



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
DECEMBER 7, 2010
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Call to Order

Mayor Lamatina called the meeting to order at 7:38 pm. Mr. Gary Schwinder led the salute to the flag followed by a moment of silence at the request of the Mayor in memory of Joan Martin, a dedicated volunteer and longtime member of the Environmental Commission who the Borough owed much to for preserving and beautifying the quality of life in Emerson.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of December 7th, 2010 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 Browne – Present
Councilwoman DiPaola - Present
Councilman Hoffman – Present
Council President Lazar - Present
Councilman Rivers – Present
Councilman Shaw – Present

Also present were the Borough Clerk Carol Dray, Ms. Priscilla Boggia substituting for Borough Attorney Phil Boggia and Business Administrator Joseph Scarpa.

III. PROCLAMATIONS & CITATIONS - None

IV. APPOINTMENTS/RESIGNATIONS

a. Resignations

1. Environmental Commission

- Sal Dinardi and Bernie Silverberg effective immediately

Mayor Lamatina stated that he had received and accepted the resignations of Sal Dinardi and Bernie Silverberg from the Environmental Commission effective immediately.

b. Appointments

1. Environmental Commission

- Neil Schwab for the unexpired term ending December 2010
- Denise Lebrun for the unexpired term ending December 2011

Mayor Lamatina appointed two members to the Environmental Commission: Neil Schwab for the unexpired term ending December 2010 and Denise Lebrun for the unexpired term ending December 2011.

2. Court Security Officer- Part Time

- Eric Fortunat
- Anthony Gallo

☞ **Motion** to appoint Eric Fortunat and Anthony Gallo as part time Court Security Officers was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried unanimously.

V. UNFINISHED BUSINESS

- Review of Height Allowances for Redevelopment Zone – Councilman Hoffman continued the discussion which began at the October 19th Council meeting, discussing the possibility of reducing the height allowances for the downtown redevelopment zone from three to two stories. He explained the request was forwarded to the Land Use Board for their recommendations, and at their last meeting had unanimously recommended staying with three stories. He added that it was still his recommendation that the Council reduce it to two stories, detailing unsolicited comments from Borough residents that they were not in favor of three stories. He also referenced parking problems due to increased density.

Council President Lazar said that he had received feedback from residents who were dissatisfied with the three story building at that location and mentioned other towns such as Englewood and Hackensack with high density housing where people were deterred from shopping due to parking shortages.

Mayor Lamatina explained that this topic was voted on earlier this year as part of a review of the Redevelopment plan and the vote was to keep three stories. Councilman Hoffman said that he was not calling for a vote that evening; rather it was a topic he was suggesting that the incoming council address.

- Shared Service Agreement with Old Tappan – Municipal Court – Mr. Scarpa explained that it was an extension of the six month agreement with Old Tappan to share the Court Administrator for an entire year and it was included on the Consent Agenda. He added that there were no issues and

that it was working out well. Emerson received over \$11,000 from Old Tappan for the Court Administrator's salary.

- Authorizing Execution of Shared Services Agreement with County for Kinderkamack Road – Mayor Lamatina said that the Borough Attorney found the agreement consistent with the resolutions passed by the Borough and County and added that the County was waiting for the signed agreement. He asked for authorization to sign the agreement and have it delivered to the County. Councilman Rivers questioned whether the County would pay for anything going forward and asked the Mayor if he had broached that topic with anyone. Mayor Lamatina said that he was told there was money in the budget; it was not earmarked to this project, but to roadwork. It would be up to next year's County administration as to how that money would be spent. He was still exploring whether Emerson could lock in the money but the agreement would secure a contractual obligation for the County to do the work.

☞ **Motion** to authorize the execution of the Kinderkamack Road Shared Services Agreement with the County of Bergen was **moved** by Councilman Browne, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- Property Tax Waiver for serving troops – This item was tabled at the request of Councilman Browne.

VI. NEW BUSINESS

- RFQs for Borough Professionals – Councilman Browne said that he had received information on the fair and open process from Mr. Scarpa recently. He explained that under the guidelines, it did not require the Borough to pick the lowest bid, allowing transparency in the bidding process but no obligation to take the lowest bid. Mr. Scarpa said that it would be the Council's decision to do this and noted that the fair and open process would give them some points on the Best Practices checklist. He suggested doing it for all Borough professionals, i.e. attorney, auditor, engineer, prosecutor. He explained that it would be as simple as putting the request on the town website. Councilman Rivers said that as he discussed with Mr. Scarpa, he could do it as an RFQ for qualifications but include a proposal as well. The Governing Body would receive a document with each professional's qualifications as to why they would be a good fit with a proposal to go along with it. It would give a good view of all the professionals, commenting that it was a fair and open way to do it for all the professionals.

Council President Lazar asked if it would be a resume type of process, where a professional would list their qualifications and what towns they worked for. Mr. Scarpa agreed. Council President Lazar noted that he agreed with the rest of the Council that it would be a very good way to go about the process. Mr. Scarpa said that the easiest way to advertise was to post it on the website since it was so late in the game. The Governing Body discussed whether the resumes and proposals would be open under OPRA. Ms. Dray said that she would check the OPRA statute, explaining that the RFQs may fall under the Local Purchasing Law. Mr. Scarpa and Ms. Dray said that it would be posted on the Borough website. Council President Lazar recommended that it also be posted on the New Jersey League of Municipalities' website. Mr. Scarpa and Ms. Dray said that there would be a timing issue since the proposals would have to be in by the end of the year. Council President Lazar emphasized that placing it on the NJSLOM website would open it up to the whole state which would lead to a good selection of candidates to choose from. Ms. Dray added that there was a lot of paperwork involved and the Governing Body should discuss and develop the criteria to prepare the proposals.

☞ **Motion** to adopt the fair and open process moving forward for Emerson Borough appointments and posting the RFQ on the NJSLOM website was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- Lakeview Terrace parking prohibition – Councilman Hoffman followed up on a previous discussion on setting aside a memorial park in memory of Joan Martin referencing a triangular property on Lakeview Terrace currently owned by United Water. He explained that Mr. Scarpa was checking to see if United Water was still interesting in granting the property to the Borough. He said that Shade Tree Commissioner Joe Solimando suggested taking away the parking prohibition on Lakeview Terrace so people could park there if they wanted to visit the area. He did not see a problem since there were only a couple residents in the area with ample parking. Councilman Hoffman asked to move forward and requested that Mr. Scarpa have Sgt. Mottley take a look at taking away the parking prohibition.
- Letter from State Officials; revenue replacement funding – Councilman Hoffman said that they had recently received a letter from the NJSLOM in regard to the state funding that municipalities were supposed to receive every year from the State. They were urging municipalities to contact their State Legislators and Governor requesting that they end the state's diversion of municipal revenue. Councilman Hoffman explained that municipal funding by the state was required by state statute. He said that the press had not

covered this issue sufficiently. He drafted a letter to the Governor and local legislators outlining the issue and requesting that they reinstate the funding for next year and future years. He asked that the Council take a look at his draft, make suggestions so that something could be approved at the next meeting in preparation of mailing it to state officials. Mayor Lamatina commented that it was well written and asked that it be added to the next agenda.

VII. INTRODUCTION OF ORDINANCES

Mayor Lamatina announced that the following ordinance would be read by number and title by Ms. Dray. Mayor Lamatina announced that Ordinance 1418-10 would be further considered at a Public Hearing to be held on December 21st, 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the December 10th, 2010 edition of the Ridgewood News by summary. He added that the 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.

1418-10 AMENDING CHAPTER 89 TITLED SHADE TREE COMMISSION OF THE CODE OF THE BOROUGH OF EMERSON §89-1 ENTITLED CREATION; MEMBERSHIP AND §89-2 APPOINTMENTS ESTABLISHING ALTERNATE MEMBERS

☞ **Motion** to introduce Ordinance #1418-10 on first reading was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

VIII. REPORTS

- Administrative – Mr. Scarpa said that the Borough had received the \$20,000 grant for the energy efficiency block grant which will cover upgrading the lighting with energy efficient lighting at the DPW facility and the Ambulance Corps building. The work was scheduled to start by the end of the month. Also, the Borough had gone out to bid on the group project for the Senior Center, based on a Community Development grant of \$28,000. The low bid came in at about \$4,200 over the grant. He requested an additional \$5,000 and was pretty confident that the Borough would receive the additional money. He noted that the Borough had received a score of 100% on the Best Practices checklist, allowing Emerson to receive the full amount of the remaining state aid that was due. An article on Emerson's shared service projects was published in the November issue of the NJLOM's newsletter. The 2011 recycling newsletter was being proofed and was scheduled to go out before the end of the year.

IX. 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 Shaw, **seconded** by Councilman Hoffman and carried.

Mark Orecchio, 78 Karen Lane asked about RFQ's for professionals and asked if it was possible to use this procedure for the Land Use Board, of which he was a member. Mr. Scarpa said that it was possible and the proposals received would be forwarded to the Land Use Board for their consideration.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Shaw, **seconded** by Councilwoman DiPaola and carried at 8:10 p.m.

X. RESOLUTIONS ON CONSENT AGENDA NO. 222-10

☞ **Motion** to approve the Consent Agenda Resolution No. 222-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Shaw and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- Ca 223-10 Approve Tax Appeal Settlement – Star Properties, 21 Chestnut Street in the amount of \$1,900.00 for CY 2010
- Ca 224-10 Approve Tax Appeal Settlement – KLD Properties, 8 Emerson Plaza West, Block 603, Lots 5 & 6
- Ca 225-10 Approve Minutes – October 19th Mayor & Council Regular Meeting
- Ca 226-10 Approve Shared Services Agreement with Old Tappan for Municipal Court
- Ca 227-10 Approve Tax Sale Redemption Certificate to Block 605 Lot 1 for \$9,440.67
- Ca 228-10 Approve Cancellation of Capital Balances for \$1,400
- Ca 229-10 Authorize Mayor Lamatina to Execute Developer's Agreement for Grand Investments IV, LLC 55 Emerson Plaza East , Block 616, Lot 16
- Ca 230-10 Authorize Mayor Lamatina to Execute Developer's Agreement for MSH Management, LLC, 46 Emerson Plaza East, Block 616, Lot 17

XI. CLOSED EXECUTIVE SESSION - Resolution No. 231-10

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 231-10 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Hoffman and carried by roll call vote at 8:20 p.m.

RC: Council members:

Browne-Yes
Rivers-Yes
DiPaola - Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

#10-12/07-23	Personnel	N.J.S.A. 10:4-8
#10-12/07-24	Litigation – Property Maintenance	N.J.S.A. 10:4-8

XII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilman Shaw, **seconded** by Councilman Hoffman and carried.

XIII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Shaw **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 9:35 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 12/20/10)

December 15, 2010