and verbally given a very different time line – six to nine months until the project would begin. Mayor DiPaola explained that certain approvals had to be in place before the Construction Official could move forward and any buildings be demolished. She said that if they had any objections to his decisions, they would talk to him to find out what the law was and advise accordingly.

Councilman Gordon inquired about asbestos abatement. Mr. Klugman said he was sure there was asbestos at the site and an abatement would take place before demolition by a licensed firm.

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 Councilman Knoller, **seconded** by Council President Falotico and carried at 9:10 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 196-19

Mayor DiPaola pulled one of the Consent Agenda Resolutions for a correction: CA 199-19 Council Liaisons Appointments – Revised. She explained that it was changing because of the reestablishment of the Shade Tree Commission. They were in need of a liaison and would be naming Councilman Hoffman. She added that Councilman Bayley had indicated that it was difficult for him to attend the Chamber of Commerce meetings. Councilwoman McGuire had been filling in and would replace Councilman Bayley. Council consensus was to agree to this change.

☞ **Motion** to approve Consent Agenda Resolution No. 196-19 with the amendments to CA 199-19 was **moved** by Councilman Hoffman, **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

- CA 197-19 Authorize Purchase of Police Department 2019 SUV under State Contract #88728
- CA 198-19 Authorize Purchase of Fingerprinting Machine for Police Department
- CA 199-19 Council Liaisons Appointments – Revised
- CA 200-19 Change Order #2 And #3 Dogwood Lane Drainage Improvements
- CA 201-19 Certification of Governing Body of the 2018 Annual Audit
- CA 202-19 Corrective Action Plan - Audit Ending December 31, 2018
- CA 203-19 Change Order #1 NJ DOT Road Resurfacing Section 4 & 5 Main St
- CA 204-19 Salary Resolution – Part 2

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 205-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 205-19 was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

RC: Council members:

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

19-7/16-27	Contract Negotiations – Emerson Board of Education	N.J.S.A. 10:4-7
19-7/16-28	Personnel – Employee leave	N.J.S.A. 10:4-8
19-7/16-29	Real Estate Negotiations – Borough Property Right of Way	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** by Councilwoman McGuire, **seconded** by Councilman Knoller and carried unanimously at 10:22 p.m.

XVIII. ADJOURNMENT

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

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk