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**MAYOR AND COUNCIL MINUTES
SPECIAL MEETING**

Tuesday, May 8, 2007
7:30 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:31p.m. The salute to the flag was followed by moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that this Special Meeting of May 8, 2007 was adequately noticed and in compliance to the to the provisions of the Open Public Meetings Law. Further, that notice of the meeting was faxed to the Bergen Record and Ridgewood News on May 4, 2007 and had remained continuously posted as the required notices under the Statute.

In addition, a copy of this notice is on file in the Office of the Municipal Clerk and has been available to the public since its approval by the governing body.

Roll Call:

Mayor Louis J. Lamatina-Present
Councilwoman Marcia DeSalvo-Present
Councilman Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Council President Loffredo-Absent
Councilman Francis P. Milone, Jr.-Absent
Councilman Brian Todd-Absent

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

6. NEW BUSINESS

a) Redevelopment: Presentations/Council Discussion

Mayor Lamatina explained that the special meeting had been called for the purpose of pointed discussion and evaluation of the presentations by

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the three developers prior to the appointment of a redeveloper for the project at the next meeting of the Mayor and Council on May 15th.

Mayor Lamatina began by polling the Council members who were present if they had had any prior dealings with any of the developers who presented their request for proposals for the Redevelopment that might be construed as a conflict of interest.

All the members present, including Mayor Lamatina, denied ever having had any prior dealings with any of the developers.

Councilwoman DeSalvo commented first about her perception and opinion in regard to the three separate developers including their references from previous projects. Since her impression was positive for all the developers, the decision, in her opinion, now came down to what it was exactly that the town expected to gain from the Redevelopment and which developer they thought would come as close to maintaining the vision they had for the town.

Councilman Hoffman's priority was to base his decision on what was best for Emerson but he was concerned because he felt as though he would be making that decision in the dark by the lack of interest or input by the residents.

Mayor Lamatina interpreted the public's lack of attendance at the meetings to be a sign of their trust and confidence in the Council to make the right decision rather than apathy on their part. However, Councilman Hoffman argued that opposition would mount as the reality set in that the Redevelopment was actually going forward and more key decisions would likely need to be made; especially the logistics of relocating businesses.

Mayor Lamatina was in contact with the County for any of their general comments or recommendations about the Redevelopment.

Councilman Heyer was happy that it appeared that the Redevelopment would finally be a reality in his lifetime and felt that it had to happen. But he did share his one concern with Councilman Hoffman; that Emerson not lose its small downtown flavor. He added that the project would be closely monitored and be under constant scrutiny so that the project would not take on a life of its own adding that it should be a gradual, positive progression.

Mayor Lamatina added that if a developer should deviate from the Redevelopment Plan they would be required to justify and validate their request and receive approval prior to any change in the plan.

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Mr. Boggia outlined the next steps after the appointment of the redeveloper. The plan set forth the criteria that had to be followed and an agreement would stipulate new criteria including the possibility of the developer's contribution toward a new municipal building as a component of the Redevelopment. All those factors would be negotiated and taken into consideration and become part of the Redeveloper's Agreement and all parties would perform their due diligence to secure a firm financial commitment. The goal was to make the project an overall positive experience and the borough would learn from others who had gone through it. After the selection on the 15th, negotiations would take place followed by a letter of intent between the borough and the selected or 'preferred' developer.

Mayor Lamatina and Mr. Scarpa had spoken to the Kuiken Brothers' architect/engineer who indicated that they intended to redevelop their site in accordance with the redevelopment plan. The engineer had requested that they be granted the ability to come in and present their plan informally. It was agreed that their request would be further discussed in closed session for legal reasons since the deadline for the submission of a proposal had passed.

7. PUBLIC COMMENT

In the interest of time, speakers are limited to five (5) minutes. Speakers with a prepared statement should provide eight (8) copies for the Council.

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 ejection from the council chambers.

Motion to open the meeting for comments from the public was moved by Councilman Heyer, seconded by Councilman Hoffman and carried unanimously.

Alex Adler, Palisades Park, of the Citizens Campaign for Pay to Play Legislation applauded the governing body for adopting local legislation but indicated that there may be a loophole in the local ordinance. The

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Council was content with what they had drafted after an explanation from the borough attorney.

Mark Orecchio, 78 Karen La., had concerns that the developer might deviate from the Redevelopment Plan. Mr. Boggia explained that any deviation from the plan would require a variance but financial hardship on the developer's part would not be a not a justifiable reason. However, creative deviations for the benefit of the borough might be but, ultimately, it would be the Planning Board's call to hear and decide. The borough would be entering into a contract with the developer and there would be consequences should they default. Mr. Boggia surmised that there would be a certain amount of reasonable give and take; and issues would come up along the way as in any relationship.

Mr. Orecchio supported having just one developer. Mayor Lamatina explained that the Redeveloper's agreement would be a very detailed legal contract that Mr. Boggia had experience preparing.

Keith Della Volpe, 73 Union St., was curious about why the construction had stopped at the shopping center and if the soil he had acquired without a permit from the shopping center to fill his pool was tainted as he heard that it might be along with a gas station in the Redevelopment area. Mayor Lamatina dispelled any rumors about why the work had discontinued at the shopping center. Mr. Scarpa explained that contaminated soil on private property was not under the municipality's purview but obtaining permits to move soil within the town was. However, he agreed to call the shopping center's representative to discuss the situation at the suggestion of Mayor Lamatina.

Dr. Bair, 105 Longview Dr., advised the governing body to trust the plan developed by one of the best planners, Mr. Burgis, in the state because it was not just for the residents today but for a generation to come. He also did not support using multiple developers. He preferred doing all that could be done at once instead of breaking the project down into phases. In his opinion, a beautiful downtown would not harm the character of the town. He offered his services to the Mayor and Council should they need them.

Onik Davitin, Sunoco Gas station, had just heard about the RFP and had plans that he wanted to present to the governing body to improve his property himself. Mayor Lamatina replied that the RFP had been adequately noticed and they would consider his request in closed session.

Seeing no more hands, Councilman Heyer moved and Councilwoman DeSalvo seconded to close the meeting for comments from the public and was carried unanimously.

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8. CLOSED SESSION-Resolution No. 95-07

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 95-07 was moved by Councilman Heyer, seconded by Council Hoffman and was carried unanimously.

#07-5/18 Personnel: Redevelopers

8. RECONVENE

Motion to reconvene was moved, seconded and carried unanimously.

a) Architectural Study for a New Borough Hall

Motion to authorize the Borough Administrator to find out what it would cost to hire an architect to prepare a professional study for the cost of a new borough hall was moved by Councilman Hoffman, seconded by Councilman Heyer and carried unanimously on roll call vote.

RC: Council members:

DeSalvo-yes

Heyer-yes

Hoffman-yes

9. ADJOURNMENT

With no more business to discuss, Councilman Heyer moved and Councilman Hoffman seconded a motion to adjourn at 10:00 p.m.

Carol Dray, RMC/CMC

August 1, 2007