



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
May 16, 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, Council President Knoller, Councilman Lazar, Councilman Worthington

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Excuse Councilman Worthington for his absence from the Regular Meeting of May 2, 2017

☞ **Motion** to excuse Councilman Worthington for his absence from the Regular Meeting of May 2, 2017 was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Historic Preservation Committee
 - Resignation of Bill Wassmann as a Regular member effective immediately
 - Appointment of Francis Varoli as a Regular member for the unexpired term ending 12/31/17
 - Appointment of Linda Flynn as the Alternate I member for the unexpired term ending 12/31/18

Mayor Lamatina announced that he accepted the resignation of Bill Wassmann as a Regular member of the Historic Preservation Committee effective immediately. He also appointed Francis Varoli as a Regular member of the Historic Preservation Committee for the unexpired term ending 12/31/17 and appointed Linda Flynn as the Alternate I member for the unexpired term ending 12/31/18.

- Environmental Commission
 - Appointment of Gary Schwinder as a Regular member for the unexpired term ending 12/31/18

Mayor Lamatina announced that he was appointing Gary Schwinder as a Regular member of the Environmental Commission for the unexpired term ending 12/31/18.

- Construction Department
 - Resignation of Susan Monaghan as Technical Assistant effective May 19, 2017

☞ **Motion** to accept the resignation of Susan Monaghan as Technical Assistant effective May 19, 2017 was **moved** by Councilman Lazar, **seconded** by Councilman Falotico and carried unanimously.

- Administration
 - Resignation of Lori Woods as Administrative Assistant/Floater, Municipal Registrar effective June 1, 2017

☞ **Motion** to accept the resignation of Lori Woods as Administrative Assistant/Floater, Municipal Registrar effective June 1, 2017 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of April 18, 2017

☞ **Motion** to approve the Regular and Closed Session Regular Meeting Minutes of April 18, 2017 as amended was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried unanimously.

- Regular and Closed Session Meeting Minutes of May 2, 2017

Mayor Lamatina explained that Ms. Dietsche had prepared two versions of the Regular Meeting Minutes of May 2, 2017 – one more detailed, the other more abbreviated. The Governing Body discussed the pros and cons of each version as well as the time necessary to complete this task.

☞ **Motion** to approve the more detailed version of the Regular Meeting Minutes and the Closed Session Meeting Minutes of May 2, 2017 was **moved** by Councilman Lazar, **seconded** by Councilman Falotico and defeated by a roll call vote of 2-4:

YES: Falotico, Lazar

NO: DiPaola, Knoller, Downing, Worthington

☞ **Motion** to approve the more condensed version of the Regular and Closed Session Meeting Minutes of May 2, 2017 was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0:

YES: DiPaola, Falotico, Lazar, Knoller, Downing

ABSTAIN: Worthington

- Closed Session Meeting Minutes of November 22, 2016: Release to Public

☞ **Motion** to release the Closed Session Meeting Minutes of November 22, 2016 was **moved** by Council President Knoller, **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 April 28, 2017 from Steven Offen, Norris McLaughlin & Marcus, PA; re: Verizon Wireless Position re Zoning Process Non-Applicability – Reservation of Rights
- Letter dated May 5, 2017 from Brian Gatens, Emerson Board of Education, Superintendent of Schools; Re: Student recognition

VIII. FINANCIAL BUSINESS

- Resolution No. 161-17 Bill List

☞ **Motion** to approve Resolution No. 161-17 Bill List was **moved** by Councilman Worthington, **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. 162-17 Borough Professional Appointment – Financial Advisor Non-Fair and Open Contracts Pursuant to the Provisions of N.J.S.A. 19:44a-20.4

☞ **Motion** to approve Resolution No. 162-17 Borough Professional Appointment – Financial Advisor Non-Fair and Open Contracts Pursuant to the Provisions of N.J.S.A. 19:44a-20.4 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

IX. UNFINISHED BUSINESS

- Public Hearing – Washington Oak Park Open Space Grant Application

Mayor Lamatina announced that the Public Hearing would be to receive comment on the Borough's proposal to make improvements to Washington Oak Park. He noted that the park has a playground and had been the location of recent Arbor Day Ceremonies. It was in need of some improvements to encourage residents to pursue more active and passive recreational opportunities.

☞ **Motion** to open the meeting to comments from the public on the Washington Oak Park Open Space Grant Application only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried unanimously.

Ken Hoffman, 61 Emwood Drive applauded this idea and said it was an excellent use of funding for the Borough.

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

☞ **Motion** to close the meeting to comments from the public on the Washington Oak Park Open Space Grant Application only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously.

Mayor Lamatina noted that the Public Hearing would be part of the grant application that must be submitted to the County of Bergen by June 30, 2017.

- Selection of Grant Writer – Mr. Hoffmann led a discussion of selecting a grant writer moving forward. The fee schedule for each of three companies was discussed. Governing Body consensus was to wait and see how two major grant applications turned out before making a decision.

X. NEW BUSINESS

- Discussion of Borough of Emerson Facebook page – Councilwoman DiPaola said she was tabling this item until she obtained additional information.
- Borough Signs – Suggestions from Chamber of Commerce Member – Council President Knoller referenced suggestions from a resident ~~member of the Chamber of Commerce~~ (amended 6/13/17) to reframe the downtown electronic sign with brick and install new ‘Welcome to Emerson’ signs in the downtown area. Governing Body consensus was to wait until Kinderkamack Road improvements had been completed before moving forward.

XI. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Lamatina stated that no ordinances were being introduced.

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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 open the meeting to comments from the public on Bond Ordinance 1540-17 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 Bond Ordinance 1540-17 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1540-17 only was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried unanimously.

☞ **Motion** to adopt Bond Ordinance 1540-17 on second reading was **moved** by Councilman Worthington, **seconded** by Councilman Downing 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 discussed the recent Library Board of Trustees meeting and complimented the library on an outstanding three-year average increase in circulation. She noted that they ranked in the top five or six libraries in Bergen County and complimented Director Camille Valentino and her staff. She also referenced ongoing safety issues along the Kinderkamack Road improvement zone.

Councilman Falotico said the Baseball/Softball Opening Day Ceremony was well attended and complimented the Recreation Commission on doing a great job. He had attended the Eric Ayala Memorial Foundation fundraiser on May 8th which awarded scholarships. The Personnel Committee, consisting of himself and Councilman Downing, had met on several occasions. They were troubled by the resignation of Lori Woods who was the second employee to leave in two months and noted that they needed to do a better job of retaining staff. He was happy that the Tax Office had moved to the first floor. In addition, he and Councilman Lazar had looked at the property on Jordan Road and attended a preliminary meeting with Borough Engineer Gary Ascolese They would continue to monitor the situation before making a decision as to whether they should move forward.

Councilman Lazar gave the monthly reports for the Department of Public Works and Building Department. He thanked the Department of Public Works for being proactive with online safety and health training classes.

Council President Knoller gave the monthly report for the Police Department. He praised the Shop with a Cop program and the bicycle safety training class, noting that they did a great job with the community. He referenced Councilwoman DiPaola's comments related to safety concerns on Kinderkamack Road, stating that there was improvement but they still had a long way to go. He had attended a recent Chamber of Commerce meeting where members requested more advanced notice about roadwork conditions. This would allow for better day to day business planning.

Mayor Lamatina said he had visited the owners and managers of businesses on Kinderkamack Road. He had shared his personal contact information with them so they could quickly communicate any issues or concerns they were experiencing.

Councilman Downing gave the Ambulance Corps report for the month of April. He said the Arbor Day Ceremony, hosted by the Environmental Commission, was well attended. This was an example of volunteers giving back to the memories of people in town. The Recreation Commission had hosted a 4th and 5th grade dance at Assumption Church which had an amazing turnout. He had attended the Chief for the Day ceremony where two children were sworn in. In addition, the Community Garden was accepting applications for gardening plots.

Councilman Worthington had attended the second meeting of the Historic Preservation Committee and noted it was a very positive and energized group.

Mayor Lamatina said that Kuiken Brothers had built the bus cutout, improved the sidewalks and did the landscaping in front of their business. They had agreed to continue the streetscape to the corner of Lincoln Boulevard at their expense. They were also paying to put in the four streetlights, pavers and score the sidewalks. He discussed the Mayor's Wellness Campaign and said that on June 3rd there would be a Mayor's Challenge at the Hackensack Reservoir. Hackensack University Medical Center had held a Paint the Town Pink Boot Camp event in Westwood. Emerson's Carve Your Body had led the group in exercises.

Mr. Ascolese reported that the Kinderkamack Road improvement project was ahead of schedule and would be completed by July or August at the latest.

- Borough Administrator Robert Hoffmann reported on the following:
 - On May 10th, he had presented a grant application for drainage improvements on Pine Drive and Eagle Drive. He described significant flooding issues due to an outdated drainage system put in during the 1940's to 1960's. He outlined issues including more impervious coverage and the fact that the drainage system fed into the Emerson Woods and the Oradell Reservoir.
 - There were heavy rains on May 5th and May 13th and the new drainage system worked well. He thanked Mr. Ascolese and the Department of Public Works for methodically cleaning the drainage lines.
 - The goal for the timeline for garbage and recycling bid specifications was to open them in November and award a contract at the November 21st Council meeting so they would be ready to work on January 1, 2018.
 - He looked into pedestrian crossing signs for Main Street. Three signs had been installed in the past at a cost of \$900 each; all had been hit or vandalized. Similar models were available for \$295 each. A few would be purchased to test them out.
 - New Prince Concrete Construction Company was coordinating with Casa Maselli to do the curb cuts and install concrete up to the entrance of their door while accommodating their hours to permit patrons to enter. Concrete was poured for a good portion of the remainder of the sidewalk at the strip mall.
 - Assumption Church would be holding a carnival beginning on May 17th. Sidewalk installation on Kinderkamack Road was being concentrated on the east side of the street to accommodate pedestrians in anticipation of this event.
 - Fencing will be installed at Hillman Field around the Summer Kickoff as part of the grant funded project.
 - New fencing will be installed on May 23rd at Centennial Park for the community garden. Emerson Fence had submitted the most responsible bid.
 - As a way to support Emerson businesses during the Kinderkamack Road improvement project, the Recreation Commission had agreed to waive the table fees for any Emerson businesses who wished to participate in the Summer Kickoff on Saturday, June 17th.
 - The Department of Public Works had done a great job moving the Finance Office to the first floor. The following week they were going to start constructing a conference room in the former Finance Office. The Police Department was cleaning out the garage bays. Once that was complete, the DPW would start to construct the new Building Department office. When that was finished, the Police Detective Bureau will move into the space formerly occupied by the Building Department.
 - Borough Planner Brigitte Bogart had reported that her field work for Block 161 and 617.01 had been completed. She anticipated that her report would be completed by Friday, May 26th. It would then be available for review at the next Council meeting.

- Borough Clerk Jane Dietsche reminded everyone that their Financial Disclosure Statements were due by May 30th.
- Borough Attorney Wendy Rubinstein provided an update on the Just Pups litigation.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried at 9:35 p.m.

Antonio Dimodugno, 52 Maple Avenue asked that when his street was paved, water be redirected away from his and his neighbor's driveways. He also asked about drop curbs.

Bill Price, 9 Emwood Drive discussed flooding and drainage concerns at his property. He also asked about traffic signals in relation to the railroad crossing on Kinderkamack Road.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 163-17

☞ **Motion** to approve Consent Agenda No. 163-17 was **moved** by Councilman Falotico, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

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

CA 164-17 Refund of Tax Overpayments (2nd Quarter 2017)

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 165-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 165-17 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

#17-05/16-21 Contract Negotiations – Police Chief N.J.S.A. 10:4-7

#17-05/16-22 Contract Negotiations/Potential Litigation – Kinderkamack Road N.J.S.A. 10:4-7

#17-05/16-23 Contract Negotiations – Redevelopment/COAH N.J.S.A. 10:4-7

#17-05/16-24 Personnel – Administrative Assistant/Registrar Position N.J.S.A. 10:4-8

#17-05/16-25 Personnel – Tech Assistant Position N.J.S.A. 10:4-8

#17-05/16-26 Personnel N.J.S.A. 10:4-8

☞ **Motion** to reconvene was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to extend the curfew for thirty minutes until 11:30 p.m. was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to return to Closed Session was **moved, seconded** and carried at 11:01 p.m.

☞ **Motion** to reconvene was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 11:34 p.m.

☞ **Motion** to extend the curfew for 15 minutes until 11:45 p.m. was **moved, seconded** and carried.

☞ **Motion** to return to Closed Session was **moved, seconded** and carried.

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 Council President Knoller, **seconded** by Councilman Lazar and carried.

☞ **Motion** to carry out the items discussed in Closed Session to let the County do the concrete around Block 419 and the Borough will do the scoring and asphalt between the back of the curb and the sidewalk and do the work on Locust Avenue for approximately \$18,000 plus as set forth in Mr. Ascolese's May 16th letter was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to authorize the Borough Administrator to advertise for one open position and make an offer of employment to fill the Technical Assistant position 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

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried at 11:36 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk