



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
June 9, 2015  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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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 Knoller, Councilman Paino, Council President Rivers, Councilman Tripodi, Councilman Worthington

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

III. PROCLAMATIONS & CITATIONS

- Proclamation honoring Kevin Bayley
- Emerson Cynos State Championship Week

IV. APPOINTMENTS/RESIGNATIONS

- Resolution No. 156-15 – Appointment of Jane Dietsche as Emerson Borough Clerk

☞ **Motion** to appoint Jane Dietsche as the Emerson Borough Clerk was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

- Oath of Office – Jane Dietsche – Borough Clerk
- Shade Tree Commission
  - Resignation of Diana Merida as a Regular member effective immediately
  - Appointment of Ed Bueti as a Regular member for the unexpired term ending 12/31/19
  - Resignation of Secretary Kathy Rizza effective July 31, 2015

Mayor Lamatina accepted the resignation of Regular member Diana Merida effective immediately and the resignation of Secretary Kathy Rizza effective July 31, 2015. He also appointed Ed Bueti as a Regular member for the unexpired term ending 12/31/19.

- Land Use Board
  - Resignation of Land Use Board Chairman Mark Orecchio effective June 4, 2015
  - Resignation of Secretary Kathy Rizza effective July 31, 2015

Mayor Lamatina accepted the resignation of Chairman Mark Orecchio effective June 4, 2015 and the resignation of Secretary Kathy Rizza effective July 31, 2015.

- Police Reserves
  - Resignation of Lou Rizzo effective May 31, 2015

☞ **Motion** to accept the resignation of Police Reserve Captain Lou Rizzo effective May 31, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried unanimously.

- Department of Public Works
  - Resignation of Leonard Boros effective December 31, 2015

☞ **Motion** to accept the resignation of DPW employee Leonard Boros effective December 31, 2015 was **moved** by Councilman Paino **seconded** by Councilwoman DiPaola and carried unanimously.

#### V. MINUTES FOR APPROVAL

- Regular Meeting Minutes of May 19, 2015
- Closed Session Meeting Minutes of May 19, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of May 19, 2015 was **moved** by Councilman Knoller, **seconded** by Councilman Tripodi and carried unanimously.

#### VI. CORRESPONDENCE

Mayor Lamatina announced that the correspondence was available in the Office of the Municipal Clerk.

- Letter dated May 15, 2015 from Senator Gerald Cardinale; RE: 2015 Clean Communities Grant in the amount of \$15,157.89
- Letter dated May 15, 2015 from Keith H. Lesser, Board President, Habitat for Humanity; Re: Affordable Housing
- Letter dated May 12, 2015 from Nick DeMauro, Executive Director; Law Enforcement Against Drugs; Re: School based law enforcement efforts
- Letter dated May 19, 2015 from Assemblywoman Holly Schepisi; Re: Assembly Bills #2319, #4235
- Letter dated May 22, 2015 from Richard Loveless, Acting Manger, NJDOT; Re: Main Street-Linwood Avenue Section 2 2015 Municipal Aid Program
- Letter dated June 2, 2015 from Borough of Haworth; Re: Notice of Public Hearing, Proposed Housing Plan Element & Fair Share Plan, Master Plan Document

VII. FINANCIAL BUSINESS

- Resolution No. 146-15 Bill List

☞ **Motion** to approve Resolution No. 146-15 Bill List with the exception of Trust Fund item #1903 for the Hackensack Golf Club in the amount of \$13,300.00 was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

☞ **Motion** to approve Resolution No. 146-15 Bill List Trust Fund item #1903 for the Hackensack Golf Club in the amount of \$13,300.00 only was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Rivers, Knoller, Worthington**

**ABSTAIN: Paino**

VIII. UNFINISHED BUSINESS

- Social Media Policy discussion – Mr. Hoffmann continued his discussion from the last meeting and reiterated that a policy was required for Borough sponsored websites. The consensus was to adopt a resolution endorsing this policy at the next meeting.
- PSE&G Purchase of Permanent Utility Easement – Mr. Hoffmann said that PSEG was interested in a permanent agreement for a 6000 square foot utility easement at the DPW yard and had offered \$15,500 to the Borough as a onetime payment. The Governing Body questioned whether a lifetime easement should be granted and whether the fee was adequate. Mr. Hoffmann said he would gather information from other towns and report back.
- Kinderkamack Road – Status Update - Borough Engineer Gary Ascolese began his update by reviewing drainage and gas main plans for the Kinderkamack Road improvement project. He indicated that a drainage system would be installed running from the north side of Linwood Avenue down to Emerson Plaza East and into a drainage ditch. It would hopefully eliminate flooding in this area. He emphasized that there would be a small, localized work zone with a lane to be shut down for a minimum period of time and not at peak hours. Ideally the Borough might need a ten foot drainage easement through the five properties currently out for the Request for Proposals for the Central Business District. The pipe would be sized to accommodate a twenty five year storm.

He added that PSE&G would be moving poles from the west side to east side of Kinderkamack Road in anticipation of the road widening. He also reviewed traffic signal design. The Governing Body inquired about costs to taxpayers. Mr. Ascolese said that they were looking for the County to cap costs as these were regional improvements and that the discussion was ongoing. Mayor Lamatina stated that the County had completed the signal design and things were finally in Boswell Engineering's hands. He anticipated that plans would be in the County's possession in three to four weeks.

Mr. Ascolese said that they now had to design the handicap ramps to make them compliant on all four corners at all three intersections. Traffic signals would be tied into the railroad circuitry with everything brought up to current Federal and NJDOT standards for placement, size, and operation, and include countdown pedestrian signals. The County would be responsible for the maintenance of all three devices; the Borough would only be responsible for the power bills. Beautification improvements including brick pavers between the curb and sidewalk and decorative street lighting were planned on each side of the road.

Mr. Ascolese outlined meetings with NJDOT and NJ Transit, and explained that the County would be responsible for improvements to the Kinderkamack Road railroad crossing. Originally NJDOT decided that the Borough would be responsible for costs related to improvements to Linwood Avenue because it was a local road. The cost including construction, labor, materials and bussing would have totaled approximately \$243,000. However, the Borough pleaded their case and NJDOT would now be contributing approximately \$167,000 to that total. He mentioned ongoing discussions about the Borough assuming a cost of \$98,000 for bussing riders from Westwood to Oradell but noted that this topic and cost were still under review.

Mr. Ascolese also discussed a projected cost of approximately \$248,000 to the Borough for signal and electric work but explained that this was a ballpark number that he believed was high and that the plan was to minimize the work to lower the cost.

The Governing Body questioned the total costs associated with this project and said that the improvements benefited the entire County, not only Emerson. Additionally, they stated that Emerson was a small town with a limited budget. The Borough had already expended \$100,000 on property acquisitions and additional fees for engineering plan development and they were seeking to cap the town's costs. Mayor Lamatina noted that the discussions with the County were ongoing and said that the bond ordinance being passed that evening allocating \$700,000 to the project was the prerequisite for bidding. Mr. Ascolese said that they anticipated awarding the bid in late summer and hoped to see shovels in the ground in early September. After further questions about the cost to taxpayers from Council members, Mr. Ascolese reiterated that they were asking the County to reconsider and pick up the cost of local street improvement because it was part and parcel of the project. Mr. Hoffman agreed that this project was a regional improvement to meet a regional need.

## IX. NEW BUSINESS

- DPW Staffing – Councilman Paino reported that the Department of Public Works was currently shorthanded. One full timer was budgeted to begin in October and one temporary summer helper was assisting. Mr. Hoffmann said they could add another temporary summer helper for the period of June 15<sup>th</sup> through October 31<sup>st</sup> based on workers' compensation refunds. Mr. Hoffman discussed a shared agreement with Paramus for mechanic services which was included on the Consent Agenda.

- Engineer's Report – Drainage and Flooding - Mr. Ascolese discussed flooding and drainage issues, referencing a drainage map from 1961 and explaining that the drainage systems were designed for certain capacities before wetlands were filled in. Therefore, some drain systems were under capacity but noted that consideration had to be given to the costs incurred for infrequent weather events. He recommended that the map be updated to document the size of pipes and capacity of basins. Among the options to remedy flooding in the short term were studying pipes with a video truck, clearing clogs, replace grating, and removing plates. Plates could be pulled off sewers if the flood events were documented. Long term solutions included increasing pipe capacity. He said that he would bring the costs to the Governing Body and prioritize based on need. He estimated that he would need 8-10 hours to study the issue.

