



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 4, 2018
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:35 p.m. and identified the emergency exits.

II. ROLL CALL

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

Present: Mayor Lamatina, Councilman Bayley, Councilwoman DiPaola, Councilman Downing, Councilman Falotico, Council President Knoller, Councilwoman Wolf

Also present were Borough Administrator Robert Hoffmann, Borough Attorney Wendy Rubinstein and Deputy Borough Clerk Coleen Goddel.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Excuse the absence of Councilman Bayley from the Regular Meeting of August 14, 2018

☞ **Motion** to excuse Councilman Bayley for his absence from the Regular Meeting of August 14, 2018 was **moved** by Council President Knoller, **seconded** by Councilwoman Wolf and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- National Assisted Living Week 2018 – Capture the Moment

V. APPOINTMENTS/RESIGNATIONS

- Resolution No. 230-18 Appointing Borough Administrator Robert Hoffmann as Municipal Housing Liaison

☞ **Motion** to approve Resolution No. 230-18 Appointing Borough Administrator Robert Hoffmann as Municipal Housing Liaison was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of August 14, 2018

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of August 14, 2018 was **moved** by Councilman Downing, seconded by Councilwoman DiPaola and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 231-18 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH

OF EMERSON AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,113,779 BOND ANTICIPATION NOTE, DATED AUGUST 24, 2018 AND PAYABLE AUGUST 23, 2019, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

☞ **Motion** to approve Resolution No. 231-18 was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 5-0;

RC: Council members:

YES: Bayley, Wolf, Knoller, Falotico, Downing

Abstain: DiPaola

VIII. UNFINISHED BUSINESS

Mayor Lamatina announced that there was no unfinished business.

IX. NEW BUSINESS

- Discussion of options to resolve conflict between October 2nd Mayor and Council meeting and October 2nd Special School Election

Mr. Hoffmann explained that the School Board would be holding a Special Election on Tuesday, October 2nd which is the same day as a regularly scheduled meeting of the Governing Body. The Borough Clerk and the Deputy Borough Clerk are responsible for running the Special School Board election and will not be available for the meeting of the Governing Body. He explained that the options for the Governing Body are to either reschedule the October 2nd meeting or cancel it and have only one meeting on October 16th. His recommendation is to focus on the October 16th meeting to get all the Borough business done, including the payment of bills. Mayor Lamatina asked if he sees a need for having two meetings in October. Mr. Hoffmann answered no, not at the moment. Councilwoman DiPaola asked if there is a reason that we couldn't have a meeting on October 9th. Councilwoman DiPaola stated that meetings are for the residents and to only have one meeting in a month gives the residents a very short window to come in and address the Governing Body. Mr. Hoffmann said that if we had a meeting on the 9th and the 16th then we would be having meetings on two consecutive Tuesday's. Borough Attorney Wendy Rubenstein explained that if we are going to schedule another meeting we have to make sure there is enough time to advertise for an ordinance and seven days is not sufficient. She explained that her recommendation would be at least a twelve day window. There was a discussion of other possible dates for a special meeting and that they could decide to schedule one after the October 16th meeting if needed. Ms. Rubenstein also explained that there is still another meeting before October 2nd and that a decision can be made at that meeting. Mayor Lamatina stated that a decision will be made at the September 17th meeting.

Mr. Hoffmann also mentioned that at the September 17th meeting he would ask the Governing Body for authorization to have the Borough Engineer help prepare the grant application because the Community Development Block Grant application is due December 7th. He added that last year the Governing Body directed the Borough focus on drainage improvements in our Continental Woods area and he believes that is where we should continue to focus our needs.

- Discussion of Special Law Enforcement Officers – Class III – Schools

Councilwoman DiPaola explained that she placed this on the agenda because she has had a lot of questions from residents about who is responsible for the safety of the children and the employees at the schools. She is in favor of having a School Resource Officer in our schools and was wondering how everyone else felt. Councilman Falotico explained that an SRO is a Police Officer that is assigned to the school and Class III is a part-time position filled by a retired Police Officer. Councilwoman DiPaola explained that she is interested in being educated on what the proper terminology is and what would best suit our Emerson Schools. Mayor Lamatina asked Mr. Hoffmann to give his views. Mr. Hoffmann said that he spoke with Mr. Nisonoff, School District Business Administrator, about different opportunities to improve the safety of the schools and to work with Police Department on making sure the school buildings are safe. He stated that Mr. Nisonoff and Chief Mazzeo have met about some of the protocols that need to be looked at. He also stated that he spoke with Mr. Nisonoff about grant opportunities that are available for the safety of our students walking to school such as the Safe Routes to Schools Program. He said that he and Mr. Nisonoff felt that the Class III and SRO's should be discussed with the Chief. Mayor Lamatina stated that the Chief and the Superintendent have been having conversations about the Class III and SRO's and that this is not something new. He asked Chief Mazzeo to come up and discuss possibly having Class III or SRO's in the schools. Chief Mazzeo explained the difference between the School Resource Officer and a Class III Officer. He stated that an SRO is a specially trained Police Officer that would be assigned to the school from Monday through Friday. A Class III is a retired officer that has SRO training that would be hired for 29 hours per week. He stated that there are many towns now hiring these types of officers for school security. Chief Mazzeo explained that the thought process is that the quickest way to save lives with an active shooter is to have a trained officer on site with a gun to be able to take out the shooter. He would recommend hiring a retired officer in the school if the active shooter is what they are discussing. Chief Mazzeo also discusses the possible need for officers at sporting events. Councilman Downing explained that an SRO would be more involved with the students and a Class III is more for just security. Councilman Bayley discussed the need for security on the playgrounds. Councilman Falotico stated that historically an SRO is assigned to a Middle School or a High School because the SRO interacts with the students and Class III would be assigned to elementary schools strictly for security. Chief Mazzeo thanked Councilwoman DiPaola for bringing up the topic because he thinks these discussions are important to have. Councilwoman Wolf asked that parents bring their concerns to the Board of Education meetings because this is not just a Police Department issue. She thanked Chief Mazzeo for working with the schools on this topic. She knows that Dr. Gatens has spoken with him and he is working on gathering data on how to proceed. Councilwoman DiPaola said that she would like to make a plan now to proceed with this topic. She explained that when she said an SRO in the beginning she should have said Special Law Enforcement Officer because she agrees that it should be a retired Police Officer. She would also like to send a letter to the Board of Education from the Governing Body stating that we are willing to open up these talks and take some action. Mayor Lamatina explained that he believes that this plan has to come from the school. Councilwoman DiPaola would like to open up the discussion with Governing Body, Police and the Board of Education. Ms. Rubenstein explained that it is school board property and they have to make the decision as trustees as to whether or not an armed officer should be at the schools. She explained that the parents need to make it known whether they want a gun at the school or not. Chief Mazzeo explained that the School Business Administrator was going to have a conversation with the Board of Education and he stated he would reach out to the Council. Councilman Downing explained that the Council does have some knowledge of this topic but that we really have to rely on our professionals.

☛ **Motion** to open the meeting to comments from the public for this topic was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 8:35 p.m.

Kate Stutzel, 186 Eagle Drive said that she is glad to see this discussion was added to the agenda. Her initial reaction is that she has very strong reservations about there being guns in her children's school. Unfortunately, gun research evidence is unclear how effective having an armed professional during a school shooting really is because there are still injuries and deaths involved. She stated that a gun is a dangerous tool and when you have a dangerous tool in any setting, you have a chance of accidents. There have been children, teachers and staff that have been injured when guns go off accidentally or are left behind in unsecure places. She added that these are all things she feels we should consider when we think about bringing armed law enforcement officials into the schools. She stated that her concern is that it would take a lot of resource allocation that may be better used and maybe it would be more beneficial to fund an educational opportunity. She said that after speaking with Dr. Gatens she feels confident that the School Board is working on this issue and researching it. She explained that they seem very open to our feedback. She also said that the one thing that makes her feel confident that they are taking the children's security into mind is the number of security improvements being proposed on the School Referendum which is being voted on at the October 2nd Special School Election. She thanked the Governing Body for their consideration of this topic.

Ailza Karathomas, 132 Hasbrouck Ave. said she does not believe that guns are the answer. She believes the answer is to use that money for educating the students and for better programs such as an Autism program or Nutritional program. The way to be safe is to teach understanding and teach them that they can go to a professional to seek help instead of getting a gun.

Councilwoman DiPaola said that her intention is to protect the children from a threat coming into the school such as a stranger, not to protect them from themselves. She thanked Ms. Karathomas for coming to the meeting to give her views on the subject because coming together and talking about both sides will help us to make a decision that keeps the children safe.

Councilwoman Wolf asked that Ms. Karathomas please go to a Board of Education meeting to have her voice heard. Councilwoman DiPaola agreed.

Courtney Panaretos, 144 Boulevard discussed how she does not believe that having weapons in the schools is the answer. She spoke about how there is no right answer but she appreciates everyone coming together and trying to do something. She is a social worker and has a background in nursing and she is not anti-gun but ask that we just be smart about it. She said that he appreciates them bringing this up and hopefully everyone keeps the lines of communications open.

Chief Mazzeo thanked everyone for speaking and he stated that these officers would be trained and already at the school to help to save lives. Councilman Downing stated that he believes we have to rely on our professionals to tell us what we need. He commended the Chief, Superintendent and everyone else that is involved in this because it is not an easy fix and it is always evolving.

Jill McGuire, 154 Linwood Avenue, stated that she works in education and she feels safe every day. She discussed how the lockdowns are scary and that it is hard to explain to the Autistic students. She said that she hopes that they continue to have this conversation because she doesn't know if anyone can really feel safe anymore.

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

☞ **Motion** to close the meeting to comments from the public on this topic only was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried at 9:03 p.m.

- Resolution No. 232-18 Discussion Suez Water Rate Increase of 12.5% -Public Hearing Scheduled for Thursday, September 6th

Mr. Hoffmann discussed the rate increase that Suez is proposing. The increase is on 11 different meter sizes and would come out to be 65.5 %, not the 12.5% that they claim. There would be a public hearing on Thursday, Sept. 6th at 5:30 at the Bergen County office building and he asked that the Governing Body pass this resolution.

☞ **Motion** to approve Resolution No. 232-18 was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0:

RC: Council members:

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

- Resolution No. 233-18 Creation of Affirmative Fair Housing Marketing Plan

☞ **Motion** to approve Resolution No. 233-18 was **moved** by Councilman Falotico, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

- Resolution No. 234-18 Authorization to prepare and issue RFQ'S for Select Professional Services for 2019:
 - Borough Attorney
 - Land Use Attorney
 - Labor Attorney
 - Co-Labor Attorney
 - Records Manager
 - Information Technology Specialist
 - Planner
 - Municipal Court Judge
 - Municipal Prosecutor
 - Public Defender
 - Alternate Prosecutor,
 - Alternate Public Defender

☞ **Motion** to approve Resolution No. 234-18 was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

RC: Council members:

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

X. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Lamatina announced that Ms. Goddel would read the following ordinance by title and it would be further considered at a Public Hearing to be held on September 17, 2018 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the September 7, 2018 edition of the Ridgewood News. He added that this

ordinance is 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.

1568-18 AN ORDINANCE AMENDING CHAPTER 208, PEDDLING AND SOLICITING, OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to introduce Ordinance No. 1568-18 on first reading was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by a roll call vote of 6-0:

RC: Council members:

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

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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

Mayor Lamatina explained that Ordinance No. 1562-18 has been recommended for updates in several sections such as no parking and limited parking. These updates were based on the recommendations of several staff members and professionals including the Borough Administrator, Superintendent of Public Works, Borough Engineer and Borough Attorney. After a drive around to verify the location for some of the changes, there appears to be a conflict between some of the sections of the ordinance. Ordinance No. 1562-18 was published for second reading, and therefore remains on the agenda but will not be adopted until the conflicts are corrected. I will now call for a motion to open the public hearing on this ordinance but no action will be taken to adopt this ordinance this evening.

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1562-18 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1562-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1562-18 only was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried.

☞ **Motion** to table Ordinance No. 1562-18 indefinitely was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 6-0:

RC: Council members:

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

1566-18 AN ORDINANCE OF THE BOROUGH OF EMERSON IN THE COUNTY OF BERGEN, NEW JERSEY, AUTHORIZING THE SALE OF THE PROPERTY KNOWN AS BLOCK 715 LOT 2 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF EMERSON, BERGEN COUNTY, NEW JERSEY

☞ **Motion** to open the meeting to comments from the public on Ordinance No. 1566-18 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance No. 1566-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1566-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried.

☞ **Motion** to adopt Ordinance No. 1566-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried by a roll call vote of 6-0:

RC: Council members:

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

1567-18 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 open the meeting to comments from the public on Ordinance No. 1567-18 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. 1567-18 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance No. 1567-18 only was **moved** by Council President Knoller, **seconded** by Councilman Falotico and carried.

☞ **Motion** to adopt Ordinance No. 1567-18 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

XII. REPORTS

- Borough Administrator

Mr. Hoffmann explained that he covered all items he wanted to report on earlier in the meeting.

XIII. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried at 9:18 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 Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 9:19 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 235-18

☞ **Motion** to approve Resolution No. 235-18 Consent Agenda was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0:

RC: Council members:

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

- CA 236-18 Approve Cancellation of Grant Balances
- CA 237-18 Approve Block Party Application – Eagle Drive (between Hartland and Daned Road) Saturday, Sept. 8th from 3:00 p.m. to 10:00 p.m.
- CA 238-18 Third Quarter Tax Overpayment Refunds

XV. CLOSED EXECUTIVE SESSION - Resolution No. XXX-18

Mayor Lamatina announced that there were no items for Closed Session.

XVI. RECONVENE

The Borough of Emerson reserves the right to return to Open Session and, if appropriate, take formal action.

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 Councilwoman DiPaola and carried at 9:19 p.m.

Respectfully submitted,

Coleen Goddel, RMC
Deputy Borough Clerk