



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
June 14, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



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A meeting of the Mayor and Council of the Borough of Emerson, held in the Borough Hall, Municipal Place, Emerson, NJ on June 14, 2016 at 7:34 p.m.

Please turn off your cell phone ring tones. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers and exit calmly.

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, Councilman Downing, Council President Knoller, Councilman Lazar

Absent: Councilman Tripodi

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Downing and Councilman Worthington for their absence from the Regular Meeting of May 17, 2016.

☛ **Motion** to excuse Councilman Downing and Councilman Worthington for their absence from the Regular Meeting of May 17, 2016 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- Honoring Joshua Salles on achieving the rank of Eagle Scout
- Honoring the Emerson/Park Ridge Bowling Team
- Honoring the Emerson Jr./Sr. High School Girls' Softball Team
- Honoring the Emerson Jr./Sr. High School Boys' Baseball Team
- Honoring the Emerson Jr./Sr. High School Boy's Track Team

V. APPOINTMENTS/RESIGNATIONS

- Resolution No. 175-16 Appointment of Perry Solimando as Department of Public Works Superintendent effective Wednesday, June 15, 2016

☞ **Motion** to approve Resolution No. 175-16 Appointment of Perry Solimando as Department of Public Works Superintendent effective Wednesday, June 15, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

- Resignation of Ed Bueti as a member of the Emerson Shade Tree Commission effective May 16, 2016

☞ **Motion** to accept the resignation of Ed Bueti as a member of the Emerson Shade Tree Commission effective May 16, 2016 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of May 17, 2016
- Closed Session Meeting Minutes of May 17, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of May 17th, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 155-16 Bill List

☞ **Motion** to approve Resolution No. 155-16 Bill List was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

- Resolution No. 156-16 Corrective Action Plan - Audit ending December 31, 2015

☞ **Motion** to approve Resolution No. 156-16 Corrective Action Plan - Audit ending December 31, 2015 was **moved** by Councilman Downing, **seconded** by Councilman Worthington and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

- Resolution No. 157-16 Certification of Governing Body of the Annual Audit - Group Affidavit form

☞ **Motion** to approve Resolution No. 157-16 Certification of Governing Body of the Annual Audit - Group Affidavit form was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

VIII. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

IX. NEW BUSINESS

- Request to propose an addition to Chapter 252 and ask that the matter be remanded to the Land Use Board for investigation and recommendation as to the proposed Chapter for the Governing Body's consideration – Mr. Hoffmann explained that Borough Engineer Gary Ascolese had advised there had been a gap in the Borough Code for decades related to Chapter 252 Subdivisions. A resolution was on the Consent Agenda to request that the Land Use Board work with Mr. Ascolese to consider this matter and recommend standard specifications and requirements for this chapter.
- Just Pups license application for 2016/2017 – Mayor Lamatina announced that this item was being pulled from the agenda because the Borough had not yet received an application for a new license from Just Pups.

X. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that Ms. Dietsche would read the following ordinances by title and they would be further considered at a Public Hearing to be held on June 28th, 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 June 17th, 2016 edition of the Ridgewood News. He added that these ordinances were 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:

1525-16 AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 248, ENTITLED "EXCAVATIONS IN STREETS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance #1525-16 on first reading was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

1526-16 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

Councilwoman DiPaola requested discussion going forward on the two new positions in the salary ordinance – Recreation Director and Part-Time Deputy Court Clerk/Floater. Mr. Hoffmann concurred.

☞ **Motion** to introduce Ordinance #1526-16 on first reading was **moved** by Councilman Lazar, **seconded** by Councilman Worthington and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

1527-16 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, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS 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 \$1,822,900 TO PAY THE COST THEREOF, 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 introduce Ordinance #1527-16 on first reading was **moved** by Councilman Worthington, **seconded** by Council President Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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 open the meeting to comments from the public on Ordinance #1524-16 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 8:35 p.m.

Robert Obernauer, 161 Kinderkamack Road asked how the ordinance would affect a new application for Just Pups.

Gina Calogero, 3 South Dorchester Road was in support of the ordinance. She asked if the kennel license application required the applicant to certify that they would not purchase puppies from puppy mills. She also suggested amending the application so an applicant could certify that they would not purchase from or sell to puppy mills.

Vincent LoSacco, 112 Ackerman Avenue said he was in favor of the adoption of this ordinance and commended the Governing Body for proposing and drafting it.

Ken Hoffman, 61 Emwood Drive asked about the definition of puppy mills and who determined the definition of the health of a dog.

Robike Noll, Westwood was in favor of the passage of this ordinance. She responded to Mr. LoSacco's statement and said that the definition of a commercial breeding facility was a puppy mill.

Robert Obernauer, 161 Kinderkamack Road asked about fines if the ordinance was violated.

Councilwoman DiPaola said she was happy the ordinance was passing that evening and noted that it was a first step. Going forward, she hoped a stricter ordinance would be adopted.

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

☞ **Motion** to close the meeting to comments from the public on Ordinance #1524-16 only was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried at 8:42 p.m.

☞ **Motion** to adopt Ordinance #1524-16 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following:
 - On June 3rd the Borough had closed on the property at 64 Locust Avenue. The closing for 58 Locust Avenue was scheduled for June 16th.
 - A draft of the Architectural Request for Proposals had been sent to three architects with a request for feedback by June 30th. He said he would meet with residents on Jefferson Avenue at that time.
 - Mr. Hoffmann, Mayor Lamatina, Mr. Solimando and Councilman Lazar had met with Oradell officials to explore joint garbage, recycling and disposal collection opportunities. Oradell's Governing Body was meeting that evening, and was planning to extend their contract until the end of the year so their contract dates would coincide with Emerson. He thought this was a positive opportunity and would be sending out a memo about next steps.
 - He wished the Volunteer Ambulance Corps a Happy 60th Anniversary.
 - He thanked the Governing Body for introducing the streets and sidewalks ordinance. He said it would enhance road construction practices and set a standard for restoring roads after work was performed. It would also increase permit fees.
 - He was preparing a revised draft of the COAH letter for review by the Governing Body. It would be placed on the website and perhaps in a future newsletter. He noted that at the end of July, the Borough would lose the protection of the courts. He said the Fair Share Housing numbers had inched up from 354 to 428 and this would impact the Borough for the next 100 years.

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 8:50 p.m.

Dave Rector, Recreation Commission Chair, 36 Jefferson Avenue said he wanted to publicly thank everyone for their contributions to the 7th Summer Kickoff, picnic and fireworks event of June 12th. He thanked the Governing Body, Chief Rossi, Captain Mazzeo and the Police Department, Mark Brackenbury and the Fire Department, Perry Solimando and the Department of Public Works, Dave Mason and the Volunteer Ambulance Corps, Recreation Secretary Peggy DiLello, Emerson Schools Superintendent Brian Gatens and Business Administrator Phil Nisonoff, Councilman and Recreation Liaison Brian Downing and Council President Chris Knoller, Fire Official Tom Monahan, Ken Benkovic and the Junior Baseball Board and Friends of Junior Baseball, Bob Quinones and the Soccer Board, members of the Recreation Commission including Afrim Hoxha, Willie Ortiz, Mike Graham, Dave Cannici, Gerry Falotico, Steve Carmosino, Anthony Gismondi, Borough Administrator Robert Hoffmann, Borough Clerk Jane Dietsche, Noah Weiss, Joshua Weiss Gabe Cannici and Mayor Lou Lamatina.

Councilman Downing said he was amazed at everything that went into the Summer Kickoff and noted that Mr. Rector put it all together flawlessly. He said it went off seamlessly even though it had to be moved from Saturday to Sunday due to the weather and still had a tremendous turnout.

Council President Knoller said Mr. Rector committed countless hours as a volunteer for all the residents and should be commended for doing a great job.

Mayor Lamatina agreed and said he appreciated all the great work by everyone.

Paul Hulbert, 55 Jefferson Avenue reported that a tree was in bad condition at 58 Locust Avenue. He also said a fence was broken and weeds were high. He noted that he was not made aware in advance when Jefferson Avenue was closed for construction.

Robike Noll, Westwood said the fireworks were awesome and thanked the Governing Body for their work on the kennel ordinance. She also stated that summonses had finally been issued to Just Pups and urged the Governing Body to not renew their license based on their past record.

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 9:06 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 158-16

Councilwoman DiPaola requested that three items be removed from the Consent Agenda for separate votes: Ca 163-16, Ca 164-16 and Ca 173-16.

☞ **Motion** to approve Consent Agenda No. 158-16 with the removal of Ca 163-16, Ca 164-16 and Ca 173-16 for separate votes was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Worthington

Abstain: DiPaola

☞ **Motion** to approve Consent Agenda item No. 163-16 Authorize 2016-2018 Snow Plowing Agreement with County of Bergen only was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

☞ **Motion** to approve Consent Agenda item No. 164-16 Emergency Resolution – Down Payment on Improvements only was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

☞ **Motion** to approve Consent Agenda item No. 173-16 Approval of Execution of Redevelopment Agreement only was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 4-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Worthington

Abstain: DiPaola

- Ca 159-16 Award co-op road paving contract to D&L in the amount of \$325,000.00
- Ca 160-16 Resolution requesting approval of items of revenue and appropriation NJS 40a:4-87 - in the sum of \$17,332.18, Fiscal Year 2016, State of New Jersey, Division of Environmental Protection, Clean Communities Grant
- Ca 161-16 Tax Deduction Adjustments
- Ca 162-16 Specialty Award - Sidewalk Safety
- Ca 163-16 Authorize 2016-2018 Snow Plowing Agreement with County of Bergen
- Ca 164-16 Emergency Resolution – Down Payment on Improvements
- Ca 165-16 Approve Cancellation of Capital Balances
- Ca 166-16 Appoint Open Space Representatives
- Ca 167-16 Approve Community Development Delegate & Alternate
- Ca 168-16 2015 BC Open Space Trust Fund Municipal Program Centennial Park Community Garden Grant Award of \$20,000 - Grantee Authorizing Resolution
- Ca 169-16 State Tax Appeal Refund - 100 Kinderkamack Rd, Block 607, Lot 1
2014 Refund Amount: \$82,734.91; 2015 Refund Amount: \$84,524.85
- Ca 170-16 Request that Land Use Board review and recommend updates to Chapter 252 Subdivisions
- Ca 171-16 COAH – Municipal Consortium Participation
- Ca 172-16 Assumption Church – Permission to hold carnival
- Ca 173-16 Approval of Execution of Redevelopment Agreement

XV. CLOSED EXECUTIVE SESSION - Resolution No. 174-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 174-16 was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by roll call vote of 5-0 at 9:15 p.m.

RC: Council members:

YES: DiPaola, Lazar, Downing, Knoller, Worthington

#16-06/14-13 Update on Status of Potential Litigation – Fire Dept. N.J.S.A. 10:4-7

XVI. RECONVENE

☞ **Motion** to reconvene was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried at 10:04 p.m.

XVII. 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 Downing and carried at 10:04 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk