



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
March 16, 2015  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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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 Knoller, Councilman Paino, Council President Rivers, Councilman Tripodi

Councilman Worthington arrived at 8:48 p.m.

Also present were Borough Administrator/Clerk Joseph Kolodziej, Borough Attorney Daniel Zwillenberg, Attorney Wendy Rubinstein and CFO Catherine Henderson.

III. PROCLAMATIONS & CITATIONS

There were no proclamations or citations.

IV. APPOINTMENTS/RESIGNATIONS

There were no appointments or resignations.

V. MINUTES FOR APPROVAL

- Regular Meeting Minutes of March 3, 2015
- Closed Session Meeting Minutes of March 3, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of March 3, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried unanimously.

VI. CORRESPONDENCE

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

- Letter dated February 11, 2015 from Debbie Kingsland, NJDOT; Re: Hudson and Bergen County Complete Streets Implementation Training Workshop
- Email dated February 23, 2015 from Peter Farrell, RE: Property Taxes
- Letter dated February 20, 2015 from Robert Laux, Executive Director, BCUA; Re: Sewer Connection Fee Municipal Incentive Program Rebate
- Letter dated March 1, 2015 from John & M. Celeste Tumino; Re: Water main break

VII. UNFINISHED BUSINESS

There was no unfinished business.

VIII. NEW BUSINESS

- Budget Work Session
  - Library Board of Trustees - 7:45 – 8:00 p.m.  
Library Directory Camille Valentino and Board of Trustees member Sally Leary reviewed the library's 2014 accomplishments as well as their capital requests for 2015. They requested an additional \$8,912 over their allotment for computers and shelving.

IX. FINANCIAL BUSINESS

- Resolution #77-15 Bill List

☞ **Motion** to approve Bill List #77-15 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by a roll call vote of 5-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller**

Prior to the Introduction of the Municipal Budget, Mr. Kolodziej provided a brief overview of the 2015 Budget and answered questions from the Mayor and Council. It was noted that several departments did not submit budget requests and their budgets were either held flat or reduced. Based on changing circumstances from the initial requests, overtime was reduced in the Police Department and the Department of Public Works. A reduction to Fire Department repairs and Shade Tree Commission was a function of bringing the budget under the 2% tax levy cap and the 3.5% appropriation cap.

This introduced budget will represent a \$74 tax increase on an average assessed home of \$436,078. \$36 of this increase is due to the Special Emergency Appropriation in September 2014 to cover legal expenses. \$25 of this increase is based on returning to an Administrator and a Clerk instead of a combined position. This budget increases the Capital Improvement Fund in order to address Borough Hall facility needs and adequately budget for Legal and Engineering expenses. For the record, Ms. Henderson explained that she was not involved in the preparation of the 2015 budget.

- **1497-15** CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

☞ **Motion** to approve Ordinance #1497-15 on first reading was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 5-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller**

- Resolution #78-15 Municipal Budget Introduction

☞ **Motion** to approve Resolution #78-15 Municipal Budget Introduction was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 4-0.

**RC: Council members:**

**YES: Tripodi, Paino, Rivers, Knoller**

**ABSTAIN: DiPaola**

Mayor Lamatina announced that the Public Hearing for the 2015 Municipal Budget would take place on April 21, 2015 at 7:30 pm in the Council Chambers of the Borough Hall. Pursuant to N.J.S.A. 40A:4-6 the Budget Summary would be advertised in the April 7, 2015 edition of the Ridgewood News. Pursuant to N.J.S.A. 40A:4-(8). Copies of the approved 2015 Municipal Budget were available in the Municipal Clerk's Office and a copy would be distributed to the Emerson Public Library. In addition, the approved 2015 Municipal Budget would be posted on the borough website for public inspection in accordance with best practices.

#### X. 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 April 7, 2015 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the March 20, 2015 edition of the Ridgewood News by summary. 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:**

**1498-15 AN ORDINANCE AMENDING CHAPTER 176-3,  
"LAUNDRIES AND DRY-CLEANING ESTABLISHMENTS"**

☞ **Motion** to approve Ordinance 1498-15 on first reading was **moved** Councilman Paino, **seconded** by Council President Rivers, and carried by a roll call vote of 5-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller**

#### XI. ADOPTION OF ORDINANCES

Mayor Lamatina announced that no ordinances were being adopted this evening.

## XII. REPORTS

- Mayor and Council

Councilwoman DiPaola welcomed Ms. Henderson back and stated that the **Shade Tree Commission's** Arbor Day Ceremony would be held on April 25<sup>th</sup> at 3:00 p.m. in Washington Park. They would plant a tree in honor of any Emerson resident who had passed away in the prior year and urged people to reach out to families to let them know about the ceremony. She explained that she had abstained from voting for the Budget Introduction because she saw that the **Shade Tree Commission** and the **Historic Preservation Commission** were receiving less or no funding and thought that Council liaisons should have been told this in advance. She said that the **Shade Tree Commission** was upset at their last meeting since they did not know what their funding would be.

Councilman Tripodi had no report.

Councilman Paino thanked the Governing Body for hiring two individuals for the **Department of Public Works** and said they were doing a great job. He also gave the February **Building Department** report.

Council President Rivers gave the February report for the **Police Department**.

Councilman Knoller gave the February **Fire Department** report and noted that he had recently attended a training session. He also said that the **Recreation Commission** had held an Executive Board meeting where they discussed ways to improve communication and intended to hold more of these meetings. He had attended a budget meeting with Councilman Worthington and Mr. Kolodziej. He also said that Baseball Opening Day would take place on April 11th and that the Borough would be holding a fireworks event on June 20<sup>th</sup>. A Town Picnic was tentatively scheduled for the end of July.

Mayor Lamatina said that the **Recreation Commission** Executive Board meetings were a good idea and they had talked about holding concerts and movies for the benefit of residents. He also discussed two vacancies in downtown businesses.

- Borough Administrator/Clerk Joe Kolodziej explained the reasoning behind updating the ordinance related to issuing coin operated laundry licenses. He stated that legal bills related to the Scarpa lawsuit totaled approximately \$110,000. In addition, he said he was planning to send a list of potential new polling places to the Bergen County Board of Elections and would await their final decision.
- Borough Attorney Dan Zwillenberg said that this was his last meeting and he enjoyed working with the Borough of Emerson.

## XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried at 8:15 p.m.

Ken Hoffman, 61 Emwood Drive asked questions related to the Shade Tree Commission's budget allocation.

Chuck Carpenter, 25 Locust Avenue read a statement concerning snow emergencies and the towing of his vehicle during a recent storm

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 Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 8:30 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 79-15

☞ **Motion** to approve Consent Agenda #79-15 was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried by a roll call vote of 5-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller**

- Ca 80-15 Redeem Tax Sale Certificate – 154 Colonial Road
- Ca 81-15 LOSAP Resolution
- Ca 82-15 Computation of Reserve for Uncollected Taxes – 2015 Budget
- Ca 83-15 Enrollment of Perry Solimando in Rutgers CGS Public Works Manager Program

XV. CLOSED EXECUTIVE SESSION - Resolution No. 84-15

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 84-15 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-0 at 8:45 p.m.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller**

- #15-3/16-11 Personnel – Borough Administrator Interviews N.J.S.A. 10:4-8
- #15-3/16-12 Litigation – Scarpa v. Emerson N.J.S.A. 10:4-7
- #15-3/16-13 Palisade Avenue Property Update N.J.S.A. 10:4-5
- #15-3/16-14 Kinderkamack Road Property Update N.J.S.A. 10:4-5

XVI. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Worthington, **seconded** by Councilman Paino and carried at 12:10 a.m.

☞ **Motion** to approve Resolution No. 85-15 Settlement of Scarpa Litigation was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

☛ **Motion** to appoint Robert Hoffman as the Borough Administrator effective May 4, 2015 based upon the following terms: the appointment of the Borough Administrator is pursuant to NJSA 40A:9-136 meaning the Administrator serves at the pleasure of the Governing Body with removal on three months' notice or on payment of three months' salary in advance; the terms of the hiring of Mr. Hoffman will be a salary of \$125,000 per year prorated in 2015 with an increase to \$135,000 per year in 2016 provided Mr. Hoffman is still employed by the Borough at that time; the Borough shall pay for Mr. Hoffman's membership dues to the NJMMA (New Jersey Municipal Managers' Association) and the ICMA during his employment with the Borough; in addition Mr. Hoffman will receive four days off per year for attendance at the NJMMA meetings; Mr. Hoffman will receive no overtime or comp time as he is an exempt employee; he will receive three weeks' vacation in 2015 prorated, three weeks of vacation in 2016 and four weeks in 2017 should he still be employed by the Borough – all vacation time to be prorated if Mr. Hoffman's employment with the Borough ceases prior to the end of the year; Mr. Hoffman will be provided access to a Borough vehicle for Borough business; the Borough will pay for his attendance and hotel at the League of Municipalities convention; the Borough will provide Mr. Hoffman with a cell phone; The Borough will provide Mr. Hoffman with health, pension and other benefits per Borough policy and Borough ordinance; mandatory attendance at the meetings of the Governing Body without payment of overtime or comp time; Mr. Hoffman's start date shall be May 4, 2015; was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington**

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Council Knoller, **seconded** by Councilman Paino and carried at 12:15 a.m.

Respectfully submitted,

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Joseph Kolodziej, MPA  
Borough Administrator/Clerk