



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
April 19, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:34 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 Tripod

Absent: Councilman Worthington

Also present were Mayor for the Day Amelia Teigen, 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 Worthington from the Special Meeting of April 18, 2016

☞ **Motion** to excuse the absence of Councilman Worthington from the Special Meeting of April 18, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

I. PROCLAMATIONS & CITATIONS

- Mayor for the Day – Amelia Teigen
- Honoring the 4th Grade Recreation Boys' Basketball Team for winning the Bergen County Championship
- Arbor Day Proclamation

Mayor Lamatina asked to amend the order of business to allow the Girl Scouts to speak during Open Session.

☞ **Motion** to amend the order of business to allow the Girl Scouts to speak was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously.

Two members of the Girl Scouts requested that the spruce tree “Bruce the Spruce” on Kinderkamack Road, which used to be the Borough Christmas tree, be spared during upcoming Kinderkamack Road widening and improvements. Mr. Ascolese said that he had been in contact with PSE&G and they were going to reassess their plan to see if accommodations could be made to spare the tree.

II. APPOINTMENTS/RESIGNATIONS

- Recreation Commission
 - Appointment of Anthony Gismonde as a regular member for the unexpired term ending 12/31/18
 - Appointment of Mike Graham as the Alternate I member for the unexpired term ending 12/31/19

☞ **Motion** to appoint Anthony Gismonde as a Regular member of the Recreation Department for the unexpired term ending 12/31/18 and Mike Graham as the Alternate I member for the unexpired term ending 12/31/19 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried unanimously.

III. MINUTES FOR APPROVAL

- Regular Meeting Minutes of April 5, 2016
- Closed Session Meeting Minutes of April 5, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of April 5, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

IV. CORRESPONDENCE

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

- Letter dated March 17, 2016 from Keep NJ Safe; Re: Resolution request
- Letter dated March 17, 2016 from NJ Riverkeeper Captain Bill Sheehan; Re: Mayors' Cup Reservoir Challenge, Saturday, June 11th
- Letter dated March 21, 2016 from Jennifer Schoonover, Community Manager, Relay for Life; Re: Relay for Life event on May 14-15
- Letter received March 28, 2016 from Dan Lambe, President, Arbor Day Foundation; Re: Emerson recognized as a 2015 Tree City USA
- Letter dated March 24, 2016 from Acting Commissioner Richard Hammer, NJDOT; Re: Municipal Aid Award of \$155,500 for Main Street-Linwood Avenue (Section 3) improvements
- Letter dated March 29, 2016 from Allen Bell, Esq.; Re: Home for Armenian Aged proposed modification of Developer's Agreement
- Letter dated March 31, 2016 from Acting Commissioner Richard Hammer, NJDOT; Re: Safe Routes to School – Request for Applications
- Letter dated March 29, 2016 from Bergen County Freeholder Maura DeNicola, Re: Access for All Advisory Committee
- Letter received April 4, 2016 from Senator Gerald Cardinale; Re: Request to deny parole to Christopher Rightetti
- Letter dated April 8, 2016 from Shade Tree Commission member Ken Hoffmann; Re: Kudos to Acting DPW Superintendent Perry Solimando

V. FINANCIAL BUSINESS

- Resolution No. 131-16 Bill List

Councilwoman DiPaola requested additional information on Item No. 16003 to Labor Attorneys Ruderman and Glickman in the amount of \$8,084.40. Mr. Hoffmann said he would provide her with the information the following day. The Governing Body consensus was to remove this item from the Bill List.

☞ **Motion** to approve Resolution No. 131-16 Bill List with the exclusion of Item No. 16003 in the amount of \$8,084.40 to Ruderman and Glickman was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

VI. UNFINISHED BUSINESS

- Engineer's report – drainage issues – Mr. Ascolese addressed three locations with drainage issues:
 - Analysis was being done to address drainage issues at Forest Avenue and Soldier Hill Road to provide relief before water ran to the low point on Jordan Road.
 - Vivian Avenue and Dorchester Road – Mr. Ascolese presented design parameters and noted that within the network of pipes at this location, one pipe was blocked by a sanitary sewer pipe. He proposed circumventing the blockage and running a parallel system to tie in to the existing one which would double the current drainage capacity. The estimated cost would be \$190,000. If these roads were added to an upcoming resurfacing program, the cost would decrease. He said they could approach NJDOT about funding a portion of the work or bond for the funds through a Borough ordinance.
 - Pershing Street and Vivian Avenue – Mr. Ascolese proposed the installation of a new 24 inch drainage pipe located 3 feet below the existing pipe to increase the slope and capacity. The existing pipe would then become the overflow system. He noted that two easements would be required from property owners. He said the proposed design would increase capacity by 2 to 2.5 times and handle a five year storm, providing significant relief at a projected cost of \$400,000.

The Governing Body requested that the Borough of Westwood be contacted as these drainage upgrades would significantly improve flooding issues in both communities. Mr. Hoffmann stated that grant applications were in progress, but the engineering proposals were required to be included before submission. He thanked Boswell Engineering for their work and for assistance with field issues which allowed the Department of Public Works to identify and clean out silt to increase pipe capacity.

Governing Body consensus was to review these proposals and address them at an upcoming meeting.

VII. NEW BUSINESS

- Police Department promotions discussion – Ms. Rubinstein requested that this item be pulled from Open Session as it was related to a Closed Session item.
- Police Department hiring discussion – Mr. Hoffmann explained that the Police Department Liaison, Council President Knoller, had met with Chief Rossi to discuss items for the remainder of the year. They addressed hiring another patrol officer due to the retirement of Sergeant O’Conner and the pending retirement of Chief Rossi. The previous interview process in December 2015 had ranked candidates and was valid for two years – the candidate ranked fourth was available and Council President Knoller said it made sense to hire him as a probationary officer so that he would be ready when the retirements took place. Councilwoman DiPaola was opposed to hiring an individual without an interview by the Governing Body as it would be a departure from previous procedures. Captain Michael Mazzeo addressed the Governing Body and said this candidate was a good fit for Emerson and was closely ranked with the top three candidates in the previous round of interviews. The Council discussed issues related to staffing and overtime. The question of when Chief Rossi was planning to retire was discussed.

The Council was polled as to their willingness to hire a candidate without meeting the individual for an interview. The consensus was to schedule a Special Meeting on Friday, April 22nd to interview this individual before making a final decision.

☞ **Motion** to schedule a Special Meeting to interview a candidate for a probationary patrol officer was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

VIII. 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 May 3rd 2016 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published by title in the April 22nd, 2016 edition of the Ridgewood News. 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:

1522-16 AN ORDINANCE AMENDING CHAPTER 216 PROPERTY MAINTENANCE, ARTICLE I RESIDENTIAL PROPERTY MAINTENANCE, SECTION 19 VIOLATIONS AND PENALTIES, OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance #1522-16 on first reading was **moved** by Council President Knoller, **seconded** by Councilman Downing, and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

IX. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1521-16 CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

☞ **Motion** to open the meeting to comments from the public on Ordinance #1521-16 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 9:22 p.m.

Seeing no 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 #1521-16 only was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1521-16 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

X. REPORTS

- Mayor and Council

Councilwoman DiPaola said the Shade Tree Commission would be holding their Annual Arbor Day celebration on April 30th at 3:00 p.m. in Washington Park. She said at least 30 deceased members of the community would be remembered and requested the attendance of Governing Body members at the event. She also reported that the Board of Health had discussed their open investigation of the Just Pups store and that no further information was currently available. The Board of Health had also signed an agreement with Northwest Bergen Regional Health Commission to provide health services necessitated by the retirement of Health Officer Dan Levy after 38 years of public service. She noted that the only change would be the separation of the child health conference services which would require its own contract. She also said the flu shot program would be converted to a per shot fee program as opposed to an overall contract.

Councilman Lazar said the Department of Public Works had been very active repairing the storm water system and had been doing outstanding work since the beginning of the year. He also commended them on taking state mandated classes and being proactive with safety training.

Councilman Downing discussed the Volunteer Ambulance Corps monthly report and said the Volunteer Fire Department had received numerous calls for service. He also said the Recreation Commission was planning their summer kick off with the inclusion of a DJ and band and fireworks display.

Council President Knoller gave the March Police Department report and stated that both the Police Department and the Department of Public Works were doing a great job.

Councilman Tripodi reported on the Land Use Board and said that Kuiken Brothers was planning to redo their frontage and move parking to the back of the store. They were also planning new landscaping along Kinderkamack Road. New Jersey Transit was planning a pull off for buses to help with traffic flow which Kuiken would incorporate into their new frontage.

Mayor Lamatina said the first meeting with the selected developer JMF Properties had gone well and they were discussing parameters for the developers' agreement. The developer estimated that the cost for acquiring property would be approximately \$8,000,000. Their next meeting was scheduled for May 5th. He said he had thrown out the first pitch for softball on baseball opening day and that it was a great event. He also noted that Starbucks would be coming to the next Land Use Board meeting with a site plan application.

- Borough Administrator Robert Hoffmann reported on the following:
 - A street opening ordinance was being drafted. Emerson's ordinance was currently the weakest with the lowest cost out of nine area communities. He hoped to have it adopted by the end of the summer in anticipation of fall road work.
 - He requested the Governing Body review and input on a draft letter he was preparing for Emerson residents on COAH.
 - He complimented Acting DPW Superintendent Perry Solimando for his help in filing the recycling report.
 - A storm water management report was due by April 30th and would require input from the Borough Engineer, Construction Official, Acting DPW Superintendent.
 - Property Tax Rebate forms were being filed for seniors in a timely manner. The deadline was June 10th. He noted that Administrative Assistant Lori Woods had provided outstanding customer service by delivering a PTR form to a resident who was concerned about not being able to pick it up at Borough Hall
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubenstein said that she would provide a COAH update in Closed Session.

XI. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 9:42 p.m.

Ken Hoffman, 61 Emwood Drive expressed concerns about the format and events that took place during the April 18th Special Meeting.

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 9:50 p.m.

XII. RESOLUTIONS ON CONSENT AGENDA NO. 132-16

☞ **Motion** to approve Consent Agenda No. 132-16 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

Ca 133-16	Coin-operated Laundry/Dry Cleaning License Renewal – J Fancy Cleaners
Ca 134-16	Coin-operated Laundry/Dry Cleaning License Renewal – Emerson Cleaners
Ca 135-16	Coin-operated Laundry/Dry Cleaning License Renewal – Ranch Cleaners
Ca 136-16	Coin-operated Laundry/Dry Cleaning License Renewal – Sonic Suds
Ca 137-16	Authorize Pension Payments to State of New Jersey

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 138-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 138-16 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by roll call vote of 5-0 at 9:51 p.m.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi

#16-04/19-06	Potential Litigation – COAH update	N.J.S.A. 10:4-7
#16-04/19-07	Personnel – Shared Service Agreements	N.J.S.A. 10:4-8
#16-04/19-08	Potential Litigation – Police Dept.	N.J.S.A. 10:4-7

XIV. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 11:14 p.m.

XV. 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 Tripodi and carried at 11:14 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk