



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
February 6, 2018  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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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 DiPaola, Councilman Downing, Councilman Falotico, Council President Knoller, Councilwoman Wolf

Also present were Bergen County Sheriff Michael Saudino, Bergen County Freeholder Vice Chair Germaine Ortiz, Borough Administrator Robert Hoffmann and Borough Attorney Wendy Rubinstein.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

Mayor Lamatina announced that there were no excused absences that evening.

IV. PROCLAMATIONS & CITATIONS

- Appreciation of Services – Councilman John V. Lazar
- Honoring Eagle Scout Louis Currier
- Honoring the 100<sup>th</sup> Birthday of Margaret Lee

V. APPOINTMENTS/RESIGNATIONS

- Recreation Commission
  - Resignation of Dave Rector as Presiding Officer/Member effective

☞ **Motion** to accept the resignation of Dave Rector as Presiding Officer/Member of the Recreation Commission was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried unanimously.

- Appointment of Bob Quinones as a Regular Member for the unexpired term ending 12/31/21

☞ **Motion** to appoint Bob Quinones as a Regular Member of the Recreation Commission for the unexpired term ending 12/31/21 was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried unanimously.

- Appointment of Rich Solimando as the Alternate I member for the unexpired term ending 12/31/21

☞ **Motion** to appoint Rich Solimando as the Alternate I member of the Recreation Commission for the unexpired term ending 12/31/21 was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried unanimously.

- Appointment Eilish Viggiani as the Alternate II member for the unexpired term ending 12/31/22

☞ **Motion** to appoint Eilish Viggiani as the Alternate II member of the Recreation Commission for the unexpired term ending 12/31/22 was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried unanimously.

- Fire Department
  - Appoint of Thomas J. Carlos as a Cadet member

☞ **Motion** to appoint Thomas J. Carlos as a Cadet member of the Emerson Volunteer Fire Department was **moved** by Councilman Downing, **seconded** by Councilwoman Wolf and carried unanimously.

- Co-Labor Counsel
  - Resolution No. 79-18 Award Professional Services Contract Using the ‘Fair and Open Process’ in Accordance with the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.4 et seq., For Co-Labor Counsel for the Calendar Year 2018 - John L. Shahdanian II, Esq.

☞ **Motion** to approve Resolution No. 79-18 Award Professional Services Contract Using the ‘Fair and Open Process’ in Accordance with the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.4 et seq., For Co-Labor Counsel for the Calendar Year 2018 - John L. Shahdanian II, Esq. was **moved** by Councilman Downing, **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**

- Municipal Court
  - Resolution No. 80-18 Award Professional Services Contract on a Three-Year Cycle Per Resolution 252-15 Using the ‘Fair and Open Process’ in Accordance with the “New Jersey Local Unit Pay to Play Law”, N.J.S.A. 19:44A-20.4 et seq., For Municipal Prosecutor for the Calendar Year 2018 – Neil Tortora, Esq.

☞ **Motion** to approve Resolution No. 80-18 Award Professional Services Contract on a Three-Year Cycle Per Resolution 252-15 Using the ‘Fair and Open Process’ in Accordance with the “New Jersey Local Unit Pay to Play Law”, N.J.S.A. 19:44A-20.4 et seq., For Municipal Prosecutor for the Calendar Year 2018 – Neil Tortora, Esq. 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**

## VI. MINUTES FOR APPROVAL

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

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

VII. FINANCIAL BUSINESS

- Report on Year End 2017 – Mr. Hoffmann reported that the Borough had closed the books on 2017 and regenerated a surplus of \$1,271,763.00 – the largest amount of fund balance regenerated in about ten years. The Borough was looking to see what they could anticipate being regenerated in 2019 and 2020 to stay in a good position. Since 2015, the Borough had been able to generate incrementally a little more fund balance each year which was their overall goal. He said the Borough’s policy was to not live beyond its means.

VIII. UNFINISHED BUSINESS

- Armenian Home - Request for Extension of Time to Complete Construction to April 25, 2019 – Mr. Hoffmann explained that this item was being moved to the February 20<sup>th</sup> agenda since it would initially be discussed at the Land Use Board meeting scheduled for Thursday, February 15<sup>th</sup>.

IX. NEW BUSINESS

- Banning the sale of marijuana if legalized – Councilwoman DiPaola stated that she wanted to begin obtaining feedback from the Governing Body on whether they wished to allow the sale of marijuana in the Borough if Governor Murphy’s pledge to legalize it in 100 days was achieved. She requested that Emerson, as the Family Town, take an early stance on this item rather than act in a reactionary manner. Governing Body consensus was to monitor the situation but not take action until they could review proposed legislation.
- Presentation of Burbio Municipal App by Dennis Roche, Julie Roche, Anissa Martin – A calendar application was presented which would allow residents to follow calendars and events electronically in the community. Governing Body consensus was to approve a Consent Agenda resolution endorsing this agreement.
- Oppose PSE&G January 12, 2018 rate increase proposal – Mr. Hoffmann said Public Service Electric and Gas was requesting a 1% rate increase but in addition was seeking to decouple which could lead to a hidden rate increase of up to 8%. He asked the Governing Body to consider opposing the rate increase by endorsing a resolution and/or attending a meeting to oppose their request. Council consensus was to have Mr. Hoffmann prepare a resolution for the next meeting.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that Ms. Dietsche would read the following ordinance by title and it would be further considered at a Public Hearing to be held on February 20, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the February 9, 2018 edition of the Ridgewood News. He added that this ordinance was on file in the Clerk’s Office and posted on the official bulletin board of the Municipal Building where copies would be available to the General Public at no charge.

**First Reading:**

**1550-18** AN ORDINANCE REPEALING SECTION THREE OF CHAPTER 170 HUNTING AND FIREARMS, OF THE CODE OF THE BOROUGH OF EMERSON

☞ Motion to introduce Ordinance No. 1550-18 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**

XI. ADOPTION OF ORDINANCES

Special Counsel Doug Doyle and Borough Planner Brigette Bogart were present for the second reading and public hearing of Ordinance No. 1549-18.

**Second Reading & Public Hearing:**

**1549-18** AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTIES IDENTIFIED AS BLOCK 419, LOTS 2, 3, 4 AND 6.01 LOCATED WITHIN THE BOROUGH OF EMERSON PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET SEQ. AND/OR THE FAIR HOUSING ACT N.J.S.A. 52:27D-301 ET SEQ.

☞ **Motion** to open the meeting to comments from the public on Ordinance #1549-18 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 8:28 p.m.

Gary Schwinder, 99 Linden Drive ~~said~~ opined that the downtown had not changed since he moved to town in 1977. He ~~stated~~ opined that voting against the proposed ordinance was a vote against revitalizing Block 419 which he said was a perfect location for a commuter village.

Lorraine McQueeney, 115 Grand Boulevard, read a statement opposing eminent domain, noting that it did not take into consideration the human element. She ~~stated~~ opined that condemnation should be restricted to urban blight and that it was an undue process. She said that the downtown looked terrible but suggested that the area could be refaced at a cost to the local merchants rather than demolished and rebuilt. She requested that the Governing Body table this matter to allow due consideration to be given to alternatives.

Ken Hoffman, 61 Emwood Drive commented on statements made in a 2017 mailer from the Governing Body, ~~said~~ opined that it contained false narrative and that their intention was to condemn people's property from the very beginning. He ~~stated~~ opined that these statements had conned many residents and perhaps some members of the Council into believing that redevelopment and eminent domain were unavoidable.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1549-18 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 8:46 p.m.

☞ **Motion** to adopt Ordinance 1549-18 on second reading was **moved** by Councilman ~~Lazar~~ 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**

Special Counsel Doug Doyle and Borough Planner Brigette Bogart departed the Council Chambers.

## XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
  - A bid opening was scheduled for Tuesday, February 13<sup>th</sup> for grant funded Phase I and II of the Continental Woods Project. It would be necessary to complete the project by May.
  - Bids for the procurement of electricity and natural gas had taken place and the Borough would save a total of \$37,569.58 over a 24-month period. He reviewed resolutions on the Consent Agenda related to this initiative.
  - The Borough's grant writers had filed an assistance to firefighter grant on behalf of the Fire Department in the amount of \$236,137.00. If successful, the Borough would be required to place a 10% match, or \$23,613, in the 2019 budget. The projected total cost would be \$259,750.00. He thanked Fire Chief Tom Carlos and Assistant Fire Chief AJ Sottile for their efforts in preparing the grant which would fund personal protective equipment such as face shields and oxygen tanks.
  - He, Mayor Lamatina and Councilman Falotico had met with the Assistant County Engineer and a representative from New Jersey Transit to discuss several issues. They had agreed to allow a right turn on red after stops at the intersection of Kinderkamack Road and Linwood Avenue by the Valero gas station. Another right turn on red would now be permitted going southbound on Kinderkamack Road at Ackerman Avenue. In addition, seven seconds will be added to the Linwood Avenue after school to help clear traffic. An additional camera would also be installed facing up Ackerman Avenue to increase the detection of vehicles waiting at the intersection and adjust the traffic lights accordingly.

## XIII. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 8:57 p.m.

Jill McGuire, 154 Linwood Avenue and Chair of the Historic Preservation Committee reported on their first meeting of the year. They had hosted Ms. Elaine Gold, an historic preservation specialist and an administrator at the Bergen County Historic Preservation Trust Fund as a speaker. She shared a copy of the Bergen County Historical Site Survey prepared in the 1980's and outlined ways to file historic site grant determination eligibility paperwork with the State. Ms. Gold said Borough Hall would be the perfect candidate for eligibility. Ms. Gold said they should pursue the goal of including an historic element in the Master Plan and be an active participant in discussions of the Borough's upcoming municipal project.

Ms. McGuire said that as a resident, she requested that the Council encourage JMF Properties to negotiate fairly with the property owners so that everyone could leave with a smile on their face. She also commented on the volume of traffic on Linwood Avenue.

Pat Dinallo, 34 Sullivan Drive said that she did not think that the property owners respected the residents by allowing their investments to fall into disrepair.

Kate Stutzel, 186 Eagle Drive, said she supported the Mayor and Council requirement to meet their legal housing obligation, allowing the Borough to meet the needs of people in all walks of life. To be the 'Family Town', the Borough needed to make that a reality for all kinds of families.

Robert Obernauer, owner of the Valero gas station at 161 Kinderkamack Road was in support of replacing Borough Hall. He also was in support of redeveloping a new downtown because he believed in progress. He said Block 419 was not utilized to the level it should be and landlords were not maintaining their properties.

Lorraine McQueeney, 115 Grand Boulevard said the 'Do Not Enter' sign on Linwood Avenue was confusing because it said 'Enter' and then 'Do Not'. She was in favor of mixed use housing for seniors but with an alternate, less unwieldy plan that would not require taking any properties.

Ken Hoffman, 61 Emwood Drive asked questions about the Borough's ongoing redevelopment litigation.

Kathy Viola, 139 Linwood Avenue suggested installing a 'Do Not Block the Box' at Linwood Avenue intersection to assist with traffic flow.

Dominic Scala, 188 Kinderkamack Road, Owner of Cork and Keg invited the Governing Body and members of the Land Use Board to meet him at his store for ten minutes as a second request.

Bob Petrow, 21, 23 33, 50 Chestnut Street said he was in favor of progress but suggested a compromise solution for redevelopment - that the development be built around Cork and Keg, Ranch Cleaners and the Cinar Restaurant properties.

☛ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 9:22 p.m.

#### XIV. RESOLUTIONS ON CONSENT AGENDA NO. 68-18

Councilwoman DiPaola requested that CA 73-18 be pulled for a separate vote.

☛ **Motion** to approve Resolution No. 68-18 Consent Agenda with the exception of CA 73-18 2018 Council Liaisons – Revised February 6, 2018 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**

☛ **Motion** to approve CA 73-18 2018 Council Liaisons – Revised February 6, 2018 only was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried by a roll call vote of 5-1.

**RC: Council members:**

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

**NO: DiPaola**

CA 69-18	Approval to Enter into an Agreement with Burbio for Electronic Information Updates for Emerson Residents and Businesses
CA 70-18	Approval of Small Asset Inventory Survey
CA 71-18	Transfer of funds
CA 72-18	Accept Rates from January 23rd, 2018 Energy Auction
CA 73-18	2018 Council Liaisons – Revised February 6, 2018
CA 74-18	Authorization to enter into a grant agreement for Senior Citizen Activities in the amount of \$3,338.00 – Amending Resolution No. 280-17
CA 75-18	Amending Resolutions No. 60-18, 61-18 and 62-18 Authorizing Preparation of Plans, Specifications and Survey Work for Continental Woods Drainage and paving improvements (grant funded)

CA 76-18 Authorizing Tonnage Grant Application to New Jersey Department of  
Environmental Protection – Amending Resolution No. 57-18  
CA 77-18 Refund of Tax Overpayments  
CA 81-18 Confirm Endorsement of Community Development Project in The  
Amount of \$450,000 for Veterans Supportive Housing Community Room

XV. CLOSED EXECUTIVE SESSION - Resolution No. 78-18

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 78-18 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**

#18-02/06-05

Personnel– Police Department

N.J.S.A. 10:4-8

XVI. RECONVENE

The Borough of Emerson reserves the right to return to Open Session and, if appropriate, take formal action.

☞ **Motion** to reconvene was **moved, seconded** and carried at 9:59 p.m.

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried unanimously at 10:00 p.m.

Respectfully submitted,

Jane Dietsche, RMC  
Borough Clerk