



MAYOR AND COUNCIL MINUTES
Regular Meeting
Tuesday, April 14, 2009
7:30 P.M.
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:35 pm. Mr. Thomas Monahan 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 April 14th, 2009 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
Councilman Browne - Present
Councilman Heyer-Arrived at 8:19 p.m.
Council President Hoffman-Present
Councilman Lazar - Present
Councilman Loffredo - Present

Also present were Jane Dietsche, Deputy Clerk, substituting for Borough Clerk Carol Dray, Joseph Voytus, Esq., substituting for Borough Attorney Phil Boggia, and Joseph Scarpa, Business Administrator.

6. PROCLAMATIONS

National Donate Life Month – April 2009

Mayor Lamatina read the proclamation declaring April 2009 as National Donate Life Month for organ and tissue donation.

Richard Masiello – Honoring 30 Years as Fire Inspector

Council President Hoffman read the Mayor's proclamation honoring Mr. Masiello's thirty years of invaluable service as a fire inspector and fireman. He and Mayor Lamatina presented Mr. Masiello with a plaque recognizing his years of service in the presence of his wife. The assembled group applauded at the conclusion of the presentation. Mr. Masiello thanked everyone and posed for photographs.

7. CORRESPONDENCE

Mayor Lamatina announced that copies of the correspondence were on file in the Office of the Municipal Clerk.

- Letter dated March 16, 2009 from Stephen Dilts, Commissioner, NJ Dept. of Transportation; Re: NJDOT Municipal Aid, Bikeway, Centers of Place, Transit Village, and Safe Streets to Transit Programs
- Letter dated March 17, 2009 from John Rosenow, Re: Emerson achieved Tree City USA status for 2008
- Letter dated March 20, 2009 from County Executive Dennis McNerney; Re: Community Development Block Grant & Homeless Prevention/Rapid Re-Housing funds
- Letter dated March 23, 2009 from Jaymie Kerr, Marketing Manager, Habitat for Humanity; Re: 2009 Builder of the Year Award dinner
- Letter dated March 24, 2009 from Tina Keresztury, Associate State Librarian, NJ State Library; Re: Recovery funding
- Letter dated March 26, 2009 from David Grubb, Executive Director, Bergen County Municipal Joint Insurance Fund; Re: Proposed bylaw amendment
- Letter received April 1, 2009 from Ronald Borsellino, Acting Director, Div. of Environmental Planning & Protection; Re: Greening the Implementation of State Revolving Loan Fund Projects
- Letter dated March 30, 2009 from Vincent Taffaro, Superintendent, Emerson Board of Education; Re: Traffic Safety
- Letter dated April 6, 2009 from Richard Wierer, Acting Executive Director of BCUA; Re: Sewer Connection Fee – Municipal Incentive Program, payment in the amount of \$739.49
- Letter dated April 1, 2009 from Assemblyman John Rooney; Re: Street signs

8. ORDINANCES- INTRODUCTION

Mayor Lamatina announced that the following ordinances would be read by number and title. On approval, they would be further considered at a Public Hearing to be held on May 5, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J and published in the April 17, 2009 edition of the Ridgewood News. He added that these ordinances were on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

1370-09 AN ORDINANCE AMENDING ORDINANCE 1368-09 CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "POLICE DEPARTMENT"

☞ **Motion** to introduce Ordinance #1370-09 on first reading was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

1371-09 AN ORDINANCE AMENDING CHAPTER 140 ENTITLED DOGS AND OTHER ANIMALS ADDING A SUB-SECTION FOR REGULATING NOISE PROHIBTING CERTAIN ACTS

☞ **Motion** to introduce Ordinance #1371-09 on first reading was **moved** by Council President Hoffman, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

1372-09 AN ORDINANCE AMENDING CHAPTER 190 ENTITLED NOISE SUB-§ 190-8 ENTITLED SPECIFIC PROHIBITED ACTS § D. ANIMALS

☞ **Motion** to introduce Ordinance #1372-09 on first reading was **moved** by Council President Hoffman, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

1373-09 AN ORDINANCE AMENDING CHAPTER 146 ENTITLED FEES ADDING SUBSECTION MINIMUM COURT FINES FOR BOROUGH VIOLATIONS

☞ **Motion** to introduce Ordinance #1373-09 on first reading was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

9. NEW BUSINESS

- a) PSE&G Solar Panel Program – Mayor Lamatina requested that Mr. Worthington make a presentation at the next meeting. Councilman Browne explained that Mr. Worthington, a member of the Environmental Commission, had a company that installed, maintained and repaired solar panels and would handle the energy and tax credits for the Borough. Mr. Browne said that he would have Mr. Worthington contact Mr. Scarpa.

- b) Letter from Sal Gebbia – Council President Hoffman referenced Mr. Gebbia’s March 2009 letter requesting to appear before the Governing Body to present streetscape design and façade improvements to his storefront. He asked why there had been no response to Mr. Gebbia’s request, emphasizing that it contradicted the letter sent to all businesses in the redevelopment zone. Mr. Voytus speculated that, based on Mr. Gebbia’s pending litigation; it might be an attempt to work with the Governing Body to potentially settle the case. The Mayor explained that the Governing Body did not reply because they were being sued by him. Councilman Loffredo thought it would be more appropriate to meet with him during Closed Session because of the legal component. Councilman Lazar stated that he would be willing to meet with Mr. Gebbia to see if his plan was in compliance with the adopted downtown redevelopment plan and that it might be a way to avoid litigation and save legal fees. Councilman Lazar also said that he had attorneys looking at this issue to see if the current system of filtering was legitimate. After further discussion, there was a consensus to ask Mr. Gebbia’s attendance at the May 5th Closed Session.

10. OLD BUSINESS

- a) Redevelopment-PNC Bank – postponed until the May 5th Council Meeting.

- b) Hillman Field – Councilman Bair explained that there was an informal agreement between DPW Superintendent Joe Solimando and the Recreation Commission for Mr. Solimando to authorize field access. Councilmen Loffredo and Bair expressed concern that this was a seven day a week responsibility. Mr. Solimando explained that he was willing to take this on to keep the field playable. Mr. Callagee stated that there were more teams now, causing greater wear and tear on the field. Councilman Bair added that the Recreation Commission would not need Mr. Solimando constantly, only during rain events. Mr. Scarpa stated that if Mr. Solimando was not available, they should go back to their old system, allowing coaches to make the decision. He suggested that each sport provide a contact number for Mr. Solimando to reach them. It was the general consensus of the Governing Body to agree to this plan. Mr. Callagee shared his views on issues related to the number of teams that wanted field time as well as field maintenance concerns. Discussion also touched on the use of winter covers, sharing the Emerson High School football field, reviewing fee schedules and the percentage of Borough residents who were members of club leagues. Mr. Callagee said that the Recreation Commission would make a recommendation regarding fee schedules and report back to the Mayor and Council.
- c) Transit Village – Councilman Browne said that he would like to further investigate this initiative and asked that a special committee be organized from among the Council members. He added that a lot of money was dedicated to towns with this designation and explained the concept of a Transit Village, emphasizing that it was essentially a smart growth concept. Mayor Lamatina said that there were COAH requirements to consider. Councilman Browne said that if there were COAH requirements, he would not be interested in pursuing this program. Mayor Lamatina agreed to work with Councilman Browne on this project. Councilman Browne outlined the steps needed to proceed with exploring this program. The Mayor noted that the Borough needed an opinion from the State on the COAH issue but wanted to explore funding issues despite this question.
- d) Smart Growth Implementation Assistance – Councilman Browne explained that this was a program sponsored by the EPA that would provide technical, engineering and design assistance for smart growth. He said that it might be necessary to engage someone to explore this opportunity. Upcoming grants and their corresponding deadlines were discussed. The Mayor directed Mr. Scarpa to look into the municipal aid and Safe Streets to Transit - DOT grants since these deadlines were June 12th.

- e) Draft ordinance regulating Construction Dumpster & PODS (outside storage units) – Councilman Browne said that he had circulated two sample ordinances to the Council addressing time restrictions on PODS and dumpsters, as well as situations involving overflow of construction debris. Based on his observations in his neighborhood, he stressed the need for regulation. Councilman Heyer mentioned that some residents did not have room to place a dumpster in their driveway and park their vehicles off street. After further discussion, the consensus was to draft an ordinance, have it reviewed by Construction Official Mike Sartori and be further discussed at the next meeting before introduction.
- f) Draft ordinance for “Green” building codes and standards – The Mayor discussed a change to the Municipal Land Use Law, providing for the addition of green building as a sixteenth element in the Master Plan. He added that a Planning Board may adopt these standards and asked whether the Council should address this topic to send to them. The Mayor also mentioned that Mr. Sartori thought that this would be a good idea.

☛ **Motion** to send draft ordinance for ‘green’ building codes to the Planning Board was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

The Mayor asked that Mr. Scarpa direct this to Planning Board Secretary. Barbara Looney.

11. REPORTS

MAYOR AND COUNCIL

Councilman Browne – No report

Councilman Lazar stated that he was meeting with the Borough Auditor and discussed the process of applying for the pension deferral. The Mayor noted that he was informed by the auditor that many towns were granted the approval as a group by consent.

Councilman Loffredo stated that he was looking forward to baseball’s opening day parade at 9:00 a.m. on Saturday. He also gave the **Police Department** report for the month of March and discussed the upcoming Closed Session interviews with five very qualified candidates for the position of Captain.

Mayor Lamatina announced that Certino’s had finally signed a lease for the Oritani Bank property. He described it as an upscale coffee and sandwich shop, adding that this would be their first New Jersey location.

The Mayor also mentioned that they were interested in offering outdoor dining, but noted that the current Redevelopment ordinance might prohibit it. He had contacted Mr. Sartori to review this provision but didn't think that anyone objected to it and wanted to encourage this in town. The Mayor also stated that the members of the Pascack Valley Mayors' Association had agreed to have their administrators jointly apply for DEP permits for desnagging of two local brooks. He explained that the resolution would be drafted shortly and hoped that a joint application would eliminate some red tape. In conclusion, the Mayor said that Mr. Bill Sheehan had conducted the Watershed meeting in town the previous Saturday, but that it was not well attended.

Council President Hoffman gave the **Fire Department** report for the month of March. He also discussed the fifth annual Arbor Day ceremony to be held on April 25th at 3 p.m. where a red oak paid for by PNC Bank would be planted at Jim Wagner Park. The **Shade Tree Commission** had recently received its fourth recertification as a Tree City and commended Mr. Solimando and the rest of the commission for their hard work.

Councilman Heyer – No report

Councilman Bair mentioned that the check had been cut for the street sweeper and that it was ready to be delivered. He also reminded everyone that the School Board election would take place on April 21st and encouraged everyone to vote.

BOROUGH ADMINISTRATOR – Mr. Scarpa said that the Borough was applying for a \$528,000 **Police Department** grant that would pay the salary and benefits for two police officers for three years. He noted that the final report for **Court** safety was submitted and that he had passed his recycling class and was now certified as required by Recycling Coordinators. He also mentioned that the State was having a recycling contest and that he had sent the information to the schools. In addition, he noted that the Borough had received an \$8,900 Clean Communities Grant for fall leaf bags. The Mayor asked for an update on his tree trimming request for Hillman Field since branches overhang the field. Mr. Solimando explained that he was waiting to hear back from all the board members of the **Shade Tree Commission** before proceeding. Finally, the Mayor stated that the new street signs were on order. Mr. Solimando said that he should have them within a couple weeks. Mr. Scarpa stated that the Deputy Clerk had discussed offering residents the opportunity to post a birthday, anniversary or graduation message on the new electronic sign for a small fee and suggested that the Governing Body consider the proposal. Councilman Browne asked Mr. Scarpa if the **Police Department** had been trained on operating the electronic sign. Mr. Scarpa responded that he was still learning, but would provide training shortly.

BOROUGH CLERK – No report

BOROUGH ATTORNEY – No report

12. 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 Loffredo, **seconded** by Council President Hoffman and carried at 9:00 p.m.

Karen DeMarco, 8 Marianna Place asked for a report on the process taking place at 12 Marianna Place. Mayor Lamatina informed her that it was a decision being handled by Construction Code Official Mike Sartori pursuant to New Jersey Administrative Code. He added that Mr. Sartori was also in touch with the Mr. Boggia and that the process was moving forward. The Mayor explained that he could not be more specific due to privacy concerns.

Ed McDonald, 18 Marianna Place detailed a new program, The Parent Program, which was begun to address an increase of teenage criminal activity in recent years. He explained that it was designed to raise parental awareness and communication issues, and also offered a support group for teens. He asked to have information on this program included in the Mayor's Message on the Borough website and added to other areas of the site. Mr. Scarpa and Councilman Bair expressed concerns regarding liability since the group was not an official town organization. Mr. McDonald stated that he was also a member of SAGE, a County organization. Mr. Scarpa explained that since SAGE was a taxpayer funded group, they would be able to advertise in Borough publications and asked him to submit information for the Borough newsletter.

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 Bair, **seconded** by Councilman Loffredo and carried at 9:10 p.m.

13. CONSENT AGENDA-Resolution No. 91-09

☞ **Motion** to approve the Consent Agenda Resolution No. 91-09 was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

Ca 92-09 Approve Bill List

Ca 93-09 Support our Troops Day – Sunday, April 19th

14. CLOSED SESSION RESOLUTION No. 94-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 94-09 was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

#09-4/14-15 Personnel: Police – Captain Interviews

- P.O. Scott O'Connor
- Sgt. Richard Mottley
- Sgt. Det. George Buono
- Sgt. Allen Solimando
- Lt. Donald Rossi

#09-4/14-16 Contractual: Police Bargaining Agreement

15. RECONVENE

☞ **Motion** to reconvene was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried at 11:20 p.m.

☞ **Motion** to promote Lieutenant Donald Rossi to the position of Captain of the Emerson Police Department effective Monday, April 20th, 2009 was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Councilman Loffredo thanked all the Police Officers who interviewed for the position, not only for their time that evening, but for all their time with the Emerson Police Department.

Chief Saudino mentioned that the amended Police Ordinance had to be adopted prior to posting for the position of Lieutenant since the criteria had changed.

☞ **Motion**, with the passing on second reading of the amended Police ordinance, to post for the position of Lieutenant within the Emerson Police Department was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

16. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 11:24 p.m.

Carol Dray, RMC/CMC/CMR
Borough Clerk

April 20, 2009

(Proofed 05/26/09, cd)