



**MAYOR AND COUNCIL MEETING**  
**Regular Meeting**  
**Executive (Closed) Session**  
Tuesday, May 20, 2008  
7:30 P.M.  
**BOROUGH HALL COUNCIL CHAMBERS**  
Municipal Place  
Emerson, NJ 07630

**Call to Order**

Mayor Lamatina called the meeting to order at 7:35 pm. Former Councilman Brian Todd led the salute to the flag. At the request of Mayor Lamatina, a moment of silence followed for Councilman Bair’s mother who recently passed away.

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

Mayor Lamatina read the Sunshine Statement announcing that the meeting of May 20th, 2008 had been adequately noticed and was in compliance to 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.

**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-Absent
- Councilman Francis P. Milone, Jr.-Present

Also present were Carol Dray, Borough Clerk, Joseph Scarpa, Borough Administrator and Philip Boggia, Borough Attorney.

**6. Approval of Minutes**

- a. Regular Meeting of January 15, 2008

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

b. Regular Meeting/Budget Meeting of January 29, 2008  
☞ **Motion** to approve was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried.

c. Special Meeting February 7, 2008  
☞ **Motion** to approve was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried.

d. Regular Meeting of April 15, 2008  
☞ **Motion** to approve was **moved** by Councilman Bair, **seconded** by Councilwoman DeSalvo and carried.

e. Work Session/Regular Meeting of May 6, 2008  
☞ **Motion** to approve was **moved** by Council President Heyer, **seconded** by Councilman Bair and carried with one abstention by Councilwoman DeSalvo.

## 7. CORRESPONDENCE

Mayor Lamatina announced that copies of the correspondence were on file in the Office of the Municipal Clerk and available for a statutory fee.

#08-27 Letter dated April 18, 2008; re: State Budget, Shared Services, Charlotte Vandervalk, Assemblywoman

#08-28 Letter dated April 22, 2008; re: \$500 check for planting and beautification in response to request by Lauren Lamatina; Larry Landes, President, Renewal by Anderson

#08-29 Letter dated April 29, 2008; re: Feral cats, Dorothy Romaine

#08-30 Letter dated May 2008; re: Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund, Farouk Ahmad, Director, Dept. of Planning & Economic Development

#08-31 Letter dated May 1, 2008; re: Volunteer of the Year Awards, Dennis McNerney, County Executive

## 8. PROCLAMATION

Myasthenia Gravis Month – June 2008 – Mayor Lamatina proclaimed the month of June 2008 as Myasthenia Gravis Month.

## 9. ORDINANCES

### a) INTRODUCTION-FIRST READING

**1351-08 AN ORDINANCE TO AMEND THE CODE OF EMERSON OF THE BOROUGH OF EMERSON BY DELETING AND REPEALING ARTICLE I § 79-1 TITLED BIDDING REQUIREMENTS OF CHAPTER 79 ENTITLED PURCHASING**

☞ **Motion** to approve Ordinance #1351-08 on first reading was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Absent

Hoffman-Yes

Mayor Lamatina announced that Ordinance No. 1351-08 was duly approved on first reading and would be further considered at a Public Hearing to be held on June 10th, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the May 23rd, 2008 edition of the Ridgewood News. Ordinance No. 1351-08 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

**10. OLD BUSINESS**

Redevelopment – Mayor Lamatina explained that the redevelopment project has been supplemented to update the zone. Revised hearings are being scheduled which will allow for a revised plan to be submitted. The plan is currently being worked on with Millennium Developers and a meeting had been tentatively set for May 28<sup>th</sup> at 1 p.m. for further discussions.

**11. NEW BUSINESS**

- a) Jim Wagner Park – Councilman Hoffman informed the Governing Body that the Shade Tree Commission had planted a tree in honor of Jim Wagner, the Shade Tree Commissioner who had passed away last year. However, they would like to go further and create a park named in Mr. Wagner's honor with a plaque or sign. The park is located behind the Cookie Cupboard on Emerson Plaza West. They also requested that the electronic sign be moved from its current location to the area by Dunkin Donuts with the large tree. Mayor Lamatina noted that redevelopment should be taken into consideration and wasn't sure if any work involving Borough

- expense should be done at this time, but all agreed that the park should be named for Mr. Wagner. Mr. Scarpa asked the Shade Tree Commission to contact him so that he could put some funds aside for a plaque or sign.
- b) Hiring of additional Fire Inspector – Councilman Hoffman stated that Frank Boccio, the Borough Fire Official, had requested the addition of another fire inspector due to the opening of the Stop and Shop on Kinderkamack Road and a general increase in the volume of work. He explained that there were two responses to an advertisement placed. Further discussions would be discussed in Closed Session.
- c) Shared Services Road Improvement Project Savings – Mr. Scarpa explained that Emerson participates in a joint road resurfacing project with nine other Pascack Valley towns. They received a bid which saved a total of approximately \$600,000, with Emerson saving \$92,000. Mayor Lamatina commented that this was an example of how well shared services works among small towns and why they should not be penalized by having State Aid withdrawn. He emphasized that the State should be giving money to towns that have worked hard to build shared service arrangements. The Mayor also asked about a DPW shared service agreement he had been made aware of. Mr. Scarpa noted that this was an in-process application for a grant for a study of inventory, personnel, equipment, etc., with Westwood being the lead agency.
- d) Volunteer of the Year – Councilwoman DeSalvo stated that the Governing Body had received a letter from the County Executive regarding Volunteer of the Year awards given out every year and asked for suggestions for nominees from which they could make a recommendation. She added that she would then send a letter to the County Executive with a brief biography, explaining why this person exhibited the qualities for this award – someone who is civic minded, steadfast, and a selfless contributor to their community. She noted that the due date was August 30<sup>th</sup>.
- e) Hospice – Councilwoman DeSalvo commented on a letter received by the Governing Body from community members who want to start a hospice to fill the need that had previously been filled by Pascack Valley Hospital. A new organization called Community Hospice of Bergen County had been formed and she explained that the work they do is invaluable. The letter asked if they could speak at a meeting to get assistance and feedback and she asked for the Governing Body's approval. Councilwoman DeSalvo said that she would speak with them and arrange to add their visit to the agenda with the Ms. Dray.

## 12. REPORTS

### a) Mayor and Council Reports

Councilwoman DeSalvo – She discussed the **Library Board** meeting held on May 8<sup>th</sup> where they mentioned that circulation had increased 92% in four years, necessitating the need to hire an additional page. The trustees had purchased a statue for the garden of two children reading a book to honor Muriel Wassmann which was installed by the DPW. They are also planning on moving ahead with renovating the internal library space. The project budget, timelines and Borough involvement were discussed at the most recent meeting. They planned to appear before the Governing Body with more specifics in the near future. A library staff appreciation event had been planned; also an anniversary event to commemorate the library's 50<sup>th</sup> year.

Councilwoman DeSalvo also met with the **Boy Scouts** recently to discuss the Governing Body's responsibilities so that they could earn a badge. She attended the grand opening of the Stop and Shop and shared that she was looking forward to their continued business in the Borough.

Councilman Bair – The **Planning Board** had approved an application for the site next to the Quik Chek for a hair salon, and emphasized that it would be a significant improvement for that location. At the **Board of Education** meeting, the middle school received its Middle State's Accreditation which entailed a full review and takes place once every seven years. A public service award was given to eight seniors and would be shown on Channel 77 on the subject that proms and alcohol do not mix. The BOE was aware of Hillman Field improvements and are trying to figure a way to relocate the soccer program in the fall. Enrollment had increased, and Dr. Bair speculated that this may be due to current economic conditions, with students from private schools returning to the Emerson public school system.

Councilman Milone –discussed the cat problem at Continental Woods. He noted that Ms. Dray had sent a letter to the **Board of Health** asking them to look into the issue and, if necessary, traps could be used to remedy the situation.

Council President Heyer –gave the **Police Department** April monthly report.

Councilman Hoffman –gave the **Fire Department** activity report for April. He also reported that the **Environmental Commission** continued to work on organizing the Farmer's Market with a meeting having been held recently with potential vendors. The **Shade Tree Commission** had chosen its tree planting contractor for 2008 from

several bids and the spring tree planting program would begin shortly. He noted an issue with a tall tree on private property in town which allegedly might be a hazard to the public and suggested discussing it in Closed Session due to potential liability. Mr. Scarpa suggested sending the resident a certified letter noting a potentially dangerous situation. The Mayor discussed the location of the Farmers' Market, noting that the organizers would like to locate on Emerson Plaza West on Sundays and have the street closed. He explained that the Police Chief's main concern was a five unit apartment building at that location and ensuring access and egress while the street was closed. The Governing Body discussed various locations in the Borough, public safety, the train schedule and parking issues related to a potential Farmers Market. Councilman Hoffman explained that the group favored Emerson Plaza West because of high visibility in the center of town.

Mayor Lamatina – He attended the meeting by Hackensack Hospital about the reopening of the Pascack Valley Hospital site. The expectation was for the hospital to reopen in three to six months with the emergency room open in six months and gradually increasing to a full service facility.

b) Office of the Borough Administrator

- The Governor had come out with new numbers on the State Aid cuts, adding \$29,000 but still facing a cut of \$186,000.
- He attended a mandated training program for the new COAH regulations and explained that the League of Municipalities was considering a joint lawsuit statewide to fight these new regulations. The Pascack Valley League was doing one as well. He said that the State league was asking for a \$500 contribution, and the Pascack Valley group was asking for \$675 towards preparing a report.
- Action had been taken on Ackerman Courts with repair work scheduled to begin on June 2<sup>nd</sup>.
- June 27<sup>th</sup> would be the deadline for towns to apply for the Open Space Grant. In the past the Borough had gotten playground equipment and he was considering doing a joint project with the school to repair the tennis courts by resurfacing the courts and installing new lighting. The Governing Body agreed that the Borough should apply for this grant.
- He followed up on a business owner's complaint about a guard rail at Dairy Queen, and explained that he had sent a letter to the County. Police Chief Saudino stated that the County had a \$2 million budget and that a portion of this would be used for repair of this guard rail as well as sections on Old Hook Road.

- The new Chief Financial Officer, Catherine Henderson was doing an excellent job and was revamping procedures.
  - The Police Department gave the Borough two older defibrillators, one of which would be installed in the Council Chambers, one at the Senior Center.
  - Landscaping had been completed at the Senior Center.
  - The recycling tonnage grant was submitted to the State and commended the Borough for bucking the state wide trend by increasing the amount of recycling. The Mayor asked if Mr. Scarpa had heard back on recycling containers. Mr. Scarpa explained that he had not heard back and would follow up with them. The Mayor noted that these containers would be free to the Borough with corporate sponsorship and thought that Shop Rite, Stop and Shop, United Water and others may be interested in sponsoring better looking containers which would be located throughout town.
  - Drainage work had been completed at Linwood Avenue
  - The Borough has advertised for a part-time dispatcher, part-time school crossing guard and part-time court security officer.
  - The Borough had a required quarterly safety meeting.
  - Mr. Scarpa asked permission from the Governing Body to place a classified ad for full-time temporary help at the DPW. There were no objections.
  - Arrangements have been made for inmates to assist with Borough DPW projects.
- c) Office of the Municipal Clerk – No report.
- d) Borough Attorney – Mr. Boggia referenced that his discussions would take place in Closed Session.

## **12. 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 to comments from the public was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried at 8:30 p.m.

Karen DeMarco, 8 Mariana Place – Ms. DeMarco referenced a property maintenance issue with her neighbor, noting that the structure was unsafe and that the resident had been removed. Mayor Lamatina stated that he was aware of the issue and Mr. Scarpa mentioned that a notice had been sent to them from the Health Department about the animal problem. The Construction Official was in the process of getting the unsafe chimney taken down and the cost would be covered by the homeowner’s insurance. The resident had been relocated until repairs were complete. Ms. DeMarco referenced other safety issues and the hoarding situation and stated that the homeowner is in the home every day, but leaves at night. Mr. Scarpa said he would follow up on whether the homeowner should be allowed to remain in the home for long periods of time during the day. The Mayor emphasized that this situation had to be addressed to protect the public’s safety.

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 Council President Heyer, **seconded** by Councilwoman DeSalvo and carried at 8:36 p.m.

**13. CONSENT AGENDA-Resolution No. 93-08**

☞ **Motion** to approve Consent Agenda Resolution No. 93-08 was **moved** by Councilman Milone, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

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

- Ca #94-08 Approve Bill List
- Ca #95-08 Approve Temp Emergency Budget
- Ca #96-08 Approve LOSAP certification lists
- Ca #97-08 Authorizing Inclusion in the Bergen County Community Development Program
- Ca #98-08 Approve Change Order #1 in the Amount of \$9,783.54– Linwood Avenue Drainage Improvements

- Ca #99-08 Approve Dedication by Rider – Snow Removal
- Ca #100-08 Approve Dedication by Rider – Developers Housing Trust
- Ca #101-08 Approve Cancellation of Trust Balances for \$12,025.00
- Ca #102-08 Approve Cancellation of Trust Check for \$350.63
- Ca #103-08 Authorizing the Borough Engineer to Prepare an Application and Authorizing the Mayor and Clerk to Execute the Fiscal Application – NJDOT Transportation Trust Fund Municipal Aid Program Year 2009

**14. CLOSED SESSION RESOLUTION No. 104-08**

☞ **Motion** to add the Fire Inspector issue, the Police personnel issue, the Ackerman Courts issue, Borough Attorney litigation and a discussion of COAH under Redevelopment, to the Closed Session resolution No. 104-08 was **moved** by Council President Heyer, **seconded** by Councilwoman DeSalvo and carried.

☞ **Motion** to close as amended for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 104-08 was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

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

- #08-5/20-36 Personnel - Deputy Court Clerk
- #08-5/20-37 Collective Bargaining Agreement - DPW
- #08-5/20-38 Personnel-Personnel Decision Discussions
- #08-5/20-39 Personnel-Redevelopment
- #08-5/20-40 Personnel – Fire Inspector
- #08-5/20-41 Personnel – Hayes resignation
- #08-5/20-42 Litigation – Ackerman Courts
- #08-5/20-43 Litigation – Solimando – Borough Attorney

**15. RECONVENE**

☞ **Motion** to reconvene was moved, seconded and carried.

Appointment of Additional Fire Inspector

Mayor Lamatina hereby appointed Thomas Monaghan as Fire Inspector for the term expiring on December 31, 2008, asking for Council confirmation.

☞ **Motion** to appoint Thomas Monaghan as Fire Inspector for the term ending December 31, 2008 was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Absent

Hoffman-Yes

DPW Local Teamsters #945 Collective Bargaining Agreement

☞ **Motion** to accept the mediator's decision for the DPW Collective Bargaining Unit Contract renewal was **moved** by Councilman Bair, **seconded** by Councilman Milone and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Absent

Hoffman-Yes

Ackerman Court Resurfacing Project Final Payment to Contractor

☞ **Motion** to authorize the Borough CFO to pay the \$37,000 previously approved by our Borough Engineer for Ackerman Courts was **moved** by Councilman Bair, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Absent

Hoffman-Yes

Advertise for Part-time Seasonal DPW Help

☞ **Motion** to permit the Borough Administrator to advertise for advertise for full-time temporary DPW summer positions was **moved** by

APPROVED 061808

Councilman Bair, **seconded** by Councilman Milone and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Absent

Hoffman-Yes

**16. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 9:55 p.m.

Carol Dray, RMC, CMC

June 6, 2008