



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 17, 2017
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. 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 Downing, Councilman Lazar, Councilman Worthington

Absent: Councilman Falotico, Council President Knoller

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 said that no members of the Governing Body were absent from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

There were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Resolution No. 251-17 Police Officer Cody Scheidle – Permanent Appointment

☞ **Motion** to adopt Resolution No. 251-17 Appointing Officer Cody Scheidle to Permanent Appointment in the Emerson Police Department was **moved** by Councilman Downing, **seconded** by Councilman Worthington and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of September 19, 2017

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 19, 2017 was **moved** by Councilman Downing, **seconded** by Councilwoman DiPaola and carried unanimously.

- Regular and Closed Session Meeting Minutes of October 3, 2017

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 19, 2017 was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried unanimously.

VII. CORRESPONDENCE

Mayor Lamatina stated that the correspondence was available in the Office of the Municipal Clerk.

- Resolution dated September 18, 2017 from Borough of Carlstadt; Re: Opposing the implementation of new rules N.J.A.C. 5:30-18.1 and 18.2 propose by the Local Finance Board regarding Employee Compensation disclosure
- Letter dated September 15, 2017 from the Department of Transportation informing Emerson Borough that we will receive an allotment of \$145,000 for the Vivian Avenue Drainage Improvement
- Letter dated September 26, 2017 announcing that applications will now be accepted for the NJDOT Fiscal Year 2018 Local Freight Impact Fund
- Letter dated October 10, 2017 from the Borough of River Edge; Re: Notice of Hearing Historic Preservation Element River Edge Master Plan
- Letter dated October 11, 2017 from the Port Authority of NY&NJ; Re: Widen bicycle-pedestrian paths on the George Washington Bridge to comply with national standards
- Resolutions Supporting of the Widening of the George Washington Bridge Sidewalks
- Resolutions Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act.

VIII. FINANCIAL BUSINESS

- Resolution No. 252-17 Bill List

☞ **Motion** to approve Resolution No. 252-17 Bill List was **moved** by Councilman Downing, **seconded** by Councilman Worthington and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

- Resolution No. 253-17 RESOLUTION OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$100,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF EMERSON IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST CONSTRUCTION FINANCING PROGRAM.

☞ **Motion** to approve the Resolution No. 253-17 was **moved** by Councilman Downing, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

IX. UNFINISHED BUSINESS

- Discussion and decision on Community Block Grant applications – Mr. Hoffmann said he was following up on the discussion at the previous meeting where he had asked the Governing Body to consider applying for grants for additional drainage improvements in the Continental Woods area and Senior Citizen activities. Governing Body consensus was to agree to submit Community Block Grant applications for these two items.

X. NEW BUSINESS

- County Road Paving Contract Evaluation – Mr. Hoffmann discussed the status of a contract which the County wanted all municipalities to sign before paving County roads. Municipalities would be required to do the work behind the curb line. He shared his concerns and explained that they were ironing out the wording of the contract. He thanked Borough Engineer Gary Ascolese and Ms. Rubinstein for their input. It was necessary for the Borough to do its due diligence to make sure there was not a need to bond for work that did not make sense. The County was planning to pave Soldier Hill Road and Kinderkamack Road during the late summer and into the fall of 2018. He said he would report back at the next meeting.

XI. INTRODUCTION OF ORDINANCES

No ordinances were introduced.

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1547-17 AN ORDINANCE AMENDING CHAPTER 208-9, PEDDLING AND SOLICITING, LICENSE FEES OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance 1547-17 only was **moved** by Councilman Downing, **seconded** by Councilman Worthington and carried unanimously.

Seeing no hands, Mayor Lamatina asked for motion to close the meeting to the public on Ordinance 1547-17 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1547-17 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried unanimously.

☞ **Motion** to adopt Ordinance 1547-17 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola said the Library was doing well. The Friends of the Library group had started up again to provide assistance and support. She noted that the children's programs were well attended and were a great way for families to get acquainted and socialize before school began. A paranormal activity was scheduled for October 26th and Wednesdays were movie nights for children's and adults. She encouraged everyone to visit the Library. In addition, she followed up on previous discussions related to televising Council meetings and offered options for initiating this process. She explained that there was an individual who recorded and televised meetings for other municipalities who would charge \$200 per meeting. Governing Body consensus was to invite Nick Besink to the next meeting to present his proposal.

Councilwoman DiPaola also provided information related to a recent meeting she had attended with the architects from the Axis Group as well as Councilman Falotico and Mr. Hoffmann. Among the topics reviewed were structural issues at the Firehouse, rearranging some buildings and relocating the Ambulance Corps facility. Options for an addition or building a new Borough Hall were discussed. A presentation on the Department of Public Works and Firehouse was scheduled for the November 21st meeting. A second presentation on options for Borough Hall would take place at the following meeting in December.

Councilman Lazar gave the Department of Public Works October report and reviewed items including the fact that Cinelli Iron and Metal had gone out of business and owed funds to the Borough. Members of the department were constructing new office space for the Building Department in the former garage on the first floor. Leaf bag distribution had begun. He commended the department for being very proactive in resolving flooding issues by cleaning out storm water retaining pits in Emerson Woods and meeting Department of Environmental Protection regulations. They had also replaced stolen street signs and prepared equipment for winter. He also praised them on their safety record and commended them for being proactive by taking training courses. The October report for the Building Department was also presented and he said that two part time Property Maintenance employees were doing a good job making the town look good.

Councilman Downing said the Fire Department Open House had taken place on October 12th and had a great turnout. The Annual Ragamuffin Parade was scheduled for Saturday, October 28th. The Ambulance Corps had held a Food Drive on October 1st and had a great response. Gift cards were distributed through the Police Department to families in need. Food was delivered to the Emerson Bible School's pantry for distribution.

Councilman Worthington said the Board of Health participated in their annual opioid overdose initiative on October 6th. The turnout and response were great and got the schools engaged. The Historic Preservation Commission would be holding two events at the Library in November. On November 6th, an Emerson resident and Vietnam War veteran would be discussing his experiences and displaying his uniform and scrapbooks. He thanked Chairperson Jill McGuire for coordinating this event. On November 30th there would be a celebration of the World War I Centenary with displays and photographs. He noted that the Commission and Ms. McGuire were making a significant effort to obtain photos and other documents from Emerson residents. They were also working with Arcadia Publications to write an 'Images of America' book for its historic series. The Commission's library display case had recently been updated to include Emerson residents who had served in the military. Ms. McGuire had been elected as a trustee of the Westwood Heritage Society and he said he appreciated her dedication. He also discussed exploring grant opportunities for the Commission.

Mayor Lamatina said that the Land Use Board had unanimously approved the reexamination of the Master Plan, a requirement pursuant to State Statute that had to take place every ten years. He said the goals from 2007 were reviewed and remained pertinent today. The report was favorable in that the Borough had taken a lot of steps, especially in the downtown district. He noted that a very important purpose of the report was related to the Affordable Housing litigation. The Master Plan set the tone for what should occur in development. One highlight of the plan was a recommendation of the Borough Planner that in lieu of redevelopment, an overlay be placed on certain properties – to allow for multifamily housing and potentially commercial development on Chestnut Avenue. The other highlight that was recommended was for eight properties in the central business zone that were formerly in the redevelopment zone to allow for multifamily housing. The focus was on keeping residential zones residential and not allowing the encroachment of multifamily developments in that area.

He also discussed the ribbon cutting ceremony at the Veterans Housing and said he was honored to give the opening remarks. He said that the true VIP's were the veterans themselves. The property was beautiful and he gave kudos to the prior Council for initiating this project.

- Borough Administrator Robert Hoffmann reported on the following:
 - Habitat for Humanity was working in the Borough to help senior citizens improve the exterior and property of their homes. They helped eliminate some property maintenance issues and would also be doing some interior work on one home.
 - The Borough's effort to improve safety had a longer term economic benefit leading to a dividend of over \$11,354.1 from the Joint Insurance Fund for 2017.
 - The Borough Clerk's office would be staying open until 9:00 p.m. that evening to allow for late night voter registration.
 - On November 6th, Emerson resident Jim Tobin would be speaking about his Vietnam War combat experiences at an event sponsored by the Historic Preservation Commission at the Emerson Public Library. He would also be speaking at an upcoming meeting of the Emerson Senior Club.
 - October 28th would be Prescription Take Back Day in the Police Department.
 - The 2018 budget process would begin with a meeting of department heads on Friday.

- The Borough was seeking old pictures of the train platform north of Linwood Avenue to determine if New Jersey Transit had paved the area further north than it was at the present time. If pictures from the 1960's through the 1990's were found that showed a paved platform at that length, New Jersey Transit would have to repave the platform as a repair rather than as an upgrade, improving the area for commuters and permitting the train to stop further north. It would allow Kinderkamack Road to remain open except for 45 seconds.
 - He congratulated Councilman Falotico for his impending retirement from the Mahwah Police Department.
 - He wished Mayor Lamatina a happy birthday.
 - He congratulated Borough Clerk Jane Dietsche on her ten years of service to the Borough and wished her a happy birthday.
- Borough Clerk Jane Dietsche had no report.
 - Borough Attorney Wendy Rubenstein said the Borough had immunity from its declaratory judgement action through the end of October. The Borough would be requesting an extension. They had recently received comments back from the Special Master on the proposed vacant land adjustment. They had looked at the available properties in town in order to see what could be built upon to obtain the realistic development potential number. The overlay zoning actions were what would be in the housing element and fair share plan to address the unmet need –in between the realistic number versus the obligation that is assigned to the Borough. She thanked and commended the Council for their participation in the Veteran's Housing development. The 14 units at this location removed 14 units of affordable housing obligation for the Borough.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 8:40 p.m.

Ryan Roy, Saddle Brook, congratulated the Governing Body for declaring the Borough a Stigma Free Zone and requested that the Council initiate an Access for All Committee.

Robert Obernauer, 161 Kinderkamack Road discussed the issues with the entrance to his property and thanked Mr. Hoffmann for doing a ton of work to resolve this. He asked about implementation of the Master Plan. He was also in favor of televising Council meetings.

Mike Myers, 38 Allison Way was in favor of televising meetings and said it would allow the Governing Body to share important issues with residents. He also said that a County golf course would make traffic worse on Palisade Avenue and impact other municipal services. He asked whether this purchase would negatively impact tax revenue. He said they needed more information to make an informed decision about the County's purchase of the golf course.

Louis Saullo, 126 Eagle Drive shared pictures and comments about the construction taking place at 118 Eagle Drive.

Jill McGuire, 154 Linwood Avenue asked questions related to the architects' concepts for Borough Hall. She also asked whether a representative from the Historic Preservation Committee should be involved in the discussions of Borough Hall and its significance. She said that if there were to be a cost analysis comparing renovating the current Borough Hall and constructing a new building, that it be a true apples to apples comparison. She also discussed televising Council meetings and suggested using unpaid interns from local colleges.

Bill Price, 9 Emwood Drive commented on traffic congestion and delays on Kinderkamack Road when the train stopped at the station.

Ken Hoffman, 61 Emwood Drive inquired about the purchase of the Emerson Golf Club by the County of Bergen and asked about the reduction in tax revenue. He asked whether a traffic analysis had been done by the County and stated that the traffic would impact Emerson and the residential neighborhood. He asked if there was a ball park estimate from the engineers regarding the construction of a new Borough Hall. He requested that a referendum be put before voters regarding the purchase which would have a major impact on the Borough's taxpayers. He also complimented Historic Preservation Commission Chair Jill McGuire and said that Borough Hall was an historic building and that an historic plan element be included in the Master Plan to protect all such buildings in town.

Gary Schwinder, 99 Linden Avenue said he saw benefit from the Kinderkamack Road improvements and said it was safer and more civil.

Susan Saullo, 126 Eagle Drive discussed construction taking place next to her home and thanked everyone for helping her.

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 Councilman Downing, **seconded** by Councilman Worthington and carried at 9:33 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 254-17

☞ **Motion** to approve Consent Agenda No. 254-17 was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

CA 255-17	Approve Block Party Orchard Avenue, Saturday, October 21 st
CA 256-17	Resolution Designating Emerson as a Stigma Free Zone
CA 257-17	Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 - \$2,187.25 for a Body Armor Grant
CA 258-17	Authorize Release of Information Technology Consulting, Maintenance and Support Bid Specifications for One Year with Up to Two Additional One Year Extensions

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 259-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 259-17 removing #17-10/17-50 Discussion of Tax Appeal Settlements was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

~~#17-10/17-50 Discussion of Tax Appeal Settlements N.J.S.A. 10:4-7~~
#17-10/17-51 Personnel – Fire Department N.J.S.A. 10:4-8

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 Councilman Worthington, **seconded** by Councilman Downing and carried at 10:07 p.m.

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 Downing and carried at 10:04 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk