



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
February 7, 2017  
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 7:46 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, Councilman Falotico, Council President Knoller

**Absent:** Councilman Lazar, Councilman Worthington

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Absence of Councilman Worthington from the Regular Meeting of January 17, 2017

☞ **Motion** to excuse the absence of Councilman Worthington from the Regular Meeting of January 17, 2017 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations this evening.

V. APPOINTMENTS/RESIGNATIONS

- Fire Department
  - Appointment of Nico J. Savino – Probationary Fire Department Member  
☞ **Motion** to appoint Nico Savino as a Probationary member of the Fire Department was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried unanimously.
- Police Department
  - Resignation of Officer Jorge Fujita effective February 8, 2017  
☞ **Motion** to accept the resignation of Police Officer Jorge Fujita effective February 8, 2017 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

- Library Board of Trustees
  - Amend appointment – remove Superintendent Brian Gatens as Board of Education Liaison
  - Appoint Kristin Vitale as Board of Education Liaison for the one year term ending 12/31/17

☞ **Motion** to amend the appointment of the Board of Education Liaison from Superintendent Brian Gatens to Kristin Vitale for the one year term ending 12/31/17 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously.

- Fire Official
  - Reappointment of Tom Monahan, Jr. as Fire Official for the three year term ending 12/31/19

☞ **Motion** to reappointment Tom Monahan, Jr. as Fire Official for the three year term ending 12/31/19 was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried unanimously.

- Reappointment of Rich Masiello as Fire Inspector for the three year term ending 12/31/19

☞ **Motion** to reappointment Rich Masiello as Fire Inspector for the three year term ending 12/31/19 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

- Ambulance Corps
  - Appointment of Samantha Bensen and Cory Fehr - Probationary Ambulance Corps Members

☞ **Motion** to appointment Samantha Bensen and Cory Fehr as Probationary Ambulance Corps members was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried unanimously.

#### VI. MINUTES FOR APPROVAL

Mayor Lamatina said that there were no minutes for approval this evening.

#### VII. FINANCIAL BUSINESS

- Resolution No. 72-17 Adoption of 2017 Temporary Capital Budget

☞ **Motion** to approve Resolution No. 72-17 Adoption of the 2017 Temporary Capital Budget was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 3-1.

**RC: Council members:**

**YES: Falotico, Knoller, Downing**

**NO: DiPaola**

## VIII. UNFINISHED BUSINESS

- Letter to be signed by Governing Body members to clarify misinformation – Mr. Hoffmann said he had drafted a letter to be distributed to residents and businesses to combat misinformation which had been distributed about redevelopment in the past and might be distributed in the future. Councilwoman DiPaola said the cost did not warrant such a mailing and thought it was political in nature. Council President Knoller said there was a lot of misinformation out there and that it was important to get a letter mailed and posted to the website explaining what was going on. He hoped to stop fake news and bad information from getting people angry and upset. Councilwoman DiPaola said that people were angry because of what was going on in town, not due to misinformation and suggested sending out a letter detailing the time line for work on Kinderkamack Road or recycling instead. She said that she thought the letter could just be posted on the website, did not necessarily agree with everything the letter said and would not be signing it. She said she did not agree with the fact that the letter said that they wanted to retain businesses and provide a vibrant downtown with opportunities for new businesses to start and succeed – she said she did not believe that everyone on the dais wanted to retain the businesses currently in town. Mr. Hoffmann asked for feedback on the letter before it was mailed. Councilman Falotico agreed with Council President Knoller and said there was so much distortion of the truth out there that the letter needed to be sent out.

☞ **Motion** to approve the form of letter to be mailed to each resident and business address in the Borough was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 3-1.

**RC: Council members:**

**YES: Falotico, Knoller, Downing**

**NO: DiPaola**

Councilwoman DiPaola said that she would not sign the letter and asked that her signature line be left blank so that residents would know that she refused to sign.

- Discussion: Better communication to residents, commuters and business owners regarding updates on the Kinderkamack Road project – Councilwoman DiPaola said she had been receiving feedback from business owners asking when the Kinderkamack Road improvements would end. She said the information being shared was not enough. The general information provided by the County was too general and the County had to understand that the businesses needed to survive and thrive while the project was in progress. She suggested that updates be provided to business owners and parents of school children on a weekly or bi-weekly basis. In addition, she said that better management of the construction was necessary.

Council President Knoller agreed that they needed to do a better job communicating to residents and the public about what was going on with the project. He suggested that business owners allow shared parking when there was construction near them. He said there were so many different entities involved and they should be brought before the Governing Body- PSE&G, Verizon, Suez Water, New Jersey Transit Rail, New Jersey Transit Bus and the County – to explain why they were making some of their decisions without notifying the Borough. He added these entities should be held accountable for work delays and project changes and respect that people and businesses were impacted by the project. Mayor Lamatina said there had been meetings with the various entities.

Councilwoman DiPaola said she had attended some of those meetings and some of the entities were finding out information for the first time. She suggested that someone sit everyone down and say that they were ruining the downtown for the moment and they needed to survive, get their children, allow businesses to thrive and not do whatever they wanted in town. Councilman Falotico agreed. Councilwoman DiPaola reiterated that the entities needed to be called into a meeting. She suggested that Borough Engineer Gary Ascolese would be the appropriate person to oversee the project and that he should be held accountable to ensure the town was respected.

Mr. Hoffmann agreed with the Council's comments and noted that there were eleven different entities involved. Their biggest black hole was New Jersey Transit because they had rail safety signals and operations and did not give the Borough any information. He thought Mr. Ascolese's involvement would be beneficial. Mr. Hoffmann said that he was the defacto representative because in the original scope of work the County was going to pay for the Borough Engineer to help manage the project; then that was changed. There would have been an additional cost to the Borough. He noted that Mr. Ascolese had helped to identify savings he believed would help offset his services and it would be beneficial if he was involved.

Mr. Hoffmann said he would request an estimate for Mr. Ascolese's time and bring that information to the next meeting. Councilwoman DiPaola said that Mr. Ascolese should be made aware that he would be held responsible and accountable to the Governing Body and the taxpayers to ensure the project became more streamlined and that better information was provided. Mr. Hoffmann said Mr. Ascolese would be able to help but would face the issue of the black holes. New Jersey Transit had said that they were responsible for the rails and it was none of the Borough's business.

Councilwoman DiPaola suggested that Ms. Rubinstein write a letter to New Jersey Transit on behalf of the Borough to let them know that they could not just come in and do whatever they wanted. Ms. Rubinstein said she would write whatever letter they wanted but it was not likely to fall in receptive ears. Among suggestions from the Governing Body were for the Borough to contact State Legislators to get them involved and sending a daily email blast to business owners to update them so they would feel more in the loop. The consensus was that the Borough needed to do a better job providing information to businesses and residents.

Mayor Lamatina asked that Mr. Hoffmann prepare a position paper to be sent out to businesses and posted to the website explaining the scope of the project and questions and answers related to Emerson Plaza East remaining a two way street and that Linwood Avenue would become a one way, a plan that had originated in 2008 when the concept plan was first prepared. He said the Borough should obtain a list of email addresses of the business owners. Mr. Hoffmann explained that part of the difficulty was that the project for the next week was not signed off on until mid-day the Friday before. Once he received it, it was distributed to the Governing Body and to whoever was interested as quickly as possible. The information was posted every week on the Borough website. Mayor Lamatina said businesses should be told that the latest information is posted to the website.

- Implementation of PILOT for 5 Pine Drive – Mr. Hoffmann said they were able to implement the PILOT for 5 Pine Drive and there was anticipated revenue for the 2017 budget going back to when the mortgage was recorded in 2012. He thanked everyone who helped gather information including CFO Lauren Roehrer, Mayor Lamatina, Borough Clerk Jane Dietsche, and Borough Attorney Wendy Rubinstein. He added that the goal was to implement two more PILOTS before the budget was introduced and anticipate some revenue. Mayor Lamatina said he had read the PILOT agreement which dated back to 2012 which placed up on the Borough the requirement to bill quarterly for the PILOT which was not done. He said the letter he drafted would request monies from 2012 through 2016. The Tax Collector had been instructed to bill them starting the first quarter of 2017 a total of \$6000 per year or \$1,500 per quarter. Mr. Hoffmann commented that the Borough Auditor said that they could add this to budget revenues for 2017.
- Discussion of Planner's Redevelopment Zone Report Excluding Block 419 – This item was postponed to await the arrival of Ms. Bogart.

#### IX. NEW BUSINESS

- 2017 Goals – Mr. Hoffmann had distributed a memo with short and long term goals and projects the Borough should aspire to. He asked for Governing Body feedback and whether the goals should be implemented. Councilwoman DiPaola said that televising Council meetings should be a huge priority and that she had discussed the technical requirements with the ECTV at the high school. She had been informed that all the Borough would need was a camera and tripod. The Council and Mr. Hoffmann mentioned technical issues such as sound dampening. Mr. Hoffmann said this would be a long term goal since renovations to Borough Hall were planned. Governing Body consensus was to approve the goals which were included in a resolution on the Consent Agenda.
- Siting Wireless Facilities – Mr. Hoffmann stated that members of the Governing Body, the Land Use Board and professional staff had received information from a webinar run by the New Jersey State League of Municipalities about siting wireless facilities in the municipal right of way and discussed whether municipalities had the right to review the application from utilities such as Verizon or facility carriers or facilitators. They sought to co-locate antennas on other municipal property or on telephone poles. He outlined three things which were important. If a wireless carrier came and wanted to co-locate or situate something in the municipal right of way, they would need municipal permission. They might have to go to the Land Use Board for approval. The municipality ultimately had to grant approval but only if the application was complete. He said Emerson would want poles to be co-located. If there was an easement the carrier had to get permission of the property owner.

Borough Planner Brigette Bogart arrived.

- Discussion of Planner's Redevelopment Zone Report Excluding Block 419 – Ms. Bogart said she had been directed at the last meeting to look at the entire study area to determine whether or not there were lots within the original study area from 2006 that no longer met the criteria and could be pulled out of the redevelopment designation. She had performed site inspections the previous week and looked at the tax analysis that she had previously prepared for Block 419 and for the entire study area. She distributed a map and spreadsheet and outlined her findings.

She explained that certain areas should be further studied in accordance with the Redevelopment regulations to see if they still met the criteria. Other lots could be taken out of the designated area immediately because either they did not meet the criteria as it stood today or some of the properties had already been redeveloped. She recommended that generally everything to the west of the railroad tracks no longer met the criteria. She kept in two lots immediately adjacent to the triangle, the house and office building; because she thought they might meet the criteria to continue to study. Mayor Lamatina clarified that she was starting as far south as Block 613, the Dairy Queen property and going north to Block 610 everything except Lots 1 and 2 which would be the subject of further study. She said she was also recommending taking out Block 606, 603 and 615. On the east side of the railroad tracks, starting on the southern border, she was keeping in Block 617.01 and a couple Lots on Block 616, lots 20, 21, 22, 23 and 24 and Lots 1 and 2 which were the gas station and adjacent residence for further study.

Mayor Lamatina asked Ms. Bogart whether in 2006 the goal was to redevelop the entire downtown. Ms. Bogart said that was correct and continued in 2008 and had not changed. Mayor Lamatina asked Ms. Bogart to comment on Block 610, Lot 2 which was a one story retail building which was not developed in accordance with the Redevelopment Plan which called for retail with a story or two above. He asked why it should be removed. Ms. Bogart said it was originally in but taken out because they just wanted to redevelop that one triangular piece, the house that needed to be rehabilitated and was significantly underutilized. She said it was a borderline property and if they needed to include it, it could possibly be restudied. Mayor Lamatina said that they might not be able to develop Lot 1 without Lot 2. He said they should ponder it for the next couple weeks.

- GIS Sanitary and Storm Water Infrastructure Improvements – Mr. Hoffmann explained that Borough Engineer Gary Ascolese had discovered that the State had a loan program related to storm and sanitary sewers and by State law, municipalities had to prepare a report every year. Due to changes this year, it had to be provided in a GIS format. Emerson had some of the information but the State was making the loan available to municipalities with populations under 10,000 and had earmarked \$1,000,000 to do the GIS study. Emerson has filed its intent to obtain some of the grant money. A loan of up to \$100,000 was available to each municipality – the interest had to be paid, but they would forget the principal once the project was done. Emerson’s goal was to get the project done as quickly as possible. He confirmed that Emerson was eligible and was one of the first to get in and file an electronic request. This would allow Emerson to complete mapping of underground sanitary and storm water systems which would help mitigate flooding issues in a roundabout way by helping to plot strategy, in areas including Vivian Avenue and Dorchester Road. Members of the Governing Body thanked Mr. Hoffmann who gave kudos to Mr. Ascolese for finding out about this program.

## X. INTRODUCTION OF ORDINANCES

### **First Reading:**

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 21st, 2017 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the February 10<sup>th</sup>, 2017 edition of the Ridgewood News. He added that the 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.

Councilwoman DiPaola asked to discuss this bond ordinance since she had a different recollection of a Closed Session discussion related to this property. She added that Councilman Lazar also had a different recollection and that this was not a decision that was ever made. Mayor Lamatina said the decision would be made that evening. Councilwoman DiPaola said they had something for \$405,000 in front of them and she wanted to know what the purpose of the purchase of the property was.

Mr. Hoffmann said they were introducing a bond ordinance which would allow the Borough to have a public hearing in two weeks on some of those options which would become clearer over the next two weeks after some reports were filed. It was necessary to have funding options in place by the end of March because an option to purchase the property had to be exercised by March 31<sup>st</sup>. Some of the bond ordinance could be funded by a trust fund that contained approximately \$240,000. He added that the Governing Body had to put a mechanism in place so if they wished to exercise an option on the property for one of the items discussed, there were funds available. The Governing Body had the right to evaluate it as well as the right to say yes or no to acquiring that property.

Councilwoman DiPaola inquired as to what the options were. Mayor Lamatina said the property had an option they could exercise by March 31, 2017. He explained that the purpose of the ordinance was to allow them to keep their options open and did not obligate the Governing Body to buy the property; it would just make it possible to exercise the option. Councilwoman DiPaola questioned how anyone could make an educated decision and stated they needed to have open conversations and do things in an open and transparent way as was done when she was first on the Governing Body six or seven years ago. In the past, ordinances were not placed on the agenda nor had a gag order on them until the public hearing where it was opened to the public but never had a discussion by the Council.

She hoped that this year they would teach the new member of the Governing Body the right way to run a government, which was to do things in an open and transparent way, to have conversations about the direction they were taking the Borough, and discuss what they might be appropriating \$405,000 for. She said she voted no on the Capital Budget because this item was in the Capital Budget – since they already passed the Capital Budget, they already knew they were buying the property. She said she was going to demand they have a discussion on any item that came up as an ordinance before first reading so all members of the Governing Body knew what the plan was. She said there was a very brief discussion in Closed Session about what maybe they should or shouldn't do with the property. She said no one made any kind of decision about the property and what was suggested sounded to her like it wasn't kosher and did not sound appropriate.

Mayor Lamatina said that she should not say something done in Closed Session was not kosher. She said it was her opinion but did not say what the item was. Ms. Rubinstein said that the discussion of Closed Session should be ended until the minutes were released to the public.

Councilman Falotico asked if this was the proper sequence of events for an ordinance. Mr. Hoffmann said they needed to put a mechanism in place so that if the Governing Body wanted to exercise an option on the property there were funds available by March 31<sup>st</sup> and explained the process and time frame for introducing and adopting a bond ordinance. He said that it would become a moot point on February 21<sup>st</sup> if the Governing Body voted no.

Councilwoman DiPaola asked Councilman Falotico if he was comfortable spending \$405,000. Ms. Rubinstein explained that the vote was to introduce the ordinance and the vote on the ordinance was not until the second reading. Mayor Lamatina said the correct way to pass an ordinance in New Jersey was a first reading, then a public hearing, not a public hearing and then an introduction. Councilwoman DiPaola said everyone should know what they were voting on when they were voting on it and what the money was going to be used for. Mayor Lamatina said the Borough Administrator had summarized what was said in Closed Session in an email. Councilwoman DiPaola said it was incorrect and informed Mr. Hoffmann of that. She had also reached out to Councilman Lazar who had a different recollection than Mr. Hoffmann as well. Ms. Rubinstein said it was an introduction of an ordinance, not a vote on an ordinance. Councilwoman DiPaola asked how anyone could vote to introduce an ordinance when they did not know what they were introducing. Ms. Rubinstein said that at the second reading there should be a clearer distinction of what the potential use of the property could be. If not, she was free to vote against it or not to make a motion to open it to a vote.

**1538-17** BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$405,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

☛ **Motion** to introduce Ordinance #1538-17 on first reading was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 3-0.

**RC: Council members:**

**YES: Falotico, Knoller, Downing**

**ABSTAIN: DiPaola**

## XI. ADOPTION OF ORDINANCES

### **Second Reading & Public Hearing:**

**1536-17** AN ORDINANCE REPEALING AND REPLACING CHAPTER 163 HISTORIC PRESERVATION, ARTICLE I HISTORIC PRESERVATION COMMITTEE, OF THE CODE OF THE BOROUGH OF EMERSON

☛ **Motion** to open the meeting to comments from the public on Ordinance 1536-17 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried at 9:05 p.m.

Jill McGuire, 154 Linwood Avenue asked questions related to the repeal of the Historic Preservation Commission and creation of the Historic Preservation Committee. The Governing Body discussed adding an historic element to the Master Plan. Mayor Lamatina strongly urged the Council to consider this but said they did not want to tell owners, without their consent, that they could not touch their home. Ms. Rubinstein said that the proposed ordinance had the same designation procedure as the Commission had – it gave owners the ability to object to an historic designation.

Ken Hoffmann, 61 Emwood Drive said he had sponsored the creation of the Historic Preservation Commission in 2008 and discussed the designation of landmarks in the Borough, noting that the final decision was up to the Governing Body and required a hearing held in public. He said the Commission had appeared before the Council in 2012 and it was required that there was an historic preservation planning element as part of the Master Plan in order for anything to happen as far as designating landmarks. But to a person the Council was opposed to that in 2012. He also thought the Committee would still have to notice all their meetings and suggested designating a secretary so all proper noticing would be taken care of. He noted that the Commission became discouraged after trying numerous ways to increase interest in adding an historic preservation planning element.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance 1536-17 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1536-17 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 9:25 p.m.

☞ **Motion** to adopt Ordinance #1536-17 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 3-1.

**RC: Council members:**

**YES: Falotico, Knoller, Downing**

**NO: DiPaola**

1537-17 AN ORDINANCE TO AMEND CHAPTER 27. ENVIRONMENTAL COMMISSION. REPEAL CHAPTER 89. SHADE TREE COMMISSION AND AMEND CHAPTER 266 TREES AND SHRUBBERY OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance 1537-17 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried at 9:25 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance 1537-17 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1537-17 only was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried.

Councilwoman DiPaola asked member of the Environmental Commission if they understood how much time and energy they would need to dedicate to the shade tree portion of the ordinance being amended and if they would be able to handle it. Mayor Lamatina said the Chairman received a copy of the proposed ordinance and had discussed the issue with him. Councilman Downing, as liaison, said he had discussed it with them as well and everyone was okay with it.

☞ **Motion** to adopt Ordinance #1537-17 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 3-1.

**RC: Council members:**

**YES: Falotico, Knoller, Downing**

**NO: DiPaola**

## XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
  - Councilman Worthington had been called away on a business trip and apologized for missing the meeting. He indicated he was in favor of the letter on redevelopment and clarifying the facts.
  - The Court had dismissed two out of the four counts filed against the Borough by Just Pups on February 1<sup>st</sup>. He thanked everyone including Health Inspectors Darlene Mandeville and Carol Tyler as well as Construction Official Mike Sartori, Zoning Official Nelson Fullam, Borough Hall staff and the Governing Body. He said it was a team effort and commended everyone for doing the right thing. Mayor Lamatina said the decision was sound and that it would be upheld because the Just Pups attorney had stated in the paper that he planned to appeal. Mr. Hoffmann also praised Borough Attorney Wendy Rubinstein and Co-Counsel John Stone for the work they did. Councilwoman DiPaola said the Board of Health should also be thanked for their contributions.
  - The Borough had received 33 OPRA requests since January 1<sup>st</sup>. They took up a lot of staff time and there might be a need to reassign staff to assist with these requests.
  - He received notice that the Broadway walking path would receive a Bergen County Open Space matching grant in the amount of \$37,850.

Councilwoman DiPaola said she was disappointed that more consideration was not given to the Borough's proposal to replace shade trees in parks. Mr. Hoffmann said the Borough had submitted two grant applications and the County deemed the Broadway path the better project. He noted they would reapply for shade tree grants in parks next year when more grant funding was available.

- On January 26<sup>th</sup>, Mr. Hoffmann, DPW Superintendent Perry Solimando and Foreman Tom Carlos had attended a sustainability seminar in East Hanover. They had received good information to share with the Environmental Commission. He said the Borough's specific goal was to revamp its recycling and solid waste bid specifications. He noted that it cost the Borough \$65.35 per ton to dump solid waste and \$17.09 to recycle. He said they would save \$48.35 every time they could transfer from solid waste into recycling. He explained that 40% of all food produced in the United States was wasted and they were talking about ways to compact the food or use it for fertilizer in the community garden and other places. A lot of waste was in institutional areas such as schools, nursing homes. Each year five billion tons of waste were created in the world – it was a significant number and Emerson aimed to do their small portion to change that. They had obtained some very good information for when they redid their bid specs because the goal was not only to help educate people but to also increase recycling and decrease the amount of tonnage they collected with the carter. For the last five years, Emerson had averaged 3,561 tons of solid waste a year so even if they could transfer 500 tons of waste to recycling, not only would they reduce the amount of garbage going to a landfill, but they would also save about \$24,000 a year in tipping fees.
- Kay Hodges, the Borough Public Health Nurse, had been featured in a very nice article in The Record. Mayor Lamatina said he had been interviewed by Eyewitness News and would be meeting with Ms. Hodges. They planned to air the story on Thursday.

Councilwoman DiPaola referenced Mr. Hoffmann's 2017 goals and asked whether entering into a shared service agreement for salt storage had been explored instead of repairing or replacing the structure at the DPW yard. Mr. Hoffmann said he had spoken with two neighboring municipalities, each of which was leery of doing it presently because their salt sheds were full. Councilwoman DiPaola asked that it be looked at for next winter as opposed to spending money to repair the salt shed. She said this option would offer great savings to the Borough. Mayor Lamatina said that they would listen to the architect's recommendation.

### XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 9:40 p.m.

Bill Price, 9 Emwood Drive discussed recent fires at multifamily housing in other towns and said he was opposed to a large building in a small area as it was a fire hazard and dangerous to volunteers.

Ken Hoffman, 61 Emwood Drive asked questions about Bond Ordinance No. 1538-17 and inquired why it did not mention a specific property. He asked about 129 Kinderkamack Road and wanted some idea of what the location would be used for. He also requested that the Governing Body not be condescending to Councilwoman DiPaola since she understood the ordinance process. He noted that when he was on the Council, ordinances were discussed before they were introduced. He said that Councilwoman DiPaola made total sense and wanted transparency for the public.

Todd Bradbury, 24, 28 Chestnut Street inquired about the redevelopment designation for his property and asked Ms. Rubinstein for a letter of confirmation to document that at that moment in time he was not in the zone. Ms. Rubinstein confirmed that Mr. Bradbury had received a letter in 2008 stating that his property was not going to be designated and then received a letter in 2016 stating that they were going to review his property. Governing Body consensus was for Ms. Rubinstein to provide such a letter. Ms. Rubinstein stated that his property had not been designated at the present time and at the request of the Council she was happy to provide that letter.

Karen Browne, 114 Pine Drive read a statement about the need to revitalize the downtown area. She stated that redevelopment would reduce the property tax burden for homeowners and increase home values.

Pat Dinallo, 34 Sullivan Drive read a statement about her vision for the town. She said that apartments would help businesses and that change was inevitable but good even though it could be hard to embrace.

Paul Hulbert, 55 Jefferson Avenue said he was in favor of redevelopment but not the plan in front of him. He thought the Council had bit off more than they could chew and needed to put the brakes on it.

Ken Hoffman, 61 Emwood Drive said that people were not against redevelopment; they were concerned about height, density and eminent domain. He said that property maintenance issues could be enforced by the Property Maintenance Officer.

Bill Price, 9 Emwood Drive said he was not against redevelopment but he was against overdevelopment. He requested that the Council to be sensible about development.

Ed Bueti, 91 Chestnut Street commended the Governing Body for taking action and listening to the public. He suggested putting an option on the Borough website to communicate better with the public. He also asked about the no-knock ordinance which had been tabled in 2016 and requested that it be reconsidered for the safety of residents. The Governing Body discussed the process of registering solicitors and noted that residents should contact the Police Department if they were concerned about solicitors at hours outside those allowed by the current ordinance.

Gary Schwinder, 99 Linden Avenue was in favor of stickers indicating that a home did not want visits from solicitors.

Todd Bradbury, 24 and 28 Chestnuts Street discussed the map distributed by Ms. Bogart.

Bill Price, 9 Emwood Drive said there should have been a display easel so that he could have seen the plans that had been discussed because he did not know what they were talking about.

Dot Haight, 84 Lincoln Boulevard asked about the PILOT and number of affordable units at 5 Pine Drive and other group homes in town.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 10:31 p.m.

#### XIV. RESOLUTIONS ON CONSENT AGENDA NO. 73-17

☞ **Motion** to approve Consent Agenda No. 73-17 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 4-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Knoller, Downing**

CA 74-17	LOSAP Resolution
CA 75-17	Authorize Sustainable Jersey Grant Application
CA 76-17	Change Order #1 2016 Road Resurfacing Improvement
CA 77-17	Authorization for preparation of Technology Specifications by third party consultant
CA 78-17	Transfer of Funds
CA 79-17	GIS Resolution - NJDEP Infrastructure Loan
CA 80-17	Formation of Affordable Housing Subcommittee: Mayor Lamatina, Councilman Falotico, Land Use Board Chair Gary Schwinder, Land Use Board member Norm Rieger
CA 81-17	Reauthorize Borough Planner to Perform Studies Required By Special Master and Court
CA 82-17	Authorize the hiring of Kevin Mullane as DPW Road Department member effective February 21, 2017
CA 83-17	Accept 2017 Goals
CA 84-17	Governor's Council on Alcoholism and Drug Abuse - Fiscal Grant Cycle July 2014 - June 2019

XV. CLOSED EXECUTIVE SESSION - Resolution No. 85-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 85-17 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 4-0

**RC: Council members:**

**YES: DiPaola, Falotico, Knoller, Downing**

#17-02/07-04 Potential Litigation – Affordable Housing Obligation N.J.S.A. 10:4-7

#17-02/07-05 Anticipated Litigation - Procurement Matters N.J.S.A. 10:4-7

~~#17-02/07-06 Personnel – Rice Notice: Construction Official~~ **PULLED** 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** by Councilman Falotico, **seconded** by Council President Knoller and carried at 11:14 p.m.

XVII. 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 Councilman Downing and carried at 11:17 p.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk