



MAYOR AND COUNCIL AGENDA

Regular Meeting

Executive (Closed) Session

Tuesday, April 15, 2008

7:00 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:05 pm. Mr. Gary Higgins, Borough Auditor, 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 April 15, 2008 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. This meeting was formally noticed in the Bergen Record and Ridgewood News due to a change in the starting time based on a conflict with the School Board Election. 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 -Absent
Councilwoman Marcia DeSalvo-Present
Council President Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Councilman Anthony Loffredo-Present
Councilman Francis P. Milone, Jr.-Arrived at 8:40 p.m.

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

Approval of Minutes:

- Work Session/Regular Meeting – April 1, 2008

☛ **Motion** to approve with corrections was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried.

7. CORRESPONDENCE

Letter dated 3/14/08; re: Revisions to A-812/S-231 amending wrongful death act, Assemblyman John E. Rooney
Letter dated 3/14/08; re: Bergen County Farmland Preservation Plan, County Executive Dennis McNerney
Letter dated 3/17/08; re: 2008 Clean Communities Entitlement, Commissioner Lisa Jackson
Letter dated 3/17/08; re: Request for embroidered patch, F. Kapuscinski
Letter dated 3/18/08; re: Clean Communities Grant, Senator Gerald Cardinale
Letter dated 4/2/08; re: 57 Wortendyke Avenue, Domenico Aramini
Letter dated 4/3/08; re: Redevelopment, Russell Huntington, Huntington Bailey, LLP
Letter dated 4/4/08; re: Salaries, Office of the Mayor, Borough of River Edge
Letter dated 4/4/08; re: Governor Corzine's Proposed State Budget, Senator Thomas H. Kean, Jr.
Letter dated 4/9/08; re: Local Public Contracts Law, Assemblyman John E. Rooney

8. PROCLAMATION

Arbor Day – April 26, 2008 – Councilman Hoffman read the Arbor Day Proclamation.

Scleroderma Awareness Month – June 2008 – Mayor Lamatina withheld from reading this Proclamation in the interest of time but, nevertheless, announced that the Borough was in support of effort.

9. APPOINTMENT AND PERSONNEL CHANGES

Appointment: Recreation Commission

Mayor Lamatina appointed Scott Rivers as a Regular Member for the unexpired term ending 12/31/11.

Mayor Lamatina requested a motion to approve Leonard Fabbiano as Alternate II for the unexpired term ending 12/31/12.

That **motion** was **moved** by Councilman Loffredo, **seconded** by Councilwoman DeSalvo and carried.

Councilman Loffredo read a memo from Captain David Hayes of the Emerson Police Department asking for the appointment of two Auxiliary Police Officers, Nicola Servedio and Turbitt Zoeller III.

☞ **Motion** to approve the appointments of Nicola Servedio and Turbitt Zoeller III as Auxiliary Police Officers, contingent on their completing the required training class was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

10. ORDINANCES-FIRST READING

1349-08 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$405,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$134,900 OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY.

☞ **Motion** to approve Ordinance #1349-08 on first reading was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that Bond Ordinance No. 1349-08 was duly approved on first reading and would be further considered at a Public Hearing to be held on May 6, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the April 18, 2008 edition of the Ridgewood News. Ordinance No. 1349-08 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

1350-08 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 106 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, TO CHANGE THE AMOUNT FOR ANNUAL LICENSE FEES.

Municipal Clerk Carol Dray stated that liquor license fees had not been raised since 2003 and related to Councilman Hoffman that Emerson's fees are the second highest in the Pascack Valley based on an informal survey.

☞ **Motion** to approve Ordinance No.1350-08 on first reading was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that Ordinance No.1350-08 was duly approved on first reading and would be further considered at a Public Hearing to be held on May 6, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the April 18, 2008 edition of the Ridgewood News. Ordinance No. 1350-08 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

11. ORDINANCES- PUBLIC HEARING

1348-08 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$595,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$565,250 OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried unanimously.

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 Councilman Loffredo, **seconded** by Council President Heyer and carried unanimously.

☞ **Motion** to adopt Ordinance #1348-08 on second reading was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

12. OLD BUSINESS/PUBLIC HEARING

a) Resolution No. 78-08 Waiver to Reading the Budget in Full
☞ **Motion** to approve Resolution #78-08 was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

b) Adoption of 2008 Municipal Budget-Public Hearing – Mayor Lamatina announced that on the advice of Borough Auditor Gary Higgins, Emerson would not be adopting the 2008 budget at this meeting. Mr. Higgins explained that the budget was introduced on March 4th with a scheduled public hearing for April 15th. The tax rate was to be 51 cents per \$100 of assessed value, the same rate as in 2007 – a 0% tax increase. Mr. Higgins noted that the same day the budget was introduced, Governor Corzine announced State wide cuts in aid that would reduce Emerson’s State aid by \$215,850. He emphasized that it was in the Borough’s best interest to leave the budget open until final State aid figures were certified. This would allow the Borough to make changes dependent whatever actions were taken by the State. He congratulated the Governing Body on the great job they did putting together the budget, stating that it was \$386,000 below CAP. Mayor Lamatina questioned the Auditor about other options and Mr. Higgins offered two possibilities – taking out tax anticipation notes for cash flow purposes and/or sending out estimated tax bills. He explained that each option would incur additional expenses but that there may be no choice.

☞ **Motion** to open the Budget Hearing to the public was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried.

Brian Todd, 207 Palisade Avenue – Mr. Todd queried Mr. Higgins about using tax revenue from the new Stop and Shop Shopping Center if the budget situation dragged on. He stated that he thought it was ridiculous for Emerson to get penalized for doing a good job and working very hard on its budget. He declared that he didn’t like the

town being treated as a pawn so that Governor Corzine could get his toll hike proposal approved.

Seeing no further hands, Mayor Lamatina asked for a motion to close the Budget Hearing to comments from the public

☞ **Motion** to close the Budget Hearing to the public was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried.

13. NEW BUSINESS

a) Advertise for new Fire Inspector – Mayor Lamatina explained that Mr. Scarpa had received a letter from Mr. Frank Boccio, Borough Fire Official, indicating that another Fire Inspector was needed.

Councilwoman DeSalvo added that the opening of the new shopping center necessitated another inspector.

☞ **Motion** to advertise for a new Fire Inspector was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried.

14. REPORTS

a) Mayor and Council Reports

Councilwoman DeSalvo – No report.

Council President Heyer – No report.

Councilman Loffredo gave his **Police Activity** report for March 2008. He also reminded the Council of the **Annual Town Cleanup** taking place on Saturday, April 19th at 8:30 a.m. He shared information on the Golf Outing for the Community Police Program scheduled on June 5th, as well as **Opening Day** for boys' baseball and girls' softball the previous weekend. He thanked the **DPW staff** and volunteers for the work they had done to make the fields look wonderful for the occasion.

Councilman Hoffman gave the **Fire Department** report for March 2008. He spoke about the Annual Easter Egg Hunt and the equipment dryer which the Fire Department received through a 200 Club grant. Councilman Hoffman also reported on preparations for the Annual **Arbor Day** Ceremony to be held on Saturday, April 26th at 1 p.m. in honor of longtime Commission Chair Jim Wagner who passed away in 2007. The planting would take place on Borough property behind the Cookie Cupboard. He announced that Hardwood Tree Services was donating the tree, a Dawn Redwood, in Jim's memory. In addition, Councilman Hoffman explained that the Environmental Commission was working on a project to bring a Farmers Market to Emerson, hopefully this summer. They were in the process of resolving issues such as where to locate it but had interested vendors and were hoping to find a suitable location.

Mayor Lamatina – The Mayor stated that he had attended the **NJ Conference of Mayors Convention** recently where the main topic

was the budget. He felt optimistic that there would be some action taken on this issue since it was very important to many legislators. In addition, he discussed the **Do It Meeting** relating to **Redevelopment** he attended in Trenton with 19 different State agencies, including the DCA, DOT, NJT, and the DEP. Among those in attendance were Mr. Scarpa, Mr. Boggia, and Mr. Burgis. Items reviewed included the trains through town and relocating the train station. The Mayor noted that it was a very productive meeting where information was exchanged and relationships were made. The Mayor also discussed his luncheon meeting with County Executive Dennis McNerney. They toured Emerson for 45 minutes and Mr. McNerney reaffirmed his and the County's commitment to Redevelopment. Finally, Mayor Lamatina mentioned his conversation with Mark Pfeiffer where they talked about **Shared Services**. Mr. Pfeiffer told the Mayor that he had begun a Shared Service program in 1981 when he worked in Washington Township. The Mayor said that this program now included 10 towns in the Pascack Valley.

- b) Office of the Borough Administrator - Mr. Scarpa discussed three recent grants awarded to the Borough – \$150,000 from the Department of Transportation for road improvements at Lincoln Blvd., \$3000 from Community Development for Senior Citizens Programs, and a \$7,800 Clean Communities Grant to be used for the purchase leaf bags in the fall. He also discussed testifying on April 1st before the Assembly Budget Committee where he spoke out against Governor Corzine's proposed state aid cuts to small municipalities. He reviewed the recommendation from JIF that the Borough should update its personnel policy – the main point being to update information on CEPA, also known as the Whistleblower Law. Updates would also be made to allow Borough personnel to carry over three (3) vacation days each year. Finally, Mr. Scarpa discussed the New Concepts for Living development, stating that currently nine out of ten units were unoccupied. Plans were to have the development completely occupied within four to six weeks.
- c) Office of the Municipal Clerk – No report
- d) Borough Attorney – No report

15. 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 Councilman Loffredo, **seconded** by Council President Heyer and carried at 7:50 p.m.

Leslie Solimando, 138 Highland Avenue – Ms. Solimando asked about the National Guard Deployment resolution she had contacted the Mayor about. He explained that it was not on the agenda due to time issues related to the School Board Election taking place the same evening. The Governing Body agreed that Ms. Solimando's suggestions, including writing a resolution, letter writing and a reception for these individuals, were great ideas and that they would abide with her suggestions.

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 Councilman Loffredo and carried.

16. CONSENT AGENDA-Resolution No. 79-08

☞ **Motion** to approve the Consent Agenda Resolution No. 79-08 was moved by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

- Ca #80-08 Approve Bill List
- Ca #81-08 Amend Personnel Policy
- Ca #82-08 Amendment to the Temporary Budget
- Ca #83-08 Martin O'Shea and John Paff v. Carol Dray, Municipal Clerk on behalf of the Borough of Emerson
- Ca #84-08 Authorizing Increase in Deferred School Taxes for Local District School Taxes

17. CLOSED SESSION RESOLUTION No. 85-08

Mayor Lamatina asked for a motion to amend Closed Session Resolution No. 85-08 to add Redevelopment Litigation as a separate item.

☞ **Motion** to add Redevelopment Litigation as a separate item to Closed Session Resolution No. 85-08 was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried.

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 85-08 was moved by Council President Heyer, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

#08-4/15-26 Real Estate Acquisition

#08-4/15-27 O'Shea v. Carol Dray, Municipal Clerk

#08-4/15-28 Redevelopment

#08-4/15-29 Redevelopment Litigation

18. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried at 9:40 p.m.

Real Estate

☞ **Motion** to authorize the Governing Body to hire an appraiser and establish an escrow account for the potential sale of a section of Alma Avenue was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Milone-Yes

Hoffman-Yes

19. 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 9:45 p.m.