



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
May 17, 2016  
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 7:37 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, Council President Knoller, Councilman Lazar, Councilman Tripodi

**Absent:** Councilman Downing, 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 there were no absences from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

- Honoring the Emerson/Park Ridge Wrestling Team for their illustrious accomplishments and winning season

V. APPOINTMENTS/RESIGNATIONS

- Swearing in ceremony of Probationary Patrol Officer Cody Scheidle
- Appointment of Emerson Volunteer Ambulance Corps Probationary Members:
  - Kristen Malakas
  - Jessica Wells

☞ **Motion** to appoint Kristin Malakas and Jessica Wells as Probationary Members of the Emerson Volunteer Ambulance Corps was **moved** by Councilman Lazar, **seconded** by Councilman Tripodi and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of May 3<sup>rd</sup>, 2016
- Special Meeting Minutes of April 18<sup>th</sup>, 2016 - Amended

☞ **Motion** to approve the Regular Meeting Minutes of May 3<sup>rd</sup>, 2016 and the Special Meeting Minutes of April 18, 2016 as amended was **moved** by Councilman Tripodi, **seconded** by Council President Knoller and carried unanimously.

## VII. CORRESPONDENCE

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

- Letter dated March 17, 2016 from Keep NJ Safe; Re: Request for Resolution to oppose the parole of Rapist/Murder Christopher Righetti
- Letter dated March 17k 2016 from Captain Bill Sheehan, Hackensack River Keeper Re: Mayors' Cup Challenge, Saturday, June 11<sup>th</sup>
- Letter dated April 1, 2016 from Bergen County Freeholder Maura DeNicola; Re: Access for All Advisory Committee
- Letter dated March 31, 2016 from NJDOT Acting Commissioner Richard Hammer; Re: 2016 Safe Routes to School Program
- Letter dated March 29, 2016 from Allen Bell, Esq., Re: Armenian Home Developers' Agreement modification request
- Letter dated March 24, 2016 from NJDOT Acting commissioner Richard Hammer; Re: Fiscal Year 2016 funding in the amount of \$155,000 for Main Street/Linwood Avenue Municipal Aid
- Letter dated March 28, 2016 from Dan Lambe, Arbor Day Foundation; Re: Emerson named 2015 Tree City USA
- Letter dated March 21, 2016 from Relay for Life Community Manager Jennifer Schoonover; Re: Relay for Life event at Westwood High School May 14-15
- Letter dated April 22<sup>nd</sup> from Reverend Paolo Tanzini, Assumption Church; Re: Request to hang street banner for upcoming carnival
- Letter dated April 22<sup>nd</sup> from Joseph Basralian, Esq. and Robert Abbot; Re: Building Bergen discussion at Bergen Community College on May 11<sup>th</sup>
- Letter dated May 11, 2016 from Emerson Board of Education Assistant Superintendent/Business Administrator Phillip Nisonoff; Re: Borough of Emerson Certificate and Report of School Taxes for the 2016-2017 School Year A4F Form A
- Email dated May 13, 2016 from Jenna Jensen, Public Policy Coordinator, Puppy Mills Campaign; Re: Letter of support from The Humane Society of the United States

## VIII. FINANCIAL BUSINESS

- Resolution No. 149-16 Bill List

☞ **Motion** to approve Resolution No. 149-16 Bill List was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 4-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Knoller, Tripodi**

## IX. UNFINISHED BUSINESS

- COAH letter – review of draft – Mr. Hoffmann said he had prepared a draft of a letter about COAH and its history going back to 1975 for the Borough website and asked for Governing Body input. His goal was to present it in more finished form at the June 14<sup>th</sup> meeting.

- PILOT Program – update – Mr. Hoffmann explained that PILOT programs were used to help with economic development by assisting not-for-profit organizations move into communities and become more successful. He added that while the municipality, schools and County received property taxes on the land, with PILOT programs only the municipality received the taxes on the land-property (amended at December 20, 2016 Regular Meeting) value. In past years, the Governing Body had authorized PILOTS for several projects. However Councilwoman DiPaola had discovered that the Borough was not receiving payments because a process had not implemented. He noted that he would be cross checking with the Borough Planner and Borough Attorney to put a process in place to generate revenue for surplus.
- Amend Borough ordinance related to pet shop licensing – Ms. Rubinstein explained that the new ordinance on the agenda for introduction was related to kennel licenses, not pet shops.

#### X. NEW BUSINESS

- Joint bid with Oradell – Solid Waste and Recycling – Mr. Hoffmann explained that the Borough was exploring going out to bid jointly with the Borough of Oradell for solid waste and recycling since they were contiguous communities and it made sense. He planned to meet with Oradell in the next two weeks. He noted that Emerson’s waste and recycling contracts expired at the end of the year and Oradell would be extending their contract with their current hauler for six months so they could bid jointly.
- Linwood Avenue/Main Street NJDOT Grant Funding - Section 3 – Engineering Proposal – Mr. Hoffmann said that Boswell Engineering had obtained \$155,000.00 in grant funding for Section 3 of the Linwood/Main Street paving project. The funds would be available as of July 1<sup>st</sup>.
- Direct deposit banking (State Mandate) – Mr. Hoffmann said this item was included for informational purposes only and that while it was only mandated for State government, W2 reporting and other documents might need to be sent electronically in the future. He said he would have more information later in the year.
- Church of the Assumption Carnival - discussion of banners and date – Mr. Hoffmann said the carnival was scheduled for September and a resolution would be prepared for the next meeting. Mayor Lamatina requested that Assumption Church be advised that Kinderkamack Road improvement work would begin shortly. Mr. Hoffmann said he would also confer with the Borough Engineer.

#### 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 June 14<sup>th</sup>, 2016 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published by title in the May 20<sup>th</sup>, 2016 edition of the Ridgewood News. He added that this 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:**

~~1523-16 AN ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2016- PULLED~~

**1524-16** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140, ARTICLE I "DOGS AND KENNELS" OF THE CODE OF THE BOROUGH OF EMERSON, TO BAN THE SALE OF DOGS BRED IN PUPPY MILLS IN THE BOROUGH OF EMERSON, BERGEN COUNTY, NEW JERSEY

☞ **Motion** to introduce Ordinance #1524-16 on first reading was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by roll call vote of 4-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Knoller, Tripodi**

XII. ADOPTION OF ORDINANCES

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

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola stated that the Just Pups topic was still under investigation and the Governing Body would be unable to answer any questions. She added that the public was welcome to speak and it was still being looked into by the Board of Health, as well as Borough professionals, Animal Control and the State. She also noted that the Shade Tree budget had passed and they could now begin trimming and removing trees and plan for fall tree planting.

Councilman Lazar said the Department of Public Works had been very active recently. Among the projects accomplished were the replacement of all the batteries in the lightning detectors, removing garden debris in Centennial Park, replacing faded signs in parks, installing 27 tons of mulch at Hillman Field, planting flowers and mulch at Memorial Park and participating in an online course in attention and distraction in driving. He said he would report on his findings related to the budget at a future meeting after verifying additional facts with a member of the Governing Body.

Mayor Lamatina noted that the Department of Public Works had put in a handicap ramp at Washington Oak Park but there was still a raised root in the pathway which presented a tripping hazard. He said he would like to see this resolved and suggested replacing the asphalt with pavers. He also praised Acting DPW Superintendent Perry Solimando and the entire department for their hard work and quick follow up.

Council President Knoller gave the April Police Department report and thanked the Governing Body for allowing them to hire new Patrol Officer Cody Scheidle. He also announced that the first annual Stephanie Morgan Softball Tournament would be held on June 18<sup>th</sup> from 9 a.m. until 6 p.m. at Hillman Field.

Mayor Lamatina stated that the Town Picnic was scheduled for June 11<sup>th</sup> and would conclude with evening fireworks. He said the Mayors' Cup Challenge kayak race would also take place that day.

Councilman Tripodi had no report.

Mayor Lamatina said the Kinderkamack Road project had gone out to bid that day and the bid opening was scheduled for June 22<sup>nd</sup>. The Borough Engineer anticipated the project starting around June 29<sup>th</sup> and estimated it would take from six to nine months to complete. He also noted that a second meeting had taken place with the downtown redeveloper and that it had gone well. An agreement should be ready to sign in the very near future. He said they had been negotiating with property owners but had not closed on any properties yet.

- Borough Administrator Robert Hoffmann reported on the following:
  - The Memorial Day Remembrance was scheduled for Monday, May 30<sup>th</sup> at 11 a.m. rain or shine at Monument Plaza. It would be led by American Legion Post Commander John Hogan who was coordinating activities.
  - The Borough would be obtaining a Clean Communities grant totaling \$17,332.18 sometime after July 1<sup>st</sup>. The grant could be used for volunteer or paid cleanups, equipment purchases, enforcement activities and education.
  - The Vivian Avenue drainage program grant application in the amount of \$500,000.00 had been submitted to the State. Mayor Lamatina requested that Mr. Hoffmann contact the Borough of Westwood to ensure they were also able to apply for grant funding for this drainage project.
  - An ordinance for street openings was scheduled to be introduced at the next meeting. He wanted to be sure it included information related to liability insurance and the placement of dumpsters to ensure road surfaces were protected.
  - He thanked Borough employees Peter McGee and Peggy DiLello for their wonderful job assisting during the second quarter tax collection period. He said they provided good service to Emerson residents and allowed the first floor office to remain open all day. He also thanked the rest of the staff and commended everyone's team effort.
  - The Archdiocese had contacted the Borough and wanted to close on 58 Locust Avenue the first week of June. The property at 64 Locust was also scheduled for closing soon.
  - Bids were opened on May 11<sup>th</sup> for the 2016 municipal road paving program. The bids for tonnage came in at \$65.40 per ton which was much lower than anticipated. Acting DPW Superintendent Perry Solimando and Borough Engineer Gary Ascolese were going to look to see what additional roads could be added to the list.
  - He wished Jason Sieira well in his new position with the Township of Union after assisting in the Finance Department on a part time basis.
  - He congratulated Ms. Rubinstein for being sworn in to practice before the United States Supreme Court the previous day.
- Borough Clerk Jane Dietsche had no report.
- Borough Attorney Wendy Rubinstein thanked Mr. Hoffmann.

XIV. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 8:51 p.m.

Cortney Woznicki, 31 Auricchio Avenue discussed ongoing protests in front of the Just Pups store on Kinderkamack Road. She was in favor of an ordinance to restrict the sale of puppies from puppy mills and read a statement about the owner of the business.

Paul Hulbert, 55 Jefferson Avenue asked about the plans for the properties at 58 and 64 Locust Avenue and said he wanted to be kept informed about future plans for these properties. Mr. Hoffmann said he would reach out to Mr. Hulbert and another neighbor.

Robike Noll, Westwood, said she was concerned about animal welfare and commented on recent inspections and violations at the Just Pups location in Emerson. She also stated that the store sold puppies from puppy mills included on the 'Horrible 100' list. Mayor Lamatina and Ms. Rubinstein said they were gathering information and asked her to forward any information in consideration of the application for a new license in July.

Mayor Lamatina said the Governing Body was on top of the situation and noted that they were introducing the ordinance that evening.

Cortney Woznicki, 31 Auricchio Avenue said she was in the process of gathering signatures on petitions in favor of the new ordinance for submission to the Governing Body.

Robert Obernauer, 161 Kinderkamack Road was concerned that the kennel ordinance would be too weak and questioned the process by which the Board of Health inspector issued summonses.

Vincent LoSacco, 112 Ackerman Avenue, responded to public comments and said they were false claims. He then read a statement and denied mistreatment of animals.

Cortney Woznicki, 31 Auricchio Avenue responded to Mr. LoSacco's statements.

Robike Noll, Westwood, responded to Mr. LoSacco's statements and discussed the welfare of animals and humane transport.

Mayor Lamatina explained that there were two separate issues to consider – whether there were grounds to revoke the current Just Pups license and the review of a new application when the current license expired. Ms. Rubinstein explained that anyone who had an opinion, whether positive or negative, should submit it in writing. If a license application came before the Mayor and Council, they would receive a recommendation from the Board of Health and also be able to take the public's interests into consideration when looking at a new application.

Councilwoman DiPaola said the Board of Health relied on professionals including the health inspector, health officer and animal control services to bring them information. She emphasized Board of Health members did not perform inspections.

Robert Obernauer, 161 Kinderkamack Road expressed concerns about lost revenue related to health inspections.

Stacey Wood, 59 Jefferson Avenue thanked the Governing Body for considering the ordinance.

Councilwoman DiPaola requested that the ordinance be made effective for July 1<sup>st</sup>. Ms. Rubinstein said that an adjustment could be made to the introduction. Governing Body consensus was to make the ordinance effective July 1, 2016. Ms. Rubinstein indicated that the language would be modified accordingly.

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 Lazar, **seconded** by Council President Knoller and carried at 9:50 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 150-16

☞ **Motion** to approve Consent Agenda No. 150-16 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 4-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Knoller, Tripodi**

- Ca 151-16 Block Party Approval – Eagle Drive between Hartland Avenue and Daned Road on May 21, 2016 from 4 p.m. until 8 p.m.
- Ca 152-16 Scarce Resource Resolution
- Ca 153-16 Authorize Payment to Borough Engineer in an amount not to exceed of \$26,000 for Section 3 Linwood Avenue NJDOT FY 2016 Grant Funded Project

XVI. CLOSED SESSION RESOLUTION No. 154-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 154-16 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by roll call vote of 4-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Knoller, Tripodi**

- #16-05/17-10 Contract Negotiations - DPW N.J.S.A.10:4-7
- #16-05/17-11 Fire Department – Potential Litigation N.J.S.A.10:4-7
- #16-05/17-12 Contract Negotiations – Labor Counsel N.J.S.A.10:4-7

XVII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 10:34 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 10:35 p.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk