



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
August 15, 2017
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. Mayor Lamatina called the meeting to order at 7:30 p.m. and identified the emergency exits.

II. ROLL CALL

Mayor Lamatina asked Ms. Dietsche to call the roll of the Governing Body.

Present: Mayor Lamatina, Councilwoman DiPaola, Councilman Downing, Council President Knoller, Councilman Lazar, Councilman Worthington

Absent: 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

- Councilman Lazar for his absence from the Special Meeting of August 2, 2017

☞ **Motion** to excuse Councilman Lazar for his absence from the Special Meeting of August 2, 2017 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Matt Giardiello from the Emerson Volunteer Ambulance Corps effective August 8, 2017

☞ **Motion** to accept the resignation of Matt Giardiello from the Emerson Volunteer Ambulance Corps effective August 8, 2017 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried unanimously.

VI. MINUTES FOR APPROVAL

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

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of July 18, 2017 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried unanimously.

- Special Meeting Minutes of August 2, 2017

☞ **Motion** to approve the Special Meeting Minutes of August 2, 2017 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried unanimously.

VII. CORRESPONDENCE

Mayor Lamatina stated that the correspondence was available in the Office of the Municipal Clerk.

- Letter dated June 26, 2017 from Rose Marie Sees, Hasbrouck Heights Borough Clerk; Re: Resolution No. 134 regarding COAH regulations
- Letter dated July 24, 2017 from Commissioner Richard Hammer, NJDOT; RE: Applications being accepted for NJDOT FY 2018 State Aid Program
- Resolution No. 17-200 from Borough of Moonachie dated July 27, 2017; Re: Urging the State to Put Fiscal Safeguards in Place to Ensure Current Services Remain Available to New Jersey's Most Vulnerable Residents
- Letter dated July 28, 2017 from Michael Darcy, Executive Director, NJSLOM; Re: League's Annual Audit Statement
- Letter dated July 31, 2017 from Alex Reizner, managing Member, Aljeff Realty, LLC; Re: Volume of train horns
- Email from Bill Wassmann dated August 10, 2017; Re: Historic Preservation Committee/Administrator

VIII. FINANCIAL BUSINESS

- Resolution No. 207-17 Bill List

☞ **Motion** to approve Resolution No. 207-17 Bill List was **moved** by Councilman Worthington, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Downing, Worthington

IX. UNFINISHED BUSINESS

- Appraisal – 156 Palisade Avenue – The Governing Body and Mr. Hoffmann discussed the recent appraisal of 156 Palisade Avenue, an undersized lot, and whether to consider selling it to an adjacent property owner. Among the topics reviewed were the reduced value of the most recent appraisal compared to appraisals done in 2008 and 2015, keeping green space, drainage and whether there would be excessive congestion in the neighborhood.

George Buono, 161 Randolph Avenue, the owner of 160 and 166 Palisade Avenue, was invited to address the Governing Body. He said he wanted to purchase 156 Palisade Avenue and described his plans for developing the property in conjunction with his adjoining properties. All homes would front on Palisade Avenue. After discussion, Mayor Lamatina stated that this item would be further considered during Closed Session.

X. NEW BUSINESS

- Master Plan Re-Examination Report – Mr. Hoffmann explained that every ten years, the Borough was required to do a re-examination of the Master Plan and that it was required in 2017. There was a resolution on the Consent Agenda with a proposal from the Borough Planner. The Governing Body discussed the cost of the proposal and whether the fee should be reduced since areas of the Borough had been recently studied by Ms. Bogart. Governing Body consensus was to amend the resolution on the Consent Agenda to reduce the 'not to exceed' amount to \$5,000.

- Ordinance updates for Volunteer Fire Department – The discussion of this item was rescheduled to the September 5th meeting.
- Rehabilitation of homes by Habitat for Humanity – Mayor Lamatina explained that there was a requirement to rehabilitate some homes; the number was still part of settlement negotiations with Fair Share Housing. Ms. Rubinstein said there was a proposal from Habitat for Humanity to partner with the Borough in order to satisfy whatever the number would be; the Borough would contribute a certain amount of money towards the rehabilitation of a certain number of homes. Habitat for Humanity was scheduled to renovate a home on September 16th as part of the Borough’s obligation. The homes to be improved would be subject to income limitations that would otherwise qualify for affordable housing.
- Authorization to bid garbage/recycling/yard waste – Mr. Hoffmann stated that there was a resolution on the Consent Agenda authorizing the Borough to go out to bid for these services. He had met with the current vendors as well as the lowest bidder from last year’s joint bid with Oradell in preparation for releasing bid specifications. The bid notice would be advertised for 60 days. Many sister municipalities had experiencing significant rate increases and had received only one response this year. Three bidders said they would respond in Emerson and added that the bids would be opened in November and awarded in early December.
- Architect – Discussion of building improvements at the Department of Public Works, Firehouse and Borough Hall – Mr. Hoffmann discussed structural issues that had been identified and would be addressed at the firehouse and DPW salt shed. The Borough was aware of these issues which were being monitored and options for repair were being considered.

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 September 5, 2017 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 18th, 2017 edition of the Ridgewood News. He added that the 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.

1544-17 AN ORDINANCE AMENDING CHAPTER 274: VEHICLES AND TRAFFIC OF THE CODE OF THE BOROUGH OF EMERSON

☞ Motion to introduce Ordinance No. 1544-17 on first reading was moved by Council President Knoller, seconded by Councilman Downing and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Downing, Worthington

XII. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1543-17 CAPITAL ORDINANCE OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF EASEMENTS IN REAL PROPERTY FOR THE KINDERKAMACK ROAD IMPROVEMENT PROJECT IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$25,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND.

☞ **Motion** to open the meeting to comments from the public on Capital Ordinance 1543-17 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously at 7:40 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Capital Ordinance 1543-17 only.

☞ **Motion** to close the meeting to comments from the public on Capital Ordinance 1543-17 only was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried unanimously.

☞ **Motion** to adopt Capital Ordinance 1543-17 on second reading was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Downing, Worthington

XIII. REPORTS

- Mayor and Council

Councilwoman DiPaola reported that the Emerson Public Library was running a great, well attended summer program for children. Library Director Camille Valentino and the Library Board of Trustees appreciated being reimbursed for water costs for the Memory Garden. In addition, the no-knock ordinance needed to get going. she described a recent visit to her home from solicitors who did not possess permits.

Councilman Lazar provided an August update for the Department of Public Works. Work had been completed on the new conference room and kitchen on the second floor of Borough Hall. A walkway made of porous material had been placed at Centennial Park. Carbon monoxide detectors had been installed in all police cars as a precautionary measure. However, none of the Borough's cars fell into the recall category. All of the 2017 municipal road paving had been completed. This was accomplished before the start of school thanks to Borough Administrator Robert Hoffmann. He emphasized that the DPW was doing a top-notch job and that DPW Superintendent Perry Solimando was to be commended for all he has done to improve the department.

Council President Knoller said that he agreed that a no-knock ordinance needed to be put in place and explained that he also had a recent visit from solicitors without a permit. He wanted the time limit to be restricted to ending 6:00 p.m. or sunset, whichever was earlier and implement a start time as well charging \$5.00 for a five-year decal except for seniors. In addition, he wanted to increase the fine from not more than \$500 to at least \$1000. He hoped that it would be ready for introduction on September 5th.

He gave the Police Department report for the month of July and part of August and announced that Community Policing's Annual Open House and Cop Campout was scheduled for August 26th. It was a great event for Emerson and he commended the Police Department's Community Policing Unit for all their efforts. They set an example for other municipalities and represented what real community policing was all about – getting involved with the town and with the residents. He said Chief Mazzeo was sincere about wanted to hear directly from residents if there was an issue and do what he could to help or point someone in the right direction.

He concluded by explaining that the ordinance introduced this evening was to remove the current restriction on overnight parking between November to March for non-commercial vehicles. The exception would be during weather emergencies. It also included time restricted parking for two spots at Centennial Park so that Community Garden participants could visit during the day without having to look for a spot. They were also looking to amend the noise ordinance and animal ordinance as well as update ordinances related to the old Planning and Zoning Boards to reflect the current Land Use Board. He asked for suggestions from residents and said that while it takes some time for things to get done, they did get done. The Council did listen to its residents and if there was something that needed to be changed, he asked that residents let the Governing Body know. They would do the best they could to see if it could be implemented if it made sense.

Councilman Downing discussed the improvements to Centennial Park to make the area more accessible to strollers or wheelchairs. He described an asphalt material used in the pathway that was soft and totally porous as well as being environmentally sound. The path was made narrower which would allow a border of decorative plantings and save money on walkway materials. Mayor Lamatina credited Environmental Chair Tom Browne for asking the Governing Body to explore the use of the porous material which was a great product that may be used in other areas.

Councilman Worthington commended the members of the Historic Preservation Committee and Chair Jill McGuire for hitting the ground running. He praised their Summer Kickoff display, and recognized them for connecting with the community to obtain historic photographs. He said that in the last few months, they have seen more from this committee than they had seen in a number of years. Their next meeting was scheduled for September 18th. He followed up on comments from Councilwoman DiPaola related to watering the Emerson Memory Garden and suggested installing a rainwater collection system. Councilwoman DiPaola thought that was a great idea. Mayor Lamatina asked Councilman Downing to bring this suggestion to the next meeting of the Environmental Commission.

Mayor Lamatina reported that Kinderkamack Road paving was scheduled to be completed that week. Striping and other minor work would take place the following week. Lights would go active on August 29th. He also reported he had a meeting at the train station with Councilman Falotico, Mr. Hoffmann, Assemblyman Auth, and Senator Cardinale to address where the train stopped. Going north, the train stopped in the correct location and would never stop and block the road. He said the main issue was the southbound train stop. New Jersey Transit said they would look into it. Mayor Lamatina emphasized that they needed a solution there because lives could be at stake if emergency vehicles were blocked. He noted that Councilman Falotico had taken the lead on this and they would follow up.

He and Mr. Hoffmann had met recently with Demarest Mayor Ray Cywinski, an employee of Suez Water, to discuss Glenwood Avenue near the watershed property. They were exploring the idea of installing porous pavers within the Borough's right of way. This would allow students from the high school and others to park there. Mr. Hoffmann planned to interact with the Board of Education on this topic

Council President Knoller reported that he had met with the New Jersey Department of Transportation in Trenton to review the grant application submitted by the Borough with Westwood for Vivian Avenue drainage improvements. He had reached out to Senator Cardinale, Assemblywoman Schepisi and Assemblyman Auth to coordinate a meeting in Trenton and include members of the Westwood Governing Body and a Westwood resident. He was hoping to get the grant approval clarified so the Borough could get its awarded amount and work with Westwood to fix a longstanding issue that impacted both communities. He appreciated the help from local representatives to get this moving and hoped to have good news to share with the Council and the public.

Mayor Lamatina noted that he had attended a recent Eagle Scout ceremony and said it was a great event. The Eagle Scouts had done some great things for the Borough and said they were future leaders.

- Borough Administrator Robert Hoffmann reported on the following:
 - Due to the delay in the approval of the State Budget in July and the need to calculate aid formulas, the deadline to make quarterly tax payment was extended to the close of business on Tuesday, August 22nd.
 - The Borough had another successful summer camp season. He thanked Camp Director Kris Lechman, and his staff for doing an outstanding job and helping the campers have fun and create positive memories. Mr. Lechman planned to send out a survey for parents to complete which would help plan for the 2018 summer season.
 - The new Veteran's Housing units were issued their Certificate of Occupancy on Wednesday, August 9th. Veterans were scheduled to move in shortly. All who participated in that development deserved to be congratulated.
 - The Community Garden and walking paths at Centennial Park were completed. The walking paths are composed of porous material made from shredded tires that allowed over 6,000 gallons of water per hour per square yard to pass through. The material had received Leeds Certification when used by architects as new construction.
 - An air borne fungus was killing trees on Patrick Avenue and Karen Lane. The Borough had removed 16 trees on Patrick Avenue and a significant amount on Karen Lane. Additional trees were to be removed at both locations.

- The Governing Body had been provided correspondence about grant funding opportunities earlier that day and thanked Assemblyman Auth for sending the information to the Borough. Mr. Hoffmann, the Borough Engineer and DPW Superintendent Perry Solimando would be meeting the following day to review potential projects which would meet the grant funding criteria. He asked for suggestions from the Governing Body and said the grant application deadline was Friday, October 6th.
 - The 2017 Municipal Road Paving Program was complete except for the road striping which would be completed at the same time as on Kinderkamack Road. He thanked the Governing Body and the contractor D&L Paving for their willingness to think outside the box so the Borough could complete the road paving before Kinderkamack Road started its milling and paving and before school began. He also congratulated DPW Superintendent Perry Solimando and other key DPW staff, Borough Engineer Gary Ascolese, and Bob Bartley of Boswell Engineering for solving field problems while staying in budget.
 - The Kinderkamack Road project was nearing completion. Milling and paving were scheduled to begin that evening at 8:00 p.m. Weather permitting, paving should be completed by Saturday morning, August 19th.
 - While working on converting the garage to offices for the Building Department, the DPW staff found a 40-year-old file that had been stored there. The box contained files from 1968 through 1970 about Kinderkamack Road improvements.
 - He discussed upcoming bids for garbage & recycling for 2018 and expressed concern that many sister municipalities had only received one bid with significant increases. He had met with two of the bidders who submitted bids last year for the joint bid with Oradell. All four bidders stated that they would submit proposals to Emerson.
 - He closed by wishing Councilwoman DiPaola a happy birthday.
- Borough Clerk Jane Dietsche had no report and wished Councilwoman DiPaola a happy birthday.
 - Borough Attorney Wendy Rubinstein said the Borough had immunity through August 31st on the Affordable Housing declaratory judgement action. A conference with the judge for Fair Share Housing was scheduled for this week after which she would provide the Governing Body with an update.

XIV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried at 9:10 p.m.

Seeing no hands, Mayor Lamatina asked 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 Lazar and carried.

XV. RESOLUTIONS ON CONSENT AGENDA NO. 208-17

☞ **Motion** to approve Consent Agenda No. 208-17 without CA 215-17 Periodic Reexamination Report - Professional Planning Services was **moved** by Council President Knoller, **seconded** by Councilman Worthington and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Downing, Worthington

☞ **Motion** to approve Consent Agenda Item No. 215-17 Periodic Reexamination Report - Professional Planning Services only amending the cost limit to \$5,000 and authorizing the work to go forward was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Downing, Worthington

- CA 209-17 Refund of Tax Overpayments – 3rd Quarter 2017
- CA 210-17 Resolution Requesting Approval of Items of Revenue and Appropriations NJS 40a:4-87 2017 in the sum of \$165,627.00, from the New Jersey Department of Transportation Fiscal Year 2017 Municipal Aid Program;
- CA 211-17 Approve Cancellation of Capital Improvement Appropriation Balances
- CA 212-17 Authorize the Preparation and Advertisement of Bid Specifications For: Solid Waste Collection, Transportation, Recycling Collection, Transportation, Vegetative Waste Collection (Yard Waste), Transportation
- CA 213-17 Block Party Approval – Union Street between Randolph Avenue and Palisades Avenue – Saturday, September 16th
- CA 214-17 Amend Resolution 202-17 Borough of Emerson, Bergen County -Update Proposed Bus Stop Changes
- CA 215-17 Periodic Reexamination Report - Professional Planning Services

XVI. CLOSED EXECUTIVE SESSION - Resolution No. 216-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 216-17 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Lazar, Knoller, Downing, Worthington

- #17-08/15-42 Property Negotiations – 156 Palisade Avenue N.J.S.A. 10:4-5
- #17-08/15-43 DPW – Contract Negotiations N.J.S.A. 10:4-4

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 Lazar and carried.

XVIII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried at 9:07 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk