



MAYOR AND COUNCIL MINUTES
Regular Meeting
Executive (Closed) Session
Tuesday, July 22, 2008
7:30 P.M.
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:45 pm. Mr. Roth 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 July 22nd, 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 -Absent
Councilwoman Marcia DeSalvo-Present
Council President Christopher Heyer-Arrived at 7:55 p.m.
Councilman Kenneth Hoffman-Present
Councilman Anthony Loffredo-Present
Councilman Francis P. Milone, Jr.-Absent

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

Approval of Minutes:

- June 12, 2007 – Work Session/Regular Meeting
☞ **Motion** to approve the Regular Meeting Minutes of June 12, 2007 was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried.
- June 10, 2008 - Work Session/Regular Meeting
☞ **Motion** to approve the Regular Meeting Minutes of June 10, 2008 was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried.
- June 17, 2008 – Regular Meeting
☞ **Motion** to approve the Regular Meeting Minutes of June 17, 2008 was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried.
- July 1, 2008 – Work Session/Regular Meeting
☞ **Motion** to approve the Regular Meeting Minutes of June 17, 2008 was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried.

7. 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.

- #08-39 Letter dated 6-17-08, re: Spirit of Community, J. Fulgione, Emerson Library Director
- #08-40 Letter dated 7-2-08 from Paula M. Jaegge, RMC, Waldwick Municipal Clerk and Scholar Chair, BCMCA; Re: Award \$500 scholarship to Jane Dietsche, Deputy Municipal Clerk
- #08-41 Letter dated 6-13-08, re: Emerson Police Department, P. Adams
- #08-42 Letter dated 7-15-08 from James Uriah, Construction Project Manager, Stop and Shop Supermarket Company, Re: Commending Construction Official Michael Sartori

8. PROCLAMATIONS

Recognition of Service: Brian Roth – A Proclamation recognizing Emerson resident Brian Roth’s act of bravery in December 2007 by averting a fire at the Palisades Center Mall movie theater was read by Councilman Hoffman. In attendance were Mr. Roth’s family and Mr. Vincent Donato. Councilman Hoffman congratulated Mr. Roth and stated that he made the town proud.

9. OLD BUSINESS

a) Hillman Park Improvement Project – Borough Administrator Joseph Scarpa explained that the specs had been prepared by Maser Engineering. The Borough had received multiple bids and the work would be awarded to J.C. Landscaping during the evening’s meeting.

b) County Volunteer of the Year – Councilwoman DeSalvo recounted that the Governing Body had received a letter from the County requesting nominees for Volunteer of the Year. The Council discussed potential names and based on the information received, she recommended that they nominate Dave Mason, Captain of the Emerson **Ambulance Corps**. Councilman DeSalvo added that the Borough wanted to recognize Mr. Mason for his efforts. Councilman Hoffman noted that there were many people that the Council would like to nominate and he wished that the opportunity to award a Volunteer of the Year occurred more often. By general consensus of the governing body, Mr. Mason would be presented to the County as the Volunteer of the Year representing Emerson. Councilwoman DeSalvo added that she would submit the paperwork before the deadline.

10. NEW BUSINESS

Pedestrian crossing signs – Councilman Hoffman explained that this issue arose based on planning for the Farmer’s Market. He asked if pedestrian crossing signs could be purchased this year. The Mayor explained that the signs would be at the crossings and requested signs with the rubber base that can be placed in the middle of the road. Based on the fact that people were coming from both directions to the first Farmer’s Market, he requested that Mr. Scarpa purchase at least four signs as soon as possible because this was a top priority. Councilman Hoffman emphasized a need for more enforcement of pedestrian safety.

11. ORDINANCES-SECOND READING

1347-08 AMENDING CHAPTER 106, ALCOHOLIC BEVERAGES, SUBSECTION 4-B. PROHIBITED ACTS, TO ADD CLARIFYING LANGUAGE AND INCREASE FINES FOR SUBSEQUENT OFFENSES

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

☞ **Motion** to adopt Ordinance #1347-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

RC: Council members:

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

1352-08 SECOND READING – PUBLIC HEARING: AN ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2008

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

☞ **Motion** to adopt Ordinance #1352-08 on second 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

12. REPORTS

a) Mayor and Council

Mayor Lamatina began by asking three members of the **Environmental Commission**, Joan Martin, Karen Browne and Tom Browne, to join him in discussing the first session of the Emerson Farmer's Market last Sunday. He noted that people started arriving at 8:30 a.m. Lines were frequently from five to fifteen people long. The produce vendor did very well; Mara's Gourmet Deli had to make four trips to replenish their inventory and the day's sales exceeded sales at their store. Picklelicious had a booth and the fourth vendor, who sold afghans and rugs, did not receive much attention. Due to very hot weather, the Mayor recommended that the Environmental Commission get tents from the **Recreation Commission** that people could sit under. In addition, the Mayor remarked that the area really became a downtown for the first

time since he had been in the area. He suggested that people come down and bring a blanket and snack and enjoy their downtown. He felt that the area was marked out pretty well for safety. He stated that pedestrian signs were a must due to trains and traffic. Kurt D'Allesandro, owner of the Emerson Pharmacy, was also very excited and was considering participating. People parked in his lot to go to the market and then stopped at his store, although the Mayor acknowledged that customers should not park there. The Mayor also recommended that the Emerson Pharmacy sell beverages during the Farmer's Market. Mayor Lamatina asked if anyone had questions or concerns. Comments were inaudible. He stated that someone should be there weekly and told the **Environmental Commission** to solicit volunteers to monitor the area. He asked about publicity and getting additional vendors based on the success the first week. Finally he commented that the interest and activity at the Farmer's Market is just a slight hint of what Redevelopment may do for the Borough – the area was bustling and lively. In fact he made contact with two people, a client and someone he was able to make social plans with. He thought it was a great place for residents to meet once a week and reminded everyone that the market would run through November 9th and suggested that people bring a lawn chair and blanket and enjoy their Sunday mornings there.

On other topics, Mayor Lamatina mentioned that the Borough had retained Mr. Joseph Sanzari to negotiate on its behalf. He had written a letter to NJ Transit to allow Mr. Sanzari to negotiate with them; their first meeting would be held on August 4th. The Mayor stated that Mr. Sanzari will discuss the importance of getting the train station relocated as well as safety issues. Millennium Homes was working with Borough Planner Joseph Burgis to finalize the report and anticipated that they would see a draft report in about a week. The Mayor noted that a meeting was tentatively scheduled at the high school on September 24th, but would not firm up the date until he had seen the report.

Ackerman Park basketball courts had been completed and looked great. He also stated that the Interlocal Services Agreement for the sewer jet had been signed at a meeting attended by Council President Heyer.

Councilwoman DeSalvo – She attended the **Library Board** meeting where they thanked all who helped with their successful Big Truck Program. Trucks were brought by the **Police Department, Fire Department, DPW** and the **Ambulance Corps** and the Board was very appreciative of the community spirit shown. The Board of Trustees was planning an anniversary event for October to celebrate the Library's 50th anniversary; it is scheduled for Saturday, October 18th from 4 – 6 p.m. as a back to the 1950's cocktail reception. The event will kick off a fund raising initiative to raise money for renovations at the Library. Discussions were currently taking place regarding the renovation and the next Renovation Sub-Committee meeting would take place on August 4th. Library Staff

Appreciate Day has been scheduled for September 19th where the Board will host a luncheon to thank their dedicated staff. In addition, circulation has continued to grow; if the current increase continues, there would be a 100% increase since Library Director Jodi Fulgione had joined the staff. Councilwoman DeSalvo detailed all the summer programs taking place at the library and said that they are all a big success. She also attended the Farmer's Market and thought it was going very well.

Council President Heyer – No report.

Councilman Loffredo – He had no **Police Report** and stated that other Police topics would be discussed in closed session. He thanked the **Recreation Commission**, Mr. Scarpa and Maser Engineering for putting together the bid for the Hillman Park project. It came in at bid and would hopefully satisfy everything that needs to be done at that field. He anticipated that they would only lose the fall season and would be up and running in the spring. He also said that Ackerman Park looked terrific and complimented the **Recreation Commission** for doing a great job.

Councilman Hoffman – He gave the **Fire Department** and **Fire Prevention** reports for the month of June. He complimented the **Fire Department** and **Fire Prevention Department** for doing a great job for Emerson. He also commended Karen Browne and Tom Browne and Joan Martin for the excellent job they did in getting the Farmers' Market off the ground and he looked forward to its continuing success. The last **Environmental Commission** meeting before their summer break would be taking place on July 23rd where they will be discussing many issues, including pedestrian safety. The Mayor and Councilman Hoffman also discussed changing the appointment of Karen Browne from an Alternate to a Regular Member of the **Environmental Commission**. The Mayor asked that this topic be added to the August 5th agenda. The Mayor also requested Councilman Hoffman to advise the **Fire Department** that he was pleased that it is currently functioning so smoothly. Councilman Hoffman agreed and credited it to Chief Savino who has been doing an excellent job. Mayor Lamatina asked Councilman Hoffman to extend his and the Governing Body's kudos to him.

b) Borough Administrator – Mr. Scarpa gave a report on the following:

- The Joint Insurance Fund (JIF) agreed to take Emerson off probation.
- The Borough will be responsible for a payment of \$42,000 for the deductible in the settlement of the Lana Peters lawsuit.
- A required quarterly safety meeting was held.
- A bill was drafted for the SPCC related to storm water regulations.
- On the affordable housing issue, \$500 was sent to the Bergen County League of Municipalities for a legal challenge against the State.

- A repair of the Borough Hall chimney will be necessary costing \$4000. In addition the central air conditioning unit will probably need to be replaced next year.
- Signs were ordered for the Operation Butt Out campaign to be posted at the train station and the bus stops.
- A grant application was submitted to the Commercial Equipment Direct Assistance Program (CEDAP) for rescue equipment for the Fire Department in the amount of \$10,000.
- A grant application was submitted for the repair and renovation of the tennis courts.
- Due to the new requirement that the Recycling Coordinator must now be certified, Mr. Scarpa has signed up for courses in Westwood in February 2009.
- There was an article in the paper about the D & L Paving issue; at the last minute they decided that they would do their work for their original bid price.
- All the figures are in for the United Water fire hydrants. He anticipated that a company may be able to save money for the nine towns in the Pascack Valley Regional Consortium.
- All charges were dismissed in the Picano lawsuit. Mr. Scarpa remarked that the suit was frivolous from the beginning and the Judge agreed with Emerson's position not to accept cash payment for property taxes.

c) Municipal Clerk – The Bergen County Municipal Clerks' Association awarded Jane Dietsche one of six \$500 scholarships which will go towards her Municipal Clerk's certification. Ms. Dray commented that Ms. Dietsche was performing excellently in her position and Councilwoman DeSalvo agreed that Ms. Dietsche was a great asset to the Borough Hall staff.

d) Borough Attorney – No report.

13. 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.

APPROVED MIN. 8-19-08

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried at 8:36 p.m.

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 Hoffman and carried at 8:36 p.m.

14. CONSENT AGENDA-Resolution No. 131-08

Ms. Dray noted that Resolution #135-08 was being pulled as it was still under review.

☞ **Motion** to approve the Consent Agenda Resolution No. 131-08, excluding Resolution #135-08, was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

Ca#132-08 Bill List

Ca#133-08 Bergen County Open Space Trust Fund Municipal Park Improvement Program - Community Development Grant for Hillman Park Field Improvements in the amount of \$73,000

Ca#134-08 Award Bid for Hillman Park Improvements to JC Landscaping

Ca#135-08* Determining Positions Eligible for the Defined Contribution Retirement Program - ***PULLED**

Ca#136-08 Approve State contract for Purchase of New Police Vehicle

Ca#137-08 Approve Special Revenue Chapter 159 Items of Revenue and Appropriation for \$1,695.00, re: Municipal Alliance on Alcoholism and Drug Abuse

Ca#138-08 Authorize Pledge/Contribution of \$500 to New Jersey League of Municipalities for the 2008 COAH Fund

Ca#139-08 Approve 2008-2010 Snow Plowing Agreement

Ca#140-08 Authorize Borough Clerk to advertise for bids for 2009 International Model 7500SFA 6 x 4 with an American Roll Off Hoist or Equal for the Emerson Department of Municipal Services

15. CLOSED SESSION RESOLUTION No. 141-08

Mr. Boggia asked to add Ackerman repaving legal action to the Closed Session Resolution #141-08.

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 141-08 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

#08-7/22-55	Litigation: Road Resurfacing Project
#08-7/22-56	Personnel-Construction Code Enforcement Officer
#08-7/22-57	Real Estate Sale/Acquisition: Block 715, Lot 2
#08-7/22-58	Personnel-Police Department
#08-7/22-59	Personnel-Professional Services-Engineers
#08-7/22-60	Litigation - Ackerman Repairs

16. RECONVENE

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

☞ **Motion** to pay all of Maser Engineering's bills that were approved during Closed Session was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

☞ **Motion** to increase the Construction Official Michael Sartori's salary by having the Borough Administrator offer either a \$2,500 one time stipend or incrementally increase his salary by \$1,500 based on his educational achievements; and, in addition to increase the Technical Assistant's salary by \$1,000 due to her increased services in connection with Fire Prevention to be paid with funds collected from the Fire Prevention Dept. was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

APPROVED MIN. 8-19-08

RC: Council members:

DeSalvo-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

17. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilman Hoffman and carried at 10:55 p.m.

Carol Dray, RMC, CMC

July 25, 2008