



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
March 21, 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 7:30 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, Councilwoman DiPaola, Councilman Downing, Councilman Falotico, Council President Knoller, 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

Mayor Lamatina announced that no members of the Governing Body were absent from the March 7th Regular Meeting.

IV. PROCLAMATIONS & CITATIONS

- Celebrating Board of Health Nurse Kay Hodges 50 Years of Service to the Borough of Emerson
- Louis Bay Scholarship State Semi-Finalist – Shannon Malone

V. APPOINTMENTS/RESIGNATIONS

- Board of Health
  - Accept resignation of Flo Mammolitti, Certified Municipal Registrar effective February 28, 2017

☞ **Motion** to accept the resignation of Flo Mammolitti, Certified Municipal Registrar effective February 28, 2017 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried unanimously.

- Appoint Lori Woods as Certified Municipal Registrar effective March 1, 2017

☞ **Motion** to confirm appointment of Lori Woods as the Certified Municipal Registrar effective March 1, 2017 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

- Historic Preservation Committee

Mayor Lamatina announced the following appointments to the Historic Preservation Committee:

- Appointment of Council Liaison Richard Worthington
- Appointment of Doug McKendry as the Land Use Board Liaison to the HPC
- Appointment of Anthony Basile as a Class C member for the term ending 12/31/18
- Appointment of Frances Varoli as the Alternate I member for the term ending 12/31/18

- Police Department

- Appointment of Gail Kovacs-Felici as Court Officer effective immediately

☞ **Motion** to appoint Gail Kovacs-Felici as a Court Officer effective immediately was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

#### VI. MINUTES FOR APPROVAL

- Special and Closed Session Special Meeting Minutes of March 7, 2017

☞ **Motion** to approve the Special and Closed Session Special Meeting Minutes of March 7, 2017 was **moved** by, Councilman Falotico **seconded** by Council President Knoller. and carried unanimously.

- Regular and Closed Session Regular Meeting Minutes of March 7, 2017

☞ **Motion** to approve the Regular and Closed Session Regular Meeting Minutes of March 7, 2017 as amended was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

#### VII. CORRESPONDENCE

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

- Letter dated 2/20/17 from Rita Reseska; Re: Downtown redevelopment
- Letter dated 2/20/17 from Theodore Wise; Re: Objecting to area in need of redevelopment
- Letter received 2/21/17 from Daniel Michael; Re: Objecting to area in need of redevelopment
- Letter received 2/24/17 from Helmut Boeschen; Re: Objecting to area in need of redevelopment
- Letter dated 2/16/17 from Dan O'Brien; Re: Objecting to area in need of redevelopment
- Letter dated 2/20/17 from Susan & Walter Fricke; Re: Requesting removal from condemnation redevelopment area
- Letter dated 2/21/17 from Paula Gebbia; Re: Objecting to area in need of redevelopment
- Email dated 2/25/17 from Jill McGuire; Re: Historic Preservation Committee appointments; 129 Kinderkamack Road plans
- Letter dated 2/22/17 from Robin Malley, President, Greater Pascack Valley Chamber of Commerce; Re: thank you for attendance at annual Breakfast with the Mayors

- Letter dated March 6, 2017 from Allendale Mayor Liz White & Former Ridgewood Mayor Paul Aronsohn; Re: Bergen County Care Fair
- Letter dated March 7, 2017 from Carol Byrne, Chairperson, Executive Safety & Award Committee, Bergen Municipal Joint Insurance Fund; Re: Gold Award on Safety Incentive Program and \$2,000 monetary award
- Letter dated March 7, 2017 from Allen Bell, Esq.; Re: Home for the Armenian Aged Proposed Modification Developer's Agreement
- Email dated 3/15/17 from Jamie Keohane; Re: Thanking the Department of Public Works for doing an outstanding job removing snow during the storm of March 14<sup>th</sup>

#### VIII. FINANCIAL BUSINESS

- Resolution No. 111-17 Bill List

☞ **Motion** to approve Resolution No. 111-17 Bill List 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, Falotico, Lazar, Knoller, Downing, Worthington**

#### IX. UNFINISHED BUSINESS

- Approve New Jersey Transit Train Station Lease – Mr. Hoffmann said the lease was for the property on Emerson Plaza East – for the drainage line easement along the railroad tracks and parking spaces. The lease would be for a period of five years through 2022 with the terms and conditions remaining the same as in the previous contract. This item was included on the Consent Agenda.
- Authorization to review/approve draft letter by Special Counsel to property owners being removed from study area. Mayor Lamatina asked if any member of the Council had any questions or comments. There were no comments.

☞ **Motion** to approve the March 17<sup>th</sup> letter as drafted was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller, and carried unanimously.

- Resolution No. 112-17 **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING THE AMENDED STUDY AREA PREVIOUSLY AUTHORIZED BY RESOLUTION OF THE BOROUGH COUNCIL FOR THE AREA TO BE STUDIED BY THE LAND USE BOARD TO RECOMMEND WHETHER THE AREA SHOULD BE DESIGNATED AS A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

Ms. Rubinstein explained that Resolution No. 112-17 was removing from the study area the properties that were not previously designated as the Council indicated that there was no intention to expand the area.

☞ **Motion** to approve Resolution No. 112-17 Resolution of the Borough Council of the Borough of Emerson, County of Bergen, State of New Jersey, Amending the Amended Study Area Previously Authorized By Resolution of the Borough Council for the Area to Be Studied by the Land Use Board to Recommend Whether the Area Should Be Designated as a Condemnation Redevelopment Area Pursuant to the Local Redevelopment and Housing Law was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

**RC: Council members:**

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

X. NEW BUSINESS

- Ideas for Open Space Grant Applications – Mr. Hoffmann explained that Bergen County was changing the deadline to June 30, 2017 for Open Space Grant Applications to match the municipal fiscal year. Their goal was to allow the Board of Chosen Freeholders to be able to award the grants before the end of the year so that funds would be available in January to match most municipalities fiscal year. Therefore, it would eliminate having to wait 18 months to start a project. He said if the Borough wished to apply for an Open Space Grant they needed to start working on it now so they could have a public hearing at the first May meeting. This would allow the grant to be evaluated and have the minutes approved in time to submit them with the grant.

The Recreation Commission had suggested improvements to Ackerman Park. Currently it was not conducive to active recreation and the County was looking for grant applications that would get residents out and into parks and becoming more active. The Recreation Commission also suggested installing tennis courts at Ackerman Park. Mayor Lamatina asked for coordination between the Environmental Commission and the Borough. Other suggestions included improvements to Washington Oak Park and Longview Park and along the Broadway walking path.

XI. INTRODUCTION OF ORDINANCES

**First Reading:**

Mayor Lamatina announced that there were no ordinances being introduced.

XII. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

**1539-17** CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

☞ **Motion** to open the meeting to comments from the public on Ordinance 1539-17 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

Seeing no hands, Mayor Lamatina asked for motion to close the meeting to the public on Ordinance 1539-17 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1539-17 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

☞ **Motion** to adopt Ordinance 1539-17 on second 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, Falotico, Lazar, Knoller, Downing, Worthington**

## XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola said the Library had recently experienced two plumbing issues. The Department of Public Works would be using a camera to check for blockages. In addition, their water bill had increased since the installation of the Memory Garden. The Borough planned to install a water line for the garden and pay back the library. She distributed a flyer describing their adult programs and encouraged members of the Governing Body to enjoy the services available to them.

Councilman Falotico had attended the last Land Use Board meeting where discussions had included updating the Borough's sign ordinance. He was assisting Administrative Assistant Lori Woods in contacting residents who had recently lost a loved one as part of a remembrance to be held during the Arbor Day Ceremony on April 29<sup>th</sup>. He noted that realigning office space at Borough Hall had begun. In addition, he and Councilman Downing had met with Mr. Hoffmann to discuss personnel items. He had attended an affordable housing meeting on March 1<sup>st</sup> and had spoken with residents regarding Block 419 and redevelopment.

Councilman Lazar gave the March report for the Department of Public Works. The department had repaired one section of drainage pipe on the Charles Street ditch, recycled 7,360 pounds of metal, and prepared for the March 14<sup>th</sup> snowstorm. In addition, they assisted PSE&G in removing a tree on Tarnapoll Road at no cost to the Borough. They cleared trees and leveled the grounds at Centennial Park for the Community Garden. Benches at Washington Park were repaired. DPW Superintendent Perry Solimando and Foreman Tom Carlos had attended a seminar on the Emerald Ash Borer beetle which has already been confirmed in Bergen County. He thanked the DPW for the phenomenal job they had done removing snow and said he had received feedback from residents praising the department. He gave the Building Department report for the month of February and also noted that work would begin the next day to replace the damaged drain pipe on Pavonia Avenue.

Council President Knoller gave the Police Department report for the month of March. He asked that the press report on positive events in the Borough such as the recent Police promotions, not only on negative news. He had met with Westwood resident Joseph Letizia regarding flooding issues that impacted both Westwood and Emerson residents and had also met with a member of the Westwood Council. He said that Emerson would use Westwood's grant writer to apply for grant funding. However, he said that they needed a Plan B to remedy the situation if they were unable to receive grant funding. He suggested that the Borough adopt a bond ordinance if necessary to fix this infrastructure issue.

Mayor Lamatina asked Mr. Hoffmann to follow up with Congressman Gottheimer's grant liaison on the question of why this grant was originally denied.

Councilman Downing gave the Emerson Volunteer Ambulance Corps report for the month of February. The Environmental Commission had received three bids for fencing to keep the deer out of Centennial Park. The Department of Public Works had leveled the ground and the path would be redone once the snow melted.

Councilman Worthington had no report.

Mayor Lamatina said the Just Pups litigation was formally dismissed by stipulation. He explained that the Court dismissed on summary judgement the two main causes of action 30 to 60 days ago. Just Pups had taken a dismissal as to the remaining counts which allowed them to take an appeal within 45 days. If they took an appeal and won, the case started again. He noted that the next day was the Court date in Paramus for Just Pups' criminal Municipal Court violations of Emerson's ordinance for being unlicensed.

The Mayor also praised DPW Superintendent Perry Solimando for his leadership and the members of the department for their good work. He praised their work on the Community Garden and said their help had saved the Borough a ton of money. He concluded by urging everyone to read Bergen County Prosecutor Grewal's report on the opioid crisis. He said remedying this crisis was a priority of the County as it was getting worse over time.

- Borough Administrator Robert Hoffmann reported on the following:
  - A meeting was scheduled for Thursday about office moves in Borough Hall including moving the Finance Department to the first floor.
  - He had received a request from Bergenfield to join the shared services paving group which would provide better unit pricing.
- Borough Clerk Jane Dietsche called a Point of Order and said in the approved meeting minutes of January 17, 2017, Ms. Jill McGuire's comments had only reflected that the Borough Hall murals met the criteria for landmark designation. However, Ms. McGuire had stated that the Borough Hall and the murals met that criteria.
- Borough Attorney Wendy Rubinstein said a stipulation of dismissal without prejudice was filed by Just Pups. She continued to work with the Borough Planner and Borough professionals on affordable housing litigation. The judge was not willing to issue continued immunity but they would have a chance to report back to him again so currently the immunity ran through the end of April. The court-appointed Special Master was involved and requested more review and time to discuss with the professionals regarding the realistic development potential of what was being proposed. The Special Master's role was similar to an arbitrator between the municipality and the Fair-Share Housing Center. They were in the process of scheduling a meeting so that the Special Master could drive through Emerson and look at the different areas that might need to be included in the plan as well.

#### XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried at 8:16 p.m.

Jill McGuire, 154 Linwood Avenue discussed the excessive speed of drivers and the volume of traffic on Linwood Avenue and Main Street.

Pericles Niarchos, Activism Manager for the Institute of Justice read a statement opposing eminent domain and asked the Governing Body to rescind all redevelopment resolutions.

Ken Hoffmann, 61 Emwood Drive asked if the taxpayers or redeveloper paid for litigation involving lawsuits filed related to redevelopment.

Anthony Miller, 137 Ross Avenue thanked the members of the Police Department for their courteous and professional response during a family emergency at his home. In addition, he thanked the Governing Body for a recent letter than chronicled redevelopment and for moving forward with improvements downtown.

Toni Plantamura, owner of Dairy Queen at 13 Kinderkamack Road said she was thankful for being removed from the redevelopment zone but was concerned for her fellow business owners whose lives and livelihood were being impacted by being part of the zone. She requested that the Governing Body consider tax credits for business and property owners since they had offered this to the redeveloper.

Laura Litchult, owner of Cradles to Crayons at 300 Kinderkamack Road and 19 Emerson Plaza East asked for clarification of the resolution adopted that evening by the Governing Body.

Salvatore Gebbia, owner of Weathercraft at 13 Emerson Plaza East described improvements to his property and adjacent businesses and said they should not be included in the redevelopment zone.

Rich Palumba, owner of Plaza Auto Repair at 9 Emerson Plaza East said he agreed with Mr. Gebbia and had improved his property over the last two years. He asked the properties on this block be removed from redevelopment.

Todd Bradbury, 24 and 28 Chestnut Avenue thanked the Governing Body for being removed from the redevelopment zone and related the issues facing a business owner in Hillsdale with similar concerns. He also applauded the Department of Public works for the good job they did.

Bob Petrow, 21, 23, 33, 50 Chestnut Avenue asked if he was in or out of the zone and said he was waiting for a letter.

Bill Price, 9 Emwood Drive said he appreciated the hard work of the Department of Public Works and said no one beat Emerson. He asked for elaboration on Assemblywoman Schepisi's resolution for a moratorium on affordable housing and said that he agreed with it.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 9:05 p.m.

At the conclusion of Public Session, the Governing Body discussed whether to remove all or some of the remaining properties from the redevelopment zone. There would be a need to have the CFO allocate funds to authorize Borough Planner Brigitte Bogart to undertake the study.

Mayor Lamatina followed up on a request by Council President Knoller to amend the agenda by unanimous vote to add an item to the agenda.

☞ **Motion** to amend the agenda to discuss having the Borough Planner look at Block 616 and 617.01, Lot 1 was **moved** by Council President Knoller, **seconded** by Councilman Lazar. Councilwoman DiPaola voted no because she wanted the original motion to be broader to discuss other properties as well.

☞ **Motion** to amend the agenda to discuss Block 616 and any other lots that are still in the condemnation redevelopment zone was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller. and carried by a roll call vote of 6-0.

**RC: Council members:**

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

Councilwoman DiPaola said the study area should be opened up to all the properties again. The Governing Body discussed which properties should be opened up to study again.

☞ **Motion** to study all the properties in the condemnation zone, not just Block 616, was **moved** by Councilwoman DiPaola.

Ms. Rubinstein called a Point of Order and stated that the resolution passed that evening that removed the other areas from being studied still set forth that the remaining properties within the Redevelopment area be studied at such time as when the CFO certified that there were funds available. The motion would not be to study them, but rather to authorize funding for the study. Council President Knoller asked that a caveat include that Block 616 and Block 617.01 take priority and depending on available funds, then the other properties be looked at. He said the owners of Block 616 and Block 617.01 had come to the meeting that evening with proof and that was important.

Hearing no second on Councilwoman DiPaola's motion, Mayor Lamatina asked if there was a second motion.

☞ **Motion** to authorize Ms. Bogart to restudy Block 616, Lots 1, 2, 20, 21, 22, 23, 24 and Block 617.01, Lot 1 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

**RC: Council members:**

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

#### XV. RESOLUTIONS ON CONSENT AGENDA NO. 113-17

Councilwoman DiPaola requested that items CA 117-17, 119-17 and 121-17 be pulled for discussion and separate votes.

☞ **Motion** to approve Consent Agenda No. 113-17 without CA 117-17, 119-17 and 121-17 be pulled for separate votes 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, Falotico, Lazar, Knoller, Downing, Worthington**

Councilwoman DiPaola asked about funding for the Forestry Management Plan and said that the Shade Tree Commission was never offered the opportunity to have an RFP sent out on their behalf so they didn't have to do the work themselves. She said that the ~~Environmental~~ Shade Tree (amended 4-4-17) Commission was not being given all the money they needed to get everything done that was necessary and found this offensive. She also asked whether the Environmental Commission was no longer going to care for trees in the ten foot easement and asked what the forestry plan would entail. Ms. Rubinstein said it would cover the parks. She asked what the Environmental Commission would be tasked with as the new Shade Tree Commission. Ms. Rubinstein said that Borough trees would still be paid for by the Borough and the Borough would be responsible for the tree.

☞ **Motion** to approve Consent Agenda item CA 117-17 Authorize RFP for Forestry Management Plan only was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 5-1.

**RC: Council members:**

**YES: Falotico, Lazar, Knoller, Downing, Worthington**

**NO: DiPaola**

Councilwoman DiPaola said that an initiative to display pink ribbons and banners reminds some people of the most horrible part of their life that they went through and did not think they should jump on board with this as a Borough.

☞ **Motion** to approve Consent Agenda item 119-17 Authorize Paint the Town Pink Health Initiative only was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 5-1.

**RC: Council members:**

**YES: Falotico, Lazar, Knoller, Downing, Worthington**

**NO: DiPaola**

Councilwoman DiPaola asked if the Environmental Commission had decided that they were going to go through with all the certifications and work. Councilman Downing said they were going to do their best to try to do it.

☞ **Motion** to approve Consent Agenda item 121-17 Sustainable Jersey Municipal Certification only 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, Falotico, Lazar, Knoller, Downing, Worthington**

CA 114-17	Tax Lien Redemption
CA 115-17	Supporting Senate Bill S-211 And Assembly Bill A-3798 Authorizing Use of School Bus Stop Arm Cameras
CA 116-17	Authorize Emerson Health & Rehabilitation Center to Place Banner Across Kinderkamack Road Recognizing Five Star Rating by State of New Jersey
CA 117-17	Authorize RFP for Forestry Management Plan
CA 118-17	Authorize Renewal of Animal Control Contract with Tyco
CA 119-17	Authorize Paint the Town Pink Health Initiative
CA 120-17	Approve Interlocal Service Agreement for Pump Station Inspections between Emerson and the Northwest Bergen County Utilities Authority for CY 2017-2018
CA 121-17	Sustainable Jersey Municipal Certification
CA 122-17	Renewal of New Jersey Transit License Agreement #L0237-1944-01 for Five Year Period

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 123-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 123-17 was **moved** by Councilman Falotico, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0 at 9:23 p.m.

**RC: Council members:**

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

#17-03/21-14

Police Chief Contract

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

XVII. RECONVENE

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

☞ **Motion** to reconvene was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried at 9:28 p.m.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried at 9:58 p.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk