



**MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
DECEMBER 21, 2010  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630**



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**Call to Order**

Mayor Lamatina called the meeting to order at 7:35 pm. Emerson Police Chief Michael Saudino 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 December 21st, 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 Browne – Present  
Councilwoman DiPaola - Present  
Councilman Hoffman – Present  
Council President Lazar - Present  
Councilman Rivers – Present  
Councilman Shaw – Present

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

**III. PROCLAMATIONS & CITATIONS**

Honoring Patrick Rizza  
For service to the Borough as a member of the  
Emerson Recreation Commission

This item was postponed until Mr. Rizza's arrival.

**IV. APPOINTMENTS/RESIGNATIONS - None**

**V. CORRESPONDENCE - None**

VI. UNFINISHED BUSINESS

- Letter to State Officials; revenue replacement funding – Councilman Hoffman referenced a draft of a letter that he had distributed at the last meeting regarding the state funding the Borough should be getting but that had been cut over the last several years. His letter was in response to a request from the NJSLOM urging state officials to express their concerns on this issue. He asked for the Governing Body’s feedback before distributing it. The consensus was that the letter be mailed as drafted.

☞ **Motion** to send the letter as drafted to the individuals listed was **moved** by Councilman Hoffman, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**DiPaola - Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

- Bond Anticipation Note Bid Report – The Governing Body had no questions on this report.
- Active Duty Tax discussion – Councilman Browne had distributed a draft of an ordinance providing for a discount for active duty military personnel. He was focusing on who was or was not eligible as active duty and defining a combat zone. He noted that they must be a property owning resident. Council President Lazar said that two organizations at the NJ State League of Municipalities that dealt with military issues were willing to work with Councilman Browne on this. The Governing Body asked if Councilman Browne knew the number of people who would qualify. Councilman Browne explained that he would have to contact each branch of the service directly. Councilman Rivers stated that he thought the intention behind it was good, but asked for a number before they made a decision. Mr. Scarpa said that they would also have to discuss legal technicalities. Councilman Browne explained that his motivation for bringing this before the Governing Body was to do the right thing for people who volunteered to serve, offering them a way to offset the stress and strain of their service. Councilman Rivers reiterated that they would need to see a number so that they could see the impact on the budget before he would be willing to say yes. Councilman Browne said that it would be a thank you for those who serve.

The Governing Body returned to Proclamations with the arrival of Mr. Rizza. Mr. Rizza was invited up to the podium by Mayor Lamatina. Councilman Hoffman read the proclamation commending Mr. Rizza’s excellent job as a member of the Recreation Commission. He emphasized that the members of this commission did a lot of hard work for Emerson. He added that as Presiding Officer, Mr. Rizza did a lot without compensation for meetings, working behind the scenes, working on the town picnic, etc. Councilman Hoffman emphasized that he had the good fortune of serving with Mr. Rizza for one year when he was liaison to that commission and read the proclamation in his honor.

VII. NEW BUSINESS - None

VIII. INTRODUCTION OF ORDINANCES

Second Reading & Public Hearing:

**1418-10 AMENDING CHAPTER 89 TITLED SHADE TREE COMMISSION OF THE CODE OF THE BOROUGH OF EMERSON §89-1 ENTITLED CREATION; MEMBERSHIP AND §89-2 APPOINTMENTS ESTABLISHING ALTERNATE MEMBERS**

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilman Hoffman, **seconded** by Council President Lazar 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 #1418-10 on second reading was **moved** by Councilman Hoffman, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**DiPaola - Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

IX. REPORTS

▪ Mayor and Council

- Councilman Browne had no report.
- Councilman Rivers had no report.
- Councilwoman DiPaola gave the **Building Department** report for the month of November.
- Council President Lazar gave the **Police Department** report for the month of November. He added that the **Historic Preservation Commission** was off for December and would be back in January.
- Councilman Hoffman gave the November **Fire Department** report. He also said that the Fire Department had held their annual election of officers and congratulated everyone who was elected.
- Councilman Shaw had no report.
- Mayor Lamatina had no report.

- Borough Administrator Joseph Scarpa said that a community service worker had performed volunteer service in town helping the **Department of Public Works** and **Police Department**. The Environmental Joint Insurance Fund did a survey of the Borough's facilities, giving a score of 100% on safety compliance. The recycling calendar was mailed.
- Borough Clerk Carol Dray had no report.
- Borough Attorney Phil Boggia commented on Councilman Browne' request to follow up on Sergeant Clark's report about the lack of stop signs in certain intersections. He had pointed out that under the NJ Tort Claims Act the Borough did have immunity and no liability for not providing ordinary traffic signals throughout a municipality. Councilman Hoffman said that this had been brought up because of residents' requests and that he recommended that the Council continue to consider it despite the 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 Councilwoman DiPaola, **seconded** by Councilman Hoffman and carried.

Chief Michael Saudino stated that it was his last opportunity as a public official to say a few words and thanked the Governing Body for their cooperation in his ten years as Police Chief. He added that it was an honor to be the Chief for the last nine years but to be a member of the Emerson Police Department for thirty eight years and serve all the fine residents of the Borough. He emphasized that he still planned to be a very active resident of the community. He told Mr. Scarpa and Ms. Dray that it had been a pleasure working with them. He thanked Mayor Lamatina for his service and his efforts and all the time he put in downtown made for a definite improvement. He thanked Councilman Hoffman for being a good friend and standing up for what was right and defending him and the Police Department.

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

XI. RESOLUTIONS ON CONSENT AGENDA NO. 232-10

☞ **Motion** to approve the Consent Agenda Resolution No. 232-10 was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**DiPaola-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

Ca 233-10 Approve Bill List

Ca 234-10 Approve Borough Closings in Observance of Legal Holidays 2011

Ca 235-10 Approve Mayor & Council Meeting Dates 2011

Ca 236-10 Approve Mayor & Council Meeting Minutes – November 9, 2010 and December 7, 2010

Ca 237-10 Approve Transfer of funds

Ca 238-10 Approve 2011 Public Health Shared Services Agreement with the Bergen County Department of Health Services

Councilman Hoffman spoke about his philosophy about doing what the people of Emerson wanted. He said that the people were the government and he had always tried to govern with that in mind adding that it was, however, the Borough volunteers and employees who kept the town running. He recognized and thanked Emerson's volunteers and employees including all the members of the Boards and Commissions, the members of the Fire Department and the Ambulance Corps, Chief Saudino and the officers of the Police Department, Cathy Henderson and the members of the Finance Department, Frank Boccio and the Fire Inspectors, Mike Sartori in the Building Department, Jodi Fulgione and the workers at the Emerson Library, DPW Superintendent Joe Solimando, Borough Attorney Phil Boggia, Borough Clerk Carol Dray and Deputy Clerk Jane Dietsche, Borough Administrator Joe Scarpa. He also pointed out the excellent job that Mayor Lamatina had done in his four years in office, commenting on the change to the meetings and the conduct of business in Emerson. Finally he thanked the Emerson Council for all their hard work in his six years of office, adding that it was the most cooperative Council he had worked with and his most enjoyable year. He wished incoming Mayor Carlos Colina and incoming Councilwoman Elizabeth Garis the best.

XII. CLOSED EXECUTIVE SESSION - Resolution No. 239-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 239-10 was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**DiPaola-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

- #10-12/21-25 Personnel – Borough Administrator’s Contract N.J.S.A. 10:4-8  
# 10-12/21-26 Personnel – Police Department:  
Interviews for Police Chief and Patrol Officer N.J.S.A. 10:4-8  
#10-12/21-27 Personnel - Emerson Volunteer Fire Department N.J.S.A. 10:4-8

XIII. RECONVENE

☞ **Motion** to temporarily reconvene was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to promote Captain Donald Rossi to Chief of the Emerson Police Department effective January 1, 2011 subject to negotiation of a contract was **moved** by Council President Lazar, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**DiPaola-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

The Governing Body returned to Closed Session at 10:45 p.m. for Patrol Officer interviews. Councilman Rivers recused himself from this portion of the session.

☞ **Motion** to reconvene was **moved** by Councilman Hoffman, **seconded** by Councilman Lazar and carried at 12:40 a.m.

☞ **Motion** to appoint Anthony Mazzo as Patrol Officer of the Emerson Police Department effective January 1, 2011 was **moved** by Council President Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Abstain**  
**DiPaola-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilwoman DiPaola **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 12:45 a.m.