



**MAYOR AND COUNCIL MINUTES**  
**Regular Meeting**  
**Tuesday, April 7, 2009**  
**7:30 P.M.**  
**EXECUTIVE (CLOSED) SESSION-7:30PM-8:15PM**  
**BOROUGH HALL COUNCIL CHAMBERS**  
Municipal Place  
Emerson, NJ 07630

**Call to Order**

Mayor Lamatina called the meeting to order at 7:43 pm. Mr. Joseph Scarpa led the salute to the flag followed by a moment of silence at the request of the Mayor.

**O.P.M.A. Statement**

Mayor Lamatina read the Sunshine Statement announcing that the meeting of April 7, 2009 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, that the meeting was included in the Annual Meeting Notice Resolution sent to the Bergen Record and Ridgewood News and advertised in said newspapers; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice was on file in the Office of the Municipal Clerk and had been available to the public since its approval by the governing body.

**Roll Call:**

Mayor Louis J. Lamatina-Present  
Councilman Steven Bair -Present  
Councilman Browne - Absent  
Councilman Heyer-Present  
Council President Hoffman-Present  
Councilman Lazar - Present  
Councilman Loffredo - Present

Also present were Carol Dray, Borough Clerk, Phil Boggia, Borough Attorney, and Joseph Scarpa, Business Administrator.

**6. CLOSED SESSION RESOLUTION No. 80-09**

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 80-09 was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried by roll call vote.

**RC: Council members:**

**Lazar-Yes**

**Loffredo-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

#09-4/07-13 Personnel-Salary Ordinance Discussion

#09-4/07-14 Litigation- Savino v. Borough of Emerson

**7. RECONVENE**

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried.

**8. PROCLAMATIONS**

*National Start Walking Day – April 8, 2009*

Mayor Lamatina declared April 8<sup>th</sup>, 2009 National Start Walking Day in the Borough of Emerson.

**9. APPOINTMENTS**

Councilman Hoffman noted that the Historic Preservation ordinance was passed last year and that it had taken some time to find the right people for the positions. He added that he looked forward to the group getting together and added that they had quite a lot of work to do, specifically surveying the town and getting information on the old buildings. He finished by noting that Emerson's history should be recognized and preserved.

Mayor Lamatina announced the following appointments effective immediately:

**Historic Preservation Commission**

Class C – 4 Year term effective immediately

Scott Voorhees

Elizabeth Craig

Class C – 3 Year Term effective immediately  
William Frost  
Steve Frassa

Class C – 2 year Term effective immediately  
Ed Caputo

Class B – 1 Year Term effective immediately  
Bill Wassmann

## 10. NEW BUSINESS

a) “green’ing’ of the Zoning Code building requirements – Mayor Lamatina explained that the country was going in the direction of “green” construction and that he wanted Emerson to go that way as well. He explained that if the Council agreed, he wanted to look into changing the Borough’s zoning codes. The Mayor discussed whether the standards would be optional or required and suggested requiring it for commercial development, but not for residential. He mentioned that the PNC building was an example of ‘green’ building practices and also discussed giving homeowners a tax break if they incorporated ‘green’ construction practices. Mr. Scarpa disagreed, noting that tax breaks were usually granted to encourage new residents, not subsidize private improvements to current residents. Councilman Lazar agreed with Mr. Scarpa, noting that tax breaks would be difficult and expensive. The Mayor asked Mr. Scarpa to check with the League of Municipalities to check for model ordinances. He closed by saying that he and Councilman Heyer would work to get the ordinance together.

b) Transit Village Grant – Postponed until April 14<sup>th</sup>. The Mayor explained that there was a pool of money that went to approximately 20 New Jersey towns that had been designated transit villages. However, there were affordable housing issues that might need to be researched before applying for this grant.

c) Smart Growth Implementation Assistance –Mayor Lamatina stated that Councilman Browne was gathering information about grants the Borough should apply for.

d) Construction Department Penalty Fund Spending – Councilman Heyer explained that Construction Official Mike Sartori had discussed the dedicated penalty funds collected by the Building Department and suggested uses for these funds. Among Mr. Sartori’s suggestions were purchasing carbon monoxide detectors for temporary usage by residents who had experienced a gas leak in the middle of the night, and purchasing shirts with an Emerson logo on them so that residents could identify all Construction Department employees who visited homes. Councilman Heyer asked for feedback on Mr. Sartori’s ideas from the

Mayor and Council. Councilman Lazar suggested that these fees be used to purchase necessary items, eliminating the need to spend Borough funds. It was the general consensus of the Council to support Mr. Sartori's request and he was given authorization to move forward.

e) Amending Chapter 140 - Dogs and Other Animals – Mr. Scarpa explained that this amendment was initiated based on a resident's complaint. Mr. Scarpa mentioned that the current ordinance was vague, and that Hackensack's ordinance, brought to his attention by Health Inspector Dan Levy, was more specific. Council President Hoffman noted that making it more specific would hopefully make it more enforceable. Mayor Lamatina stated that he was in favor of the amendment and asked to have it added to the April 14<sup>th</sup> Agenda.

f) Construction Dumpster Discussion – Mayor Lamatina explained that Councilman Browne was looking to regulate commercial dumpsters based on concerns about overflow as well as setting a time limit for the use of PODS on a property. The consensus was to discuss this at the next meeting.

## 11. OLD BUSINESS

### a) **ORDINANCE PUBLIC HEARING - 1369-09 WAIVER TO EXCEED THE CAP – Public Hearing**

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried.

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

☞ **Motion** to close the meeting to public comment on this topic only was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1369-09 on second reading was **moved** by Councilman Bair, **seconded** by Councilman Heyer and carried by roll call vote.

#### **RC: Council members:**

**Lazar-Yes**

**Loffredo-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

b) Signal Outdoor – Mr. Scarpa explained Signal Outdoor was a business that supplied bus shelters that displayed advertising. In addition, they would also take over maintenance of the bus stops. Mr. Scarpa estimated that the company would supply three structures which would replace existing shelters. Councilman Lazar recommended that the Governing Body approve the

advertising to avoid distasteful ads and suggested placing a bus shelter by the nursing home on Kinderkamack Road in an effort to encourage the use of mass transit. Councilman Hoffman expressed concern about the appearance of the shelters with advertising, indicating that it would give an urban look to the borough. He questioned whether it was worth the small amount of revenue that would be generated. Mr. Scarpa explained that saving on costly maintenance and repairs was even more important than the revenue. Councilman Bair also noted that the Borough should be careful about the appearance of bus shelters with advertising. After the discussion, it was the general consensus of the Council to move forward in exploring this service. Mr. Scarpa stated that he would obtain a final contract proposal that would detail the style of the shelters and the types of advertising allowed.

- c) Suggested Minimum fines for Borough Code Violations – Ms. Dray noted paperwork was being gathered to set up a fee schedule in preparation of its introduction. The Mayor explained that this ordinance would save court time by allowing people to pay the fine instead of appearing before the Judge. The Governing Body discussed the fee schedule and Mayor Lamatina asked for it to be placed on the April 14<sup>th</sup> Agenda for first reading.

## 12. PUBLIC COMMENT

Before opening the meeting for comments from the public, Mayor Lamatina reminded everyone to turn off their cell phones, keep their comments as brief as possible and try to limit them only to governmental issues of concern to an Emerson resident. He further requested that if a subject matter was addressed and answered, to please refrain from repeating it unless they had something new to contribute. A five-minute rule was in effect for each speaker at the discretion of the Council. Mayor Lamatina asked that everyone do their part to be civil, to the point and respectful of another's point of view and opinion. He further warned that speaking out without recognition would not be tolerated and a second warning could result in removal from the Council Chambers.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilman Loffredo, **seconded** by Council President Hoffman and carried at 9:00 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 Councilman Heyer, **seconded** by Councilman Loffredo and carried at 9:01 p.m.

**13. CONSENT AGENDA-Resolution No. 81-09**

☞ **Motion** to approve Consent Agenda Resolution No. 81-09 was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

**Lazar-Yes**

**Loffredo-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

Ca 82-09 Person to Person Liquor License transfer – # 0214-33-001-005 formerly operating as “Arthur’s” to Gregory Kyritis and Theocharis Philippou

Ca 83-09 Amending On-Line Auction Resolution to include certain public property

Ca 84-09 Affirm the Model Civil Rights Resolution

Ca 85-09 Approve Tax Appeal Settlement – 436 Old Hook Road, Block 1101, Lot 5.04 in the sum of \$10,532.24

Ca 86-09 Approve the Utilization of an Alternate Method of Calculating the Reserve for Uncollected Taxes (RUT)

Ca 87-09 Local Government Energy Audit

Ca 88-09 Approving the Use of the Borough of Emerson Police Department as Traffic Directors for DOT Train Preemption for Traffic Signals North II

Ca 89-09 Authorize Mayor Lamatina to execute the agreement between the Borough of Emerson and Grasse Equipment Company, 432 Grove Street, Glen Rock, NJ 07452 General Sweeper and Chassis for \$182,500

Ca 90-09 Application to the Local Finance Board for Reduced Pension Contribution (Deferral)

**16. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 9:01 p.m.

Carol Dray, RMC, CMC

April 16, 2009

(Proofed 04/21/09, cd)