



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
December 18, 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/Mayor-elect DiPaola, Councilman Downing, Council President Knoller, Councilwoman Wolf

**Absent:** Councilman Falotico

Also present were Councilman-elect Ken Hoffman, Borough Administrator Robert Hoffmann, Borough Attorney Wendy Rubinstein, Special Counsel Doug Doyle and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina stated that no members of the Governing Body were absent from the December 4, 2018 meeting.

IV. PROCLAMATIONS & CITATIONS

- Honoring Peter Jacullo's 100<sup>th</sup> Birthday – Hometown Hero

V. APPOINTMENTS/RESIGNATIONS

- Swearing in of Sergeant Randy Velez
- Emerson Volunteer Fire Department
  - Appointment of Martin R. Mahon as a Probationary Member effective immediately

**Motion** to appoint Martin R. Mahon as a Probationary Member of the Emerson Volunteer Fire Department effective immediately was **moved** by Councilwoman Wolf, seconded by Councilman Bayley and carried unanimously.

- Environmental Commission
  - Resignation of Chairman Tom Browne as a regular member effective immediately
  - Resignation of Jeanine Lamatina as a regular member effective immediately

Mayor Lamatina announced that he accepted the resignation of Chairman Tom Browne and regular member Jeanine Lamatina effective immediately.

- Land Use Board
  - Resignation of Norm Rieger as a Class IV member effective immediately
  - Appointment of Evan Kutzin as a Class IV member for the unexpired term ending 12/31/21

Mayor Lamatina announced that he accepted the resignation of Norm Rieger as a Class IV member of the Land Use Board effective immediately. He also announced that he was appointing Evan Kutzin as a Class IV member for the unexpired term ending 12/31/21.

#### VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of December 4, 2018

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

#### VII. CORRESPONDENCE

Mayor Lamatina stated that copies of the correspondence were available in the office of the Municipal Clerk.

- Email dated December 2, 2018 from Tom Brown; Re: Resignation – Environmental Commission.
- Email dated December 5, 2018 from Kerry Pflugh; Re: DEP: Solar Siting Analysis Guide for Communities.
- Resolution dated December 11, 2018 from Bergen County League of Municipalities; Re: Opposing Power Plant
- Public Notice from Bergen County Utilities Authority; Re: Proposed 2019 Wastewater Service Charges and 2019 Solid Waste Service Charges.
- Public Meeting Notice from Bergen County Municipal Joint Insurance Fund; Re: Reorganization Meeting
- Email from Norm Rieger dated December 17, 2018: Re: Resignation from Land Use Board
- Email from Jeanine Lamatina dated December 17, 2018; Re: Resignation from Environmental Commission
- Emails from Evan Kutzin dated Monday, December 17<sup>th</sup> and December 18<sup>th</sup>; Re: Resignation and amending resignation from Land Use Board to fill vacated seat

#### VIII. FINANCIAL BUSINESS

- Resolution No. 295-18 Bill List

☞ **Motion** to approve Resolution No. 295-18 Bill List was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 5-0:

**RC: Council members:**

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

#### IX. UNFINISHED BUSINESS

- Part time Employees - 20 hours or less per week – Update related to New Jersey sick leave law – Mr. Hoffmann explained that he had no update because he had not yet received any information from the State.

X. NEW BUSINESS

Mayor Lamatina announced that there was no new business.

XI. INTRODUCTION OF ORDINANCES

**First Reading:**

Mayor Lamatina announced that no ordinances were being introduced.

XII. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

**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

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1569-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried at 7:53 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1569-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1569-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

☞ **Motion** to adopt Ordinance No. 1569-18 on second reading was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1571-18** “AN ORDINANCE OF THE BOROUGH OF EMERSON AMENDING CHAPTER 138, “DEVELOPMENT FEES” OF THE BOROUGH CODE

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1571-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1571-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1571-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

☞ **Motion** to adopt Ordinance No. 1571-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilwoman Wolf and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1572-18** AN ORDINANCE OF THE BOROUGH OF EMERSON AMENDING CHAPTER 290, ARTICLE IV SECTION 13D "AHO AFFORDABLE HOUSING OVERLAY SET-ASIDE REQUIRMENTS" OF THE BOROUGH CODE

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1572-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1572-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1572-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilwoman Wolf and carried.

☞ **Motion** to adopt Ordinance No. 1572-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1573-18** AN ORDINANCE AMENDING CHAPTER 200-8 HOURS; PERMIT REQUIRED FOR ORGANIZED ACTIVITIES OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1573-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1573-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1573-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

☞ **Motion** to adopt Ordinance No. 1573-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1574-18** AN ORDINANCE AMENDING CHAPTER ~~404~~ 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, TO ADDRESS ALL EXISTING SIGNAGE REGULATIONS AND IMPLEMENT A NEW COMPREHENSIVE SIGN CODE

Mayor Lamatina noted that there had been a typographic error in the title of the ordinance submitted by the Borough Planner. The chapter being amended was Chapter 290 as detailed in the body of the ordinance, not Chapter 101.

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1574-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Downing and carried at 8:54 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1574-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1574-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

☞ **Motion** to adopt Ordinance No. 1574-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1575-18** AN ORDINANCE DEDICATING BLOCK 419, LOT 7 IN THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY AND CONVEYING SUCH LAND TO EMERSON REDEVELOPER'S URBAN RENEWAL, LLC

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1575-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Downing and carried at 7:57 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1575-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1575-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

☞ **Motion** to adopt Ordinance No. 1575-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-1:

**RC: Council members:**

**YES: Bayley, Wolf, Knoller, Downing**

**NO: DiPaola**

**1576-18** AN ORDINANCE VACATING KENNETH AVENUE IN THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY AND CONVEYING SUCH VACATED LANDS TO EMERSON REDEVELOPER'S URBAN RENEWAL, LLC

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1576-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Downing and carried.

Jill McGuire, 154 Linwood Avenue said she was speaking as a private citizen and noted that the Volunteer Ambulance Corps building was constructed with bricks from the original firehouse. She requested that when the building was demolished that some of the bricks be salvaged for posterity and be repurposed for future projects.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1576-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1576-18 only was **moved** by Council President Knoller, **seconded** by Councilwoman Wolf and carried.

☞ **Motion** to adopt Ordinance No. 1576-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-1:

**RC: Council members:**

**YES: Bayley, Wolf, Knoller, Downing**

**NO: DiPaola**

**1577-18** AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 274, VEHICLES AND TRAFFIC; ARTICLE VII, SCHEDULES, OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1577-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Bayley and carried.

Mike Myers, 38 Allison Way inquired about the planning and studies that went into the preparation of this ordinance. He opined that no thought had been involved in planning for the traffic impact this ordinance and the resolution to be voted on by the Land Use Board at their Special Meeting on December 28<sup>th</sup> would create.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1577-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1577-18 only was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried.

☞ **Motion** to adopt Ordinance No. 1577-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1578-18** AN ORDINANCE AMENDING CHAPTER 77 POLICE DEPARTMENT,  
SECTION IV COMPOSITION

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1578-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Downing and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1578-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1578-18 only was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried.

☞ **Motion** to adopt Ordinance No. 1578-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:

**RC: Council members:**

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

**1579-18 AN ORDINANCE AMENDING CHAPTER 187: MUNICIPAL FACILITIES USE OF THE CODE OF THE BOROUGH OF EMERSON**

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1579-18 only was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1579-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1579-18 only was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried.

☞ **Motion** to adopt Ordinance No. 1579-18 on second reading was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 5-0:

**RC: Council members:**

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

XIII. REPORTS

- Mayor and Council

Councilwoman/Mayor-elect DiPaola said she had no report but wished everyone a Merry Christmas and a Happy New Year and hoped that everyone had a Happy Hanukkah. She said it had been her privilege to have served as Councilwoman in the Borough of Emerson and looked forward to serving as Mayor. She thanked Mayor Lamatina for his service to the Borough as well as Councilwoman Wolf and Councilman Downing.

Councilman Bayley thanked Tom Browne, former Chair of the Environmental Commission, for his dedicated service over the years and said he had led them well. He gave the monthly report for the Department of Public Works and commended DPW Superintendent Perry Solimando and Foreman Tom Carlos for spending nine hours repairing a pump on Cindy Lane. He said their work had saved the neighborhood from disaster. He thanked the Volunteer Fire Department, Santa Claus and the entire crew for bringing smiles to the Borough and wished everyone a happy holiday. He also thanked Mayor Lamatina, Councilwoman Wolf and Councilman Downing for their service to the Borough and their support of the Bayley family through the years.

Councilwoman Wolf thanked the Fire Department for the Santa's Christmas visit. The department had two new members and others had expressed interest in volunteering. She said that it had been a pleasure to work with them and that they do a lot of hard work for the community. The Board of Health had renewed contracts with Tyco Animal Control and Northwest Bergen Regional Health Commission to continue Borough services and approved their 2019 calendar. She had been unable to attend the Historic Preservation Committee meeting but said that they had hosted Ms. Elaine Gold from the Bergen County Office of Historic Preservation. Ms. Gold stated that there per Borough ordinance, it was the responsibility of the committee to conduct a review and update the historic survey every other year to identify what historic structures or sites existed. Ms. Gold gave a presentation and offered to assist with this project. She thanked the Historic Preservation Committee, said it was fun to work with them and wished them good luck. She concluded her report by saying that it had been fun to work with her colleagues on the Council and wished them good luck.

Council President Knoller had led the December 7<sup>th</sup> Christmas Tree Lighting. There had been a nice turnout with a lot of happy faces in the crowd. He thanked the Fire Department for hosting everyone for hot chocolate and donuts. He thanked everyone involved for making it a great evening. He provided an update on recent finance meetings where they had discussed goals and priorities and said it was very productive. He thanked Borough Administrator Robert Hoffmann and CFO Lauren Roehrer and Mayor-elect DiPaola for their time and input. He congratulated Sergeant Randy Velez on his promotion. As a member of the Volunteer Ambulance Corps, he had observed Sergeant Velez, who was of the highest character and would assist the members. He was very proud of Sergeant Velez and thought he would be a tremendous asset to the Borough. He thanked Mayor Lamatina, Councilwoman Wolf and Councilman Downing, noting that it had been terrific working with them. He said that public service took a lot of hard work and takes up a lot of time; they tried to do the right thing for the right reasons. He said that people may not agree and that was okay. His goal was to see things finished up and see them through. He wished everyone a Merry Christmas, Happy Chanukah and a Happy and Healthy New Year.

Councilman Downing congratulated Sergeant Velez and said he knew him personally. He was a great guy and would be a great Sergeant. He had attended the Christmas Tree Lighting and said that Council President Knoller did a great job. The Recreation Commission and Volunteer Fire Department made the evening special and did a great job. He thanked everyone for their service and said it had been an honor to represent the Borough he had grown up in. He enjoyed public service and thanked everyone for their support including Mayor Lamatina, Councilwoman Wolf and wished Mayor-elect DiPaola, Councilman-elect Gordon and Councilman-elect Hoffman the best of luck. He closed by wishing everyone a Merry Christmas.

Mayor Lamatina had attended a meeting to make sure Governor Murphy and his staff to make sure they were aware of Emerson's issues with New Jersey Transit. He asked the local liaison Rob Field to work on getting the train to stop further north on the tracks so that Kinderkamack Road could stay open when the train was in the station going towards New York. Mr. Field assured him that he would follow up. He asked that Councilmembers stay on top of this to get the train to stop further north which would solve many traffic problems in the center of town. The Borough would continue to work with New Jersey Transit and the Department of Transportation on this issue. He congratulated Sergeant Velez and said he was a great officer, one of many who do a great job. He also thanked the Governing Body for this years' work and the four years of work since he had been Mayor and wished Mayor-elect DiPaola, Councilman-elect Hoffman and Councilman-elect Gordon. He wished them well and wished everyone Happy Holidays.

- Borough Administrator Robert Hoffmann reported on the following:
  - He thanked the Department of Public Works for fixing a broken pump on Cindy Lane. Two inches of rain were predicted for Sunday and everything had been repaired by Saturday afternoon. He asked residents not to flush gloves or wipes as they clog the pumps and cause backups.
  - Emerson had received a \$25,000 matching grant for the shade pavilion at Hillman Field. The County would vote on it at their January 7, 2019 meeting. He said that this was another example of teamwork and thanked the Public Library, the Recreation Commission, the Emerson Seniors, the Summer Camp Director, the Mayor and Council and the grant writers for their contribution to this project.

- He congratulated Sergeant Randy Velez on his promotion and said he would be a great Sergeant and bring a lot to his new assignment.
  - The Borough had received 89 RFQ responses which would be sent electronically to the Governing Body.
  - During the weeks of Christmas and New Year's Day, there would only be one garbage collection on Friday of each week due to the holidays falling on Tuesdays. The information would be posted on the Borough website and residents would be noticed through electronic communication as well.
  - Recycling collection would be moved from Wednesdays to Mondays effective January 7, 2019.
  - He thanked Mayor Lamatina, Councilman Downing and Councilwoman Wolf for their service to Emerson. He said that public service as an Elected Official was a noble calling and they needed a thick skin. He wished them the best of health, happiness and success. He wishes everyone a Merry Christmas and a Happy New Year.
- Borough Clerk Jane Dietsche said it had been an honor and pleasure to work with Mayor Lamatina, Councilman Downing and Councilwoman Wolf and thanked them for their service. She said she looked forward to continuing to work with Councilwoman-Mayor—elect DiPaola and Councilman-elect Hoffman and working with Councilman-elect Gordon next year.
  - Borough Attorney Wendy Rubinstein said the Special Master's report had been received in advance of the hearing scheduled for Friday, December 22<sup>nd</sup>. The report was favorable in recommending a conditional order of compliance.

#### XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Bayley and carried at 8:22 p.m.

Corey Melillo, 18 Vivian Avenue thanked Mayor Lamatina, Councilman Downing and Councilwoman Wolf for their service and suggested that a Nixle message be sent out to alert residents not to flush wipes. She also asked for an update on her request at the previous meeting to post a crossing guard at High Street and Locust Avenue no later than 7:45 a.m. She wished everyone a Merry Christmas and a Happy New Year.

Jill McGuire, 154 Linwood Avenue asked about an item on Closed Session related to contract negotiations with Emerson Redevelopers Urban Renewal, LLC. She opined that she was not happy with the Land Use Board's upcoming Special Meeting scheduled for December 28<sup>th</sup>. She requested that negotiations be postponed until the incoming administration was in place. She congratulated the incoming administration and thanked those who had served.

Mike Myer, 38 Allison Way asked what was being done about anti-Semitic attacks that had occurred that day at the public schools. He also asked about a malfunction of the railroad crossing gates and opined that the Governing Body should draft a resolution or encourage the Land Use Board not to confirm the resolution that had been passed at their last meeting. He opined that it had been it had been snuck in under the wire after so many residents had expressed their displeasure with what was going on.

Pat Hulburt, 55 Jefferson Avenue said she was bothered by redevelopment and opined that there was a huge difference between the plans originally submitted and the current plans. She did not see any benefit to the residents.

Corey Melillo, 18 Vivian Avenue commented on the redevelopment and said there was nothing for children and families. She asked that they rethink the plans.

Peter Flannery, of Bisgaier Hoff, LLC, Attorney for Joseph Forgione of JMF said that the redevelopers were open to having a restaurant in the plans. They were still negotiating with tenants.

Jack Klugmann, CEO of Accurate Builders and Developers said the original plans called for a restaurant on each corner of the project but the ceilings were too low because of height restrictions.

Bill Price, 9 Emwood Drive wished everyone a Happy Holiday. He was not pleased with the redevelopment plans. He said that the election showed that they should listen to the people and opined that the process was underhanded.

Don Piero, 70 Eagle Drive asked about amendments to the redevelopment agreement, the number of three-bedroom units and the number of affordable housing units. He asked if there were any plans related to where the offsite affordable housing units would be located.

Joe Polvere, 124 Linden Avenue wished everyone a Happy Holiday. He said he was not against redevelopment; the downtown needed to be improved and that it was important to meet housing requirements. He asked that the Governing Body take a step back and look more closely at the project as there was so much division in the Borough. He opined that people cared about the town and that everyone should work together to build confidence in the project.

Paul Hulburt, 55 Jefferson Avenue opined that if the Mayor's term was not up that this project would not have been approved so quickly. He opined that the redeveloper did not have answers to questions related to site elevation, storm drainage or traffic studies. He opined that they were completely unprepared and unprofessional and that the project had been jammed down their throat.

Corey Melillo, 18 Vivian Avenue thanked Councilwoman/Mayor-elect DiPaola for voting no on four stories. She said the Mayor's Message noted that he had broken the tie on this decision and that JMF was going to put 20% affordable housing on site. She opined that she spoke for a majority of residents who did not have a problem with redoing the downtown, but rather with the scale of the redevelopment. They did not want a fast food restaurant but rather the local businesses such as Cork and Keg, Ranch Cleaners and Cozy Café.

Bill Price, 9 Emwood Drive opined that greed did bad things to people and that the redevelopment should be two stories. He added that he was glad that the vote turned out the way it did.

Jill McGuire, 154 Linwood Avenue asked whether there would be a Public Comment opportunity before there was a vote on the amendment being discussed in Closed Session. She opined that the vote should be postponed until 2019 but if not, then residents should have a chance to voice their comments.

☞ **Motion** to close the meeting to comments from the public was **moved, seconded** and carried.

☞ **Motion** to provide for Public Comment after reconvening from Closed Session was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 4-1:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Downing**

**NO: Knoller**

XV. RESOLUTIONS ON CONSENT AGENDA NO. 296-18

☞ **Motion** to approve Resolution No. 296-18 Consent Agenda was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:

**RC: Council members:**

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

- CA 297-18      Cancelling Current Fund Unexpended Appropriation
- CA 298-18      Authorize Drug & Alcohol Testing Agreement for CY 2019
- CA 299-18      Drive Sober or Get Pulled Over 2018 Year End Holiday Crackdown
- CA 300-18      Mayor and Council Regular Meeting Dates for 2019/Sine Die & Reorganization 2020
- CA 301-18      2019 Borough Closings in Observance of Legal Holidays
- CA 302-18      Endorsing the Amended 2018 Housing Element and Fair Share Plan and Included Spending Plan
- CA 303-18      Resolution of Intent to Bond in the Event that there is a Shortfall in Funding to Effectuate Certain Affordable Housing Mechanisms

XVI. CLOSED EXECUTIVE SESSION – Resolution No. 304-18

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 304-18 was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

**RC: Council members:**

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

- #18-12/18-34    Contract Negotiations – Police Dept. SRO      N.J.S.A. 10:4-7
- #18-12/18-35    Potential Litigation – Action in lieu of prerogative writ – Ord #1513-16      N.J.S.A. 10:4-7
- #18-12/18-36    Contract Negotiations – Emerson Redevelopers Urban Renewal, LLC      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** by Council President Knoller, **seconded** by Councilman Bayley and carried at 10:59 p.m.

☞ **Motion** to extend the curfew until 11:15 p.m. was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 5-0:

**RC: Council members:**

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

Mr. Doyle said he had received a proposed Third Amendment to the Redevelopment Agreement which had arisen from circumstances related to Emerson's ultimate settlement with certain property owners. This had allowed the Governing Body to avoid the use of eminent domain. As a result of those negotiations and the payment of monies which were in excess of the funds originally contemplated by the developer, the developer had asked for certain concessions:

- The developer had a duty to make certain that off site and onsite improvements that were originally set out in Schedule F in the amount of \$750,000.00. The developer was looking for a reduction in the commitment to make those improvements which would now total approximately \$400,000.00.
- The developer continued to agree to provide the general contractor services at no cost to the Borough in an amount up to \$500,000.00, the approximate market value of the Ambulance Corps building. But in order for the developer to enjoy the benefits of this negotiated provision which was to have the general contractor be both the contractor for the redevelopment site as well as the municipal site, they were looking for the Governing Body to provide them with plans and access to the site within one year of the adoption of the third amendment.
- The developer had made the commitment and Emerson had agreed to assist with was for them to be able to close before the end of the year. Since traditional financing was no longer available to the developer, Joseph Forgiore, sought out another developer who could come in and share the risk and participate with him in this project. Information was presented to the Governing Body that indicated the developer was well suited financially and in terms of experience to build the project, as was JMF. There would be two developers at the table and 51% of Emerson Redevelopers Urban Renewal would be transferred to an entity known as Accurate Builders and Developers. The remaining 49% would continue to be retained by JMF, the original developer.

Mr. Doyle added that as a result of discussions in Closed Session, one of the concerns of the Governing Body which had been expressed by Councilwoman/Mayor-elect DiPaola, Councilman-elect Hoffman and other members of the Governing Body was that the plans provided to the Land Use Board did not appear to be consistent aesthetically with the concept plan that was prepared by JMF. Therefore, the developer had agreed that they would meet with a subcommittee of the Governing Body, currently the Redevelopment Subcommittee either before the Sine Die meeting or sometime soon thereafter. If after the Sine Die meeting, then Mayor DiPaola would form a subcommittee which would meet with the redeveloper to review detailed concept plans in order to confirm that the concept plans, the aesthetic look of the building, and the materials used were consistent with the redevelopment ordinances and the redevelopment plan. He said those were essentially the amendments that were included in the Third Amendment to the Redevelopers Agreement.

Mayor Lamatina asked if there was a motion to adopt the Third Amendment to the Redevelopers Agreement. Council President Knoller made the motion and Councilman Bayley seconded it. The Mayor then asked for a motion to open the meeting to comments from the public.

☞ **Motion** to open the meeting to comments from the public on the Third Amendment to the Redevelopment Agreement was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:

**RC: Council members:**

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

Mike Myers, 38 Allison Way opined that there was a last-minute switcheroo and could not see how the Governing Body could accept this in good conscience.

Jill McGuire, 154 Linwood Avenue inquired about the reduction in the cash contribution that the redeveloper would pay towards the relocation of the Volunteer Ambulance Corps structure.

Don Piero, 70 Eagle Drive asked about the one-year time frame for relocating the Volunteer Ambulance Corps structure and whether that included relocating the Police Department.

Paul Hulburt, 55 Jefferson Avenue asked where the emergency services building would be constructed and whether it was supposed to be part of the Borough Hall project. He opined that there should be a referendum for the Borough Hall project.

☞ **Motion** to close the meeting to comments from the public on the Third Amendment to the Redevelopment Agreement was **moved** by Council President Knoller, **seconded** by Councilwoman Wolf and carried by a roll call vote of 5-0:

**RC: Council members:**

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

- Resolution No. 305-18 Adopt Resolution Permitting the Third Amendment to the Redevelopment Agreement

☞ **Motion** to approve Resolution No. 305-18 Adopt Resolution Authorizing the Third Amendment to the Redevelopment Agreement was **moved** by Council President Knoller, **seconded** by Councilman Bayley and carried by a roll call vote of 4-1:

**RC: Council members:**

**YES: Bayley, Wolf, Knoller, Downing**

**ABSTAIN: DiPaola**

#### XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Council President Knoller, **seconded** by Councilwoman Wolf and carried at 11:15 p.m.

Respectfully submitted,

Jane Dietsche, RMC  
Borough Clerk