



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
MARCH 16, 2010
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Call to Order

Mayor Lamatina called the meeting to order at 7:40 pm. The Savino family led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina. Mayor Lamatina also took a moment to thank the Fire Department, Ambulance Corps and other emergency services for the great response to the recent storm. He emphasized that he appreciated everyone's help.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of March 16th, 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 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
Councilman Browne - Present
Councilman Hoffman – Present
Council President Lazar- Present
Councilman Rivers – Present
Councilman Shaw – Present

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

The Mayor stated that he also wanted to thank the Police Department and that they went over and above the line of duty on Saturday night.

I. PROCLAMATIONS & CITATIONS

*Honoring Mark Savino's years of service as a member of
The Emerson Volunteer Fire Department*

The Savino family was invited to the dais by Mayor Lamatina. Councilman Hoffman said that it was a privilege to have the opportunity to honor Mr. Savino that evening before the Mayor and Council. He thanked Fire Inspector Frank Boccio for suggesting this proclamation for Mr. Savino. He read the proclamation honoring Mark Savino's years of public service as a volunteer and Chief of the Emerson Volunteer Fire Department, honoring his immeasurable benefits and exceptional devotion to the department and the people of Emerson.

Mr. Savino remarked that he was only as good as the people behind him, including his officers and his guardian Rich Masiello and J.R. Mara. He thanked them for helping him through everything and said that they could not have done it without the Mayor and Council.

Women's History Month

Mayor Lamatina proclaimed April as Women's History Month in the Borough of Emerson and signed the proclamation.

II. APPOINTMENTS/RESIGNATIONS

- Appoint Ryan S. Chormanski to the Emerson Fire Department

☞ **Motion** to appoint Ryan S. Chormanski to the Emerson Fire Department was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried.

III. CORRESPONDENCE

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

- Letter dated March 2, 2010 from PERMA Risk Management Services; Re: Change to 2009 Safety Incentive Program Awards
- Letter dated 3/9/10 from Shivaun Gaines, Director of Govt. Relations, Montclair State University; Re: Red Tape Review Group
- Letter received 3/12/10 from Community Hospice of Bergen County, Inc., Re: Events

IV. UNFINISHED BUSINESS

- 2010 Budget – Mr. Scarpa reviewed the current budget situation, noting that the Borough was under the spending cap by about \$68,000, but were not okay on the other cap. He said the last round of cuts did not affect services, but the only way to reduce the budget by \$282,000 was through furloughs and layoffs. He said that he wanted to talk about this topic in closed session. The Mayor clarified that this was with the present tax cap of 4%. They also discussed Governor Christie's proposed spending cap of 2.5% and the amount by which state aid that would be reduced. The Mayor asked about cutting people from different departments. Mr.

Scarpa said that he was looking at furloughing employees on Fridays in July and August, perhaps June as well, also cutting operating budgets, eliminating a vehicle for the police, eliminating DPW summer help, as well as other measures. Council President Lazar said that they would have to get the message out to the public that these measures would affect them with cuts in services. Councilman Hoffman emphasized the fact that the Borough could not afford all the unfunded state mandates. Councilman Browne mentioned the impact on the school budget. Council President Lazar stated that overtime costs from the winter storms would add to the 2010 budget. Mr. Scarpa said that it would affect quality of life issues. Councilman Rivers said that until the Borough knew the State aid numbers all these issues were fluid and only suggestions that would have to be voted on by the Governing Body. He said the goal was to avoid furloughs or layoffs if at all possible. Mayor Lamatina said that it didn't seem possible. Members of the Council critiqued Governor Christie's budget proposals. In response to a question from Councilman Shaw, Mr. Scarpa explained that the town's percentage of the average tax bill was 29% which came out to about \$2700 home. The Mayor stated that there had been a suggestion to take school funding out of the tax rate and make it a State function.

V. NEW BUSINESS - None

VI. INTRODUCTION OF ORDINANCES

FIRST READING: None

SECOND READING AND PUBLIC HEARING:

1398-10 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, SCHEDULES § 274-41 TITLED SCHEDULE V: PROHIBITED TURNS at INTERSECTIONS

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

☞ **Motion** to adopt Ordinance #1398-10 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

1399-10 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, SCHEDULE V § 274-41 TITLED SCHEDULE V: PROHIBITED TURNS AT INTERSECTIONS

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

☞ **Motion** to adopt Ordinance #1399-10 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

1400-10 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, SCHEDULE X § 274-46 TITLED SCHEDULE X: LANE USE RESERVATIONS

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

☞ **Motion** to adopt Ordinance #1400-10 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

1401-10 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, SCHEDULE XX § 274-56 TITLED SCHEDULE XX: BUS STOPS

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

☞ **Motion** to adopt Ordinance #1401-10 on second reading was **moved** by Council President Lazar, **seconded** by Councilman Shaw and carried by roll call vote.

RC: Council members:

Browne-Yes
Rivers-Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

1402-10 AN ORDINANCE AMENDING CHAPTER 266 ENTITLED TREES AND SHRUBBERY ARTICLE II ENTITLED TREE PRESERVATION AND WOODLANDS MANAGEMENT § 266-15 TREE REMOVAL STANDARDS; REPLACEMENT TREES; TREE PLANTING FUND

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

☞ **Motion** to adopt Ordinance #1402-10 on second reading 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

1403-10 AN ORDINANCE AMENDING CHAPTER 266 ENTITLED TREES AND SHRUBBERY ARTICLE I ENTITLED GENERAL PROVISIONS §266-5 TITLED VIOLATIONS AND PENALTIES

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

☞ **Motion** to adopt Ordinance #1403-10 on second reading 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

VII. REPORTS

▪ Mayor and Council

Mayor Lamatina invited Chief Saudino up to discuss the recent storm. The Mayor said that things worked out as well as could be expected with no major injuries and that the Borough departments responded efficiently and effectively as could be expected. He said that calls into the **Police Department** on Saturday night were constant and gave credit to the police dispatchers, Chief Saudino and all the emergency services department that helped out. Many residents were without electricity for several days. Chief Saudino congratulated **DPW** Superintendent Joe Solimando and his employees for doing an excellent job. He also congratulated the **Police Department** and specifically commended the **Volunteer Fire Department** for working in a dangerous situation. He finished by stating that Emerson residents had the best emergency response that they could possibly have and he couldn't ask to work with a better group. The Chief said that they were hoping that FEMA would cover some of the expenses including Borough overtime and damage to residents' houses and cars.

The Mayor also discussed the upcoming last meeting of the **Zoning Board of Adjustment** where he planned to thank them for their services and plans for the proposed 7-11 that he had recently received. It said that there was progress, but that the plan did not take Mr. Jahr's discussions with their engineer into account. He said that there would be a meeting to straighten everything out. He added that Sunoco had also submitted plans to the County and that they were waiting to hear back.

Councilman Browne had no report.

Councilman Rivers had no report.

Council President Lazar stated that the **Police Department** volunteered a lot of time to the community. He gave a lot of credit to the Chief and other members of the department for giving of their own time to help needy members of the community. He also detailed the latest meeting of the **Historical Preservation Commission** where the architect showed them different styles of architecture that might be considered historical to get recognition for those homes.

The Mayor stated that he and Councilmen Shaw and Hoffman attended last Thursday's **Library Board** meeting where the director of the Bergen County Cooperative Library System advised hiring counsel to negotiate with the Borough regarding Library renovation. The vote was five to two to hire counsel. Councilman Browne was incredulous and questioned the Trustee's sense of reality. Mr. Boggia said that the Trustee's had a fundamental misunderstanding of the Borough's requirement regarding their funding. Councilman Shaw said that the director's report explained that patrons of the **Emerson Library** relied in an increasing number on other borough's library systems, indicating that Emerson's system was not where it should be. The Director recommended that the library not use their money for capital improvements and expenditures and they should maintain their money as their duty. Councilman Shaw continued that the Director stated that the **Emerson Library** was empowered to maintain and obligated to maintain their money. He said that there was some support for the Library to use their existing or surplus funds for improvements. Councilman Shaw said that the Director recommended that the Library set aside three months of funds per year as a surplus, while the Library currently has about

fourteen months worth of surplus funding and that the Director did not seem to appreciate the total surplus that they were setting aside.

Mr. Scarpa said that it was imperative for everyone to understand that no other budget receives a mandatory increase and no other budget would have been able to set aside \$400,000 because no one else would have had that amount of excess in their budget. Other departments get only what they need to operate each year and he added that apparently the Library has received more than they need to operate each year. Mayor Lamatina and Councilman Shaw said that the Director of the BCCLS and the Library believed that the Borough was obligated to maintain their building and make the requested improvements. Council President Lazar suggested that he speak with one of the Library Board member who was a former Councilwoman to help them. Councilman Hoffman and Mr. Scarpa discussed the fact that the PSE&G lighting money would be gone if the Library did not soon take advantage of it. Councilman Shaw said that the BCCLS Directory told the Library Board that they were doing an exemplary job running and managing the Emerson Library in its current state. He did add, though, that indications were that if the Library was not improved, that it would continue on a downward slope and not be an important resource for the community. In addition, the Director had emphasized that the Library was the most utilized and most visited municipal building of any town anywhere and based on that, more had to be done to keep improving.

The Mayor said that a floor plan to be voted on was flawed and that a special subcommittee meeting was scheduled for March 29th where the architect would be present. Councilman Shaw reiterated that they were going to retain an attorney to speak to the Council on the interpretation of the law as it related to 'surplus' or 'earmarked' money. Councilman Shaw pointed out that even if the two sides agreed to pay for the renovations, the Borough did not have any money. Councilman Hoffman said that it was not a question of willingness, but the fact that the Borough did not have the money. Councilman Rivers commented that it would be a waste of money for the Library to hire an attorney. Councilman Shaw opined that while it was unfortunate that the Library would spend funds on legal counsel to deal with the Governing Body, it might be necessary to get things accomplished. Mr. Boggia suggested that the Library Board get an opinion from the State Librarian as to whether the Borough was required to give them more money that was required by statute. Mayor Lamatina asked Mr. Scarpa to call the State and get their opinion. Council President Lazar said that he had visited the Library and agreed that they needed new lighting. He said that the Borough had gone out and found a source to pay for the lighting, PSE&G, and this was now not good enough for them. He suggested that they take things into their own hands and have PSE&G just go over there and replace the lights. Council President Lazar said that he would talk to Library Board Vice President Marcia DeSalvo to see if the Governing Body could help them in any way, but with the understanding that they did not have the money to do it even if they were so inclined. He said that he personally felt that they should take the money they had saved for improvements and use it towards purchasing books and computers for use of Emerson's residents – he felt that they were falling below the type of service they should be providing to the community. Council President Lazar said that residents' feedback was that the Library never had any new materials and that they had to send out to other for such materials.

The Governing Body agreed by consensus to put the Library lighting on the next agenda. The Mayor asked Council President Lazar to let the Library know that this issue was on the next agenda.

Councilman Hoffman gave the **Fire Department** report for the month of February. He also thanked them for all the work they did during the storm. He reviewed the **Board of Health** meeting where they were discussing the possibility of having a town wide canvassing done for the purpose of dog and cat licensing. They would have to hire someone to do this. They were also discussing raising their licensing fees which were only \$8.00 per year per pet. He said that the **Shade Tree Commission** would hold their Arbor Day Ceremony on Saturday, April 24th at 10 a.m. at Veterans Monument Park where they would plant an elm tree. Councilman Hoffman reminded the Governing Body that the sunset date for the High Street one-way ordinance trial was approaching. He said that they would need to assess the trial and make a decision. Chief Saudino said that he would get a report to them.

Councilman Shaw thanked the **Volunteer Ambulance Corps** and the **Department of Public Works** for helping out during the exceptional circumstances of the storm. He gave particular thanks to the volunteers, expressing his deep appreciation for their service above and beyond the call of duty. He said that without these individuals, the **Ambulance Corps**, the **DPW** and the **Police Department**, it would have been a far more difficult and damaging experience for everyone

- Borough Administrator – Mr. Scarpa also thanked all the people who responded during the storm and gave his report. He mentioned that a Crossing Guard member was leaving and that replacing this position was an emergency. Chief Saudino asked him to hire someone to replace the individual leaving on April 1 and recommended Joe Cannone. In this situation, he recommended waiving the requirement to advertise.

☞ **Motion** to authorize the hiring of Joe Cannone as a full-time Crossing Guard effective April 1 was **moved** by Council President Lazar, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- Borough Clerk - no report
- Borough Attorney Phil Boggia said that he had a report on pending litigation for closed session.

VIII. PUBLIC COMMENT

Members of the public are welcome to speak on any topic by coming to the table and stating your name and address for the record. In the interest of time, speakers are limited to five (5) minutes. In consideration of all who may wish to speak, please keep your comments brief and concise.

☞ **Motion** to open the meeting for comments from the public was **moved** by Council President Lazar, **seconded** by Councilman Shaw and carried.

Seeing no 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 Hoffman, **seconded** by Councilman Shaw and carried.

IX. RESOLUTIONS ON CONSENT AGENDA NO. 62-10

☞ **Motion** to approve the Consent Agenda Resolution No. 62-10 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

Ca 63-10	Bill List
Ca 64-10	Approve minutes: 2/16/10-PULLED
Ca 65-10	Supplemental Request of Community Development Project – \$3,000 for Senior Citizen Activities plus an additional \$1,950
Ca 66-10	Redeem Tax Sale Certificate – Meltzer
Ca 67-10	Reform Binding Arbitration Process

X. CLOSED EXECUTIVE SESSION - Resolution No. 68-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 68-10 with the addition of pending litigation was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

#10-3/16-05	Personnel-Group Employee Health Benefits	N.J.S.A. 10:4-8
#10-3/16-06	Real Estate	N.J.S.A. 10:4-5
#10-3/16-0	Pending Litigation	N.J.S.A. 10:4-7

XI. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried at 10:05 p.m.

XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Rivers **moved** to adjourn the meeting, **seconded** by Councilman Browne and carried at 10:08 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 5/14/10)

May 13, 2010