



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
DECEMBER 15th, 2009
Borough Hall- 6:00 P.M.
Emerson, NJ 07630



Call to Order

Mayor Lamatina called the meeting to order at 6:08 pm. Police Chief Michael Saudino led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina in honor of the servicemen and women that will not be with their families this holiday season.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of December 15th, 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 –Arrived at 7:10 p.m.
Councilman Browne - Present
Councilman Heyer – Arrived at 6:15 p.m.
Council President Hoffman - Present
Councilman Lazar – Arrived at 8:33 p.m.
Councilman Loffredo – Present

Also present were Borough Clerk Carol Dray, Borough Attorney Phil Boggia, and Joseph Scarpa, Business Administrator

V. CLOSED EXECUTIVE SESSION – Resolution #229-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 229-09 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
Heyer-Yes
Bair-Yes

#09-12/15-49

Police Sergeant Interviews

N.J.S.A. 10:4-8

The following officers interviewed for the Police Sergeant position:

- Joseph Alasio
- Rocco Duardo
- Michael McDermott
- Mark Savino
- Michael Mazzeo
- Carol Leins
- George Meltzer
- John Gallagher
- Scott O'Connor

☛ **Motion** to reconvene was moved, seconded and carried at 7:50 p.m.

VI. PROCLAMATIONS & CITATIONS

Recognition of Service

Councilman Heyer

Councilman Loffredo

Mr. Scarpa explained that this was Councilmen Heyer and Loffredo's last full meeting and said that it had been a pleasure working with them the last three years and wished them all the best in their retirement from the Council. Councilman Bair added that it had been a privilege working with them and praised their exemplary commitment to the community. Mayor Lamatina became emotional as he recalled Councilman Heyer and Councilman Loffredo's assistance by taking a horrible situation in the borough and turning it around. He added that he and the Borough appreciated it and recognized their accomplishments. The Mayor then presented each of them a plaque in honor of their service.

Councilman Heyer said thank you to all the people who voted for him, as well as for those who won his trust and respect while in office. He also thanked Mr. Scarpa and Ms. Dray because they were outstanding people to work with. He noted that while people think that the Mayor and Council are important positions, there were several people at Borough Hall without whom the Borough could not operate at all. He said that it was his privilege and pleasure to sit with two of the finest people he knew, Ms. Dray and Mr. Scarpa, because they made his job great and very easy. He thanked the Mayor and members of the Council because they always showed the requisite respect associated with their positions and always listened. In particular, he thanked Councilman Loffredo for venturing to run with him for office and for bringing a lot of people together. He mused that he didn't know where the Borough would have been without him. Finally, he thanked his family and said that it was

time to spend more time with them and enjoy life a little bit and noted that their sacrifice was immeasurable.

Councilman Loffredo thanked the Mayor and Councilman Heyer for their kind words. He said that the six years he served were a blink of an eye. He commented that he was most proud of the fact that people complimented his integrity and while some did not agree with all the work he did for the Borough, at least they knew that he was being honest, sincere and direct. He said that the reason he looked so tall was because he stood on so many shoulders and that the shoulders he stood on had to do with, Ms. Dray and Mr. Scarpa, and the members of the Police Department who offered him some of the greatest challenges and rewards. He noted that Emerson was a terrific community and remarked that he was fortunate that the friends he had when he started were still his friends – in fact he had even more. Councilman Loffredo also said that the two gentlemen replacing him and Councilman Heyer were terrific and were invested in the Borough. He thanked everyone for their support and adding that it had been great serving with Councilman Heyer for three years.

III. APPOINTMENTS/RESIGNATIONS

- Environmental Commission-Mayor Lamatina appointed Ms. Boyce as the Alternate II member of the Environmental Commission ending December 2011.

- Zoning Board of Adjustment-Resignation of Ms. Barbara Hall from the Zoning Board of Adjustment effective 12/31/09

☞ **Motion** to accept the resignation of Ms. Hall from the Zoning Board of Adjustment effective December 31, 2009 was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried.

- Resignation of Ms. Angela Ciccarelli from the Shade Tree Commission effective immediately.

☞ **Motion** to accept the resignation of Ms. Ciccarelli from the Shade Tree Commission effective immediately was **moved** by Council President Hoffman, **seconded** by Councilman Lazar and carried.

IV. CORRESPONDENCE

Mayor Lamatina stated that all correspondence listed below was on file in the Municipal Clerk's Office for inspection or reproduction for a statutory fee.

- Letter dated November 12, 2009 from Westwood Deputy Clerk Denise Holmes; Re: Mutual Aid Resolution – Pascack Valley Fire Departments
- Letter dated December 1, 2009 from BC Municipal Joint Insurance Fund; Re: Reorganization Meeting

VII. UNFINISHED BUSINESS

- Energy Audit – Mr. Scarpa said that the audit was finished on the Borough Hall, the Firehouse and the Recreation/Senior Center. They would be redoing the Library audit. Their intention is to replace lighting fixture by fixture but explained that the Library system was outdated and that the entire system needed to be redone. They were also planning to look at the Ambulance Corps building and the Department of Public Works at the suggestion of Councilman

Lazar. He asked for authorization to sign contracts on the three buildings so that they may start work. He detailed the expenses to be \$39,485 with a twenty percent responsibility by the Borough amounting to \$7,897, using bonds to do the work. He added that the work would pay for itself in one year, with a savings of approximately \$8,200 per year. The Mayor recommended that the Library pay for their expenses out of their third of a million dollar allocation. He commented that this would be the beginning of the Green Team initiative that will begin in 2010.

- Fire Escape – Mr. Scarpa noted that the fire escape at the Fire Department was repaired but that the one at Borough Hall was beyond repair and had gone out to bid, but needed to get more information from them and potentially rebid. He asked for authorization to rebid.

☞ **Motion** to authorize Mr. Scarpa to re-bid the fire escape work for Borough Hall if necessary was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried.

- Yearly review and amending of the Redevelopment Plan as required by statute – Councilman Bair analyzed the response he received from Borough Planner Joe Burgis based on recommendations he had submitted regarding amending this plan. He detailed his suggested changes and amendments. Mayor Lamatina recommended that this be done by ordinance. Councilman Lazar expressed questions about the streetscape plan and mentioned that he was not happy that it still mentioned three story buildings. Councilman Bair explained that they were still seeing a mixture of two and three story applicants and while he was not completely satisfied with three story buildings, it was a natural process that was playing out. He explained that the telling point for him was that the applicant for the former PNC Bank site presented a three story construction making it clear that he would not have done the construction if not for the three story allowance. Councilman Bair emphasized though that they would not be seeing all three story construction and in many places, they would be seeing one and two stories.

Council President Hoffman asked that the two incoming Council members have the opportunity for input next year. He recommended having a discussion at a meeting in January before the ordinance was put on for first reading.

- Hillman Field – Mayor Lamatina explained that Engineer Andy Hipolit and Thomas Callagee had attended a meeting at Borough Hall with Mr. Scarpa, DPW Superintendent Joe Solimando and Councilman Lazar where they discussed plans to remediate continuing issues at Hillman Field. Mr. Hipolit presented a brief review of his recommendations, noting that they looked at two options, one where they would bring the field into compliance with the original plan and one where they would make repairs to the current drainage. He said the right thing to do was bring the field back into compliance with the original design, adding that the difference in cost between them was less than \$5,000. Mayor Lamatina asked if Mr. Hipolit guaranteed that the plan in front of them would work. He also emphasized that the field should be ready for play by March. Mr. Hipolit agreed and said that if the plan was approved

that evening, it would be forwarded to three contractors the next day and anticipated that the field would be sodded by the second week in January. Council President Hoffman noted that the Shade Tree Commission had approved the removal of three trees to allow the work at the field to move forward. But he asked about the need to remove additional trees. Mr. Hipolit reviewed the need to remove nine additional trees for reasons including safety and access. Council President Hoffman explained that since permission for the previous tree removal had been done by ordinance, a special meeting of the commission would be necessary to allow this. Mayor Lamatina emphasized that Mr. Callagee had been instrumental in getting Hillman Field's issues addressed and that he would be given the estimates for labor and materials with the final decision on who would do the work made by Mr. Scarpa. Mr. Callagee stated that he had reviewed Mr. Hipolit's work and thought it was a good plan. Councilman Lazar commented that; although he had initially recommended the most economical remedy; after reviewing the plans, he agreed it was necessary to spend some more money to get it done right.

☞ **Motion** to authorize Mr. Scarpa to accept an estimate not to exceed \$21,000 for repair work on Hillman Field based on the requests to go out the next day 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

VIII. NEW BUSINESS

- Discussion of Annual Meeting Notice – Ms. Dray explained that she had dialed back on three summer meetings, the purpose being that when people were away during the summer, it would allow additional time for special projects that had been in the works for a couple years such as purging records that were at a dangerous high level in parts of the building and getting part time help to scan permanent records. Having one meeting a month in the summer on a trial basis would allow this work to be jump started. She noted that April was also included because of the School Board election. Mayor Lamatina said that a second meeting could always be added. Councilman Browne expressed his concerns, stating that meetings would run long if two were combined into one, and said that it cut down on opportunities for the public to observe them working. Council President Hoffman shared Councilman Browne's concerns, but suggested choosing July or August on a trial basis. The Governing Body agreed to one meeting in July 2010 on the 20th. Councilman Lazar expressed concern about the bill list and late fees from vendors and recommended staying the course unless there was a light agenda at which time they could cancel a meeting. Councilman Bair agreed with Councilman Lazar and thought it best to leave the schedule the way it was and cancel a meeting if the agenda was very light. Councilman Loffredo opined that having one meeting in a

month would force them to keep agenda items efficient. The Governing Body consensus was to plan for one meeting in July.

IX. ORDINANCES – SECOND READING AND PUBLIC HEARING

1391-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON BY DELETING AND REPEALING CHAPTER 132, ENTITLED “CONSTRUCTION CODES, UNIFORM FEES”AND REPLACING IT WITH A NEW CHAPTER 132 TO BE ENTITLED “CONSTRUCTION CODES, UNIFORM FEES”

☞ **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 Loffredo and carried.

☞ **Motion** to adopt Ordinance #1391-09 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

Heyer-Yes

Bair-Yes

XI. REPORTS

▪ Mayor and Council

Mayor Lamatina discussed Hackensack University Medical North at the site of Pascack Valley Hospital and the fact that their certificate of need would expire at the end of the year. He said that they had filed to extend their approval for six months under the permit extension Act. He added that Westwood Mayor Birkner had scheduled a press conference for Thursday at 2 p.m. and requested the attendance of fellow Mayors and public participation. The Mayor invited everyone to attend and stated that he had spoken with Senior Center President Gus Cademartori about senior participation at this event. He explained that they were waiting for Governor Corzine to give the okay to the current Commissioner of Health to extend the Certificate of Need. He also noted that the sewer jet had come in and would be shared with ten other Pascack Valley towns. It would be stored in Emerson as the lead agency.

Councilman Bair stated that he had attended the **Board of Education** meeting last evening and that their audit results were excellent for which they were to be commended. The High School was planning their holiday concert and the men's basketball beginning shortly.

Councilman Heyer had no report.

Council President Hoffman gave the **Fire Department** report for the month of November. He thanked outgoing Chief Mark Savino for his service to the town and congratulated incoming Chief John Holter who was elected at their December election. He thanked Councilmen Loffredo and Heyer for all their hard work for the town and appreciated their work with the Police Department.

Councilman Loffredo gave the floor to Police Chief Michael Saudino who thanked him and Councilman Heyer for their service to the community and he thanked them for their professionalism and that he truly appreciated their work. Councilman Loffredo said that it was a pleasure working with him and the department and said that they were in good hands. He added that it was wonderful to see his family in the audience because they were terrific supporters and were the reason that he had served on the Council. He also recognized Steve Belloise of the **Recreation Commission** because he and that group had done a fabulous job. He also thanked the Mayor and others who had worked on Hillman Field, hoping that the situation had been recognized to the fullest.

Councilman Lazar stated that working as the Finance Liaison had been a challenge and said that he would do everything he could to educate the next liaison in this job. He stated that he enjoyed working with Councilmen Loffredo and Heyer and had a lot of respect for them because they had the best interests of Emerson in their hearts.

Councilman Browne said that he had a very good meeting with NJ Transit last week and that they would hear more details in the future of what could come out of that. He added that grant writers would be coming in for a presentation in January so that the Borough could get funds for whatever would not be covered during the upgrades to the Redevelopment streetscape. He also noted that on December 29th he would be attending a meeting with the current website host/developer to see what could be done to improve the site and better distribute information. He noted that two other companies were competitive.

- Borough Administrator – Mr. Scarpa discussed the Christmas Tree Lighting, noting that the Chamber of Commerce participated. He said that the interlocal agreement with Hillsdale for CFO Catherine Henderson's services was in effect and was working out well. The agreement is on a trial basis through June 2010 and would be monitored. The garbage and recycling calendar was completed and would be mailed shortly. He said that one change was that alkaline batteries could now be thrown in the trash. Concerning insurance matters, the Borough's deductible would be going up from \$35,000 to \$75,000 because JIF averaged a rolling number of insurance claims. He explained that even in cases where we won a lawsuit, it counted as a lawsuit in their averaging. He thanked Councilmen Heyer and Loffredo for their kind comments and recognized former Councilman Carlo Camporale who was present at the meeting. He wished everyone a Happy Chanukah and Merry Christmas.
- Borough Clerk-LFN 2009-24 – Ms. Dray discussed a recent Local Finance Notice and the new law requiring Municipal Clerks to maintain new records on Boards, Authorities and Commissions and to provide a formal process for citizens to sign up to serve on these boards. People must now take formal oaths and a form must be completed by anyone that wanted to serve on a Board or Commission. She said a new law also covered absences and when a seat became vacant. She summed up by explaining that it was formalizing the entire process and made it clear that the

Borough must keep careful records and make it understood that everyone that served must fill out the Financial Disclosure Form, which is a public record (except for address and phone number). Council President Hoffman clarified that changes in vacancy requirements would need to be done by ordinance. She also thanked Councilmen Loffredo and Heyer and remarked that she admired their level of public service, their integrity and the sacrifice they made to their families for serving.

Mayor Lamatina stated that he had the pleasure of swearing in Ms. Dray as President of the Bergen County Municipal Clerks' Association recently and congratulated her on this accomplishment.

- Borough Attorney – No report.

XII. 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 Councilman Heyer and carried.

Mr. Samuels, 132 Ross Avenue asked for more explanation on the Longview Drive drainage project from Mr. Hipolit. Mr. Hipolit detailed the steps taken, including the video examination and condition of the drainage pipes. He recommended using the new sewer jet truck as a short term solution by cleaning debris out of the line. He also discussed getting permission from property owners in the area in case they need to go on their property and having Mr. Boggia investigate old property records for any evidence of easements in the area. Mr. Hipolit explained that current information only shows two easements.

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

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried.

XIII. RESOLUTIONS ON CONSENT AGENDA NO. 230-09

☞ **Motion** to approve the Consent Agenda Resolution No. 230-09 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
Heyer-Yes
Bair-Yes

Ca 231-09 Approve Bill List
Ca 232-09 Approve Minutes – 10/6, 10/20, 11/10, 12/1
Ca 233-09 Transfer of Funds
Ca 234-09 Tax Overpayments
Ca 235-09 Borough Closings in Observance of Legal Holidays 2010
Ca 236-09 Mayor & Council Meeting Dates 2010
Ca 237-09 Approve release of the full bonded Performance Guarantee amount
 of \$305,166.20 and hold cash portion of \$33,907 to A & R Builders
Ca 238-09 Renewal of Membership in Bergen County Municipal Joint Insurance
 Fund

XIV. CLOSED EXECUTIVE SESSION – Resolution #229-09 Continued

☞ **Motion** to go back into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 229-09 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
Heyer-Yes
Bair-Yes

#09-12/15-50 Personnel – Construction Official N.J.S.A. 10:4-8

XV. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Loffredo, **seconded** by Councilman Browne and carried.

☞ **Motion** to promote Officer Scott O'Connor to Sergeant effective January 1, 2010 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

XVI. ADJOURNMENT

With no other business to address, at the request of Council President Hoffman, Councilman Loffredo **moved** to adjourn the meeting, **seconded** by Councilman Heyer and carried at 11:34 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 01/14/10)

January 12, 2010