



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 3, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor DiPaola welcomed everyone to the September 3rd, 2019 meeting. She read the Sunshine Statement announcing that the meeting of September 3rd, 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

- Recognition of Clementine Bonafede's 104th Birthday
- National Assisted Living Week – September 8th – 14th “A Spark of Creativity”
- 9-11 Day of Service and Remembrance

V. APPOINTMENTS/RESIGNATIONS

- ENVIRONMENTAL COMMISSION
 - Resignation of Margaret Boyce as a Regular Member for the term ending 12/31/19

☞ **Motion** to accept the resignation of Margaret Boyce as a Regular Member of the Environmental Commission for the unexpired term ending 12/31/19 was **moved** by Councilman Knoller, **seconded** by Councilman Bayley and carried unanimously.

- APPOINTMENT BY MAYOR
 - SHADE TREE COMMISSION
 - Appointment of Margaret Boyce - Regular Member for the initial five-year term ending 12/31/23

Mayor DiPaola announced she was appointing Margaret Boyce as a Regular Member of the Shade Tree Commission for the initial five-year term ending 12/31/23.

VI. MINUTES FOR APPROVAL

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

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

- Regular and Closed Session Meeting Minutes of August 13, 2019

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of August 13, 2019 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 217-19 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF EMERSON AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,918,315 BOND ANTICIPATION NOTE, DATED AUGUST 23, 2019 AND PAYABLE AUGUST 21, 2020, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

☞ **Motion** to approve Resolution No. 217-19 was **moved** by Councilman Knoller, **seconded** by Councilman Hoffman and carried by a roll call vote of 6-0:

RC: Council members:

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

VIII. UNFINISHED BUSINESS

- Proposal – Borough of Emerson Addition, Renovation & New Building Feasibility – Settembrino Architects proposal for Borough Hall – Mr. Sheola said that Settembrino Architects had submitted a two-part proposal: 1. Schematics, drawings and concept plans for a new building and 2. Schematics, drawings and concepts plans for renovation and an addition to the current Borough Hall. They would meet with department heads to determine their wants versus needs. The fixed fee would be \$37,500 plus reimbursable expenses. Governing Body consensus was to move forward with this proposal.

☛ **Motion** to allow Settembrino Architects to move forward with their addition, renovation and new building feasibility study for the police and municipal building was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:

RC: Council members:

YES: Bayley, Hoffman, Falotico, Knoller, Gordon

ABSTAIN: McGuire

Mayor DiPaola said she was glad they were moving forward and would be presented with two different options. She stated that for anyone who thought that she didn't think the former Governing Body was proceeding with the intention of knocking the building down, she was going to read an email that was given to them by Axis Architectural Group, the Borough's former architects. She read an email from Piero Gabucci to his partners at Axis Architects, Steve Lazarus, Ken Schier and Joseph Cecco, which indicated that they were being told that the way the former Governing Body wanted to go was to knock down Borough Hall. She said that should stop any controversy about the intention of the former Governing Body.

- Locust Avenue parking lot – Mr. Sheola reviewed a revised proposal for the Locust Avenue parking lot which would consist of gravel and contain 40 parking spaces and cost \$145,000. However, if some work was done internally, the cost would be reduced. He explained that this was the quickest way to provide spots for commuters and employees as the Kenneth Avenue lot would no longer exist at some point. If the lot could not be completed quickly, they could consider alleviating parking restrictions on some streets around the train station for Emerson residents only.

Mr. McCann recommended that the current parking ordinances be reviewed. Councilman Gordon asked if storm drains could be installed at the Locust Avenue lot in anticipation of the area becoming a permanent commuter lot some time in the future.

- Town and Country property – Final Judgement Status – Mr. Sheola said the Borough had been dealing with this property for at least ten years and it had been tax delinquent for a long period of time. The Borough was now proceeding with an in-rem foreclosure. After September 7th, the property would be owned by the Borough. A study would be done to see if the location had any buildable lots.
- 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 the Land Use Board had met to discuss whether or not newly constructed homes required the installation of sidewalks. The Land Use Board had debated the issue and determined that this decision should be reviewed on a case by case basis. Mayor DiPaola asked Mr. Sheola to invite Land Use Board Attorney Chris Martin to attend the September 17th meeting to discuss this topic.

- Discussion of vaping ordinance/sale/age limit/definition/public places, etc. – Mr. McCann asked the Governing Body for direction so he could prepare the ordinance for introduction. Mayor DiPaola noted that Council President Falotico's original goal was to ban vaping by minors in the Borough. The Governing Body had asked for a recommendation from the Board of Health; they did not recommend vaping for individuals of any age. After discussion, Governing Body consensus was to ask Mr. McCann to draft an ordinance banning vaping in public areas as it did for smoking as noted in Chapter 200 Parks, Playgrounds and Recreational Areas of the Borough Code. There was also a consensus on instituting a blanket ban on the sale of vaping paraphernalia to minors. Mr. McCann inquired about proposed fines. Governing Body Consensus was that \$500 for the first offense and \$1000 for the second offense was reasonable. Mayor DiPaola thanked Council President Falotico for bringing this issue to their attention as it affected the health and well-being of residents. They wanted to send a message that vaping or buying vaping paraphernalia was not acceptable for minors in the Borough of Emerson. Adults would make their own decision. Mr. McCann said that the ordinance would address anyone under the age of 21 as it did for tobacco.
- SRO contract – Mr. Sheola reviewed the latest revision to the draft contract which would cover a three-year period with the Emerson Board of Education. During the first year, the Board of Education would contribute a flat \$45,000. In years two and three, they would contribute 50% of the estimated cost of the officer assigned. In addition, the SRO would be under the joint purview of the Police Chief and Superintendent of Schools. Mr. McCann said that language was included to allow the Police Chief more flexibility; the SRO would report to the Police Chief. Governing Body consensus was to move forward with the contract.

☞ **Motion** to move forward with the SRO contract with the Board of Education as written was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried unanimously.

- Review of traffic concerns at the intersection of Hartland Avenue and Kinderkamack Road – Mr. Sheola discussed a recent traffic study performed by Neglia Engineering on the traffic generated by Starbucks. Based on their observations, they determined that changes were not warranted at this location. Mayor DiPaola noted that many residents had complained to her; she said that accident reports might not be indicative of an issue - there were many close calls. She asked if pedestrian safety could be addressed and enforced in this vicinity. Noting that redevelopment would be coming to the area, she said the entire Kinderkamack corridor needed to be made safer with signage and crosswalks. Councilman Knoller said the area closer to Westwood should be addressed as well. Council President Falotico said that a plain-clothed police detail could give summons to drivers who were not yielding to pedestrians. Councilwoman McGuire said that grants were available to provide new pedestrian signs with flashing lights.

Mayor DiPaola said their goal was to keep pedestrians safe. She added that residents needed to safely merge onto Kinderkamack Road from Hartland Avenue. Chief Mazzeo said that officers would monitor the intersection to ensure that drivers were not making illegal turns. He said he would report back at the next meeting on the department's observations. The Governing Body asked that the report cover a two-week period. Mr. Sheola said he would reach out to the County engineers and report back at the next meeting.

IX. NEW BUSINESS

- 2020 Request for Professional Services – Mr. Sheola asked the Governing Body if they wanted to advertise for 2020 Professional Services for all or a limited group of Borough Professionals. He added that if the Governing Body was happy with its current professionals, they could be reappointed at the Reorganization Meeting using the Non-Fair and Open Process. Mayor DiPaola said the Borough had many projects going on and intended to reappoint all current professionals. Governing Body consensus was to agree to reappoint all professionals at the 2020 Reorganization Meeting.
- 80th Anniversary of Borough Hall – Mayor DiPaola stated that the 80th Anniversary of Opening Day of Borough Hall would be on September 23rd, 2019. She said that a birthday celebration would be planned and all residents would be invited for refreshments.

☞ **Motion** to hold an 80th Anniversary Celebration of the Opening Day of Borough Hall was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried by a roll call vote of 6-0:

RC: Council members:

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

X. INTRODUCTION OF ORDINANCES

First Reading:

Mayor DiPaola announced that Ms. Dietsche would read the following ordinances by title and they would be further considered at a Public Hearing to be held on September 17th, 2019 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the September 6th, 2019 edition of the Ridgewood News. These ordinances were 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.

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

☞ **Motion** to introduce Ordinance No. 1598-19 on first reading 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

1599-19 AN ORDINANCE AMENDING CHAPTER 200 PARKS AND PLAYGROUNDS, ARTICLE III SMOKING

Governing Body consensus was to table the introduction of Ordinance 1599-19 to allow Mr. McCann to draft a version with the appropriate restrictions based on their earlier discussion.

☞ **Motion** to table Ordinance No. 1599-19 for further drafting 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

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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

☞ **Motion** to open the meeting to comments from the public on this ordinance only was **moved** by Councilman Knoller, **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.

The Governing Body expressed concerns about the proposed fees. Mr. McCann explained that if substantive changes were required it would have to be reintroduced. He recommended that no member of the Governing Body make a motion to adopt the ordinance.

No motion was made to adopt the ordinance on second reading and the ordinance was considered dead.

The Governing Body discussed reintroducing the ordinance at a later date with new fees and language. Mayor DiPaola asked Mr. Sheola to send Councilwoman McGuire's email about the towing ordinance to the entire Governing Body for their review.

XII. REPORTS

- Borough Administrator Rich Sheola reported on the following:
 - Specifications for the Ambulance Corps building were being revised. He anticipated getting new quotes as quickly as possible as the deadline to move out was September 13th. They would temporarily relocate to the Department of Public Works area.
 - He had looked at options for improving the appearance of Highland Avenue after PSEG paved half of it. He noted that the road was structurally sound and the issue was one of aesthetics. Among the options under consideration were sealcoating or thermal binding.
 - The Bergen County Senior Picnic would take place on September 5th but the seniors had decided they did not want the Borough to provide transportation to the event.
 - He reminded the Governing Body that the Transportation Alternatives grant for \$780,000 had not reached any milestones yet but if the NJDOT released a list of appropriate consultants, they should be considered as NJDOT would pay the design fees. He added that there was a hard deadline of May 2021 to move forward on this project and it needed to go out to bid.
 - He planned to begin working shortly on the 2020 budget cycle with Chief Financial Officer Lauren Roehrer.

Mayor DiPaola commented on the paving of Highland Avenue and noted that there were limited funds available from the federal grant. The Borough was trying to do what was best for the entire Borough. She said she had a brief conversation with the PSE&G Project Manager about how the process could be done better and he had stated that this process had been done in many other communities and they were limited by the federal funds allocated.

- Mr. Sheola said that he had spoken to the Code Enforcement Officer about conditions at a home on Marianna Place. The property was in the process of getting cleaned up.

Mayor DiPaola said that if a resident had concerns about maintenance at a property, they should make the Borough aware so warnings could be issued. She said residents should live in an environment in which they could be proud.

- He thanked Borough Clerk Jane Dietsche for her help while he was on vacation.

XIII. PUBLIC COMMENT

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

Roberta Blake, 103 Highland Avenue commented on the condition of her street and opined that there were cracks on the half not paved due to heavy equipment. She also asked about the high school bond referendum, the increase in property taxes and the status of redevelopment.

Karen Mastropaolo, 115 Highland Avenue discussed traffic concerns on Kinderkamack Road.

Roberta Blake, 103 Highland Avenue discussed traffic safety on Kinderkamack Road and opined that poles with orange flags for use by pedestrians might help.

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, seconded**, and carried unanimously.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 218-19

☞ **Motion** to approve Consent Agenda Resolution No. 218-19 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

CA 219-19	Appointment of Stephen Frassa as Shade Tree Inspector
CA 220-19	Approve Cancellation of Grant Balances
CA 221-19	Refund of Tax Overpayments (3rd Quarter 2019)
CA 222-19	Reappoint Mark Savino Jr. As Part Time Police Dispatcher effective August 19, 2019
CA 223-19	Appoint Alex Dinardi As Part Time Police Dispatcher effective August 19, 2019
CA 224-19	Form of Resolution Requesting Change in Title, Text, or Amount of Appropriation Pursuant to NJS 40a:4-85
CA 225-19	Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
CA 226-19	Authorization to Advertise for Additional Names of Qualified Veterans to Emerson War Memorials

XV. CLOSED EXECUTIVE SESSION - Resolution No. 227-19

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 227-19 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

19-9/3-34 Potential Litigation – Axis Architectural Group
19-9/3-35 Potential Litigation - Update on Redevelopment

N.J.S.A. 10:4-7
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XVI. RECONVENE

The Borough of Emerson reserves the right to return to Open Session and, if appropriate, take formal action.

☞ **Motion** to reconvene was **moved** by Councilman Knoller, **seconded** by Councilman Gordon and carried unanimously.

☞ **Motion** to instruct Borough Attorney John McCann to send the redevelopers a demand for information for all materials the Borough is entitled to being partners with them 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

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was **moved by Councilman Knoller, seconded** by Councilman Bayley and carried at 9:56 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk