



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
September 20, 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, Councilwoman DiPaola, Councilman Downing, Council President Knoller, Councilman Lazar, Councilman Tripodi, 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

- Councilman Tripodi and Councilman Worthington for their absence from the Special Meeting of September 13, 2016

☞ **Motion** to excuse Councilman Worthington and Councilman Tripodi for their absence from the Special Meeting of September 13, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Environmental Commission
  - Appointment of Eric Shuda as a Regular Member for the unexpired term ending December 31, 2018

Mayor Lamatina announced that he was appointing Eric Shuda as a Regular Member for the unexpired term ending December 31, 2018.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of September 6, 2016
- Closed Session Meeting Minutes of September 6, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 6, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

- Special Meeting Minutes of September 13, 2016
- Closed Session Meeting Minutes of September 13, 2016

☞ **Motion** to approve the Special and Closed Session Meeting Minutes of September 13, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

VII. CORRESPONDENCE

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

- Letter dated August 16, 2016 from NJSLOM; Re: Mayors' Committee on Life Sciences
- Letter dated August 26, 2016 from Rogut McCarthy, LLC; Re: Bond Anticipation Note
- Letter dated August 26, 2016 from County Engineer Joseph Femia, PE; Re: NJDOT 2016 Transportation Alternative Program
- Letter dated August 30, 2016 from Senator Gerald Cardinale, Assemblywoman Holly Schepisi, Assemblyman Robert Auth; Re: NJDOT Transportation Alternatives Program
- Letter dated August 26, 2016 from Hon. Francis J. Leddy, Jr.; Re: Private Collections/Municipal Court

VIII. FINANCIAL BUSINESS

- Resolution No. 239-16 Bill List

☞ **Motion** to approve Resolution No. 239-16 Bill List was **moved** by Councilman Worthington, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

**RC: Council members:**

**YES: Lazar, Downing, Knoller, Tripodi, Worthington**

**ABSTAIN: DiPaola**

IX. UNFINISHED BUSINESS

- Feedback on COAH letter – Mr. Hoffmann said this item was being carried to allow him time to review the latest updates.
- Kinderkamack Road lighting streetscape decision – Mr. Hoffmann stated that he was waiting for the recommendation of the Borough Engineer and would update the Governing Body when he had more information.

X. NEW BUSINESS

- Personnel Policy – Resolution adopting Personnel Policies and Procedures Manual – Mr. Hoffmann explained that the Joint Insurance Fund required an update of the Employee Handbook every two years. It would be necessary to update several policies and procedures related to items including travel and the use of municipal vehicles. He also pointed out that the State had just released the 2016 Best Practices Checklist which might necessitate the addition or tweaking of other items in the manual. Outside employment, the prompt payment law and other items would be addressed in the manual as well so that the Borough would be able to obtain the lower deductibles from the Joint Insurance Fund.
- Facebook Posts – Councilwoman DiPaola stated that some Facebook posts by Mayor Lamatina were inappropriate and a violation of the Social Media Policy. *The Mayor asked people in the Borough newsletter to friend him on Facebook in order to keep up on Borough issues.* (Sentence added per amendment of Governing Body). She said residents seeking information about Emerson should be able to view factual Facebook postings written by Borough personnel so they would not be subject to the Mayor's personal or political postings. Mayor Lamatina stated that he disagreed with her comments. Members of the Governing Body noted that official information was available on the Borough's website and that no one was forcing people to go to the Mayor's social media page – it was each individual's personal choice to view the material of their choosing. Also discussed was whether correspondence posted by residents related to Borough concerns should be limited to official Borough communication channels to comply with the Open Public Records Act. The consequences of violating the Social Media Policy were also voiced – if there was no violation, then it was a matter of opinion. Councilwoman DiPaola said that she had brought things to Mr. Hoffmann's attention on more than five occasions and he had agreed that they were violations of the Social Media Policy but the Mayor just kept doing what he was doing. Mr. Hoffmann said he had reviewed potential posts from the Mayor. Some were good and at other times he had asked the Mayor not to post something. The Mayor had agreed. On other occasions the Borough Attorney had reviewed postings and stated they violated the policy when there was a gray area. The Mayor had complied and not posted the item. On occasion, the Mayor had respectfully disagreed and said it was a matter of personal opinion. Mr. Hoffmann said he would review the policy and the consequences of violating it and then confer with Ms. Rubinstein. The Council also debated whether the Mayor's Message in the Borough Newsletter was factual or political.

XI. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that there were no ordinances being introduced.

XII. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

**1533-16** AN ORDINANCE AMENDING CHAPTER 77, POLICE DEPARTMENT, SECTION 8, PROMOTIONS

☞ **Motion** to open the meeting to comments from the public on Ordinance #1533-16 only was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried at 7:57 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 #1533-16 only was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried at 7:57 p.m.

Ms. Rubinstein made a point of clarification to correct a typographical error within the ordinance.

☞ **Motion** to adopt Ordinance #1533-16 on second reading with the typographical correction was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington**

### XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola had no report but stated that the Shade Tree Commission was working diligently. The Board of Health would be holding a rabies clinic on November 5<sup>th</sup> from 11:00 a.m. until 12:30 p.m. at the Department of Public Works garage. Also, a flu clinic was scheduled for October 26<sup>th</sup> from 10:00 a.m. until 12:00 p.m. at the Senior Center.

Councilman Lazar discussed the fact that disposable wipes continued to clog the sewer pumps in the sanitary system in certain areas of town. DPW Superintendent Perry Solimando had put together a list of streets in the Borough where this issue was occurring. He emphasized that flushing these wipes could lead to backups and costly remediation. He requested that this information be posted to the website, the yearly garbage/recycling calendar and included in an upcoming newsletter. He also said the Department of Public Works had finished painting crosswalks and stop bars and would complete paint work at the Senior Center and Ambulance Corps parking lots shortly. They had replaced a water faucet at the Fire House which leached lead into the water. In addition, they had worked with PE&G to remove trees on Congress Road and taken 159 calls from residents. He commended the members of the department and Mr. Solimando for doing a great job.

Councilman Downing gave the August report of the Emerson Volunteer Ambulance Corps. He thanked them for helping out every night at the Assumption Church Carnival and said he appreciated all the hours the members put in as volunteers.

Council President Knoller gave the August report of the Emerson Police Department and thanked them again for hosting the Cop Camp Out. He also thanked the Governing Body for holding interviews and promoting Sergeant Mark Savino to Police Lieutenant.

Councilman Tripodi said he and Mr. Hoffmann had met with New Jersey Transit representatives to discuss repositioning where the trains stopped to allow for uninterrupted traffic flow on Kinderkamack Road and Linwood Avenue. He explained that there were a lot of challenges but NJT was planning to take their suggestion under consideration with the head engineer in Hoboken. Mr. Hoffmann said he would follow up on this. Councilman Tripodi noted there would be a lot of issues to address but they were trying to come up with a solution and were making progress.

Councilman Worthington said he ran the reservoir half marathon on September 11<sup>th</sup> and recognized the Ambulance Corps and Police Department for volunteering their time. He said these events would not happen without volunteers who dedicated their time and made these occasions special.

Mayor Lamatina said he had attended the first Kinderkamack Road project meeting at the library and noted that New Jersey Transit had set up the train schedule so as not to disrupt commuters during the morning rush hour. He detailed the train service interruptions and requested that Mr. Hoffmann prepare a memo and press release as well as alerting residents through Nixle and other forms of electronic communication. He also discussed the October 1<sup>st</sup> dedication of the Memory Garden project of Eagle Scout Franklin Praschil adjacent to the Emerson Public Library. He said it was an amazing project.

- Borough Administrator Robert Hoffmann reported on the following:
  - New Jersey Transit was preparing to begin work on the Kinderkamack Road crossing on September 23<sup>rd</sup>. He detailed the schedule and outlined vehicular detours while emphasizing that businesses and residents would receive paper copies of this information. In addition, notices would be posted at the train station, on the website and on the electronic bulletin board.
  - The Best Practices Checklist had been released by the State and consisted of thirty questions. He said his review indicated that the Borough would receive a score of ninety; therefore no state aid would be lost. He needed clarification on a few questions so the score might end up being higher.
  - The 2016 Road Paving Program had gone smoothly and was finished.
  - Drainage work had been performed on the DPW yard before it was paved. As a result, drainage issues appeared to have been corrected on nearby properties based on an inspection after two recent storms. He said the yard looked beautiful.
  - A total of 19 temporary parking spaces were being set up at the DPW yard because New Jersey Transit needed 18 parking spaces to perform railroad crossing improvement work.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubinstein had no report.

#### XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried at 8:31 p.m.

Ken Hoffman, 61 Emwood Drive inquired about his request to the Mayor to appoint two individuals to the Shade Tree Commission. He said it was hard to find volunteer - filling vacant positions aided in achieving a quorum and getting things done. He also asked about the Borough's Social Media Policy.

Joe Letizia, 21 James Street, Westwood asked if recent correspondence pertained to proposed grants for drainage improvements on Vivian Avenue.

Robert Obernauer, owner of 161 Kinderkamack Road requested that the Construction Department consider giving business owners along the Kinderkamack Road corridor a break on signage requirements due to ongoing roadwork improvements. He suggested that sandwich boards be permitted to encourage customers to patronize local businesses.

☞ **Motion** to add an item to the agenda to discuss permitting affected businesses on Kinderkamack Road to be allowed to display sidewalk signs on a temporary basis was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington**

Mayor Lamatina said the Governing Body would address this item after Closed Session.

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 Lazar and carried at 8:38 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 240-16

Mayor Lamatina announced that Consent Agenda item #243-16 was being tabled.

☞ **Motion** to approve Consent Agenda No. 240-16 without CA #243-16 Engineer Contract – Field Changes – Kinderkamack Road was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington**

Ca 241-16 Block Party Approval – 4 Crest Road – October 8<sup>th</sup> from 1:00 to 9:00 p.m.  
(Rain date October 15<sup>th</sup>)

Ca 242-16 Court Title for Court/Floater - Amend Title in Resolution 205-16

~~Ca 243-16 Engineer Contract – Field Changes – Kinderkamack Road~~ **PULLED**

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 244-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 244-16 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0 at 8:40 p.m.

**RC: Council members:**

**YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington**

#16-09/20-28 Easement Acquisition Update – Block 610 Lot 1 N.J.S.A. 10:4-5

#16-09/20-29 Update on status of potential litigation - Fire Dept. N.J.S.A. 10:4-7

#16-09/20-30 Update on labor negotiations – DPW N.J.S.A. 10:4-4

XVII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 9:17 p.m.

☞ **Motion** to assist local businesses on a temporary basis by allowing temporary advertising signs due to Kinderkamack Road detours until December 31, 2016 was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington**

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 Tripodi and carried at 9:19 p.m.

Respectfully submitted,

---

Jane Dietsche, RMC  
Borough Clerk