



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 20, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:36 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, Council President Knoller, Councilman Lazar, Councilman Tripodi, Councilman Worthington, Councilman-elect Falotico

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina announced that no members of the Governing Body were absent from the December 6th Regular or Special Meetings.

IV. PROCLAMATIONS & CITATIONS

- Swearing in Ceremony of Captain Michael McDermott
- Recognition of Volunteers who contributed to the Memory Garden project of Eagle Scout Franklin Praschil

V. APPOINTMENTS/RESIGNATIONS

Mayor Lamatina announced that he was accepting the following resignation and making the following appointments to the Land Use Board:

- Land Use Board
 - Resignation of Germaine Ortiz as a Class IV member effective immediately
 - Appointment of Norm Rieger to Class IV member effective immediately for the unexpired term ending 12/31/17
 - Appointment of Michael DeOrio as Alternate I member effective immediately for the unexpired term ending 12/31/17
 - Appointment of Doug McKendry as the Alternate II member effective immediately for the unexpired term ending 12/31/16
 - Appointment of Evan Kutzin as the Alternate III member effective immediately for the unexpired term ending 12/31/16
 - Appointment of Trudy Grimaldi as the Alternate IV member effective immediately for the unexpired term ending 12/31/17

- Recreation Commission
 - Appointment of Paul Coombes as the Alternate II member of the Recreation Commission effective immediately for the unexpired term ending 12/31/17

☞ **Motion** to appoint Paul Coombes as the Alternate II member of the Recreation Commission effective immediately for the unexpired term ending 12/31/17 was **moved** by Councilman Tripodi, **seconded** by Councilman Lazar and carried unanimously.

VI. MINUTES FOR APPROVAL

- Special & Closed Session Meeting Minutes of December 6, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of December 6, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

- Regular Meeting Minutes of December 6, 2016

Councilman Lazar requested that the Regular Meeting Minutes of December 6, 2016 be tabled.

☞ **Motion** to table the Regular Meeting Minutes of December 6, 2016 was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried unanimously.

- Amend Regular Meeting Minutes of May 17, 2016

☞ **Motion** to accept the Regular Meeting Minutes of May 17, 2016 as amended was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried by a roll call vote of 5-1.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

NO: DiPaola

VII. CORRESPONDENCE

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

- Letter dated November 17, 2016 from Commissioner Richard Hammer, NJDOT; Re: Applications for NJDOT FY 2017 State Aid Programs
- Letter dated November 18, 2016 from Commissioner Bob Martin, NJDEP; Re: Applications for Green Acres funding
- Email dated December 4, 2016 from Jill McGuire; Re: Opposing four story development in the downtown corridor
- Letter dated December 2, 2016 from PERMA Risk Management Services; Re: Public Hearing 2017 Adopted Budgets
- Email dated December 4, 2016 from Jill McGuire; Re: Requesting Land Use Board audio, minutes and transcript of meeting of Thursday, December 8, 2016
- Email dated December 9, 2016 from Alisha Wallace; Re: Township Façade Improvements
- Email dated December 13, 2016 from Jill McGuire; Re: Request postponement of Governing Body vote on condemnation until Land Use Board materials are available
- Email dated December 12, 2016 from County Executive Jim Tedesco III; Re: 2016 Kwanza Ceremony

- Email dated December 12, 2016 from Mark Schriecks; Re: Bergen County Ceremonial Swearing in of Sheriff/Surrogate/Clerk and Freeholders
- Letter dated December 19, 2016 from Oritani Bank Senior Vice President Phillip Wyks; Re: Redevelopment

Mr. Doyle asked that an item on the correspondence list- "Letter dated December 19, 2016 from Oritani Bank Senior Vice President Phillip Wyks; Re: Redevelopment" be sent to Borough Planner Brigitte Bogart for her recommendation based on their request.

☞ **Motion** to ask the Borough Clerk to send a copy of the letter dated December 19, 2016 from Oritani Bank Senior Vice President Phillip Wyks; Re: Redevelopment to Ms. Bogart for her recommendation based on their request was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried unanimously.

VIII. FINANCIAL BUSINESS

- Resolution No. 283-16 Bill List

☞ **Motion** to approve Resolution No. 283-16 Bill List was **moved** by Councilman Downing, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington

IX. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

X. NEW BUSINESS

Mayor Lamatina announced that there was no new business.

XI. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that no ordinances were being introduced.

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1535-16 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EMERSON AMENDING THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7

☞ **Motion** to open the meeting to comments from the public on Ordinance #1535-16 only was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried at 8:12 p.m.

Redevelopment Counsel Mr. Doyle explained that the ordinance amended a couple sections of the Central Business District Redevelopment Plan. He said the Mayor and Council originally received their recommendations from the Board. The Governing Body then sent back some additional proposed changes to the Land Use Board. Ultimately the Land Use Board met again on December 8th to consider the revisions. They met again earlier that evening (December 20th) to memorialize the resolution. He noted that this was required under the statutes and the Board had accepted the recommendations made by the Governing Body. The only two changes were the five foot in depth set back on the front façade of the fourth floor for buildings facing Kinderkamack Road and Lincoln Boulevard. In addition the Land Use Board had recommended that if an applicant who was going to build in the redevelopment area sought to reduce the parking requirements otherwise required, they would have to hire their own expert. Also, an expert would be hired by the Land Use Board at the expense of the applicant in order to be able to determine whether it should confirm or reject the findings of the applicant's traffic/parking consultant.

Mr. Doyle also confirmed that this was the entire redevelopment plan for CBD-10. A request for clarification of the subject area was made by members of the Governing Body. Mr. Doyle read the blocks and lots into the record: Lots 1, 2, 3, 4, 5 on Block 412; Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9, 10 on Block 419; Lots 2 and 16 on Block 420; Lots 1, 10, 11, 12, 13, 14, 15, 16, 17 and 18 on Block 422; Lots 2, 3, 4, 5, and 6 on Block 603; Lots 3 and 4 on Block 606; Lots 1, 2, 4, 5.01, 5.02, 6, 7, 8, 9.01, 9.02 and 10 on Block 610; Lots 1 and 2 on Block 613; Lot 1 on Block 615; Lots 1, 16, 17, 19, 20, 21, 22, 23 and 24 on Block 616; Lot 1 on 617.01. He noted that the plan only amended the area involving CBD-10.

Mr. Doyle said that CBD-10 and CBD-15 comprised the entire area of the lots and blocks he referenced. The changes that were recommended by the Board comprised this ordinance. The additional changes requested had to do with the request from the Governing Body that the fourth story be stepped back to five feet in width. The Governing Body also referred to the Land Use Board the request that a parking expert 'shall' be retained rather than 'may' be retained. The Land Use Board agreed but said that the requirement would be at the expense of the applicant. He said that CBD-10 and CBD-15 comprised the entire area but CBD-15 was not being changed. They were replacing the entire chart which included the other lots and blocks. He said the ordinance talked about replacing the area and bulk requirements for CBD-10 and CBD-15. They weren't making any changes to CBD-15, only to CBD-10.

Councilwoman DiPaola received confirmation from Mr. Doyle that it included all the blocks and lots he read off. She said that everyone was under the impression that the fourth story would only be allowed for the JMF property. But if it was for CBD-10, it represented a larger parcel. She said if this was approved, it would allow a fourth story elsewhere as well as decreased parking and everything else. Mr. Doyle said the Borough already allowed the height that JMF was proposing to build in other locations – to forty feet. He said that they would now be making the east side the same as the west side. He stated that what the Governing Body said was that this might be okay but on Kinderkamack Road and Lincoln Boulevard, the fifty foot building would be required to have a five foot setback on the top story.

Mayor Lamatina noted that the fifty foot height was allowed where the elevation was lower. Mayor Lamatina asked and Mr. Doyle confirmed that this was not the redesignation, but rather changing the zone to accommodate a project that JMF had proposed. Mr. Doyle added that it was not only a project accommodation, but a project that would satisfy part of the municipality's COAH obligations. Mr. Doyle said that it would enhance the value of the properties, but also as he understood Ms. Bogart's testimony, it would not be inconsistent with heights in other areas of Emerson. He said there were other buildings in the Borough that were fifty foot in height.

Jill McGuire, 154 Linwood Avenue shared photos of a four story building in Westfield with a setback and said it still looked like four stories. She was opposed to four story buildings. She read and submitted a petition she had initiated which was signed by approximately 240 individuals also opposed to four story development and eminent domain. She requested that the Governing Body prioritize the best interests of Emerson residents over the redeveloper JMF.

Corey Melillo, 18 Vivian Avenue stated that at JMF's April presentation before the Governing Body, the Rancho Cantina property was not part of the original proposal.

Michael Esque, 276 Kinderkamack Road asked if the rendering presented by JMF would look like the actual building and whether Emerson was acting out of fear that JMF might pull out of the project and someone else might build a six or seven story building.

Mr. Doyle responded that it was not so much fear - either the Governing Body would do what was best for the community or the Court would come in and follow the constitution and do what they needed to provide low and moderate income housing. Councilwoman DiPaola asked if another judge could have another decision. Ms. Rubinstein said that the number that was Emerson's obligation was the same number no matter who the judge was.

Mr. Esque asked that they lower their profit a bit. Mr. Doyle said that the Borough demanded that JMF come up with \$717,000 in a contribution for improvements to Kinderkamack Road, infrastructure upgrades including a large drainage pipe, and the 20% set aside which helped with the prospective affordable housing need. JMF would also be building a state of the art emergency service facility. He said that they were already trying to get as much as they could from the developer and get the Borough's low and moderate income obligations met and get improvements for the Kinderkamack Road project. Council President Knoller said that they had bonded for those improvements so they were already budgeted for. Governing Body consensus was that this was something to look into.

Councilwoman DiPaola said they had bonded almost a million dollars to purchase two properties across the street. She proposed that the \$717,000 the Borough was asking JMF to contribute could instead come from the Governing Body. Councilman Tripodi asked if the funds could be used to eliminate the fourth floor. Mr. Doyle confirmed that it would reduce the number of affordable units and some could go at another location.

Dan O'Brien, 17 A,B,C Palisade Avenue said that at the recent Land Use Board meeting, they only discussed the construction on Block 419 and that presently the vote was on a bigger parcel.

Mr. Doyle explained that the Land Use Board had held a hearing on whether Block 419 and all the lots should continue to be designated as an area in need of redevelopment and at the end of the meeting the Board heard and made comments with respect to the redevelopment plan for the entire area - CBD-10 and CBD-15. He said the Land Use Board had not adopted their resolution recommending that Block 419 and all the lots continue to be designated as an area in need of redevelopment.

He clarified that the only thing that the Governing Body was considering that evening was whether it should adopt the ordinance which amended the redevelopment plan for CBD-10 and CBD-15. In response to Mayor Lamatina's question as to why everyone in the zone had received a letter, Mr. Doyle said that in 2004 the Governing Body designated all of the properties read off at the beginning of the meeting as an area in need of redevelopment. That meant that immediately upon the Governing Body's adoption of the resolution, they could have condemned the properties. In the last three to four years, the Legislature decided to have two types of redevelopment – redevelopment condemnation and redevelopment without condemnation. Upon counsel's advice and because they were before the courts with respect to low and moderate income obligations, they re-noticed the entire area so they could accurately report to the courts that they were looking to redevelop the downtown area and meet their prospective need. If certain properties met that requirement of the redevelopment area, the Governing Body could potentially consider acquiring them in order to build. They hoped that this would not have been necessary and that the properties would get redeveloped on their own. Despite this fact they had to notify all the property owners because they were beginning to reconfirm that the downtown area continued to be an area in need of redevelopment. They only took up Block 419 because there was currently a developer who had entered into an agreement with the Borough to build in the downtown area and redevelop part of the area and provide low and moderate income housing. When and if the Governing Body was ready to move forward on other areas in the redevelopment area, everyone would receive notice all over again indicating that there would be a hearing on those additional blocks and lots.

Mr. O'Brien continued with his comments. Since his property was in the condemnation zone, he asked why he would want to make any improvements. Mr. Doyle explained that Mr. O'Brien's property had been in a condemnation area since 2004 – it just didn't have the word condemnation in it. It was now required term by law, indicating whether there was an intention to use condemnation powers or not. The Borough was doing the exact same thing they did in 2004 which did not require the term condemnation. Condemnation was useful as a last resort tool if people were holding out and trying to leverage the town and taxpayers. Councilwoman DiPaola asked if they had to put it in legally at that point or if it could just have been designated as an area in need of redevelopment. Mr. Doyle said that it was his recommendation that they needed to have it continue to have it designated as they did previously which was an area that allowed condemnation. Council President Knoller asked Mr. Doyle if a property owner rehabilitated their property, if they could apply to be removed from the zone. Mr. Doyle agreed.

Mr. O'Brien asked if that was a guarantee. Mr. Doyle said it was not. Mr. O'Brien asked why he would do that financially. Mr. Doyle said it would have to be improved in accordance with the redevelopment plan.

Mr. O'Brien also reviewed property maintenance records for the past two years for Block 419, Lots 1-10 including 6.01 and 6.02 obtained through an OPRA request. He said that he had heard that these properties were run down and horrible at the Land Use Board meeting, but the records did not indicate that the properties were in disrepair.

Kathy Hornyak, 123 Palisade Avenue said that the area was unsightly and that something needed to be done but shared concerns about the PILOT program and its impact on the schools. She said that increased units would increase the number of students in schools.

Mr. Doyle said that in transit oriented developments, historically the data indicated that they did not get school aged children – instead it was empty nesters and college graduates. Mr. Doyle said nothing prevented the Governing Body from taking some of the PILOT payments and contributing them to the Board of Education if the project generated more children than anticipated. Ms. Rubinstein said that there were also retail components to this development. That would be based on whether revenue increased. However there was a bottom portion that they were guaranteed to have to pay and it could only go up.

Councilman Lazar said that when the development was done, the value of the property would go up. The money that you would normally pay for the property would still go to the school and the town and the county. Mayor Lamatina clarified the comment and said it was the property assessment. The Mayor said that there were two aspects to the tax bill, land and building. The land aspect would continue to be paid as normal – 30% to the Borough, 60% to the schools and 10% to the County. That would continue. It was only the improvements that would only be paid 95% to the Borough. Councilman Lazar clarified that there would still be more money going to the town and schools through the land value. The extra money for the improvements would now be given to the municipality and the County.

Dot Haight, 84 Lincoln Boulevard asked for clarifications about the PILOT and tax payments. She said they needed more understanding on the PILOT program. Mayor Lamatina said there had been a public hearing to answer questions. Mr. Doyle said that if the Governing Body would like, they could put it on an agenda for a January meeting. Mr. Karrenberg would return to allow for further discussion on what the PILOT meant. The Governing Body agreed. Mayor Lamatina said there were four items on the website explaining PILOT agreements generally and specifically for Emerson.

Michael Casey, Linwood Avenue asked whether the project would be scrapped if a business did not sell.

Mr. Doyle said the project would either be retooled or potentially scrapped – it would be up to the developer.

Ken Hoffmann, 61 Emwood Drive shared concerns about the height allowance of the downtown development and asked that the Governing Body make a decision that was in the best interest of the public. He suggested that decisions on the use of eminent domain and the height of the buildings be put to a referendum vote.

Mike Myers, 38 Allison Way said he was reiterating Mr. Hoffman's comments and asked that the Governing Body listen to the public's concerns and not just focus on the project.

William Price, 9 Emwood Drive said the proposed redevelopment was too big, would bring in too many people and put a burden on municipal services. He asked that the Governing Body wait to see how the Kinderkamack Road improvement project worked out before thinking about redevelopment.

Debbie Agnello, 188 Kinderkamack Road commented on eminent domain and Mayor Lamatina's quotes in the Pascack Press. She asked if the Governing Body had spoken to existing businesses about how productive their businesses were.

Mr. Doyle said it would not be appropriate because they had performed an appraisal on the properties and they had not sat down to negotiate in good faith. She also asked about the process of appealing the designation and when the 45 day appeal period started.

Toni Plantamura, Dairy Queen owner, 13 Kinderkamack Road, discussed how her family had been affected by eminent development twice since the 1950's and how business was down by 20-30% due to Kinderkamack Road improvements. She commented on the PILOT program and said that redevelopment would lead to more congestion and more taxes to cover police, fire and schools. She asked how to get off the redevelopment list.

Mr. Doyle explained that she should write a letter to the Governing Body asking whether it could be removed from the list and they would take it up at the appropriate time. Mr. Doyle said they could give her some guidance.

Robert Petrow, 21, 23, 33 and 50 Chestnut Street discussed his two buildings and said he wanted his properties taken out of the redevelopment zone. He said that in 2008 he had sent six or eight letters to Borough Counsel formally asking to be taken out of the redevelopment zone and never received a response.

Mayor Lamatina asked that Mr. Petrow send copies to redevelopment counsel and said there was a procedure in the redevelopment law for properties to be taken out of the zone if they had been developed in accordance with the plan.

Mr. Petrow also asked if there was fire equipment and manpower to handle four story buildings.

Laura Litchult, Cradles to Crayons, 300 Kinderkamack Road asked about enforcement of the noise ordinance and how it would relate to rooftop facilities in the redevelopment zone.

Kathy Viola, 139 Linwood Avenue asked if a paid Fire Department would be necessary with additional development in town. Councilman Lazar said that the building would be safer than a private home due to fire regulations.

Todd Bradbury, 24 Chestnut Street asked about the ordinance up for adoption and expressed concerns about redevelopment and flooding on Chestnut Street. He discussed a letter he received in 2008 saying that he was not included in the redevelopment zone but had received a letter in November indicating that he was in the zone.

Ms. Rubinstein said that his letter had been forwarded to the Borough Planner to start the process to have him removed. Mr. Hoffmann said he would follow up the next day.

Jody Fortino, employee of Mr. Bradbury at 24 Chestnut Street said she was speaking on behalf of Mr. Bradbury who had purchased his property in 2008 and made improvements. She said it would be financially and mentally crippling to him personally and to his business if his property was seized. She asked that eminent domain be stopped.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on this ordinance only.

☛ **Motion** to close the meeting to comments from the public on Ordinance #1535-16 only was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

Mr. Doyle stated that this process had been going on since August 16, 2016 when the Governing Body adopted Resolution #221-16 directing the Land Use Board to review certain amendments. On September 8th, the Land Use Board held a Public Hearing and heard all the testimony. On September 22nd the Board adopted a resolution with its report. On December 6th the Mayor and Council heard about the findings and adopted a resolution and ultimately referred it back down because there were a couple changes and on December 8th the Land Use Board met and ultimately recommended the resolution the Governing Body had before them that evening. He noted that this was a process that had been going on since August. If the Governing Body did not adopt the ordinance or it was tabled it would have to be reintroduced again in January and then referred back to the Land Use Board. They would have to wait for the Land Use Board to adopt the resolution once again which would take two meetings to do. It would then be referred back to the Mayor and Council for a second reading and hearing. He said there was a developer's agreement in place and certain obligations; he strongly recommended that the Mayor and Council consider adopting the ordinance that evening if they found the proposed changes, which were minimal by the Land Use Board, to be acceptable.

☞ **Motion** to adopt Ordinance 1535-16 on second reading was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 4-3.

Before announcing his vote, Councilman Tripodi said he had concerns with how large the area was that was being affected by the amendment. He thought it was going to be Block 419 and did not realize how many people were going to be affected. His second concern was that he thought they should go back and look at JMF's contribution to the Kinderkamack Road project to see if there was any way they could get rid of the fourth story and potentially have the Borough take on some of that work. He then voted no.

Councilman Worthington said he was in complete agreement with Councilman Tripodi and that they should go back and take a look at this. He then voted no.

RC: Council members:

YES: Lazar, Downing, Knoller, Mayor Lamatina

NO: DiPaola, Tripodi, Worthington

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola held her report until January.

Councilman Lazar said the Department of Public Works had cleaned up leaves in the parks and playgrounds, recycled metal, prepared brine and conducted preventative maintenance. They were doing an exceptional job during snow storms. Injuries were down 75% in 2016 compared to 2015 which he attributed to online training on safety topics.

Mayor Lamatina said Ms. Viola had reported a pothole on the corner of Linwood Avenue and Kinderkamack Road and DPW Superintendent Perry Solimando had it fixed the next day. He added that Construction Official Mike Sartori had sent an email to the builder of Starbucks because the temporary patch had come out and if it was not repaired by the following day, the job would be shut down. Councilman Lazar also praised Mr. Sartori for following up within minutes after he reported that the builder had not cleaned up snow on the sidewalk after the recent storm which led to icy conditions. He wished everyone a Merry Christmas and Happy Chanukah.

Councilman Downing gave the November report of the Volunteer Ambulance Corps. He thanked the Fire Department for their outstanding job hosting Santa and the movie at the high school. He said a couple people shared concerns about why Santa and the Fire Department were no longer driving around at night and explained that the change was made for safety reasons.

Council President Knoller discussed the Special Meeting held earlier that evening and announced that conditional offers of employment were offered to three people. Two officers would start on January 1, 2017 and the third would start in March. He thanked the Governing Body for their support. He congratulated Captain McDermott and his family and was happy that they were able to accommodate his family so that they were all able to participate in his swearing in. He wished everyone a Merry Christmas, Happy Chanukah and a Happy and Healthy New Year.

Mayor Lamatina thanked Council President Knoller and Councilman Tripodi who served on the Police Committee, as well as Mr. Hoffmann and everyone else on the committee. At the Mayor's request, Council President Knoller detailed the process that led to the hiring of the three officers.

Councilman Tripodi congratulated Captain McDermott and said they were glad to accommodate him so that his son who lived in South Carolina could be present for his swearing in. He detailed the police hiring process and thanked Council President Knoller for all the time he invested in the process. He wished everyone a Happy Holiday and a Happy and Healthy New Year.

Councilman Worthington wished everyone a Happy Holiday.

Mayor Lamatina said that the County had placed seventy trees at Van Saun Park for the Winter Wonderland event. County Executive Jim Tedesco had invited each town to decorate their tree. Mayor Lamatina said he was making arrangements for residents to provide decorations in the theme of the Family Town and decorate Emerson's tree on December 23rd.

- Borough Administrator Robert Hoffmann wished everyone a Merry Christmas, Happy Chanukah and a Happy and Healthy New Year. He thanked the Governing Body for all they accomplished during the year and wished everyone the best of success in 2017.
- Borough Clerk Jane Dietsche wished everyone a Happy Holiday.
- Borough Attorney Wendy Rubinstein said she had attended a case management conference with the COAH judge. Based on the study for redesignation on affordable housing and the proposed project by JMF, they were thrilled that the Borough could put 20% on site. They were negotiating with Fair Share Housing to see if they could lower their number that was up around 400. The judge had requested giving the Borough sixty days to get a preliminary housing plan together at which time they would go back for another case management conference with Fair Share Housing Center and Special Master to see if they could get some kind of reduction – maybe into the upper 200's instead of the lower 400's. She said they were doing their best to reduce that and noted that Fair Share was recognizing that the Borough was taking a proactive approach.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 10:45 p.m.

Dan O'Brien, 17 A,B,C Palisade Avenue asked questions about property values and assessments and read quotes from an article in the December 19th issue of the Pascack Press. He said that eminent domain was when a municipality purchased property for public purposes. He questioned how the Borough was using eminent domain to buy property for a redeveloper to make money.

Jim Sabino, 23 Pavonia Avenue spoke about ongoing flooding issues which resulted in property damage, expense and inconvenience to his family. He detailed remediation efforts which had resulted in only a temporary solution. Mr. Hoffmann said he would follow up on this.

Alyssa (inaudible), Cradles to Crayons, 300 Kinderkamack Road read a statement and said that members of the audience had worked hard for their small businesses, made sacrifices for their families and worked hard to build the community. She was disgusted and disappointed in some of the elected officials who so casually threw their votes around. She challenged everyone to do better in 2017.

Laura Litchult, owner of Cradles to Crayons, 300 Kinderkamack Road said she had grown her business and was passionate about working with children. She added she would be heartbroken to see it come to an end and did not feel that members of the public were being heard. She asked that the Governing Body communicate with business owners and families to come up with a collective solution to make this work for everyone.

Jill McGuire, 159 Linwood Avenue asked that the Governing Body listen to Councilman Tripodi's comments and step back to think about alternate funding to eliminate the need for a fourth story. She requested empathy for property owners.

Kathleen Viola, 139 Linwood Avenue asked about traffic patterns on Linwood Avenue and Kinderkamack Road.

☞ **Motion** to extend the meeting curfew to no later than midnight was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried unanimously.

Todd Bradbury, 24 Chestnut Street commented on Ms. Bogart's plan and said it did not address the use level of the properties.

Pat Gillespie, owner of Shop Rite Shopping Center, Old Hook Road said he had received feedback from tenants that business was down because of the Kinderkamack Road improvement project and asked for a meeting with the County to explore ways to mitigate traffic congestion and disruption.

William Price, 9 Emwood Drive thanked members of the Governing Body for their no vote and said they needed to step back and listen to the people. He said he disliked the traffic on Linwood Avenue.

Mike Myers, 38 Allison Way asked how retail could be accessed in the JMF development area and requested a better mix of retail chains and mom and pop businesses.

Ed Bueti, 91 Chestnut Street asked about the cost per square foot for JMF's retail locations.

Robert Petrow, 21, 23, 33 and 50 Chestnut Street asked if the project would definitely happen and if the current tenants would be relocated and/or compensated. He also requested that his properties be taken out of the redevelopment zone.

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 Lazar, **seconded** by Council President Knoller and carried at 11:47 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 284-16

☞ **Motion** to approve Consent Agenda No. 284-16 was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington

- Ca 285-16 Authorize renewal of Shared Service Agreement with the County of Bergen for TV Inspection Services for CY 2017 and 2018
- Ca 286-16 Authorize Cancellation of Small Balances
- Ca 287-16 Authorize hiring of Susan Monaghan as F/T Technical Assistant for the Construction Office
- Ca 288-16 Mayor and Council - 2017 Holiday Dates
- Ca 289-16 Mayor and Council - 2017 Meeting Dates
- Ca 290-16 Authorizing Disposal of Surplus Property
- Ca 291-16 Authorize Drug and Alcohol Testing Agreement for 2017
- Ca 292-16 Authorize the hiring of Jim Howells as DPW Road Department member effective January 1, 2017
- Ca 293-16 Authorize Action to Ensure Continuity of Services
- Ca 294-16 Authorize Borough Administrator to issue RFQ's for Grant Writing Services for 2017, 2018 and 2019
- Ca 295-16 DOT and Green Acres Grant Applications

Councilwoman DiPaola departed the Council Chambers before Closed Session due to illness.

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 296-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 296-16 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0 at 11:48 p.m.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Tripodi, Worthington

- #16-12/06-41 Personnel – Rice Notice – N.J.S.A. 10:4-8
- #16-12/06-42 Contract Negotiations - DPW 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.

~~Councilwoman DiPaola departed the Council Chambers at the conclusion of Closed Session due to illness.~~

☞ **Motion** to reconvene was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried.

☞ **Motion** to extend the curfew for five additional minutes was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried unanimously.

- Resolution No. 297-16 Construction Official Compensation Adjustment & Acceptance of Resignation

☞ **Motion** to approve Resolution No. 297-16 Construction Official Compensation Adjustment & Acceptance of Resignation was **moved** by Councilman Tripodi, **seconded** by Councilman Downing and carried by a roll call vote of 5-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried at 12:03 a.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk