



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
June 12, 2018  
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 7:30 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, Councilman Bayley, Councilwoman DiPaola, Councilman Downing, Councilman Falotico, Council President Knoller, Councilwoman Wolf

Also present were Borough Administrator Robert 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 of Governing Body members at the previous meeting.

IV. PROCLAMATIONS & CITATIONS

- Gun Violence Awareness Day in the Borough of Emerson – Wednesday, June 13th

V. APPOINTMENTS/RESIGNATIONS

- Resolution No. 164-18 Reappointment of Municipal Clerk Jane Dietsche, RMC

☞ **Motion** to approve Resolution No. 164-18 Reappointment of Municipal Clerk Jane Dietsche was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

- Volunteer Fire Department
  - Appointment of Josef P. Zierer, Jr. as a Cadet member

☞ **Motion** to appoint Josef P. Zierer, Jr. as a Cadet member of the Emerson Volunteer Fire Department was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Wolf and carried unanimously.

VI. MINUTES FOR APPROVAL

Mayor Lamatina announced that there were no minutes for approval.

VII. FINANCIAL BUSINESS

- Resolution No. 165-18 Corrective Action Plan - Audit ending December 31, 2017

☞ **Motion** to approve Resolution No. 165-18 Corrective Action Plan - Audit ending December 31, 2017 was **moved** by Council President Knoller, **seconded** by Councilwoman Wolf and carried by a roll call vote of 6-0:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

- Resolution No. 166-18 Certification of Governing Body of the Annual Audit - Group Affidavit Form

☞ **Motion** to approve Resolution No. 166-18 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 6-0:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

VIII. UNFINISHED BUSINESS

- 167-18 Amend Armenian Home Modification of Developer's Agreement Resolution No. 134-18 adopted April 17, 2018

☞ **Motion** to approve Resolution No. 167-18 Amend Armenian Home Modification of Developer's Agreement Resolution No. 134-18 adopted April 17, 2018 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 5-0:

**RC: Council members:**

**YES: Bayley, Wolf, Knoller, Falotico, Downing**

**ABSTAIN: DiPaola**

IX. PUBLIC HEARING

- Open Space Grant Application – Hillman Park Shade Pavilion

Mayor Lamatina announced that this public hearing was to receive comment on the Borough's proposal to install a Shade Pavilion at Hillman Park to complement a playground and ballfields. It was presently used for the Borough's summer camp activities as well as the Annual Summer Kickoff and Camp-Out with the Cops. The Mayor noted that these improvements would encourage more residents to enjoy Hillman Park for both active and passive recreational opportunities.

☞ **Motion** to open the meeting to comments from the public on the Open Space Grant Application for a Shade Pavilion at Hillman Park only was **moved** by Councilman Downing, **seconded** by Councilman Falotico and carried at 7:37 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on this topic only.

☞ **Motion** to close the meeting to comments from the public on Open Space Grant Application for a Shade Pavilion at Hillman Park only was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried at 7:38 p.m.

Mayor Lamatina concluded by stating that the Public Hearing would be part of the grant application that must be submitted to the County of Bergen by June 18, 2018.

X. NEW BUSINESS

- 168-18 RESOLUTION OF THE BOROUGH OF EMERSON APPROVING THE SUBMISSION OF A WORKABLE RELOCATION ASSISTANCE PLAN TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AS REQUIRED BY THE NEW JERSEY RELOCATION ASSISTANCE LAW N.J.S.A. 52:31 B-L ET SEQ., THE RELOCATION ASSISTANCE ACT N.J.S.A. 20:4-1 ET SEQ. AND THE REGULATIONS FOR PROVISION OF RELOCATION ASSISTANCE N.J.A.C. 5:11-1 ET SEQ.

Councilwoman DiPaola questioned the resolution's list of potential relocation sites for businesses and residents, noting that only three were in Emerson, at a former bank on Old Hook Road scheduled for demolition. She added that Cork and Keg had an Alcoholic Beverage Commission liquor license which had to remain in Emerson and said that she did not want to move businesses to other towns or out of state. The Kinderkamack Road improvement project had impacted businesses for two years and if they were displaced for any period of time, customers might not return.

Ms. Rubinstein explained that it was a general plan which provided a preliminary analysis of locations within a ten-mile radius as required by statute to be submitted to the New Jersey Department of Community Affairs. There was the ability to work with a displaced business or resident to consider other options. The Borough had to show it had looked into setting forth a plan for how to deal with this situation in case there were any displacements in the redevelopment area. The purpose of the document was for a valuation within a certain radius to obtain a square foot value and was similar to an appraisal process where they were trying to find a value; it was not saying that those were exactly the locations where the businesses would be moved to. She said the businesses would not be moved to those out of town locations listed in the resolution. They were open and available places at the moment for purposes of valuation.

Councilwoman DiPaola said that the list should have included realistic places for the businesses to relocate to.

☞ **Motion** to approve Resolution No. 168-18 was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 5-1:  
**RC: Council members:**  
**YES: Bayley, Wolf, Knoller, Falotico, Downing**  
**NO: DiPaola**

XI. INTRODUCTION OF ORDINANCES

**First Reading:**

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 26th, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the June 15th, 2018 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.

**1559-18** AN ORDINANCE AMENDING CHAPTER 61-10 ENTITLED PARKS, PLAYGROUNDS AND RECREATION, 'FEE SCHEDULE' OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, ESTABLISHING FEES FOR PARTICIPATION IN RECREATIONAL ACTIVITIES

☞ **Motion** to introduce Ordinance No. 1559-18 on first reading was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

XII. ADOPTION OF ORDINANCES

**Second Reading & Public Hearing:**

**1558-18** AN ORDINANCE CREATING A PERMIT REQUIREMENT TO OPERATE A CRANE WITHIN THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1558-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 7:54 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1558-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1558-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 7:55 p.m.

Councilwoman DiPaola commented on the permit fee of \$250.00 for 60 days for each crane and the fee of renewal of \$100.00 for each additional 60 days and said it seemed very inexpensive when compared to other permit fees in the Borough. The Governing Body also discussed whether in addition to a certified crane operator, a certified signaler was required as well. Mayor Lamatina said that the ordinance could be amended in the future if additional information was required. Councilwoman DiPaola said she was voting no because of the two issues she had brought up and that she was not opposed to the need to safely operate cranes in the Borough.

☞ **Motion** to adopt Ordinance No. 1558-18 on second reading was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 5-1:

**RC: Council members:**

**YES: Bayley, Wolf, Knoller, Falotico, Downing**

**NO: DiPaola**

## XIII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
  - Emerson's Summer Kickoff would take place on Saturday, June 16<sup>th</sup> from 1:30 p.m. until 9:00 p.m. at Hillman Park.
  - Last Saturday, June 9<sup>th</sup> was the First Annual Chamber of Commerce Car Show. He congratulated Laura Litchult and Frank DiDolci, members of the Executive Board of the Chamber of Commerce, and all other members of the chamber and other volunteers who had worked to make it a successful event. He said the weather was wonderful and the cars were great to look at.
  - He thanked the Governing Body for supporting the Borough's Shade Pavilion application. It was due by Monday, June 18<sup>th</sup> to Bergen County for the Open Space process, adding that Resolution No. 181-18 on the Consent Agenda supported the grant application and was required by the County. The genesis for the shade pavilion was from several sources including mothers who talked to him during summer camp last year about the need for additional shade. The Emerson Public Library had been very helpful with accommodating summer campers during hot or wet weather. In the future, the pavilion would help with arts and crafts, allow people to be shaded while watching children in the playground and permit the seniors to enjoy some outdoor activities during meetings.
  - Resolution 173-18 was a grant reimbursement for ADA curb cuts and ramp improvements along Kinderkamack Road and part of Soldier Hill Road. Bergen County informed the Borough that they would be doing drainage work and milling and paving on Kinderkamack Road from Etna Avenue south to the Oradell border and the Emerson portion of Soldier Hill Road. The County had set aside funds to reimburse the Borough for the curb work which had to be done before the road was paved. If the Borough did not do the work, the County would not pave the road.
  - The Vivian Avenue drainage project would be able to move forward once Resolution 180-18 was adopted. It would amend Resolution 103-18 and specifically allocated the Borough of Westwood's contribution for engineering of the project as well as their need to acquire two easements required for the project.
  - He thanked the Governing Body for passing Resolution 146-18 on May 1<sup>st</sup> which allowed the Borough the power to complete two additional sections of drainage work in the Continental Woods neighborhood. They completed a section of drainage work on Dogwood Lane and George Road which flooded on a fairly regular basis. They were also able to put in an additional pipe on Pine Drive south closer to Emwood Drive. It gave the Borough the opportunity to not have to return \$49,283 in grant funding. The funds were repurposed and used to improve drainage in that neighborhood. The Borough would only have to return \$221.00 in grant funding. The \$140,000.00 that was given to Emerson was allowed to stay in Emerson to solve current and future flooding problems.

- Resolution 172-18, if adopted, would allow the Borough to attach a lien to 66 Clinton Avenue so a professional could be hired to do a further assessment of the structural issues at that location and determine what needed to be done. The previous Wednesday afternoon, the Construction Official, Fire Official and a member of the Board of Health visited the property and were able to inspect the interior which were in very good shape. However, fourteen areas were identified that required attention to bring them up to code –holes in the roof of the garage, breaks in the gutters, soffits that were falling down, a retaining wall that needed repair and other items. The real issue was that the inspection was done from the ground. The resolution would allow the Borough to hire someone to go up on a ladder to do a closer inspection of the roof and assess the damage and determine what repair needed to be done.

Mayor Lamatina noted that there were two foreclosure acts pending on the property. The title's owner was a disbarred attorney and because the banks did not have title yet and there was a dispute, they would not do the repairs. This was why the Borough was stepping up to do the necessary repairs. Mayor Lamatina said the Borough had been looking at this home for over twelve years and it was time to take drastic action – to use Borough funds to get this home back into a state of repair.

Ms. Rubinstein said that the process was not taken lightly and had to be done on a case by case basis when there was no other recourse. Councilwoman DiPaola questioned whether the Borough was becoming a bank where they were doing improvements on a periodic basis with no closure to the issue.

#### XIV. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried at 8:31 p.m.

Brandi Porscher, 62 Clinton Street stated that the home adjacent to her property, 66 Clinton Street, was unsafe and a complete eyesore while she was trying to sell her home. She had been bringing this to the attention of the Borough for twelve years and hoped that something would finally get done even if it had to be at the Borough's expense.

Melissa Doherty, 137 East Ackerman Avenue said that she lived behind 66 Clinton Street and did not want the Borough to take a Band-Aid approach to repairing the home.

Mike Doughty, 131 East Ackerman Avenue inquired about the number of people allowed to move into the home.

Bill Price, 9 Emwood Drive commented on raccoons living in the area.

Paul Hulburt, 55 Jefferson Avenue inquired about two resolutions on the Consent Agenda, asking about the hook lift truck for the Department of Public Works and the Blue City Pilot Program. He also commented on the condition of Arthur Avenue and said patch work needed to be done.

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, seconded** and carried.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 169-18

Councilwoman DiPaola asked that Resolution No. 183-18 Authorize Installation of a Stop Sign on East Ackerman Avenue at the Intersection of Union Street be pulled for a separate vote.

☞ **Motion** to approve Consent Agenda No. 169-18 without Resolution No. 183-18 Authorize Installation of a Stop Sign on East Ackerman Avenue at the Intersection of Union Street was moved by Council President Knoller, seconded by Councilman Falotico and carried by a roll call vote of 6-0:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

☞ **Motion** to approve Resolution No. 183-18 Authorize Installation of a Stop Sign on East Ackerman Avenue at the Intersection of Union Street only was moved by Councilman Falotico, seconded by Councilman Bayley and carried by a roll call vote of 5-1:

**RC: Council members:**

**YES: Bayley, Wolf, Knoller, Falotico, Downing**

**NO: DiPaola**

- CA 170-18 Refund of Tax Overpayments (3rd and 4th Quarter 2018)
- CA 171-18 Authorization of the cleanup and the imposition of a tax lien against the property located at 93 Vivian Ave, also known as Block 108, Lot 1 on the official tax map of the Borough of Emerson, Bergen County, New Jersey.
- CA 172-18 Authorization of the repair and cleanup and the imposition of a tax lien against the property located at 66 Clinton Ave, also known as Block 710 Lot 7 on the official tax map of the Borough of Emerson, Bergen County, New Jersey.
- CA 173-18 Authorize design, construction and inspection of ADA curb ramp improvements on County roads in the Borough of Emerson
- CA 174-18 Beverage Control Special Permit for Social Affair – Emerson Recreation Commission Day in the Park – Saturday, June 16, 2018
- CA 175-18 Authorize Purchase of 2019 International Hook Lift Truck for Department of Public Works
- CA 176-18 Awarding A Contract for Specialty/Hybrid Services - Sidewalk Safety
- CA 177-18 Appoint Open Space Representatives for the period July 1, 2018 to June 30, 2019
- CA 178-18 Approve Community Development Delegate and Alternate for the period July 1, 2018 to June 30, 2019
- CA 179-18 Authorize Celebration Fireworks to conduct a display of fireworks at Summer Kick-Off on Saturday, June 16th
- CA 180-18 Amend Resolution No. 103-18 Authorizing preparation of plans and specifications for Vivian Avenue drainage project
- CA 181-18 Trust Fund Application Municipal Endorsing Resolution – Shade Tree Pavilion at Hillman Field
- CA 182-18 Authorize Project Blue City Pilot Program

CA 183-18 Authorize Installation of a Stop Sign on East Ackerman Avenue at the Intersection of Union Street

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 184-18

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 184-18 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 6-0 at 9:29 p.m.

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

#18-06/12-15 Personnel – Review of Police Candidates N.J.S.A. 10:4-8

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 Falotico and carried unanimously at 10:34 p.m.

- Resolution No. 185-18 Authorize the hiring of two probationary police officers

☞ **Motion** to approve Resolution No. 185-18 Authorizing the hiring of Matthew Martino and Kyle Cullen as Probationary Police Officers effective Friday, June 15, 2018 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

**RC: Council members:**

**YES: DiPaola, Bayley, Wolf, Knoller, Falotico, Downing**

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 Council President Knoller and carried at 10:36 p.m.

Respectfully submitted,

Jane Dietsche, RMC  
Borough Clerk