☞ **Motion** to authorize the Borough Engineer to investigate flooding issues and cap the cost at \$2,000.00 was **moved** by Councilman Paino, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

- Engineer's Report – Hasbrouck Avenue – Mr. Ascolese stated that at the location of the recent accident there were no issues of alignment or vertical curvature when drivers were travelling at 25-30 miles per hour and did not believe that anything needed to be done from an engineering standpoint. He added that if a driver was driving properly and on the correct side of the road, there should be no issues. He noted there were no reflectors at the curve at the corner of Hasbrouck and Vivian Avenues and recommended a larger arrow sign at the curve to make drivers aware of the 90 degree bend. He also recommended installing a curved arrow sign just in advance of the curve with a 10 mile per hour advisory speed at this location. The Governing Body and Mr. Ascolese reviewed the pros and cons of other methods to reduce speeding such as speed humps, speed tables, creating a dead end, stop signs, pavement markings and edge lines and discussed police enforcement at this location. Mr. Ascolese said he would provide the Governing Body with a publication of the Federal Highway Administration, Engineering Countermeasures for Local Roads which contained options to consider for decreasing speeding. He recommended beginning with sign installation and doing progressive fixes in the future as necessary.

☞ **Motion** to install signs at this location as recommended in the Borough Engineer's report -two large arrow signs and two advanced right turn signs stating 10 miles per hour was **moved** by Councilman Paino, **seconded** by Council President Rivers and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

- Lightning Detection – Council President Rivers explained that the lightning detection system in Westwood did not appear to be providing adequate warning of approaching storms in the Borough and discussed having a main system installed in town at a cost of \$15,000 to \$20,000. He suggested sharing the cost with the Board of Education. The Governing Body recommended getting the vendor in to check that the current system was working properly. They advised that if members of the Recreation Commission heard thunder, the fields should be cleared immediately. He asked that this item be discussed further at the next meeting.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina 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 July 7, 2015 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the June 12, 2015 edition of the Ridgewood News by summary. He added that 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.

**First Reading:**

**1502-15** AN ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2015

☞ **Motion** to approve Ordinance 1502-15 on first reading was **moved** by Councilman Worthington, **seconded** by Councilman Knoller, and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

**1503-15** AN ORDINANCE AMENDING CHAPTER 35, FIRE DEPARTMENT

☞ **Motion** to approve Ordinance 1503-15 on first reading was **moved** by Councilman Knoller, **seconded** by Council President Rivers, and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

**1504-15** AN ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED POLICE DEPARTMENT OUTSIDE EMPLOYMENT

☞ **Motion** to approve Ordinance 1504-15 on first reading was **moved** by Councilman Worthington, **seconded** by Council President Rivers, and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

XI. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

**1500-15** BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,584,000 TO PAY THE COST THEREOF, TO APPROPRIATE FEDERAL AND STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

☞ **Motion** to open the meeting to comments from the public on Bond Ordinance #1500-15 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1500-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1500-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried.

☞ **Motion** to adopt Ordinance #1500-15 on second reading was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

1501-15 AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "AMBULANCE CORPS" SECTION 7-7 "MEMBERSHIP QUALIFICATIONS"

☞ **Motion** to open the meeting to comments from the public on Ordinance #1501-15 was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1501-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1501-15 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

☞ **Motion** to adopt Ordinance #1501-15 on second reading was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by roll call vote of 5-1.

**RC: Council members:**

**YES: Tripodi, Paino, Rivers, Knoller, Worthington**

**NO: DiPaola**

## XII. REPORTS

- Mayor and Council

Councilwoman DiPaola had no report.

Councilman Tripodi said he had attended the **Land Use Board** meeting where they were looking at revising the storefront sign ordinance to make it more restrictive. He added that the ordinance needed to be updated based on items such as current technology, lighting strength, and sign size.

Councilman Paino had no report.

Council President Rivers gave the May **Police Department** report.

Councilman Knoller invited everyone to participate in the upcoming June 20<sup>th</sup> Town Picnic sponsored by the **Recreation Commission** by having a table set up to inform residents about their board and commission activities. He also said the 9-11 Memorial would be dedicated on September 11<sup>th</sup> at 6 p.m. by the **Emerson Fire Department**. He noted that all fields would be closed at that time so as to eliminate distractions. He discussed the parade for the State Champion Emerson Cavos baseball team which would take place before the Town Picnic and said that they had received record donations from local businesses and residents.

Councilman Worthington had no report.

Mayor Lamatina discussed the Memorial Garden planned by Boy Scout Franklin Praschil and said that the project had received great coverage in the Record. He thanked Mr. Praschil for his idea and thanked everyone for the publicity.

- Borough Administrator Bob Hoffmann discussed the recent Memorial Day ceremony and thanked Joe DiGeronimo of the **Emerson Senior Club**, Professor Teigen of the American Legion, DPW Superintendent Joe Solimando, Police Chief Don Rossi, the Emerson Junior/Senior High School Chorale, participating clergy and the fifteen other organizations that were present. He also discussed the status of the restoration in Borough Hall's basement following recent flooding.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubinstein had no report.

### XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried at 10:05 p.m.

Hilda Gonzalez, 314 Kinderkamack Road inquired about property rezoning near her home.

Ken Hoffman, 61 Emwood Drive asked about County funding for the redesign of Kinderkamack Road.

Hillary & Matthew Sharf, 200 Jordan Road discussed flooding concerns.

Jim Sabino, 23 Pavonia Avenue discussed flooding concerns.

John Tumino, 169 Jordan Road discussed flooding concerns.

Mr. & Mrs. Itizia, 21 James Street, Westwood discussed flooding concerns.

Peter Grampone, 199 Hasbrouck Avenue shared safety concerns related to vehicles speeding on his street.

Paul Coombes, 74 Pascack Avenue shared safety concerns related to vehicles speeding on his street.

Seeing no more 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 Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 147-15

☞ **Motion** to approve Consent Agenda #147-15 was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

- Ca 148-15 Chapter 159 2015 Clean Communities Grant in the amount of \$15,157.89
- Ca 149-15 Resolution Opposing the Municipal 'User-Friendly' Budget
- Ca 150-15 Authorization to transfer the 911 Memorial funds to the Emerson Volunteer Fire Department
- Ca 151-15 Authorize sale of parcel Block 715, Lot 2 for appraised value
- Ca 152-15 Authorization of the Borough of Emerson Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72
- Ca 153-15 Authorize the Borough to enter into an Agreement with ICMA-RC to provide a deferred compensation plan for all employees
- Ca 154-15 Chapter 159 - Alcohol Education, Rehabilitation and Enforcement Fund Grant in the amount of \$648.26
- Ca 155-15 Chapter 159 - Highway Safety Grant in the amount of \$4000.00
- Ca 157-15 VOID
- Ca 158-15 Authorize the Borough to enter into a Professional Services Agreement to reconcile escrow accounts
- Ca 159-15 Authorize Administrator to enter into a Shared Service or Interlocal Agreement with the Borough of Paramus for vehicle repairs
- Ca 160-15 Authorize Administrator to enter into a Shared Service or Interlocal Agreement with the County of Bergen for vehicle repairs
- Ca 161-15 Authorize the hiring process for a new Department of Public Works employee
- Ca 162-15 Authorize the Borough to enter into an Agreement with the NJ State Association of Chiefs' of Police to administer an examination for promotion to Sergeant
- Ca 163-15 Authorize the Borough to reimburse resident Charles Carpenter \$101.75 for towing and storage fees related to March 1, 2015 snowstorm

XV. CLOSED EXECUTIVE SESSION - Resolution No. 164-15

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 164-15 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0 at 11:00 p.m.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

- #15-6/09-27 COAH N.J.S.A. 10:4-7
- #15-6/09-28 Contract – Borough Planner – RFP, Master Plan and/or Zoning Amendments N.J.S.A. 10:4-7
- #15-6/09-29 PILOT – American Legion – Veteran’s Housing, Block 304, Lot 3, 324 Main Street N.J.S.A. 10:4-7
- #15-6/09-30 Personnel - Duties & Responsibilities N.J.S.A. 10:4-8
- #15-6/09-31 Litigation – Indemnification Follow-up N.J.S.A. 10:4-7
- #15-6/09-32 Contract – DPW Superintendent N.J.S.A. 10:4-7

XVI. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried at 11:59 p.m.

- Resolution #165-15 Resolution to Authorize the Borough of Emerson to Enter into an Agreement with Emerson Affordable Housing LLC, for the Construction of Veteran's Housing at 324 Main Street, Block 304, Lot 3 – Payment in Lieu of Taxes (PILOT) - **PULLED**

☞ **Motion** to have the Borough Planner update the 2008 COAH plan and have the Borough Attorney file judgment in the COAH lawsuit was **moved** by Councilman Tripodi, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

☞ **Motion** to authorize the Borough Planner to create an amendment to the Master Plan which would then be presented to the Land Use Board with costs not to exceed \$1800.00 was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried by roll call vote of 5-1.

**RC: Council members:**

**YES: Tripodi, Paino, Rivers, Knoller, Worthington**

**NO: DiPaola**

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried at 12:00 a.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk