



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
SEPTEMBER 1st, 2009
7:30 P.M.



Call to Order

Mayor Lamatina called the meeting to order at 7:42 pm. Mr. Ralph Spataro led the salute to the flag followed by a moment of silence in remembrance of the late Senator Ted Kennedy at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of September 1st, 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 - Present
Councilman Heyer-Absent
Council President Hoffman-Present
Councilman Lazar - Present
Councilman Loffredo - Present

Also present were Deputy Clerk Jane Dietsche substituting for Borough Clerk Carol Dray, Phil Boggia, Borough Attorney, and Joseph Scarpa, Business Administrator.

I. UNFINISHED BUSINESS

- Lincoln Blvd. home/Gregory T's – Councilman Browne explained that he had added this to the agenda based on an email from a resident who stated that the building was hazardous. The Mayor explained that there was a verbal agreement with Mr. Polidoro for him to take the building down in exchange for three parking spaces at the newly created parking lot at that location. Mr. Polidoro would be coming before the Planning Board on September 17th. The approval would be conditioned on him taking the building down. The Mayor added that it would only require a .7 parking spot variance.

Councilman Lazar asked if the Borough had heard from the Puddingstone Group. Mayor Lamatina explained that he had sent them an email two weeks ago and did not hear back. He requested that Ms. Dietsche draft a formal letter to them to see what was going on.

- Audit services – PBA Negotiations – Mr. Scarpa stated that the Governing Body had authorized expenditures up to \$5000.00 for Mr. Higgins to do financial work for the arbitration hearing and that this dollar amount had been reached. He explained that work was continuing and asked if an additional \$1000.00 could be authorized. Mr. Scarpa noted that the money would come out of the legal money that was part of the arbitration hearing. Councilman Loffredo said that Mr. Higgins was doing an excellent job and that their experience was very valuable for Mr. Boggia and Mr. Scarpa.

☞ **Motion** to authorize another \$1,000.00 for auditing services associated with PBA negotiations was **moved** by Councilman Lazar, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

II. NEW BUSINESS

- Emerson Train Station – Council President Hoffman stated that he had become aware that the train station lost its tenant, the Cookie Cupboard. He was curious about the fact that most of the surrounding towns in the Pascack Valley either own or have use of their train station, except for Emerson. He thought this might be an opportunity to look into gaining some use of the building, mentioning Westwood's station as an example. He thought it would be a nice place for a museum or an archive and added that Mr. Scarpa had looked into other town's use of their stations. Mr. Scarpa provided some detail on other towns' use of their facility. Councilman Browne stated that Demarest had received about \$980,000.00 in municipal grants for their station and detailed a federal grant program that targeted historical transportation sites. He added that this was something to look into because it would preserve and enhance the station. Councilman Browne and Council President Hoffman discussed renting part of the station to a vendor as a coffee shop and using the rest as an historical museum/archive. Mayor Lamatina stated that the Borough should seize this opportunity to use the building. Mr. Scarpa said that Mr. DelColle of New Jersey Transit would look into it. Councilman Lazar emphasized that this should be pursued and would help promote mass transit. Councilman Browne added that some historical societies take care of their stations, referencing the program as 'Adopt a Station', where they do tree plantings. He noted that it was one of the few historical spots left in Emerson. Mr. Scarpa said that he would send a letter to New Jersey Transit on this issue.

- Pre-approval of Borough newsletter/mailers – Council President Hoffman requested that a draft copy of any newsletters or mailers be distributed to the entire Governing Body for their review before publication for the rest of the year. Mr. Scarpa agreed, but mentioned the tight time frame and requested that the Governing Body look at it the same day. In the interest of time, Mr. Scarpa agreed to send any proposed articles to them as they were submitted to him. He added that he would also send the final draft of the newsletter to them when he received it.
- 2010 Community Development Project – Mr. Scarpa explained that the grant application was due October 3rd. He added that because of Emerson’s income bracket, it qualified for two Community Development Grants – things related to Senior Citizens and ADA related items. Since the Borough had upgraded all its ADA items, he would use this grant for a chair lift in the Firehouse and a new roof for the Senior Citizen Center. The Governing Body agreed by consensus to apply for the grant for those items.

Councilman Lazar remarked that PSE&G was doing an energy audit in Bergenfield where they made recommendations for upgrades and would pay the Borough for these items. He asked Mr. Scarpa to call PSE&G to follow up on this. Councilman Browne said that he thought that it capped off at \$1000.00.

- Deputy Court Administrator – Mr. Scarpa stated that the Deputy Court Administrator had resigned on September 11th to change careers. He said that the Court was in pretty good shape with the changes they made and that the position could now become part time. He asked for authorization to advertise for the position. Councilman Lazar emphasized that the Deputy Court Administrator was very instrumental in bringing about the changes and doing what needed to be done. Mr. Scarpa agreed, noting that the Court Administrator did so also. He said that it had been in pretty bad shape and that it was now in good shape. Mr. Scarpa said that he had spoken with the Court Administrator, Craig Ferdinand, and that he was in agreement to make the position part time. The Governing Body agreed to Mr. Scarpa’s plan.

III. ORDINANCES

Second Reading and Public Hearing:

1383-09 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON, ENTITLED “DEVELOPER’S FEES” TO CONFORM WITH THE COUNCIL ON AFFORDABLE HOUSING’S RECENTLY ADOPTED THIRD ROUND REGULATIONS

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

☞ **Motion** to adopt Ordinance #1383-09 on second reading was **moved** by Councilman Loffredo, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Bair-Yes

1384-09 AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING EMERSON'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

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

☞ **Motion** to adopt Ordinance #1384-09 on second reading was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Bair-Yes

1385-09 AN ORDINANCE AMENDING THE CODE OF EMERSON CHAPTER 222 ENTITLED RECYCLING § 222-13 TITLED MANDATORY SEPARATION AND CHAPTER § 222-17 TITLED VIOLATIONS AND PENALTIES

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

☞ **Motion** to adopt Ordinance #1385-09 on second reading was **moved** by Councilman Loffredo, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Bair-Yes

1386-09 BOND ORDINANCE AMENDING SECTIONS 3 AND 4 OF BOND ORDINANCE NO. 1348-08 ADOPTED APRIL 15, 2008 TO AMEND THE DESCRIPTION OF PROJECTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY

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

☞ **Motion** to adopt Ordinance #1386-09 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

- Browne-Yes**
- Lazar-Yes**
- Loffredo-Yes**
- Hoffman-Yes**
- Bair-Yes**

1387-09 ORDINANCE CANCELING APPROPRIATIONS IN THE AMOUNT OF \$237,146.73 FROM PREVIOUSLY ADOPTED BOND ORDINANCES AND DETERMINING THAT SAID APPROPRIATIONS, INCLUDING BOND PROCEEDS, ARE NO LONGER NEEDED FOR THE PURPOSES SET FORTH IN SAID ORDINANCES AND TRANSFERRING SAID AMOUNT TO THE CAPITAL SURPLUS FUND AND APPROPRIATING \$237,146.73 FROM THE CAPITAL SURPLUS FUND OF THE BOROUGH FOR THE COST FOR THE IMPROVEMENTS HEREIN AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY.

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

☞ **Motion** to adopt Ordinance #1387-09 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

- Browne-Yes**
- Lazar-Yes**
- Loffredo-Yes**
- Hoffman-Yes**
- Bair-Yes**

IV. ADMINISTRATOR'S REPORT

- Mr. Scarpa noted that JIF required motor vehicle record checks on employees and volunteers. He said that the Police Department did conduct this check and everything was fine and would be sent to the JIF.

Mayor Lamatina asked the status of doing fingerprint checks for coaches and volunteers. Mr. Scarpa said that the Borough should come up with a policy and enact it by ordinance, adding that it was a budget issue. The cost would depend on who was covered in the ordinance. Mayor Lamatina asked about budgeting it for in 2010. Mr. Scarpa said that the cost would be at least several thousand dollars. The Mayor asked that this topic be put on the next agenda as new business and gather facts, cost and discuss formally. Mr. Scarpa said that he would send out some sample ordinances for the Governing Body to consider. Councilman Loffredo commented that the Recreation Commission was in favor of doing this.

- Mr. Scarpa said that the Tax Assessor needed to do some more assessment work, getting values of some commercial properties. He sent out three proposals, and received one back from Mr. Robert McNerney for \$4250.00 for ten properties. Mayor Lamatina said that Mr. McNerney had been the Borough's professional since the 1990's but Mr. Scarpa explained that he liked to get price quotes on things.

☞ **Motion** to permit licensed appraiser Robert McNerney to appraise ten properties not to exceed \$4250 was **moved** by Councilman Loffredo, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

- Mr. Scarpa said that he had solicited for price quotes for leaf bags. One company bid was less than last year's bid. The current bid low bid was \$285 per a thousand bags through a company named Pabco. The Council questioned Mr. Scarpa on the DPW running out of bags, and Mr. Scarpa explained that there was a certain budget and that they get what they could within the budget, usually ordering about 42,000 bags. He added that this was a courtesy for the town and that the Borough does not have to do it. The Governing Body agreed that this system was safe, environmentally friendly and cost efficient.

☞ **Motion** to hire Pabco for leaf bags at the price of \$285.00 per thousand was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried.

- Mr. Scarpa said that the Construction Official utilize our own Sub code Official to inspect the elevators in town. Presently the State does it and collects a fee. He asked for a consensus to post the position to do it internally. He added that someone on staff may be able to do it. The Council agreed.

- He provided an update on the Longview, Hill and Ross project, stating that they were working diligently and should be finished in a couple weeks. He added that they were doing a good job and came in at a very good price.
- He said that the fire escape at Borough Hall and the Fire House needed replacement or repair and that he was getting specs together and would talk to the Engineer and Architect. The money would come from the evening's bond revision. Councilman Lazar stated that the fire escapes had a lot of structural defects from rust, corrosion and deterioration and that they definitely had to be addressed as soon as possible.

V. 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 8:30 p.m.

Susan McDonald, 18 Marianna Place described the deteriorating conditions at 12 Marianna Place and commented that her property values were brought down by this. The Mayor commented that the Borough would talk with Mr. Boggia about going in and doing some work. Ms. McDonald commended Construction Official Mike Sartori for going to bat for them. Councilman Lazar stated that the Borough had to follow the law which would take time. He added that they were working hard, but must not violate anyone's rights.

Karen McDonald, 8 Marianna Place stated that the chimney at 12 Marianna was not properly capped. She referenced the mold report and said that the situation was disgusting. Ms. McDonald referenced Mr. Sartori's comment that the house was a fire hazard to first responders and that it put the Police, Fire Department, residents and the DeMarco family in jeopardy. The Council's sentiment was to move forward on resolving this situation which was to be discussed in that evening's Closed Session.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried at 8:50 p.m.

VI. RESOLUTIONS ON CONSENT AGENDA NO. 176-09

☞ **Motion** to approve the Consent Agenda Resolution No. 176-09 was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

- Ca 177-09 COAH Municipal Housing Liaison – Joseph Scarpa
- Ca 178-09 Corrective Action Plan – Audit ending December 31, 2008
- Ca 179-09 Renewal of Precious Metal and Gold License – Avo’s Elegant Jewelry Inc.

VII. CLOSED EXECUTIVE SESSION - Resolution No. 180-09

☛ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 180-09 was **moved** by Councilman Loffredo, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

- #09-9/1-35 12 Marianna Place - Litigation N.J.S.A. 10:4-12-7
- #09-9/1-36 DPW- Personnel N.J.S.A. 10:4-12-8
- #09-9/1-37 Police Negotiations N.J.S.A. 10:4-12-4
- #09-9/1-38 Police Personnel N.J.S.A. 10:4-12-8

VIII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilman Lazar, **seconded** by Councilman Loffredo and carried at 9:50 p.m.

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Lazar **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 9:50 p.m.

Carol Dray, RMC/CMC/CMR

September 14, 2009