



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

April 5, 2016
7:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:33 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, Council President Knoller, Councilman Lazar, Councilman Tripodi, Councilman Worthington

Also present were Borough Administrator Robert S. Hoffmann, Alternate Borough Attorney/Special Counsel Doug Doyle and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Absence of Councilman Worthington from the Regular Meeting of March 15, 2016

☞ **Motion** to excuse the absence of Councilman Worthington from the Regular Meeting of March 15, 2016 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Appointment of Stephanie Clark as the Alternate I member of the Shade Tree Commission for the term ending 12/31/17

Mayor Lamatina announced that he was appointing Stephanie Clark as the Alternate I member of the Shade Tree Commission for the term ending 12/31/17.

- Resignation of Suzanne Smith as the Alternate II member of the Recreation Commission effective immediately

☞ **Motion** to accept the resignation of Suzanne Smith as the Alternate II member of the Recreation Commission effective immediately was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of March 15, 2016
- Closed Session Meeting Minutes of March 15, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of March 15, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 118-16 Bill List

☞ **Motion** to approve Resolution No. 118-16 Bill List was **moved** by Councilman Downing, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

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

- Resolution No. 119-16 Temporary Emergency Budget

☞ **Motion** to approve Resolution No. 119-16 Temporary Emergency Budget was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

RC: Council members:

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

- Resolution No. 120-16 Computation of Reserve for Uncollected Taxes – 2016 Budget

☞ **Motion** to approve Resolution No. 120-16 Computation of Reserve for Uncollected Taxes – 2016 Budget was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

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

- **1521-16** CALENDAR YEAR 2016 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 No. 1521-16 CALENDAR YEAR 2016 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 Councilman Downing, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0.

RC: Council members:

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

- Resolution #121-16 Municipal Budget Introduction

☞ **Motion** to approve Resolution No. 121-16 Municipal Budget Introduction was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.

RC: Council members:

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

Mayor Lamatina announced that the Public Hearing for the 2016 Municipal Budget would take place on May 3, 2016 at 7:30 pm in the Council Chambers of the Borough Hall.

Pursuant to N.J.S.A. 40A:4-6 the Budget Summary will be advertised in the April 8, 2016 Edition of the Ridgewood News. Pursuant to N.J.S.A. 40A:4-(8) copies of the approved 2016 Municipal Budget are available in the Municipal Clerk's Office and a copy would be distributed to the Emerson Public Library. In addition, the approved 2016 Municipal Budget would be posted on the Borough website for public inspection in accordance to best practices.

VIII. UNFINISHED BUSINESS

- RFP Final Presentations
 - Hornrock Properties – Representatives of Hornrock Properties outlined a revised version of their previous proposal as well as a new plan. Their revised original plan increased parking and included the entire block. Their new plan increased retail and parking. The first plan was updated based on Governing Body comments and increased parking from 186 to 233 spaces by adding a fifth story to the parking garage. There would be 132 dwelling units with three storage frontage on Kinderkamack Road. Their second plan would incorporate Lots 4 and 5 and represent the inclusion of the entire city block with 155 dwelling units and consist of three separates structures with 318 parking spots in a four story structure. Three story frontage would be built along Kinderkamack Road with four stories further back. Their preference was to build all the required 20% affordable housing offsite. There was also discussion about adding a fifth story to the parking garage to increase parking to over 400 spots at no cost to the Borough.

The Governing Body asked about design options, offsite parking for residents displaced during construction and accommodating current business owners.

- Meridia Properties – Representatives for Meridia Properties outlined two revised plans. The first had a two level parking garage with 41 additional spaces as compared to their previous proposal. They would integrate the Susser property into the parking garage, reducing the parking garage from five levels to two. A senior affordable housing development with 24 units would be built on Lincoln Boulevard. An alternative plan included the Ranchero Cantina parcel and would increase retail, include a three level parking deck with one level underground and 51 units for seniors. There would be a total of five stories but only four story frontage on Kinderkamack Road. Their plan would contain 229 units, 350 parking spaces and 34 spots for retail customers. In addition, Meridia Properties agreed to provide 15% of the COAH obligation on site and was amenable to going up to 20%.

Mayor Lamatina said this plan raised a red flag – they did not want more than three stories on Kinderkamack Road. Representatives of Meridia Properties explained that the increased number of units would be necessary after factoring in the cost of the restaurant parcel. The Governing Body concurred with Mayor Lamatina and was opposed to the density and height requirements in the second plan. They did not expect that the additional parking would lead to an additional 70 units of housing with the layout presented.

The Governing Body inquired about the minimum number of units necessary to make the project feasible, loading zones, accommodations for business owners and their ability to accommodate commuters and business owners while construction was taking place.

- JMF Properties – Representatives of JMF Properties outlined a redesigned plan that would include the Ranchero Cantina property and consist of two buildings with a parking deck. There would be 134 units, and 298 parking spaces with 55 commuter parking spots on the deck's first floor. One structure would consist of three stories on the corner of Linwood Avenue and Kinderkamack Road, with a four story structure on Lincoln Boulevard and Kinderkamack Road. A three story facade would be placed on Kinderkamack Road with four stories in the rear. They proposed 10% affordable housing on site with the remaining 10% constructed offsite.

Councilwoman DiPaola said she was disappointed that none of the potential redevelopers were able to incorporate the whole 20% required affordable housing in their proposals. JMF representatives explained that costs and construction type drove the number of affordable units on site. Mayor Lamatina said the Borough was looking at locating the 10% affordable housing near the Stop and Shop Shopping Center and asked them to consider this location since it was an underutilized industrial area.

Mr. Doyle confirmed with JMF representatives that whatever the COAH Special Master required, whether on site, off site, or in combination, they were willing to do. Mayor Lamatina stressed that the 2001 Judge Harris COAH decision required the Borough to meet a 20% affordable housing obligation. He said the Borough wanted to have market rate and affordable units for seniors as well as other residents.

The Governing Body asked if increasing the number of parking levels was an option. JMF thought the parking was adequate as presented. They were also asked about loading zones and accommodations for trucks, and offsite parking to accommodate commuters during construction.

IX. NEW BUSINESS

Mayor Lamatina announced that there was no new business.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that there were no ordinances being introduced.

XI. ADOPTION OF ORDINANCES

Mayor Lamatina announced that there were no ordinances being adopted.

XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
 - Milling and paving would begin next week on Main Street/Linwood Avenue as part of a NJDOT grant funded project.
 - A television truck from the County would be inspecting storm sewers in the area of Jordan Road and Forest Avenue and into the cemetery looking for crushed lines. This process would help to determine a fix for drainage concerns in the area.

Council President Knoller called a Point of Order to thank Mr. Susser for his willingness to be part of the redevelopment project. He said Mr. Susser had invested in the Borough by constructing a beautiful building and had been accommodating through the whole process. He also thanked Mayor Lamatina for handling the Just Pups situation in town and noted that a lot of residents had concerns about this business.

Mayor Lamatina thanked Mr. Lapatka for his cooperation in helping to make the redevelopment a great project.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 10:10 p.m.

Bill Price, 9 Emwood Drive asked about paving as well as the traffic circulation design plan for Kinderkamack Road.

Carol Hoernlein, 216 Ackerman Avenue commented on the redevelopment plans based on her experience as a site engineer and discussed shared parking and foot traffic patterns.

Marguerite Pellegrino, 152 Hartland Avenue stated that the redevelopment plans were nice and asked if there were any plans for redevelopment on the other side of Kinderkamack Road.

Chuck Carpenter, 25 Locust Avenue asked about joining with other towns to create a business incubator to create new and better jobs.

Michael Esque, 276 Kinderkamack Road asked about offside affordable housing.

Michael Wallace, 114 Palisade Avenue said he believed a lot of time and effort had gone into the redevelopment plans. He also questioned if affordable housing was being considered at 99 Palisade Avenue.

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 Councilman Downing, **seconded** by Council President Knoller and carried at 10:40 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 122-16

Councilman Lazar requested that CA No. 126-16 be pulled for discussion.

☞ **Motion** to approve Consent Agenda No. 122-16 without CA No. 126-16 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

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

Councilman Lazar asked for clarification on the cost associated with the Tyco Animal Control contract. The title of the resolution was clarified and updated.

☞ **Motion** to approve Consent Agenda item No. 126-16 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

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

- Ca 123-16 Authorize Hiring of Peter McGee as Finance/Tax Office Assistant
- Ca 124-16 Authorize purchase of surplus snowplow from the County of Bergen in the amount of \$1.00
- Ca 125-16 Authorize water main extension for new houses on Arthur Street
- Ca 126-16 2016 Borough of Emerson contract with Tyco Animal Control, 1 Stout Lane, Ho-Ho-Kus, NJ
- Ca 127-16 Authorize field maintenance on Ken Benkovic Field in an amount not to exceed \$5,000

XV. CLOSED EXECUTIVE SESSION - Resolution No. 128-16

Mr. Doyle announced that the purpose of going into Closed Session was to advise the Governing Body about next steps and describe legal issues. When they reconvened, they might take action to adopt a resolution, 'The Borough of Emerson Application for Designation as Redeveloper' which the redeveloper chosen would have to complete. The second resolution was a funding agreement which relayed that, after the meeting, the costs associated with future work by Mr. Doyle's office, by planners, other professionals, and engineers would be at the cost of the potential designated developer. He recommended that the Governing Body consider adopting the resolution so that there was a standardized form they could use in the event they elected to potentially designate a developer.

The first resolution created a form so that a developer would have to fill out an application, with information about who their principals were. The second resolution, assuming the Governing Body wanted to negotiation with them, would require information about the developer, their concept plan, an application fee, and the need to post escrows with the Borough so that it was no longer at the expense of the taxpayer.

He added that, alternately, the Governing Body could authorize him to negotiate a funding agreement, a standardized form, acceptable to them to use going forward. Exhibit A would be the application and Exhibit B would be the funding agreement. The cost would then shift to the developer and away from the taxpayer.

Mr. Doyle advised the public that after Closed Session the Governing Body may or may not adopt a resolution accepting two forms for the Borough.

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 128-16 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by roll call vote of 6-0.

RC: Council members:

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

Mr. Doyle announced that the Governing Body was going into Closed Session for the limited purpose of the Attorney giving the Governing Body advice about the next steps in this process. The actual discussion about which developer, if any, would be selected to continue to negotiate with, would be done in Open Session. In addition, he said that in Closed Session they would discuss a form of resolution and the legal ramifications of legal issues which they had a right to discuss outside the public domain. When they returned, the Governing Body might take action on one or two things – they might authorize him to continue to negotiate with any one (or more or none) of the developers and/or authorize the adoption of the resolution creating the two forms that a developer or redeveloper would be required to sign together with a form of application.

XVI. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 11:23 p.m.

☞ **Motion** to extend the meeting curfew to 11:45 p.m. was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried at 11:23 p.m.

Mayor Lamatina announced that the Governing Body had advice from legal counsel but had not discussed any issues about who they were selecting and were prepared to discuss the ranking of the three developers.

Council President Knoller stated that it was a difficult decision but his first choice for a redeveloper was JMF Properties, ranking Hornrock Properties second, and Meridia Properties third. He noted that he preferred JMF's proposal of 12% affordable housing on site and preferred that Mr. Susser's building remain within the redevelopment. Each Councilmember agreed with that ordering except for Councilman Lazar who ranked Hornrock first, then JMF, and Meridia third.

☞ **Motion** to adopt Resolution No. 129-16 Resolution of the Borough of Emerson, County of Bergen, New Jersey ranking and designating potential redevelopers and authorizing execution of a funding agreement and the negotiation of terms for a redevelopment agreement which they would ask JMF Properties to complete as part of the ongoing process was **moved** by Councilman Tripodi, **seconded** by Council President Knoller and carried by roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to allow 45 days for initial discussions with JMF and allow, with the committee that he recommended be appointed, to report back to the Governing Body was **moved** by Councilman Tripodi, **seconded** by Council President Knoller and carried by roll call vote of 6-0.

RC: Council members:

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

Mr. Doyle recommended that the Governing Body appoint a Subcommittee consisting of the Borough Administrator, Redevelopment Attorney, Borough Planner and the Borough Engineer to meet with and begin discussions with JMF Properties. He recommended that members of the Governing Body and an alternate be selected as well in the event that a member of the Governing Body was not available.

Mayor Lamatina agreed to serve and the consensus was to appoint Councilman Tripodi and Councilman Lazar with Council President Knoller serving as alternate.

☛ **Motion** to appoint Mayor Lamatina, Councilman Tripodi and Councilman Lazar as the Governing Body Subcommittee with Council President Knoller as the alternate together with the Borough Administrator, the Redevelopment Attorney, Borough Planner and the Borough Engineer to meet with and begin discussions with JMF Properties was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by roll call vote of 6-0.

RC: Council members:

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

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried at 11:33 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk