



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 4, 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, Councilman Falotico, Council President Knoller, Councilwoman Wolf

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Absence of Mayor Lamatina from the Special Meeting of November 19, 2018

☞ **Motion** to excuse the absence of Mayor Lamatina from the Special Meeting of November 19, 2018 was **moved** by Council President Knoller, seconded by Councilwoman Wolf and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina stated that there were no proclamations or citations that evening.

V. APPOINTMENTS/RESIGNATIONS

- Emerson Volunteer Ambulance Corps
 - Appointment of Brandon Izzo as a Probationary Member effective immediately

☞ **Motion** to appoint Brandon Izzo as a Probationary Member of the Emerson Volunteer Ambulance Corps effective immediately was **moved** by Councilman Downing, seconded by Councilman Falotico and carried unanimously.

- Emerson Volunteer Fire Department
 - Appointment of Daniel Dominguez as a Probationary Member effective immediately

☞ **Motion** to appoint Daniel Dominguez as a Probationary Member of the Emerson Volunteer Fire Department effective immediately was **moved** by Councilwoman Wolf, seconded by Councilman Downing and carried unanimously.

VI. MINUTES FOR APPROVAL

- Special and Closed Session Special Meeting Minutes of November 19, 2018

☞ **Motion** to approve the Special and Closed Session Meeting Minutes of November 19, 2018 was **moved** by Council President Knoller, seconded by Councilman Falotico and carried unanimously.

- Regular and Closed Session Meeting Minutes of November 20, 2018

☞ **Motion** to approve the Regular Meeting Minutes as amended and the Closed Session Meeting Minutes of November 20, 2018 was **moved** by Council President Knoller, seconded by Councilman Falotico and carried unanimously.

VII. UNFINISHED BUSINESS

- Presentation by Borough Planner on updates to Sign Ordinance – Ms. Bogart noted that the Land Use Board had been working on this item for two and a half years and outlined the major changes. The biggest change was removing items originally in Chapter 232 Sign and Awning and adding them to the Chapter 290 Zoning. She explained that the goal of the Land Use Board was to consolidate and simplify the regulations and give new businesses the opportunity to design their own signage by relaxing the current stringent regulations. Ms. Bogart discussed definitions which were added and specific items which were amended. Those items addressed animated signage and current technology, temporary signs, exemptions for charitable and religious institutions and relaxing the code related to colors on signs to allow businesses to have flexibility in marketing. Councilwoman/Mayor-elect DiPaola requested that the ordinance limit the number of colors allowed on signs to keep the look of downtown Emerson cohesive and provide a small-town feel. However, there was a concern that this would limit specific brand standards and would require a variance. Governing Body consensus was to introduce the ordinance with the stipulation that no sign consist of more than four colors, inclusive of black and white in place of the verbiage on page 8 Letter B which stated ‘there are no restrictions on the number of colors permitted on one sign’ and to add the word ‘electronically’ before the word ‘animated’ on page 9 in Section H. Further amendments could be addressed in the future.

- Discussion of changing weekly recycling dates from Wednesday to Monday – Mr. Hoffmann followed up on a discussion that had taken place at the November 20th Council meeting. He stated that if the Borough changed the date of recycling pickup from Wednesday to Monday, only one Monday over the next four years, in 2022, would be considered a holiday by Interstate Waste and postpone their pickup to Wednesday. Interstate Waste offered to give the Borough 200 free totes and would be willing to provide additional containers at cost. Gaeta Recycling would continue to pick up yard waste on Mondays and Interstate Waste would pick up all recycling on Monday. Garbage collection would continue on Tuesdays and Fridays.

☞ **Motion** to allow Interstate Waste Services to change the date of recycling pickup from Wednesdays to Mondays beginning in 2019 for the remainder of their contract 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

VIII. NEW BUSINESS

- Permit Training Unlimited to hold training class on March 21st in Borough Hall – benefit to Borough - CEU's at no cost to Borough employee – The Governing Body and Mr. Hoffmann discussed allowing Training Unlimited to hold a training class in Borough Hall on March 21, 2019. The class would allow one Borough employee to obtain CEU's at no cost. Other organizations also scheduled training classes periodically in Borough facilities. Governing Body consensus was to have a formal procedure whereby all such requests went through the Borough Administrator in the future.

☞ **Motion** to permit Training Unlimited to hold a training class in Borough Hall on March 21, 2019 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

- Crossing Guards – Calendar Year Appointment – New Jersey State Law Sick Leave – Mr. Hoffmann noted that New Jersey had passed a law on October 29th which required employers to provide paid sick time for part time employees. He was expecting more information from the State which would help guide the Borough in conforming with these new regulations.

IX. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Lamatina announced that Ms. Dietsche would read the following ordinances by title and they would be further considered at a Public Hearing to be held on December 18th, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the December 7, 2018 edition of The Ridgewood News. He added that these ordinances were 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

☞ **Motion** to introduce Ordinance No. 1569-18 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

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

☞ **Motion** to introduce Ordinance No. 1571-18 on first reading 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

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 introduce Ordinance No. 1572-18 on first reading 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

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

☞ **Motion** to introduce Ordinance No. 1573-18 on first reading was **moved** by Councilman Falotico, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

1574-18 AN ORDINANCE AMENDING CHAPTER 101, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, TO ADDRESS ALL EXISTING SIGNAGE REGULATIONS AND IMPLEMENT A NEW COMPREHENSIVE SIGN CODE

☞ **Motion** to introduce Ordinance No. 1574-18 as amended on first reading 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

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

Councilwoman/Mayor-elect DiPaola requested that Ordinance 1575-18 and 1576-18 be opened to the public so that their voices could be heard on these items.

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1575-18 and Ordinance No. 1575-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

Jan Blau, 77 Hasbrouck Avenue said the Volunteer Ambulance Corps property belonged to Emerson and that there was no consideration for this conveyance of property. He discussed traffic concerns and opined that an independent traffic safety expert should sign off on the redevelopment project.

Bill Price, 9 Emwood Drive said Emerson Woods was beautiful and opined that he was against a monstrous building in the downtown area. He expressed his concerns about traffic and opined that it would be worse with redevelopment. He loved Councilman Downing’s compassion and said that he did a good job and would always be his friend.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1575-18 and Ordinance No. 1575-18 was **moved** by Councilman Falotico, **seconded** by Councilman Bayley and carried unanimously.

Councilwoman/Mayor-elect DiPaola said the Governing Body was tying the hands of any future administration and said the process had been accelerated because of the upcoming change in government.

☞ **Motion** to introduce Ordinance No. 1575-18 on first reading was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 5-1:

RC: Council members:

YES: Bayley, Wolf, Knoller, Falotico, 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 introduce Ordinance No. 1576-18 on first reading was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 4-1:

RC: Council members:

YES: Bayley, Wolf, Knoller, Falotico

NO: DiPaola

ABSTAIN: Downing

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 introduce Ordinance No. 1577-18 on first reading was **moved** by Councilman Downing, **seconded** by Councilwoman/Mayor-elect DiPaola and carried by a roll call vote of 6-0:

RC: Council members:

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

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

☞ **Motion** to introduce Ordinance No. 1578-18 on first reading was **moved** by Councilman Bayley, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

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

☞ **Motion** to introduce Ordinance No. 1579-18 on first reading was **moved** by Councilman Falotico, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

X. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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 open the meeting to comments from the public on Ordinance No. 1570-18 only was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller 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. 1570-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1570-18 only was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried.

☞ **Motion** to adopt Ordinance No. 1570-18 on second reading was **moved** by Councilman Falotico, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

☞ **Motion** to add Borough Administrator Robert Hoffmann's report to the agenda 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, Bayley, Wolf, Knoller, Falotico, Downing

XI. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
 - He thanked Office of Emergency Management Coordinator/Police Lieutenant Mark Savino and Deputy OEM Coordinator/DPW Superintendent Perry Solimando for helping the Borough receive a reimbursement of \$80,098.44 from the Federal Emergency Management Agency. They had submitted all the necessary paperwork to be reimbursed for expenses related to the March 7, 2018 snowstorm which deposited 26 inches of snow in Bergen County. The Borough would benefit from their professionalism, perseverance and willingness to go the extra mile on behalf of Emerson.
 - He wished everyone a Happy Chanukah.
 - On Friday, December 7th at 7:00 p.m. the Annual Christmas Tree Lighting would take place at Borough Hall. Father Paul of Assumption Church and Pastor Arturo of the Emerson Bible Church would take part in the event and the Emerson Junior/Senior High School Choir would perform. Santa was scheduled to arrive on the fire truck and lead everyone to the Fire House for hot cocoa and merriment.
 - He discussed the passing of former President George Bush and said that he had touched a lot of people. Wednesday, December 5th would be a National Day of Mourning to pay tribute and honor the good deeds he did for the country. He added that President Bush valued public service and shared a story about meeting him on three occasions when he served as Vice President. He said that on January 10, 1985 he was offered a job as an advance man for Vice President Bush but said he could only accept the position if he was able to be in the United States on Saturday, June 22nd, 1985 for his wedding. He was told that it was not possible to guarantee that, so he declined the job offer. As it turned out, on June 22, 1985, Vice President Bush was in Europe attempting to negotiate an extension to the SALT II treaty and he would have been in Europe instead of getting married. He closed by saying that Vice President Bush had written a note and sent a picture to his future in-laws saying he had made the right decision to marry their daughter. He noted that former President Bush was a genuinely nice man who touched a lot of people.

XII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried at 9:01 p.m.

Laura Litchult, 300 Kinderkamack Road, President of the Emerson Chamber of Commerce said the Veterans' Breakfast they hosted on November 12th had been well received and thanked business owners and residents for their assistance. She hoped to continue the event in the future. She also requested to be notified in advance of upcoming events in the Borough so the Chamber of Commerce could participate.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried at 9:08 p.m.

XIII. RESOLUTIONS ON CONSENT AGENDA NO. 283-18

☞ **Motion** to approve Resolution No. 283-18 Consent Agenda 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 284-18 Transfer of Funds
- CA 285-18 Confirm Endorsement of Community Development Grant for \$6,000.00 for Cognitive Training and Intellectual Wellness
- CA 286-18 Confirm Endorsement of Community Development Grant for \$200,000.00 for drainage improvements in Continental Woods Section 4
- CA 287-18 Authorizing Retroactive Five-Year Agreement with New Jersey Transit through May 31, 2022 for Commuter Parking Spaces on Emerson Plaza East License #L0237-1944-01
- CA 288-18 Authorizing Retroactive Five-Year Agreement with New Jersey Transit through May 31, 2022 for Commuter Parking Spaces at Emerson Train Station License #L0237-1964-01
- CA 289-18 Authorize Renewal of Shared Service Agreement with the Northwest Bergen County Utilities Authority for Licensed Operator Services for the period January 1, 2019 through December 31, 2020
- CA 290-18 Amending Resolution 221-18 Not to Exceed Amount for Specialty/Hybrid Services Contract – Joe Amaral and Sons Landscaping Inc.
- CA 291-18 Authorize Borough Attorney to begin the process of taking in-rem foreclosure proceedings on a property with unpaid taxes

XIV. CLOSED EXECUTIVE SESSION - Resolution No. 292-18

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 292-18 was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Bayley and carried by a roll call vote of 6-0.

RC: Council members:

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

- #18-12/04-31 Potential Litigation – New Concepts for Living N.J.S.A. 10:4-7
- #18-12/04-32 Personnel – Police Department -SRO N.J.S.A. 10:4-7
- #18-12/04-33 Potential Litigation – Land Use Statutes, N.J.S.A. 10:4-7
Variances

XV. 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 Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried at 10:30 p.m.

- Resolution No 293-18 Resolution for Municipalities to Confirm Endorsement of Community Development Projects – New Concepts for Living

☞ **Motion** to approve Resolution No. 293-18 Resolution for Municipalities to Confirm Endorsement of Community Development Projects – New Concepts for Living was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Councilman Falotico and carried by a roll call vote of 6-0:

RC: Council members:

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

- Resolution No 294-18 Authorize the Hiring of One Full Time Probationary Patrol Officer for the Emerson Police Department

☞ **Motion** to approve Resolution No. 293-18 Authorize the Hiring of One Full Time Probationary Patrol Officer for the Emerson Police Department as a conditional offer of employment to a potential police officer pending completion of the required background, etc. testing as well as pending the ability to hire an extra officer if the Borough Ordinance is enacted to hire officers up to 22 on the force was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

XVI. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilwoman/Mayor-elect DiPaola, **seconded** by Council President Knoller and carried at 10:43 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk