



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
AUGUST 17, 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. Ms. Priscilla Boggia led the salute to the flag followed by a moment of silence at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of August 17th, 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 on December 19th, 2009 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
Councilman Hoffman – Present
Council President Lazar- Present
Councilman Rivers – Present
Councilman Shaw –Present

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

III. PROCLAMATIONS & CITATIONS - None

IV. APPOINTMENTS/RESIGNATIONS

- Resignation: Governing Body: Councilman Bair effective August 11, 2010.

Mayor Lamatina announced that Councilman Bair had resigned effective August 11.

Motion to accept the resignation of Councilman Bair was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried unanimously.

- Nomination: Council Vacancy

Mayor Lamatina announced that by virtue of his resignation as a member of the Council, former Councilman Bair could no longer serve on the Land Use Board as the Class III member. He asked for nominations from the Council to take Dr. Bair's place for the remainder of 2010 and opened the floor for nominations for Class III representative.

- Nomination: Land Use Board: Class III Member

☞ **Motion** to nominate Councilman Hoffman as the Class III representative to the Land Use Board for the remainder of 2010 was **moved** by Council President Lazar, and **seconded** by Councilman Browne.

Mayor Lamatina asked for additional nominations for the position. Hearing none, he asked for a motion to confirm Councilman Hoffman as the Class III member of the Land Use Board.

☞ **Motion** to confirm Councilman Hoffman as the Class III representative to the Land Use Board for the remainder of 2010 was **moved** by Council President Lazar, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Mayor Lamatina noted that there were no nominations for the open spot on the Council and that would be moved to the next meeting.

V. CORRESPONDENCE

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

- Letter dated July 16, 2010 from County Executive Dennis McNerney; Re: Volunteer of the Year Awards
- Letter dated July 20, 2010 from Twp. Of Washington Council President Joseph D'Urso; Re: Shared Services
- Letter dated July 21, 2010 from Simon Hamparian; Re: PSEG repairs on Forest Avenue
- Letter dated July 2010 from County Div. of Sr. Services Director Valerie Dargan, PhD; Re: Bergen County Senior Picnic on September 14 at Van Saun Park
- Letter dated July 20, 2010 from County Executive Dennis McNerney; Re: Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund
- Letter dated July 1, 2010 (faxed July 30, 2010) from County Executive Dennis McNerney; Re: Recovery Zone Facility Bonds
- Letter dated July 29, 2010 from Charles Femminella, Jr., President of Certified Valuations, Inc.; Re: Reassessment
- Letter received August 3, 2010 from Jeanette Gray; Re: Commending Police Officers Rick Mottley, Mark Savino and Mike McDermott
- Letter dated August 2, 2010 from County Executive Dennis McNerney; Re: Recovery Zone Facility Bonds

- Letter dated August 9, 2010 from Assemblywoman Charlotte Vandervalk;
Re: Homestead Credit program
- Letter dated August 12, 2010 from County Executive Dennis McNerney; Re:
September 11th Annual Remembrance

VI. UNFINISHED BUSINESS

- Complete Streets Policy Discussion – Councilman Hoffman said that he had consulted Councilman Browne with respect to his concerns about budgetary constrictions moving forward. Otherwise he had no problem making streets safer for pedestrians and traffic calming purposes and public transit. He asked that it be made clear in the resolution that when public streets were improved whenever feasible, additional language be included ‘whenever structurally and financially feasible to do so’. Councilman Browne concurred, detailing different situations where it would be feasible and mentioned creative solutions including striping and curb cuts which could be done for fairly low cost. Council President Lazar commented that it addressed improving the quality of life for children, residents and visitors to the Borough of Emerson. Councilman Rivers concurred with Councilman Hoffman regarding referencing cost but noted there were only three or four roads where it could help – Main Street, High Street, Ackerman Avenue and Lincoln Boulevard. Councilman Browne added Eagle Drive. Councilman Rivers said that he did not think that Emerson was of the size that they would want to have four or seven foot bike lanes going down any of those roads. He said that if feasibility would cover that aspect, he was fine with it. Councilman Browne stated that passing this resolution would allow for funding opportunities.

☞ **Motion** to pass the resolution to establish a Complete Streets policy with the change in the ‘be it resolved’ paragraph adding ‘structurally and financially feasible’ was **moved** by Councilman Browne, **seconded** by Council President Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Councilman Browne announced that Emerson was the third community in New Jersey to adopt this policy.

- Resolution 156-10 - Bond Resolution Providing for the Sale and Issuance of General Obligation General Improvement bonds of the Borough in the Principal Amount Not to Exceed \$1,697,000 and Determining the Form and Other Details of Such Bonds Authorized in and by the Borough of Emerson, in the County of Bergen, New Jersey

☞ **Motion** to approve Resolution #156-10 with additional language ‘provided that the State Finance Board accepts our waiver’ was **moved** by Councilman Rivers, **seconded** by Council President Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

VII. NEW BUSINESS

- 58 Kinderkamack Rd. - Senior Housing – Mr. Scarpa said the former Borough Engineer who was still handling this project wrote a letter to everyone stating that the Governing Body would have to approve a maintenance bond in order to release the performance bond. But he added that residents of the complex had issues related to the project.

☞ **Motion** to open the floor to comments from the public on this issue only was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried.

Genevieve Di Trani, 58 Kinderkamack Road, Unit 26 asked about Ordinance #1275-04, Section 4 labeled ‘Discounted Sales to Emerson Residents’. She explained that it stated that Emerson residents would receive 20% off the first price of the units and upon sale of the entire building, should any of those sell for less than what they paid, there would be some sort of rebate. She added that it was also cited in the developer’s agreement and asked how the Council planned to pursue the ordinance with the developer to help the residents get him to comply.

Mayor Lamatina asked if anyone had corresponded with the developer. Ms. Di Trani said they had not and since it was a Borough ordinance, they wanted to start with the Council. She asked them to direct her on how to proceed. The Mayor explained that the developer was bound by the ordinance and that ordinarily the borough would not take action on behalf of individual residents. His initial recommendation was for the condo board to send the developer a letter regarding this issue. He added that the Borough was there to help. Councilman Shaw concurred with Mayor Lamatina’s recommendation. Mayor Lamatina asked Ms. Di Trani to copy the Mayor and Council on the letter to the developer and said that they would follow his response. The Mayor also suggested that the group organize within the building to see who they believed was eligible for the refund.

Ms. Bollbach, 58 Kinderkamack Road, Unit 4 did not know if she was qualified under the ordinance. She said that her son purchased the unit but was not over age 55.

Bob Pavese, 230 Eagle Drive said that his mother resided at 58 Kinderkamack Road and had a severe drainage problem at her location. He said that before the performance bond was released, this situation should be looked into and addressed. The Mayor and Council President Lazar said that steps were taking at the Planning Board level to address this issue before construction began. Mr. Scarpa said that this was not an issue for 58 Kinderkamack Road, but for Mr. Aramini, a neighboring resident. Mr. Scarpa said that he would check with the Construction Official and former Borough Engineer Ken Job.

☞ **Motion** to close the floor to comments from the public on this issue only was **moved** by Council President Lazar, **seconded** by Councilman Rivers and carried.

- Off –trail destruction in Emerson Woods – Councilman Hoffman stated that Environmental Commission member Christina Fehre noticed that nine areas on the main trail in Emerson Woods had major damage, including branches and tree trunks pushed so far off the train that vegetation was scraped down to the bare soil. She brought it to their attention and they found it very disturbing. He said that it involved heavy equipment and clarified that the Borough and United Water were not involved. He called it a very bizarre mystery and potentially a criminal situation. He opined that replanting might be necessary there and added that it was a violation of the County’s easements and Emerson’s ordinances. He said that he would investigate further and if he found out who did it, they would be required to pay the cost of any replanting required since it was criminal trespass and destruction. The Mayor suggested that a Police report be filed so an investigation could begin.

VIII. INTRODUCTION OF ORDINANCES

Second Reading and Public Hearing:

1413-10 AN ORDINANCE AMENDING ORDINANCE NO. 1374-09 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2010 – POSTPONED UNTIL AFTER CLOSED SESSION

1414-10 AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE SUM NOT TO EXCEED \$90,000 FOR THE BOROUGH-WIDE REASSESSMENT OF ALL REAL PROPERTY IN THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilman Shaw, **seconded** by Councilman Rivers 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 Lazar, **seconded** by Councilman Shaw and carried.

☞ **Motion** to adopt Ordinance #1414-10 on second reading was **moved** by Councilman Rivers, **seconded** by Councilman Shaw and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

IX. REPORTS

▪ Mayor and Council

Councilman Browne said that Sustainable New Jersey was looking for people to work with them. So far he and his wife, Karen Browne, and Joan Martin and Rich Worthington were volunteering. He was going to reach out to members of the municipal administration, including Mr. Scarpa or anyone that wanted to get involved. He explained that to meet their requirements, a certain number of points had to be obtained, which would allow the community to apply for grants. He also said that Emerson had done a lot already including having an established **Environmental Commission**. The Mayor asked for his name to be added to the group. Councilman Hoffman inquired what would be asked of members. Councilman Browne said that there were different tasks that required different degrees of involvement.

Councilman Browne also noted that New Jersey Transit had spent approximately \$600,000 renovating the train station and repaving the platform area.

Councilman Rivers gave the **Volunteer Ambulance Corps** report for the month of July.

Council President Lazar gave the **Police Department** report for the month of July.

Councilman Hoffman gave the **Fire Department** report for the month of July. He also mentioned that there would be a hearing on the issue of breaking up Teterboro the following evening at the Bergen County Academies.

Councilman Shaw had no report.

Mayor Lamatina said that the County had finally approved the concept plan for Kinderkamack Road. He added that the scope of work and responsibility were still being worked on, causing a planned resolution to be pulled from the agenda. He said that the current resolution was not acceptable to the Council or the Borough Engineer at this point.

He also spoke about Pascack Valley Hospital, stating that he and Westwood Mayor Birkner had received a response from Assemblyman Schroeder stating that Governor Christie was working diligently to get the hospital reopened. He said that the Pascack Valley Mayors' Association was considering holding a press conference to thank the Governor for continuing his support. He said that the issues now revolved around untangling what occurred last year with the Health Commissioner and the permit extension act. He said that Mayors needed to get the public involved and energized again on this issue.

The Mayor also reported that he had met with the Library and had authorized the Board President to sign all papers necessary to put the project out for bid for the renovation. He noted that the Library was not asking the Borough for any money. They were looking for temporary space in the Ocker and Trapp building across from the Library for four to six months. He anticipated that they would go out to bid in September with work starting in the fall.

- Borough Administrator Scarpa said that they were set to nominate Bernie Silverberg for Volunteer of the Year in Bergen County. The Mayor said that Mr. Silverberg had served for 37 years on the Zoning Board and wanted to present him with a proclamation for his years of service. Council President Lazar requested that Mr. Silverberg receive a plaque. Mr. Scarpa also reported that over \$33,000 in grant money was received for the tennis courts, recent damage occurred at Hillman Park when someone drove on the field and left deep, severe tire tracks and a new HVAC system was installed at the Senior Center with PSE&G covering 80% of the cost through a grant. In addition, the BPU released figures on the rate hike for Fire Department hydrants totaling 4%. Residential rates will rise 7.7%. Also, Amaral Landscaping would begin sprucing up and maintain Sunset Park at no charge in September. In exchange, the Borough will put up a sign recognizing their service donation. Finally, Community News would be printing a newsletter for the Borough for about \$600-\$700 which will be distributed through Community Life.
- Borough Clerk Carol Dray had no report.
- Borough Attorney had no report.

X. 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 Council President Lazar and carried at 9:00 p.m.

Brian Pierce, 6 Rudolph Way asked for feedback on Hillman Field. Councilman Rivers said that it was not perfect, but was a lot better than it was. Mr. Pierce said that he was concerned because of the amount of money spent on improvements and asked what would be done to keep consistent field throughout the area. He called the current conditions marginally adequate. The Governing Body discussed current conditions and factors including the hot summer and little rain that had impacted the field. Councilman Rivers suggested that several members of the Council and the landscaper walk the field to evaluate conditions and make it right. The Mayor and Councilman Rivers agreed to meet with Mr. Callagee the next day to inspect the field.

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 Lazar, **seconded** by Councilman Hoffman and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 157-10

☞ **Motion** to approve the Consent Agenda Resolution No. 157-10 **moved** by Councilman Shaw, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

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| Ca 158-10 | Approve Bill List |
| Ca 159-10 | Certification of the Annual Audit by the Governing Body |
| Ca 160-10 | Approve Mayor & Council Regular Meeting minutes of July 20, 2010, August 3, 2010 |
| Ca 161-10 | Authorize Release of Performance Bond for Block 215, Lots 9.01, 9.03, 8.01, 8.02 & 8.03 Sanford Avenue Subdivision – Groesbeck Court |
| Ca 162-10 | Rescind Resolution No. 102-10 granting Special Ruling 12.39 to License No. 0214-33-008-002 Strikes and Spares |
| Ca 163-10 | Application for Funding Municipal Alliances – Term Year 2011 |

XII. CLOSED EXECUTIVE SESSION - Resolution No. 164-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 148-10 was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

#10-8/17-16

Personnel: Municipal Clerk Salary

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

XIII. RECONVENE

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

Mayor Lamatina announced that they had a discussion in Closed Session with and without the Borough Clerk present and decided to table the Salary Ordinance for another two weeks. In the next two weeks they would look into the proper average of raises for 2010 and put the Salary Ordinance back on the next meeting agenda.

XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Council President Lazar **moved** to adjourn the meeting, **seconded** by Councilman Hoffman and carried at 9:59 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 8/25/10)

August 20, 2010