



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 18, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:30 p.m. and identified the emergency exits.

II. ROLL CALL

Mayor Lamatina asked Ms. Dietsche to call the roll of the Governing Body.

Present: Mayor Lamatina, Councilwoman DiPaola, Councilman Downing, Council President Knoller, Councilman Lazar, Councilman Tripodi, Councilman Worthington

Also present were Borough Administrator Robert S. Hoffmann, Borough Attorney Wendy Rubinstein and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Tripodi for his absence from the Regular Meeting of October 4, 2016

☞ **Motion** to excuse Councilman Tripodi for his absence from the Regular Meeting of October 4, 2016 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Swearing in of Emerson Police Department Lieutenant Mark Savino

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of October 4, 2016
- Closed Session Meeting Minutes of October 4, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of October 4, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Worthington and carried unanimously.

VII. CORRESPONDENCE

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

- Letter dated September 15, 2016 from Hon. Bonnie Mizdol, Assignment Judge, Re: Deputy Court Clerk/Floater
- Letter dated September 23, 2016 from Robert Mancinelli, Esq.; Re: Unity Bank Sign Variance
- Public Notice dated September 20, 2016 from Ann E. Fay, Administrator/Clerk, Borough of Haworth; Re: Ordinance #16-06 Amending Chapter XXVI of Code of Borough of Haworth entitled 'Land Use Regulations'
- Email dated October 4, 2016 from Laurie Cornell; Re: Redevelopment Plan
- Email dated October 4, 2016 from Jill McGuire; Re: Redevelopment Plan
- Letter dated October 7, 2016 from Borough Engineer Gary Ascolese; Re: 2016 Road Improvement Program
- Letter dated October 12, 2016 from Elle Schrock; Re: Kudos to Sal Dinardi and Dinardi Landscape Design

VIII. FINANCIAL BUSINESS

- Resolution No. 261-16 Bill List

☞ **Motion** to approve Resolution No. 261-16 Bill List was **moved** by Councilman Worthington, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington

IX. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

X. NEW BUSINESS

Mayor Lamatina announced that there was no new business.

XI. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that there were no ordinances being introduced.

XII. ADOPTION OF ORDINANCES

Mayor Lamatina announced that there were no ordinances being adopted.

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola reported that the Board of Health would be sponsoring a Flu Vaccine Clinic on October 26th at the Senior Center. There would be no charge for seniors with Medicare Part B. It was also available for a fee for employees and children between the ages of 3 and 17.

The Shade Tree Commission was looking for funds taken out of a line item in their budget to be transferred back in November. She had asked Mr. Hoffmann to look into improving accessibility at Hillman Field for the disabled and suggested a short term solution of installing mats or something comparable for the short term.

Councilwoman DiPaola also inquired about the status of updates to the Social Media Policy. Mr. Hoffmann and Ms. Rubinstein explained that the Social Media Policy had been adopted for the staff in 2015. In February of 2016, a black line amendment was drafted to clarify and delineate the roles of the Governing Body and Borough employees. It had not yet been brought back to the Governing Body and needed to be distributed and looked into further. Councilwoman DiPaola stated that the Mayor continued to violate the policy and asked Mr. Hoffmann for an explanation. Mr. Hoffmann explained that if there had been a potential breach of the policy, there was no current mechanism for follow up. Ms. Rubinstein noted that the current policy included recourse for the Administrator to pull down any material deemed in breach of the policy for Borough sponsored websites but did not have the same kind of consideration for someone's personal accounts. She added that parts of the amendments were to distinguish more clearly between personal and Borough sponsored accounts.

Councilwoman DiPaola said she had brought to the Governing Body and Mr. Hoffmann's attention that the Mayor asked people to friend him on Facebook in the Borough Newsletter in order to keep abreast of Borough news. She said that Mr. Hoffmann told her that the Mayor had violated the policy. Mayor Lamatina asked Mr. Hoffmann if he had ever informed the Mayor that he had violated the policy. Mr. Hoffmann said they had conversations about material posted and had asked the Mayor to remove a couple lines here or there. He noted that the Mayor did that for some items. Mr. Hoffmann added that he, the Mayor and Borough Attorney had conversations that led to resolutions or the Mayor had agreed not to do it again. Councilwoman DiPaola asked what kind of example it set for the Borough if the Mayor violated the Social Media Policy and there were no consequences.

Councilwoman DiPaola stated she had twice asked the Borough Clerk to have Mayor Lamatina provide information about amendments to the Master Plan from his Borough and personal email accounts and he was ignoring the request. She asked Ms Rubinstein what could be done to compel the Mayor to answer the request for information. Mayor Lamatina responded that he did not do Borough business through his personal email account and was not going to provide the information to her to use in her campaign for reelection. Ms. DiPaola said the fact that the Master Plan was not on the agenda was a travesty and the Mayor was withholding information from the public.

Ms. Rubinstein noted that some information contained in the requested emails could be viewed by a Governing Body member but were deliberative and attorney-client privileged so it would be necessary to use caution before dispersing to residents. Councilwoman DiPaola said she would be able to decipher what information was privileged and what was not based on the material she received. Mayor Lamatina said that was why OPRA existed and why the Borough had counsel to review. He said he was not going through a year and half of emails just because she wanted them. Councilwoman DiPaola said it was just a matter of using search words through his email account. Council President Knoller commented that the search process did not work very well based on his experience.

Councilwoman DiPaola said that it as a travesty that the Master Plan was not on the agenda that evening and noted that people on Facebook had been conducting a lively conversation about amendments to the Master Plan. She said that the Mayor was withholding information from her and public sending an awful message to the public and was a poor example of being a public servant.

Mr. Hoffman stated that the Redevelopment Plan amendments would be discussed when Borough Planner Brigitte Bogart and Kevin Codey of JMF Properties were available to show renderings and make presentations to the Governing Body. However, they were not available to attend a meeting until mid-November. Mr. Hoffmann said it would hopefully be on the November 22nd agenda.

Councilman Lazar said that the Department of Public Works had performed the following work in October: outfitted two new police cars with lights and radios and outfitted the new Fire Chief's vehicle, performed tree work at Sunset Park and removed tree stumps at several locations, repaired two catch basins and begun their 2016 catch basin inspection for the DEP report.

Councilman Downing gave the October reports of the Volunteer Fire Department and Ambulance Corps. He said Fire Prevention Open House was a great success and commended the Fire Department for doing a wonderful job. He also said the Watchdogs were at the Emerson Jr./Sr. High School that evening.

Council President Knoller congratulated Lieutenant Savino on his well deserved promotion. He also gave the September report of the Police Department.

Councilman Tripodi congratulated the Fire Department on their Fire Prevention event and said there was a great turnout and thanked them for a job well done. He also congratulated Lieutenant Savino on his promotion.

Councilman Worthington had no report.

Mayor Lamatina had no report.

- Borough Administrator Robert Hoffmann reported on the following:
 - Suez Water was scheduling a water valve change on Wednesday. Businesses on Emerson Plaza East between Linwood Avenue and Congress Avenue had been notified the previous Friday. Late on Monday, Suez's engineering department decided they had to expand the work area and turn off water for businesses on Emerson Plaza East from Thomas Street to Palisade Avenue. The businesses had only been notified late Tuesday morning. He thanked Mr. Rispoli for informing the Borough of this fact; the County of Bergen and the Borough had not been notified. Once he learned of the plan, he reached out to make sure businesses were aware and make other arrangements. The Board of Health was also very accommodating and ensured that both Rispoli's and Cradles to Crayons had hot water and able to follow the appropriate protocols. He also said Suez Water apologized for the lack of advanced notification.
 - New Jersey Transit had completed their improvements on Linwood Avenue for the at grade railroad crossing. The crossing would be closed for two more days to run new drainage lines along the railroad right of way to connect to the Borough's service at Lincoln Boulevard.
 - The 2017 budget process would begin on October 20th. Budget requests were due back on November 10th.
 - The Borough was applying for an \$800,000 grant for streetscape improvements from the Westwood border to the Oradell border to tie into so that once the Kinderkamack Road project was done, the same streetscape would tie in from He had drafted a letter and would obtain signatures in support from local businesses and residents.
 - Nineteen people had filed voter registration applications before that evening's deadline. The Clerk's Office was scheduled to remain open until 9:00 p.m.

- He thanked Father Tanzini and Assumption Parish for offering their parking lot to businesses so that people would have places to park during Kinderkamack Road improvements.
 - The Borough had received an email from Judge Mizdol approving access to the floater for access to the Court system.
- Borough Clerk Jane Dietsche had no report.
 - Borough Attorney Wendy Rubinstein had no report.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 8:11 p.m.

Seeing no hands, Mayor Lamatina 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 Tripodi, **seconded** by Councilman Lazar and carried at 8:12 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 262-16

Councilwoman DiPaola requested that CA 265-16 Authorize hiring process for Police Probationary Officer(s) be pulled for discussion and a separate vote.

☞ **Motion** to approve Consent Agenda No. 262-16 without CA 265-16 Authorize hiring process for Police Probationary Officer(s) was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington

In response to Councilwoman DiPaola's questions related to CA 265-16, Mr. Hoffmann explained that one Police Officer was leaving and a second would possibly be leaving in the first quarter of 2017.

☞ **Motion** to approve CA 265-16 Authorize hiring process for Police Probationary Officer(s) item only was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 5-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

ABSTAIN: DiPaola

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| Ca 263-16 | Cabbage Night/Halloween Curfew |
| Ca 264-16 | Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 - in the sum of \$2,103.97, which is now available from the Body Armor Grant |
| Ca 265-16 | Authorize hiring process for Police Probationary Officer(s) |

~~XVI. CLOSED EXECUTIVE SESSION Resolution No. 266-16~~

Mr. Hoffmann stated that he did not have an updated on the Closed Session item. There was no motion to vote on this item.

~~#16-10/18-34 Update on status of potential litigation Fire Dept. N.J.S.A. 10:4-7~~

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 8:20 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk