



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 6, 2015
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:33 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 Worthington

Absent: Councilman Tripodi

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

III. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

I. APPOINTMENTS/RESIGNATIONS

- Swearing in Ceremony of Police Captain Michael Mazzeo – Captain Mazzeo was sworn in by Mayor Lamatina in the presence of his family, friends and colleagues.
- Appointment of Jared Cohen as a Cadet Member of the Emerson Volunteer Fire Department effective immediately

☞ **Motion** to appoint Jared Cohen as a Cadet Member of the Emerson Volunteer Fire Department effective immediately was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried unanimously.

II. MINUTES FOR APPROVAL

- Regular Meeting Minutes of September 15, 2015
- Closed Session Meeting Minutes of September 15, 2015

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of September 15, 2015 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

III. FINANCIAL BUSINESS

- Resolution No. 264-15 Bill List

☞ **Motion** to approve Resolution No. 264-15 Bill List was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

IV. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

V. NEW BUSINESS

- Revise Street Opening Permit Ordinance – Mr. Hoffmann explained that an ordinance was being introduced to require curb to curb repaving for roads reopened within five years of paving. He added that an ordinance related to the permit process would be prepared and introduced at an upcoming meeting.
- Discussion of Potential Impact of Shifting Pension Payments for Teachers to Local School Districts – Mr. Hoffmann shared information based on a report from the NJ League of Municipalities and the NJ Municipal Management Association on the impact of one of the recommendations from the State for fixing health insurance and the pension deficit. One of the proposals was to shift the payment for teachers' pensions to local school districts. The calculation for a 1% increase if this recommendation went through would be a minimum of a \$280.16 increase for each Emerson property owner. He said he would forward relevant information to the Governing Body on this topic.
- 2015 Municipal Best Practices Check List – Mr. Hoffmann said that the 2015 Best Practices checklist had been compiled and the Borough had achieved a score of 45 out of 50 points. As a result there would be no reduction in State aid.
- Owner Request to Convert Ground Floor Office at 99 Kinderkamack Road from Commercial to Residential – Mayor Lamatina discussed a letter received from Tom Barrett of R&D Investment Company on behalf of the owner of 99 Kinderkamack Road. They were requesting that the Borough allow the owner to convert the first floor commercial space to residential use as they were unable to find commercial tenants. Mr. Barrett said that the zoning ordinance did not permit an application for a use variance in the Redevelopment zone and asked that this be changed. The Governing Body consensus was to send Mr. Barrett's letter to the Land Use Board for review.

VI. INTRODUCTION OF ORDINANCES

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 October 20, 2015 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the October 9, 2015 edition of the Ridgewood News by summary. 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.

First Reading:

1510-15 AN ORDINANCE AMENDING CHAPTER 248 "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF EMERSON TO REQUIRE FULL WIDTH PAVING WHEN RECENTLY PAVED ROADS ARE EXCAVATED

☞ **Motion** to approve Ordinance 1510-15 on first reading was **moved** by Councilman Paino, **seconded** by Councilwoman DiPaola, and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

VII. ADOPTION OF ORDINANCES

Mayor Lamatina announced that no ordinances were being adopted this evening.

VIII. REPORTS

- Borough Administrator Robert Hoffmann discussed the following items:
 - Recent municipal work had caused damage to private property. He asked for feedback on setting a policy to refund resident expenses related to such damage. Governing Body consensus was to refund residents if their property was damaged by the Borough. Mr. Hoffmann noted that funds would have to be allocated for this item within the 2016 budget.
 - Resolution #273-15 Reimburse Residents for Property Damage Caused by Municipal Work
 - ☞ **Motion** to approve Resolution #273-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Paino and carried by a roll call vote of 5-0.
 - RC: Council members:**
 - YES: DiPaola, Paino, Rivers, Knoller, Worthington**
 - Road paving for 2015 had been completed. Seven roads had been paved ten days ahead of schedule. The parking lot by the library had also been repaired.
 - A severe rain event on September 29th did not lead to any flooding. He credited the Department of Public Works and the Borough Engineer who had worked to televise the sewer lines and clean the drains.
 - The Ambulance Corps building repairs had been completed following damage caused by spring flooding.
 - The Senior Citizen Activities grant was included on the Consent Agenda.
 - Requests for Proposals had been sent out for professional services and were due back on October 30th.
 - Bids were out for Shade Tree work and were due back on October 9th.
 - Bids for cleaning of Borough buildings would be opened on October 28th.

- The Governing Body had received two proposals from Boswell Engineering for engineering services for flooding remediation at Vivian Avenue and Dorchester Road as well as at Vivian Avenue and Pershing Street. The Borough Engineer would present his proposals at an upcoming meeting.

IX. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried at 8:20 p.m.

Gary Haight, 84 Lincoln Boulevard commented on a conversation he had with Mr. Hoffmann.

Dr. Giacalone, 12 Dawn Drive commented on potential changes to the master plan and ordinances related to zoning at 99 Palisade Avenue.

Cathy Hornyak, 123 Palisade Avenue commented on potential changes to the master plan and ordinances related to zoning at 99 Palisade Avenue.

Ken Hoffman, 61 Emwood Drive commented on potential changes to the master plan and ordinances related to zoning at 99 Palisade Avenue.

Tom Kelly, 186 Palisade Avenue commented on potential changes to the master plan and ordinances related to zoning at 99 Palisade Avenue.

Joe Letizia, 21 James Street asked for information about the Borough Engineer's flooding report and grant preparations related to resolving flooding issues.

Ken Hoffmann, 61 Emwood Drive asked questions related to the Master Plan and the Land Use Board.

Kathy Hornyak, 123 Palisade Avenue commented on the Land Use Board's amendment to the Master Plan and 99 Palisade Avenue.

Tom Kelly, 86 Palisade Avenue commented on potential changes to the master plan and ordinances related to zoning at 99 Palisade Avenue.

Mike Wallace, 114 Palisade Avenue commented on potential changes to the master plan and ordinances related to zoning at 99 Palisade Avenue.

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 Councilwoman DiPaola and carried at 9:30 p.m..

X. RESOLUTIONS ON CONSENT AGENDA NO. 265-15

☞ **Motion** to approve Consent Agenda #265-15 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

- Ca 266-15 Confirm Endorsement of Community Development Senior Citizen Activity Grant in the Amount of \$6,000
- Ca 267-15 Designate the Week of October 4, 2015 as Fire Prevention Week
- Ca 268-15 Authorization to Enter into a Grant Agreement For Senior Citizen Activities in the amount of \$4,125
- Ca 269-15 Authorize Action to Ensure Continuity of Services
- Ca 270-15 Amend Resolution No. 252-15 to Include Additional Professionals for RFQ's
- Ca 271-15 Amendment to the COAH Shared Services Agreement Resolution No. 190-15 to allow for the retention of Econsult in place of Dr. Burchell/Rutgers

XI. CLOSED EXECUTIVE SESSION - Resolution No. 272-15

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 272-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0 at 9:32 p.m.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

- #15-10/06-59 Contract Negotiations - DPW N.J.S.A. 10:4-4
- #15-10/06-60 Personnel Matter – Full Time N.J.S.A. 10:4-8
- #15-10/06-61 Personnel Matter – Volunteer N.J.S.A. 10:4-8
- #15-10/06-62 Potential Litigation – Attorney N.J.S.A. 10:4-7
- #15-10/06-63 Potential Litigation - Property Acquisition N.J.S.A. 10:4-5
- #15-10/06-64 Contractual Negotiations – Inter-local Agreement N.J.S.A. 10:4-4

XII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Paino, **seconded** by Councilwoman DiPaola and carried.

XIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried at 10:01 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk