



MAYOR AND COUNCIL MINUTES
Regular Meeting
Tuesday, March 3, 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 7:35 pm. Mr. Thomas Callagee 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 March 3rd, 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-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. 60-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 60-09 was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

#09-3/3-9 Litigation-Hillman Field Project

#09-3/3-10 Negotiations – Police Department

7. RECONVENE-8:15 p.m.

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried.

8. APPOINTMENTS

a) Police Department – Patrolman Ryan Sokerka

Mayor Lamatina performed the swearing in ceremony of Patrolman Ryan Sokerka in the presence of his family and Police Chief Michael Saudino. Chief Saudino thanked the Governing Body for selecting Patrolman Sokerka as the newest member of the Police Department. He remarked that he was a perfect fit for the department-that he was very community minded and was anxious to participate in community Police events. He wished him luck and welcomed him to the Emerson Police Department. Patrolman Sokerka thanked the Governing Body and the Chief for giving him the opportunity to serve the people of Emerson, thanked his family for supporting him through the academy training process, and concluded by stating that he was looking forward to starting a new chapter in his life in Emerson. The audience responded with a round of applause.

b) Zoning Board of Adjustment

I. Alternate I Daniel Sheehan for the unexpired term ending 12/31/10

☞ **Motion** to appoint Mr. Daniel Sheehan as Alternate I for the Zoning Board of Adjustment for the unexpired term ending December 31st, 2010 was **moved** by Councilman Lazar, **seconded** by Councilman Heyer and carried.

II. Thomas Monahan – Alternate II for the unexpired term ending 12/31/09

☞ **Motion** to appoint Mr. Thomas Monahan as Alternate II for the Zoning Board of Adjustment for the unexpired term ending December 31st, 2009 was **moved** by Council President Hoffman, **seconded** by Councilman Lazar and carried.

c) Recreation Commission – Alternate II – David Rector for the unexpired term ending 12/31/12

☞ **Motion** to appoint Mr. David Rector as Alternate II to the Recreation Commission for the unexpired term ending December 31st, 2012 was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried.

9. NEW BUSINESS

FINANCE REPORT- 2009 MUNICIPAL BUDGET/Borough Auditor & CFO/Treasurer

Mr. Scarpa stated that there had been numerous budget meetings between the CFO, Auditor, Finance Chair John Lazar and himself. He stated that the preliminary budget presented was under the spending cap, but over the tax cap by \$275,000 with an increase of about five tax points representing about a \$250 increase on the average house in town. CFO/Treasurer Catherine Henderson explained the two different types of spending caps. Councilman Lazar added that they had tried to come up with a realistic budget that would not negatively affect the following years' budget. Mr. Scarpa discussed the waiver (inaudible). Mayor Lamatina conferred with Borough Auditor Gary Higgins about the fact that the Borough was over the tax cap and under the spending cap. The Mayor said that while he was in Trenton, Governor Corzine stated that he was discouraging waivers. Mr. Higgins explained that it was a bare bones budget and a glitch in the tax formula and levy were causing a state-wide problem. Councilman Loffredo asked Mr. Higgins if the Governor had asked for the foregoing of pension contributions as a way to force towns to reduce their tax levy. Mr. Higgins responded that it would solve some problems this year, but for all the wrong reasons. Councilman Loffredo labeled it a political Ponzi scheme and emphasized that he would personally not vote for a budget that would not fully pay for the Borough pension this year. Mr. Higgins said that Trenton would not approve the budget if the pension reduction was not taken advantage of. Mr. Higgins warned that if the Borough does not utilize the pension reduction as part of the tax levy, Trenton could eventually set the town's budget. He recommended holding everything off until after March 16th and introducing the budget on March 17th in response to a very difficult situation. He emphasized that Emerson, like the other five hundred plus communities in New Jersey, was in financial gridlock because of this bill. The Governing Body and Mr. Higgins moved on to an in depth discussion of surplus revenue, revenue shortfalls, excess appropriations from the

prior year and other financial details that were pertinent to the budget discussion. At the conclusion of the discourse, the consensus was to introduce the budget on March 17th. Councilman Lazar thanked Mr. Scarpa and Ms. Henderson for their work putting together the budget, stating that they were qualified and experienced.

10. ORDINANCES-First Reading

1368-09 AN ORDINANCE REPLACING CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "POLICE DEPARTMENT"

☞ **Motion** to introduce Ordinance #1368-09 on first reading was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Mayor Lamatina announced that Ordinance No. 1368-09 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on March 17, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J and published in the March 6, 2009 edition of the Ridgewood News. Ordinance No. 1368-09 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

11. OLD BUSINESS

REDEVELOPMENT

Mayor Lamatina stated that three owners would present plans to redevelop their own properties and would ask for a motion to agree to allow them to redevelop their own properties at the Mayor and Council level. He added that each owner would then need to appear before the Planning Board.

- a) Pudding Stone Group was postponed until March 17th.
- b) Tool Chest – Dr. Mohammed Hashim appeared with his architect and planner, Mr. Martin of Westwood and indicated that he was in negotiations to purchase the PNC Bank property. Mr. Martin presented two sketches of the Tool Chest building on the corner of Emerson Plaza East and Thomas Avenue. He explained that they envisioned two retail spaces on the first floor and two apartments and

an office area on the second level. He also described the proposed parking scheme. Mr. Martin stated that he had discussed the parking requirements and the nature of the retail with Borough Planner Joseph Burgis by phone. He added that they were proposing to improve the façade of the building, perhaps picking up some of the design cues of the Emerson Hotel. Council President Hoffman asked Mayor Lamatina what the Governing Body would be deciding that evening. The Mayor responded that they would be giving the okay to an owner to move forward at that point. An agreement would then need to be prepared at the property owner's cost. He emphasized that everything would be contingent on the Planning Board's agreement. Councilman Browne asked for clarification on when a property would be removed from the Redevelopment zone.

☛ **Motion** to send Tool Chest forward subject to negotiations and execution of a developer's was **moved** by Councilman Heyer, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

c) Sunoco Station – Mr. Davtian stated that he and Dr. Hashim could not currently afford the PNC Bank property. He and Mayor Lamatina discussed his original plans for a convenience store with apartments above. The Mayor referenced the twenty five year deed restriction from the County and previous owner that prohibited this concept because of environmental issues. Alternately, Mr. Davtian proposed offices above a convenience store if there was sufficient parking. The Mayor reminded Mr. Davtian that there would be major alterations made to the intersection and that some of his land would be required to widen it. Mayor Lamatina reminded everyone that the Redevelopment plan did not allow for a gas station use, so that a Governing Body approval would be giving permission to Mr. Davtian to continue this use. Mr. Davtian would either require variances or the plan would need to be amended. Mr. Boggia pointed out that a nonconforming use would require a hearing before the Zoning Board of Adjustment. The Mayor commented that Mr. Davtian's proposal would be a big improvement to the property. He summed up by stating that if the plan would encompass a convenience store and gas station without a mechanic on site with office space above and giving up some property to widen the intersection. Councilman Lazar noted that there was a need for a local gas station as a convenience in town. Councilman Bair remarked that while he appreciated the convenience of a gas station in town, he did not think that it was a beautification of downtown as envisioned for Redevelopment. He also stated that he was not sure how the

redesign of the intersection would impact that property. He thought that this would make the proposal a more difficult decision for him. The Mayor responded by noting that while it was not what he had hoped for, the deed restriction on this key piece of property was limiting and the economic climate was now different but the Borough needed to move forward. Councilman Browne and Councilman Lazar agreed that there was a need to adapt to current realities, and that they should move forward.

☞ **Motion** to move Mr. Davtian's proposal forward subject to Planning Board approvals was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

d) 200 Kinderkamack Road – Mr. Jerry Polidoro pointed out parking plan updates and changes to retail size in the site plan he submitted. He added that he would only need a minor parking variance and that the abandoned gas station on the property would be completely removed. The first story would have stores, with one bedroom apartments on the upper floors. Ingress and egress would be from the back of the building. The Mayor explained that Mr. Polidoro would need to work with the County to allow a turn lane and on street parking. The Mayor asked Mr. Polidoro to consider negotiating shared parking with the owner of the Arthur's Restaurant property and allowing rear access on his lot to each neighboring property. Councilman Lazar remarked that this building would be a big benefit to the town. He added that he had seen other work Mr. Polidoro had done and that they were done with a great deal of taste. Mayor Lamatina reiterated that this project would be two stories over retail space. Councilman Heyer declared that he was glad to see this property being redeveloped, but reminded the Governing Body that residents had been upset with the idea of three story buildings lining Kinderkamack Road. Council President Hoffman agreed that three story buildings were a concern since the Governing Body was doing this for the people of Emerson. Councilman Bair noted that even if the Governing Body approved Mr. Polidoro's plan that evening, it would still require Planning Board approval and that a three story structure would be a concern. He agreed that this piece of property needed to be improved as quickly as possible, but opined that it would be a good site for a two story building that would have sufficient parking and be more visually appealing. He emphasized that even if he voted to allow Mr. Polidoro to move forward with this plans that evening, it would

not preclude his further consideration as a member of the Planning Board.

☞ **Motion** to move Mr. Polidoro's proposal forward subject to Planning Board approvals was **moved** by Councilman Lazar, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-No

HISTORIC COMMISSION

Appointments by Mayor Lamatina

- I. Bill Wassmann
- II. Ed Caputo
- III. Jack Frost
- IV. Scott Voorhees

This item was postponed until March 17th. Council President Hoffman explained that the term lengths had not been fully reviewed.

12. PUBLIC COMMENT 10:00 p.m.

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 Council President Hoffman, **seconded** by Councilman Loffredo and carried.

Mr. Thomas Callagee, 234 Grand Blvd. discussed budget issues and the maintenance of Hillman Field. He explained that the Recreation Commission would be scheduling significantly more field time for soccer and football. He added that baseball did not have the time or money to fix the field every year after this kind of use. He noted that baseball spend one fourth of its budget on maintenance and asked if some of the soccer and football monies be allocated towards repair of the field. He recommended a winter tarp designed to get grass to grow during the

winter. The Mayor and Mr. Callagee also discussed whether there was a need for a long term maintenance plan to care for the recently installed sod. Councilman Heyer suggested following the lead of the Board of Education in the amount charged for non-Recreation use of the fields to have sufficient revenue for maintenance. Councilman Heyer said that the Board of Education charged \$225, while Recreation charged \$65 for two hours and fifteen minutes of field use. Mr. Callagee concluded by emphasizing that he did not want to see the \$40,000 investment in sod go to waste.

☛ **Motion** to close the meeting to comments from the public was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried at 10:25 p.m.

13. CONSENT AGENDA-Resolution No. 61-09

☛ **Motion** to approve the Consent Agenda Resolution No. 61-09 was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Ca 62-09 Approve Tax Reimbursement Certification - Garbage Tonnage

Ca 63-09 Authorizing Chief Financial Officer to pay certain obligations as needed

Ca 64-09 Approve transfer within the 2008 Budget

Ca 65-09 Lincoln Boulevard Improvements – Change Order #1 in the amount of \$14,082.23

14. CLOSED SESSION RESOLUTION CONT'D

None

15. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Browne and carried at 10:24 p.m.

Carol Dray, RMC, CMC

March 19, 2009

(Proofed 04/21/09, cd)