



MAYOR AND COUNCIL MINUTES

Regular Meeting

Tuesday, May 15, 2007

7:30 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:30 pm. Mr. Joseph Burgis, Borough Planner, led the salute to the flag followed by moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement declaring that the meeting of May 15, 2007 had been adequately noticed and was in compliance to the to the provisions of the Open Public Meetings Law. Further, that the meeting of **May 15, 2007** was included the Annual Meeting Notice Resolution sent to the Bergen Record and Ridgewood News on December 14, 2006 and advertised in said newspapers; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 on December 14th, 2006 and has remained continuously posted as the required notices under the Statute.

In addition, a copy of this 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
Councilwoman Marcia DeSalvo-Present
Councilman Christopher Heyer-Present (arrived at 7:45 p.m.)
Councilman Kenneth Hoffman-Present
Council President Loffredo-Present
Councilman Francis P. Milone, Jr.-Absent
Councilman Brian Todd-Present

Also present were Carol Dray, Borough Clerk and Philip Boggia, Borough Attorney, Joseph Scarpa, Business Administrator (arrived at 7:55 p.m.).

6. Approval of Minutes:

APPROVED

Councilman Hoffman moved to approve the meeting minutes of the **Regular Meeting of November 21, 2006** pending a confirmation on a vote taken on Officer Kalyoussef questioned by him seconded by Councilman Todd and carried.

Councilwoman DeSalvo moved to approve the meeting minutes from the **Regular Meeting of May 1, 2007** with grammatical corrections, seconded by Councilman Milone, and carried unanimously.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Yes

7. CORRESPONDENCE

Mayor Lamatina announced that copies of the correspondence are on file in the Office of the Municipal Clerk.

#07-47 letter dated 3/27/07 re: National Arbor Day Foundation, J. Rosenow
#07-48 Schedule of FAA Noise Mitigation Hearings, Eventworks
#07-49 letter dated 4/9/07; re: DPW Yard, DEP

8. PROCLAMATIONS AND PRESENTATIONS

None

9. APPOINTMENT AND PERSONNEL CHANGES

None

10. OLD BUSINESS

a) **ORDINANCES-FIRST READING**

1324-07 AN ORDINANCE AMENDING CHAPTER 61 ENTITLED PARKS, PLAYGROUND, AND RECREATION; DEPARTMENT OF

☞ Motion to introduce Ordinance #1324-07 on first reading was **moved** by Councilman Hoffman, seconded by Councilwoman DeSalvo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes

APPROVED

Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Yes

Mayor Lamatina announced that Ordinance No. 1324-07 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on June 19, 2007 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the May 18, 2007 edition of the Ridgewood News. Ordinance No. 1324-07 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

1323-07 AN ORDINANCE AMENDING CHAPTER 61 ENTITLED PARKS, PLAYGROUNDS, DEPARTMENT ESTABLISHING A RECREATION FEE SCHEDULE

☞ **Motion** to introduce Ordinance #1323-07 was **moved** by Councilman Hoffman, seconded by Councilwoman DeSalvo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Yes

Mayor Lamatina announced that Ordinance No. 1323-07 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on June 19, 2007 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the May 18, 2007 edition of the Ridgewood News. Ordinance No. 1323-07 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

1325-07 AN ORDINANCE AMENDING THE ANNUAL SALARY ORDINANCE

The introduction of Ordinance No. 1325-07 was postponed for further discussion and clarification.

b) ORDINANCES-SECOND READING AND PUBLIC HEARING

1320-07 AN ORDINANCE TO AMEND THE CODE OF EMERSON IN ORDER TO PROHIBIT CERTAIN POLITICAL CAMPAIGN CONTRIBUTIONS BY PROFESSIONAL SERVICE PROVIDERS

APPROVED

☞ Councilwoman DeSalvo **moved** to open the meeting for public comment on this ordinance only, seconded by Council President Loffredo and carried.

☞ Seeing no hands, Councilman Hoffman **moved** to close the meeting for public comment, seconded by Councilwoman DeSalvo and carried.

☞ **Motion** to adopt Ordinance #1320-07 was **moved** by Councilwoman DeSalvo, seconded by Council President Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Absent

Milone-Yes

Mayor Lamatina announced that Ordinance No. 1320-07 was duly adopted by a vote of 5-0.

Discussions:

c) Rules of Decorum

Councilman Hoffman explained that he had forwarded some information onto Mr. Boggia for his review and opinion. Therefore, discussion was postponed pending recommendations from Mr. Boggia.

11. NEW BUSINESS

a. Resolution No. 100-07 Appointment of Re-developer

At the request of Councilman Hoffman, and following some brief comments from the Council, Mayor Lamatina requested a motion to open the meeting to comments from the public to about the Redevelopment only, prior to the appointment of the redeveloper.

☞ **Motion** was made by Councilman Hoffman, and seconded by Councilman Todd to open the meeting for comments from the public on Redevelopment only and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Absent

Milone-Yes

APPROVED

Councilwoman DeSalvo was proud to be a member of the Council at this exciting time and opined that the Redevelopment would be beneficial to the Borough; although, it was tempered with concerns of density and adding school-age children. She considered any one of the three developers who submitted proposals highly qualified and thanked them for their submissions; however; she would base her decision on who she thought would best maintain the character of the town and be the best fit. She looked forward to the public's continuing participation in the project.

Councilman Hoffman was happy to see the number of people at this meeting and wished that they had been coming all along. His concern was to see a development consistent with a small town and was pleased to see that the character and design of Emerson would be maintained. His choice was based on the response he received from the developer in regard to his concerns about eminent domain and the relocation of business owners.

Councilman Todd stated that the Borough was choosing a 'preferred developer' and thanked the members of the Planning Board that were present, along with Burgis and Associates, for coming up with the plan initially. He was pleased at the turn out of residents who were in attendance and encouraged their continued participation stressing those citizens with questions should not hesitate to contact the Council members.

Council President Loffredo had no remarks at this time.

Councilman Heyer commented that the Redevelopment was a long time coming and would be a positive experience for Emerson.

Councilman Milone had no comments at this time.

Tom DeSciociolo, 64 Dyer Avenue would like to see the Redevelopment be moderate without too much disruption to the local merchants.

Tony DiPasquale, proprietor, questioned if any consideration had been made to the local businesses that would be displaced. Mayor Lamatina maintained that the developer would be working with the existing businesses in an attempt to maintaining them as tenants.

Gary Schwinder, 99 Linden Avenue, asked for compassion for the displaced business owners who rent their premises commenting that the existing businesses would be wonderful anchors for the new development. He suggested that the Redevelopment be done in phases as the least disruptive for the businesses in order to sustain their roots

APPROVED

in Emerson. Mayor Lamatina stated that a discussion was held with The Atkins Group and the goal was to relocate businesses only once.

Keith Della Volpe, 198 Kinderkamack Road, inquired about how the developers would work with the existing property owners. Mayor Lamatina opined that communication was key for everyone involved.

Brenda Van Malden, 133 Eagle Drive, expressed her various concerns about the Redevelopment and the financial impact as a whole on the community. Mayor Lamatina stated that the target residential demographic was two income families who commute, with the projection being that the Redevelopment housing would not attract families with children. He further explained that the company chosen as the redeveloper would be required upon selection to put \$25,000 into escrow to hire experts that would examine all facets of the issue and make the appropriate recommendations. Ms. Van Malden referenced an article in the Community Life newspaper about the state of the police station. Council President Loffredo responded that the current Police Station was woefully inadequate and would require upgrades on it whether the Redevelopment took place or not.

Ann Schillaci, 248 Main Street, wanted to know when the Redevelopment would be finished. Mayor Lamatina replied that it would take as long as it needed to take to get it right.

Gloria Wilson, 53 George Road, had serious concerns about the current structural problems at the Emerson Public Library.

Bill Yuengling, 176 Kinderkamack Road, asserted that since the Redevelopment planning started about four years ago his family had lost four potential buyers because of all the publicity. According to Mr. Yuengling, he could not sell even if he wanted to, and questioned how long before his property would be purchased for Redevelopment. Mr. Boggia explained that the process was a lengthy one but it was the desire of the Borough to move ahead rapidly. Councilman Heyer concurred adding that it had been a very well planned and thought out process.

William Price, 9 Emwood Drive, felt that the emphasis should be placed on commercial development as opposed to residential. He was also of the opinion that the Redevelopment of Kinderkamack Road should be the top priority and should be done properly. Councilwoman DeSalvo stressed that the size of the residential aspect of the Redevelopment was not set in stone. Councilman Hoffman added that the analysis must be very reliable and done by a reputable expert.

APPROVED

Doreen Russell, 27 Orchard Avenue was concerned about traffic and feared that the Redevelopment would turn Emerson into a transient town with rental apartments as opposed to tenant ownership. Councilman Todd responded that he would like to make all the units condominiums, but must obey the Council on Affordable Housing Guidelines.

Gary Schwinder, 99 Linden Avenue, questioned if there was an exit clause in the contract with the redevelopers for breach of contract. Mayor Lamatina was confident that the contract would be a very comprehensive and fair agreement prepared and negotiated by Borough Attorney Boggia.

Seeing no more hands, Councilman Heyer moved and Council President Loffredo seconded a motion to close the meeting for comments from the public and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Yes
Milone-Yes

Motion was made by Councilman Heyer, and seconded by Council President Loffredo to approve Resolution No. 100-07 appointing The Atkins Group as the preferred developer for the Central Business District Redevelopment and authorize the Borough Attorney to undertake negotiates with the Atkins Group to prepare a satisfactory Developer's Agreement carried unanimously by roll call vote.

Mayor Lamatina read into the record the resolution naming the preferred developer:

WHEREAS, the Emerson Mayor and Council initiated the Redevelopment Process for the Borough's Kinderkamack Road business corridor, also know as the Central Business District; and

WHEREAS, the Planning Board adopted the Redevelopment Plan on March 31, 2006, and the Mayor and Council adopted the Plan on July 11, 2006; and

WHEREAS, the Emerson Mayor and Council provided notice to the public and issued a Request for Proposals for the Central Business

APPROVED

District Redevelopment Project, which was prepared by Burgis Associates, Inc.; and

WHEREAS, the Borough received several Redevelopment Proposals from Developers who were interested in participating in this Redevelopment Project and each prospective Developer made a presentation to the Mayor and Council; and

WHEREAS, the Borough must select the Developer who best meets the goals and objectives of the Redevelopment Plan, including innovativeness of development concept, firm financial strength and the ability to demonstrate experience in Redevelopment Projects; and

NOW, THEREFORE, BE IT RESOLVED, after careful and thorough review and consideration of each Request for Proposal, the Mayor and Council select The Atkins Group to be the Preferred Developer for the Redevelopment Project and the Borough hereby authorizes the Borough Attorney to undertake negotiations with The Atkins Group in an effort to arrive at a satisfactory Redevelopment Agreement for this project.

BE IT FURTHER RESOLVED that In the event, the parties are unable to successfully negotiate a Redevelopment agreement, then, the Borough shall select another qualified Developer for this Project.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Yes
Milone-Yes

Mayor Lamatina thanked the other developers who were present but not chosen for their time and effort. Mayor Lamatina asked the members of the Atkins Group to step forward and introduce themselves to those assembled. Mr. Robert Atkins introduced his brother Chick Atkins. Mr. Robert Atkins explained that they would do their best to help as many existing residents, business, and property owners remain. Mr. Atkins also stated that he shared the Redevelopment vision of the governing body to maintain the character of Emerson.

APPROVED

Mayor Lamatina requested a brief recess to notify the press of the developer chosen.

☞ **Motion** to recess was moved by Council President Loffredo, seconded by Councilman Hoffman to recess was carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Yes
Milone-Yes

☞ **Motion** was moved by Councilman Heyer to reconvene, and seconded by Council President Loffredo to reopen the meeting and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Yes
Milone-Yes

12. REPORTS

a) Mayor and Council Reports

Councilwoman DeSalvo reported that the **Board of Education** Assistant Superintendent Nisonoff had won the NJ State Meritorious Service Award for school business administration. The Bergen County Prosecutors Office was implementing a series of community programs with the most recent programs being Cyber bullies and On-Line Predators. The polling site for Elections in the Emerson Junior/Senior High School was relocated to a more secure location with easier accessibility within the building.

Councilman Hoffman informed the Council that on Saturday, April 28, 2007 an **Arbor Day Ceremony** was held. In attendance were Council President Loffredo along with family and friends of Muriel Wassmann for her memorial tree planting. A recently completed survey showed that approximately ten new trees would be planted in the spring with additional plantings to be planted in the fall. The **Recreation Commission** was busy preparing for the borough-wide picnic which was

APPROVED

scheduled to be held on Saturday, May 26 with a rain date of May 27, 2007.

Councilman Todd had no report to give.

Mayor Lamatina reported that he has been in contact with Mr. Farouk Ahmad from the **Bergen County Office of Planning and Economic Development** regarding which redeveloper was chosen. The County would be funding the redesign of Kinderkamack Road.

Council President Loffredo gave his report on the **Emerson Police Department** and referenced a letter from the state finding that the Police Station was woefully inadequate.

Councilman Heyer had no report to give.

Councilman Milone gave the **cash balance report** for the month of April and reported that the **Board of Health** had presented a proposal amending the existing ordinance.

Mayor Lamatina thanked the members of the Council for all their hard work in selecting the Atkins Group.

The Borough Administrator reported that:

- The Veterans monuments were updated in time for Memorial Day.
- Everyone should have received copies of the playground equipment brochure for Sunset Park.
- There would be a rebid of the Ackerman Park court resurfacing.

Borough Attorney-

Mr. Boggia reported that the Hackensack Golf Club has agreed to pay the \$16,000 for the installation of riprap to alleviate the drainage issue on Patrick Avenue. However, the matter of the \$30,000 to clean out the drainage swale was still unresolved. A claim for damages had been filed with the Joint Insurance Fund.

13. PUBLIC COMMENT

In the interest of time, speakers are limited to five (5) minutes. Speakers with prepared statement should provide eight (8) copies for the Council

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 ejection from the council chambers.

APPROVED

Motion to open the meeting for comments from the public was moved by Councilman Todd, seconded by Councilman Heyer and carried unanimously.

Mark Orecchio, 78 Karen Lane, warned the Council that the Hackensack Golf Course had a history of not fulfilling all of their promises. Mr. Orecchio opined that the golf course should at least clean the leaves out of the drainage swale because, according to him, it was their responsibility. Regarding Mr. Orecchio's Patrick Avenue tree trimming question, Councilman Hoffman offered to speak with Joe Solimando.

Chief Michael Saudino, 116 Randolph Avenue, alerted the Council to the fact that the former borough attorney, William Smith, had appeared pro se at a hearing at the Saudino vs. Emerson lawsuit since Mr. Smith was a defendant in the case and defending himself. He then went on to bill the Borough between \$3,000 and \$4,000 for legal representation of the Borough.

Seeing no further hands, Mayor Lamatina asked for a motion to close the public portion of the meeting.

Motion to close the public portion of the meeting was moved by Council President Loffredo, seconded by Councilman Heyer and carried unanimously.

17. CONSENT AGENDA-Resolution No. 96-07

Motion to approve the Consent Agenda Resolution No. 96-07 was moved by Councilman Heyer seconded by Councilman Hoffman and approved unanimously by roll call vote.

RC: Council members

DeSalvo-yes

Hoffman-yes

Todd-yes

Loffredo-yes

Heyer-yes

Milone-yes

Ca94-07 Supporting the Click It or Ticket Mobilization

Ca98-07 Approve Bill List

Ca99-07 Approve Investments

APPROVED

15. CLOSED SESSION RESOLUTION No. 97-07

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 97-07 was moved by Councilman Heyer, seconded by Council President Loffredo and carried unanimously

#07-5/15-21 Litigation

#07-5/15-22 Personnel – General Salary Ordinance, DPW Negotiations and Property Maintenance

RC: Council members

DeSalvo-yes

Hoffman-yes

Todd-yes

Loffredo-yes

Heyer-yes

Milone-yes

16. RECONVENE

Motion to reconvene was moved by Councilman Heyer, seconded by Council President Loffredo and carried unanimously.

20. ACTIONS TAKEN AS A RESULT OF CLOSED SESSION DISCUSSION

a) Motion to hire an assistant Property Maintenance Officer

Motion to hire Nelson Fullam as Assistant Property Maintenance Officer at the salary proscribed the salary ordinance was made by Councilman Heyer, seconded by Councilman Hoffman and carried unanimously by roll call vote.

RC: Council members

DeSalvo-yes

Hoffman-yes

Todd-yes

Loffredo-yes

Heyer-yes

Milone-yes

16. ADJOURNMENT

APPROVED

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

Carol Dray, RMC

July 16, 2007