



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

**Absent:** Councilwoman Wolf

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina announced that no members of the Governing Body were absent from the last meeting.

IV. PROCLAMATIONS & CITATIONS

- Honoring Boswell Engineering's First Place Award from the New Jersey Society of Municipal Engineers for the Kinderkamack Road Improvement Project
- October is Fire Prevention Month

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Board of Health and Recreation Secretary Peggy DiLello effective November 30, 2018

**Motion** to accept the resignation of Board of Health and Recreation Secretary Peggy DiLello effective November 30, 2018 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

- Historic Preservation Committee
  - Appointment of Linda Flynn as Class C member for the unexpired term ending 12/31/20
  - Appointment of Chris Wamsley as Alternate I Member for the unexpired term ending 12/31/18

Mayor Lamatina announced that he was hereby appointing Linda Flynn as a Class C member of the Historic Preservation Committee for the unexpired term ending 12/31/20. In addition, appointed Chris Wamsley as the Alternate I member for the unexpired term ending 12/31/18.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of September 4, 2018

☞ **Motion** to approve the Regular Meeting Minutes of September 4, 2018 was **moved** by Council President Knoller, seconded by Councilman Falotico and carried unanimously.

- Regular and Closed Session Meeting Minutes of September 17, 2018

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 17, 2018 was **moved** by Councilman Bayley, seconded by Council President Knoller and carried unanimously.

VII. CORRESPONDENCE

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

- Resolutions from Borough of Old Tappan, Borough of Fairview, Borough of Montvale, Borough of Closter and Borough of Bergenfield, Borough of Rochelle Park, Borough of Moonachie; Re: Opposing Proposed Rate Increases by Suez Water.
- Resolution from the Borough of North Arlington; Re: Legislature to Amend OPRA to Rely on Government Records Council as a Defense to Attorneys' Fees or to Abolish the GRC altogether.
- Email dated September 28, 2018 from Tom Brown; Re: Emerson Facebook Page Feedback.
- Resolutions from Borough of Westwood and Borough of Hasbrouck Heights, Borough of Moonachie; Re: Opposing Construction of Power Plant in North Bergen.
- Letter received from Mayor DeLorenzo of Borough of Hasbrouck Heights; Re: Opposing Suez Water Application.
- Letter received from the Office of Bergen County Executive, James J. Tedesco, III; Re: Bergen County Community Development Grant Award.
- Ordinance from Township of Washington; Re: Amending and Supplementing Article VI, Entitled "Class AA District".
- Letter received from New Jersey Society of Municipal Engineers; Re: Kinderkamack Road Improvements award for Boswell Engineering.

VIII. FINANCIAL BUSINESS

- Resolution No. 249-18 Bill List

Councilwoman DiPaola had questions about Item #18-01485 in the amount of \$25,276.50 for DeCotiis, Fitzpatrick & Cole, LLC and asked that this item be voted on separately.

☞ **Motion** to approve Resolution No. 249-18 Bill List with the exception of Item #18-01485 in the amount of \$25,276.59 for DeCotiis, Fitzpatrick & Cole, LLC 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**

A motion was made to approve Bill List Item #18-01485 but withdrawn for later discussion.

## IX. UNFINISHED BUSINESS

- Continuation of discussion of speed calming devices on Lincoln Boulevard, Ackerman Avenue, Linwood Avenue and Main Street – Mr. Hoffmann stated that Borough Engineer Gary Ascolese had presented a significant report to the Police Department for their review. The report would be distributed to the Governing Body after it had been vetted by the Police Department with their agreement and/or recommendations.
- Continuation of discussion - winter snow shoveling volunteers – Mr. Hoffmann said he had a conversation with Emerson School Superintendent Brian Gatens who thought this would be a viable community service project for students and Key Club members. Mr. Hoffmann noted that the key to success was making sure the program was sustainable. Councilwoman DiPaola said that a definite plan was needed but should not be limited to seniors; anyone who was alone or disabled or over a certain age and unable to shovel snow should be included. She was glad this issue was finally being addressed; she had brought it up several times in the past but it had gone nowhere and was thrilled that it was being implemented for those experiencing hardships.
- Suez rate increase actions – Mr. Hoffmann explained that the Governing Body had adopted a resolution opposing Suez Water's rate increase. A public hearing was scheduled before the Board of Public Utilities in Trenton in December at which time they would rule on the request. He discussed additional actions that the Governing Body could take including sending letters to BPUA representatives or discussing joint actions with fellow Pascack Valley communities. Governing Body consensus was to oppose the proposed rate increase and move forward with a group action by the Pascack Valley Shared Service group.
- Adoption of Employee Handbook Updates – Mr. Hoffmann said the Joint Insurance Fund required a bi-annual evaluation and update of the handbook. The updates had been reviewed by the Personnel Committee at two meetings as well as being evaluated and edited by the Borough's Alternate Labor Counsel. He said a resolution had been placed on the Consent Agenda to adopt the handbook, noting that future changes could be made by resolution.

## X. NEW BUSINESS

- Contract Award Main Street-Linwood Avenue Sections 4 and 5 – Grant funded project – Mr. Hoffmann explained that the Borough had received seven bids for this project which were opened on October 10<sup>th</sup>. The lowest bid was submitted by D&L Paving for a total amount of \$297,453.80. This provided the Borough with an extra \$50,000.00 in grant funding to do the next section of Main Street near the Armenian Home. A preconstruction meeting was scheduled for October 23<sup>rd</sup> and paving was scheduled to take place before winter if possible.
- Implementation of State law - sick time for part time employees – Mr. Hoffmann reviewed four changes made to sick time requirements for part time employees in the State of New Jersey which were scheduled to take effect on Monday, October 29<sup>th</sup>. One hour of sick leave would be earned for every 30 hours a part time employee worked, with a maximum allotment of 40 hours per year. It would take effect 120 days after commencing part time employment. A public hearing on this law was scheduled for November 13<sup>th</sup> in Trenton. He noted that no official guidelines had been provided by the State; he received the best information from Labor Counsel and practitioners. It would impact part time employees in the Borough including Code Enforcement Officers, Court Security Officers, Library personnel and Crossing Guards.

XI. INTRODUCTION OF ORDINANCES

**First Reading:**

Mayor Lamatina announced that no ordinances were being introduced.

XII. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

Mayor Lamatina announced that no ordinances were being adopted.

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola said that the Library Board had cancelled their last meeting. It had been tentatively rescheduled to Thursday, October 18<sup>th</sup>.

Councilman Bayley gave the monthly report of the Department of Public Works. They had purchased and installed manhole cover inserts which would reduce the volume of rainwater in the sewer system. Sewer treatment bills would be lower as a result of this project. Leaf bag distribution had begun on October 9<sup>th</sup>. Fall cleanup of all parks and fields had begun. The department had been working very hard through the two recent storms, proactively and effectively dealing with all the water.

The Environmental Commission was taking part in the production of the 2019 Recycling Newsletter and was reviewing material from other towns so as to provide the best information possible to residents. He thanked Environmental Commission Chair Tom Browne and member Walter Romanski for their work on this item. The Borough was keeping up to date with the many ways to keep employees and residents safe and holding down insurance costs through compliance.

Council President Chris Knoller said the Chamber of Commerce had rescheduled a meeting to October 10<sup>th</sup> which he had been unable to attend. He noted that the Chamber of Commerce President Frank Di Dolci had taken a position with another company; Vice President Laura Litchult would become the Acting President until the Chamber's next election. He thanked Mr. Di Dolci for the tremendous work he had done for Emerson and Chamber of Commerce events; he had been at all the Borough and Chamber events. He added that Ms. Litchult was terrific and had been at all the Borough events as well. In addition, she had spearheaded the car show which took place over the summer. The Chamber would be hosting a Veterans' Breakfast on Monday, November 12<sup>th</sup> from 9:00 a.m. until 11 a.m. at the Emerson Senior Center.

A quarterly meeting of the Finance Committee had taken place with Councilwoman Wolf, Mr. Hoffmann and CFO Lauren Roehrer to plan for the 2019 Capital and Operating Budget. He said the budget was looking good as far as where they were at for this time of year. A memo had gone out to Department Heads for Operating and Capital Budget requests. Mr. Hoffmann and Ms. Roehrer were preparing a memo for all department heads advising them to submit their operating requests, look for ways to hold the line and perhaps make cuts. He said all department heads should be commended for doing a great job keeping expenses down over the last several years, enabling a budget with either no tax increase, a minimal increase or a tax reduction. The request was also to provide items for the Capital Budget with justification for the expense as well as two and five year plans.

He and Councilman Downing had met with Police Chief Mazzeo about the upcoming Sergeant promotional process. Three candidates had been identified and would be interviewed at a Special Meeting on Monday, November 19<sup>th</sup>. He closed by discussing the street signs on Palisade Avenue and said Chief Mazzeo would be reaching out to the officers tasked with the traffic study to report back so he could present the information to the Council.

Councilman Falotico thanked Mr. Hoffmann and Department of Public Works Superintendent Perry Solimando for taking care of the issues on Hillman Field, including seeding and placing topsoil down. He noted that home plate needed to be raised up because it was now lower than the field. He had attended a Personnel Committee meeting with Councilman Downing and Mr. Hoffmann on October 5<sup>th</sup>. He reviewed the agenda items that had been discussed at the Land Use Board meeting of September 20<sup>th</sup>. He explained that bus stop locations had been updated along Kinderkamack Road to smooth the flow of traffic. The Borough was still waiting for the County to move the stop line back about six to eight feet on northbound Kinderkamack Road at Lincoln Boulevard. He planned to follow up with the County Engineer on this item

Councilman Downing gave the September monthly report of the Police Department. The Recreation Commission meeting had been cancelled and rescheduled for Thursday, October 18<sup>th</sup>. He had been looking into enhancing the summer camp program, specifically improving downtime activities in inclement weather. He had been unable to attend the Ambulance Corps meeting. He commended Borough residents for coming together for the Café family; he was overwhelmed by the show of support for the family and said this was one of the reasons Emerson was such a great town. A Winter Wonderland was not taking place this year; instead the Recreation Commission would be concentrating on a smaller event, focusing on combining the Christmas Tree Lighting celebration with refreshments and pictures with Santa. They would work with the Fire Department on this upcoming one-night event.

Mayor Lamatina said he was pleased to report that the Borough would receive a Bergen County Community Development Block Grant for \$152,625.00 for Phase III drainage and road improvements in Continental Woods. The Borough would also receive a Senior Fitness Grant in the amount of \$5,623.00. He noted that those grants were the result of the work of Council President Knoller and Mr. Hoffmann who had been diligent in having everything ready before meeting with other municipalities where they compete for a limited amount of grant funding to be divided among them after consideration of all proposals.

Mr. Hoffmann explained that the Borough Engineer would look at some key spots on George Road and Dogwood Lane. A 21" line had been put in; further down the street was an 18" line which would be replaced with a 21" line. This would alleviate flooding on Dogwood Lane and Pine Drive. There were also sink holes in the area of Sullivan Drive and neighboring streets. The next round of funding requests would be to pave the roads after the trenches were set. There was a tight deadline for the project – the construction or drainage improvements had to be completed by Friday, May 24, 2019. The deadline to submit all of the paperwork to HUD in Washington, D.C. was Friday, June 28, 2019. The Governing Body would be asked to authorize the plans and specifications at the last meeting in December so the Borough could go out to bid in January of 2019, award the project in February, and do work in March and April.

Mr. Hoffmann also noted that the Borough had received a grant award for the Senior Citizens Club for a Senior Fitness Program. He thanked Senior Club President Ken Roman and Joe DiGeronimo for helping to review the new application guidelines last year and initiate a yoga and core exercise program. For the next round of grant applications, they would be focusing on cognitive exercises.

The Borough received a \$25,000.00 Open Space matching grant at Washington Oak Park which needed to be expended by August 1, 2020. Preliminary plans included enhancing the playground area, repairing and expanding walking paths and doing additional park plantings.

Mayor Lamatina said that he, Councilwoman Wolf and Councilman Bayley had attended a Fire Department meeting to address concerns with regard to the firehouse. He said the Fire Department was appreciative of their acknowledgement that the Borough would need to expend capital funds to repair the roof, the sinking floor and the outside ladder steps next year.

- Borough Administrator Robert Hoffmann reported on the following:
  - The Fire Department had discussed its Capital needs with the Finance Committee. The priorities were the floor, wall and stairs. Cracks had been developing in the floor because the concrete was only four to eight inches thick. It needed to be stabilized to allow parking of the 80,000-pound fire truck. Once that repair was made, they would fix the cracks in the wall and then the outside ladder stairs. This capital project would be funded by money coming back from the County for the Kinderkamack Road in the approximate amount of \$171,000.00. The Borough would use the funds to pay down the remaining bond which would free up money in 2019 to be allocated for a Capital Ordinance to help the Fire Department.
  - Leaf bags would be distributed to residents until Thursday, November 8<sup>th</sup>. He said further information was available on the Borough website and in the Recycling Newsletter.
  - The Bill List included payments for porous pavers made of recycled plastic on Glenwood Avenue. A roll off truck was brought in to test the material and make sure it could hold the weight. Everything was fine. Vehicles would be able to park at this location around November 1st after one more seeding and fertilizing.
  - He provided an update based on a public comment from a resident at the September 17<sup>th</sup> Council meeting who stated that the Fire Department did not respond to a call on August 31<sup>st</sup>. Mr. Hoffmann explained that an alarm was called in at 590 Old Hook Road and that both the Boroughs of Emerson and Westwood had responded. It turned out to be a false alarm from an overflowing toilet which shorted a smoke detector head. He noted that based on new protocol which became effective in January of 2017, whenever an alarm went off at a senior facility, school or hospital, both the Emerson and Westwood Fire Departments would be dispatched to make sure there were enough responders. The Emerson Fire Department did respond but the firetruck was cancelled because Westwood had already stopped by. He commended the forward thinking of both departments which ensured that schools, seniors and hospitals were protected. He said that people should not be unjustly alarmed by the resident's complaint.
  - Problems with recycling were growing across the country and world. He noted that the Borough's recycling contractor owned the product but that would probably change the next time Emerson went out to bid. He said recycling rates would be significantly higher in the future. In May of this year, China decided not to accept recycling from the United States and other countries. We must work better as a community, region, state and country to change everyone's mindset and make recycling more of a reusable resource. There was a need to do a better job of educating residents and reducing contamination of recycled materials.

- He followed up on Councilwoman DiPaola's request to look into having a Borough Facebook page that would alert residents with outbound messages and integrate with other platforms. He had met with the Franklin Lakes Administrator who explained that they had interns who were able to devote significant time to help. An IT consultant would be required to set it up so that it would comply with OPRA guidelines including installing software that would archive all messages. Councilwoman DiPaola noted that there was also software that would streamline posting social media messages across multiple platforms and said the newest postings would be more obvious to users than they are on the current website. He said that GovOffice, the Borough's website vendor, was in the process of updating the current Borough website.
- He read an email from the family of Kevin Mullane, a former DPW employee who had been injured in a motorcycle accident, with good news about his current condition and thanks to everyone for all their help.
- Borough Clerk Jane Dietsche stated that late night voter registration for the General Election was available to residents until 9:00 p.m. that evening.
- Borough Attorney Wendy Rubinstein said she would give her report during Closed Session.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried at 8:57 p.m.

Ken Hoffman, 61 Emwood Drive opined that Resolutions No. 263-18 and No. 264-18 were placed on the agenda that day in violation of the Governing Body's bylaws and wondered why this would have been done at the last minute. He asked if everyone on the Governing Body knew in advance that these two items were going to be placed on the agenda that afternoon.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 9:01 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 250-18

☞ **Motion** to approve Consent Agenda Resolution No. 250-18 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**

- CA 251-18 Award contract for Main Street-Linwood Avenue Paving Sections 4 & 5 to D&L Paving Contractors in the amount of \$297,453.80
- CA 252-18 Renewal of Inactive License #0214-33-005-002 Jack Fricke Inc. for the license term July 1, 2018 through June 30, 2019 - Special Ruling
- CA 253-18 Authorize purchase of Fire Department 2018 SUV
- CA 254-18 Form of Resolution Requesting Change in Title, Text, or Amount of Appropriation Pursuant to NJS 40a:4-85 - Re-appropriate from the Matching Funds for Grants to the Municipal Alliance on Alcohol and Drug Abuse Local Share required to cover the Municipal Alliance Local Match in the amount of \$2,469.00

- CA 255-18 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87
- CA 256-18 Resolution for Local Employers to offer an incentive under the State Health Benefits Program.
- CA 257-18 Authorizing Hiring of Part Time Police Dispatcher Eric Wegner
- CA 258-18 Authorizing Hiring of Part Time Part-time Police Dispatcher Ryan Lewis
- CA 259-18 Resolution Authorizing \$25,000.00 Grant for Washington Oak Park
- CA 260-18 Cabbage Night and Halloween curfew
- CA 261-18 Accept Update of Employee Handbook Per Bergen Joint Insurance Fund (JIF) Requirements

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 262-18

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 262-18 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**

- #18-10/16-23 Potential Litigation/Contract Enforcement: Hillsdale Ambulance Corp N.J.S.A. 10:4-7
- #18-10/16-24 Potential Litigation – Use of Recreation Facilities N.J.S.A. 10:4-7
- #18-10/16-25 Ongoing Litigation - Redevelopment Challenge 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, seconded** and carried at 10:12 p.m.

☞ **Motion** to approve Resolution No. 249-18 Bill List Item #18-01485 in the amount of \$25,276.59 for DeCotiis, Fitzpatrick & Cole, LLC which was being paid out of escrow by the developer and was not taxpayer money 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**

- Resolution No. 263-18 Resolution Authorizing the Execution of a Memorandum of Agreement Between the Borough of Emerson, Delores Della Volpe, Trustee and Emerson Redevelopers Urban Renewal, LLC

Special Counsel Doug Doyle explained that the resolution resolved all the litigation associated with designation of the Redevelopment area and recognized that an agreement had been reached between the property owners and the developer to sell the properties for a price that has been determined between them. Eminent domain would not be required and the municipality would be able to move forward with the settlement that was reached with the Fair Share Housing Center to build the project in a way that benefited Emerson and low and moderate income tenants.

Councilwoman DiPaola asked if the Governing Body would be the first party signing the agreement. Mr. Doyle stated that he had received an email from the developer, JMF Properties, indicating that they would sign. In addition, the agreement came from Mr. DeAngelis' office, the property owners' attorney, which asked the Mayor to sign it so the agreement was in a form acceptable to them. Mr. Doyle recommended that the Governing Body authorize Mayor Lamatina to sign it.

Councilwoman DiPaola said she was very uncomfortable with a lot of the language discussed in Closed Session. She noted that she received the documents at 4:50 p.m. that day, and while Mr. Doyle explained why, she felt it was unfair and had a trust issue. She noted that this was a very huge decision that would permit four stories.

Mr. Doyle said that the Redevelopment Plan for the area authorized the permitted height; any developer could come in and build. This agreement did not create that height. He explained that the adoption of the Redevelopment Plan provided the zone for that area and gave the authority to be able to build. This agreement did not do that; it memorialized that a redeveloper was willing to build the number of units necessary to settle with Fair Share Housing and build low and moderate income housing. JMF was willing to do that and the property owners were willing to sell to JMF.

Councilwoman DiPaola said that the reason the Governing Body would be the first party signing it, which she did not agree with, was to give confidence to the seller. Mr. Doyle said they wanted to make sure that the property owners received the price they wanted; if it did not close, the municipality would not take their property by eminent domain. He said that the Governing Body never wanted to take anybody's property under eminent domain – they just wanted the project done.

Councilwoman DiPaola said she was going to abstain on this because she did not think she was ever going to get the real information she wanted. When something came to the table two or three weeks before an election, and she received it at 5:00 p.m. before a meeting, she had a very big trust issue about what the real purpose of the Borough being the first one to sign a Memorandum of Agreement. There was no agreement between the property owner and the seller and she did not have enough information because she did not see all the emails exchanged in the scurry to get this done.

☞ **Motion** to approve Resolution No. 263-18 Resolution Authorizing the Execution of a Memorandum of Agreement Between the Borough of Emerson, Delores Della Volpe, Trustee and Emerson Redevelopers Urban Renewal, LLC was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 4-0:

**RC: Council members:**

**YES: Bayley, Knoller, Falotico, Downing**

**ABSTAIN: DiPaola**

- Resolution No. 264-18 Resolution Authorizing the Execution of a Memorandum of Agreement Between the Borough of Emerson, 214 Kinderkamack Properties, LLC And Emerson Redevelopers Urban Renewal, LLC

Councilman Downing asked if this was basically an agreement sent by the sellers Counsel for the Governing Body to sign. He asked if this was everything the two property owners who were in litigation with the Borough wanted.

Mr. Doyle confirmed that this was correct and added that the property owners asked that the Governing Body execute this. They have also asked for an indication that the redeveloper would execute this. The Redeveloper had indicated that at 4:00 p.m. that same day. Councilman Downing asked if all of the property owners' objections were done because they were happy with what they were getting and had given the Governing Body that document to move forward. Mr. Doyle agreed.

Councilwoman DiPaola asked why the property owners had not signed the agreement yet. Councilman Downing said he believed that the sellers, as a sign of good faith, wanted confirmation the Governing Body was taking eminent domain off the table which was one of the specifications of the agreement.

Councilwoman DiPaola said that it also meant that they had to agree to the plans as they were submitted by JMF. Ms. Rubinstein responded that if JMF's plans complied with the zoning for the redevelopment area they would be approved as a matter of right. The Governing Body would not be agreeing to anything – it was what the zone was. Councilwoman DiPaola said that this meant four stories. Ms. Rubinstein explained that this is what the zoning was; it was already the law. Councilwoman DiPaola said that if the Governing Body voted yes on the Memorandum of Agreement, they were agreeing to four stories. Ms. Rubinstein said they agreed to four stories over a year ago. Councilwoman DiPaola said she did not agree to that. Ms. Rubinstein said that was the zoning that already existed for that block. Councilwoman DiPaola said a great majority of the town did not want four stories. Ms. Rubinstein said what they were agreeing to was not to change zoning. The zoning already existed. The Governing Body would be agreeing to authorize the Mayor to enter into a Memorandum of Agreement which would end the litigation on the redevelopment designation challenge and which the Governing Body would agree to take eminent domain off the table regardless. Councilwoman DiPaola said she was glad that everyone finally agreed with her because she voted no on eminent domain and four stories and anything to do with overdevelopment in the downtown from the beginning.

☞ **Motion** to approve Resolution No. 264-18 Resolution Authorizing the Execution of a Memorandum of Agreement Between the Borough of Emerson, 214 Kinderkamack Properties, LLC And Emerson Redevelopers Urban Renewal, LLC was **moved** by Councilman Falotico, **seconded** by Councilman Downing and carried by a roll call vote of 4-0:

**RC: Council members:**

**YES: Bayley, Knoller, Falotico, Downing**

**ABSTAIN: DiPaola**

#### 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 Council President Knoller and carried at 10:23 p.m.

Respectfully submitted,

Jane Dietsche, RMC  
Borough Clerk