



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
January 19, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:31 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, Borough Engineer Gary Ascolese and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Former Councilman Steve Paino for his absence from the Sine Die Meeting of January 5, 2016

☞ **Motion** to excuse Former Councilman Steve Paino for his absence from the Sine Die Meeting of January 5, 2016 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Fire Department member Richard Talley

☞ **Motion** to accept the resignation of Fire Department member Richard Talley was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried unanimously.

- Resignation of Board of Health member Gabrielle Whited effective January 5, 2016

☞ **Motion** to accept the resignation of Board of Health member Gabrielle Whited effective January 5, 2016 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried unanimously.

- Appointment of James McDermott as a Probationary member of Emerson Fire Department

☞ **Motion** to appoint James McDermott as a Probationary member of the Emerson Fire Department was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried unanimously.

Mayor Lamatina announced the following resignations and appointments to the Land Use Board:

- Land Use Board
 - Resignation of John DeThomasis from Land Use Board effective December 31, 2015
 - Appointment of Steve Malone as Class IV member for unexpired term ending 12/31/19
 - Appointment of Norm Rieger as Alternate I member for unexpired term ending 12/31/17
 - Appointment of Michael DeOrio as Alternate II member for unexpired term ending 12/31/16

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of Sine Die/Reorganization Meeting of January 5, 2016

This item was pulled.

VII. CORRESPONDENCE

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

- Letter dated December 14, 2015 from BC Municipal Joint Insurance Fund; Re: Public Hearing, 2016 Adopted Budgets
- Letter dated December 30, 2015 from Office of the Bergen County Prosecutor John Molinelli; Re: Service as Your Prosecutor
- Letter dated December 31, 2015 from Thomas Barrett; Esq., Re: R&D Investment Company
- Letter dated January 5, 2015 from Jean Donch, Old Tappan Borough Clerk; Re: Municipal Court Administrator Resolution

VIII. FINANCIAL BUSINESS

- Resolution No. 61-16 Bill List

This item was pulled.

- Resolution No. 74-16 Adoption of 2016 Temporary Capital Budget

☞ **Motion** to approve Resolution No. 74-16 Adoption of 2016 Temporary Capital Budget was **moved** by Councilman Worthington, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

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

IX. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

X. NEW BUSINESS

- Presentation by Borough Administrator Robert S. Hoffmann - Duties & Responsibilities of Elected Officials & Professionals – Mr. Hoffmann gave a PowerPoint presentation outlining the layers of municipal government. He described the duties of municipal departments, boards and commissions. He emphasized the impact these areas have on the quality of life in communities. In addition, he reviewed the functions and powers of Governing Bodies and the role of the Administrator in local government.
- Adopt procedures for Boards/Commission/Committee Secretaries – Mr. Hoffmann discussed a resolution on the Consent Agenda that would streamline standard operating procedures for Board/Commission/Committee Secretaries to ensure consistency, transparency and compliance with state statutes.
- Resolution No. 62-16 Appointment of Borough Attorney Wendy Rubinstein and DeCotiis, FitzPatrick & Cole, LLP

The Governing Body debated the comparative fee schedule of attorneys who had submitted professional service proposals for 2016. The consensus was to reappoint Wendy Rubinstein of DeCotiis, Fitzpatrick & Cole, LLP as Borough Attorney for calendar year 2016.

☞ **Motion** to approve Resolution No. 62-16 Appointment of Borough Attorney Wendy Rubinstein and DeCotiis, FitzPatrick & Cole, LLP was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 5-1.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

NO: DiPaola

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 February 2nd, 2016 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the January 22nd, 2016 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:

1514-16 AN ORDINANCE AMENDING CHAPTER 232-3, Section I, SIGNS AND AWNINGS

☞ **Motion** to introduce Ordinance 1514-16 on first reading was **moved** by Councilman Downing, **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

1515-16 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO HILLMAN FIELD IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$35,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A COUNTY GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

☞ **Motion** to introduce Ordinance 1515-16 on first reading 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

1516-15 AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, IN ORDER TO ELIMINATE THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONE

☞ **Motion** to introduce Ordinance 1516-16 on first reading was **moved** by Councilman Downing, **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

1517-16 BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$425,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Mr. Hoffmann explained that this ordinance would fund the purchase of property for municipal purposes to improve and better serve the needs of Emerson residents. Councilwoman DiPaola led a discussion of whether a decision should be made as to what to do with the property prior to purchase. She said it was premature to purchase without a specific plan in place. Council consensus was that it was a smart investment and proper to own prior to a plan being put in place.

☞ **Motion** to introduce Ordinance 1517-16 on first reading was **moved** by Council President Knoller, **seconded** by Councilman Downing, and carried by a roll call vote of 5-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

ABSTAIN: DiPaola

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1513-16 AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, IN ORDER TO REVISE THE RC (RETAIL COMMERCIAL) ZONE TO ADD DRIVE-THRU ESTABLISHMENTS AS CONDITIONAL USES

☞ **Motion** to open the meeting to comments from the public on Ordinance #1513-16 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 8:35 p.m.

Cathy Hornyak, 123 Palisade Avenue expressed concerns and asked questions related to having a drive-thru establishment in the Borough.

Hilda Gonzales, 314 Kinderkamack Road expressed concerns related to the impact a drive-thru retail business would have on traffic.

Gary Schwinder, 99 Linden Avenue said that a drive-thru would not generate more traffic but would allow businesses to take advantage of the heavy traffic flow on Kinderkamack Road.

Borough Planner Brigitte Bogart reviewed the goals and objectives of the Land Use Board and explained that modern retailers wanted drive-thrus. She pointed out that a drive-thru establishment would not be allowed in the downtown area, only in the RC zone. She noted that it would be a conditional use to ensure the right circulation patterns and prevent traffic stacking.

Phyllis Sembos, 12 Hartland Avenue expressed opposition to the adoption of this ordinance and related concerns about potential commercialization in the Borough.

Ken Hoffman, 61 Emwood Drive asked about the RC zone and expressed concerns about increased traffic.

The Governing Body considered the relative merits of adding a drive-thru establishment. Councilwoman DiPaola said she wanted to embrace new businesses but was personally against allowing a drive-thru establishment. She wanted to see new shops and a great quality of life in town but that drive-thrus were not the way to achieve that goal. Councilman Downing opined that a drive-thru was a good thing for Emerson and would bring in more businesses. Mayor Lamatina said that there was a need to encourage businesses to come to Emerson to keep downtown businesses viable. Councilwoman DiPaola expressed concerns about the potential for litigation if an establishment wanted to open a drive-thru in another part of town and was denied a variance.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1513-16.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1513-16 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried.

☞ **Motion** to adopt Ordinance #1513-16 on second reading was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by roll call vote of 5-1.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

NO: DiPaola

XIII. REPORTS

- Mayor and Council

Councilman Lazar said he was very impressed with Acting DPW Superintendent Perry Solimando's updates and preparations for the upcoming snowstorm and said he was clearly on top of things. Mayor Lamatina also said he was very impressed with Mr. Solimando and thanked him for keeping him informed.

Councilman Downing discussed the Recreation Commission meeting where they were planning summer programs and the secretary position.

Council President Knoller gave the 2015 Emerson Police Department report. He also commended the Community Policing Unit for their donations to the Emerson Memory Garden, an Eagle Scout project of Franklin Prashil, and their donation in memory of former Police Captain David Hayes. He said the Police Department was doing a great job and looked forward to working with them this year.

Councilman Tripodi had no report.

Councilman Worthington had no report.

Councilwoman DiPaola said the Shade Tree Commission was looking forward to a very productive year. They had concerns about tree limbs which had been taken down by PSE&G and were now unsightly. She suggested that the DPW get extra training in tree trimming and removal so that they could perform this work and save the Borough money. She added that the Shade Tree Commission would be requesting a significant amount in their budget for the year to continue their good works and keep the parks safe.

Mayor Lamatina said he had attended a 'Mayors' Matter' meeting. He had met with a member of the Bergen County Economic Development group and the County Executive to discuss shared services and opening up the Borough to future economic development. He thought the County could help with filling empty business locations as well as redevelopment.

- Borough Administrator Robert Hoffmann said that a colleague in the Pascack Valley had attended a public hearing on a rate increase of 13% by Suez/United Water. He requested that the Governing Body authorize issuing a letter to the Board of Public Utilities opposing the rate increase.

☛ **Motion** to authorize the Borough Administrator to send a letter to the Board of Public Utilities opposing a rate increase by United Water was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried unanimously.

Mr. Hoffmann also said the Bergen County Municipal Court Division had approved the hiring of a Court Administrator for the Borough. In addition he reviewed the Social Media Policy and said that he intended to tighten it up and bring back his recommendations at an upcoming meeting.

Mr. Hoffmann invited Borough Engineer Gary Ascolese to provide an update on drainage issues.

Mr. Ascolese reviewed engineering proposals and costs that were being formulated to alleviate drainage issues in the area of Vivian Avenue and Pershing Street, Vivian Avenue and Dorchester Road, Jordan Road and surrounding areas. Proposals included extending drainage systems, resizing storm grates and pipes and running additional pipes into an existing system. He asked to have authorization to survey the area of Jordan Road to survey the depth, size and elevation of the existing pipes and see if they could come up with a short term solution to provide some relief.

Councilman Downing departed the Council Chambers at 9:36 p.m.

☛ **Motion** to approve Resolution No. 76-16 authorizing the Borough Engineer to survey Jordan Road to provide design concepts provided funding was in place, not to exceed \$5,700.00, and if some or all of the funds were not available, then to insert funds into the Temporary Capital Budget to fund the study was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Tripodi, Worthington

Mr. Hoffmann commended Mr. Ascolese for going to the County archives to research this flooding issue and coming up with a potential midterm solution that would provide a short term fix.

Mr. Ascolese also noted that plans for Kinderkamack Road improvements were with New Jersey Transit and they were almost done with the review. He said the project was moving ahead and almost ready for bidding. He anticipated that the project might go out to bid in February and get underway in April.

- 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 Knoller and carried at 10:00 p.m.

John Tumino, 169 Jordan Road requested a meeting to address flooding concerns.

Dot Haight, 84 Lincoln Boulevard asked questions about a resolution passed at the previous meeting related to reimbursing residents for damage to their property.

Joseph Letizia, 21 James Street, Westwood thanked the Governing Body and Mr. Ascolese for everything they were doing to resolve flooding issues in the area. He also asked about potential funding sources for flooding remediation projects.

Ken Hoffmann, 61 Emwood Drive inquired about potential plans for 58 Locust Avenue. He also asked about a recent meeting where the possibility of recreational activities at the Oradell Reservoir and Emerson Woods was discussed.

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 Lazar and carried at 10:27 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 63-16

The Governing Body requested that the title of Resolution No. 68-16 be changed to more accurately reflect the content in the body of the document and be voted on separately.

☞ **Motion** to approve Consent Agenda No. 63-16 without Resolution Ca 68-16 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Tripodi, Worthington

☞ **Motion** to approve Resolution Ca 68-16 only with the revised title was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Knoller, Tripodi, Worthington

ABSTAIN: DiPaola

Ca 64-16	Interlocal Services Agreement – Mutual Aid Plan & Rapid Deployment Force
Ca 65-16	Adopt Procedures for Board/Commission/Committee Secretaries
Ca 66-16	Rescind Resolution #54-16 and Approve JIF commissioner and alternate
Ca 67-16	Rescind Resolution #52-16 Municipal Alliance
Ca 68-16	Authorize Hiring an Architect for Analysis, Recommendations and Plans for 58 Locust Avenue and Upgrades to other Municipal Buildings
Ca 68-16	Authorize the Public Buildings, Grounds, Parks and Utilities Committee and Borough Administrator to interview, select and recommend an architect
Ca 69-16	Authorization to go out to bid for Garbage & Recycling Collection with options of one to five years
Ca 70-16	Bergen County Department of Health Services Agreement for Blood borne Pathogen Program for CY 2016-2017
Ca 71-16	Authorize Boswell Engineering to perform drainage study on Vivian Avenue and Pershing Street
Ca 72-16	Authorize Boswell Engineering to perform drainage study on Vivian Avenue and Dorchester Road
Ca 73-16	Appointment of Lauren Carnazza as Municipal Court Administrator
Ca 75-16	Authorize Mayor to Sign a Contract to Purchase 58 Locust Avenue

XVI. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 10:30 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk