



**MAYOR AND COUNCIL MINUTES**  
**Regular Meeting**  
Tuesday, September 16, 2008  
7:30 P.M.  
**Executive (Closed) Session**  
**BOROUGH HALL COUNCIL CHAMBERS**  
Municipal Place  
Emerson, NJ 07630

**Call to Order**

Mayor Lamatina called the meeting to order at 7:35 pm. Chief Saudino led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina.

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

Mayor Lamatina read the Sunshine Statement announcing that the meeting of September 16th, 2008 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 -Present  
Councilwoman Marcia DeSalvo-Present  
Council President Christopher Heyer-Present  
Councilman Kenneth Hoffman-Present  
Councilman Anthony Loffredo-Absent  
Councilman Francis P. Milone, Jr.-Arrived at 7:50 p.m.

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

## 6. APPROVAL OF MINUTES

- August 19<sup>th</sup> - Regular Meeting

☞ **Motion** to approve the Regular Meeting Minutes of August 19<sup>th</sup>, 2008 with corrections was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried with one abstention by Council President Heyer.

- September 9<sup>th</sup> – Work Session/Regular Meeting

☞ **Motion** to approve the Regular Meeting Minutes of September 9<sup>th</sup>, 2008 was **moved** by Councilman Bair, **seconded** by Councilman Hoffman and carried.

## 7. PROCLAMATIONS

### Heroic Deed - Matthew Conklyn and John Ragosta

Mayor Lamatina asked lifeguards Matthew Conklyn and John Ragosta to join him at the podium. Officer Daniel Kalyoussef detailed the dramatic circumstances that led these young gentlemen to rescue two year old Carly Catania from drowning at the Hackensack Golf Club. After completing his compelling account, the packed audience burst into applause. The Mayor read the Proclamation to a hushed crowd; he and the audience were brought close to tears by the heartfelt words composed for the occasion by Borough Clerk Carol Dray. Finally, the Mayor presented Mr. Conklyn and Mr. Ragosta with medals attached to red, white and blue ribbons. The audience rose to their feet and cheered at the conclusion of this special honor bestowed on these young men. Mrs. Catania thanked the Emerson Police Department, the Borough of Emerson, the Hackensack Golf Club, and her neighbors and noted that their actions represented what community and friendships were about.

## 8. 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.

- Letter dated 8/17/08 – Rotary International Oradell/Emerson Club; re: Motorcycle Show & Flea Market
- Letter dated 8/21/08 – Mayor John Birkner, Jr., Borough of Westwood; re: Resolution supporting Certificate of Need for Hackensack University Medical Center

- Resolution dated 9/2/08 – Borough of Norwood – Resolution in support of Hackensack University Medical Center’s Application for a Certificate of Need to Re-Establish a Hospital at the Former Pascack Valley Hospital

## 9. APPOINTMENTS/RESIGNATIONS

Appointments - Recreation Commission:

- Len Fabiano as a Regular Member for the unexpired term ending 12/31/08

☞ **Motion** to approve the appointment of Len Fabiano as a Regular Member of the Recreation Commission for the unexpired term ending 12/31/08 was **moved** by Council President Heyer, **seconded** by Councilwoman DeSalvo and carried.

- Mark Micucci as an Alternate Member for the unexpired term ending 12/31/12

☞ **Motion** to approve the appointment of Mark Micucci as an Alternate Member of the Recreation Commission for the unexpired term ending 12/31/12 was **moved** by Councilman Hoffman, **seconded** by Councilman Milone and carried.

## 10. OLD BUSINESS

- a) Plans for Jim Wagner Park – Councilman Hoffman asked Shade Tree Commissioner Joe Solimando and Vice Chair Steve Frassa to detail their plans for the park honoring Mr. Wagner. Mr. Solimando described plans for tree location, flowers, and a paved walkway based on a rough sketch he distributed. He also discussed placing benches or block seating at the park. Mr. Solimando noted that over \$2000 was donated in memory of Jim Wagner. The landscaping was to be performed by Dinardi Landscaping for \$2000 and the **Shade Tree Commission** felt that this was reasonable. Mr. Solimando also explained that Mr. Sal Dinardi would do all work over \$2000 without compensation in honor of Mr. Wagner and that the landscaper or the DPW would maintain the park moving forward. A plaque honoring Mr. Wagner would be purchased with Shade Tree Commission funds. Mayor Lamatina congratulated the commission on their work. Councilman Hoffman mentioned using the \$500 donated by Andersen Windows towards signage design. Work was potentially to begin within a month with a formal dedication to follow. Construction Official Mike Sartori had been consulted about the project and expressed no concerns. Councilman Hoffman thanked Mr. Solimando and Mr. Frassa for

their hard work on this project and noted that this would be an asset to the beautification of the town.

☛ **Motion** to approve the plans as presented by the Shade Tree Commission for the improvement of Jim Wagner Park was **moved** by Councilman Hoffman, **seconded** by Councilman Heyer and carried.

**b) September 24th Planning Board Hearing** – Redevelopment Supplement Study – Mayor Lamatina reminded everyone that the initial hearing before the **Planning Board** for the Redevelopment redesignation was at 8 p.m. on September 24<sup>th</sup> at the high school. He urged all members of the Council to attend. He anticipated subsequent meetings. Councilman Hoffman asked if the Borough's financial analyst, Mr. Ralph Basile, would be attending. Mayor Lamatina thought it would be a good idea for him to attend and asked the Council for their thoughts. Mr. Scarpa stated that he would let Mr. Basile know. The Mayor also mentioned that he had invited fifteen local mayors as well as local legislators. Mayor Lamatina stated that he had been in Long Branch recently and was very impressed with their Redevelopment project. He said that the difference in the area was spectacular and that Mr. Basile had been involved with that project for ten years.

**c) Hillman Field Improvements** – Mayor Lamatina summarized the past history and current situation at Hillman Field. He stated that the Borough had received a grant from Bergen County Open Space for approximately \$75,000. Changes were made to the field including widening the soccer field and improving drainage based on meetings conducted by **Recreation Commission** members and volunteers. Several residents have since had questions and requested the Mayor's input. He noted that he was discussing this to make the Governing Body aware of the current situation and to review any potential modifications or work that may need to be done and to clear up any issues. Borough Engineer Paul Niehoff explained he had met twice with relevant parties and it was brought to his attention that there was a drainage issue which caused them to revise their drawings. During the course of the meeting the issue of sod and seed and the timing of when the field could be played on were discussed. Maser Consulting made recommendations during the third meeting to go with the sod so that the fields could be played on sooner. Mr. Niehoff recalled his recollection of the current discrepancy about the drainage situation. Whereas, he understood that originally the priority issue was the playability of the fields based on the limited number of fields in town. With grass, his recommendation was to stay off the field for a year. With sod, the field could be played on in the fall. He said that even with the current rain, the field was fine, but the concern was that with a rainy season, the field may be swamped in one corner. Mr. Niehoff noted that they had made improvements to that location – a retaining wall in the front corner to cut the slope off and added fill. The grade was

also raised and an inlet was installed. The Mayor asked about the six inlets that were originally at the field. Mr. Niehoff noted that these did nothing but pick up surface water, but did nothing for ground water. The cost to improve drainage at this point was approximately \$87,000 and would require extensive cause everyone to have to go back and redo what was already completed. Mr. Niehoff also noted that even though there was a recent nor'easter and heavy weekend rains, the field was currently dry. Mr. Scarpa stated that there was no money available to redo this project. Councilman Milone asked why a percolation test was not done on the field. Mr. Niehoff responded that the situation with water coming to the surface was not brought to his attention until after the plans were designed and the work was almost complete. He added that percolation tests were not normally done on a ball field where extensive excavation was not part of the plan. He further stated that an under drain system had been installed and it seemed to be doing the job. Mayor Lamatina concluded by stating that the Borough relies on its Boards and professionals for recommendations and that legally they could not and would not change course midstream. If a problem were to arise in the future, the Borough would have to deal with it.

☛ **Motion** to open the meeting for comments from the public on the issue of Hillman Field was **moved** by Council President Heyer, **seconded** by Councilman Hoffman and carried.

Mr. Tom Calagee, 235 Grand Boulevard – Mr. Calagee stated that he represented Emerson Junior Baseball and was in charge of the fields. He thought that Paul Niehoff had done a wonderful job but would have preferred that the priority had been correcting comprehensive drainage issues abating groundwater due to the high water table that made the field soggy than focusing on resuming the swiftest playability. The Mayor thanked Mr. Calagee for his comments; however, conceded that it was too late to change the scope of the project. He add that should an issue were to arise in the future, the Governing Body would address it.

Mr. Steve Beloise, 105 Vivian Avenue – He stated that there had been two meetings to discuss the project and scope of work. At the third meeting, Mr. Niehoff provided the bid results where the full Recreation Commission made a decision based on the recommendation by the engineer. He discussed the collaborative approach of the project. He preferred sod to eliminate a delay in using the field. He did not realize that the real issue was extra drainage and relied on expert opinion. If he had known that it was a problem, he would have gathered everyone's opinion and moved forward differently. Mayor Lamatina said that they should wait and see what happens – the Borough Engineer says that it will work. Mr. Beloise also thanked Mr. Niehoff for his work on this field and the basketball courts.

Mr. Joe Solimando, 17 Palisade Avenue – Mr. Solimando, the DPW Superintendent, noted that he had been on the field for 30 years and warned the council that there had been times during a good rain when

there has been a delay of several days before the field could be worked on. He further commented that the Council should brace themselves for headaches and continuing problems on the field.

Mr. Dan O'Brien, 38 Palisade Avenue – He stated that he had lived on Palisade Avenue for 21 years. During heavy rain storms the water on the fields had overwhelmed the drains and affected the residents on Palisade Avenue. He added that rain was affecting his property since the start of construction and may overwhelm his pump and flood his basement.

Mr. Brian Todd, 207 Palisade Avenue – Mr. Todd asked about the engineering fees. Mr. Niehoff responded that it totaled \$25,000; the design fees were approximately \$15,000 and the inspection fees totaled approximately \$10,000.

Councilman Bair asked if there were any minor changes that could be made to the field such as accessing the tops of the six drain basins and replacing them with different caps. Mr. Niehoff said that this was a possibility and might help, especially in the corner. Councilman Bair asked if a price could be obtained for this project because he thought it would be of minimal expense and have a beneficial effect. Mr. Niehoff said that he would get a price the next day and would forward it to Mr. Scarpa. As long as it was within budget, they would consider having Mr. Scarpa authorize the work.

☞ **Motion** to authorize Mr. Joe Scarpa, based on a conversation with the contractor to see, if feasible and if funds were available, to address the drainage issue at Hillman Field, was **moved** by Council President Heyer, **seconded** by Councilman Bair and carried.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

Mayor Lamatina asked Mr. Scarpa to keep him advised and thanked all who spoke for coming forward.

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 Bair and carried.

## 11. NEW BUSINESS

**a) Allowing Congressman Scott Garrett to present check to the Borough of Emerson at the October 7<sup>th</sup>, 2008 Council Meeting.**

Councilwoman DeSalvo explained that the Governing Body was notified that Congressman Garrett would like to present the **Fire Department** grant check at the next meeting. She added that Congressman Garrett

had written a letter in support of that grant. The Clerk was going to add it to the next agenda but there had been an objection from a member of the Council. They decided to discuss and resolve this item.

Councilman Hoffman noted that Mr. Scarpa had offered to have this item take place after the election, explaining that his objection was that this item may be an election photo opportunity. Councilman Hoffman asked Mr. Scarpa to find out when they would be receiving the grant money, and if they held off Mr. Garrett's presentation, whether it would delay receiving the funds. Mr. Scarpa told Councilman Hoffman that it would not delay receipt and that the presentation was of a ceremonial nature. Mr. Scarpa mentioned that it was not unusual for grants to be presented by elected officials. He added that the timing of the receipt of the grant had nothing to do with Mr. Garrett. Council President Heyer reminded the members that Congressman Garrett had been there in the past and was a responsive elected official. Even if it was a political event, he felt that it was a nice gesture and it was perhaps bad manners to tell him to wait until after the election when he was willing to take time out to present the check. Council President Heyer did not want to send that message and risk losing a friend in a high place that the Borough might need in the future. Councilman Bair noted that Mr. Garrett was the Borough's Congressman from the Fifth District and that Emerson was receiving \$174,000. Councilman Hoffman questioned why the Governing Body could not wait. Councilman Bair added that he did not want to offend Mr. Garrett by declining.

☞ **Motion** to allow Congressman Scott Garrett to present the check to the Borough of Emerson at the October 7, 2008 Council meeting 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**

**Hoffman-No**

**12. ORDINANCES**

**FIRST READING:**

**1358-08 AMENDING ORDINANCE NO. 1352-08 2008 SALARY  
ORDINANCE FOR CERTAIN EMPLOYEES**

☞ **Motion** to approve Ordinance No. 1358-08 on first reading was **moved** by Councilman Milone, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

Mayor Lamatina announced that Ordinance No. 1358-08 was duly approved on first reading and would be further considered at a Public Hearing to be held on October 7th, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the September 19, 2008 edition of the Ridgewood News. Ordinance No. 1358-08 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

**13. BOARD AND COMMITTEE REPORTS**

**MAYOR AND COUNCIL:**

Councilwoman DeSalvo reported that the second meeting of the **Library Committee Subcommittee** an architect and an interior decorator were interviewed and one more meeting was scheduled before presenting their recommendations to the Library Board. The next Library Board meeting was to take place on September 18<sup>th</sup> at 8 p.m. at the library

Councilman Bair – No Report

Councilman Milone explained that the **Board of Health** meeting was pushed back because of Back to School night and would be holding their first meeting after summer break in September. He would be attending an **Ambulance Corps** meeting in a few weeks.

Council President Heyer delivered the **Police Department** report for the month of August. The Police Open House would be held on Sunday, September 28<sup>th</sup> at Police Headquarters with rides, raffles, giveaways and free food.

Councilman Hoffman gave the **Fire Department** report for the month of August. In addition, the annual Fire Department Inspection and Dinner was scheduled for Saturday, October 4<sup>th</sup> at 6 p.m. Referencing the **Shade Tree Commission**, he thanked Mr. Solimando and Mr. Frassa and the rest of the group for planting trees to beautify the town. Currently fifteen trees had been planted and they were planning to plant fifteen more. The

**Environmental Commission** was off for the month of August and was to meet again on September 22<sup>nd</sup>.

Mayor Lamatina discussed the hospital petition and urged everyone to take petitions and give them to neighbors and encourage them to sign.

**BOROUGH ADMINISTRATOR** – Mr. Scarpa reported that:

- The Borough's JIF deductible was decreased from \$50,000 to \$10,000 because of the Borough's improved record over the last year and a half. Mayor Lamatina added that Emerson was now off probation.
- He wrote to Assemblyman Rooney in regard to Councilman DeStefan's suggestion about adding the last name to existing street signs named for veterans. The Borough was still waiting for background information from Councilman DeStefan. Once he received the information, it would be posted in the Emerson Eagle.
- The rabies immunization day was scheduled for September 27<sup>th</sup>.
- Flu shots were to be given out on October 2<sup>nd</sup> in the Senior Center.
- Approximately 45,000 leaf bags were on order and the residents would be notified through the Emerson Eagle. The purchase the bags was funded through the annual Clean Communities Grant.
- The Borough received a \$74,000 Pascack Valley Open Space Grant for the tennis courts and an \$88,000 Recycling Tonnage Grant from the State.
- He was appointed to the Resolutions Committee at the NJ State League of Municipalities.

**BOROUGH CLERK** – No Report

**BOROUGH ATTORNEY** - No Report

#### 14. 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 Hoffman, **seconded** by Councilwoman DeSalvo 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 Council President Heyer, **seconded** by Councilman Milone and carried.

**15. CONSENT AGENDA-Resolution No. 162-08**

☞ **Motion** to approve the Consent Agenda Resolution No. 162-08 was **moved** by Council President Heyer, **seconded** by Councilman Milone and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

Ca#163-08 Approve Bill List

Ca#164-08 Authorizing combined sale and issuance of Bond Anticipation Notes in an aggregate amount not to exceed \$1,042,150 General Improvement Bond Anticipation Notes

Ca#165-08 Supporting the certificate of need application by Hackensack University Medical Center to reestablish a hospital at the former Pascack Valley Hospital site

Ca#166-08 Tax Overpayment for property located at 16 Sanford Avenue, Block #215, Lot 9 for \$1,477.00

Ca#167-08 Tax Overpayment for property located at 12 Sanford Avenue, Block #215, Lot 8 for \$6,841.23

Ca#168-08 Tax Overpayment for property located at 27 Kinderkamack Road, Block #610, Lot 10 for \$4,028.32

Ca#169-08 Tax Overpayment for property located at 156 Ackerman Avenue, Block #515.01, Lot 14 for \$8,239.00

**16. CLOSED SESSION RESOLUTION No. 170-08**

Mr. Scarpa asked to amend Closed Session Resolution No. 170-08 because of an additional item of litigation.

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 170-08 with the addition of an item of litigation was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

#08-9/16-73 Acquisition of real property – United Water

#08-9/16-74 Litigation-Chief Saudino v. Borough

#08-9/16-75 Personnel

**17. RECONVENE**

☞ **Motion** to reconvene was **moved** by Council President Heyer, **seconded** by Councilman Hoffman and carried at 10:51 p.m.

**18. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Council President **moved** to adjourn the meeting, **seconded** by Councilman Milone and carried at 10:51 p.m.

Carol Dray, RMC, CMC

October 6, 2008

(Proofed 10/20/08, cd)