



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
March 15, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:31 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 Tripodi

Absent: Councilman Worthington

Also present were Borough Administrator Robert S. Hoffmann, Alternate Borough Attorney and Special Counsel Doug Doyle and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina announced that there were no members of the Governing Body were absent from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

- Honoring Len Fabiano's years of service on the Recreation Commission

V. APPOINTMENTS/RESIGNATIONS

- Appointment of William R. MacRae, Jr. as a Probationary Member of the Emerson Volunteer Fire Department

☞ **Motion** to appoint William R. MacRae, Jr. as a Probationary Member of the Emerson Volunteer Fire Department was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried unanimously.

- Appointment of Susan Gibbons to the Emerson Board of Health as a regular member for the term ending 12/31/18

☞ **Motion** to appoint Susan Gibbons to the Emerson Board of Health as a regular member for the term ending 12/31/18 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously.

- Resignation of CMFO/Treasurer/Tax Collector Catherine Henderson effective March 31, 2016

☞ **Motion** to accept the resignation of CMFO/Treasurer/Tax Collector Catherine Henderson effective March 31, 2016 was **moved** by Councilman Downing, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of March 1, 2016

☞ **Motion** to approve the Regular Meeting Minutes of March 1, 2016 was **moved** by Council President Knoller, **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 February 23, 2016 from BCUA Executive Director Robert Laux; Re: Municipal Incentive Program Rebate
- Letter dated March 9, 2016 from Westwood Mayor John Birkner, Jr.; Re: Vivian Avenue Drainage
- Letter dated March 10, 2016 from Stephen Santola, Executive Vice President & General Counsel, Woodmont Properties; Re: Withdrawing application from consideration of redevelopment proceedings.

VIII. FINANCIAL BUSINESS

- Resolution No. 107-16 Bill List

☞ **Motion** to approve Resolution No. 107-16 Bill List excluding Item #26639 to Mr. Douglass Standriff, Esq. in the amount of \$5,046.00 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

IX. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

X. NEW BUSINESS

- RFP Presentations:
 - Hornrock Properties – Representatives of Hornrock Properties proposed a project named ‘Emerson Station’ which would consist of four buildings including a parking garage with a total of approximately 132 units. They estimated the cost to be approximately \$34 million. The first building would front Kinderkamack Road and Linwood Avenue and consist of first floor retail and two residential floors. The second building would front Lincoln Boulevard and consist of four residential floors. The third building would have first level podium parking over three levels of residential units. The fourth structure would consist of four stories of parking and be parallel to the railroad tracks.

Their proposal would promote pedestrian friendly and mixed use commercial use and revitalize the commercial core of Emerson. They noted that their proposal would increase parking and improve vehicular and pedestrian circulation. Hornrock representatives indicated they would design a storm water management plan as required. The parking garage would contain 179 parking spaces and 7 at grade would be located along the roadway to the rear with 55 set aside for commuter parking. The parking ratio for residential units would be 1/1. They proposed meeting the 20% affordable housing requirement by constructing these units at an alternative, mutually agreeable location.

Ms. Bogart inquired about different aspects of the proposal, and noted that the parking ratio was extremely low for redevelopment and local standards. She questioned Hornrock on sidewalk design, the effect of parallel parking on their building design, traffic patterns, loading/refuse spaces and building height as it related to the redevelopment plan. Ms. Bogart questioned the company on affordable housing – they noted that affordable housing would not be set aside at this location; however they would comply with the 20% affordable housing at an alternate, mutually agreeable site. Hornrock representatives said the Borough would not be expected to purchase the land.

The Council asked about keeping the retail component viable without on-street parking and their strategy to help existing businesses survive if they were interested in being part of the redevelopment. Hornrock representatives noted that accommodations would be made on a case by case basis and that details would have to be worked out once they had a concrete plan. Rental rates were also discussed. They said they would do their best to make it work. In addition, Mayor Lamatina noted that the Ambulance Corps building would have to be relocated and would expect a contribution towards construction in exchange for the land, subject to negotiation. Hornrock representatives also noted they would want to negotiate a PILOT program in the range of 10-15%.

- Capodagli Properties - Representatives of Capodagli Properties proposed a transit oriented plan comprised of three structures with a total of 140 residential units. They emphasized the safety features of their buildings including an app and security systems. The first building, a four story structure, would be residential only and restricted to residents 50 and older, with a total of 63 units. The second building would consist of two stories of 77 residential units above a retail first floor and be located on Kinderkamack Road. The third structure would be a five story parking garage containing a total of 250 parking spaces, with 55 reserved for commuters, an average of 1.4 spaces per unit. They noted that the building for seniors would contain 17 affordable housing units.

They also discussed an alternate plan if they were to incorporate the current Ranchero Cantina property into their proposal. The project would add 5000 square feet of retail, reduce the height of the parking garage to four stories but include 10 more parking spots, and have 10 more senior residential units. This plan would enable the parking garage to connect with Lincoln Boulevard and allow for easier ingress and egress. They proposed street level and rooftop bars and lounges to complement and enliven the downtown. They also discussed landscaped courtyard and dining areas which would be somewhat separated from traffic on Kinderkamack Road and help to revitalize the streetscape.

Ms. Bogart noted that their proposal only provided for 12% affordable housing, not the court mandated 20%. Mr. Capodagli agreed to commit to 20% at his company's expense.

The Governing Body asked about building heights and data related to the anticipated number of school age children. They also asked about helping current business owners and retaining the community feel of Emerson. Traffic concerns, parking issues, rental rates and the relocation of the Ambulance Corps building were also discussed.

Mr. Doyle stated that whatever developer was picked, they would have the full resources of COAH counsel working cooperatively with them and the Special Master because Emerson wanted to provide affordable housing in town.

The Governing Body requested that each company provide additional renderings and line of site perspectives and to prepare final presentations for the April 5th meeting.

XI. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that there were no ordinances being introduced.

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1520-16 BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$430,000 TO PAY THE COST THEREOF, 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 Ordinance #1520-16 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 10:01 p.m.

Paul Hulburt, 55 Jefferson Avenue was opposed to the purchase of properties adjacent to his home.

Stacey Wood, 59 Jefferson Avenue objected to the purchase and potential development of properties close to her home.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1520-16 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1520-16 only was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried.

☞ **Motion** to adopt Ordinance #1520-16 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by roll call vote of 4-1.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

NO: DiPaola

XIII. REPORTS

- Mayor and Council

Councilman Lazar discussed a safety meeting he had attended and said he was impressed by the participation and support for safety initiatives. He had also attended a JIF safety breakfast and hoped the Borough would be able to improve their score for this year and make the workplace safe. He also commended the Department of Public Works for the great job they were doing and the work they were accomplishing.

Mayor Lamatina also said the Department of Public Works was doing a great job and said the Borough was lucky to have them. He noted that the Town & Country property had been cleaned and looked much better.

Councilman Downing thanked the Recreation Commission for the great work they did on the 4th and 5th grade dance. He said that 120 children were in attendance and that it was a great event.

Council President Knoller commended the great job done by Acting DPW Superintendent Perry Solimando and the entire DPW staff. He thanked the Recreation Commission for the great job they did on the 4th and 5th grade dance and said that it encouraged more interpersonal interaction in an age of electronic interaction. He also gave the February report of the Police Department and commended them for their checks on elderly residents during extreme weather.

Councilman Tripodi commended the Recreation Commission and parents for their involvement in the social and said everyone had a great time. He also noted that the Library Board of Trustees had reported on increased circulation at the Emerson Public Library and discussed an upcoming Irish folksinger event.

Councilwoman DiPaola discussed the upcoming April 30th Annual Arbor Day Ceremony hosted by the Shade Tree Commission and said that families of those recently departed were invited and should contact the Commission by April 15th if they wanted their loved ones' names to be included in the program. She also stated that the community should do more to reach out to senior citizens and get volunteers to help them on a regular basis. She offered to spearhead a committee on this initiative.

Mayor Lamatina attended a Meals on Wheels breakfast and said this program was an example of support for aging residents. He discussed the Bergen County Board of Freeholders meeting held at Borough Hall on March 9th. Plans for Kinderkamack Road improvements required minimal revisions – fencing and guard rails and he anticipated the County going out to bid on the project in two to four weeks. He noted that the Borough would require a redeveloper to contribute to the cost of the road improvements.

- Borough Administrator Robert Hoffmann reported on the following:
 - He agreed that the special needs of senior citizens should be addressed.
 - He wished DPW Acting Foreman Tom Carlos' family well after recent health issues.
 - Borough Engineer Gary Ascolese will be presenting drainage proposals for Vivian Avenue and Jordan Road at an upcoming April meeting
 - The 2016 Municipal Budget was scheduled to be introduced at the April 5th meeting.
 - He wished CFO Catherine Henderson the best on her upcoming retirement.
 - Paving was scheduled to begin shortly on Linwood Avenue and Main Street. Work in the front of Emerson Jr./Sr. High School would not begin until after school got out for the summer.
 - The Borough's municipal road paving project list was sent to PSE&G and United Water to see where they were doing work.
- Borough Clerk Jane Dietsche had no report.
- Alternate Borough Attorney and Special Counsel Doug Doyle had no report.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 10:50 p.m.

Debbie Agnello, daughter of the owner of 188 Kinderkamack Road, said the redevelopment process was stressful for her family and asked about a statute of limitations on the process.

Dominic Scala, owner of Cork and Keg at 188 Kinderkamack Road inquired about liquor license issues as they related to redevelopment.

Corey Melillo, 18 Vivian Avenue asked about commuter parking fees and plans for commuter parking during redevelopment.

Chuck Carpenter, 25 Locust Avenue asked questions about redevelopment in the downtown corridor

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 Knoller, **seconded** by Councilman Tripodi and carried at 11:23 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 108-16

☞ **Motion** to approve Consent Agenda No. 108-16 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, Tripodi

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| Ca 109-16 | Renewal of Inactive License No. 0214-33-005-002 Jack Fricke Inc. for the license term 2013-2014 |
| Ca 110-16 | Renewal of Inactive License No. 0214-33-005-002 Jack Fricke Inc. for the license term 2014-2015 |
| Ca 111-16 | Approve authorized signatories for banking services |
| Ca 112-16 | Appointing Robert S. Hoffmann as Municipal Housing Liaison for the Borough of Emerson |

Ca 113-16 Accepting resignation of CMFO/Treasurer/Tax Collector Catherine Henderson
Ca 114-16 Appoint Lauren Roehrer as Acting CMFO/Treasurer/Tax Collector
Ca 115-16 Subject: Redeem Tax Sale Certificate – 19 Lincoln Blvd.
Ca 116-16 Transfer within 2015 Budget

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 117-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 117-16 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

#16-03/15-03 Property Review & Contract Negotiations N.J.S.A. 10:4-7

XVII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Downing, **seconded** by Councilman Tripodi and carried at 12:27 p.m.

Mr. Doyle stated that while the Governing Body was in Closed Session, the time in which the by-laws provided the meeting to end came upon them at 11:30 p.m. He added that the Governing Body has the right to extend that time and chose to do so in Closed Session. A resolution was adopted extending the time for the meeting to end until 12:15 a.m. That resolution was moved by Council President Knoller and seconded by Councilman Tripodi and carried with one abstention by Councilwoman DiPaola. At 12:15, business had not yet been concluded. A second motion was made by Council President Knoller to extend the curfew to 12:30 a.m. This motion was seconded by Councilman Tripodi and carried with a nay by Councilwoman DiPaola. Both of these resolutions took place in Closed Session and after returning to Open Session, these resolutions were memorialized and the action taken by the Governing Body in Closed Session was now being published. Any other actions taken in Closed Session would be revealed once the negotiations were concluded with developers that made presentations over the last several weeks.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 12:30 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk