



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
June 26, 2018
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



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, Councilwoman Wolf

Absent: Council President Knoller, Councilman Falotico

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 no members of the Governing Body were absent from the previous meeting.

IV. PROCLAMATIONS & CITATIONS

- Recognition of Spelling Bee Champ Tai Nakamura
- Honoring the Academic Achievements of 2018 National Honor Society Inductees
- Honor High School Athletes
 - Wrestling Proclamation
 - Track Team Proclamation

V. APPOINTMENTS/RESIGNATIONS

- Historic Preservation Committee
 - Appointment of Steven Lazarus of Axis Architectural Group as the Class A member for the unexpired term 12/31/20

Mayor Lamatina announced that he was appointing Steven Lazarus to the Historic Preservation Committee as the Class A member for the unexpired term ending 12/31/20.

Councilwoman DiPaola stated that Mr. Lazarus was one of the Borough's paid professionals who had the job of helping to consider whether Borough Hall should be demolished. She noted that the Historic Preservation Committee was in the business of trying to save Emerson's historic places and questioned whether this presented a conflict of interest and was an appropriate appointment. Mayor Lamatina said that there was more than one structure in the Borough that needed attention and explained that Mr. Lazarus was on board to address every structure in Emerson; he would not be permitted to act on anything having to do with Borough Hall. Ms. Rubinstein said that Mr. Lazarus would have to recuse himself from all votes pertaining to whether or not any structure that was part of the Request for Proposals for the architects.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of May 15, 2018

Mayor Lamatina said that this item was being carried to the next meeting due to requested changes by Councilwoman DiPaola.

☞ **Motion** to table the approval of the Regular Meeting Minutes of May 15, 2018 until the next meeting was **moved** by Councilwoman DiPaola, seconded by Councilman Downing and carried.

- Regular and Closed Session Meeting Minutes of June 12, 2018

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of June 12th, 2018 was **moved** by Councilman Downing, seconded by Councilman Bayley and carried unanimously.

VII. CORRESPONDENCE

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

- Letter dated May 15, 2018 from NJDOT Acting Commissioner Diane Gutierrez-Scaccetti; RE: Transportation Alternatives Set-Aside Program – Request for Applications
- Letter dated May 15, 2018 from NJDOT Acting Commissioner Diane Gutierrez-Scaccetti; RE: Safe Routes to School – Request for Applications
- Resolution dated May 15, 2018 from the Borough of Westwood; Re: Authorizing Preparation of Specifications for the 2018 Municipal Road Paving Program for the Pascack Valley Cooperative Pricing System
- Letter received May 16, 2018 from Thomas Murphy, Director, Bergen County Division of Community Transportation; Re: Annual Public Hearing scheduled on Wednesday, June 13th at 9:00 a.m.
- Letter dated May 11, 2018 from Mauro Raguseo, Executive Director, Bergen County Improvement Authority; Re: Pooled Government Loan Program
- Letter dated May 17, 2018 from Board of Chosen Freeholders; Re: Ordinance and Resolution pertaining to Standards for Sustainable Land Development Site Plans and Land Development Subdivision Plans
- Letter dated May 21, 2018 from NJ DEP; Re: Recycling Education and Challenges
- Letter dated May 22, 2018 from Congress of the United States, House of Representatives; Re: School Breakfast Program
- Resolution dated May 22, 2018 from City of Hackensack; Re: Support of the Adoption of A-3736 into NJ State Law

- Resolutions dated May 23, 2018 from Borough of Closter and Borough of Westwood; Re: Gun Violence Awareness Day
- Notice of Public Hearing dated May 29, 2018 from Borough of Harrington Park; Re: Housing Element and Fair Share Plan
- Letter dated May 29, 2018 from County of Bergen, Department of Administration and Finance, Division of Open Space; Re: Public Hearing Notice for Thursday, June 14, 2018 on the proposed funding allocations for Trust Fund 2017
- Resolution dated May 29, 2018 from the Borough of Westwood; Re: Authorizing Vivian Avenue/James Street Easement and Engineering Costs
- Letter dated May 29, 2018 from U. S. Senator Cory A. Booker; Re: Community Development Block Grant
- Letter dated June 7, 2018 from Bergen County Board of Chosen Freeholders; Re: Ordinance 18-13 and Resolution 573-18
- Notice of Meeting from the Borough of Oradell Planning Board; Re: Consider adoption of the 2018 Land Use and Central Business District Elements of the Master Plan on Monday, July 8, 2018
- Letter dated June 21, 2018 from the Municipal Excess Liability Joint Insurance Fund; Re: Land Use Liability

VIII. FINANCIAL BUSINESS

- Resolution No. 186-18 Bill List

Councilwoman DiPaola requested that the following line items on the Bill List be pulled for a separate vote: No. 18-00941 - Phillips, Preiss and Grygiel, Subaccount 'Downtown Redevelopment' in the amount of \$2,685.00 and No. 18-00956 - DeCotiis, Fitzpatrick and Cole LLC, Subaccount 'Other Litigation' in the amount of \$19,059.12.

☞ **Motion** to approve Resolution No. 186-18 Bill List excluding line items No. 18-00941 - Phillips, Preiss and Grygiel, Subaccount 'Downtown Redevelopment' in the amount of \$2,685.00 and No. 18-00956 - DeCotiis, Fitzpatrick and Cole LLC, Subaccount 'Other Litigation' in the amount of \$19,059.12 was **moved** by Councilman Downing, **seconded** by Councilwoman Wolf and carried by a roll call vote of 4-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Downing

☞ **Motion** to approve Bill List line items No. 18-00941 - Phillips, Preiss and Grygiel, Subaccount 'Downtown Redevelopment' in the amount of \$2,685.00 and No. 18-00956 - DeCotiis, Fitzpatrick and Cole LLC, Subaccount 'Other Litigation' in the amount of \$19,059.12 only was **moved** by Councilman Downing, **seconded** by Councilwoman Wolf and carried by a roll call vote of 3-1:

RC: Council members:

YES: Bayley, Wolf, Downing

NO: DiPaola

IX. UNFINISHED BUSINESS

- Referendum Question for November 6, 2018 General Election – Councilwoman DiPaola discussed the steps taken thus far to prioritize the pressing needs of various Borough departments with the goal of composing a referendum question for the November General Election ballot. The referendum question would allow voters to determine whether to renovate or replace the existing Borough Hall structure. She had attended meetings with Mr. Hoffmann and Borough Architect Steve Lazarus to explore the needs of various departments and determine the choices to present to voters in a multi-part referendum question. The needs in order of priority was: 1. Police Department; 2. Municipal Court security; 3. the lift/elevator which provided handicap access to the second floor; 4. general infrastructure.

A timetable would be established at their next meeting with the goal of submitting the questions by the August 17th deadline. Mr. Hoffmann would prepare a narrative for review by the Governing Body. Councilwoman DiPaola added that the questions would need to make residents aware of why there was a need to make improvements and justify spending \$10 million to \$15 million to renovate or replace Borough Hall. They had narrowed down the choices for the referendum to: 1. Renovate the existing Borough Hall and add on to the back of the building; 2. Renovate the existing Borough Hall and build a new structure in the parking lot for either the Police Department and Court or a smaller building for administration; 3. Demolish Borough Hall but save the murals and install them in a gallery space in the new building. The estimate for preserving the murals was approximately \$100,000.00. Councilwoman DiPaola also outlined the need to establish more realistic plans and use model prices with a not-to-exceed amount.

Other topics discussed among the Governing Body were placing a passive park between the current Borough Hall and any other building that may be constructed; whether there was a need for a new Recreation Center versus sharing this service with another municipality; the need for a new elevator/lift; the cost and potential need for trailers as swing space and utilizing the properties at 58 and 64 Locust Avenue for parking, offices or temporary space.

Councilwoman DiPaola concluded the discussion by saying that they would work hard to get the referendum on the November ballot. She noted however that because there were only two more meetings scheduled before the deadline to submit the referendum question, they might not be ready to do it this year. The decision would have an impact for eighty years and cost the Borough a lot of money and should not be rushed. She suggested holding a Special Meeting in July so that they would have the opportunity to consider the wording again before the July 17th Regular Meeting.

- Resolution No. 204-18 Endorsing the 2018 Housing Element and Fair Share Plan

Borough Planner Brigitte Bogart appeared before the Governing Body at 8:33 p.m.

Ms. Bogart provided a detailed outline of the process the Borough had been through since 2002 related to affordable housing litigation and requirements and what was being proposed. She added that the Land Use Board had adopted the Housing Element to the Master Plan. The Governing Body had the authority to endorse it and recommend it for certification through the Declaratory Judgement action. The first part included the housing element – census information, the second part detailed what the Borough had been through with affordable housing and the last portion was the Fair Share Plan – how they were going to address affordable housing in the future up to 2025.

She noted that in 2002, the Borough was not in control of its housing plan and was sued because it did not provide for a housing plan. The Special Master came up with a compliance plan which the Borough was forced to accept. She explained that Emerson was required to provide for an overlay zone over the entire municipality that permitted any developer to come in and provide for any unmet affordable housing need if they were providing for more than five units. From her perspective, the most important component of the plan was the fact that the Borough would be able to protect its single-family home zones and remove the overlay district. It would ensure that affordable housing would be in the place they wanted - the overlay zoning or affordable housing requirement would be limited to the downtown area and not in a single-family district. Ms. Bogart concluded by stating that the Borough had been super proactive in doing this, the judge agreed with the plan itself and Emerson was in the forefront of providing a plan for affordable housing which has never been the case. She said it would bring relief to the Borough through at least 2025.

☞ **Motion** to approve Resolution No. 204-18 Endorsing the 2018 Housing Element and Fair Share Plan was **moved** by Councilman Bayley, **seconded** by Councilman Downing and carried by a roll call vote of 3-0:

RC: Council members:

YES: Bayley, Wolf, Downing

ABSTAIN: DiPaola

Ms. Bogart departed the Council Chambers at 9:14 p.m.

X. NEW BUSINESS

- Safe Routes to Schools Grant Application due August 27th – Mr. Hoffmann said the Borough would be required to adopt a resolution at the July 17th meeting for a Safe Routes to School grant application. The grant award would be used to install sidewalks along the route students take to Memorial School and would fill in gaps in the sidewalk from Revere Avenue to Powell Road along Forest Avenue. The Board of Education would be providing student counts to include with the application.

XI. INTRODUCTION OF ORDINANCES

First Reading:

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 July 17, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the June 29th, 2018 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.

1560-18 AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON CHAPTER 290, ARTICLE III SECTION 9, ENTITLED "GENERAL USE RESTRICTION"

☞ **Motion** to introduce Ordinance No. 1560-18 on first reading was **moved** by Councilman Bayley, **seconded** by Councilwoman Wolf and carried by a roll call vote of 4-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Downing

1561-18 AN ORDINANCE OF THE BOROUGH OF EMERSON AMENDING AND SUPPLEMENTING CHAPTER 290, ARTICLE IV SECTION 13D “AHO AFFORDABLE HOUSING OVERLAY ZONE” OF THE BOROUGH CODE TO ESTABLISH A TOWNSHIP-WIDE SET-ASIDE ORDINANCE AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

☞ **Motion** to introduce Ordinance No. 1561-18 on first reading was **moved** by Councilman Downing, **seconded** by Councilman Bayley and carried by a roll call vote of 4-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Downing

Mayor Lamatina announced that the first readings for Ordinances 1562-18 and 1563-18 were being postponed to the July 17th meeting.

~~**1562-18** AMEND CHAPTER 274 VEHICLES AND TRAFFIC~~

~~**1563-18** AMEND CHAPTER 77.8 POLICE PROMOTIONS~~

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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 open the meeting to comments from the public on Ordinance No. 1559-18 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Bayley and carried at 9:27 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1559-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1559-18 only was **moved** by Councilman Downing, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance No. 1559-18 on second reading was **moved** by Councilman Bayley, **seconded** by Councilwoman Wolf and carried by a roll call vote of 4-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Downing

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola congratulated the Emerson Chamber of Commerce for their very successful car show, noting that it was well attended and a lot of fun. She looked forward to it continuing in the future. She also thanked the Recreation Commission for the wonderful summer kickoff and said they had good weather and appreciated all the volunteers who participated. The Emerson Public Library would be hosting their summer reading program entitled ‘Libraries Rock’ led by Children’s Librarian Victoria Bright from June 1st through August 13th. On July 7th they would be hosting their Summer Reading Concert Kickoff for pre-kindergarten to sixth grade. Everyone was encouraged to attend and it would be a lot of fun.

She had spoken with the superintendent of the new golf course who said that the start date would be July 2nd and noted that everyone was anticipating the opening. She appreciated that the Governing Body had passed the ordinance banning the sale of marijuana because she felt strongly about that. She had requested that Mr. Hoffmann fly the flag at half staff in memory of former CFO Catherine Henderson. Mr. Hoffmann said that it would occur on Thursday and Friday, June 28th and 29th, the days of her wake and funeral. She said Ms. Henderson was the CFO and Tax Collector for eight years and helped her with her vast knowledge of municipal government. She had fought cancer very vigilantly for many years and tried to beat the odds but passed on Monday, June 25th; it was a huge loss. She said that Ms. Henderson would be missed.

Councilman Bayley said he had attended the last meeting of the Environmental Commission where they discussed the clean up and weeding of Centennial Park, the shade tree subcommittee and regulations. They were moving along with bike racks - he thanked Mr. Hoffmann for his work with the County getting not just one bike rack at the train station, but perhaps two. The committee also discussed a Safe Routes to School grant and he thanked Mr. Hoffmann and Mr. Solimando for their hard work. They also discussed stop signs installed on Palisade Avenue. Chairman Tom Browne had emailed Mr. Solimando to thank him for the mulching done at Centennial Park. He also gave the Department of Public Works monthly report.

He had attended the Stephanie Morgan event which was beautiful and well done and thanked the DPW for their assistance. The Joint Insurance Fund carried out safety regulation inspections and responded to the findings. The DPW was currently updating their safety files. He congratulated and thanked the DPW for their work on Hillman Field for the Summer Kickoff and fireworks as well as the cleanup afterwards. He concluded by reporting on the Joint Insurance Fund committee second quarterly safety meeting which he had attended with representatives from all Borough departments. He found it very informative and appreciated Mr. Hoffmann's insight regarding having a safe work environment. He also reported on upcoming safety classes for emergency services.

Councilwoman Wolf thanked the Recreation Commission for the Summer Kickoff and said it was a lot of fun. She said it was a great day and the fireworks were wonderful. She thanked the grill team for teaching her and Councilman Bayley the fine art of grilling for hundreds of hungry Emersonians. She thanked the Historic Preservation Committee for the booths they set up at the Chamber of Commerce car show and the Summer Kickoff. The photo cutouts at the kickoff were a big hit.

She shared a special thank you for the Frank Varney library event. She apologized for being unable to attend due to a conflict with the Board of Health meeting but was happy to hear it was a success and see the photos on Facebook. She hoped that Mr. Varney might return for another event in the fall when his new book was published. She looked forward to having more of those events in the future.

The Board of Health was pleased with the introduction of the ordinance banning the sale of marijuana in the Borough. They had sponsored a yoga event at Benkovic Field last month with two more events scheduled for July 22nd and August 19th. The flyer would be posted on Facebook and the Board of Health page on the Borough website. She hoped that everyone had the opportunity to see and hear the WCBS News Radio 880 interview with Board of Health nurse Kay Hodges. She said that Ms. Hodges was a true Emerson treasure and it was a real feel good story and had a sparkle like no other and was a real inspiration.

She concluded by giving the monthly report of the Volunteer Fire Department. They had brought the firetruck up to Memorial School on June 15th for the annual wet down which was enjoyed by all the children. On June 16th they did a standby for the New Milford 5K run and worked at the Summer Kickoff and a standby on June 17th for the Westwood Fathers' Day Brunch.

Councilman Downing gave the monthly Police Department report. He thanked Chief Mazzeo and the Proper Authority for their work which led to the hiring of two probationary police officers. It was the first time he was involved in the process from beginning to end and the top ten candidates were all very good. The two officers who were hired would fit well in town.

He participated in the Chamber of Commerce Car Show. His father had brought two vehicles. He enjoyed a great day with his children; it was so much fun, the weather was perfect and he looked forward to another successful event next year. The weather had also been perfect for the Summer Kickoff. This was the third time he was involved and said that this time it was flawless. They had received more donations than ever before from businesses and residents in town, they had raised a significant amount of money allowing them to reimburse the Borough for expenses and still had money left over for the Recreation Commission. He thanked the Fire Department, Police Department, Volunteer Ambulance Corps who were all vigilant all day, the Department of Public Works for their tireless efforts to help with anything they needed. He thanked everyone who showed up and participated from the town and thanked the Council for getting the grill and getting involved. They had their first ever Beer Garden which was a success and had no issues and was well received. He anticipated that they would do it again next year. He added that the fireworks were spectacular and that the company who did it every year seemed to do better and better. He also thanked the Volunteer Ambulance Corps for assisting during the Church of Assumption carnival and making sure that everyone was safe.

Mayor Lamatina said he had personally thanked everyone who participated in the Summer Kickoff that allowed it to go off without a hitch and appreciated the planning that went into it. Councilman Downing said it was the first time that Presiding Officer Afrim Hoxha had run the event and he did a great job. The Emerson Junior/Senior High School Class of 2018 had graduated the previous Thursday and he congratulated everyone including his daughter. He said it was an amazing and very emotional time. After the ceremony, the graduates went to Carmel, New York for Project Graduation.

He referenced the discussion of flying the flag at half-staff and said that a resident had stated that mayors did not have the authority to fly the flag at half-staff, only the federal government did. The Mayor of Paramus said that mayors did have that authority. Mayor Lamatina authorized the lowering of the flag on Thursday and Friday for Ms. Henderson's wake, funeral and burial. He said she was a valued employee and did great work for the Borough and it was sad to see her go.

He was present for the Court hearing on affordable housing along with Land Use Board Chair Gary Schwinder and said the settlement plan had been approved in order for the Borough to move forward. The new golf course on Palisade Avenue would be named Solider Hill at Emerson and there were plans to make it centered upon and have programs for veterans.

He referenced the recent issues with garbage collection and said that they needed to be put on notice. They could not keep skipping houses; he asked that a letter be sent out indicating that they were breaching their contract. Councilwoman DiPaola said it was completely unacceptable; aside from the Police Department's job of keeping everyone safe, garbage collection was the number two service the Borough provided to taxpayers. If they could not get that right, they were not successful. He said that he and Mr. Hoffmann would meet with one of the companies later in the week. He asked Mr. Hoffmann to keep them informed because this could not continue.

- Borough Administrator Robert Hoffmann reported on the following:
 - Former CFO Cathy Henderson passed away on Monday, June 25th. She had been the CFO for eight years and had fought a very brave and courageous battle with two forms of cancer. She had provided the Borough with good quality service and was a consummate professional. She also had a thirty-year career in local government. She had been the former administrator in Ho-ho-kus, having followed in her father's footsteps. He had been the administrator prior to Ms. Henderson's appointment. He and Ms. Henderson had the pleasure of working together on shared service projects when she worked in Ho-ho-kus and he worked in Franklin Lakes. She had a lot of good ideas that helped other communities in Northwest Bergen County. Her smile and good things she did outside Borough Hall would be greatly missed. He said the staff mourns her.
 - He addressed the service issues with the weekly Monday yard waste collection. He and DPW Superintendent Perry Solimando had met with the owner, general manager and dispatcher of Gaeta Recycling. They promised improvements over the last two weeks but he did not see significant improvements. He would be meeting with Miele Sanitation for issues with garbage and recycling collection. The Borough needed to follow up and have them step it up; he would be working with Ms. Rubinstein to close the loop on newer issues.
 - In July they would be taking a look at streetscape grants for Kinderkamack Road. The grant application would be due in August.
 - He reported on issues at 66 Clinton Street and noted that the Governing Body had been gracious enough to pass a resolution at their last meeting so the Borough could take some initial action. On June 19th, a structural engineering inspector from Boswell Engineering visiting this location and closely examined the higher elements of the structure as recommended by the Construction Official. He complimented Fire Chief Carlos and the Fire Department who gave permission to use the ladder truck. Assistant Fire Chief Sottile brought the truck over and operated the ladder so the inspector could examine the roof and exterior of the second floor. Mr. Solimando was there to help as well. The Borough would be receiving a draft report by noon the next day on what they believed needed to be done with estimated quantities. The Construction Official would review that. The engineers and Construction Official agreed that there were fourteen areas that had to be brought up to code compliance. Their initial estimate was that it would be less than originally reported. Councilwoman DiPaola said they needed some continuity regarding property maintenance. She questioned fixing one home and leaving other homes in the Borough, adding that they needed to be consistent and enforce the Borough's property maintenance laws. She suggested starting with warnings and then fines to let everyone know that it was not acceptable to let a home in such a state of disregard. Mr. Hoffmann said that this was their ultimate goal – consistency in enforcement. He said they had to concentrate on the home at 66 Clinton Avenue. The following day, they would use the engineer's report as the basis for a request for proposals so that contractors could give them the costs to bring the house into compliance with the code.

- He, the CFO and Borough Clerk had attended a webinar on the proposed state and local tax deduction SALT. He noted that it was a complicated issue which the IRS had not yet ruled on. The State had four Departments of State that had to weigh in on it. The law was set to go into effect on July 3rd but a Local Finance Notice had not yet been issued. He said the best course of action was to let the IRS weigh in and then see what was best for the Borough.
- There was the potential for a state shutdown if the budget was not adopted by July 1st. If the shutdown was short in duration, there would be no effect on the Borough. If it was of a longer duration, it might affect some grant funded projects and the next quarter's tax bills. He hoped there would be an agreement before June 30th.
- Board of Health Nurse Kay Hodges had been featured on News Radio 880 by Sean Adams yesterday in his 'Stories from Main Street' and urged everyone to take a look at it.
- Borough Clerk Jane Dietsche said that Ms. Henderson would be missed by all the employees at Borough Hall.
- Borough Attorney Wendy Rubinstein reported on the following:
 - She addressed questions raised by Councilwoman DiPaola with regards to the WRAP resolution approved at the previous meeting. She spoke with the consultant who prepared the report and he assured her that it was for purposes of valuation and identifying potential sites, size and square footage. It did not mean that they were looking to relocate persons to those exact locations. It was a living document and a snap shot in time. It was for purposes of letting the DCA know that there were available properties at that time; however if and when a displacement were to occur, the Borough would work with the commercial tenants, together with a commercial realtor and do a search at that given time for something that would be appropriate. Councilwoman DiPaola asked if or when the time occurred that Block 419 went through and eminent domain was used, if there was nothing available, would the businesses possibly be moved to places like Carlstadt if there was nothing available closer. Ms. Rubinstein said the businesses would work with a realtor and decide what they wanted to do. If there was nothing available in town, then presumably Councilwoman DiPaola was correct, and added that it was a matter of when and if it happened, what was available. It was conceivable that they could be moved out of town and well as conceivable that they would not be moved out of town. Councilwoman DiPaola said she would have felt a little more comfortable with the report if it had contained more local addresses for the Borough's businesses.
 - She provided an update on the crane ordinance and said that Mayor Lamatina was correct when he said that the signaling by the flaggers and the use of flaggers was regulated by the Department of Labor and OSHA. She said the ordinance was specific to the crane operators but flaggers were covered in situations where they needed to be there subsequent to the regulations of OSHA.

- The Fairness Hearing had taken place last week before Judge Padovano. The Court did determine that based on the testimony presented, arguments of all counsels and upon consideration of the settlement agreement that had been executed with the Fair Share Housing Center, the Borough's present need rehabilitation obligation was set at 20 units; the prior round obligation was 73 units; the third-round obligation was negotiated to 234 units. The Borough's vacant land adjustment as well as the realistic development potential of the actual 53 units was also approved by the Court. The judge also listed the actions the Borough would need to take in order to come for a judgement of final compliance and those were the same conditions that were set in the Special Master's report. One element of the Special Master's report was to update the Housing Element and Fair Share Plan consistent with the settlement agreement. She thanked the Land Use Board for having the hearing last week and approving that plan as well as the Governing Body endorsing the plan by resolution that evening. One of the other conditions that needed to be followed was introduced in the ordinance that evening with the set aside requirements. There would be further resolutions regarding administrative agents that were also part of the requirements of the housing element and fair share plan and those would hopefully be passed within the next two meetings.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Wolf and carried at 10:10 p.m.

Margaret Boyce, 92 Colonial Road and Vice Chair of the Emerson Environmental Commission said she was passionate about the Emerson Woods Preserve and protecting the watershed as it was the last line of defense for the quality of water in the Oradell Reservoir. She was concerned about plans to place a regional park at this location. She opined that the Borough already had ADA compliant parks and that an attorney had advised her colleague Lori Charkey that there was no compelling reason to make the Emerson Woods Preserve ADA compliant as well.

Police Chief Michael Mazzeo inquired about plans for renovating or replacing Borough Hall as it related to the needs of his department. He said the Police Department was out of compliance with everything and asked to be included in any conversations related to future plans.

Robert Obernauer, 101 Linwood Avenue said he looked forward to be included in a new downtown. He asked that the Governing Body be fiscally responsible when considering renovating or replacing Borough Hall.

Ed Bueti, 91 Chestnut Street said he agreed with Chief Mazzeo's comments to disrupt the Police Department as little as possible when renovating or replacing their facilities in Borough Hall. He also said that it should be a priority to keep local businesses in town and that the Borough should give them time to find another location.

Laura Litchult, Owner of Cradles to Crayons, 300 Kinderkamack Road and Vice President of the Emerson Chamber of Commerce thanked the members of the Governing Body and Mr. Hoffmann for attending their first annual car show where they were able to raise over \$3,000.00. She requested that the Chamber of Commerce be invited to local ribbon cuttings. She was disheartened by businesses being relocated when the Chamber was trying to build them up. She also asked questions about affordable housing and filing of a condemnation action.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Downing, **seconded** by Councilwoman DiPaola and carried at 10:45 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 187-18

Councilwoman DiPaola requested that CA No. 196-18 Authorize appropriate Borough officials to begin the process of negotiating wording changes and underlying agreements regarding handicap access to Emerson Woods Preserve be pulled from the Consent Agenda for discussion.

☞ **Motion** to approve Resolution No. 187-18 Consent Agenda without Resolution No. 196-18 Authorize appropriate Borough officials to begin the process of negotiating wording changes and underlying agreements regarding handicap access to Emerson Woods Preserve was **moved** by Councilman Bayley, **seconded** by Councilwoman Wolf and carried by a roll call vote of 4-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Downing

Councilwoman DiPaola asked questions about Resolution No. 196-18 related to who the appropriate Borough officials were and what appropriate actions would be taken. Mr. Hoffmann said he was planning to read the easement agreement and discuss this topic with Ms. Rubinstein. He added that he wanted to make the Emerson Woods Preserve as accessible as possible for everyone and allow those who were mobility disabled to go into the woods. He said that the agreement stated that wheeled vehicles were excluded from the area and he wanted to make sure that wheelchairs and walkers were permitted. Councilwoman DiPaola shared her concern that wheels would disturb some areas of the buffer, damage vegetation and change the topography of the woods.

☞ **Motion** to approve Resolution No. 196-18 only Authorize appropriate Borough officials to begin the process of negotiating wording changes and underlying agreements regarding handicap access to Emerson Woods Preserve was **moved** by Councilman Downing, **seconded** by Councilman Bayley and carried by a roll call vote of 3-1:

RC: Council members:

YES: Bayley, Wolf, Downing

NO: DiPaola

- CA 188-18 Police Officer Conor Murphy – Permanent Appointment
- CA 189-18 Police Officer Trace McDermott – Permanent Appointment
- CA 190-18 Police Officer Stephen Gildea – Permanent Appointment
- CA 191-18 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 – Alcohol Education and Rehabilitation Fund in the amount of \$512.63
- CA 192-18 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 Fiscal Year 2018 Division of Environmental Protection, Clean Communities Grant in the amount of \$14,086.71
- CA 193-18 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 Fiscal Year 2018 New Jersey Division of Transportation Main Street/Linwood Avenue (Section 5) in the amount of \$215,000.00
- CA 194-18 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 Fiscal Year 2017 Infrastructure Fund New Jersey Division of Transportation Vivian Avenue Drainage in the amount of \$145,000.00
- CA 195-18 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40a:4-87 County of Bergen ADA Cooperative Curb Ramp Construction Grant Program - Budget of the Year 2018 in the sum of \$66,000.00

- CA 196-18 Authorize appropriate Borough officials to begin the process of negotiating wording changes and underlying agreements regarding handicap access to Emerson Woods Preserve
- CA 197-18 Authorizing Change Order #2 to Zuccaro and Sons for Pine Drive Drainage Improvements Phase I and Phase II in the amount of \$9,200.00
- CA 198-18 Liquor License Renewals for the term July 1, 2018 through June 30, 2019:
- KD Liquors LLC - dba Shop Rite Liquors of Emerson 0214-44-007-009
 - Hackensack Golf Club 0214-33-004-002
 - Scalco Inc. dba Cork & Keg 0214-44-002-002
 - 123 Lincoln dba Cinar Restaurant No. 4 0214-33-001-009
 - Cheng Investments – dba Emerson Hotel 0214-33-003-005
 - Emerson F&B – Emerson Golf Club Pocket License 0214-33-006-007
- CA 199-18 Limousine License Renewal for one-year period from July 1, 2018 to June 30, 2019 - Metropro Limousine
- CA 200-18 Confirm and award contract to New Prince Concrete Construction Company for \$39,900.00
- CA 201-18 Police Department 2018 SUV State contract #88728 from Winner Ford
- CA 202-18 Resolution Urging the Legislature to Amend S-716, S-477 and S-1766

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 203-18

☞ **Motion** to extend the meeting curfew until 11:15 p.m. was **moved** by Councilman Downing, **seconded** by Councilwoman Wolf and carried at 10:53 p.m.

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 203-18 was **moved** by Councilman Downing, **seconded** by Councilwoman Wolf and carried by a roll call vote of 4-0 at 10:53 p.m.

RC: Council members:

YES: DiPaola, Bayley, Wolf, Downing

#18-06/26-16 Affordable Housing Litigation NJSA 10:4-7

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 Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 11:14 p.m.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved, seconded** and carried at 11:14 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk