



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
November 10, 2015
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:30 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 Knoller, Councilman Paino, Council President Rivers, Councilman Tripodi, Councilman Worthington

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

III. PROCLAMATIONS & CITATIONS

- Honoring Former Police Auxiliary Captain Louis Rizzo on his retirement after more than 40 years of distinguished service to the Emerson Auxiliary Police\

IV. APPOINTMENTS/RESIGNATIONS

- Resolution #300-15 Accept resignation of Finance/Tax Assistant Ron Berg effective November 13, 2015

☞ **Motion** to approve Resolution #300-15 accepting the resignation of Finance/Tax Assistant Ron Berg effective November 13, 2015 was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried unanimously.

V. MINUTES FOR APPROVAL

- Regular Meeting Minutes of October 20, 2015
- Closed Session Meeting Minutes of October 20, 2015

Councilwoman DiPaola requested a correction to the minutes related to the Borough Attorney's report.

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of October 20, 2015 with corrections was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

VI. CORRESPONDENCE

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

- Letter dated October 26, 2015 from Fire Chief Tom Carlos; Re: Fire Department space allocation
- Letter dated October 28, 2015 from David Voza, President, Voza Agency; Re: BC Joint Insurance Fund dividend of \$9,331.11
- Letter dated October 26, 2015 from Borough of Wanaque Mayor Daniel Mahler; Re: County Government
- Letter dated October 26, 2015 from BC Joint Insurance Fund; Re: Public Hearing – 2016 Proposed Budgets

VII. FINANCIAL BUSINESS

- 291-15 Bill List

☞ **Motion** to approve Resolution No. 291-15 Bill List was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

VIII. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

IX. NEW BUSINESS

- Consideration of background discussion before introduction of ordinances – Councilwoman DiPaola led a discussion proposing a new procedure to follow before introducing an ordinance. She requested that before an ordinance was introduced, the reason for its introduction and related background information should be provided. The Governing Body consensus was to follow this procedure for a couple meetings and noted that in most cases, this practice was already in place.
- Fire Department – Communication space consideration – letter from Fire Chief Tom Carlos – Councilman Knoller explained that Fire Chief Carlos had requested that the communications area used by the Fire Prevention Officer be moved to Borough Hall. Governing Body consensus was that an immediate decision was not necessary and that it would be reviewed when other changes were being considered for Borough Hall.
- Discussion of amending ordinance – Re: Campaign signs in right of way – Mr. Hoffmann explained that the current ordinance restricted the placement of campaign signs from the curb line to 10 feet in from that spot. He noted that residents considered this area their front lawn. He suggested amending the ordinance so residents could put up campaign signs even if it was within the perceived right of way. Governing Body consensus was to make the ordinance clear, enforceable and consistent. Mr. Hoffmann said that an ordinance would be prepared for introduction at the next meeting.

- Discussion of televising Council meetings – 2016 and/or permanent storage of meeting audios on website – Councilwoman DiPaola recommended that six meeting recordings be available on the website instead of the current practice of posting a single one. She said that this would provide residents with more information related to recent business of the Governing Body. Website space limitations and financial considerations were discussed. Council President Rivers suggested that the Borough consider storing the recordings in the Amazon Cloud. Mr. Hoffmann said that he would follow up on this and report back.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina stated that no ordinances were being introduced.

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1511-15 AN ORDINANCE AMENDING Chapter 77, POLICE DEPARTMENT, Section 4, COMPOSITION

☞ **Motion** to open the meeting to comments from the public on Ordinance #1511-15 was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried at 8:00 p.m.

Police Chief Donald Rossi thanked the Governing Body for following the optimum timeline for succession planning. He explained that when he retired, a smooth transition would leave the department in good hands.

Councilman Knoller noted that a decision to create a second lieutenant position had to be a decision of the Governing Body based on the recommendation of the Appropriate Authority. Ms. Rubinstein explained if that was the intent of the ordinance, it would be considered a clarification and specific language could be added for that purpose. The Governing Body consensus was to agree to the clarification of language. Chief Rossi stated that if there were two lieutenants, one would be an administrative lieutenant and the other would be a patrol lieutenant. The Governing Body and Chief Rossi discussed the needs of the department now and as they transitioned into the future.

Councilman-Elect John Lazar spoke in support of this ordinance, noting there was a need to look to the future and be prepared with the right people and right training.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1511-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1511-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried.

☞ **Motion** to adopt Ordinance #1511-15 as clarified on second reading was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

1512-15 AN ORDINANCE AMENDING Chapter 61, PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF, Section 5, ADOPTION OF RULES AND REGULATIONS.

☞ **Motion** to open the meeting to comments from the public on Ordinance #1512-15 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance #1512-15.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1512-15 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried.

☞ **Motion** to adopt Ordinance #1512-15 on second reading was **moved** by Councilman Knoller, **seconded** by Councilman Tripodi and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

XII. REPORTS

- Mayor and Council

Councilwoman DiPaola had no report.

Councilman Tripodi had no report.

Councilman Paino had no report.

Council President Rivers had no report.

Councilman Knoller stated it was the 240th birthday of the United States Marine Corps and wanted to recognize that today was Veterans Day.

Councilman Worthington said the Environmental Commission would be holding a cleanup at Emerson Woods on Saturday, November 14th at 10:00 a.m. and encouraged volunteers to participate. He also said the Emerson Boys Varsity Soccer Team won the semi-final round of the sectional playoffs and would play again on Friday.

Mayor Lamatina said the plans for Kinderkamack Road were with NJDOT and NJ Transit and anticipated that the review process would not take long. He also noted that there had been two power outages in the Borough in the past two days and asked that the reason for the interruptions in service be investigated. In addition, a water main break had occurred on Powell Road which was not weather related and said that United Water needed to look into this.

- Borough Administrator Robert Hoffmann reported on the following:
 - He and Borough Engineer Gary Ascolese had met to inspect areas with drainage issues and explore possible drainage connections with the Borough of Westwood. Westwood would consider the proposals and he hoped for positive news from them.
 - The Borough had received RFQ's for professional services for Borough Attorney, Municipal Judge and Labor Attorney. He suggested that interviews be scheduled for one of the two upcoming December meetings.
 - He and Police Sergeant Mark Savino met with a company that obtains grants related to resolving drainage issues. He thanked Sergeant Savino and explained that these were direct federal grants. He listed areas with drainage issues including Forest Avenue, Powell Road, Jordan Road, Union Street and areas near the high school. He also said there were drainage issues at the firehouse as well as on Jefferson Avenue and Locust Avenue.
 - Bid specs for information technology services, banking and a new DPW truck were in the process of being prepared. The yard waste specifications were still being worked on with the goal of having it awarded at the December 15th or Sine Die meeting.
 - He was scheduled to speak at the upcoming NJ State League of Municipalities convention on the topic of resolving pension issues.
 - He noted that the following day would be Veterans Day and the 97th anniversary of the end of World War I. He wished all who had served in the Armed Forces a good Veterans Day and said thank you.

- Borough Clerk Jane Dietsche had no report.

- Borough Attorney Wendy Rubinstein said that a case management conference on the COAH declaratory judgment had taken place the previous week. Everything was going according to plan. Borough Planner Brigitte Bogart was asked to do a summary plan. A motion was filed requesting an extension on the immunity beyond the original deadline of December 8th. This was due to the fact that they would not have the expert's report until the end of December. They were waiting to hear back from the court on that motion.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried at 8:33 p.m.

Tom Kelly, 86 Palisade Avenue distributed and read a statement from Cathy Hornyak of 123 Palisade Avenue related to potential rezoning at 99 Palisade Avenue.

Joseph Letizia, 21 James Street, Westwood thanked the Governing Body for working diligently on drainage issues and asked for their continued support.

Theresa Wallace, 114 Palisade Avenue requested better communication from the Borough on issues of interest to residents.

Chuck Carpenter, 25 Locust Avenue inquired about grants and drainage improvements.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried at 8:46 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 292-15

☞ **Motion** to approve Consent Agenda #292-15 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

- Ca 293-15 Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 – Body Armor Grant in the amount of \$2,099.69
- Ca 294-15 Award NJDOT Main Street Linwood Avenue Contract
- Ca 295-15 Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Vivian Avenue Drainage Improvements project
- Ca 296-15 SAGE Resolution – Vivian Avenue Drainage Grant Application
- Ca 297-15 Extension of Employment for Temporary Full Time DPW Employee Jeffrey Griggs
- Ca 298-15 Authorize Borough Attorney to Represent the Borough of Emerson and the Emerson Volunteer Ambulance Corps in Bednarz V. Emerson Volunteer Ambulance Corps

XV. CLOSED EXECUTIVE SESSION - Resolution No. 299-15

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 299-15 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

- #15-11/10-69 Personnel – Fire Department N.J.S.A. 10:4-8
- #15-11/10-70 Property Negotiations N.J.S.A. 10:4-5
- #15-11/10-71 Personnel – Land Use Board N.J.S.A. 10:4-8
- #15-11/10-72 Contract Negotiations – Municipal Court N.J.S.A. 10:4-7
- #15-11/10-73 Contract Negotiations - DPW N.J.S.A. 10:4-7
- #15-11/10-74 Personnel – EVAC N.J.S.A. 10:4-8
- #15-11/10-75 Personnel – Police Promotions N.J.S.A. 10:4-8

XVI. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Paino, **seconded** by Councilman Worthington and carried at 10:25 p.m.

- Resolution #301-15 Promote Michael McDermott to Lieutenant of the Emerson Police Department

☞ **Motion** to approve Resolution #301-15 Promote Michael McDermott to Lieutenant of the Emerson Police Department effective November 11, 2015 with a salary increase effective January 1, 2016 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

- Resolution #302-15 Promote Joseph Alasio to Sergeant of the Emerson Police Department

☞ **Motion** to approve Resolution #302-15 Promote Joseph Alasio to Sergeant of the Emerson Police Department effective November 11, 2015 with a salary increase effective January 1, 2016 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

ABSTAIN: Tripodi

- Resolution #303-15 Promote Rocco Duardo to Sergeant of the Emerson Police Department

☞ **Motion** to approve Resolution #303-15 Promote Rocco Duardo to Sergeant of the Emerson Police Department effective November 11, 2015 with a salary increase effective January 1, 2016 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Rivers, Knoller, Worthington

ABSTAIN: Tripodi

XVII. 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 10:30 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk