



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
January 16, 2018
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, Councilman Bayley, Councilwoman DiPaola, Councilman Downing, Councilman Falotico, Council President Knoller

Also present were Borough Administrator Robert Hoffmann and Borough Special Counsel Doug Doyle.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina announced that there were no excused absences that evening.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Councilman John V. Lazar effective January 8, 2018

Mayor Lamatina announced that Councilman John Lazar had resigned from the Governing Body, thanked him for his service and wished him a happy retirement.

- Nominations for Vacated Council Seat

Mayor Lamatina asked for a nomination for the Council seat vacated by former Councilman Lazar.

Motion to appoint Karen Wolf as a Councilmember for the unexpired term ending December 31, 2018 was **moved** by Councilman Falotico, **seconded** by Councilman Bayley and carried by a roll call vote of 4-1:

RC: Council members:

YES: Bayley, Knoller, Falotico, Downing

NO: DiPaola

- Appointment of Tom Carlos as the Class II member of the Land Use Board for the term ending 12/31/18

Mayor Lamatina announced that he was appointing Tom Carlos as the Class II member of the Land Use Board for the term ending 12/31/18.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of Sine Die/Reorganization Meeting of January 2, 2018

☞ **Motion** to approve the Regular Minutes of the Sine Die/Reorganization Meeting of January 2, 2018 was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried with one abstention by Councilwoman Wolf.

VII. CORRESPONDENCE

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

- Letter dated December 18, 2017 from PERMA Risk Management Services; Re: 2018 Assessment
- Resolutions from Closter, Bergenfield, Allendale, Norwood, Rutherford; Re: Mutual Aid Plan & Rapid Deployment Force – Interlocal Service Agreement
- Letter dated December 22, 2017 from NJLM; Re: Louis Bay 2nd Future Municipal Leaders Scholarship Competition
- Resolution dated December 26, 2017 from Borough of Rutherford; Re: Beekeeping regulations
- Letter dated December 27, 2017 from Arthur E. Balsamo Re: Resignation as Borough Prosecutor
- Email dated December 28, 2017 from Mary Raftery; Re: Stigma Free Symposium on January 9th
- Letter dated January 2018 from Interfaith Brotherhood/Sisterhood Committee of Bergen County; Re: Interfaith Celebration on February 19, 2018 at 4 p.m.
- Email dated January 7, 2018 from Councilman Lazar; Re: Resignation effective January 8, 2018
- Letter dated January 9, 2018 from Steven Rogut, Esq.; Re: Board of Education Bond Referendum - Special School Election - March 13, 2018
- Letter dated January 5, 2018 from Lerch, Vinci & Higgins, LLP; Re: Auditing Services
- Letter dated January 12, 2018 from Steven Rogut, Esq.; Re: Board of Education Bond Referendum - Special School Election for March 13, 2018 postponed

VIII. FINANCIAL BUSINESS

- Resolution No. 52-18 Bill List

☞ **Motion** to approve Resolution No. 52-18 Bill List was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Bayley, Knoller, Falotico Downing

ABSTAIN: Wolf

- Resolution No. 53-18 Temporary Emergency Budget

☞ **Motion** to approve Resolution No. 53-18 Temporary Emergency Budget was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Bayley, Knoller, Falotico Downing

ABSTAIN: Wolf

IX. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

X. NEW BUSINESS

- Discussion of Congressman Josh Gottheimer's Tax Cut Plan – Mr. Hoffmann provided a brief overview of Congressman Gottheimer's tax cut proposal. He added that the Congressman would be holding a conference call on January 18th to go over his proposed plan to make a portion of property taxes tax deductible by allowing the payment to be considered a tax deductible charitable contribution.
- Establishing an Ordinance Committee for 2018

Council President Knoller requested that the ordinance subcommittee established last year be reinstated so they could review existing code and work with professionals on new legislation. The subcommittee would consist of Mayor Lamatina, Council President Knoller, Councilman Falotico with Councilwoman DiPaola as the alternate.

XI. INTRODUCTION OF ORDINANCES

First Reading:

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 February 6, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the January 19, 2018 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.

1549-18 AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTIES IDENTIFIED AS BLOCK 419, LOTS 2, 3, 4 AND 6.01 LOCATED WITHIN THE BOROUGH OF EMERSON PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET SEQ. AND/OR THE FAIR HOUSING ACT N.J.S.A. 52:27D-301 ET SEQ.

☞ Motion to introduce Ordinance No. 1549-18 on first reading was moved by Councilman Falotico, seconded by Council President Knoller and carried by a roll call vote of 4-1.

RC: Council members:

YES: Bayley, Knoller, Falotico, Downing

NO: DiPaola

ABSTAIN: Wolf

XII. ADOPTION OF ORDINANCES

Mayor Lamatina announced that no ordinances were being adopted.

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola said that she, Councilman Falotico and Mr. Hoffmann would be meeting with the architects that week. In addition, the Emerson Public Library was doing a great job.

Councilman Bayley said he had attended a very informative workshop sponsored by the New Jersey State League of Municipalities for newly elected officials. He appreciated all the hard work performed by the Department of Public Works after the first snowstorm of the season. He thanked the Fire Department for including the Governing Body in their

annual holiday celebration dinner. He thanked the outgoing officers who served including Chief Brackenbury and congratulated the new officers and returning Fire Chief Tom Carlos. He would be attending a reorganization meeting of the Joint Insurance Fund with Mr. Hoffmann on January 18th.

Councilwoman Wolf had no report.

Council President Knoller congratulated Councilwoman Wolf on her appointment and congratulated former Councilman Lazar on his retirement and thanked him for his many years of service to the Borough. He discussed a meeting which had taken place on December 27th related to information technology plans and said Technology Committee wanted the Borough to take a more proactive approach rather than being reactive so as to work smarter and more efficiently. On January 6th, he had attended an orientation seminar for newly elected and reelected Borough officials and said it was very worthwhile and informative. He had also met recently with Mr. Hoffmann, CFO Lauren Roehrer and Borough Auditor Gary Higgins to review the Borough's debt service and thanked them for their diligent work. They had discussed ways to keep future tax increases low. He had attended a meeting with the Borough's grant writers, Bruno and Associates, as well as Councilman Falotico and Mr. Hoffmann, to discuss and prioritize upcoming grants. At a recent meeting with the Chamber of Commerce, they group discussed their by-laws, their structure and plans for the near future which included hosting a car show in June. They had signed a letter endorsing the bike path grant. He said upcoming meetings were scheduled to discuss grants, ordinances, financial matters.

Councilman Falotico congratulated former Councilman Lazar on his retirement and Councilwoman Wolf on her appointment. He had attended the Fire Department dinner which was a wonderful event. He had attended a recent personnel meeting with Councilman Downing and Mr. Hoffmann. The Land Use Board meeting of December 7th included a six-month review of the Starbucks construction. He noted that the employee holiday party held on December 21st was well attended. He would be meeting with New Jersey Transit the following Wednesday to work with them on improving traffic flow. There would be a discussion of an express train which had been suggested by residents. Relocating the bus stop location was a pending matter with NJT.

Councilman Downing congratulated former Councilman Lazar on his retirement and said that he would be missed. He, Council President Knoller and Police Chief Mazzeo had met to discuss plans for 2018 including clearing up parking issues. He gave the Police Department report and said the annual Fire Department dinner was very nice. He also gave the Ambulance Corps report and discussed upcoming events and efforts to encourage new members to join.

Mayor Lamatina said he had been honored to attend the swearing in of Governor Murphy who had given an inspiring speech. He had attended the Fire Department dinner and said that it was a very nice event. The kickoff events for the Mayor's Wellness Campaign would be taking place in the spring and the Board of Health was looking forward to assisting with this initiative.

- Borough Administrator Robert Hoffmann reported on the following:
 - The Borough had gone out to bid for better electrical rates. He would keep the Governing Body informed.
 - He thanked the Council for passing the temporary budget and said that would allow them to move forward with the Continental Woods drainage project which had to be completed by May.
 - There were three resolutions on the agenda related to grant funding including authorizing the survey work that needs to be done on the drainage system,

- preparing the plans and specifications by the Borough Engineer and to go out to bid to correct the problem.
 - He thanked the Governing Body and members of the community for supporting the bike path grant application.
 - He thanked former Councilman John Lazar for his service and welcomed Councilwoman Wolf, wishing her the best of success.
- Borough Clerk Jane Dietsche congratulated Councilwoman Wolf on her appointment.
 - Borough Attorney – Special Counsel Doug Doyle said items including the status of the redevelopment litigation and the settlement with Fair Share Housing would be discussed during Closed Session.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 8:08 p.m.

Joseph Cucozza, 55 Pine Drive and Ann Reneri, 49 Pine Drive thanked the Governing Body for voting to approve resolutions to reduce flooding and icing on their streets.

Toni Plantamura, owner of Dairy Queen on Kinderkamack Road expressed her opposition to proposals made by Governor Murphy including raising the minimum wage and legalizing marijuana. She also commented on traffic backups on Kinderkamack Road that were negatively impacting her business.

Gerard Marrone, 119 Patrick Avenue said he did not want the Pascack Valley train line or the Emerson station to be eliminated.

Ken Hoffman, 61 Emwood Drive questioned Councilman Bayley on his position on eminent domain.

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 Falotico and carried at 8:23 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 54-18

☞ **Motion** to approve Resolution No. 54-18 Consent Agenda with separate votes for CA 58-18 and CA 64-18 was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Bayley, Knoller, Falotico, Downing

ABSTAIN: Wolf

☞ **Motion** to approve CA 58-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 4-0.

RC: Council members:

YES: Bayley, Knoller, Falotico, Downing

ABSTAIN: DiPaola, Wolf

☛ **Motion** to approve CA 64-18 only was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 4-1.

RC: Council members:

YES: Bayley, Knoller, Falotico, Downing

NO: DiPaola

ABSTAIN: Wolf

CA 55-18	Refund of Tax Overpayments (4th Quarter 2017)
CA 56-18	Award a One Year Contract for Information Technology Services to DART Computer
CA 57-18	Authorizing Tonnage Grant Application to New Jersey Department of Environmental Protection
CA 58-18	Award Professional Services Contract on a Three-Year Cycle Per Resolution 252-15 using the “Fair and Open Process” in Accordance With the “New Jersey Local Unit Pay to Play” law, NJSA 19:44a-20.4 et seq., for Municipal Tax Appeal Attorney for the Calendar Year 2018
CA 59-18	Award Professional Services Contract on a Three-Year Cycle Per Resolution 252-15 using the “Fair and Open Process” in Accordance With the “New Jersey Local Unit Pay to Play” law, NJSA 19:44a-20.4 et seq., for Municipal Architect for the Calendar Year 2018
CA 60-18	Authorize Boswell Engineering Drainage Survey/Continental Woods (Community Development Block Grant Funding)
CA 61-18	Authorize preparation of plans and specifications for Continental Woods drainage and paving improvements (grant funded)
CA 62-18	Authorize the Borough to go out to bid for drainage improvements in Continental Woods
CA 63-18	Authorize Hiring of Tim Murphy as Department of Public Works Road Department Member Effective January 16, 2018
CA 64-18	Resolution of the Borough of Emerson Authorizing Professional Services Agreement with Phillips, Preiss Grygiel, LLC for Relocation Services

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 65-18

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 65-18 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing

#18-01/16-01	Continuation of Fire Department Hearing	N.J.S.A. 10:4-8
#18-01/16-02	Contract Negotiations – NJ Transit	N.J.S.A. 10:4-7
#18-01/16-03	Affordable Housing Litigation Update	N.J.S.A. 10:4-7
#18-01/16-04	Contract Negotiation – Recycling Collection	N.J.S.A. 10:4-7

XVII. RECONVENE

The Borough of Emerson reserves the right to return to Open Session and, if appropriate, take formal action.

☛ **Motion** to reconvene was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 9:30 p.m.

- Consideration of Resolution Requesting the Borough of Emerson Land Use Board Review and Adopt a Housing Element and Fair Share Plan

- RESOLUTION NO. 66-18 Resolution requesting the Borough of Emerson Land Use Board Review and Adopt a Housing Element and Fair Share Plan

☞ **Motion** to approve Resolution No. 66-18 Requesting the Borough of Emerson Land Use Board Review and Adopt a Housing Element and Fair Share Plan was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 4-1.

RC: Council members:

YES: Bayley, Knoller, Falotico, Downing

NO: DiPaola

ABSTAIN: Wolf

- RESOLUTION NO. 67-18 Former Fire Chief Resignation from Emerson Volunteer Fire Department

☞ **Motion** to approve Resolution No. 67-18 Former Fire Chief Resignation from Emerson Volunteer Fire Department was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Bayley, Knoller, Falotico, Downing

ABSTAIN: Wolf

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried at 9:27 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk