



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
REGULAR MEETING/
BUDGET INTRODUCTION

March 7, 2017

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, Councilwoman DiPaola (attended remotely via telephone), 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 February 21st Regular Meeting.

IV. PROCLAMATIONS & CITATIONS

- Swearing in of Sergeant Daniel Kalyoussef and Sergeant Ryan Sokerka
- Swearing in of Probationary Patrol Officer Steven Gildea

V. APPOINTMENTS/RESIGNATIONS

- Police Department
 - School Crossing Guard– Appointment effective immediately
 - Victoria Potter

☞ **Motion** to appoint Victoria Potter as a School Crossing Guard effective immediately was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried unanimously.

- Police Dispatchers – Appointment effective immediately
 - Casey Russell
 - Christopher Vieitez
 - Ryan Orr

☞ **Motion** to appoint Casey Russell, Christopher Vieitez and Ryan Orr as Police Dispatchers effective immediately was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried unanimously.

- Historic Preservation Committee

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

- Appointment of Jill McGuire as the Class B member for the one year term ending 12/31/17
 - Appointment of Bill Wassmann as a Class C member for the one year term ending 12/31/17
 - Appointment of Phil Mazzo as a Class C member for the two year term ending 12/31/18
 - Appointment of Marie Castrovillari as a Class C member for the three year term ending 12/31/19
 - Appointment of Ann McElwain as a Class C member for the four year term ending 12/31/2020
 - Appointment of Vincent Benanti as the Class A member for the four year term ending 12/31/20
- Land Use Board
 - Resignation of Trudy Grimaldi as the Alternate IV member effective immediately

☞ **Motion** to accept the resignation of Trudy Grimaldi as the Alternate IV member of the Land Use Board effective immediately was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular & Closed Session Meeting Minutes of January 17, 2017

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of January 17, 2017 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

- Regular & Closed Session Meeting Minutes of February 21, 2017

☞ **Motion** to approve the Regular and Closed Special Session Meeting Minutes of February 21, 2017 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 101-17 Temporary Emergency Budget

☞ **Motion** to approve Resolution No. 101-17 Temporary Emergency Budget was **moved** by Councilman Worthington, **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

- Resolution No. 101-17AO Authorizing Increase in Deferred School Taxes for Local District School Taxes

☞ **Motion** to approve Resolution No. 101-17AO Authorizing Increase in Deferred School Taxes for Local District School Taxes 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, Falotico, Lazar, Knoller, Downing, Worthington

- Resolution No. 102-17 Computation of Reserve for Uncollected Taxes – 2017 Budget

☞ **Motion** to approve Resolution No. 102-17 Computation of Reserve for Uncollected Taxes – 2017 Budget 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

- **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 introduce Ordinance 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) 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, Falotico, Lazar, Knoller, Downing, Worthington

- Resolution No. 103-17 Introduction of 2017 Municipal Budget

Councilwoman DiPaola asked for clarification on several budget items. The first was related to \$880,000 in the Capital Budget which Mr. Hoffmann explained represented the Borough's grant application for streetscape improvements. The amount would be reimbursed if the Borough received the grant. However, it needed to be fully funded in the budget. The next item was related to a \$50,000 increase in legal fees. Mr. Hoffmann explained that a portion of that amount was related to Just Pups litigation. Another consideration was related to affordable housing litigation and other items. Mr. Hoffmann noted that based on a three year lookback it was a realistic number. The Borough would be reimbursed for a portion of that amount from the Joint Insurance Fund. Council President Knoller added that they wanted to avoid an emergency appropriation but hoped not to use the entire amount. He said it was a very good budget and that the tax increase was very good. Councilwoman DiPaola's final question was related to an increase in administrative salaries which Mr. Hoffmann explained was due to the projected plan to hire a full-time floater.

☞ **Motion** to approve Resolution No. 103-17 Introduction of the 2017 Budget was **moved** by Councilman Worthington, **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

Mayor Lamatina announced that the Public Hearing for the 2017 Municipal Budget would take place on April 4, 2017 at 7:30 p.m. in the Council Chambers of the Borough Hall. Pursuant to N.J.S.A. 40A:4-6 the Budget Summary would be advertised in the March 10, 2017 Edition of the Ridgewood News. Pursuant to N.J.S.A. 40A:4-(8) copies of the approved 2017 Municipal Budget would be available in the Municipal Clerk's Office and a copy would be distributed to the Emerson Public Library. In addition, the approved 2017 Municipal Budget would be posted on the Borough website for public inspection in accordance to best practices.

Councilman Worthington said that he and Council President Knoller had been working on the annual municipal budget for the last five years. He said they constantly pushed the CFO, Borough Administrator and department heads to do more with less; they did not want to reduce services, but also did not want to continually increase the cost to the taxpayers. He said that over the last five years they had seen the annual tax increase reduced significantly. Currently he anticipated that the tax increase for the average household would amount to \$18.00. He said it was a good budget and thanked CFO Lauren Roehrer, Borough Administrator Robert Hoffman and the department heads for their efforts.

VIII. UNFINISHED BUSINESS

- Discussion of request to study remaining redevelopment zone parcels – Mayor Lamatina explained that Councilwoman DiPaola had requested that this item be included on the agenda. Councilwoman DiPaola said that at the last meeting, twenty three parcels were removed from the redevelopment zone and she had asked that Borough Planner Brigitte Bogart do an additional study to remove the remaining parcels. Mayor Lamatina noted that Ms. Bogart had estimated the cost to be \$10,000 to study the remaining properties. He said a second cost would be that if any properties named were added after that study, the property owners would have forty five days to challenge that designation leading to the potential for litigation.

Councilwoman DiPaola said they should continue the study as there were many properties in the zone that could be taken out, if not all of them. She referenced a recent news article which said Block 419 was going full speed ahead. She said many of the parcels taken out were comparable to lots in Block 419 and questioned why they had to go full speed ahead when they took many parcels out and were looking to remove more. She understood there was a contract but asked how they could honor that contract when some of the properties in Block 419 were no worse than some of the properties taken out.

Ms. Rubinstein explained that the properties removed at the last meeting had already been upgraded to meet the zoning for the Central Business District which was why the Planner had recommended that they be removed. Ms. Bogart had also provided a list of properties that she recommended for further study because they had not been upgraded. She said that Block 419 had been studied and the study had been presented to the Governing Body and the Land Use Board and the reexamination had been voted on in December.

Mayor Lamatina said the discussion for the evening was about the remaining fifty three properties. ~~Ms. Rubinstein clarified that some of those properties were previously and would be restudied and some of those properties were suggested by the Planner but were never designated.~~ (Deleted per approval as amended.) Mayor Lamatina said Blocks 213, 214, Block 405, Lots 1, 2, 3.01 and 3.02 were studied in 2008 and a recommendation was made to the Mayor and Council to designate them as an area in need of redevelopment. That designation was never adopted. He said it was the same for block 617.01 – the entire block was part of the 2008 amendment. It was recommended to be part of the redevelopment zone and the Council never adopted that in 2008 and 2009.

Ms. Rubinstein said that what could be done was similar to what was done at the prior meeting with those properties that had been improved – the Council could pass another resolution amending the study area and taking the properties out that had never been designated.

Council President Knoller said they focus should be on the downtown area. He said Block 419 needed to be cleaned up but there were other areas, particularly Blocks 213, 214 and 617.01 that did not really belong in there at this point. He asked that letters be sent out to inform the property owners. The Council discussed the need to focus on the downtown area and decided to remove the properties added in 2008 from the study area.

Ms. Rubinstein said she would prepare a confirming resolution to make sure the blocks and lots were correct for the next meeting.

☞ **Motion** to amend the study area to permanently remove Blocks 213, 214, Block 405 Lots 1, 2, 3.01, 3.02, Block 617.01 Lots 1, 2.02, 8 and 9 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

- Addendum for Short Term Architectural Needs/Approve contract with Axis Architectural Group for three-year agreement
Mr. Hoffmann discussed the scheduled office moves at Borough Hall which would allow employees to better serve the needs of Emerson residents. This would allow time to consider how to reconfigure the building in the future. Work on the DPW salt shed was also scheduled. Councilman Falotico said he and Councilwoman DiPaola had attended most of the meetings with the architect and thought the suggested plans were very good. Most essential services would be located on the first floor. Mr. Hoffmann noted that second quarter tax collection time would begin soon so time was of the essence. Authorization for these items was included in one resolution on the Consent Agenda.
- Recreation By-laws – Councilman Downing said the Recreation Commission had finished working on their by-laws. They had streamlined the underboards to be in line with the general by-laws. Adoption of the by-laws by the Governing Body would be added to the next agenda.
- New Jersey Transit Train Station Lease – Mr. Hoffmann said the Borough had not yet received the lease and did not know the lease terms. He requested that this item be carried over to the next meeting.
- PSE&G letter dated March 2, 2017 – Mr. Hoffmann said that PSE&G had sent a letter in which they were requesting a waiver of inspection costs as well as a waiver from the Borough ordinance requiring paving curb to curb. The consensus was to decline PSE&G's request.

☞ **Motion** to decline PSE&G's request for waivers was **moved** by Councilman Downing, **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. NEW BUSINESS

- Authorization to review/approve draft letter to properties deemed not in the Redevelopment Zone – Mr. Hoffmann said the Governing Body had asked that a letter be prepared for property owners who had been de-designated or taken out of the zone previously per Resolution No. 92-17. He had drafted correspondence which had been vetted by the Borough Attorney and asked for feedback. Council President Knoller requested that the order of paragraphs be reversed so the information residents cared about – being informed that their property was being removed from the Redevelopment zone – was the first thing they read. Governing Body consensus was to agree to reorder the paragraphs and send out the letter

☞ **Motion** to approve the form of letter as discussed 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

- Authorization to review/approve draft letter by Special Counsel to property owners which remain in area in need of redevelopment – Based on the Governing Body’s actions regarding parcels removed from the redevelopment zone, Ms. Rubinstein recommending tabling this item until the next meeting.

☞ **Motion** to draft a different letter for approval at the next meeting based on the Governing Body’s actions this evening was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

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

- Affordable Housing Relief for Municipalities – Councilwoman DiPaola said Assemblywoman Schepisi was working hard for District 39 to ensure that the area not become an urbanized city. A resolution prepared by Assemblywoman Schepisi had been distributed to the Governing Body for approval. Mayor Lamatina favored the resolution but questioned where the Legislature had been for the past thirty years because they needed a solution to affordable housing since the Supreme Court decided the Mount Laurel case. He was glad that someone was taking some time to get something accomplished but recommended that some wording be changed because it could be construed against the Land Use Board and municipality. With the exception of Councilwoman DiPaola, the Council was in favor of approving the resolution with the suggested changes to the seventh ‘Whereas’. A request was made to pull this item from the Consent Agenda for a separate vote.

X. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Lamatina announced that no ordinances were being introduced.

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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.

Ms. Rubinstein said the property owner at 129 Kinderkamack Road had agreed to extend the offer to purchase the property until May 31st. After discussion, the Governing Body chose to pull Bond Ordinance No. 1538-17.

☞ **Motion** to pull Bond Ordinance 1538-17 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

XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
 - A certified letter sent to the Borough by Mr. Petrow which had been lost was located on his desk clipped to other paperwork. He apologized to Mr. Petrow.
 - A new phone system had been successfully installed. All extensions would now require the addition of a '1' in front of them.
 - A Request for Proposals for grant writing services was being advertised on the New Jersey State League of Municipalities website. The deadline to respond was the end of March.
 - Brick pavers were being installed on the west side of Kinderkamack Road between the curb line and the sidewalk. He said they dressed up the area and looked nice.
 - Work on Hillman Field was to be performed by the end of June so that the Borough did not lose a grant. The County had approved the change of the grant so that fencing could be installed along the entire third base line to eliminate foul balls from denting vehicles.
 - A meeting was scheduled for March 9th with representatives from Smentkowski and Galaxy Carting to review bid specifications for solid waste and recycling. The Borough would be redoing its bid specifications for garbage and recycling by itself. Last year's joint bidding with the Borough of Oradell had resulted in bids which came in higher than expected. He would be meeting with all the companies that had requested a copy of the bid specs so they could be reviewed together. He was looking for ideas on how to emphasize recycling and save money in the long term. Emerson's garbage costs were about \$65 per ton for disposal but the cost for recycling was between \$17 and \$18 per ton. He noted that this was a significant delta and if the Borough could do more recycling, it would save money long term. Over the next few months, he would be meeting with the Borough's potential providers and asking for their input while preparing to redevelop the bid specifications.
 - A Safety Awards Breakfast had been held that morning. The Municipal Clerk had received an award for improving safety in the Borough. He said it was a team effort and involved filing reports, performing regular inspections and taking classes on a regular basis. The Borough also received a Gold Award from the Joint Insurance Fund along with a \$2000 stipend for safety improvements. Councilman Lazar noted that he had been appointed to the JIF as Emerson's representative and his first duty was to work with all to put together programs to make safety the number one priority. He thanked the Municipal Clerk, as well as employees and management for their efforts.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 9:00 p.m.

Hilda Gonzalez, 314 Kinderkamack Road asked that her property be taken out of the study area.

Joe Letizia, 21 James Street, Westwood said that with the new budget he was restating his request for infrastructure improvements related to severe flooding issues in the area of Vivian Avenue and James Street. He requested that the Governing Body consider alternate forms of funding.

Dan O'Brien, 17 A, B, C, Palisade Avenue commended the Governing Body for their actions in removing properties from the redevelopment zone and asked about next steps.

Bill Price, 9 Emwood Drive said he was glad to see that the Governing Body was moving in the right direction. He also commented on the need to remedy flooding issues on Pine Drive and Emwood Drive.

Debbie Agnello, owner of 188 Kinderkamack Road stated that the letter distributed to residents about redevelopment was degrading and that business owners who did not reside in town still paid taxes. She disputed the fact that property owners were willing sellers and said they were forced to negotiate with JMF because they were otherwise threatened with eminent domain. She added that long term tenants should have their needs met when having to relocate.

Robert Petrow, 21, 23, 33, 50 Chestnut Street asked for confirmation that his property was out of the redevelopment zone. Ms. Rubinstein confirmed that it was out. He inquired about the potential that it would be put back in at a later time.

Ken Hoffman, 61 Emwood Drive asked for clarification about the vote on the study area and designation.

Dominic Scala, owner of Cork and Keg, 188 Kinderkamack Road asked for clarification of which properties were still in the redevelopment zone. He asked if the redeveloper would take care of and protect the tenants in Block 419.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried at 9:45 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 104-17

☞ **Motion** to approve Consent Agenda No. 104-17 without CA No. 108-17 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, Falotico, Lazar, Knoller, Downing, Worthington

☞ **Motion** to approve CA No. 108-17 only with a change in language in the seventh 'Whereas' was **moved** by Councilman Worthington, **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 explained that her no vote was only due to the change in language. She said she disagreed with Mayor Lamatina's changes but agreed with the original version of the resolution as written by Assemblywoman Schepisi. (Added per amended approval of minutes.)

CA 105-17 Authorization to move the Finance Dept. and the board of Health/Recreation to first floor and construction of new Conference Room on the second floor of Borough Hall

CA 106-17 Authorization to complete drainage work on Pavonia Avenue

CA 107-17 Authorization to Complete Grant Funded Improvements on Hillman Field

CA 108-17 Resolution Urging the Legislature to Reduce Local Affordable Housing Burdens and Provide Defined Rules and Relief in Providing Thereof

CA 108-17AO Authorization to Approve Architectural Contract for Three Year Period and Addendum with Axis Architectural Group

XV. CLOSED EXECUTIVE SESSION - Resolution No. 109-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 109-17 was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 6-0 at 9:47 p.m.

RC: Council members:

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

#17-03/07-11	Attorney-Client Privilege	N.J.S.A. 10:4-7
#17-03/07-12	Litigation Update – Just Pups	N.J.S.A. 10:4-7
#17-03/07-13	Potential Litigation – Fire Department	N.J.S.A. 10:4-7

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 Lazar, **seconded** by Councilwoman DiPaola and carried at 10:22 p.m.

☞ **Motion** to authorize the Borough Attorney to execute a dismissal without prejudice regarding the Just Pups case as discussed was **moved** by Councilman Falotico, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

RC: Council members:

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

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 Councilwoman DiPaola and carried at 10:23 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk