



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
May 2, 2017  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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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

**Absent:** 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

- Council President Knoller for his absence from the Regular Meeting of April 18, 2017

☞ **Motion** to excuse the absence of Council President Knoller from the Regular Meeting of April 18, 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

- Land Use Board
  - Appointment of Alban Bresa as Alternate IV for the unexpired term ending 12/31/17

Mayor Lamatina announced that he was appointing Alban Bresa as the Alternate IV member to the Land Use Board for the unexpired term ending 12/31/17.

- Police Reserve Officers – Appointments effective May 1, 2017
  - Kristen Malakas
  - Alan Bernstein
  - Cory Fehr

☞ **Motion** to appoint Kristen Malakas, Alan Bernstein and Cory Fehr as Police Reserve Officers effective May 1, 2017 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

VI. MINUTES FOR APPROVAL

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

At the request of Councilwoman DiPaola, this item was pulled for amendments and would be added to the next meeting's agenda.

VII. FINANCIAL BUSINESS

- Resolution No. 149-17 Corrective Action Plan - Audit ending December 31, 2016

☞ **Motion** to approve Resolution No. 149-17 Corrective Action Plan - Audit ending December 31, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 5-0.

**RC: Council members:**

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

- Resolution No. 150-17 Certification of Governing Body of the Annual Audit - Group Affidavit Form

☞ **Motion** to approve Resolution No. 150-17 Certification of Governing Body of the Annual Audit - Group Affidavit Form was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

**RC: Council members:**

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

VIII. UNFINISHED BUSINESS

- Recreation By-Laws
  - 151-17 Authorizing the Amendments of the By-Laws of the Emerson Recreation Commission

☞ **Motion** to approve Resolution No. 151-17 Authorizing the Amendments of the By-Laws of the Emerson Recreation Commission was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0.

**RC: Council members:**

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

- Open Space Grant – Washington Oak Park
  - 152-17 Authorize Boswell Engineering to Assist with preparation of Open Space Grant for Improvements to Washington Oak Park

Mr. Hoffmann said proposed improvements included adding soft material to the safety zone around the playgrounds, improved walking paths, planting more trees around the perimeter and installing exercise stations.

☞ **Motion** to approve Resolution No. 152-17 Authorize Boswell Engineering to Assist with Preparation of the Open Space Grant for Improvements to Washington Oak Park was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

**RC: Council members:**

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

- Vivian Avenue Drainage Work and Grant Application

Mr. Hoffmann explained that the Borough had received information from the Department of Transportation that there was a window of opportunity to resubmit the drainage grant application for Vivian Avenue. This was the exact same grant application that had been submitted in 2016 and had been denied without a good reason.

- 153-17 Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Vivian Avenue Drainage Improvements project

☞ **Motion** to approve Resolution No. 153-17 Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Vivian Avenue Drainage Improvements project was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

**RC: Council members:**

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

- 154-17 Confirm Approval to Submit Vivian Avenue Drainage Grant Application to the New Jersey Department of Transportation (NJDOT)

☞ **Motion** to approve Resolution No. 154-17 Confirm Approval to Submit Vivian Avenue Drainage Grant Application to the New Jersey Department of Transportation (NJDOT) 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, Knoller, Downing**

- Selection of Grant Writer – Mr. Hoffmann said this item was being held until the next meeting.

#### IX. NEW BUSINESS

- 2017 Bergen County Shared Services Resolution – Mr. Hoffmann said this resolution would formalize an agreement to allow the County to share equipment with the Borough at no cost.

#### X. INTRODUCTION OF ORDINANCES

##### **First Reading:**

**1541-17** 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 2017

Council President Knoller requested that this ordinance be pulled from the agenda for further discussion.

☞ **Motion** to pull Ordinance No. 1541-17 from the agenda for further discussion was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

**RC: Council members:**

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

XI. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

Mayor Lamatina announced that the Second Reading and Public Hearing for Bond Ordinance No. 1540-17 was being postponed due to improper publication by North Jersey Media. The Public Hearing and Adoption was being rescheduled to May 16, 2017.

**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

XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
  - Borough Planner Brigitte Bogart was starting the study on Block 616 and 617.01 later in the week.
  - The Finance Office had moved to the former Conference Room on the first floor of Borough Hall.
  - The Board of Health and Recreation Commission Secretary had completed her move to the first-floor Tax Office and was functioning as the primary collector of taxes.
  - A grant application had been submitted today in the amount of \$100,000 for the New Jersey Environmental Trust Program. The funds were only available for communities with less than 10,000 residents and would be used to televise all the sanitary and storm water sewer lines and obtain GPS coordinates for all the manhole covers and catch basins.
  - On Wednesday, May 10<sup>th</sup> he would be attending a Community Development Block Grant Regional Meeting in Old Tappan where he would be making a presentation for the Borough's grant applications. One grant application for \$200,000 was for drainage improvements on Pine Drive; the other was for Senior Citizen Activities in the amount of \$6,000.
  - On Thursday, May 4<sup>th</sup> he would be attending a purchasing conference in Atlantic City and would attend a special session on solid waste disposal and recycling specifications. He noted that there had been some changes that the State was requesting. He wanted to obtain those updates because the Borough would be going out for garbage and recycling bids for 2018 and would release them to the public in late summer or fall. The Borough would be looking for the best value from those that respond. He noted that over the last two months, Emerson's sister communities had received double digit increases in their fees. He added that the Borough's bid specifications had to be as precise as possible, so getting this information from the State would be key.
  - The Public Hearing for the next round of grants for the Open Space Grant Application to make improvements to Washington Oak Park was scheduled for May 16<sup>th</sup>. The application was due on June 30<sup>th</sup>.

- Public Health Nurse Kay Hodges had recently been feted for her 50 years of service to the Borough of Emerson. He added that she was an ageless 97 years old and had been featured in a recent issue of 201 Magazine with a nice article about her lifetime career.

The Governing Body and Mr. Hoffmann discussed concerns related to unsafe conditions at the Kinderkamack Road construction site. At the conclusion of the discussion, Ms. Rubinstein was directed to write a letter to the County expressing their concerns about safety issues and impressing upon them that the site had to be inspected at the end of each day to ensure the safety of pedestrians and vehicular traffic.

### XIII. PUBLIC COMMENT

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

Joe Letizia, 21 James Street, Westwood thanked the Governing Body and the administrative staff for scrambling to get the grant application resubmitted.

Ken Hoffman, 61 Emwood Drive asked about the status of two lawsuits by the two property owners at Block 419.

Karen Browne, 114 Pine Drive asked for information on pedestrian crossing signs at Pine Drive and Main Street and left turns from Emerson Plaza East on to Kinderkamack Road as well as adding a crosswalk at Kinderkamack Road by the bus shelter.

Dominic Scala, owner of Cork & Keg, 188 Kinderkamack Road said the construction site at Block 419 looked horrid and that it should be made easier for pedestrians and vehicles to traverse the area. He said his business was way down. He also inquired asked why the owners of properties on Block 419 had received property maintenance notices when no other blocks received them.

Matt Morelli, owner of Cloud 9 Vapes, 76 Linwood Avenue asked about the timeline for roadwork and said the Kinderkamack Road improvements were a nightmare for business owners.

Mr. Robert Petrow, 21,23 33, 50 Chestnut Street said he had said nothing about building multi-family housing. He also stated that the business owner at 39 Chestnut Street was running an illegal operation. He also noted that businesses were suffering and questioned why property maintenance warnings were being distributed.

Laura Litchult, owner of Cradles to Crayons at 300 Kinderkamack Road and 19 Emerson Plaza East asked for the timeline for the Borough Planner to survey the properties at Blocks 616 and 617.01 and a determination as to whether their properties would be pulled out of the study.

Jill McGuire, 154 Linwood Avenue said she understood the need for property maintenance enforcement but said she thought the timing was a little improper.

Dominic Scala, owner of Cork & Keg, 188 Kinderkamack Road said the property maintenance notice did not indicate the issue that needed to be corrected and wanted to speak with the Property Maintenance Officer so that he could comply.

Robert Petrow, 21, 23, 33, 50 Chestnut Street discussed selective enforcement of the property maintenance code and said that he had received a \$2000 fine for installing a door at 23 Chestnut Street without a permit.

Ken Hoffman 61 Emwood Drive asked for confirmation of comments said earlier in the meeting that Councilmembers had spoken to residents about one of the properties that was suing the town and requested that the Council investigate this matter

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 Downing and carried at 9:00 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 155-17

☞ **Motion** to approve Resolution No. 155-17 Consent Agenda 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, Knoller, Downing**

CA 156-17      Approve Cancellation of Grant Balances  
CA 157-17      Approve Laundry License Renewal – Sonic Suds  
CA 158-17      2017 Bergen County Shared Services Resolution

XV. CLOSED EXECUTIVE SESSION - Resolution No. 159-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 159-17 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

**RC: Council members:**

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

#17-05/02-19      Litigation – Affordable Housing      N.J.S.A. 10:4-7  
#17-05/02-20      Personnel Matter – DPW      N.J.S.A. 10:4-8

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 Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 9:32 p.m.

- Resolution No. 160-17 Authorize Approval of Employees' Donation of Sick and Compensatory Time for DPW Employee Kevin Mullane

☞ **Motion** to approve Resolution 160-17 Authorize Approval of Employees' Donation of Sick and Compensatory Time for DPW Employee Kevin Mullane was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

**RC: Council members:**

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

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 Lazar and carried at 9:32 p.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk