



**MAYOR AND COUNCIL MINUTES  
SPECIAL MEETING  
MONDAY, SEPTEMBER 29, 2008  
7:00 P.M.  
Executive (Closed) Session  
BOROUGH HALL COUNCIL CHAMBERS  
Municipal Place  
Emerson, NJ 07630**

**Call to Order**

Mayor Lamatina called the meeting to order at 7:03 pm. Mr. Orecchio led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina.

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

Mayor Lamatina read the Sunshine Statement announcing that the Special Meeting of September 29<sup>th</sup>, 2008 had been duly noticed and was in compliance to the provisions of the Open Public Meetings Law. Further, that notice had been faxed to the Bergen Record and Ridgewood News; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and had remained continuously posted as the required notices under the Statute.

**Roll Call:**

Mayor Louis J. Lamatina-Present  
Councilman Steven Bair -Present  
Councilwoman Marcia DeSalvo-Present  
Council President Christopher Heyer-Present  
Councilman Kenneth Hoffman-Present  
Councilman Anthony Loffredo-Present  
Councilman Francis P. Milone, Jr.-Present

Also present were: Jane Dietsche, Deputy Borough Clerk, standing in for Borough Clerk Carol Dray, Borough Attorney Philip Boggia, and Joseph Scarpa, Business Administrator.

## 6. CLOSED SESSION RESOLUTION No. 171-08

Mayor Lamatina asked for a motion to close for an executive session to discuss matters exempt from the public. Immediately, the public began to strongly object to his request by shouting out disrespectful comments that led to a delay of business as Mayor Lamatina attempted to regain order and decorum.

☛ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 171-08 was moved by Councilman Milone, seconded by Councilman Loffredo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-No

#08-9/29-75 Anticipated Litigation/Contract Negotiation – N.J.S.A. 10:4-12:7

The process above was punctuated with outbursts of sarcastic comments and disrespectful behavior targeted at the Governing Body by the public despite repeated pleas for order by the Mayor. When it became apparent that the crowd would not disperse and the lack decorum and civility increased, the Governing Body was forced to adjourn to the first floor Conference Room in order to conduct business. That action was accentuated when Councilman Hoffman strongly inquired of the rest of the members of the Governing Body and Deputy Borough Clerk what exactly would be discussed in Closed Session.

## 7. RECONVENE

When the Governing Body returned to the Council Chambers to reconvene, the Governing Body was harassed by members of the public who were chanting 'Who Let the Dogs Out?'

☛ **Motion** to reconvene was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried at 8:19 p.m.

When the public finally complied with Councilman Hoffman's request to be civil, Mayor Lamatina read the following statement:

The September 18, 2008 draft report from Ralph Basile of Basile Bauman Prost Cole and Associates (BBPC) was determined to be a confidential

document. The September 18, 2008 version of the document, however, will be available to the public due to the fact that it has already been widely disseminated. There are incorrect assumptions in the document. To address these issues, the governing body will meet with BBPC Associates. Release of this document does not mean other documents should or will be released if they are deemed confidential. The September 18, 2008 BBPC document will be released and uploaded to the website with this qualifying language.

## 8. 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 Heyer and carried at 8:25 p.m.

Shirley Vilardi, 186 Eagle Drive considered it an insult to the public to close the meeting after their arrival.

Gina Calogero, 3 South Dorchester Rd. opined that stamping a document confidential does not necessarily make it so. She theorized that if the report had contained good news, it would have been released.

Tom Fagan, 177 Colonial Road asked who labeled the document confidential. Mr. Scarpa replied that he had, based on his years in government. He added that the Governing Body had hired Mr. Basile and that the document was a negotiating tool to be used during discussions with the redeveloper. The Mayor agreed with Mr. Scarpa.

Liz Petriano, 92 Orchard Avenue asked the Governing Body if they had any thoughts on going forward with redevelopment alleging that the residents did not want it. Mayor Lamatina responded that the Governing Body had a fiduciary duty to go forward and would be remiss in their job as a Mayor and Council if they did not.

Jerry Polidoro, owner of 200 Kinderkamack Road asked what errors were in the Basile financial analysis. Councilman Bair replied that the information about selling retail space was not accurate. He added that he

had hoped that the Governing Body would have had the opportunity to review the document before it was released.

Vince Donato, 128 Vivian Avenue agreed that everyone thought the downtown was in need of redevelopment but no one was aware of the scope of the current plan. He alleged that no one was in favor of the project.

Sal Gebbia, 13 Emerson Plaza East asked about the errors in the report noted by Councilman Bair. Councilman Bair explained the discrepancy in the retail sales reference. Mr. Gebbia also stated that Borough Planner should have received the report.

Larry Campagna, 3 South Dorchester asked why the Governing Body did not pay attention to petitions in the past and emphasized that they must listen to the public. He recommended that Councilman Hoffman should not be censured.

John Lazar, 32 Hasbrouck Avenue asked if the Atkins Group was out of redevelopment and details about their escrow account as well as Millennium's. He also inquired as to whether the agreement with Mr. Basile was confidential.

Danielle DiPaola, 93 Union questioned the content of the Sunshine Statement and whether the Governing Body would be censuring Councilman Hoffman. Mayor Lamatina replied that censuring was not discussed in Closed Session.

Mark Orecchio, 78 Karen Lane asked if the Planning Board Chair and another member of the Board had received a copy of the financial analysis, then why it was not given to the rest of the Planning Board and Mr. Burgis. Councilman Hoffman responded that he was shocked that the document was not released but knew it would be disseminated if he released it to two individuals. He refused to disclose who he had given the confidential report to.

Brian Todd, 207 Palisade Avenue asked Councilman Hoffman who he had given the report to. Councilman Hoffman replied that he would not say. When pressed, Councilman Hoffman referenced an incident when Mr. Todd was a Councilman.

David Rector, 36 Jefferson Avenue agreed that residents were in favor of relieving congestion, improving safety, and beautifying the downtown, but surmised that they did not want traffic congestion to increase by adding units. He predicted that the units would result in lawsuits that could cost the Borough time and money and raise taxes. He was opposed to seizing property.

Mr. Davtian, 161 Kinderkamack Road expressed his concern about his Sunoco gas station maintaining that he was not asked what would happen to his building. He requested the Governing Body to allow business owners to redevelop on their own.

Liz Petriano, 92 Orchard Avenue asked if the Governing Body was doing any polling on Redevelopment. Mayor Lamatina replied that he had been asking people about this since 2005.

Jerry Polidoro, 77 Piermont Road, Norwood asked whether it was prudent that one developer would own most of the retail space in town.

Bob Petro, owner of several properties on Chestnut Street wanted to know why his properties were included in the Redevelopment zone and why they were considering moving the Department of Public Works. Mayor Lamatina responded that it would be better for residents to have the DPW in a residential area.

Beverly Dunn, 131 Grand Blvd was opposed to the Redevelopment.

Shirley Vilardi, 186 Eagle Drive understood that the Redevelopment plan was supposed to be for traffic improvement. She opined that the current plan was only advantageous to the developer.

Gina Calogero, 3 South Dorchester Rd. alleged that the residents were deceived. She also claimed that the zone was expanded so that the developer could find a place for 400 units with three or four stories.

Tom Fagan, 177 Colonial Road remarked about the stock market meltdown, surmising a hypothetical aftereffect on the Redevelopment. Mayor Lamatina explained that it was prudent to plan for the future during a downturn. Mr. Fagan asked why Millennium did not cooperate with Mr. Basile and why Emerson would continue to work with them as a developer. Mayor Lamatina noted that the Borough was committed to Millennium. Mr. Boggia added that Mr. Basile had limited information and the report had been rushed; he needed more complete information.

Walter Fricke, 57 Highland Avenue inquired about the taxes on the Pascack Valley Shopping Center and wondered if the empty stores paid taxes. Mayor Lamatina said that they did pay taxes but could appeal their assessments.

Sal Gebbia, 13 Emerson Plaza East asked the Mayor to explain fiduciary duty. Mr. Boggia recommended that the Mayor not respond as Mr. Gebbia had a lawsuit pending against the Borough.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public.

☞ **Motion** to close the meeting for comments from the public was **moved** by Councilman Loffredo, **seconded** by Councilman Milone and carried at 10:00 p.m.

## 9. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilwoman DeSalvo **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:00 p.m.

Jane Dietsche, Deputy Borough Clerk  
(proofed 10/21/08, cd)

October 10, 2008

APPROVED-RELEASED 10-21-08