

APPROVED



MAYOR AND COUNCIL MINUTES

Work Session/Regular Meeting

Tuesday, December 2, 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 7:32 pm. Ms. Ashley Kindergan led the salute to the flag followed by a moment of silence in remembrance of two local youths, Kevin Beattie and Thomas Carliss.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of December 2nd, 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-Absent
Councilman Kenneth Hoffman-Present
Councilman Anthony Loffredo-Present
Councilman Francis P. Milone, Jr.-Present

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

6. ORDINANCES

FIRST READING:

1362-08 AN ORDINANCE AMENDING CHAPTER 57, ARTICLE II, § 57 OF THE BOROUGH OF EMERSON ENTITLED 'BOROUGH ADMINISTRATOR'

☞ **Motion** to introduce Ordinance #1362-08 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that Ordinance No. 1362-08 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on December 16th, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the December 5th, 2008 edition of the Ridgewood News. Ordinance No. 1362-08 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

SECOND READING AND PUBLIC HEARING:

1359-08 AN ORDINANCE DELETING CHAPTER 232 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "SIGNS AND AWNINGS" IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 232 IN ORDER TO REVISE THE PROVISIONS REGARDING POLITICAL AND NON-COMMERCIAL SPEECH SIGNS

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

☞ **Motion** to adopt Ordinance #1359-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

APPROVED

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that Ordinance No. 1359-08 was adopted by a 5-0 vote.

1360-08 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "ZONING" IN ORDER TO REVISE THE PROVISIONS REGARDING ELECTION SIGNS

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

☞ **Motion** to adopt Ordinance #1360-08 on second reading was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that Ordinance No. 1360-08 was adopted by a 5-0 vote.

1361-08 AN ORDINANCE ESTABLISHING FEES AND PROCEDURES FOR REIMBURSEMENT OF MAYOR'S EXPENSES IN CONNECTION WITH MARRIAGE AND CIVIL UNION CEREMONIES

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

APPROVED

☞ **Motion** to adopt Ordinance #1361-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that Ordinance No. 1361-08 was adopted by a 5-0 vote

7. OLD BUSINESS

Mr. Scarpa referenced a letter from Borough Engineer Paul Niehoff about Hillman Park and asked for the governing body's consensus on a compromise to resolve the situation and allow the field to be ready in the spring. He detailed the work that needed to be done and mentioned that the post was being left out of the discussion because he was researching lower priced options rather than the \$3,100 quoted. Mr. Scarpa also discussed the Christmas tree lighting ceremony, stating that it was tentatively scheduled for Sunday, December 7th and that postcards would be mailed to the residents.

☞ **Motion** to approve the additional \$1,800 cost for the four foot fence for Hillman Park and to postpone a decision on the post, pending an additional bid on its replacement, was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-No

Bair-Yes

Milone-No

Loffredo-Yes

Hoffman-Yes

8. NEW BUSINESS

None

9. 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

APPROVED

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 DeSalvo, **seconded** by Councilman Loffredo and carried at 7:46 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 Councilman Loffredo, **seconded** by Councilman Hoffman and carried.

10. CONSENT AGENDA-Resolution No. 200-08

☞ **Motion** to approve the Consent Agenda Resolution No. 200-08 was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

Ca# 201-08 Approve using On-line Auction for Various Surplus Property

Ca# 202-08 Approve Chapter 159 – Body Armor

11. CLOSED SESSION RESOLUTION No. 203-08

Mr. Boggia asked to have an item added to Closed Session – a legal bill from Michael Beatrice for Mr. Solimando. Ms. Dray agreed to add it to the closed session resolution.

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 203-08 and amended to include the legal bill for Mr. Solimando was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote at 7:50 p.m.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

APPROVED

Hoffman-Yes

#08-12/02-86 Police Contract Negotiations
#08-12/02-87 Personnel-Police Department
#08-12/02-88 Litigation-Ruderman & Glickman
#08-12/02-89 Personnel-Borough Administrator
#08-12/02-90 Litigation – Beatrice/Solimando

12. RECONVENE

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

☞ **Motion** to do what was necessary to end our 12 hour shift as of December 31st, 2008 and, as of midnight on January 1st, 2009 return to the 8 hour shift, 5-2-5-3 schedule was **moved** by Councilman Loffredo, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

☞ **Motion** to authorize Mayor Lamatina to execute the employment contract of the Borough Administrator, as written by Phil Boggia, extending his contract through 2011 was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Loffredo-Yes

Hoffman-Yes

☞ **Motion** to authorize Borough Counsel to make amendments to the Police promotional ordinance relative to criteria for the Captain and Lieutenant's position was **moved** by Councilman Loffredo, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-No

Bair-Yes

Milone-No

Loffredo-Yes

Hoffman-Yes

13. ADJOURNMENT

APPROVED

With no other business to address, at the request of Mayor Lamatina, Councilman Hoffman **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 9:31 p.m.

Carol Dray, RMC, CMC

December 9, 2008

(Proofed 12/16/08, cd)