



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 15, 2015
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:39 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 Borough Clerk Jane Dietsche.

III. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

IV. APPOINTMENTS/RESIGNATIONS

- Environmental Commission
 - Swearing in of Jake Salles as the Student Representative effective 9/1/15

Mr. Salles was not present so this item was tabled.

V. MINUTES FOR APPROVAL

- Regular Meeting Minutes of September 1, 2015
- Closed Session Meeting Minutes of September 1, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 1, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

VI. FINANCIAL BUSINESS

- Resolution No. 250-15 Bill List

☞ **Motion** to approve Resolution No. 250-15 Bill List 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

VII. CORRESPONDENCE

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

- Letter dated July 30, 2015 from Nancy Ghani, PERMA Risk Mgt. Services; Re: Membership renewal
- Letter dated July 31, 2015 from Commissioner Jamie Fox, NJDOT; Re: FY 2016 State Aid Programs
- Letter dated August 5, 2015 from Executive Director Michael Darcy, NJSLOM; Re: Annual Audit Statement
- Letter dated August 12, 2015 from Borough Engineer Gary Ascolese; Re: Emerson Intersection Construction Plans, Kinderkamack Road and Linwood Avenue, Ackerman Avenue and Lincoln Boulevard
- Letter dated August 13, 2015 from NJSLOM Executive Director Michael Darcy; Re: 2015 League Conference Resolutions
- Letter dated August 18, 2015 from Thomas J. Barrett; Re: R. & D. Investment Co., Inc, 99 Kinderkamack Road
- Letter dated August 20, 2015 from Director of Marketing & Communications Bunny Flanders; Re: Valerie Fund
- Letter dated August 25, 2015 from County Executive James Tedesco, III; Re: Senior Citizen Activity Grant for \$4,125
- Letter dated August 30, 2015 from Janet Schultz; Re: Hasbrouck Avenue noise
- Letter dated September 1, 2015 from Brendis Montijo-Wrigley, Superior Court of NJ; Re: Emerson Municipal Court ADA accommodations
- Letter dated September 3, 2015 from The Sweeny Family; Re: Shade tree
- Notice of Public Hearing dated September 1, 2015 from Ann Fay, Administrator, Clerk of the Borough of Haworth; RE: New Proposed Housing Plan Element and Fair Share Plan, Master Plan Document

VIII. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

IX. NEW BUSINESS

- Ordinance Preventing Digging Up Newly Paved Roads – Mr. Hoffmann proposed drafting an ordinance that would require repaving from curb to curb when roads were dug up within five years of repaving. He noted that it would help roads stay durable and prevent potholes. The Governing Body expressed concerns about repaving costs for residents but was in consensus to move forward. Mr. Hoffmann said he would apply common sense and that it would only apply to new home construction. He was directed to prepare a draft ordinance for introduction at the next meeting.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that no ordinances were being introduced that evening.

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1508-15 AN ORDINANCE AMENDING CHAPTER 77, POLICE DEPARTMENT

Mr. Hoffmann said some minor clarifications were to be made to this ordinance which applied to the hiring of new officers. The first clarification was under 'Police Committee – Oral Interviews' and concerned the number of members of the Emerson Police Department on the Police Committee – it would be changed from the Police Chief and two members of the department to the Police Chief and one member of the department. The second clarification would change from 'the top six candidates would be ranked collectively by the findings of the Police Committee who will then recommend candidates to the Governing Body for ratification and offer of conditional employment as the probationary officer', changing 'candidates to the Governing Body' to 'candidates to be interviewed by the Governing Body for selection, ratification and an offer of employment'. He noted that the intent of this ordinance was never to eliminate the Governing Body from the interview process. With these clarifications, the Governing Body agreed to move forward with the public hearing on this ordinance.

☞ **Motion** to open the meeting to comments from the public on Ordinance #1508-15 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried at 7:48 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1508-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1508-15 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1508-15 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

1509-15 AN ORDINANCE AMENDING CHAPTER 77, POLICE DEPARTMENT

☞ **Motion** to open the meeting to comments from the public on Ordinance #1509-15 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1509-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1509-15 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1509-15 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

XII. REPORTS

- Mayor and Council

Councilwoman DiPaola reported that the **Shade Tree Commission** would be going out to bid on tree services on September 25th and would open bids on October 9th. The contract was scheduled to be awarded at their October 14th meeting. Once funds were available, the commission would be able to address residents' tree trimming and tree removal requests.

Councilman Tripodi reported on a resolution adopted by the **Land Use Board** related to amending the Master Plan and asked Mr. Hoffmann to prepare the related ordinances for review by the Borough Planner.

Councilman Paino gave the August **Building Department** report.

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

Councilman Knoller thanked the **Emerson Volunteer Fire Department** for all their hard work on the 9-11 ceremony and said that the monument was fantastic and he appreciated all their efforts. He also gave the July and August **Fire Department** reports.

Councilman Worthington had no report.

Mayor Lamatina said the **Emerson Volunteer Fire Department** did a wonderful job on the 9-11 ceremony. He requested that a vigil be held every year on this date. He also said the town newsletter was being revived and would be published quarterly beginning on September 17th. Sponsorship was being provided courtesy of Hackensack University Medical Center at Pascack Valley.

- Borough Administrator Robert Hoffmann updated the Governing Body on the following items:
 - Road paving was scheduled to begin next week. Wortendyke Avenue would be the first road milled and paved.
 - Signage installation had been completed on Hasbrouck Avenue.
 - Mr. Hoffmann provided the following engineer's report:
 - The Armenian Home for the Aged had changed contractors and would be working to complete the drainage work starting next week.
 - The Main Street/Linwood Avenue NJDOT project would be going out to bid soon and had to be awarded by November 22nd.
 - The Borough Engineer was in the process of finishing preliminary design schemes for drainage improvements on Vivian Avenue at Pershing Street and Vivian Avenue at Dorchester Road. He anticipated that a more complete set of plans and cost estimates would be available in about three weeks for review by the Governing Body. He added that the Borough's grant consultants had received this information and would be applying for grants for this work.

- Manual work was being performed on the drainage pipes on Eagle Drive to clear them in preparation for video inspection.
- PSEG would be delivering 15 telephone poles next week and would start moving poles on Kinderkamack Road within a couple weeks.
- Repair work had been completed in the basement of Borough Hall.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubinstein gave an update on the hearing for the motion for the Grant for Immunity for Affordable Housing. The judge granted immunity on September 4th, back dated to July 8th for temporary immunity through November 8th while the Borough continued to update its plan for Fair Share Housing. She added that the judge was very happy with Emerson's progress. The Borough would need to substantially come up with its plan by November 8th to continue to show good faith. This Borough Planner was working on this project.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried at 8:03 p.m.

Kenneth Hoffman, 61 Emwood Drive asked about the Borough's affordable housing obligation.

Mike (last name inaudible), 276 Kinderkamack Road asked about the zoning of his property and requested that an updated zoning map be made available to residents on the Borough website.

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 Council President Rivers, **seconded** by Councilman Knoller and carried.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 251-15

The Governing Body discussed Resolution Ca #252-15 regarding professional appointments and the proposed three year cycle. Mr. Hoffmann explained that professional appointments would still take place annually, but that a RFP/RFQ process would take place once every three years for select professionals. Several Council members preferred staying with a yearly process for all professionals. The Governing Body asked that the process take place in October with a deadline of no later than November 15th.

☞ **Motion** to approve Consent Agenda #251-15 with the removal of Ca #252-15 Authorizing the Issuance of RFQs for Select Professional Services for 2016, 2017, 2018 and the removal of Ca #261-15 Block Party Approval – Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street – October 3, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Tripodi 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 item Ca #252-15 Authorizing the Issuance of RFQs for Select Professional Services for 2016, 2017, 2018 only was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by a roll call vote of 4-3.

RC: Council members:

YES: Rivers, Knoller, Worthington, Mayor Lamatina

NO: DiPaola, Tripodi, Paino,

☞ **Motion** to approve Consent Agenda item #261-15 Block Party Approval – Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street – October 3, 2015 only 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 252-15 Authorizing the Issuance of RFQs for Select Professional Services for 2016, 2017, 2018

Ca 253-15 Deputy Borough Clerk

Ca 254-15 Redeem Tax Sale Certificate – 115 Jefferson Ave

Ca 255-15 Authorize the Borough Administrator to Select a Company to Replace the Broken Five (5) Ton HVAC Unit at Borough Hall

Ca 256-15 Authorizing RFP for Electrical Services

Ca 257-15 Authorizing RFP for Plumbing Services

Ca 258-15 Authorizing RFP for Masonry Services

Ca 259-15 Authorizing RFP for Carpentry Services

Ca 260-15 Block Party Approval – Orchard Avenue – September 19, 2015

Ca 261-15 Block Party Approval – Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street – October 3, 2015

Ca 262-15 Authorize Purchase of DPW Dump Truck and Associated Equipment

XV. CLOSED EXECUTIVE SESSION - Resolution No. 263-15

☞ **Motion** to add a Real Estate item to Closed Executive Session Resolution No. 263-15 was **moved** by Councilman Tripodi, **seconded** by Councilman Paino and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 263-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0 at 8:37 p.m.

RC: Council members:

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

#15-9/15-55 Personnel – Fire Department N.J.S.A. 10:4-8

#15-9/15-56 Personnel – Recreation Commission N.J.S.A. 10:4-8

#15-9/15-57 Personnel – Police Department N.J.S.A. 10:4-8

#15-9/15-58 Real Estate – Property Acquisition N.J.S.A. 10:4-5

XVI. RECONVENE

☛ **Motion** to reconvene was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried at 9:09 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk