



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 17, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola welcomed everyone to the September 17th, 2019 meeting. She read the Sunshine Statement announcing that the meeting of September 17th, 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, Council President Falotico, Councilman Gordon, Councilman Hoffman, Councilman Knoller, Councilwoman McGuire

Councilman Bayley arrived at 7:39 p.m.

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

- Commemorating the 80th Anniversary of Opening of Emerson Borough Hall

V. APPOINTMENTS/RESIGNATIONS

- SHADE TREE COMMISSION
 - Resignation of Craig Bosch as a Regular Member for the unexpired initial four-year term ending 12/31/22

☞ **Motion** to accept the resignation of Craig Bosch as a Regular Member of the Shade Tree Commission for the unexpired initial four-year term ending 12/31/22 was **moved** by Councilman Hoffman, **seconded** by Council President Falotico and carried unanimously.

- RECREATION COMMISSION
 - APPOINTMENT BY MAYOR
 - Appointment of Steve Paino as a Regular Member for the unexpired five-year term ending 12/31/20

Council President called a Point of Order regarding appointments to the Recreation Commission and referenced Chapter 61 Parks, Playgrounds and Recreation, Section 4-C which indicated that at the expiration of a regular member's term, the seat would be filled by the Alternate member.

Mayor DiPaola said that was incorrect; the ordinance did not supersede the State statute; that would take away the Mayor's powers of appointment. Councilman Hoffman said this had been discussed earlier in the year and he had put forth the fact that the ordinance was in violation of State statute. Mr. McCann said it was a fair point to raise but when you read the statute, the Mayor's power of appointment was not restricted. He said the Borough ordinance conflicted with the statute; it was a point of confusion but from a legal perspective, there was no other way to look at it. You could not remove the statutory power of the Mayor. In addition, the statute's intent was not to make the Recreation Commission a self-appointing commission. Councilman Hoffman said he suggested moving forward to amend the Borough ordinance to reflect the State statute in the near future. Mayor DiPaola agreed.

Mayor DiPaola thanked Council President Falotico and announced that she was appointing Steve Paino as a Regular Member of the Recreation Commission for the unexpired five-year term ending 12/31/20.

- APPOINTMENT BY MAYOR WITH COUNCIL APPROVAL
 - Appointment of Philip Gianastasio as the Alternate I Member for the five-year unexpired term ending 12/31/21

☞ **Motion** to appoint Philip Gianastasio as the Alternate I Member of the Recreation Commission for the five-year unexpired term ending 12/31/21 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of September 3, 2019

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 3, 2019 was **moved** by Council President Falotico, **seconded** by Councilman Gordon and carried unanimously.

- Special and Closed Session Meeting Minutes of September 4, 2019

☞ **Motion** to approve the Special and Closed Session Meeting Minutes of September 4, 2019 was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried unanimously.

VII. CORRESPONDENCE

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

- Ordinances and Resolutions from the Township of Washington: Ordinance restricting sale of marijuana and related products; Ordinance regarding short-term rental property prohibitions; Ordinance regarding second kitchens in single family residences; ordinance setting forth limitations of driveway area and providing for parking thereon
- Letter dated August 21, 2019 from Luis V. Rodriguez, P.E. Director, Engineering and Modeling Division, Federal Insurance and Mitigation Administration; Re: New or Revised Flood Insurance Rate Map
- Email dated August 21, 2019 from LaKreisha M. Jean, Community Relations, Office of the Bergen County Executive Office; Re: Honoring residents for their service or volunteerism
- Public Notice dated August 16, 2019 from Borough of Closter; Re: Ordinance Amending Chapter 200 of code of borough of Emerson, Specifically Article III and XVI
- Public Hearing Notice from NJ Transit received on September 12, 2019 Re: Proposed Expansion of Bus Route No. 119, Bus Route No. 772 and service between New York and American Dream
- Letter dated September 10, 2019 from County Executive James Tedesco; Re: awarding grants for Rudolph Way and Dawn Drive Roadway Improvements and Cognitive Training and Intellectual Wellness for Seniors
- Notice of Public Hearing dated September 10, 2019 from the Borough of Haworth Re: Housing Element and Fair Share plan of the Borough of Haworth's master plan
- Notice of Public Hearing received September 3, 2019 from the Borough of Harrington Park Planning Board; Re: The Allegro at Harrington Park's Amended Final Site Plan Approval

VIII. FINANCIAL BUSINESS

- Resolution 229-19 Bill List

☞ **Motion** to approve Resolution No. 229-19 Bill List was **moved** by Councilman Knoller, **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

IX. UNFINISHED BUSINESS

- Commuter parking – Locust Avenue parking/alleviate some parking restrictions by ordinance
- Consideration of permit parking on one side of Thomas Street, Hasbrouck Avenue, Wortendyke Avenue, Grand Boulevard

Mr. Sheola said the Borough was moving forward with the creation of a commuter lot on property located at 58 Locust Avenue. There had also been discussions about amending the parking ordinance to allow residential permit parking for commuters on Hasbrouck Avenue, Wortendyke Avenue and Grand Boulevard. The Police Department agreed that these locations could be used for commuter parking with the stipulations that parking would be restricted to one side of the road and not begin until the PSEG work was completed. In addition, they recommended that the parking be by resident permit only. Snow emergency rules would also apply. Councilman Gordon said striping of spots should be considered; Mr. Sheola agreed. Councilman Gordon said Lieutenant Savino had recommended Thomas Street as well. Mayor DiPaola asked Mr. Sheola to check on this and confirm.

Mayor DiPaola asked for a motion to open the meeting to comments from the public on this topic only.

☛ **Motion** to open the meeting for comments from the public on this topic only was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

Lisa Asche – 42 Hasbrouck Avenue opined that her block had become very dangerous in the last several years due to vehicles travelling at excessive speeds. She added that there were many children on her street as well. She said commuter parking at this location would block the line of site for residents pulling out of driveways and asked that alternate locations be considered.

Mayor DiPaola said that striping would be painted to avoid ingress and egress issues and asked that residents reach out to the Borough if there were any problems. She added that 53 commuter parking spots would be taken away by redevelopment with no plans by the prior administration to address this. The Governing Body was doing the best they could with what they had.

Gary Schwinder – 99 Linden Avenue asked if the Borough had reached out to Stop and Shop to allow for permit parking for resident commuters.

Mayor DiPaola said this option would not help those taking the train and it would not be a viable option going forward.

Angela Cicone said a flyer had been posted on her car notifying her not to park in the commuter parking spaces in the future and asked about other parking options.

Mayor DiPaola stated that the Borough had been unaware of this situation; there had been a miscommunication between the Borough and redeveloper. The Borough had recently received a letter from the redeveloper indicating that commuter parking would continue to be allowed in the Kenneth Avenue commuter lot until December 1, 2019. She noted that Mr. McCann would follow up with the redeveloper the next morning and that the Police Department would protect the commuter spots so that vehicles would not be towed.

Karen Browne, 114 Pine Drive said there was nothing on the Mayor's Message section of the website about the commuter parking and stated that this information should have been communicated to the public.

Mayor DiPaola stated that when a decision was made, the information would be posted.

Tom Browne, 114 Pine Drive asked if anyone had reached out to the County to utilize the Soldier Hill Golf Course for commuter parking. He also asked if traffic calming measures would be installed on streets with commuter parking.

Mayor DiPaola said the golf course parking lot was too far from the train station for commuter parking and that traffic calming measures would be addressed on a case by case basis.

☛ **Motion** to close the meeting for comments from the public on this topic only was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried unanimously.

Councilman Knoller said they should consider contacting the County about utilizing some spaces along Palisade Avenue closer to the golf course since it was near some of the present commuter parking.

Mayor DiPaola said they had been talking about this for months with the Police Department, the Department of Public Works and in committee meetings with the Borough Engineer. They had been trying to move forward in the best way possible for commuters and residents. She said the Governing Body had received the letter from the redevelopers on September 13th which indicated that the commuter lot would be available until December 1st. She added that it would be unusual to post a Mayor's Update before a policy decision was made by the Governing Body.

- Discussion on Land Use Board recommendations to the Mayor and Council regarding possible amendments to Chapter 248, Article IV of the Borough Code - Mayor DiPaola said this item was being tabled until a report had been submitted to the Governing Body for their review and consideration.

☛ **Motion** to table the discussion of Land Use Board recommendations to the Mayor and Council regarding possible amendments to Chapter 248, Article IV of the Borough Code was **moved** by Councilman Hoffman, **seconded** by Councilman Gordon and carried unanimously

X. NEW BUSINESS

- Request for new permitted use in RC Zone – Dog day care/hotel, medical offices – Mr. Sheola said the Borough had received a request from a property owner to have the zone changed to include a dog daycare/hotel facility as a permitted use; it would not be a kennel. Currently the ordinance was restrictive and would not allow this type of facility. He noted that the concept of dog day care was unique and relatively new. The current ordinance limited this zone to retail sales but did exclude kennels.

The potential tenant for the location was asking if the Governing Body would consider a zone change for a permitted use in the RC zone for a dog day care/hotel. Mayor DiPaola said there was another issue in the RC zone - the ordinance did not speak to medical offices as a permitted use and there was a request to open one in this zone. Mr. Sheola said there should be clear definitions of kennel, boarding and dog day care facilities. Mayor DiPaola said the Borough Planner should give them best practice suggestions for the zone. Governing Body consensus was to move forward to get a recommendation from the Borough Planner and then send to the Land Use Board for consideration.

☞ **Motion** to move forward to authorize the Borough Planner to get a recommendation on this topic and then send to the Land Use Board for consideration **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

- Scheduling a late afternoon council meeting in 2020 – Ms. Dietsche said she had recently come across information indicating that the Township of Teaneck had decided to schedule several of their Council meetings during the afternoon to allow residents who were unable to attend evening meetings to attend and participate. She said senior citizens who did not want to drive after dark might be interested in attending a meeting during the day. After discussion, Governing Body consensus was to schedule two Council meetings during the late afternoon in 2020 which did not conflict with budget meetings.
- Discussion of amending Ordinance No. 1558-18 “An Ordinance Creating a Permit Requirement to Operate A Crane Within the Borough of Emerson” to increase fees – Mayor DiPaola said she had voted no when this ordinance was introduced and said the fee of approximately \$2.00 per day was similar to a \$250.00 filming permit. Councilman Hoffman asked if the ordinance would include cranes utilized for tree removal. Governing Body consensus was to amend the ordinance and ensure that different types of cranes be addressed when setting fees. Councilman Gordon said that tree cranes should be inspected as well. Mr. Sheola said he would look into that and report back.

XI. INTRODUCTION OF ORDINANCES

First Reading:

1600-19 AN ORDINANCE TO AMEND CHAPTER 264 SECTION 10 ‘TOWING AND STORAGE FEE SCHEDULE’ OF THE BOROUGH OF EMERSON

Mr. Sheola had prepared three version of the draft ordinance for Council review and direction. Mayor DiPaola said the Governing Body needed to be prepared to share their opinion at the next meeting so they could move forward with the introduction. The plan was to adopt it with an effective date of January 1, 2020. After discussion, Governing Body consensus was to agree to review the draft materials and remove the ordinance from introduction that evening.

☞ **Motion** to remove the introduction of Ordinance 1600-19 from the agenda was **moved** by Council President Falotico, **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:

1598-19 ORDINANCE OF THE BOROUGH OF EMERSON ESTABLISHING CHAPTER 70 "THIRD-PARTY PAYROLL DISBURSEMENT"

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilwoman McGuire, **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. 1598-19 on second reading 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

- Mayor and Council

Councilman Bayley said he had attended a recent Joint Insurance Fund meeting in Westwood. He had no report for the Volunteer Fire Department but thanked them for working hard to keep them safe. He had participated in rounds of interviews with the Personnel Committee.

Councilman Hoffman said he had attended the August 11th meeting of the Environmental Commission. The Community Garden would be closing for the season; a cleanup was scheduled for November 16th. They had discussed National Walk to School Day scheduled for October 2nd. Only the high school would participate to ensure student safety. They would be discussing a Fall Cleanup at their next meeting. Councilwoman McGuire had attended their meeting to share information about upcoming lead testing. They had reviewed a proposal to ban single use plastic bags at retailers but determined that it was a broader issue that needed better education. At the most recent meeting of the Shade Tree Commission, Margaret Boyce was named Chair and Maria Buchert was named Vice Chair. Denise Villani was appointed Shade Tree Secretary after a round of interviews. He noted that the tree management ordinance needed to be strengthened because the wording was vague.

Councilwoman McGuire said fall sports had begun and the fields were very busy. The Chamber of Commerce would be holding a Pancake Breakfast on October 13th at the Paramus Applebee's from 8:00 a.m. to 10 a.m. The Street-Smart New Jersey campaign had kicked off at the Police Department Open House/Cop Campout. Many tips were being broadcast which would culminate on October 2nd during National Walk to School Day. Lead testing kits would be available for a fee at the Emerson Public Library on September 23rd. Results would be available in three to four weeks.

She concluded by stating that she was the parent of an autistic child and an educator of autistic students. There was a conversation that took place before the last meeting where Council President Falotico referred to her in a term that any reasonable person would have found offensive. She said that was not how they should behave as members of the Governing Body. They were there to do the business of the people. She had reached out to Mr. Sheola numerous times about sensitivity training for Council President Falotico so they could move forward in a positive way and said there should be zero tolerance for this kind of behavior. She stated that she had not heard back from Mr. Sheola. Mr. Sheola said he had had been out of the office for several days but was searching for an appropriate session and hoped to have something by the end of the week. He said he was not taking this lightly.

Council President Falotico said he had apologized to Councilwoman McGuire at the last meeting and said he apologized to her again that night if she took offense to what he said. He reported that he and Councilman Gordon had attended the Volunteer Ambulance Corps meeting of July 9th. They had moved to a temporary location at the DPW garage. They were getting situated in their new space and needed a Wi-Fi connection to download reports; they might need electrical connections in the bays as well. Mr. Sheola said would talk to DPW Superintendent Perry Solimando to make sure it happened. They would be hosting an EMT refresher course on October 3rd, 4th, 5th and 6th and would need a meeting room. He noted that they were always in need of volunteers and could be contacted through the Borough website. He also gave their August monthly report. At their meeting they had discussed background checks. The process seemed to be working very well for volunteers. He said it should be expanded for other volunteers as well such as for the Fire Department and Ambulance Corps. Members of both groups had expressed concerns about the current background check.

He reported on the Library Board of Trustees meeting of September 12th where the status of the field security cameras had been discussed; new equipment had been ordered and would be installed soon. However, the equipment would require higher internet speed. He did not believe the library should have to bear the increased cost since it would help the Police Department and had no bearing on the library. Mayor DiPaola said that after they found out if it was a large increase, they would reimburse the library. The library was also working on updating its interior and floor plan. He also reported on parking issues at the Senior Center/Library due to the dance school on Palisade Avenue. He asked for an update on the feasibility of installing a vending machine adjacent to the concession stand for times when the stand was not open.

Councilman Knoller said he had attended the Community Policing Open House on August 24th and it was the largest turnout ever; close to 90 families were in attendance. He noted that Councilwoman McGuire was there hosting a Street-Smart information table. He said it was nice to see all the officers working together and mingling with the residents. He had been unable to attend the recent Board of Health meeting due to illness but had provided them with a Council update.

Councilman Gordon gave the monthly report of the Department of Public Works and noted that they had cleaned mildew off the Ackerman basketball courts, moved more equipment from the Ambulance Corps building and attended classes on August 26th including Hearing Conservation, Fire Extinguisher Safety, Employee Conduct and Violence Prevention in the Workplace. In response to the April 5th stormwater inspection performed by the NJDEP, they had rewritten and updated the Borough's Stormwater Pollution Prevention Plan. All issues raised had been successfully addressed. The yard was re-inspected on August 20th and the Borough had passed reinspection. Over the Labor Day weekend, a resident had dumped paint and other non-acceptable material at the DPW recycling center. The video footage from the area was reviewed and the license plate given to the Emerson Police Department. They were able to identify the individual who was contacted and required to remove the material. They had also taken delivery of leaf bags and were preparing for the start of leaf bag distribution on Monday, October 7th at 8:00 a.m. at the DPW garage.

Mayor DiPaola had participated in the Bag for Hunger campaign at the Emerson Shop Rite on September 21st. She had attended the Cop Campout; it was a great event and everyone had a good time. She had attended the Senior Meeting where they enjoyed her monthly report of Borough activities. She had participated in a Friendship Award and promised that if she won, she would provide ice cream for the group which everyone enjoyed. She thanked the Volunteer Fire Department for the 9-11 Remembrance Ceremony; it was solemn and beautiful.

She had met with Construction Official Richard Silvia for an update on redevelopment and noted that the redeveloper had been given a permit for fencing around some buildings on Block 419. Three businesses were still operating and fencing would not be installed at those locations. In addition, fencing would not be allowed to block ingress and egress for emergency vehicles. She said that clarification was necessary with respect to commuter parking and residents needed to know they could continue to park in the Borough's commuter parking area. She said they were at a loss because notices were posted on vehicles without informing the Borough; it was not a nice way to let people know. They would follow up with the redeveloper the following morning. The redeveloper could not apply for demolition permits until they received all necessary approvals from the County of Bergen. The Borough was only in receipt of site plans, not architectural plans, and had not received any performance bonds.

She noted that many residents who did not vote in the Primary Election might not be aware that their polling location had moved to the Emerson Senior Center from Memorial School. She asked that a Swiftreach message be sent to inform residents of this change in advance of the General Election on November 5th. She concluded by announcing that the Borough's Annual Christmas Tree Lighting would take place on Sunday, December 1st at 6:00 p.m. Refreshments would follow at the Emerson Fire House.

- Borough Administrator Rich Sheola reported on the following:
 - New Jersey Transit had reviewed the Borough's request for handicap parking spots at the train station and indicated that there was an issue with the curb cut. He would discuss this with the Borough Engineer the next day.
 - He had been in touch with CSX about their train idling overnight and had not yet received a response.
 - A temporary shelter had been ordered for the Ambulance Corps. He anticipated that it would be delivered by October 15th and located at the DPW garage. Installation would take approximately four days.
 - Budget information would go out on September 18th.
 - The annual Best Practices Inventory was being worked on and would be reviewed with the Governing Body in October.
 - He had met with the redeveloper the previous week; they had assured the Borough that they would be given ample notice about mark offs.
 - He had attended a meeting with members of the Historic Preservation Committee, Mayor DiPaola, Councilwoman McGuire, John Biale and Lynn Bartlett of the Housing Development Corporation of Bergen County, Commander Hogan and members of the American Legion at the DeBaun House. They needed to determine next steps.
 - He had received an email asking to have the bus stop near Jefferson Avenue looked at. He said it would be a local decision whether or not to move the stop, then inform NJT via resolution.
 - He had not received an update yet from the Borough Engineer on the firehouse inspection
 - On Friday, department heads would meet with Borough Architects Kevin and Rita Settembrino to outline their wants and needs for Borough Hall facilities.

Mayor DiPaola said the Borough did not own the DeBaun House. It was owned by the American Legion. She said some people felt it was historic and should not be demolished but it was up to the veterans. She said it did not look like there was enough money to save the structure.

- Borough Clerk Jane Dietsche said her office would be open until 9:00 p.m. on Tuesday, October 15th for late night voter registration as this was the last day to register to vote in the November 5th General Election.
- Borough Attorney John McCann followed up on recent discussions about working on an ordinance prohibiting sales and vaping for those under 21 years of age based on Council President Falotico's initiative. It was not a simple ordinance and had broad definitions and multiple products. He had reached out to Mr. Marshall, General Counsel for the NJLOM, who informed him that the league was working on a model ordinance for communities throughout the state but in the interim it might be moot because the State was considering taking action. He commended Mayor DiPaola and Council President Falotico for taking the initiative to protect the youth of Emerson. He hoped to receive guidance from the NJSLOM legal counsel and to provide the Governing Body with a draft for consideration at the next meeting.

He also provided an update on redevelopment – he was attempting to be in constant communication with the redeveloper’s attorneys. At the Council’s direction he had put out a request for documents that they had indicated were in their possession going back to their first meeting. He had not yet received a response. With respect to commuter parking, he said they could do what they wanted on private property but based on the redeveloper’s agreement which set forth the process, they seemed to have been violative of the contract from a legal perspective. He said given the constraints on the current Governing Body by the previous year’s Governing Body on the redevelopment, their hands were tied and they had to move forward. But from a legal perspective it was of primary importance from both the Governing Body and the redeveloper’s perspective that they act in good faith. He did not see what they did as helpful and in the spirit of acting in good faith under the terms of the redeveloper’s agreement. It was raising some concerns with him and was not the first issue where they were having some good faith issues with the redeveloper. He would address these issues the following day with their counsel. He said that what they did was unfortunate and he had never seen anything like it.

Mayor DiPaola said they needed to convey a message that this was not the way for their residents to be treated. She apologized to the community and said it would be rectified with the attorneys and that appropriate steps would be taken.

XIV. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried unanimously.

Eilish Viggiani, 24 Bolling Street asked for clarification of the Borough ordinance and State statute related to the appointment of Regular and Alternate members of the Recreation Commission. She said she had served willingly and happily as a volunteer and asked Mayor DiPaola why she had been passed over and not moved up to be a Regular member.

Mayor DiPaola stated that Ms. Viggiani had not been not passed up. She had made a commitment to someone when she became Mayor, not realizing that there was an inaccuracy in the ordinance that would lead Ms. Viggiani to believe that she would move up. She apologized for the misunderstanding and said she appreciated Ms. Viggiani’s commitment to the Recreation Commission and said it was not overlooked. She hoped that Ms. Viggiani would continue to serve.

Mr. McCann stated that the ordinance needed to be addressed and fixed because it was in violation of the State statute. Councilman Hoffman said he had brought it to the Borough Attorney’s attention when he was their liaison in 2005. The Borough Attorney then had agreed with Mr. McCann’s current opinion. The Recreation Commission changed their bylaws and removed that section because it violated State statute. He said it was not a new situation and tried to get it through at that time but for some reason it did not go through. Mr. McCann said that it had nothing to do with Ms. Viggiani or anyone currently on the board.

Tom Browne, 114 Pine Drive, asked about pedestrian awareness and opined that Emerson was the least pedestrian friendly municipality in the area. He asked about traffic calming and safe refuge for pedestrian crossings.

Councilwoman McGuire responded that she agreed with Mr. Browne and said she was fortunate to sit on the Council; she was working with the Police Chief and multiple agencies on this initiative.

Mr. Browne also asked about a referendum on Borough Hall that was discussed by the Governing Body the previous year. Mayor DiPaola and Councilman Hoffman said that in 2018 they felt strongly that there was a need for a referendum and referenced the email discussed at the previous meeting which indicated that the intention was for the building to be torn down. They added that the building was not in danger presently and that the Borough Architect would provide a genuine fiscally responsible opinion about Borough Hall.

Lieutenant Mark Savino reported that Captain McDermott met with Mr. Weinberg of Accurate Builders to check on the vehicles in the parking lot of the former Cinar Restaurant, the Kenneth Street property and 176 Kinderkamack Road, all owned by his company. He had applied for fencing permits and was anticipating the installation of the fence within a few days. Mayor DiPaola said the redeveloper had been given a permit to install fencing but had been given an architectural drawing of the entire site indicating where they could put the fencing. Mr. Sheola said safety lanes had to remain open for emergency vehicle. Mayor DiPaola asked for police presence at the commuter lot beginning at 5:00 a.m. the following morning. Councilman Knoller said that Mr. McCann should reach out to the redeveloper's attorney the next morning about this matter. Lieutenant Savino said he would put a notice on Twitter as well.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 230-19

Council President Falotico requested that CA No. 233-19 be pulled for discussion.

☞ **Motion** to pull CA No. 233-19 Authorize Change Order No. 1 - Vivian Avenue and Pershing Street Drainage Improvements in the amount of \$4,400 for discussion was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

Councilman Bayley asked about concerns related to a resident's long-term drainage issue on Vivian Avenue. He said that during two recent heavy rains, this resident's home flooded again despite the improvements. He said that DPW Superintendent Solimando had reported that the size of the grate covers holes had been too small and that the change order would authorize the purchase for grate covers with larger holes. Council President Falotico requested that CA No. 233-19 be added back to the Consent Agenda.

☞ **Motion** to add CA No. 233-19 back to the Consent Agenda was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

☞ **Motion** to approve Consent Agenda Resolution No. 230-19 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 231-19 Resolution Authorizing Not to Exceed Limitations for Settembrino Architects to Prepare Feasibility Study for Borough Hall and Police Headquarters
- CA 232-19 Authorize Block Party – Orchard Avenue between Kinderkamack Road and Linda Place – Saturday, October 5th from 12 p.m. to 10 p.m. (rain date Sunday, October 6th from 12 p.m. to 10 p.m.)
- CA 233-19 Authorize Change Order No. 1 - Vivian Avenue and Pershing Street Drainage Improvements in the amount of \$4,400
- CA 234-19 Authorize Application for Social Affair Permit to The Alcoholic Beverage Commission for North Jersey Friendship House Fundraising Event – Soldier Hill Golf Course – September 23, 2019
- CA 235-19 Authorization to permit banners to be hung on Main Street and Linwood Avenue for Breast Cancer and Lymphedema Walk on Saturday, October 5th
- CA 236-19 Authorization to Change Meeting Date of the Mayor and Council from Tuesday, October 15th, 2019 to Tuesday, October 22nd, 2019
- CA 237-19 Authorization to hire Denise Villani as Shade Tree Commission Secretary
- CA 238-19 Authorization to permit banner to be hung on Main Street and on the Emerson Fire House for Emerson Volunteer Fire Department Open House and Membership Drive beginning on Monday, October 7th, 2019

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 239-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 239-19 was **moved** by Council President Falotico, **seconded** by Councilwoman McGuire and carried by a roll call vote of 6-0:

RC: Council members:

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

#19-9/17-37 Personnel – F/T Borough Administrator
Rice Notice: Borough Administrator, CFO N.J.S.A. 10-4-8

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 at 11:05 p.m.

☞ **Motion** to extend the meeting curfew to 11:15 p.m. was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

☞ **Motion** to appoint Rob Hermansen as Emerson Borough Administrator pending the successful completion of a background check at a salary of \$120,000.00 per year with terms and conditions to be negotiated was **moved** by Councilman Hoffman, **seconded** by Councilwoman McGuire and carried by a roll call vote of 5-1:

RC: Council members:

YES: Bayley, Hoffman, McGuire, Knoller, Gordon

NO: Falotico

Mayor DiPaola congratulated Mr. Hermansen and discussed when he could start. Mr. Hermansen said he anticipated he could be available in one to two weeks. Mr. McCann said that Mr. Hermansen should realize that there was an election coming up in a few weeks and the make-up of the Governing Body could change. He said that Mr. Hermansen was hired as an at-will employee with no contract offer and wanted to make sure he understood that. Mr. Hermansen said he understood. Mr. McCann said that he wanted Mr. Hermansen to understand that at any time he could be terminated for a variety of reasons that were per the Borough manual and he should familiarize himself with it. He added that Mr. Hermansen could be terminated at any time. Mr. Hermansen said he would make sure that did not happen and said he appreciated the Governing Body's confidence in him and promised he would not let them down.

Mr. McCann said that Mr. Sheola had agreed to help with the transition and he would find him professional and knowledgeable. Mayor DiPaola said that the Governing Body thanked Mr. Sheola for his service and as they had said previously, the only reason for any change was because it was in the best interest of the Borough to have a full time administrator but they thanked him and appreciated that he had helped them out for the past several months.

XVIII. 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 Councilman Knoller and carried at 11:08 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk