



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 5, 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, Councilman Falotico, Council President Knoller, Councilman Lazar, Councilman Worthington

Also present were Borough Administrator Robert Hoffmann, Special Counsel Doug Doyle substituting for Borough Attorney Wendy Rubinstein and Borough Clerk Jane Dietsche.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Falotico for his absence from the Regular Meeting of August 15, 2017

☞ **Motion** to excuse Councilman Falotico for his absence from the Regular Meeting of August 15, 2017 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

Mayor Lamatina announced that there were no proclamations or citations.

V. APPOINTMENTS/RESIGNATIONS

Mayor Lamatina announced that there were no appointments or resignations.

VI. MINUTES FOR APPROVAL

- Regular and Closed Session Meeting Minutes of August 15, 2017

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of August 15, 2017 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried unanimously.

VII. FINANCIAL BUSINESS

- **RESOLUTION NO. 217-17** 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 \$4,508,570 BOND ANTICIPATION NOTE, DATED AUGUST 25, 2017 AND PAYABLE AUGUST 24, 2018, 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. 217-17 was **moved** by Councilman Worthington, **seconded** by Council President Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington

VIII. UNFINISHED BUSINESS

- Discussion of garbage and recycling bid specifications – Mr. Hoffmann said the Borough’s solid waste, recycling and yard waste collection contract would expire at the end of the year and outlined the requirements for going out to bid for these services for a period of up to five years. He noted that per the request of the Governing Body, the specifications were kept simple. He had met with three contractors including the Borough’s current contractors and spoke with two others while compiling the specifications and asked for feedback from the Governing Body. Councilman Worthington suggested changing the recycling pickup schedule from alternate weeks to every week throughout town.
- Discussion of Habitat for Humanity rehabilitation housing contract – This item was postponed to the next meeting.
- Discussion of grant writing companies – Council President Knoller discussed the process undertaken to successfully secure grant funding for the Vivian Avenue drainage project after it had originally been denied. He had reached out to Senator Cardinale, Assemblywoman Schepisi and Assemblyman Auth and members of their staff. They were able to coordinate a meeting between the New Jersey Department of Transportation and Mayor Lamatina, Council President Knoller, Mr. Hoffmann, John Gil, Assemblywoman Schepisi’s Chief of Staff, Westwood Council President Chris Montana, and Westwood resident Joseph Letizia on August 17th. Also attending were Michael Russo, NJDOT Director of Local Aid Grant Funding and David Bruccoleri, NJDOT Project Manager, Division of Local Aid and Economic Development. Misunderstandings about the grant request as it related to Westwood’s application were resolved and Mr. Russo determined that he would recommend to the NJDOT Commissioner that they should fund the Vivian Avenue drainage project for a total of \$330,000. Council President Knoller said the whole process was a learning experience and provided the attendees with good advice on how to apply for future drainage grants. He said that this drainage problem, a longstanding issue for Emerson and Westwood residents, would finally be resolved.

Council President Knoller said it was a great team effort and an excellent education in understanding the grant process. He outlined some of the facts that are taken into consideration when the State is considering a grant application. He appreciated efforts of the local representatives who stepped in to help and said their assistance was key. Mr. Hoffmann said the Borough anticipated receiving a letter sometime in September or October and would have it in time to make plans for the 2018 budget. They would recommend a grant totaling \$145,000 so that the total package for the project amounted to \$330,000.

Mr. Hoffmann also discussed hiring a grant writer to explore other options available to the Borough and suggested one firm which would charge \$50 per hour through the end of the year. The Governing Body requested a more in-depth understanding of the grant writing process and asked that Bruno Associates appear at the next Council meeting to give a presentation explaining which grants they were considering for Emerson.

IX. NEW BUSINESS

- Authorizing the Issuance of RFQ's for Select Professional Services for 2018
 - Borough Engineer
 - LUB Engineer
 - Borough Planner

Mr. Hoffmann explained that it was time to prepare the Request for Proposals for Borough Engineer, Land Use Board Engineer and Borough Planner for 2018 as outlined in the three-year cycle for selecting professionals. He noted that this time frame would allow the Governing Body adequate time to review the proposals.

- Authorize the Issuance of RFP's for Borough Cleaning Contract - effective January 1, 2018 – Mr. Hoffmann said the contract for cleaning Borough facilities would expire at the end of the year. A Request for Proposals would be prepared for 2018 that included revisions to reflect the need to clean more square footage since the Building Department would be moving to the former garage space on the first floor.
- Opt out payment for employees with insurance coverage for medical under their spouse or parent – Mr. Hoffmann noted that the PBA contract contained an opt out clause for police officers who did not sign up for the Borough's medical plan if they had coverage through a spouse or parent. The Borough would save on the cost of medical coverage and the employee would receive an incentive payment of up to \$5,000 per the Joint Insurance Fund's recommendation and as allowed under State statute. He recommended that the Governing Body consider extending this coverage to other full time Borough employees. The Governing Body was in agreement with moving forward with this initiative.

☞ **Motion** to approve Resolution No. 232-17 to permit employees to opt out of health insurance for a maximum as set forth by the statute which will not exceed \$5,000 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington

X. 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 September 19, 2017 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the September 8th, 2017 edition of the Ridgewood News. He added that these ordinances are 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.

1541-17 AN ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2017

The Governing Body discussed line items on the Salary Ordinance and requested that the salary lines for Environmental Clerk and Tree Inspector be changed to 'TBD - To be determined' instead of specific dollar amounts.

☞ Motion to introduce Ordinance No. 1541-17 on first reading with the salary lines for Environmental Clerk and Tree Inspector changed to 'TBD' was moved by Councilman Falotico, seconded by Councilman Lazar and carried by a roll call vote of 5-1.

RC: Council members:

YES: Falotico, Lazar, Knoller, Downing, Worthington

NO: DiPaola

1545-17 AN ORDINANCE AMENDING CHAPTER 208, PEDDLING AND SOLICITING, OF THE CODE OF THE BOROUGH OF EMERSON

☞ Motion to introduce Ordinance No. 1545-17 on first 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, Falotico, Lazar, Knoller, Downing, Worthington

1546-17 AN ORDINANCE AMENDING CHAPTER 200 PARKS, PLAYGROUNDS AND RECREATION AREAS, ARTICLE I PARK REGULATIONS, OF THE CODE OF THE BOROUGH OF EMERSON

☞ Motion to introduce Ordinance No. 1546-17 on first reading was moved by Council President Knoller, seconded by Councilman Lazar and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

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

☞ **Motion** to open the meeting to comments from the public on Ordinance 1544-17 only was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried unanimously at 8:35 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on Ordinance 1544-17 only.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1544-17 only was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried unanimously.

☞ **Motion** to adopt Ordinance 1544-17 on second reading was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington

XII. REPORTS

- Borough Administrator Robert Hoffmann had no report since all topics were covered 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 Lazar and carried at 8:41 p.m.

Robert Obernauer, 276 Spruce Avenue and owner of the Valero gas station at the corner of Kinderkamack Road and Linwood Avenue read a statement indicating that improvements to Kinderkamack Road and changes to the entrance and exit of his gas station had negatively impacted his business. He said that he had lost over 50% of his customers and that without easy access his business would not be able to survive. He asked for immediate relief of this situation.

Council President Knoller asked that a meeting be set up on site by Friday to review Mr. Obernauer's concerns.

Mike Myers, 38 Alison Way commented on several topics including the timing of traffic lights and the train on Kinderkamack Road. He also shared his thoughts on recycling needs related to the increase in online shopping. He noted that Emerson's Pet Value store had rescued cats and dogs after Hurricane Harvey and said this was really positive news and emphasized the values of the family town. He asked for confirmation that no-knock ordinance did not apply to canvassing by political candidates. This was confirmed.

Seeing no more 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 Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 8:57 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 218-17

☞ **Motion** to approve Consent Agenda No. 218-17 pulling CA 227-17 Authorize Mayor to sign Habitat for Humanity contract and CA 229-17 Authorize grant writing services to XXXXX was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington

- CA 219-17 Approve Cancellation of Grant Balances
- CA 220-17 Refund of Tax Overpayments (3rd Quarter 2017)
- CA 221-17 Authorize sale of 156 Palisade Avenue to Northern Valley Developers, LLC
- CA 222-17 Confirm Appointment of Coleen Goddel as Deputy Clerk/Administrative Assistant/Floater
- CA 223-17 Authorize RFQ's for Borough Professionals
- CA 224-17 Authorize RFP for Borough Cleaning Contract
- CA 225-17 Authorize the Borough Administrator, in Consultation with the DPW Superintendent and Liaison, to Interview and Hire a Full Time DPW Road Department Employee
- CA 226-17 Authorize Borough Administrator to hire part time Municipal Court Violations Clerk/Department of Public Works Floater
- ~~CA 227-17 Authorize Mayor to sign Habitat for Humanity contract - **PULLED**~~
- CA 228-17 Accept Grant Award for Community Policing from the State of New Jersey, Department of Law and Public Safety
- ~~CA 229-17 Award grant writing services to XXXXXX **PULLED**~~
- CA 230-17 Authorize Boswell Engineering to apply for NJDOT grant

XV. CLOSED EXECUTIVE SESSION - Resolution No. 231-17

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 231-17 was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington

#17-09/05-44

Personnel – Fire Department

N.J.S.A. 10:4-8

XVI. 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.

XVII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved, seconded** and carried at 9:11 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk