



AGENDA
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 4, 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 Worthington

Absent: Councilman Tripodi

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina announced that all Governing Body members were present at the last meeting.

IV. PROCLAMATIONS & CITATIONS

- Honoring Eagle Scout Franklin Praschil

V. APPOINTMENTS/RESIGNATIONS

Mayor Lamatina announced that there were no appointments or resignations.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of September 20, 2016
- Closed Session Meeting Minutes of September 20, 2016

Councilwoman DiPaola asked that the minutes be reviewed to ensure that she had abstained from voting on the Bill List of September 20th and that the September 20th minutes related to the Borough's Social Media policy reflect that the Mayor asked people in the Borough newsletter to friend him on Facebook in order to keep up on Borough issues.

Motion to approve the Regular and Closed Session Meeting Minutes of September 20, 2016 as amended was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 246-16 Bill List

☞ **Motion** to approve Resolution No. 246-16 Bill List was **moved** by Councilman Worthington, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

VIII. UNFINISHED BUSINESS

- Public Hearing – 2016 Bergen County Open Space Trust Fund Municipal Park Program Improvement Grant Application - Resolution to apply for funds to replace shade trees in parks and clean up the Broadway nature path.

☞ **Motion** to open the meeting to comments from the public on the 2016 Bergen County Open Space Trust Fund Municipal Park Program Improvement Grant Application - Resolution to apply for funds to replace shade trees in parks and clean up the Broadway nature path was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried at 7:37 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on this topic.

☞ **Motion** to close the meeting to comments from the public on the 2016 Bergen County Open Space Trust Fund Municipal Park Program Improvement Grant Application - Resolution to apply for funds to replace shade trees in parks and clean up the Broadway nature path was **moved** by Councilman Worthington, **seconded** by Council President Knoller and carried at 7:38 p.m.

Mr. Hoffmann explained that the application was due by October 13th and one of the criteria required was to advertise and hold a public hearing. He planned to proceed with the application.

- Kinderkamack Road lighting streetscape decision – Mr. Hoffmann had met with Borough Engineer Gary Ascolese and proposed another model of lighting to New Prince Concrete Construction Company. Both models used bolt holes in the bottom. They would evaluate the options and make a decision within 60 days.

IX. NEW BUSINESS

- Bill List Policy – Mr. Hoffmann said Councilwoman DiPaola, the Finance Chair, had discussed this topic previously and was recommending returning to a bill review/payment process that had been utilized in the past. Bills were paid at the second meeting of each month allowing more time to review vouchers. Mr. Hoffmann explained that they were considering reverting to this procedure with some exceptions. He discussed the Prompt Payment Law and noted that construction funds were required to be appropriated within 60 days.

- Best Practices Checklist – Mr. Hoffmann said the checklist was due back to the State by October 21st. It had been reviewed and if the two resolutions on the Consent Agenda were adopted, the Borough would receive a score of 90%. If the score was 85% or less, the State could review and withhold State aid. The State would be reviewing all submissions to verify accurate responses and would take action if there were inaccuracies. The Council discussed the requirement that an individual be designated to monitor PILOT agreements and emphasized the need to ensure that the appropriate PILOT funds were collected in a timely manner going forward and for past due payments as well. Mr. Hoffmann assured the Governing Body that the appropriate procedures would be implemented and payments due would be followed up on. He also addressed the audit findings related to the Recreation Commission. This finding could possibly be rectified by allowing the Recreation Commission to use a check scanner and having a part time Recreation Director be present on weekends to collect funds during sports sign ups.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that Ordinances 1534-16 and 1535-16 were being pulled from the agenda. Ms. Rubinstein explained that Ordinance 1534-16 was being pulled at the request of the Appropriate Authority. Mr. Hoffmann explained that Ordinance 1535-16 was being pulled because Borough Planner Brigitte Bogart was not able to attend the meeting to make a presentation or answer questions. Councilwoman DiPaola requested more advance notice of changes to the agenda.

First Reading:

~~1534-16 AN ORDINANCE AMENDING CHAPTER 77 POLICE DEPARTMENT, SECTION 8 "PROMOTIONS" PULLED~~

~~1535-16 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EMERSON AMENDING THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 PULLED~~

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

~~1530-16 AN ORDINANCE AMENDING CHAPTER 208, PEDDLING AND SOLICITING, OF THE CODE OF THE BOROUGH OF EMERSON - TABLED~~

☞ **Motion** to open the meeting to comments from the public on Ordinance #1530-16 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 8:07 p.m.

Bill Price, 9 Emwood Drive asked for information about the ordinance.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1530-16 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 8:09 p.m.

Councilwoman DiPaola asked if the ordinance applied to door to door campaigning and was told by Ms. Rubinstein that it did not. Council President Knoller asked to table the ordinance for further investigation.

☞ **Motion** to table Ordinance #1530-16 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

~~1531-16 AN ORDINANCE REPEALING AND REPLACING CHAPTER 104 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED, "ALARM SYSTEMS"~~
TABLED

Council President Knoller requested that this ordinance be tabled to allow for further discussion of the fee structure, cyber security issues and concerns from the Fire Official.

☞ **Motion** to table Ordinance #1531-16 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
 - The Borough had received eight proposals for architectural services in response to the Request for Proposals. A total of twenty four architects had requested proposals. The responses would be reviewed, ranked and sent to the Governing Body.
 - There was a resolution on the agenda to move forward with a contract for a new voice mail and telephone system. The payback would total one year and eight months.
 - There was a resolution on the agenda to authorize Mr. Hoffmann to submit a grant application for \$200,000 for drainage improvements and paving on Pine Drive.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 8:18 p.m.

Corey Melillo, 18 Vivian Avenue asked about redevelopment and a recent article in The Record. She was opposed to four story development downtown.

Gloria Wilson, 53 George Road expressed concerns about four story development downtown.

Mike Esqueu, 276 Kinderkamack Road expressed concerns related to four story development downtown.

Kathy Viola, 39 Linwood Avenue asked questions about redevelopment and affordable housing.

Bill Price, 9 Emwood Drive asked questions about redevelopment and affordable housing and was opposed to four story development.

Dot Haight, 84 Lincoln Boulevard asked whether affordable housing would be available to Emerson residents before being available to non-residents.

Gloria Wilson, 53 George Road asked if veterans' housing counted towards affordable housing obligations.

Ken Hoffmann, 61 Emwood Drive inquired about the redevelopment project and the total units permitted.

Ed Bueti, 91 Chestnut Street expressed concerns about four story development in the Borough.

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 Lazar, **seconded** by Council President Knoller and carried at 8:58 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 247-16

Councilwoman DiPaola requested that CA 256-16 - Approval of First Amendment to Execution of Redevelopment Agreement be pulled for a separate vote.

☞ **Motion** to approve Consent Agenda No. 247-16 without CA 256-16 - Approval of first amendment to execution of Redevelopment Agreement was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

☞ **Motion** to approve CA 256-16 only - Approval of first amendment to execution of Redevelopment Agreement was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-1.

RC: Council members:

YES: Lazar, Downing, Knoller, Worthington

NO: DiPaola

- Ca 248-16 Personnel Manual Update – per Best Practices & JIF
- Ca 249-16 Refund of Tax Overpayments (3rd Quarter 2016)
- Ca 250-16 Authorize new voice mail and telephone system for the Borough
- Ca 251-16 Resolution Requesting Approval of Items of Revenue And Appropriation NJS 40a:4-87 - in the sum of \$6,281.57 - Drunk Driving Enforcement Fund Grant
- Ca 252-16 Approve Cancellation of Completed Funded Capital Improvement Authorizations
- Ca 253-16 Resolution Requesting Approval of Items of Revenue And Appropriation NJS 40a:4-87 - 2015 Bergen County Open Space Trust Fund – Municipal Program in the amount of \$20,000.
- Ca 254-16 Approve Block Party Application – Orchard Avenue between Kinderkamack Road and Linda Place – Sat., October 22nd
- Ca 255-16 Accept 2016-2017 Senior Citizen Activity Grant from Bergen County in the amount of \$3,530
- Ca 256-16 Approval of first amendment to execution of Redevelopment Agreement
- Ca 257-16 Authorize Borough Administrator to apply for grant funding for drainage and paving on Pine Drive
- Ca 258-17 Award Main Street/Linwood Avenue Section 3 to AJM Contractors, Clifton, NJ in an amount not to exceed \$158,982.50 Pending TTF Allocation
- Ca 259-16 Designate Borough Administrator to Monitor Pilot Agreements per NJSA 40A:20-1

XV. CLOSED EXECUTIVE SESSION - Resolution No. 260-16

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 260-16 was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

#16-10/04-31	Update on status of potential litigation – Fire Dept.	N.J.S.A. 10:4-7
#16-10/04-32	Update on labor negotiations – DPW	N.J.S.A. 10:4-4
#16-10/04-33	Update on status of litigation – Just Pups	N.J.S.A. 10:4-7

XVI. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 9:21 p.m.

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 Downing and carried at 9:22 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk