



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
August 16, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:32 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, Councilman Downing, Council President Knoller, Councilman Lazar, Councilman Tripodi

Absent: Councilwoman DiPaola, Councilman Worthington

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 there were no excused absences for the July 12th Regular Meeting.

IV. PROCLAMATIONS & CITATIONS

- Emerson Historic Presentation by Clerk John Hogan

V. APPOINTMENTS/RESIGNATIONS

- Shade Tree Commission
 - Resignation of Diana Merida as Shade Tree Commission Secretary effective July 13, 2016
 - Appointment of Carolyn Ross as Shade Tree Commission Secretary effective July 14, 2016

☞ **Motion** to accept the resignation of Diana Merida as Shade Tree Commission Secretary effective July 13, 2016 was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried unanimously.

☞ **Motion** to appoint Carolyn Ross as Shade Tree Commission Secretary effective July 14, 2016 was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

- Police Department
 - Appointment of Leo Conwell and Gail Kovacs-Felici as Crossing Guards effective immediately

☞Motion to appoint of Leo Conwell and Gail Kovacs-Felici as Crossing Guards effective immediately was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.
RC: Council members:
YES: Lazar, Downing, Knoller, Tripodi
 - Appointment of Police Reserve Officers – Alex Toroslar and William Frank effective immediately

☞Motion to appoint of Police Reserve Officers Alex Toroslar and William Frank effective immediately was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 4-0.
RC: Council members:
YES: Lazar, Downing, Knoller, Tripodi

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of July 12, 2016
- Closed Session Meeting Minutes of July 12, 2016

☞Motion to approve the Regular and Closed Session Meeting Minutes of July 12, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

VII. CORRESPONDENCE

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

- Letter dated July 5, 2016 from Richard Loveless, Acting Manager, Bureau of Local Aid – District 2, NJDOT; Re: Main Street Linwood Avenue (Section 3) 2016 Municipal Aid Program
- Letter dated July 6, 2016 from Michael Russo, Director, Local Aid and Economic Development; Re: Delay of replenishment of Transportation Trust Fund Account
- Letter dated July 7, 2016 from Borough Engineer Gary Ascolese, Boswell Engineering; Re: Transportation Trust Fund/Local Aid Projects – Shut Down Order
- Letter dated July 8, 2016 from Joseph DeMauro, Senior Field Representative, NJT; Re: Request for Amended Resolution for Bust Stops on Municipal and County Roads
- Email dated July 13, 2016 from Jennifer Hill; Re: thank you for shutting down Just Pups
- Letter dated July 13, 2016 from Emerson Shade Tree Commission; Re: Approval required for tree work related to pending road widening of Kinderkamack Road
- Email dated July 14, 2016 from Janice Fisher, Puppy Mill Awareness Campaign Coordinator; Re: Just Pups licensing issue
- Letter dated July 13, 2016 from Lisa Sciancalepore, Clerk to the Bergen County Board of Chosen Freeholders; Re: Notice of passage and approval of Bond Ordinance 14-06 – “Amending Bond Ordinance Authorizing the Kinderkamack Road Improvements, Borough of Emerson Project (Phases I-III)

- Letter dated July 25, 2016 from Hon. Bonnie Mizdol, Superior Court of NJ; Re: Bail reform/speedy trial law
- Letter dated July 29, 2016 from Westwood Mayor John Birkner, Jr.; Re: Shared Service opportunities
- Email dated August 2, 2016 from Kathleen Falotico; Re: feedback regarding proposed Community Garden at Centennial Park
- Letter dated August 1, 2016 from Bergen County Executive James Tedesco, III; Re: Approval of Senior Citizen Activity grant in the amount of \$3,530
- Email dated August 4, 2016 from Robike Noll-Faries; Re: Suggestion to amend puppy mill ordinance
- Letter received August 4, 2016 from Anita Dasila, Bergen Volunteer Center; Re: 50th Anniversary Celebration
- Letter dated August 3, 2016 from Adrian Leu, President of Board of St. John of Wallachia Church; Re: Locating appropriate site for a new church
- Letter dated July 28, 2016 from Jan Blau; Re: Concerns about redevelopment project
- Letter dated August 5, 2016 from NJDOT Commissioner Richard Hammer; Re: Transportation Alternatives Program
- Email dated August 9, 2016 from Historic Preservation Chair Bill Wassmann; Re: destruction/preservation of old buildings

VIII. FINANCIAL BUSINESS

- Resolution No. 203-16 Bill List

☞ **Motion** to approve Resolution No. 203-16 Bill List was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

IX. UNFINISHED BUSINESS

- Feedback on COAH letter – Mr. Hoffmann stated that the Borough had received additional immunity until October 31, 2016 for the builder's remedy lawsuit. Ms. Rubinstein would discuss further in Closed Session.

X. NEW BUSINESS

- New phone system and voice mail for Borough – Mr. Hoffmann stated that the phones in Borough Hall were going down daily. He would recommend a new system at the September 6th meeting.
- Shared Services Opportunity with Borough of Westwood – Mr. Hoffmann said the Borough had received a letter from Westwood Mayor John Birkner asking for a discussion of potential shared service opportunities for police dispatcher services. He thought it was worth exploring. The Governing Body agreed to form a subcommittee consisting of Council President Knoller with Councilman Tripodi as his alternate, Mr. Hoffmann, and one member from each of the following department: Fire Department, Police Department and Office of Emergency Management. They would look to see if this opportunity made sense.

- Discussion of amending Chapter 140 Animals – Ms. Rubinstein said she had discussed this matter with Councilwoman DiPaola and would consider a joint task force with input from the Board of Health. She recommended a repeal and replace for the entire chapter.
- Update on Kinderkamack Road Project - Review of costs assigned to the Borough of Emerson – Mr. Hoffmann said that a preconstruction meeting was scheduled for Monday, August 22nd. The bids had issues with expenses assigned to the Borough. Borough Engineer Gary Ascolese said some costs for the Borough were much higher than the engineering estimate. He reviewed a number of alternatives to trim the cost of street lighting including solar options, the price of different models, protective bollards and purchasing versus leasing. Mr. Ascolese said he would do some more research and present options for a vote at the next meeting. Mayor Lamatina said the lighting could be taken out of the contract and done independently by the Borough. Mr. Hoffmann thanked DPW Superintendent Perry Solimando and Mr. Ascolese for their assistance with this analysis.

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 September 6th, 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 August 19, 2016 edition of the Ridgewood News. 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:

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

☞ **Motion** to introduce Ordinance #1530-16 on first reading was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

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

☞ **Motion** to introduce Ordinance #1531-16 on first reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

1532-16 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 216, PROPERTY MAINTENANCE, ARTICLE I. RESIDENTIAL PROPERTY MAINTENANCE, OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance #1532-16 on first reading was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1529-16 AN ORDINANCE OF THE BOROUGH OF EMERSON AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF EMERSON AND EMERSON REDEVELOPERS URBAN RENEWAL, LLC

☞ **Motion** to open the meeting to comments from the public on Ordinance #1529-16 only was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried at 8:43 p.m.

Jan Blau, 77 Hasbrouck Avenue asked for details of the PILOT agreement with Emerson Redevelopers Urban Renewal LLC.

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 #1529-16 only was **moved** by Councilman Downing, **seconded** by Councilman Tripodi and carried at 8:50 p.m.

☞ **Motion** to adopt Ordinance #1529-16 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

XIII. REPORTS

- Mayor and Council

Councilman Lazar said that the Department of Public Works had received 177 calls for service. They had repaved sidewalk slabs to prevent trip and falls, participated in online safety training, removed trees and trunks, repaired playgrounds as required per the Joint Insurance Fund and taken delivery of the 2017 dump sander and plow truck.

Councilman Downing had no report.

Council President Knoller gave the July report for the Police Department and reminded everyone that the Community Policing Cop Camp Out was scheduled for August 27th beginning at 4:00 p.m. Food would be served and scheduled activities included a magic show, a video truck, a campfire and breakfast the following morning. He noted that everyone had a great time last year and this year's event was anticipated with great enthusiasm. He thanked Councilman Downing and his wife Denise for hosting the recent employee appreciation luncheon. He also thanked County Clerk John Hogan for his presentation and said that Borough Clerk Jane Dietsche was the finest Municipal Clerk in Bergen County.

Councilman Tripodi had no report but said he had been approached by a resident who lived near Washington Park who was concerned about driving schools that used the area to instruct student drivers on parking technique. He said he considered it a safety issue and asked that residents contact the Police Department when this occurred.

Mayor Lamatina said the recent front page news story about upcoming Kinderkamack Road improvements written by Record reporter Andrew Wyrich was a great article. He added that work should begin on this project during the first or second week of September. He said that thankfully the Borough had Mr. Hoffmann and Mr. Ascolese on board to guide them through it. Councilman Downing asked about increasing school busing without charging students for this year so that there would be less traffic through town. Mayor Lamatina asked Bob to address this before the preconstruction meeting. He also asked that residents be kept notified when work would begin.

- Borough Administrator Robert Hoffmann reported on the following:
 - He said that a member of Councilwoman DiPaola's family was in the hospital and this had prevented her from attending this evenings' meeting.
 - Municipal road paving work had begun with curbing replacement and ADA ramps. Milling would begin on September 8th with paving done the following week.
 - Bids had been opened on August 9th for the Main Street/Linwood Avenue Section 3 paving project. He noted that this was a NJDOT grant funded project they were trying to fast track so they could get it done by the end of September. The grant funding was from the Transportation Trust Fund. Since 2015 funding was currently frozen, the project would not be able to be completed by September 30th. He explained that the Borough had 60 days to accept or reject the bid by October 7th.
 - He discussed a grant totaling \$833,000 to authorize streetscaping on Kinderkamack Road and explained there would be two phases for this grant application. The first phase was to match the streetscape on Kinderkamack Road from the Oradell border north to Alma Avenue to match the work done by the County.
 - A resolution was placed on the Consent Agenda to authorize a shared service opportunity with the Borough of Oradell for garbage and recycling services and noted that Councilman Lazar and DPW Superintendent Perry Solimando had met with representatives from Oradell.
 - He thanked the Governing Body, Councilman Downing and his wife Denise for the wonderful employee appreciate luncheon which the staff thought was wonderful. He also said that the Municipal Clerk was truly an asset to the Borough and it was a pleasure to work with her.
- Borough Clerk Jane Dietsche thanked the Governing Body and Councilman Downing and his wife Denise for the luncheon and for everyone's kind words.
- Borough Attorney Wendy Rubinstein said that her report would take place during Closed Session. She also noted that they were working to revamp Chapter 140 and move forward with COAH.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried at 9:08 p.m.

Jan Blau, 77 Hasbrouck Avenue commented on the redevelopment project and said it was based on magical thinking. He discussed traffic and trains and asked the Governing Body for careful consideration of the project.

Joe Letizia, 21 James Street, Westwood asked for an update on drainage projects for Vivian Avenue.

Maura DeNicola, Bergen County Board of Chosen Freeholders said it was good to know the Kinderkamack Road improvement project was finally moving forward. She also thanked the Council in advance for their consideration of Resolution No. 207-16 establishing an Access for All Committee. She said this would be the 30th community to adopt this resolution. She thanked Councilman Downing for communicating with her and offered to help get the word out on this initiative.

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 9:16 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 204-16

☞ **Motion** to approve Consent Agenda No. 204-16 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

- Ca 205-16 Authorizing Hiring of Part Time Deputy Court Clerk/Floater
- Ca 206-16 Authorizing Shared Service Bidding with Oradell for Garbage/Recycling Collection
- Ca 207-16 Establish Access for All Committee
- Ca 208-16 Confirming Resolution – Post for Lieutenant Position
- Ca 209-16 Bergen Municipal Employee Benefits Fund - Resolution to Renew
- Ca 210-16 Resolution Requesting Approval of Items of Revenue and Appropriations NJS 40a:4-87 - in the sum of \$3,530.00, which is now available from the 2016-17 Community Development Block Grant for Senior Activities
- Ca 211-16 Tax Lien Redemption - 348 Main St B 320, L 2
- Ca 212-16 Refund of tax overpayments (3rd quarter 2016)
- Ca 213-16 Capital Budget Amendment
- Ca 214-16 Block Party Approval – Saturday, September 17th (Rain date Sunday, September 18th) - 25 Union Street
- Ca 215-16 Authorize Administrator to advertise and hire DPW employee(s)
- Ca 216-16 Authorize Administrator to advertise and hire a Full Time Technical Assistant for the Building Department
- Ca 217-16 Authorize Administrator to purchase a voicemail and phone system for the Borough
- Ca 218-16 Resolution of the Borough of Emerson approving the application of Emerson Redevelopers Urban Renewal, LLC submitted in accordance with N.J.S.A. 40a:20-8
- Ca 219-16 Authorizing the Borough of Emerson to Apply to the New Jersey Department of Transportation for Transportation Alternative Program Funding
- Ca 220-16 Authorizing Capital Alternatives Corporation to prepare and assemble documentation on behalf of the Borough of Emerson for aid under New Jersey Department of Transportation for Transportation Alternative Program Funding for Downtown Redevelopment Project along Kinderkamack Road (Phase 2) and (Phase 3)

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 221-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 221-16 was **moved** by Councilman Tripodi, **seconded** by Council President Knoller and carried by a roll call vote of 4-0 at 9:17 p.m.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi

#14-08/16-18	Update on Status of Potential Litigation – Fire Department	N.J.S.A. 10:4-7
#14-08/16-19	Police Department – Security Update	N.J.S.A. 10:4-6
#14-08/16-20	Potential Litigation COAH	N.J.S.A. 10:4-7
#14-08/16-21	Potential Litigation – Just Pups	N.J.S.A. 10:4-7
#14-08/16-22	Real Estate - Easement Acquisition	N.J.S.A. 10:4-5

XVII. RECONVENE

☞ **Motion** to reconvene was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried at 9:54 p.m.

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 Lazar and carried at 9:55 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk