



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
November 20, 2018
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, Councilman Bayley, Councilwoman and Mayor-elect DiPaola, Councilman Downing, Councilman Falotico, Council President Knoller, Councilwoman Wolf

Also present were Councilman-elect Brian Gordon, Borough Administrator Robert Hoffmann, Borough Attorney Wendy Rubinstein and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Absence of Councilwoman Wolf from the Regular Meeting of October 16, 2018

☛ **Motion** to excuse the absence of Councilwoman Wolf from the Regular Meeting of October 16, 2018 was **moved** by Council President Knoller, seconded by Councilman Falotico and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- Honoring President Elaine Rizzo's years of service to the Emerson Board of Health
- Peggy DiLello - Certificate of Appreciation for her years of service to the Borough of Emerson

V. APPOINTMENTS/RESIGNATIONS

- Volunteer Fire Department
 - Appointment of Omar Hernandez as a Day Member

☛ **Motion** to appoint Omar Hernandez as a Day Member of the Volunteer Ambulance Corps was **moved** by Councilman Bayley, seconded by Councilwoman Wolf and carried unanimously.

- Historic Preservation Committee
 - Resignation of Linda Flynn as a Class C Member for the term ending 12/31/20 effective immediately
 - Mayor Lamatina announced that he accepted the resignation of Linda Flynn as a Class C Member for the term ending 12/31/20 effective immediately

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of October 16, 2018

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of October 16, 2018 was **moved** by Councilman Bayley, seconded by Council President Knoller and carried unanimously.

VII. CORRESPONDENCE

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

- Resolution from the Township of Teaneck; Re: Legislature to Amend OPRA to Rely on Government Records Council as a Defense to Attorneys' Fees or to Abolish the GRC altogether.
- Letter dated October 17, 2018 from R. Scott King, Esq. from DeCotiis, Fitzpatrick, Cole & Giblin, LLP Re: Borough of Closter 2018 Housing Element & Fair Share Plan to Borough Master Plan.
- Resolution from City of Hackensack; Re: Opposing Proposed Rate Increases by Suez Water.
- Public Hearing Notice received November 1, 2018 from Bergen County Municipal Joint Insurance Fund; Re: Public Hearings 2019 Proposed Budgets.
- Public Hearing Notice from the Borough of Oradell received October 29, 2018; Re: Land Use and Central Business District Master Plan
- Resolution from the Borough of Harrington Park; Re: Zoning Ordinance with Details for Development of 100-106 Schraalenburgh Road
- Legal Notice from the Borough of Westwood Planning Board; Re: Consider Adoption of Borough's Housing Element and Fair Share Plan on November 15th, 2018

VIII. FINANCIAL BUSINESS

- Resolution No. 267-18 Bill List

☞ **Motion** to approve Resolution No. 267-18 Bill List was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried by a roll call vote of 6-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing

IX. UNFINISHED BUSINESS

- Christmas Tree Lighting – Friday, December 7th – Mr. Hoffmann said that the Volunteer Fire Department and the Recreation Commission would be coordinating this activity and that final details would be posted when they became available.
- Palisade Avenue -Stop Sign Survey Report – Members of the Governing Body and Police Chief Mazzeo discussed recommendations made in a Police Department report dated November 14, 2018. The Chief recommended that a stop sign at High Street and Palisade Avenue should be made permanent. In addition, a crosswalk should be placed on the west side of High Street to Palisade Avenue. Further study would be done on making a stop sign permanent at Palisade and First Street. Concerns related to the heavy use of sports fields at the Emerson Junior/Senior High School and the safety of pedestrians were paramount.
- Traffic Issues – Borough-wide – Report from Borough Engineer and Police Department – It was determined that further study was necessary and that this item would be revisited at a future meeting.

X. NEW BUSINESS

- Discussion of Best Practices Survey to Satisfy State Requirements – Mr. Hoffmann outlined the yearly requirement of all municipalities to complete and submit this survey to the State. A further requirement was that it be discussed at a public meeting. He noted that the Borough had received a score of 89% this year and that no State aid would be withheld.
- Discussion of School Resource Officer (SRO) - Council President Knoller and Mr. Hoffmann discussed recent meetings with Dr. Brian Gatens, Superintendent of Schools and Business Administrator Phil Nisonoff. The Board of Education had met on Monday, November 19th and approved a three-year agreement to fund an SRO at the 50% level, starting at Step 1 for the first year and moving through Step 2 and Step 3 with the caveat that if another officer with less seniority was hired their contribution would return to 50% of Step 1. Governing Body discussion included that fact that an SRO would only be available to the Borough for sixteen days per year and that the school was getting more than 50% of the officer's time. In addition, the school would be provided with an experienced mid-level officer, while contributing only 50% of the cost for a Step 1 officer. Other topics discussed included the fact that schools in other municipalities had hired their employees (SLEO3) rather than going through the Police Department, safety measures employed at each of the three Emerson schools as well as whether officers should be posted at each location. Chief Mazzeo requested that the Governing Body adopt an ordinance to hire an additional officer so that the officer could enter the Police Academy in January 2019. Governing Body consensus was that extra funding was required from the Board of Education and that they commit to a five-year agreement. There was also consensus to introduce an ordinance at the next meeting to hire an additional police officer with the stipulation that ~~this~~ an individual not be laid off if this position is eliminated.
- Signage Ordinance – Land Use Board – Mr. Hoffmann said the Land Use Board had been working for months on modernizing the sign ordinance and had approved it for introduction at their last meeting. The Governing Body discussed aspects of the ordinance including limiting the number of colors permitted on a sign or awning. Land Use Board Chair Gary Schwinder participated in the discussion and asked that Borough Planner Brigitte Bogart be present at the next Council meeting to discuss the proposed ordinance and answer questions.
- Discussion of Amending Towing Fees – Mr. Hoffmann stated that towing and storage fees had not changed since at least 1998. He would research fees in surrounding municipalities with the intent of introducing an ordinance increasing the fees for 2019.
- Discussion of increasing UCC Fees – Mr. Hoffmann explained that the State no longer required permits for certain work including roofing and siding and recommended adjusting fees for construction permits. The Governing Body requested that he survey the fee schedules in surrounding towns.
- Restricting Garage Sales – A sample ordinance had been distributed for comments regarding a 10-day window for applying in advance, limiting hours of operation and signage and application fees. Governing Body consensus was to not charge a fee or require ten-day advance notice, but to limit the number of permitted signs and hours of operation. The starting time would be in line with the Borough's noise ordinance and operation would be required to cease at dusk.

- LOSAP – Request by Fire Department to increase payment in January 2019 – Mr. Hoffmann had been working with Fire Department Treasurer Ron Berg and discussing this matter with the Fire Department liaisons. Members were asking for an increase in LOSAP payments for their department and the Volunteer Ambulance Corps. Currently the payment was \$1,150, the lowest in the Pascack Valley. The last increase occurred in 2001 and they asked that the increase be phased in over a five-year period. Qualified membership had been declining since 2014 and an increase might act as an incentive for members to stay for five years. Mr. Hoffmann suggested aiming for the average payment in the Pascack Valley. Governing Body consensus was to take care of the Borough's volunteers.
- Request to Change Recycling Dates – Mr. Hoffmann explained that he had received a letter from Interstate Waste Services requesting that the recycling pickup date be changed from Wednesday to Monday beginning in 2019. If there was a holiday on Monday, the pickup would take place the following Wednesday. It would help them with staffing; they offered to donate 200 bins to the Borough for seniors and sell more at cost to residents as an incentive for the change. The Governing Body asked Mr. Hoffmann to find out how many times a Monday holiday would change the pickup date to Wednesday and ask Interstate Waste for more free bins. Councilmembers were willing to consider the option but agreed that they needed more information.
- 2019 Meeting Dates of the Mayor and Council – Mr. Hoffmann said an email would be distributed to the Governing Body next week with the suggested 2019 meeting dates, following the current first and third Tuesday schedule.
- Authorize Mayor to Sign Grant Contract – Washington Oak Park – Mr. Hoffmann said this item was on the Consent Agenda and was a matching grant for \$25,000.00 from Bergen County Open Space. He added that it needed to be signed by the end of the year.
- Authorize Mayor to Sign Grant Contract – Drainage Improvements Phase 3 - Mr. Hoffmann explained that this item was on the Consent Agenda and was a grant for \$152,625.00 for Continental Woods. The grant had a tight timeline – all construction had to be completed by May 19, 2019 and all paperwork submitted by June 30, 2019.
- Authorize Mayor to Sign Grant Contract – Senior Fitness Program - Mr. Hoffmann explained that this item was for a total of \$5623.00 and would help seniors participate in yoga exercises.

XI. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Lamatina explained that Ordinance No. 1569-18 was being pulled from the agenda and would be introduced at the next meeting.

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 December 4th, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the November 24, 2018 edition of The Record. 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.

~~1569-18 AN ORDINANCE TO AMEND THE CODE OF EMERSON CHAPTER 77 THEREOF, TITLED POLICE DEPARTMENT TO AMEND ARTICLE II ENTITLED OUTSIDE EMPLOYMENT, SECTION §77-15 ENTITLED E THEREOF, ENTITLED ACCOUNTING OF HOURS; PAYMENT OF HOURS PROVIDING FOR HOURLY FEE FOR PRIVATE EMPLOYMENT OF POLICE OFFICERS PULLED~~

1570-18 AN ORDINANCE AMENDING CHAPTER 61-10 ENTITLED PARKS, PLAYGROUNDS AND RECREATION, 'FEE SCHEDULE' OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, ESTABLISHING FEES FOR PARTICIPATION IN RECREATIONAL ACTIVITIES

☞ **Motion** to introduce Ordinance No. 1570-18 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, Bayley, Wolf, Knoller, Falotico, Downing

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

Mayor Lamatina announced that no ordinances were being adopted.

XIII. REPORTS

- Mayor and Council

Councilwoman/Mayor-elect DiPaola had no report but thanked the Governing Body for all pitching in and holding nice discussions on important topics. She hoped that the members of the Governing Body who were leaving would come back and help the Borough in any capacity they were able to and looked forward to working with everyone.

Councilman Bayley gave the monthly report for the Department of Public Works and said that Emerson was the first town to have the streets clean after the first snowstorm of the season. He had attended a recent meeting of the Joint Insurance Fund and said the first priority was employee and resident safety. The Borough had been focusing on safety training for employees to help reduce its premium which was based on the safety record.

Mr. Hoffmann noted that Emerson would be receiving a rebate of over \$11,000.00 before the end of the year based on its three-year loss experience record. He emphasized that the Borough had been able to reduce some of the incidents for lost time accidents as well as improving work habits. He gave credit to Ms. Dietsche and all Department Heads and the staff who had come up with well thought out ideas which had been implemented to eliminate hazards.

Councilwoman Wolf provided an update on recent Board of Health events, noting that they had recently held a Rabies Clinic. She wished a happy belated birthday to Board of Health Nurse Kay Hodges who just turned 99 years old. She congratulated retiring Board of Health President Elaine Rizzo and Secretary Peggy DiLello on their years of service. She concluded by giving the monthly Fire Department report and said they were looking for volunteers.

Council President Knoller congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman on their victory in the General Election. He looked forward to working with them in hopes of continuing their work with the Borough and continuing the positive movement. He congratulated Sergeant Randy Velez who had been promoted at the November 19th Special Council Meeting. The Emerson Chamber of Commerce had hosted a breakfast for veterans; he appreciated their service and said it was important not to forget their sacrifices. He closed by wishing everyone a Happy Thanksgiving.

Councilman Falotico congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman and said he hoped they could all work together for the betterment of the Borough. He thanked the Department of Public Works for the improvements done at Hillman Field. He had attended recent meetings of the Volunteer Ambulance Corps and Land Use Board. He had attended the recent New Jersey League of Municipalities convention and participated in several classes to further his knowledge on various subjects related to the Borough. Bus stops had been relocated on Kinderkamack Road. They were still working on placing some shelters at the new locations. He was becoming increasingly frustrated with the County and New Jersey Transit's response to issues involving the train blocking Kinderkamack Road and causing an increase to the already bad traffic. He stated that the County Engineer and New Jersey Transit had been very slow to act to tweak the signals and keep the train from blocking the road. He hoped that Governor Murphy or one of his representatives could intervene on the Borough's behalf. He had covered a recent Recreation Commission meeting in Councilman Downing's absence. Baseball and softball registration were open and wrestling had begun. He said field use priority for the spring had been discussed with the priority being Emerson Junior/Senior High School, Borough Recreation sports, Borough travel teams and everyone else after that. The Emerson Recreation program was looking into assisting with the schedule for field use and had recently taken on a more active role in the scheduling from the Board of Education.

Councilman Downing congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman for winning the election and wished them good luck in the future. He thanked Councilman Falotico for covering the Recreation Commission meeting. The Recreation Commission and Volunteer Fire Department were participating in the Christmas Tree Lighting as a joint venture on Friday, December 7th. They were planning some surprises to make it a more special event since there would not be a Winter Wonderland event this year. He also gave the monthly report of the Volunteer Ambulance Corps. He had attended the swearing in ceremony of the new Bergen County Sheriff in Hackensack that day. There had been an overwhelming response to the newly elected Sheriff's swearing in and said it was going to be an exciting time in Bergen County with a lot of changes.

Mayor Lamatina congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman and said they would work together on a smooth transition. He said America was known for a peaceful transition of power.

- Borough Administrator Robert Hoffmann reported on the following:
 - The Bergen County Winter Wonderland tree decorating on Friday, November 23rd at 3:00 p.m.
 - The Borough had received twenty-one responses to their Requests for Proposals for nine positions. He would prepare a spreadsheet and have the list to the Governing Body by the end of the week.

Councilwoman/Mayor-elect DiPaola said she did not want to limit the RFQ's to nine positions. With the changes to the Governing Body, she wanted to use the Fair and Open Process to go out to bid again for all Borough Professionals and requested that this item be added to the agenda.

☞ **Motion** to amend the agenda to add the topic of reissuing the Request for Proposals to all Borough Professionals was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing

☞ **Motion** to reissue a Request for Proposals for all Borough Professional contracts was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing

Mr. Hoffmann continued with his report:

- The Volunteer Fire Department and Volunteer Ambulance Corps would be holding drills at 58 Locust Avenue before the home was demolished. Prior to the demolition, a few residents who had requested a walk through would be allowed a tour of the home.
 - A PSE&G energy grant had enabled the replacement of lighting fixtures in Borough Hall. The new lights would reduce energy costs by 55.9% and save money.
 - He congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman on winning the General Election and said he looked forward to working with them.
 - He closed by wishing everyone a Happy Thanksgiving.
- Borough Clerk Jane Dietsche congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman on winning the General Election and said she looked forward to working with them. She also thanked outgoing Councilman Downing and Councilwoman Wolf for their service.
 - Borough Attorney Wendy Rubinstein congratulated Councilwoman/Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman and thanked those who have served. Oral arguments on Just Pups before the Appellate Court were scheduled for November 28th.

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 9:34 p.m.

Gary Schwinder, Land Use Board Chair, 99 Linden Avenue said the Land Use Board Special Meeting of November 29th was being postponed; a new date would be announced in the near future. He thanked the outgoing members of the Governing Body for their service, congratulated Councilwoman-Elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman, and wished them good luck and Happy Thanksgiving.

Corey Melillo, 18 Vivian Avenue opined that there was a need for Crossing Guards to be posted earlier in the morning at Locust Avenue and High Street since students arrived early for band and chorus practice. She discussed the need to restrict parking on the east side of Locust Avenue near Kinderkamack Road. She opined on the need for an SRO and said the school should contribute a larger portion of the salary.

Dan O'Brien, 38 Palisade Avenue said he had resigned as Fire Chief after 32 years of service but had not yet received his Ex-Chief badges. He thanked the outgoing members of the Governing body for their service and wished the best of luck to the new members.

Courtney Panaretos, 144 Lincoln Boulevard suggested that Emerson hold a town-wide garage sale. She questioned why there should be an SRO in only one of three schools in the Borough and opined that the Board of Education should use some of the funds from the referendum that passed to place an SRO in each school.

Mike Myers, 39 Allison Way thanked Borough Clerk Dietsche for her hard work on Election Day and wished everyone a Happy Thanksgiving.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 268-18

Councilman Falotico asked that Resolution No 276-18 Confirming Resolution Authorizing Joe Amaral and Sons Landscaping Inc. to maintain 14 Broad Street be pulled for a separate vote.

☞ **Motion** to approve Resolution No. 268-18 Consent Agenda without Resolution No 276-18 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 6-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing

☞ **Motion** to approve Resolution No 276-18 only was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing

- CA 269-18 Authorize Boswell Engineering to Assist in Grant Preparation for Continental Woods Drainage Phase 4
- CA 270-18 Authorization to Enter into a BCCD Grant Agreement for a Senior Fitness Program in the amount of \$5,623.00
- CA 271-18 Authorize the Preparation of Bid Specifications for Banking Services
- CA 272-18 Approve Interlocal Service Agreement for TV Inspection between Emerson and the Northwest Bergen County Utilities Authority for CY 2019-2020
- CA 273-18 Authorize 2018-2020 Snow Plowing Agreement with the County of Bergen
- CA 274-18 Resolution to Restate and Add Roth Provision for an Existing Deferred Compensation Plan 89-Pd-Axa-120616

- CA 275-18 Authorize hiring of Elizabeth Hebblethwaite Morris as Recycling Coordinator/Municipal Court Assistant/Board of Health and Recreation Secretary/Floater
- CA 276-18 Confirming Resolution Authorizing Joe Amaral and Sons Landscaping Inc. to maintain 14 Broad Street
- CA 277-18 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Ackerman Avenue Project
- CA 278-18 Permitting the Sale of Christmas Trees at Stop & Shop Parking Lot
- CA 279-18 Authorization to Enter into a Grant Agreement for Continental Woods Drainage Improvements Phase 3 in the Amount of \$152,625.00
- CA 280-18 Authorization to Enter into A Bergen County Trust Fund Project Contract with The County of Bergen For Washington Oak Park in The Amount Of \$25,000.00

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 281-18

☞ **Motion** to extend the meeting curfew until 11:30 p.m. was **moved** by Council President Knoller, **seconded** by Councilwoman/Mayor-elect DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Wolf, Bayley, Knoller, Falotico, Downing

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 281-18 was **moved** by Councilman Falotico, **seconded** by Councilwoman/Mayor-elect DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Wolf, Bayley, Knoller, Falotico, Downing

- #18-11/20-27 Potential Litigation -PILOT- New Concepts Letter N.J.S.A. 10:4-7
- #18-11/20-28 Potential Litigation -Review of Property Maintenance Enforcement Options for uncared for or abandoned N.J.S.A 10:4-7 Properties
- #18-11/20-29 Potential Litigation Ambulance Corps Mutual Aid N.J.S.A. 10:4-7
- #18-11/20-30 Potential Litigation - Capital Alternatives 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.

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 10:43 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk