



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
October 20, 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, Borough Engineer Gary Ascolese and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Absence of Councilman Tripodi from the Regular Meeting of October 6, 2015

☞ **Motion** to excuse the absence of Councilman Tripodi from the Regular Meeting of October 6, 2015 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried unanimously.

IV. PROCLAMATIONS & CITATIONS & PRESENTATIONS

- Presentation by Risk Managers Dave Vozza and Ralph Spataro – Mr. Vozza announced that he and Mr. Spataro were presenting a refund reserve dividend check from the Bergen Municipal Employee Benefits Fund (BMED) to the Borough. They presented Mayor Lamatina and the Finance Committee with a check in the amount of \$447,505.94. Mr. Hoffmann said that the funds would be put into fund balance to generate surplus. He commended Mr. Vozza and Mr. Spataro for looking out for the Borough and doing the right thing by recommending that the NJ State Health Benefit Plan would save money over the BMED insurance program.

V. APPOINTMENTS/RESIGNATIONS

Mayor Lamatina announced that there were no appointments or resignations this evening.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of October 6, 2015
- Closed Session Meeting Minutes of October 6, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of October 6, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

VII. CORRESPONDENCE

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

- Letter dated September 14 from Stephen Rajczyk, Manager, Public & Government Services, AAA North Jersey; Re: 2015 AAA Community Traffic Safety Awards Luncheon
- Letter dated September 14, 2015 from The Committee for the Advancement of Arboriculture; RE: NJ Shade Tree Federation Annual Meeting
- Letter dated September 28, 2015 from Angi Metler, Co-Director, League of Humane Voters of NJ; Re: Deer hunting
- Letter dated September 28, 2015 from PSEG; Re: Traffic Control Policies Related to Utility Work

VIII. UNFINISHED BUSINESS

- Engineer's flooding remediation report – Borough Engineer Gary Ascolese provided a detailed update of flood studies and potential remediation solutions for multiple locations in the Borough. Using detailed maps, he outlined various options for intercepting and redirecting water flow. He emphasized that the Governing Body would have to determine the engineering parameters to be pursued based on anticipated future storm water totals. Governing Body consensus was for Mr. Ascolese to continue his work and move quickly to get things fixed. Mr. Ascolese planned to schedule a meeting with the Boroughs of Westwood and Paramus and the County Engineer before the next Council meeting.

Mr. Ascolese also provided an update on Kinderkamack Road improvements. He had received traffic signal, signing and striping plans from the Bergen County Assistant County Engineer Nancy Dargis for New Jersey Transit. In addition, PSE&G was scheduled to begin pole relocations by the weekend.

IX. FINANCIAL BUSINESS

- 274-15 Bill List

☞ **Motion** to approve Resolution No. 274-15 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**

X. NEW BUSINESS

Mayor Lamatina announced that there was no new business this evening.

XI. 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 November 10th, 2015 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the October 23rd, 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:**

**1511-15 AN ORDINANCE AMENDING Chapter 77, POLICE DEPARTMENT, Section 4, COMPOSITION**

Councilwoman DiPaola called a Point of Order and requested that the Governing Body discuss the reasons for initiating new ordinances before they were introduced for first reading. She asked that a discussion of this topic be placed on the next meeting agenda.

☞ **Motion** to introduce Ordinance 1511-15 on first reading was **moved** by Council President Rivers, **seconded** by Councilman Worthington, and carried by a roll call vote of 6-0.

**RC: Council members:**

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

**1512-15 AN ORDINANCE AMENDING Chapter 61, PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF, Section 5, ADOPTION OF RULES AND REGULATIONS.**

☞ **Motion** to introduce Ordinance 1512-15 on first reading was **moved** by Councilman Knoller, **seconded** by Council President Rivers, and carried by a roll call vote of 5-0.

**RC: Council members:**

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

**ABSTAIN: DiPaola**

XII. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

**1510-15 AN ORDINANCE AMENDING CHAPTER 248 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF EMERSON TO REQUIRE FULL WIDTH PAVING WHEN RECENTLY PAVED ROADS ARE EXCAVATED**

☞ **Motion** to open the meeting to comments from the public on Ordinance #1510-15 was **moved** by Councilman Paino, **seconded** by Council President Rivers and carried at 8:20 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1510-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1510-15 was **moved** by Councilman Worthington, **seconded** by Councilman Tripodi and carried.

☞ **Motion** to adopt Ordinance #1510-15 on second reading was **moved** by Council President Rivers, **seconded** by Councilman Paino 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 the **Shade Tree Commission** had awarded the bid for tree removal to Ace Tree Surgeons. Tree work would begin shortly.

Councilman Tripodi had no report.

Councilman Paino gave the September report for the **Building Department**.

Council President Rivers gave the July **Police Department** report. He also noted that there were anticipated vacancies in the Police Department which would lead to a need for a new patrol officer. He requested that the agenda be amended to include this topic.

☞ **Motion** to amend the agenda to include a discussion of beginning the hiring process for a new patrol officer 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**

The Governing Body and Mr. Hoffmann discussed the process for hiring a new officer and explained that it took significant time. It should be effective on or after January 1, 2016, taking into consideration that Police Academy classes would start in January. They noted that multiple people would be interviewed, allowing the Borough to be prepared if other officers retired.

☞ **Motion** to begin the hiring process for a new patrol officer for the Emerson Police Department 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**

Councilman Knoller gave the September **Fire Department** report. He also said there had been great turn out for the Open House for Fire Prevention Week and that it was a lot of fun.

Councilman Worthington had no report.

Mayor Lamatina had no report.

- Borough Administrator Robert Hoffmann reported on the following:
  - The Borough's utility accounts were scheduled to expire soon and all would be culled for January 2016. The utility audit was going well.
  - PSE&G would begin installing 15 poles over the weekend to minimize impact on traffic and moving the wires to the new poles in December. Notices would be hand delivered by the Police Department to businesses and alerts would be issued to residents. He anticipated minimal road closures.
  - He announced that he had been informed that he was elected President of the New Jersey Municipal Management Association.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubinstein provided follow up information to residents in response to questions at the last meeting regarding the Land Use Board and Master Plan amendments. She had conferred with Land Use Board Attorney Christopher Martin and both were of the opinion who confirmed (correction approved by Governing Body 11-10-15) that a proper vote had been taken and there had been no violation of land use or ethics law. She said that after reviewing the information herself, she concurred with Mr. Martin. She also had been advised that the Land Use Board would be re-noticing and re-hearing the meeting since there had been no audio recording and they wanted to have that available for future board members. Another hearing on the Master Plan would take place at the Land Use Board meeting of November 5<sup>th</sup>.

#### XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried at 8:40 p.m.

Cathy Hornyak, 123 Palisade Avenue commented on the Land Use Board's Master Plan amendment and resolution and potential conflicts of interest.

Ken Hoffman, 61 Emwood Drive asked questions about the Master Plan amendments and rezoning process.

Cathy Hornyak, 123 Palisade Avenue shared concerns about how quickly Master Plan amendments would move forward and asked about tax abatement and PILOT programs.

Mike Wallace, 114 Palisade Avenue inquired about the Land Use Board conducting a second public hearing on the Master Plan amendments and the process of adopting an ordinance.

Joseph Hornyak, 123 Palisade Avenue asked about the Master Plan process as it related to 99 Palisade Avenue.

Ken Hoffman, 61 Emwood Drive asked about the Master Plan and development on Linwood Avenue.

APPROVED W/CORRECTIONS FOR RELEASE & CONTENT 11-10-15

No. 19

Cathy Hornyak, 123 Palisade Avenue commented on multifamily housing concerns and COAH requirements.

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 Knoller, **seconded** by Councilman Tripodi and carried at 9:15 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 275-15

☛ **Motion** to approve Consent Agenda #275-15 was **moved** by Councilman Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0.

**RC: Council members:**

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

- Ca 276-15 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Main Street/Linwood Avenue Improvements project
- Ca 277-15 Cabbage Night & Halloween Curfew
- Ca 278-15 Award OEM Generators Purchase
- Ca 279-15 Award OEM Generator Installation
- Ca 280-15 Award Turnout Gear & Fire Dept Equipment Purchases
- Ca 281-15 Tax Appeal Adjustment – 9 Ridge Road, Block 304, Lot 9
- Ca 282-15 Tax Deduction Adjustment
- Ca 283-15 Property Tax Exemption for Disabled Veteran – Block 515, Lot 9.01
- Ca 284-15 Award Fire Dept Turnout Gear & Equipment Contract - **PULLED**
- Ca 285-15 Maintaining 4.25 Feet Of Freeboard Year Round In The Woodcliff Lake Reservoir Utilizing A Base Lake Elevation Of 91.0 Feet.
- Ca 286-15 Shared Service Agreement for Municipal Court Services with Old Tappan – three year agreement from 2016 through 2018
- Ca 287-15 Breast Cancer Awareness Month

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 288-15

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 288-15 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0 at 9:18 p.m.

**RC: Council members:**

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

#15-10/20-65 Personnel – Fire Department Information Update N.J.S.A. 10:4-8

#15-10/20-66 Rice Notice – Finance Department N.J.S.A. 10:4-8

XVII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilman Worthington, **seconded** by Councilman Tripodi and carried at 9:50 p.m.

APPROVED W/CORRECTIONS FOR RELEASE & CONTENT 11-10-15

No. 19

☛ **Motion** to have the Borough Administrator cause a notice in writing to be served to a Fire Department member against whom charges are preferred to appear at the November 10<sup>th</sup> Mayor and Council meeting 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**

XVIII. 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 9:50 p.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk