



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
July 21, 2020
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



This meeting will be open to the public in person and via teleconference. To maintain social distancing, kindly note that there will be a limit of 30 individuals permitted in the Council Chambers at one time. In addition, each person's temperature will be taken and anyone with a temperature above 100.4 will be asked to leave to ensure the health and well-being of other attendees. Members of the public will be required to wear masks as well as required under the state guidelines. We thank you for your understanding as we seek to reopen to the public in a safe manner.

For those members of the public that wish to participate in this meeting but choose not to attend in person, this meeting will also be held via the teleconferencing app GoToMeeting.

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

<https://global.gotomeeting.com/join/717292869>

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Access Code: 717-292-869

I. CALL TO ORDER

Mayor DiPaola called the meeting to order at 7:30 p.m. and welcomed everyone to the July 21st, 2020 Regular Meeting of the Emerson Governing Body. 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 July 21st, 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.

For those who did not wish to attend in person, 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, Councilwoman Argenzia, Councilman Bayley, Councilwoman Dinallo, Councilman Gordon, Council President Hoffman, Councilwoman McGuire (via teleconference)

Also present were Borough Administrator Robert Hermansen, Borough Clerk Jane Dietsche, Deputy Clerk Coleen Goddel (via teleconference) and Alternate Borough Attorney Randy Pearce, substituting for Borough Attorney John McCann.

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

Mayor DiPaola announced that there were no proclamations or citations that evening.

V. APPOINTMENTS/RESIGNATIONS

• RESIGNATION

- Accept submission of the resignation of Zoning Official Nelson Fullam – date to be determined when a replacement has been hired

☞ **Motion** to accept the resignation of Zoning Official Nelson Fullam as Zoning Official at a date to be determined when a replacement is hired was **moved** by Council President Hoffman, **seconded** by Councilman Gordon and carried unanimously.

• APPOINTMENT BY MAYOR ON CONSENT AND ADVICE OF COUNCIL

- RESOLUTION No. 148-20 BOROUGH PROFESSIONAL APPOINTMENT – SPECIAL COUNSEL REDEVELOPMENT - AWARD PROFESSIONAL SERVICE CONTRACT FOR REMAINDER OF CY 2020 USING THE ‘FAIR AND OPEN PROCESS’ to Randy Pearce, Esq., Pearce Law LLC in accordance with the ‘New Jersey Local Unit Pay to Play’ Law, Pursuant to N.J.S.A 19:44A-20.4 et seq. “Fair and Open” for the period 7/21/20 through 12/31/2020

☞ **Motion** to adopt Resolution No. 148-20 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

• MAYOR’S APPOINTMENT WITH COUNCIL CONFIRMATION

- Library Board of Trustees - Appointment of Janet Bosco as a Regular Member for the five-year unexpired term ending 12/31/20

☞ **Motion** to appoint Janet Bosco as a Regular Member of the Library Board of Trustees for the five-year unexpired term ending 12/31/20 was **moved** by Councilwoman Dinallo, **seconded** by Councilman Bayley and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of June 23, 2020

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of June 23rd, 2020 was **moved** by Councilman Bayley, **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 June 24, 2020 through today from NJ Department of Community Affairs, NJ DEP and Bergen County Health Department; Re: Coronavirus (COVID-19) Updates.
- Resolution dated June 22, 2020 from Borough of New Milford; Re: Supporting Bill A4190
- Resolution dated June 23, 2020 from Borough of Westwood; Re: Urging State Government to Choose Financial Solution without imposing a State Property Tax
- Resolution dated June 9, 2020 from City of Hackensack; Re: Recognizing National Gun Violence Awareness Day.
- Resolution dated June 24, 2020 from Borough of Closter; Re: Resolution Declaring Racism a Public Health Crisis.
- Resolution dated July 8, 2020 from Township of West Milford; Re: Resolution Supporting High Speed Internet Accessibility.
- Resolution dated July 14, 2020 from Borough of Hillsdale; Re: Urging State Government to Choose Financial Solutions without Imposing a State Property Tax.

VIII. FINANCIAL BUSINESS

- Resolution No. 133-20 Bill List

☞ **Motion** to adopt Resolution No. 133-20 Bill List 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

- Resolution No. 134-20 Authorizing the publication, printing and distribution of a Notice Of Sale and the Publication of a Summary Notice of Sale and prescribing the forms thereof for \$6,820,000 General Improvement Bonds, dated August 15, 2020, approving the preparation, distribution and execution of a Preliminary And A Final Official Statement for such bonds, undertaking to provide continuing disclosure of financial information, covenanting to comply with the Internal Revenue Code of 1986, as amended, designating such bonds as "Qualified Tax-Exempt Obligations" for purposes of the Internal Revenue Code of 1986, as amended, and authorizing various matters in connection with electronic bidding for the bonds

☞ **Motion** to adopt Resolution No. 134-20 was **moved** by Councilman Gordon, **seconded** by Councilwoman Dinallo and carried by a roll call vote of 6-0:

Roll call:

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

- Resolution No. 135-20 Combining several authorizations of bonds into a single issue and prescribing the details and bond form thereof for \$6,820,000 General Improvement Bonds dated August 15, 2020

☞ **Motion** to adopt Resolution No. 135-20 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

- Resolution No. 136-20 Authorize Mayor DiPaola to sign contract with Settembrino Architects for Architectural Services for an Addition to and Renovation of Borough Hall for the total amount of \$749,500.00.

☞ **Motion** to adopt Resolution No. 136-20 was **moved** by Council President Hoffman, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0 with one abstention:

Roll call:

YES: Bayley, Dinallo, Hoffman, Gordon, Argenzia

ABSTAIN: McGuire

- Resolution No. 137-20 Authorize Mayor DiPaola to sign contract with Infrastructure Repair Service LLC, of Lincoln Park, NJ 07035 for Emerson Volunteer Firehouse floor repairs for the Base Bid in the amount of \$322,911.30

☞ **Motion** to adopt Resolution No. 137-20 was **moved** by Councilman Bayley, **seconded** by Councilwoman Argenzia and carried by a roll call vote of 6-0:

Roll call:

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

IX. UNFINISHED BUSINESS

- Follow-up discussion of Appropriate Authority – Mr. Hermansen said that Borough Attorney John McCann was away and would look into this when he returned. Council President Hoffman said the requested change was very simple and would require only minor rewording of Chapter 77-3 and noted there was only one section where the current ordinance referred to the Police Commissioner and Deputy Police Commissioner. He stated that the reference could be changed from Commissioner to Committee.

Mr. Pearce said he would speak with Mr. McCann and ask that an ordinance be prepared for introduction at the next meeting and that it should be consistent with State Statute. Council President Hoffman said he thought that was a good idea as he wanted to see the Appropriate Authority be solidified so they could hold important meetings. Mayor DiPaola noted that currently the Appropriate Authority was the Borough Administrator.

Councilwoman McGuire said it was important that this be cleared up as soon as possible; the ordinance should reference the Appropriate Authority as intended. Mayor DiPaola agreed that they should move forward as long as Mr. McCann agreed that he could do the work and that it was as simple as Council President Hoffman represented that it was. Council President Hoffman agreed and added that he thought it would be a simple thing; if it would require a long review, he wanted a full report from Mr. McCann.

Mayor DiPaola recognized Police Chief Michael Mazzeo who approached the podium to speak before the Governing Body. Chief Mazzeo said he appreciated everyone discussing this matter and asked if the Governing Body's intention was to keep the same three members – the Borough Administrator and the two current Police Liaisons. Mayor DiPaola agreed and said they did not think they were changing the format.

- Town and Country property update – Mr. Hermansen said they were looking to sell this property. He had discussed it with Mr. McCann and hoped by the next meeting to have a plan for how to move forward. Mayor DiPaola explained that this property bordered Forest Avenue, looped through the back of Congress Road and opened up on Patrick Avenue. It was a tract of land which was never developed by the developer and had been acquired by the Borough through an in-rem foreclosure; the Borough now owned the property. The Borough Engineer estimated that there were six buildable conforming lots at this location. Mr. Hermansen said they should be able to provide more information at the next meeting. Mayor DiPaola said this would create a good amount of revenue for the budget.
- NJDOT –Kinderkamack Road Streetscape Improvements update – Mayor DiPaola explained that about two years ago, Emerson had applied for a NJDOT grant to continue the streetscape along Kinderkamack Road from the center of town to the Westwood border – it included street lights and sidewalks. The Borough had been awarded \$780,000 which could now be put to use; there had been a delay because free engineering would be provided by NJDOT but they had to select a pool of engineers for the Borough to choose from. Mr. Hermansen had received initial information about the engineers to guide the Governing Body for a recommendation for design, engineering and planning. The following day he would be on a conference call with a representative from NJDOT, CFO Lauren Roehrer and DPW Superintendent Perry Solimando so they could begin initial discussions about the process and ensure that the federal funds were properly spent. The first step would be to pick one of the engineers; he had narrowed it down to two and would add it to the next agenda for a final decision. He said they were all very good but some were more in tune with the smaller feel of a Borough which was what they were looking for. He said he would give the Governing Body a report and copies of the resumes of the two engineers for their review.

X. NEW BUSINESS

- Discussion of Fire Commissioner – Councilman Bayley referenced the discussion of Police Commissioner earlier in the meeting and said the ordinance related to the Fire Commissioner should be reviewed as well. He said the ordinance referenced a management component and asked that the Governing Body seek a legal review because there were things in the ordinance which had not been followed in thirty or forty years.

The Governing Body discussed the recodification review currently taking place and asked whether some of the items should have been picked up by General Code. Mayor DiPaola asked that Mr. Hermansen review the contract to make sure they were obtaining the appropriate level of review. Mayor DiPaola also suggested that an ordinance committee be appointed so that the Borough Code can be reviewed on an ongoing basis. Mayor DiPaola asked that an ordinance committee be added as a standing committee at the 2021 Reorganization Meeting.

XI. INTRODUCTION OF ORDINANCES

First Reading:

Mayor DiPaola announced that no ordinances were being introduced.

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

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 open the meeting to comments from the public on this ordinance only was **moved** by Councilman Bayley, **seconded** by Council President Hoffman 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 Councilwoman Argenzia, **seconded** by Council President Hoffman and carried unanimously.

☞ **Motion** to adopt Ordinance 1615-20 on second reading 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

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 open the meeting to comments from the public on this ordinance only was **moved** by Councilman Bayley, **seconded** by Councilwoman Argenzia 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 Councilman Bayley, **seconded** by Councilman Gordon and carried unanimously.

☞ **Motion** to adopt Ordinance 1616-20 on second reading was **moved** by Council President Hoffman, **seconded** by Councilwoman Dinallo 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 it was great that the firehouse floor repair was coming along and happy that everyone would be meeting the following day. He was also happy that progress was being made on the renovation/addition to Borough Hall and that the Police Department would have a new home.

Councilwoman Dinallo said the Chamber of Commerce wanted to thank all residents who were going to donate blood but were not able due to the event being cancelled. She said they planned to reschedule it for sometime in September or October. They were looking to reconvene their meetings in person in September but will follow CDC guidelines. The Board of Education was working on reopening the schools in September. The NJ Sports Association was delaying the start of fall sports until September or October.

Council President Hoffman reported that the Shade Tree Commission had lost a couple members; they were doing their best to move forward with the four remaining members. They were working on fall tree planting but had cancelled the makeup Arbor Day ceremony for this year. The requirement to hold an Arbor Day Ceremony in order to be eligible for Tree City USA status had been waived this year. They would proceed with plans to hold the ceremony next year and include the opportunity for residents to memorialize those who had passed away over a two-year period.

Councilwoman Argenzia gave the June monthly report of the Volunteer Ambulance Corps. The Board of Health did not meet the previous month.

Councilman Gordon gave the June and July monthly reports of the Police Department. He also gave the monthly report of the Department of Public Works - they had recycled 6420 pounds of metal, generating revenue of \$257.95. In addition, they continued to sanitize all Borough buildings, bus stops and trash receptacles regularly. They had installed a door and plexiglass partition screen in the Borough Clerk's office to protect employees and the public from Covid-19.

Councilwoman McGuire said the Police Department had been unable to hold their annual golf outing due to Covid-10 and were therefore unable to hold the yearly Cop Campout due to lack of funds. They did hope to hold the Senior Pasta Dinner later in the year. The Recreation Commission was scheduling a drive-in movie night for August 15th and 16th. The End of Summer Blast was scheduled for August 29th with a rain date of August 30th. She hoped everyone was having a great summer.

- Borough Administrator Rob Hermansen reported on the following:
 - Plans to repair the firehouse floor were moving forward.
 - He provided an update on school opening and said that students would be allowed to attend remotely. Plans were being made to coordinate this initiative.
 - Birthday drive-bys were winding down. Requests should be made for weekends since everyone was going back to work, making it hard to find drivers on week days. The Borough had received tremendous feedback on this and thanked the Police Department, the Volunteer Fire Department and Volunteer Ambulance Corps for doing this.
 - The phone system was almost ready to be switched over; they were waiting on a couple small items to work through.
 - He thanked all departments for working together in this environment. He thanked OEM Coordinator Mark Savino and CFO Lauren Roehrer for helping to get reimbursements through FEMA and the CARES ACT.

- Mayor DiPaola reported on the following:
 - She thanked Police Chief Michael Mazzeo and all emergency services for doing the drive-bys. She said it lit up the faces of anyone celebrating a special event.
 - She asked for a round of applause for OEM Coordinator Lt. Mark Savino who had been selected as a Hometown Hero by Congressman Josh Gottheimer. She said he had done an exemplary job during the pandemic and thanked him for all he did as well as the entire Police Department.
 - Basketball and tennis courts were open. She suggested that anyone interested in playing reach out to Recreation Commission Secretary Liz Morris for information. She noted that organized sports required a permit and residents should contact the Board of Education to sign up.
 - Six new cases of Covid-10 had been reported in the last three weeks; two were in long term care facilities. She was glad that they were not seeing many new cases and grateful that people were social distancing, wearing masks and using proper hygiene. She asked that residents voluntarily quarantine to ensure everyone's health and well-being if they had visited the 31 states based on CDC guidelines.
 - Borough Hall was open by appointment. She asked that residents call to schedule an appointment.
 - The Emerson Public Library was trying to open for two hours in the morning and two hours in the afternoon. She said more details would follow.
 - The Shade Tree Commission was looking for volunteers. She asked that anyone interested contact the Borough Clerk.
 - The Senior Center had reopened for a monthly meeting. Twenty-nine seniors attended the meeting and followed strict health guidelines including having their temperature taken, social distancing and using hand sanitizer. She said they were happy to be out of their homes.
 - She reminded residents to complete their 2020 Census. For more information, please reach out to the Borough Clerk.
 - She asked that residents not be afraid to reach out to the Police Department – they were here to protect and serve. She said some residents post comments on Facebook because they did not want to bother the police. She urged people to call the department about any issues.
 - She thanked Redevelopment Special Attorney Randy Pearce and thanked him for filling the position.

- Borough Clerk Jane Dietsche had no report.
- Alternate Borough Attorney Randy Pearce had no report.

XIV. PUBLIC COMMENT

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

Kate Stutzel, 186 Eagle Drive said she agreed with the Mayor's comments about the Police Department and thanked them for their support and everything they do for the Borough. She asked for an explanation of the resolutions related to the \$6.5 million in bonds.

Mayor DiPaola said that every five years, the bonds are put together and refinanced to get a better rate. Mr. Hermansen added that it represented the capital projects over the last five years and roll them from short term to long term financing.

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 Bayley, **seconded** by Councilwoman Argenzia and carried unanimously

XV. RESOLUTIONS ON CONSENT AGENDA

Councilwoman McGuire asked to pull two resolutions for discussion, NO. 142-20 and No. 146-20.

Councilwoman McGuire commented on Resolution No. 140-20, stating that Police Officer Justin Schwarz and stated that he had been recommended for permanent appointment. Chief Mazzeo and all the officers were impressed by his character, intelligence, work ethic and discipline. She added that Officer Schwarz will be an asset to Emerson's dedicated police force and congratulated him and wished him continued success. She also commented on Resolution No. 146-20 and stated that this resolution would advocate for property tax relief for seniors. She added that she and the Governing Body members were concerned about Emerson's seniors and were advocates for property tax relief for seniors.

☞ **Motion** to approve Consent Agenda Resolutions No. 138-20 through 146-20 was **moved** by Council President Hoffman, **seconded** by Councilwoman Dinallo and carried by a roll call vote of 6-0:

Roll call:

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

- CA 138-20 Authorize Renewal of Bergen County Snow Plow Agreement
- CA 139-20 Appoint Meaghan Quinn And Scott Mintz as Part Time Police Dispatchers and Ryan Orr as a Per Diem Dispatcher Effective July 1, 2020
- CA 140-20 Permanent appointment of Police Officer Justin Schwarz
- CA 141-20 Authorize the Borough to Enter into An Agreement with Troy & Banks for Utility Bill Audits and Cost Recovery
- CA 142-20 Inter-boro Mutual Aid – Fire Departments
- CA 143-20 Mutual Aid – Paramus Fire Department
- CA 144-20 Authorization to advertise for Zoning Official
- CA 145-20 Tax Lien Redemption - 19 Vivian Ave (Bl 203, Lt 5)
- CA 146-20 Urging State Government to Choose Financial Solutions without Imposing a State Property Tax

XVI. CLOSED EXECUTIVE SESSION – Resolution No. 147-20

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 147-20 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

- #20-7/21-21 Redevelopment Update: N.J.S.A. 10.4-7
 - COAH
 - Condemnation – Block 419, Lot 8
 - Litigation
 - Fair Share Housing Spending Plan
- #20-7/21-22 Contract Negotiations – Interstate Waste 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.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved, seconded** and carried at 10:59 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk