



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
REGULAR MEETING/
BUDGET PUBLIC HEARING

April 18, 2017
7:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. 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, Councilman Lazar, Councilman Worthington

Absent: Council President Knoller

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 April 4th Regular Meeting.

IV. PROCLAMATIONS & CITATIONS

- Arbor Day 2017

V. APPOINTMENTS/RESIGNATIONS

Mayor Lamatina announced that there were no appointments or resignations.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of April 4, 2017

☞ **Motion** to approve the Regular and Closed Session Regular Meeting Minutes of April 4, 2017 was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried unanimously.

VII. CORRESPONDENCE

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

- Email dated March 26, 2017 from Jim and Kara Sabino; Re: Thank you for Pavonia Avenue improvements
- Letter dated April 7, 2017 from Robert Laux, Executive Director, Bergen County Utilities Authority; Re: Sewer Connection Fee, Municipal Incentive Program
- Letter received April 5, 2017 from Zonta Club from Northern Valley, NJ; Re: 20th Annual R.A.V.E. (Rape and Violence Eradication) Walk

- Letter dated April 10, 2017 from Robert Abbatomarco, Executive Director, Open Space Trust Fund, BC Dept. of Administration and Finance; Re: BC Open Space, Recreation, Farmland & Historic Preservation Trust Fund – Public Hearing Notice

VIII. FINANCIAL BUSINESS

- Resolution No. 133-17 Bill List

☞ **Motion** to approve Resolution No. 133-17 Bill List was **moved** by Councilman Worthington, **seconded** by Councilman Falotico and carried by a roll call vote of 4-1.

RC: Council members:

YES: Falotico, Lazar, Downing, Worthington

NO: DiPaola

- Resolution No. 134-17 Waiver of Reading in Full of the 2017 Municipal Budget

Mr. Hoffmann noted that this waiver also covered the Budget Amendment.

☞ **Motion** to approve Resolution No. 134-17 Waiver of Reading in Full of the 2017 Municipal Budget was **moved** by Councilman Lazar, **seconded** by Councilman Worthington and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

- Public Hearing on Amendment to the 2017 Budget

☞ **Motion** to open the meeting to comments from the public on the Amendment to the 2017 Budget was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried unanimously at 7:35 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to the public on the Amendment to the 2017 Budget.

☞ **Motion** to close the meeting to comments from the public on the Amendment to the 2017 Budget was **moved** by Councilman Falotico, **seconded** by Councilman Lazar and carried at 7:35 p.m.

- Resolution No. 135-17 Adoption of 2017 Municipal Budget

Councilwoman DiPaola said she wanted to point out that they had spent \$234,225 in legal fees in 2016 and \$195,000 was being budgeted for 2017, which was \$50,000 more than last year. She asked that everyone think before they called one of the attorneys for an opinion on something unless it was really necessary. She said they could have a lawyer in house full time for the amount they had spent in legal fees in one year. Ms. Rubinstein noted that all calls were covered under retainer. Councilwoman DiPaola said she was requesting that her colleagues rethink litigation when it was presented to them and consider whether it was really worth the money.

☞ **Motion** to approve Resolution No. 135-17 Adoption of the 2017 Municipal Budget was **moved** by Councilman Worthington, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

IX. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

X. NEW BUSINESS

- Referral to Land Use Board to address modifications to the IM Zone for multi-family housing (Chestnut and Bland)

Mayor Lamatina said that at a recent Land Use Board meeting, an owner of three or four properties in the area of Chestnut and Bland Streets had suggesting he was interested in developing his property and building multi-family housing. The area was currently zoned for industrial/manufacturing but he wanted the Land Use Board to look into adding multi-family zoning for that area, enhancing the zone to allow for that option if any owner or buyer desired to build. Councilman Falotico said he was fine with having it reviewed by the Land Use Board and that the resolution was limited to the IM zone. Councilwoman DiPaola asked for the identity of the owner. Mayor Lamatina said that it was Mr. Petrow and that he had not submitted an application but they were trying to be proactive. He added that the other reason to do this was related to affordable housing.

Ms. Rubinstein explained that it was an area that the Special Master felt would be a great overlay area for the housing element plan since it was no longer being considered for redevelopment. Councilwoman DiPaola said she would have liked the resolution to be worded differently since it appeared the Borough was doing the land owner the favor of saving him from going through the application fee and getting the variances. She said if the Borough was going to stop the process of having to get variances by every developer, it would be at their expense as opposed to the developer's expense.

Mayor Lamatina said there might be some confusion between variances and site plan approvals. He noted that when a property owner was looking to develop property that was not permitted, the process in the ordinance was to apply to the Mayor and Council for a zone change. He said that rather than have that happen, they were being proactive by saying the zone needed to be changed. He added that they were not short circuiting any process. Any owner would have to come to the Land Use Board for a site plan approval – the fees would be the same.

Councilman Lazar said he was in favor of this resolution because when someone wanted to improve their property, nothing should be done to impede that. He added that he wanted to congratulate any property owner who wanted to develop their property.

Mayor Lamatina said they understood that industrial/manufacturing had a place in the Borough. However currently a property owner who wanted to sell a building could only sell to someone who wanted to use it for industrial/manufacturing. If the overlay was put it then they could sell it to someone who might want to change that building to residential.

- Resolution No. 136-17 Authorization to Request that the Land Use Board Address Modifications to the IM Zone for Multi-Family Housing on Chestnut and Bland Streets

☞ **Motion** to approve Resolution No. 136-17 Authorization to Request that the Land Use Board Address Modifications to the IM Zone for Multi-Family Housing on Chestnut and Bland Streets was **moved** by Councilman Lazar, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

- Discussion of whether to offer for sale property located at Block 1001.01 Lot 3.01 Jordan Road

Mr. Hoffmann said there was a Borough owned parcel at this location and in the past year and half some developers had inquired if this property would be available for sale. An appraisal would be necessary and then the property would have to be offered for sale to the owners of the adjacent properties. If they were not interested, it could be offered for sale to other interested parties. He said this was one of the issues tasked to him in 2015 – to look at ways to improve the Borough's ratable base. He noted that this would be a long-term way of doing it. It was a buildable lot which had a drainage line running through it which would have to be moved to one side of the property.

Councilwoman DiPaola said that a number of residents of Jordan Road were present who wished to speak.

☞ **Motion** to open the meeting to comments from the public on Resolution No. 137-17 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried unanimously at 7:47 p.m.

Howard Ablan, 21 Powell Road commented on flooding issues in this area and said the system was antiquated. He said that any development to this property might hamper the quality of life in that area.

Former Councilwoman Elizabeth Garis, 174 Jordan Road discussed a request she had made twenty years ago to construct a playground at this location. She was told that no development could take place because of water issues. She asked the Governing Body to vote no on this resolution.

Martin Solomon, 29 Powell Road said the area flooded easily and in heavy rain his property flooded like a lake. He had been told that the property could not be developed because of a drainage easement.

Mr. Hoffmann said it would cost a developer \$80,000 to \$90,000 to relocate the drainage line and install bigger catch basins.

Ken Hoffman, 61 Emwood Drive asked where the idea to sell this property originated. Mr. Hoffmann explained that the Borough had been approached by two separate developers in 2015.

Councilman Lazar asked that the resolution be pulled from the agenda based on the residents' comments. He said it needed to be looked at more closely. Councilman Downing said the drainage issue on the end of Jordan Road had not yet been fixed so he did not think they should add to the current problem. Councilwoman DiPaola said they did not know if they fixed one problem it would create another problem down the road. She was not interested in opening up any ground that could potentially exacerbate a problem that was already known. She asked that instead of it being pulled, they just vote no and never revisit it again.

Mayor Lamatina asked Councilman Lazar and Councilman Falotico to look into this situation and discuss with Mr. Ascolese whether the easement would cause any further problems.

Mr. Hoffmann said this was not meant to cause issues for the residents or the Governing Body and explained that it was an opportunity to look at potential ratables. Councilwoman DiPaola said she commended looking for more revenue so they could do things but thought this was a Pandora's box. Councilman Worthington said he wondered if they were being penny wise and pound foolish. He added that he thought there was a lot of potential concerns with this. He also said they needed to consider that every time they saw a lot with trees on it, it did not mean it had to be built on. He stated that he would prefer to pull it.

Mayor Lamatina asked if anyone wanted to make a motion regarding this issue.

Councilwoman DiPaola made a motion to pull this item from the agenda and pull it from any further consideration at this point. There was no second to this motion.

☞ **Motion** to pull from the agenda Resolution No. 137-17 Authorization to obtain appraisal and offer for sale property at Block 1001.01 Lot 3.01 Jordan Road was **moved** by Councilman Lazar, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

Mayor Lamatina said that Councilman Lazar and Councilman Falotico would look into this and report back to the Governing Body. Councilwoman DiPaola asked that there be no cost to the Borough. Councilman Lazar said that they would come back with a report and it would be up to the Governing Body whether to accept it or not.

XI. 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 May 2nd, 2017 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the April 21st, 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.

First Reading:

1540-17 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$595,920 TO PAY THE COST THEREOF, TO APPROPRIATE A COUNTY GRANT, 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 Bond Ordinance No. 1540-17 on first reading was moved by Councilman Worthington, seconded by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

Mayor Lamatina announced that no ordinances were being adopted this evening.

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola said that the most recent meeting of the Library Board of Trustees was postponed due to the holidays. In addition, she shared her concerns about the Kinderkamack Road project, specifically deep trenches with no sidewalks for pedestrians. She noted that only orange barricades had been set up and everyone needed to be kept safe. She had never seen a job site left overnight in that condition anywhere and that they needed to demand safety barricades. She said the County should install metal fencing at their expense to make the area safe. She also commented on the daily Nixle messages sent out by the Office of Emergency Management regarding Kinderkamack Road updates. She noted that the message suggesting that students walk to school was impractical for people that lived further away. She asked that the messages be rephrased so as to be sensitive to all residents while the construction was going on.

Councilman Falotico echoed Councilwoman DiPaola's comments and asked Mr. Hoffmann to check with the County. He also commented that Verizon was taking forever to move wires and this was delaying the project. In addition, he noted that he and Councilman Downing had attended Personnel Committee meetings where they were making progress. He had attended the first meeting of the Historic Preservation Committee, two recent Land Use Board meetings and the mandatory Land Use Board training. He thanked Mr. Hoffmann and Councilwoman DiPaola for their progress on reallocating space in Borough Hall.

Councilman Lazar also remarked on the condition of the Kinderkamack Road project and asked that Borough Engineer Gary Ascolese relay to the County that they had to make sure proper safety measures were taken for the residents. He emphasized that OSHA and State codes had to be complied with. Mayor Lamatina asked Mr. Hoffmann to follow up on this and report back the following day.

Councilman Lazar then gave an update for the Department of Public Works for the month of April. The EPA had inspected the sanitary sewer system on April 10th and followed up with a report on April 17th saying that the Borough was in compliance. They had installed fifty tons of crushed stone in Centennial Park for the base of the Community Garden. They made four recycling bins for the ball fields to assist in increasing the recycling tonnage for the year. They had performed the spring cleanup of parks, playgrounds and ball fields. In addition, they had painted the new Finance Office and hallways in Borough Hall. He commended the department on the excellent work they were doing. He also gave the March report of the Building Department, noting they had done 46 permits and 27 zoning applications. He was happy to note that the Borough had received a letter from the owner of 23 Pavonia Avenue who was pleased that the flooding issues at that location had been resolved.

Councilman Downing gave the Police Department for the month of March. He thanked Lieutenant Mark Savino for his forward thinking by helping to direct traffic after school which eased delays. The Recreation Department would be working on the location for the fireworks scheduled for June 17th. The Environmental Commission was working on getting garden beds ready at Centennial Park. He said they could not have done it without the help of the Department of Public Works. He thanked DPW Superintendent Perry Solimando and Foreman Tom Carlos for always being willing to go above and beyond and help in any way.

Councilman Worthington said he had attended the organization meeting of the Historic Preservation Committee where they had elected Jill McGuire as Chairperson. He said that they were excited to get going and had some good ideas.

Mayor Lamatina said he had visited Starbucks which looked great. It was scheduled to open in two months. He discussed the road repair and noted that he had been asked about traffic lights. According to the County, the lights would be operational towards the completion of the project in July as it was tied in to the railroad crossings. He also announced that there would be a Bi-State Cleanup on April 29th beginning at 9:00 a.m. The Environmental Commission would be participating.

Councilman Falotico gave kudos to the Finance Committee for their hard work on the budget which resulted in a modest tax increase. He also discussed the fact that New Jersey Transit trains still stopped on the train tracks which created traffic issues and asked if they were still in negotiations with New Jersey Transit to stop the train before it hit Kinderkamack Road in both directions.

Mayor Lamatina said there was a mark where they were supposed to stop the trains so the gate would go up once a train cleared the station. He asked Councilman Downing to get a camera set up and put New Jersey Transit on notice that summons would be issued since they were blocking the road. The Borough had been told that it was engineer error when the train stopped in the wrong place. Mayor Lamatina asked that Mr. Hoffmann send a letter to New Jersey Transit with the Borough's observations and inform them that these actions will not continue to be tolerated.

- Borough Administrator Robert S. Hoffmann reported on the following:
 - He and Mr. Ascolese had done field inspections with the New Jersey Transit Safety Inspector and said that the proper information needed to be communicated to the train engineers. He said the Borough would reserve the right to start issuing tickets and would ask Police Chief Mazzeo to research this issue.
 - DPW employee Omar Hernandez was on an active duty training mission in Korea with the National Guard for five months. The Borough had delivered Easter baskets to his two children.
 - The County of Bergen had agreed to be the lead agency for multiyear road paving beginning in 2018. They would write the bid specs and all 70 municipalities could participate for a three-year period. It would provide budget certainty for the cost of tonnage. He added that the Pascack Valley Administrators had been seeking the County's assistance for seven years and that this was a good and positive thing.
 - He had contacted New Jersey Transit several times about potholes at the Lincoln Boulevard crossing. Vehicles were damaged but New Jersey Transit would not pave or allow the County or Borough near the area. He had sent a letter but the potholes remained and the Borough may just fill them.

- He would be attending a meeting on Wednesday, May 10th at the Old Tappan Borough Hall for the Community Block Grants. Emerson was requesting \$200,000 to start a drainage program on Eagle and Pine Drive. The Borough had made it through the first pass. The Reason they were applying for grant funding in this area was because census tracking found this area to be eligible for paving.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubinstein had no report.

Councilwoman DiPaola asked for an update and strategy on two lawsuits filed against the Borough. Ms. Rubinstein said she would speak with Special Counsel Doug Doyle so that an update could be provided at the next meeting.

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 8:51 p.m.

Robert Petrow, 21, 23, 33, 50 Chestnut Street said he wanted to clarify the comments he made at the last meeting, ~~and asked questions about zoning now that his properties were out of the Redevelopment Zone~~. Now that he was out of the Redevelopment Zone, he said he might entertain doing something down there – it would probably hinge on possibly purchasing 39 Chestnut Street. He said that when he made those comments he was thinking commercial; he asked if they were going to change it to residential. Councilwoman DiPaola asked Mr. Petrow to explain the comments he made at the Land Use Board meeting. Mr. Petrow said he was entertaining the idea of redeveloping his own properties now that the town so graciously removed him from the redevelopment. He did not say to the Land Use Board that he wanted to put in multifamily housing. (Comments amended per vote of Governing Body 5-16-17)

Ken Hoffman, 61 Emwood Drive asked for clarification of a resolution that he thought was confusing and had questions about eminent domain and the Borough's affordable housing obligations.

Todd Bradbury, 28 Chestnut Street asked about zoning in the area of his property.

Joseph Letizia, 21 James Street, Westwood commended the Governing Body for doing flood remediation on Jordan and Powell Roads. He asked for an update on appealing the rejection of grant funding or seeking new sources of grant funding.

Hilda Gonzalez, 314 Kinderkamack Road asked how a zoning change in her area would affect her property and also inquired about affordable housing. She also said that a crosswalk was needed from Orchard to Chestnut Street was dangerous and needed definition. In addition, she asked where Starbucks trash bins would be located.

Jill McGuire, 154 Linwood Avenue requested additional street signs to slow traffic and protect pedestrians. She noted that drivers were not respecting the crosswalks.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried at 9:40 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 138-17

Councilwoman DiPaola asked that the following resolutions be pulled for discussion: CA 139-17, CA 140-17, CA 141-17 and CA 143-17. After discussion, it was determined that only CA 143-17 and CA 144-17 would be voted on separately.

☞ **Motion** to approve Resolution No. 138-17 Consent Agenda without CA 143-17 Supporting the Mayors Wellness Campaign and CA 144-17 Authorize the Borough to Offer for Sale 156 Palisade Avenue, also known as Block 715, Lot 2 was **moved** by Councilman Falotico, **seconded** by Councilman Lazar and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

- CA 139-17 Endorsing Adoption of Green Building Practices for Commercial and Residential Buildings in the Borough of Emerson
- CA 140-17 Green Team Advisory Committee
- CA 141-17 Rescind Resolution No. 127-17 and Reauthorize Quote for Community Garden Fencing
- CA 142-17 Block Party Approval – Eagle Drive between Hartland Avenue and Daned Road
- CA 143-17 Supporting the Mayors Wellness Campaign
- CA 144-17 Authorize the Borough to Offer for Sale 156 Palisade Avenue, also known as Block 715, Lot 2
- CA 145 -17 Ranch Cleaners – Laundry License Renewal for one year
- CA 146 -17 Emerson Cleaners – Laundry License Renewal for one year
- CA 147 -17 J Fancy Cleaners – Laundry License Renewal for one year

☞ **Motion** to approve only Consent Agenda item CA 143-17 Supporting the Mayors Wellness Campaign was **moved** by Councilman Falotico, **seconded** by Councilman Lazar and carried by a roll call vote of 4-1.

RC: Council members:

YES: Falotico, Lazar, Downing, Worthington

NO: DiPaola

☞ **Motion** to approve only Consent Agenda item CA 144-17 Authorize the Borough to Offer for Sale 156 Palisade Avenue, also known as Block 715, Lot 2 was **moved** by Councilman Falotico, **seconded** by Councilman Lazar and carried by a roll call vote of 3-2.

RC: Council members:

YES: Falotico, Lazar, Downing

NO: DiPaola, Worthington

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 149-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 149-17 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Downing, Worthington

- #17-04/18-16 Contract Negotiations - DPW N.J.S.A. 10:4-4
- #17-04/18-17 Contract Negotiations - PBA N.J.S.A. 10:4-4
- #17-04/18-18 Contract Negotiations – Chief of Police N.J.S.A. 10:4-4

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 Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 10:23 p.m.

XVIII. 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 Falotico and carried at 10:23 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk