



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
August 4, 2015
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



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

Also present were Borough Administrator Robert S. Hoffmann, Borough Attorney Wendy Rubinstein and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Absence of Councilwoman DiPaola and Councilman Worthington from the Special Meeting of July 27, 2015

☛ **Motion** to excuse the absence of Councilwoman DiPaola and Councilman Worthington from the Special Meeting of July 27, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Land Use Board
 - Appointment of John DeThomasis as Class IV member for the unexpired term ending 12/31/15
 - Appointment of Steve Malone as Alternate I member for the unexpired term ending 12/31/15
 - Appointment of Norm Rieger as Alternate II member for the unexpired term ending 12/31/16
 - Appointment of Michael DeOrio as Alternate III member for the unexpired term ending 12/31/16

Mayor Lamatina announced that he was appointing John DeThomasis as a Class IV member for the unexpired term ending 12/31/15, Steve Malone as Alternate I member for the unexpired term ending 12/31/15, Norm Rieger as Alternate II member for the unexpired term ending 12/31/16 and Michael D'Orio as Alternate III member for the unexpired term ending 12/31/16.

- Emerson Volunteer Fire Department
 - Appointment of Richard Solimando as a full member
 - Appointment of Brendan Figueroa as a full member

☞ **Motion** to appoint Richard Solimando and Brendan Figueroa as full members of the Emerson Volunteer Fire Department was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by a roll call vote of 6-0.

RC: Council members:

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

- Emerson Volunteer Ambulance Corps
 - Appointment of Richard Standish as a probationary member

☞ **Motion** to appoint Richard Standish as a probationary member of the Emerson Volunteer Ambulance Corps was **moved** by Councilman Paino, **seconded** by Council President Rivers and carried by a roll call vote of 6-0.

RC: Council members:

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

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of July 7, 2015
- Closed Session Meeting Minutes of July 7, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of July 7, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

- Special Meeting Minutes of July 27, 2015
- Closed Session Meeting Minutes of July 27, 2015

☞ **Motion** to approve the Regular and Closed Session Special Meeting Minutes of July 27, 2015 with corrections to the Closed Session Special Meeting Minutes was **moved** by Councilman Tripodi, **seconded** by Councilman Paino 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 3, 2015 from Peter Grefath, Re: Annual Westwood Charity Golf Outing
- Letter dated July 1, 2015 from BC Division of Senior Services Department Director Jane Linter, Re: Bergen County Senior Picnic
- Letter dated July 7, 2015 from Nicole Florio, River Edge Planning Board Secretary; re: River Edge Historic Preservation Element of Master Plan
- Email dated July 9, 2015 from Library Board of Trustees Chair William Panza; Re: Memorial Garden
- Letter dated July 9, 2015 from East Hanover Mayor Joseph Pannullo & Piscataway Mayor Brian Wahler; Re: Mayors committee on Life Sciences
- Letter dated July 10, 2015 from DCA Commissioner Charles Richman and NJLM President/Mayor Piscataway Township; Re: Innovation in Governance Awards

- Letter dated July 13, 2015 from President Eric Betz, NJ Society of Municipal Engineers; Re: 2015 Municipal Engineering Project of the Year Awards
- Letter dated July 10, 2015 from Ellen Lambert, President, PSEG Foundation; Re: Emergency Preparedness & Response Program for children ages 2 through 6
- Letter dated July 22, 2015 from Bergen County Executive James Tedesco; Re: Bergen County Open Space Trust Fund Programs
- Letter dated July 22, 2015 from Lisa Asche; Re: Parking, speeding concerns
- Letter dated July, 2015 from Woodbridge Mayor John McCormac; Re: NJ Senior Olympics

VIII. FINANCIAL BUSINESS

- Resolution No. 194-15 Bill List

☞ **Motion** to approve Resolution No. 194-15 Bill List excluding item #25853 for Layne Roofing Inc. in the amount of \$1,500 was **moved** by Councilman Paino, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to approve item #25853 only for Layne Roofing Inc. in the amount of \$1,500 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Rivers, Knoller, Worthington

ABSTAIN: Paino

- Resolution No. 195-15 Authorize Attorney Payment not to exceed \$35,000 - Indemnification of former Borough Clerk Carol Dray – Joseph J. Scarpa III v. Borough of Emerson et al.

Resolution No. 195-15 was tabled.

- Resolution No. 196-15 Authorize Attorney Payment not to exceed \$7,256.18 - Indemnification of former Mayor Carlos Colina - Joseph J. Scarpa III v. Borough of Emerson et al.

☞ **Motion** to approve Resolution No. 196-15 Authorize Attorney Payment not to exceed \$7,256.18 - Indemnification of former Mayor Carlos Colina - Joseph J. Scarpa III v. Borough of Emerson et al. was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 5-1.

RC: Council members:

YES: Tripodi, Paino, Rivers, Knoller, Worthington

NO: DiPaola

- Resolution No. 197-15 Authorization payment to Mediator in the amount of \$2,133.00 - Joseph J. Scarpa III v. Borough of Emerson et. al.

☞ **Motion** to approve Resolution No. 197-15 Authorization payment to Mediator in the amount of \$2,133.00 - Joseph J. Scarpa III v. Borough of Emerson et. al. was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0.

RC: Council members:

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

IX. UNFINISHED BUSINESS

- Lightning Detection – Councilman Knoller explained that the Borough was experiencing ongoing issues with the lightning detection system and requested that Mr. Hoffmann contact Strike Guard to discuss continuing malfunctions. Ms. Rubinstein was instructed to write a letter to Strike Guard if Mr. Hoffmann did not receive a response within two days.
- Central Business District Proposal Update – Mr. Hoffmann said that on July 30th the Borough had received one qualified response to the Request for Proposals for the Central Business District from the Hornrock Group. A meeting was scheduled for August 11th to review the proposal with the principals. He said the committee would report back at the next Council meeting where other decisions could be made as necessary.

X. NEW BUSINESS

- Public Hearing: Grant Application for Acquisition of Open Space
 - Resolution No. 198-15 Approving Grant Application for Acquisition of Open Space

☞ **Motion** to open the meeting to comments from the public on Resolution No. 198-15 Approving Grant Application for Acquisition of Open Space was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried.

Ken Hoffman, 61 Emwood Drive asked questions related to a grant application and access to Emerson Woods. Mr. Robert Hoffmann explained that the grant application included a community garden in Centennial Park and paths in Emerson Woods made of pervious materials; it was a matching grant with \$20,000 from the County which would be matched by \$20,000 from the Borough. Mr. Ken Hoffman objected to the installation of pavers in Emerson Woods, noting that it would impact tree roots and he would therefore need approval from the Shade Tree Commission to proceed.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Resolution No. 198-15 Approving Grant Application for Acquisition of Open Space.

☞ **Motion** to close the meeting to comments from the public on Resolution No. 198-15 Approving Grant Application for Acquisition of Open Space was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

Councilwoman DiPaola stated that she thought pavers were a dangerous first step and was not in favor installing them in Emerson Woods.

☞ **Motion** to adopt Resolution No. 198-15 Approving Grant Application for Acquisition of Open Space was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 4-2.

RC: Council members:

YES: Tripodi, Rivers, Knoller, Worthington

NO: DiPaola, Paino

- Review of request from resident; Re: correspondence dated June 15, 2015 – Mr. Hoffmann explained that a resident had requested that late fees associated with her tax bill be refunded since the bill came after the deadline. The Governing Body asked about past practice and Mr. Hoffmann said he would research this and report back at the next meeting.
- Discussion of method to allow residents to pay for specific types of infrastructure and property maintenance repairs or improvements/Review of the procedures of attaching a lien on a property for the purpose of preserving the health, welfare and safety of residents

Mr. Hoffmann discussed options to allow residents to pay to remediate tree or sidewalk issues in situations where they were unable to afford the total expense upfront. He suggested the Borough set up a procedure to allow residents to pay back the cost over a one year period for smaller projects or a longer period for larger projects. In the interests of the public good, the Borough would pay for the item initially and allow residents to fully fund the project for up to ten years. The Governing Body asked Mr. Hoffmann to bring specific examples before them to explore further at an upcoming meeting.

- Grant Agreement for Capital Alternatives Corporation – Resolution No. 199-15 – Mr. Hoffmann said he had met with two grant consulting firms and the advantage to utilizing Capital Alternatives was that fees were only charged when they were able to obtain a grant.

☞ **Motion** to adopt Resolution No. 199-15 Grant Agreement for Capital Alternatives 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

- Calendar to review professional contracts – Mr. Hoffmann suggested that the Governing Body consider evaluating professional service contracts on a three year cycle to allow for future strategic planning. Mr. Hoffmann said he would draft a resolution for the next meeting and prepare to send out the requests for proposals in October.

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 1, 2015 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 7, 2015 edition of the Ridgewood News by summary. 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:

1506-15 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 1502-15 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN POSITIONS OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2015

☞ **Motion** to approve Ordinance 1506-15 on first reading was **moved** by Councilman Worthington, **seconded** by Councilman Knoller, and carried by a roll call vote of 6-0.

RC: Council members:

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

1507-15 AN ORDINANCE ESTABLISHING NEW SECTION ___ IN CHAPTER 274: VEHICLES AND TRAFFIC, ARTICLE iii PARKING, STANDING AND STOPPING OF THE 1966 CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to approve Ordinance 1507-15 on first reading was **moved** by Council President Rivers, **seconded** by Councilman Knoller, and carried by a roll call vote of 4-0.

RC: Council members:

YES: Tripodi, Rivers, Knoller, Worthington

ABSTAIN: DiPaola, Paino

XII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1505-15 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 1502-15 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN POSITIONS OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2015

☞ **Motion** to open the meeting to comments from the public on Ordinance #1505-15 was **moved** by Councilman Knoller, **seconded** by Councilman Tripodi and carried.

Ken Hoffman, 61 Emwood Drive asked for clarification of this ordinance.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1505-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1505-15 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

☞ **Motion** to adopt Ordinance #1505-15 on second reading was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 6-0.

RC: Council members:

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

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola had no report.

Councilman Tripodi had no report but asked for an update on the Hasbrouck Avenue signage. Mr. Hoffmann said he would follow up with the DPW Superintendent on this item and report back at the next meeting.

Councilman Paino had no report.

Council President Rivers gave the June **Police Department** report.

Councilman Knoller said **Fire Department** preparations for finalizing the September 11th Memorial were well underway and commended all the volunteers who had donated their time, money and materials. He also said a new fire truck was expected to arrive shortly.

Councilman Worthington had no report.

Mayor Lamatina displayed plans for the Memorial Garden which had been done pro bono by the architect. He stated that flag and tackle football registration had begun and practice would begin in two weeks.

- Borough Administrator Robert Hoffmann's report included the following:
 - Recreation Summer Camp staff was trained on CPR, choking and sun safety.
 - A survey was distributed to parents of summer campers for feedback on the Recreation Summer Camp program.
 - The September 11th monument was being funded by the Fire Department and outside donations. It was not being paid for by the Borough.
 - The Borough had received confirmation of the 2014 grant for Hillman Baseball Field.
 - He was negotiating on the terms of the PSE&G easement.
 - The 2015 Road Paving Program was scheduled to begin by the end of September.
 - The resolution to cancel the grant balance of \$50,465 for High Street Section II was pulled and the Borough will ask if the balance can be repurposed for drainage improvements or used on another DOT grant funded project.
 - The Borough's bank of record, Pascack Community Bank, was purchased by Lakeland Bank.
 - The DPW had used the Borough of Paramus' garage to repair a police vehicle as part of the shared service agreement.
 - The DPW had hired a temporary full time employee.
 - The Borough Engineer's report noted that the lines at Vivian and Pershing Avenue had been videoed and no blockages were present. The area had been surveyed and mapped.
 - He complimented Council members for their positive attitude and help, noting that the quality of work was increasing due to teamwork.
 - He thanked Councilwoman DiPaola for her help since the recent flooding as well as evaluating and planning for the future of Borough buildings.
 - He commended Councilman Tripodi for assisting with discussions related to redevelopment of the Central Business District.

- He complimented Councilman Paino for his review of the Kinderkamack Road project and his assistance with permit and drainage issues.
 - He thanked Councilman Knoller for his work on the Recreation Commission and his strategic planning for the future.
 - He praised Councilman Worthington for his strategic planning as Finance liaison and with debt ratios.
 - He thanked Council President Rivers for his recommendations on the PSE&G easement and improving services to the community as well as his assistance with reducing the hourly police rate for civic organizations.
 - He complimented Mayor Lamatina for helping to solve problems in the Borough and his leadership on the Kinderkamack Road redesign and redevelopment.
- 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 Councilwoman DiPaola, **seconded** by Council President Rivers and carried at 8:55 p.m.

Joseph Letizia, 21 James Street, Westwood thanked the Governing Body and Borough Engineer for beginning to address flooding issues by performing surveys of the impacted locations.

Ken Hoffman, 61 Emwood Drive asked about the request for proposals for the downtown business district. He also inquired about the commercial vehicle parking ordinance.

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 Rivers, **seconded** by Councilman Knoller and carried at 9:00 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 200-15

☛ **Motion** to approve Consent Agenda #200-15 with the removal of Ca 201-15 Cancellation of Grant Balances was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by a roll call vote of 6-0.

RC: Council members:

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

- Ca 201-15 Cancellation of Grant Balances - **PULLED**
- Ca 202-15 Resolution to Join Middlesex Purchasing Cooperative
- Ca 203-15 Authorize Utility Bill Audit & Cost Recovery Resolution
- Ca 204-15 Resolution to Award 2015 Shared Service Contract for Road Paving
- Ca 205-15 Appoint Borough Administrator Robert S. Hoffmann as JIF Fund Alternate Commissioner
- Ca 206-15 Appoint Borough Administrator Robert S. Hoffmann as BMED Fund Alternate Commissioner
- Ca 207-15 Increase bid threshold
- Ca 208-15 Award State & County Contracts for 2015
- Ca 209-15 Cranford Police Cooperative Pricing System
- Ca 210-15 Award Purchase of a Police Vehicle to Beyer Ford of Morristown, N.J in the amount of \$35,681.75
- Ca 211-15 Authorize payment to American Freeze Dry in the amount of \$34,863.00 for file restoration
- Ca 212-15 Authorize Insurance Restoration Specialists Inc. to restore Borough Hall and Ambulance Corps buildings from May 31st flood damage
- Ca 213-15 Block Party Approval – Highland Avenue – Saturday, September 5, 2015
- Ca 214-15 Authorize the Administrator to negotiate and secure offsite storage space for Borough records
- Ca 215-15 Authorize the Borough to hire Occupational Safety Services Inc. for an amount not to exceed \$1,600
- Ca 216-15 Authorizing Disposal of Surplus Property

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 217-15

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 217-15 was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0.

RC: Council members:

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

- #15-8/04-42 Personnel – Rice Notice – DPW N.J.S.A. 10-4-8
- #15-8/04-43 Personnel – Positions Requiring State Licenses N.J.S.A. 10-4-8
- #15-8/04-44 Property Lease/Acquisition – Borough Hall N.J.S.A. 10-4-5
- #15-8/04-45 Personnel – Rice Notice – Police Department N.J.S.A. 10-4-8
- #15-8/04-46 Personnel – Floater Position N.J.S.A. 10-4-8
- #15-8/04-47 Potential Litigation – Board of Health/Animal Control
Dog Bite Settlement N.J.S.A. 10-4-7
- #15-8/04-48 Personnel – Attorney Contract N.J.S.A. 10-4-8
- #15-8/04-49 Personnel – Rice Notice - Ambulance Corps N.J.S.A. 10-4-8
- #15-8/04-50 Personnel – Property Maintenance N.J.S.A. 10-4-8

XVII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried at 11:15 p.m.

☞ **Motion** to enter into a Memorandum of Understanding for retiring DPW Superintendent Joseph Solimando for health insurance through 2019 was **moved** by Councilman Paino, **seconded** by Council President Rivers and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to authorize Police Chief Rossi to post for the position of Police Captain was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to approve the dog bite settlement was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried by a roll call vote of 6-0.

RC: Council members:

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

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried at 11:19 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk