



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 6, 2016
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 7:31 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 Tripodi, Councilman Worthington

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Worthington and Councilwoman DiPaola for their absence from the Regular Meeting of August 16, 2016

☞ **Motion** to excuse Councilman Worthington and Councilwoman DiPaola for their absence from the Regular Meeting of August 16, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried unanimously.

IV. PROCLAMATIONS & CITATIONS

- Bergen Volunteer Center – Anita Dasilva

V. APPOINTMENTS/RESIGNATIONS

- Appointment of Borough of Emerson Shared Services Evaluation Committee: Council President Knoller with Councilman Tripodi as his alternate, Borough Administrator Robert S. Hoffmann, Fire Chief or his designee, Police Chief or his designee and Office of Emergency Management Coordinator or his designee

☞ **Motion** to appoint Borough of Emerson Shared Services Evaluation Committee: Council President Knoller with Councilman Tripodi as his alternate, Borough Administrator Robert S. Hoffmann, Fire Chief Mark Brackenbury or his designee, Police Chief Donald Rossi or his designee and Office of Emergency Management Coordinator Mark Savino or his designee was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried by a roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Lazar, Downing, Worthington

ABSTAIN: Knoller, Tripodi

VI. MINUTES FOR APPROVAL

- Regular Meeting Minutes of August 16, 2016
- Closed Session Meeting Minutes of August 16, 2016

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of August 16, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried unanimously.

VII. FINANCIAL BUSINESS

- Resolution No. 224-16 Bill List

☞ **Motion** to approve Resolution No. 224-16 Bill List was **moved** by Councilman Worthington, **seconded** by Councilman Downing and carried by a roll call vote of 5-0.

RC: Council members:

YES: Lazar, Downing, Knoller, Tripodi, Worthington

ABSTAIN: DiPaola

Councilwoman DiPaola requested that the process of signing vouchers and voting on the Bill List be reviewed so that the vouchers could be considered at one meeting and approved at a subsequent meeting. Mr. Hoffmann said the process would be reviewed.

VIII. UNFINISHED BUSINESS

- Kinderkamack Road – lighting decision – Mr. Hoffmann continued the discussion first brought up at the previous meeting regarding the choice of lighting fixtures for the Kinderkamack Road streetscape. Borough Engineer Gary Ascolese had been able to locate a different model of the same type of LED fixture at a cost savings of \$500 per lamp. Mr. Ascolese was waiting for the price in writing and also wanted to review the translucent material used in the globes to determine if it would yellow over time. Once a firm cost was determined, they would decide whether to lease or buy the fixtures and whether to go with PSE&G or a private vendor. A decision would be made at the next regular meeting.

IX. NEW BUSINESS

- Contract Renewals:
 - Third party elevator inspection services
 - Tyco Animal Control
 - Atlantic Coast Fiber (2015 with two one year renewal options)
 - Capital Alternatives
 - RFQs: Borough Auditor, Borough Appraiser, Tax Appeal Attorney, Bond Counsel, Risk Manager

Mr. Hoffmann said he was looking towards year end business and discussed contracts that were scheduled to expire at the end of the year.

- Open Space Grant Application due October 13, 2016 – Mr. Hoffmann said he was seeking input from the Governing Body as to what they should apply for. He said a total of about \$130,000 was available for the nine municipalities in the Pascack Valley and noted that last year Emerson had applied for funds for the Community Garden at Centennial Park. Councilwoman DiPaola suggested that the Borough apply for funds to replenish the Shade Tree Commission budget for tree planting. She noted that there were inadequate funds to replace dangerous trees taken down in the parks in the last couple years. A second option was suggested by Councilman Worthington who said the Broadway nature path had been cleaned up several years ago but had since become significantly overgrown. Mr. Hoffmann said he believed the grant could be split between two projects. He stated that a public hearing would take place at the October 4th meeting and a resolution would be adopted to apply for the grant for these two projects at that time.

X. INTRODUCTION OF ORDINANCES

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 20th, 2016 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published by title in the September 9, 2016 edition of the Ridgewood News. He added that this 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.

First Reading:

1533-16 AN ORDINANCE AMENDING CHAPTER 77, POLICE DEPARTMENT, SECTION 8, PROMOTIONS

☞ **Motion** to introduce Ordinance #1533-16 on first 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, Lazar, Downing, Knoller, Tripodi, Worthington

XI. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1530-16 AN ORDINANCE AMENDING CHAPTER 208, PEDDLING AND SOLICITING, OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to table Ordinance 1530-16 for second reading and public hearing until the October 4th Regular Meeting 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, Lazar, Downing, Knoller, Tripodi, Worthington

1531-16 AN ORDINANCE REPEALING AND REPLACING CHAPTER 104 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED, "ALARM SYSTEMS"

☞ **Motion** to table Ordinance 1531-16 for second reading and public hearing until the October 4th Regular Meeting 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, Lazar, Downing, Knoller, Tripodi, Worthington

1532-16 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 216, PROPERTY MAINTENANCE, ARTICLE I. RESIDENTIAL PROPERTY MAINTENANCE, OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance #1532-16 only was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried at 7:57 p.m.

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

☞ **Motion** to close the meeting to comments from the public on Ordinance #1532-16 only was **moved** by Councilman Downing, **seconded** by Councilman Tripodi and carried at 7:57 p.m.

The Governing Body discussed the height of grass that would be considered excessive. The consensus was to change the height considered excessive from 9 inches to 7 inches.

☞ **Motion** to adopt Ordinance #1532-16 on second reading was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried by a roll call vote of 5-1.

RC: Council members:

YES: DiPaola, Lazar, Downing, Tripodi, Worthington

NO: Knoller

XII. REPORTS

- Borough Administrator Robert Hoffmann reported on the following;
 - Lead testing on drinking water had been performed over the past several months. Emerson public schools had found a couple issues which were fixed. Suez Water Company had performed the testing for water coming into the Borough buildings and the results were normal. A second round of tests found lead in the Fire Department kitchen sink which was due to an old brass and lead faucet. This was replaced and the Borough now had a clean bill of health.
 - The Borough's garbage and recycling contract would expire at the end of the year. The Borough was going out to bid in a shared service agreement with the Borough of Oradell. The bids would be opened on November 3rd at 10 a.m. in Oradell.
 - Road paving was proceeding with adequate funds to include Pershing Street.
 - The Cop Camp Out sponsored by the Emerson Community Policing Unit was a wonderful event and a unique and happy experience. The Governing Body agreed and also said it was a great and moving event. They also praised the Community Policing Unit for doing a great job.
 - The Kinderkamack Road improvement project was underway. He said there was a unique opportunity to work with New Jersey Transit to move the southbound train stop which presently blocked Kinderkamack Road and Linwood Avenue. He said there was enough track to stop the train and not block the roads. New Jersey transit was open to the discussion and he would follow up with them on this item. The Governing Body consensus was to move forward with this plan. In addition test pits would be dug on Kinderkamack Road and Linwood Avenue the following day. He discussed multiple telephone lines, two of which were encased in lead jackets. This would cause the drainage plan to be altered.

- Hasbrouck Avenue would be milled and paved by PSE&G during the week.
- Over the last couple days, commuters who normally parked on Emerson Plaza East were not able to park there because the contractor had placed equipment at that location. The contractor would rectify the situation by moving the equipment out of that location to restore commuter parking.
- He said it was nice to see Mr. Spataro, who had suffered a loss, at the meeting.

XIII. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Council President Knoller, **seconded** by Councilwoman DiPaola and carried at 8:30 p.m.

Ron Kayan, 18 Clinton Street commented on the fireworks display that had been part of the June 12th Town Day and said the wind speed caused debris to rain down on his house. He said he feared his home would catch fire and appealed to the Governing Body to relocate the venue next year.

Ken Hoffman, 61 Emwood Drive addressed the issue of removal of trees as a result of the Kinderkamack Road improvements. He noted that the Shade Tree Commission should be consulted before trees were taken down.

Todd Slepian, 59 Jefferson Avenue asked about plans for commuters when New Jersey Transit interrupts train service for Kinderkamack Road improvements. He also noticed trees missing in parks and around Borough Hall and asked when they would be replaced.

Maria Buchert, 31 Orchard Avenue asked about the status of the spruce tree on Kinderkamack Road on behalf of her Girl Scout troop. She requested that alternate plans be considered in order to save the tree.

Toni Plantamura, Dairy Queen owner at 13 Kinderkamack Road said she was concerned as a business owner about the Kinderkamack Road improvement project. She said a meeting should be held with business owners once a month and said they suffered economic hardship when customers were unable to reach their places of business.

Ken Hoffman, 61 Emwood Drive read from a statute about the powers of the Shade Tree Commission.

Seeing no more 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 Councilman Lazar, **seconded** by Council President Knoller and carried at 9:30 p.m.

XIV. RESOLUTIONS ON CONSENT AGENDA NO. 225-16

Councilman Tripodi asked to pull CA 231-16 Block Party Approval - Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street on Saturday, September 10th from 1:30 to 10:00 p.m. from the Consent Agenda for a separate vote.

☞ **Motion** to approve Consent Agenda No. 225-16 without CA 231-16 Block Party Approval - Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street on Saturday, September 10th from 1:30 to 10:00 p.m. was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0.

RC: Council members:

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

☞ **Motion** to approve Consent Agenda item CA 231-16 Block Party Approval - Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street on Saturday, September 10th from 1:30 to 10:00 p.m. only 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, Downing, Knoller, Worthington

ABSTAIN: Tripodi

- Ca 226-16 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 \$4,516,665 Bond Anticipation Note, Dated August 26, 2016 And Payable August 25, 2017, As A "Qualified Tax-Exempt Obligation" Pursuant To Section 265(B)(3) Of The Internal Revenue Code Of 1986, As Amended.
- Ca 227-16 A Resolution To Affirm The Borough of Emerson's Civil Rights Policy With Respect To All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, And Members Of The Public That Come Into Contact With Municipal Employees, Officials And Volunteers
- Ca 228-16 Refund of Tax Overpayments - 3rd Quarter 2016
- Ca 229-16 Form of Resolution Requesting Change in Title, Text, or Amount of Appropriation Pursuant To NJS 40A:4-85
- Ca 230-16 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87 in the sum of \$9,876.00 is hereby appropriated for Municipal Alliance on Alcoholism and Drug Abuse
- Ca 231-16 Block Party Approval - Washington Avenue between Colonial Road and Revere Avenue and Lexington Avenue between Washington Avenue and Hancock Street on Saturday, September 10th from 1:30 to 10:00 p.m.
- Ca 232-16 Amend Bus Stops on Municipal and County Roads
- Ca 233-16 Approve grant application for Open Space due October 13th
- Ca 234-16 Authorize issuance of RFQ's for Borough Auditor, Borough Appraiser, Tax Appeal Attorney, Bond Counsel and Risk Manager for CY 2017
- Ca 235-16 Confirm Endorsement of Community Development Senior Citizen Activity Grant in the Amount of \$6,000

XV. CLOSED EXECUTIVE SESSION - Resolution No. 236-16

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 236-16 was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried by a roll call vote of 6-0 at 9:32 p.m.

RC: Council members:

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

#16-09/06-23	Litigation – Just Pups	N.J.S.A. 10:4-7
#16-09/06-24	Litigation – Tax Liens	N.J.S.A. 10:4-7
#16-09/06-25	Property Negotiations B610 L1	N.J.S.A. 10:4-5

XVI. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Lazar, **seconded** by Council President Knoller and carried at 10:17 p.m.

☞ **Motion** to authorize the Borough Attorney to request a thirty day extension on the Just Pups amended complaint and if not granted then to file an answer to the amended complaint 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, Lazar, Downing, Knoller, Tripodi, Worthington

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 Councilman Lazar and carried at 10:17 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk