



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
July 7, 2015
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 Knoller, Councilman Paino, Council President Rivers, Councilman Tripodi, Councilman Worthington

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Worthington from the Special Meeting of June 24th, 2015

☞ **Motion** to excuse the absence of Councilman Worthington from the Special Meeting of June 24th, 2015 was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Emerson Volunteer Ambulance Corps
 - Timothy Cariddi as a Probationary Member

☞ **Motion** to appoint Timothy Cariddi as a Probationary Member of the Emerson Volunteer Ambulance Corps 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

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of June 9, 2015
- Closed Session Meeting Minutes of June 9, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of June 9, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

- Special Meeting Minutes of June 24, 2015

☞ **Motion** to approve the Special Meeting Minutes of June 24, 2015 was **moved** by Councilman Paino, **seconded** by Councilman Tripodi and carried unanimously.

VII. CORRESPONDENCE

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

- Letter dated June 9, 2015 from Paramus Planning Board; Re: Reexamination of Master Plan
- Letter dated June 4, 2015 from Stefanie Riehl; Re: Local Efforts to Implement Paid Sick Leave
- Letter dated June 15, 2015 from Sylvia Consuegra; Re: Tax bill credit request
- Letter dated June 16, 2015 from Emerson PBA Delegate Ryan Sokerka, Member Joseph Alasio, Emerson DPW Shop Steward Tom Carlos; Re: Payroll Structure for 2016
- Email dated June 18, 2015 from Ron Kayan; Re: Flooding
- Letter from Bergen County Executive James Tedesco III; Re: Community Block Grants for Disaster Recovery Funds
- Email dated July 1, 2015 from Joe & Lauren Letizia; Re: Flooding issues

VIII. FINANCIAL BUSINESS

- Resolution No. 170-15 Bill List

☞ **Motion** to approve Resolution No. 170-15 Bill List 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

- Resolution No. 171-15 New Payroll Account

☞ **Motion** to approve Resolution No. 171-15 New Payroll Account 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

- Resolution No. 172-15 - 2014 Audit - Corrective Action Plan

☞ **Motion** to approve Resolution No. 172-15 2014 Audit – Corrective Action Plan 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

- Resolution No. 173-15 - Certification of the Governing Body of the 2014 Annual Audit – Group Affidavit Form

☞ **Motion** to approve Resolution No. 173-15 Certification of the Governing Body of the 2014 Annual Audit – Group Affidavit Form 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

IX. UNFINISHED BUSINESS

- Lightning Detection – Council President Rivers said that Sergeant/OEM Coordinator Mark Savino had been troubleshooting the system and it was now working properly. He said they would continue to monitor the system and if it continued, the Borough would look into installing its own system.
- Engineer’s Report – Drainage and Flooding – Mr. Ascolese reviewed a report he had submitted to the Governing Body related to flooding concerns on Jordan Road, Powell Road, Vivian Avenue, Dorchester Road, Eagle Drive and Pavonia Way. He said that the Department of Public Works had removed some drainage plates. He reviewed drainage systems in impacted areas and said that some were under capacity. He wanted to use the DPW video truck to inspect the lines where there were flooding problems and plot the costs to remediate different locations. Boswell Engineering would calculate the cost associated with surveying critical locations, performing elevation studies and increasing capacity. Mr. Ascolese recommended starting with the video truck and sewer jet to get information to see if that would resolve some issues.

The Governing Body asked about costs and discussed creating a subcommittee to work on this issue all the time so they could be more productive and speed up the process. Mr. Ascolese suggested having concurrent conversations with the cemetery in Paramus and the Borough of Westwood to resolve flooding issues which were impacting Emerson residents. He explained that once surveys were done he would be able to ascertain the quantity and size of pipes, distances, whether permits would be needed or structures would need to be demolished. This would determine solutions and costs – with a ranking system based on preliminary costs.

- Resolution #191-15

☛ **Motion** to authorize the Borough Engineer and the Department of Public Works to conduct surveys of several locations impacted by flooding due to storms including Vivian Avenue at Pershing Street, Vivian Avenue and Dorchester Road, Pavonia Way, Eagle Drive, and Jordan and Powell Roads as outlined in the Boswell Engineering memo revised July 2, 2015. Be it further resolved that other locations as directed by the Borough Engineer will be included and that the total amount authorized for survey costs shall not exceed \$20,000 contingent on funds certified from the CFO 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

- Engineer's Report – Kinderkamack Road - Mr. Ascolese reported that test pits were dug at Kinderkamack Road and Linwood Avenue which led to the discovery of conflicts with utility lines. They would need utilities, especially telephone lines, raised in those areas. PSE&G was already raising their main so they should be able to get the 42 inch drainage pipe through there. He intended to add a line item at no cost to the Borough for ductile iron pipe which had a thinner wall and might allow the threading of the pipe through the utilities more easily than using a larger concrete pipe. PSE&G had been delayed in moving the utility poles due to storm repairs in Southern New Jersey. At the same time he wanted to get the plans to the County but had to wait to determine where the poles were going because the location of handicap ramps had to be determined. He anticipated that the poles would be moved this summer. Mayor Lamatina also noted that \$700,000 in funds were now available from the recently adopted bond ordinance.
- Engineer's Report – Hasbrouck Avenue – Mr. Ascolese said that he would consult with DPW Superintendent Joe Solimando to see if the warning signs and 10 mph speed advisory signs had been installed at the curve on Hasbrouck Avenue.
- PSEG Easement Agreement – Mr. Hoffmann said he had spoken with Tax Assessor Claire Psota who had recommended a higher dollar figure than PSE&G had initially proposed. He said he had contacted a PSE&G representative and indicated that the Borough was seeking higher compensation. The Council said they were also seeking a time limit on the agreement. Mr. Hoffman said he work with PSE&G to obtain a better proposal.

X. NEW BUSINESS

- Commercial Vehicle Parking Ordinance – Council President Rivers said that he planned to introduce a commercial vehicle parking ordinance at the next meeting. Mr. Hoffmann said he would research neighboring towns' ordinances.
- Emerson Volunteer Ambulance Corps – Modification of rig compartments to install climate controlled medication storage – Captain Mike Davis said that the State Department of Health had recently changed medical protocols. Certain medications were now required to be stored in temperature controlled locations. He suggested modifying cabinets in the existing ambulances at a cost of \$5,000 per truck. Mr. Hoffmann said they would look at older ordinances for funding.

- Payroll structure for 2016 and beyond – Mr. Hoffmann said that a request had come in from the PBA and Teamsters’ unions to change the payroll structure to 24 pay periods for 2016. He said this topic would be studied but if there was to be a change, it would be on a permanent basis.

XI. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that Ms. Dietsche would read the following ordinance by title and it would be further considered at a Public Hearing to be held on August 4, 2015 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the July 10, 2015 edition of the Ridgewood News by summary. He added that this ordinance was 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:

1505-15 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 1502-15 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN POSITIONS OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2015

☞ **Motion** to approve Ordinance 1505-15 on first reading was **moved** by Council President Rivers, **seconded** by Councilman Knoller, and carried by a roll call vote of 6-0.

RC: Council members:

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

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

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 open the meeting to comments from the public on Ordinance #1502-15 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1502-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1502-15 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried.

☞ **Motion** to adopt Ordinance #1502-15 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

1503-15 AN ORDINANCE AMENDING CHAPTER 35, FIRE DEPARTMENT

☞ **Motion** to open the meeting to comments from the public on Ordinance #1503-15 was **moved** by Councilman Knoller, **seconded** by Councilwoman DiPaola and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1503-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1503-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried.

☞ **Motion** to adopt Ordinance #1503-15 on second reading was **moved** by Councilman Knoller, **seconded** by Councilwoman DiPaola and carried by 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 open the meeting to comments from the public on Ordinance #1504-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1504-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1504-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried.

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

RC: Council members:

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

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola said that the Summer Kickoff was fantastic and asked that the letter from Governor Christie be posted in Borough Hall.

Councilman Tripodi had no report.

Councilman Paino had no report.

Council President Rivers had no report.

Councilman Knoller gave the May and June reports for the **Emerson Fire Department**. He said that work was going nicely on the 9/11 Memorial. The fire truck would be ready in August. He said the **Recreation Commission** had done a great job on the Summer Kickoff and thanked Councilwoman DiPaola for her help. He added that they had raised \$11,000, thanked everyone for their hard work and said he was looking forward to next years' event.

Councilman Worthington had no report.

Mayor Lamatina said the Summer Kickoff was a great event. He said the Memorial Garden was moving forward and noted that the recent editorial entitled 'Emerson Americana' in The Record entitled was very nice. He also stated that Rancho Cantina was holding a fundraiser for the garden.

- Borough Administrator Robert Hoffmann said that he had already reported on several items during open session and the remainder of his report would occur during the closed session portion of the meeting.
- 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 Knoller and carried at 9:00 p.m.

Joe Letizia, 21 James Street, Westwood discussed recent flooding on his property and hoped for a solution as soon as possible.

Marie Castrovillari, 10 Hasbrouck Avenue requested that paving being done on her street extend to her block and asked that a portable toilet in front of her house be moved.

Kevin Wall, 82 Vivian Avenue discussed flooding concerns on his property. He also requested that the limitations of the Borough Hall elevator be addressed.

Ken Hoffman, 61 Emwood Drive asked about items on Closed Session.

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 Councilman Paino, **seconded** by Council President Rivers and carried at 9:10 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 174-15

☞ **Motion** to approve Consent Agenda #174-15 with the removal of Ca 177-15 and Ca 178-15 was **moved** by Councilman Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to approve Consent Agenda #177-15 Liquor License Renewals – Rancho Cantina, Cork & Keg, Hackensack Golf Club, Emerson Hotel, KD Liquors (Shop Rite Liquors), Emerson Golf Club was **moved** by Council President Rivers, **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

☞ **Motion** to approve Consent Agenda #178-15 Renewal of Taxi/Limousine License – Metropro Limousine, LLC was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

ABSTAIN: Tripodi

- Ca 175-15 Authorize the Borough to begin the search for DPW Superintendent
- ~~Ca 176-15 Retainage payment of \$10,896.70 – Vivian Avenue~~ **PULLED**
- Ca 177-15 Liquor License Renewals – Ranchero Cantina, Cork & Keg, Hackensack Golf Club, Emerson Hotel, KD Liquors (Shop Rite Liquors), Emerson Golf Club
- Ca 178-15 Renewal of Taxi/Limousine License – MetroPro Limousine, LLC
- Ca 179-15 Authorize adoption of Social Media Policy
- Ca 180-15 Adopting policy for attendance at conventions and seminars
- Ca 181-15 Authorize Awarding Contract for Specialty/Hybrid Services
- Ca 182-15 Subdivision - Tax Cancellation - Block 219, Lot 23, 30 Highland Avenue
- Ca 183-15 Approve Community Development Delegate & Alternate
- Ca 184-15 Rescind Appointment of Finance Assistant from Temporary CFO and Tax Collector duties and thank the Finance Assistant and CFO/CTC for their efforts
- Ca 185-15 Change in Custodian of Petty Cash Fund
- Ca 186-15 Appoint Open Space Representatives
- Ca 187-15 Authorize the hiring of the Borough Engineer to assist with completion of the 2015 Bergen County Open Space Trust Fund Application
- Ca 188-15 Authorize rental of Northwest Bergen County Utilities Authority video camera truck and crew

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 189-15

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 188-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0 at 9:20 p.m.

RC: Council members:

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

- #15-7/07-33 Personnel – Fire Department N.J.S.A. 10:4-8
- #15-7/07-34 Potential Litigation - Tax Lien N.J.S.A. 10:4-7
- #15-7/07-35 Personnel – DPW N.J.S.A. 10:4-8
- #15-7/07-36 Personnel – Succession Planning N.J.S.A. 10:4-8
- #15-7/07-37 Contract Negotiations – DPW & PBA N.J.S.A. 10:4-7
- #15-7/07-38 Property Lease/Purchase – Borough Hall N.J.S.A. 10:4-5
- #15-7/07-39 Personnel –Volunteer Ambulance Corps N.J.S.A. 10:4-7
- #15-7/07-40 Potential Litigation - COAH N.J.S.A. 10:4-7
- #15-7/07-41 Potential Litigation - NJDEP N.J.S.A. 10:4-7

XVII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 10:25 p.m.

- Resolution #190-15
☛ **Motion** to authorize the hiring of Rutgers COAH expert Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Emerson the research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement for a cost not to exceed \$2,000 was **moved** by Councilman Tripodi, **seconded** by Council President Rivers and carried by roll call vote of 6-0.
RC: Council members:
YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

XVIII. 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 10:25 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk