



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
July 17, 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 Falotico, Council President Knoller, Councilwoman Wolf

Absent: Councilman Downing,

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Council President Knoller and Councilman Falotico for their absence from the Regular Meeting of June 26th

☞ **Motion** to excuse Council President Knoller and Councilman Falotico for their absence from the Regular Meeting of June 26, 2018 was **moved** by Councilman Bayley, **seconded** by Councilwoman DiPaola and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- Honor Judge Francis J. Leddy for his 30 years of service to the Emerson Municipal Court
- Honor Ann McElwain for her service to the Historic Preservation Committee
- Honoring Officer George Meltzer for his 32 years of service to the Emerson Police Department
- Honoring Relay for Life Volunteers

V. APPOINTMENTS/RESIGNATIONS

- Environmental Commission
 - Resignation of Courtney Panaretos as Regular Member effective immediately
 - Appointment of Kate Stutzel as a Regular Member for the unexpired term ending 12/31/20

Mayor Lamatina announced that he was accepting the resignation of Courtney Panaretos as a Regular Member of the Environmental Commission effective immediately and appointing Kate Stutzel as a Regular Member for the unexpired term ending 12/31/20.

- Volunteer Fire Department
 - Appointment of Crystal Guglielmo as a Cadet Member effective immediately

☞ **Motion** to appoint Crystal Guglielmo as a Cadet Member of the Emerson Volunteer Fire Department effective immediately was **moved** by Councilman Falotico, **seconded** by Councilman Bayley and carried unanimously.

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of May 15, 2018

☞ **Motion** to approve the Regular Meeting Minutes of May 15, 2018 as amended was **moved** by Councilwoman DiPaola, seconded by Council President Knoller and carried unanimously.

- Regular and Closed Session Meeting Minutes of June 26, 2018

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of June 26, 2018 was **moved** by Councilwoman DiPaola, seconded by Councilwoman Wolf and carried. Council President Knoller and Councilman Falotico abstained.

VII. CORRESPONDENCE

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

- Letter received July 13, 2018 from Arbor Day Foundation; Re: Congratulating Emerson on earning recognition as a 2017 Tree City USA
- Resolution dated July 11, 2018 from the Borough of Paramus; Re: Calling for Legislature to Amend the Open Public Records Act to Permit Municipalities to Rely on GRC as a Defense to Attorneys' or to Abolish the GRC Altogether
- Email dated July 12, 2018 from Michael D. Cohen, Eastern Director of Simon Wiesenthal Center; Re: Current endeavor to forward an anti-BDS resolution for passage in municipalities throughout the State of New Jersey

VIII. FINANCIAL BUSINESS

- Resolution No. 205-18 Bill List

☞ **Motion** to approve Resolution No. 205-18 Bill List 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, Bayley, Wolf, Knoller, Falotico

IX. UNFINISHED BUSINESS

- Referendum Question (Municipal Complex) – General Election

Councilwoman DiPaola stated that she had spoken with Mr. Hoffmann that day and after the discussion at the previous Council meeting, it was exceedingly clear that they did not have enough information to submit a referendum question for the November election ballot. They needed to continue to do their due diligence and should not be rushed as the decision would impact the Borough for the next 50 to 100 years and cost millions of dollars. The subcommittee needed to meet to continue working hard with the Police Chief, architects and Governing Body to determine actual requirements and find a solution. She was still in favor of a referendum that would allow the voters to have the opportunity to decide but did not think they were ready at the present time.

☞ **Motion** to postpone a referendum question until a later date when it was more feasible to take a vote and hear what the townspeople of Emerson would like for their Borough Hall/Emergency Services building was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico

X. NEW BUSINESS

- School Violence Prevention Program (SVPP) - School Security Grant Application
 - Resolution No. 213-18 Authorization to file School Violence Prevention Program Grant Application

Mr. Hoffmann explained that this grant was available every two years and awarded a maximum of \$500,000.00 with a 25% matching fund requirement. The Borough would have to apply for the grant but the school district would do the work to prepare the submission and put up the matching funds. The grant would allow for security and technical enhancements such as better communication with the Police Department. If the Board of Education was to receive the grant, it would allow them to speed up security improvements to the schools and leverage and budget for it. He noted that Congressman Gottheimer had made the Borough aware of this opportunity.

☞ **Motion** to approve Resolution No. 213-18 Authorization to file School Violence Prevention Program Grant Application was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by a roll call vote of 5-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico

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 August 14, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the July 20, 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.

~~**1562-18** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 274, VEHICLES AND TRAFFIC; ARTICLE VII, SCHEDULES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON~~

Councilwoman DiPaola asked about parking restrictions on Emerson Plaza East which would need to be revised. Ms. Rubinstein announced that since this would lead to a material change in the ordinance, the introduction was being delayed until the next meeting.

1563-18 AN ORDINANCE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 77, "POLICE DEPARTMENT", SECTION 8, "PROMOTIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance No. 1563-18 on first reading 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, Bayley, Wolf, Knoller, Falotico

1564-18 AN ORDINANCE OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF EASEMENTS OVER AND THROUGH VARIOUS LOTS LOCATED IN BLOCK 101 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF EMERSON LOCATED ALONG VIVIAN AVENUE FOR DRAINAGE IMPROVEMENTS.

☞ **Motion** to introduce Ordinance No. 1564-18 on first reading 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, Bayley, Wolf, Knoller, Falotico

1565-18 AN ORDINANCE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 290 “ZONING”, ARTICLE XII “AFFORDABLE HOUSING REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance No. 1565-18 on first reading 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, Bayley, Wolf, Knoller, Falotico

XII. ADOPTION OF ORDINANCES

Mayor Lamatina announced that the following ordinances were sent after first reading to the Emerson Land Use Board for review of consistency with the Master Plan. The Land Use Board had not yet had the opportunity to take them under consideration. The Governing Body would open to the public because it was advertised but the Public Hearing would be continued to August 14th meeting at which time the public would have the opportunity to be heard as well.

Second Reading & Public Hearing:

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 open the meeting to comments from the public on Ordinance No. 1560-18 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1560-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1560-18 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Falotico and carried.

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 open the meeting to comments from the public on Ordinance No. 1561-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1561-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1561-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 7:51 p.m.

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola had attended a meeting of the Library Board of Trustees the previous week. Their Summer Reading Program was ongoing and there were also many other ongoing programs for children. She extended her well wishes to all who attended the meeting that evening to honor the service and hard work of two Emerson police officers. Officer Meltzer and Sergeant Clark, who had both recently retired, would be missed.

Councilman Bayley gave the Department of Public Works report for the month of July. He noted that the ball field dugouts were painted and tree work was carried out with PSE&G to remove branches near the power lines. The drainage ditch on Woodside Avenue was cleaned and the one on Main Street was de-snagged. In response to the findings of the Joint Insurance Fund safety inspections, they had updated existing files and created a new Safety Procedures Manual and Employee Handbook.

He had attended a meeting with sixteen others regarding milling and paving of Soldier Hill Road, Forest Avenue and Kinderkamack Road. Emerson and surrounding towns were organizing timing, policing and other measures. He thanked Dr. Nisonoff and Mr. Hoffmann for their hard work on the Safe Streets to Schools program.

He also reported on an audit report of the Joint Insurance Fund. He commended Mr. Hoffmann and the members of the fund. He thanked the Police Department for the assistance they gave to his neighbor who had a medical emergency and said they did a magnificent job.

Councilwoman Wolf congratulated Crystal Guglielmo for becoming the newest Cadet member of the Volunteer Fire Department. She said two cadets had joined the organization in the last couple months and gave the monthly report for the department. She thanked the Emerson Board of Education and Dr. Brian Gatens for their resolution in support of the application for the New Jersey Department of Transportation Safe Routes to Schools Program. It would help create a safe environment as well as encourage more walking, strollers and bicycling through town.

Councilman Bayley thanked the Environmental Commission for their contributions to the Borough. He said they were able to obtain a bicycle rack at the train station due to the involvement of New Jersey Transit and Mr. Hoffmann.

Council President Knoller thanked the Chamber of Commerce for hosting the First Annual Car Show on June 9th and thanked Chamber of Commerce President Frank Di Dolci and Vice President Laura Litchult for doing a great job. He was looking forward to next year's show. He thanked all the Chamber of Commerce members for sponsoring the event and volunteering their time and commended all the other volunteers for doing a great job. He thanked the Emerson Board of Education and the administration for allowing the Chamber to host the event at the high school.

He thanked the Emerson Recreation Commission and first year Presiding Officer Afrim Hoxha for another great Summer Kickoff on June 16th and said it was amazing, noting that the weather was great and everyone had a wonderful time. He thanked the members of the Commission and all who volunteered their time for the event as well as all emergency services including the Police and Fire Departments, Ambulance Corps and Department of Public Works.

On June 29th, the Appropriate Authority, he and Councilman Downing met with Chief Mazzeo and Mr. Hoffmann to discuss items including reviewing the hiring process. They agreed they had an excellent process and that candidates who made it through the physical and written exams were based on their efforts and abilities and not on who they were or who they knew. They also discussed further evaluations of on-street parking throughout the Borough as well as the promotion ordinance. He gave the June monthly report for the Police Department. On July 2nd, Detective Randy Velez was honored as a hometown hero by Congressman Gottheimer. He commended Detective Velez for receiving that honor and said that he was a tremendous individual and it was a well-deserved award. Officer Velez also involved the Emerson Police Department with the Junior Police Academy this year. The graduation took place on June 29th.

The Chief for a Day event would be held on July 25th. The Emerson Police Department Community Policing Unit Annual Cop Campout would begin on Saturday, August 25th at 10:00 p.m. and conclude at 10:00 a.m. the following morning. The Police Department Open House would start on August 25th at 4:00 p.m. Registration was required by August 12th and tents would not be provided. He said that it was a great annual event and noted that Emerson had the finest Police Department anywhere. He added that the Community Policing Unit should be an example for all others. It is a tremendous group of officers that really cared about their service to the Borough.

The Finance Committee held a meeting via conference call prior to July 4th and noted that the budget was tracking as expected. He hoped that everyone had a nice Fourth of July holiday and that all residents enjoy the summer and stayed safe.

Councilman Falotico gave the monthly report for the Volunteer Ambulance Corps and thanked the members for their service, adding that they saved the Borough a lot of money.

He had attended the last meeting of the Land Use Board and reviewed the business that took place at that meeting. He thanked Mr. Hoffmann and the Department of Public Works for their diligence in repairing the baseball fence along the first base line at Hillman Field. He requested that the Department of Public Works take a look at fencing along the third base line – specifically that wiring be placed along the bottom and that signs be installed to notify people not to hit balls into the fence on the first base side.

He had attended a fiber optic roundtable in Westwood on June 6th which would allow better infrastructure communication. He explained that Washington Township could live stream video from their schools in their police cars and Westwood was close behind. He suggested that the Emerson Police Department look into this technology in the future.

The Borough Engineer and others continued to work with the County to try to finish the punch list for Kinderkamack Road project. It included updating the bus stops, correcting marking issues on Lincoln Boulevard and trying to have the County Engineer correct some of the other issues with New Jersey Transit.

Council President Knoller said that the Emerson Community Police Golf Outing on May 29th was another great event. He thanked Officer Anthony Mazzo for coordinating the outing and doing a great job. He also commended Chief Mazzeo for having his whole department do a great job.

Mayor Lamatina said that the road work taking place on Soldier Hill Road was causing no disruption whatsoever. He had heard no complaints and reported that Chief Mazzeo thought things were working well. He had not realized that Forest Avenue was also being repaved and appreciated the money invested by the County. Detective Velez had invited him to the Junior Police Academy graduation and said that it was an excellent event. He gave Detective Velez, Detective Sergeant Ryan Sokerka and Officer Anthony Mazzo a lot of credit as well. It was a fantastic program and they would do more to promote it next year to let the public know about it. He also provided an update on the redevelopment designation, stating that Judge Padovano entered an order on May 9th denying discovery to the plaintiffs; it was reconsidered and the Judge adhered to his decision so that the order of May 9th stands.

- Borough Administrator Robert Hoffmann reported on the following:
 - Fire Prevention Bureau Chief Tom Monahan was promoted from Sergeant to Lieutenant in the Sheriff's Department. All members of the Governing Body wished him well. He is also the Borough's Fire Prevention Coordinator and is very good at that.
 - Milling and paving were being done on Soldier Hill Road and Forest Avenue until July 31st, weather permitting. The paving of Forest Avenue was a pleasant surprise for the Borough. Emerson was not aware of this plan until the Police Department met with the County. A preconstruction meeting had taken place with plans to mill and pave Kinderkamack Road in August in both Emerson and Oradell with a tentative start date of Monday, August 20th. Additional information would be shared as it was received.
 - Summer Recreation Camp was doing very well. The first week they had 35 campers; the second week they had 57 campers.
 - There was a resolution on the Consent Agenda to award the contract for the 2018 Municipal Road Paving program. Westwood was the lead agency and would be awarding the contract at their meeting that evening. If it was awarded, Emerson would pave its roads as soon as possible with the goal of it being done by Labor Day.

- Borough Clerk Jane Dietsche had no report.

- Borough Attorney Wendy Rubinstein had no report.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried at 8:47 p.m.

Seeing no 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 Council President Knoller, **seconded** by Councilman Falotico and carried at 8:47 p.m.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 206-18

Councilwoman DiPaola requested that CA No. 208-18 Support Submission of Application for New Jersey Department of Transportation Safe Routes to School Program be pulled from the Consent Agenda for discussion.

☞ **Motion** to approve Consent Agenda No. 206-18 without CA No. 208-18 Support Submission of Application for New Jersey Department of Transportation Safe Routes to School Program 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, Bayley, Wolf, Knoller, Falotico

☞ **Motion** to approve CA No. 208-18 Support Submission of Application for New Jersey Department of Transportation Safe Routes to School Program only was **moved** by Councilman Bayley, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0:

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico

- CA 207-18 Approve Cancellation of Grant Balances
- CA 208-18 Support Submission of Application for New Jersey Department of Transportation Safe Routes to School Program
- CA 209-18 Award of Contract for Pascack Valley Cooperative Pricing System (#107-PVCPS); 2018 Road Program
- CA 210-18 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Transportation Alternatives Program for Streetscape Improvements on Kinderkamack Road
- CA 211-18 Reauthorize Request for Qualifications for Affordable Housing Agent

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 212-18

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 212-18 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 5-0 at 8:55 p.m.

RC: Council members:

YES: DiPaola, Bayley, Wolf, Knoller, Falotico

- #18-07/17-17 Potential Litigation/Contract Enforcement:
 - PILOT Agreement Implementation N.J.S.A. 10:4-7
- #18-07/17-18 Potential Litigation - Solicitation Ordinance hours N.J.S.A. 10:4-7
- #18-07/17-19 Contract Enforcement Yard Waste Pickup N.J.S.A. 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 Council President Knoller, **seconded** by Councilman Falotico and carried unanimously.

☛ **Motion** to suspend the enforcement of the time of the solicitation ordinance from 6:00 p.m. until 8:00 p.m. 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, Bayley, Wolf, Knoller, Falotico

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 Councilwoman DiPaola and carried at 9:26 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk