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**MAYOR AND COUNCIL MEETING
MINUTES**

Work Session/Regular Meeting

Tuesday, March 4, 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 7:35 pm. Judge Leddy 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 March 4, 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.-Absent

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

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Approval of Minutes:

December 18, 2007 Regular Meeting/Sine Die

☞ **Motion** to approve with corrections was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried with one abstention by Councilman Bair.

February 19, 2008 Regular Meeting

☞ **Motion** to approve with corrections was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried.

7. PROCLAMATIONS AND PRESENTATIONS

Paula Winarsky-Emerson Centenarian – Ms. Winarsky was presented with a Proclamation honoring her 100th birthday. March 4, 2008 was proclaimed Paula Winarsky Day in the Borough of Emerson.

8. APPOINTMENT AND PERSONNEL CHANGES

- a) Resignation: Germaine Ortiz - Recreation Commission effective immediately.

Ms. Ortiz resigned due to taking a position on the Planning Board which conflicted with the Recreation Commission meeting dates.

☞ **Motion** to approve the resignation of Ms. Germaine Ortiz from the Recreation Commission effective immediately was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried.

9. ORDINANCES-FIRST READING

- a) #1346-08 Ordinance to Exceed the Municipal Budget Appropriation Limits And To Establish A CAP Bank

☞ **Motion** to introduce Ordinance #1346-08 on first reading was **moved** by Councilman Loffredo, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Loffredo-Yes

Hoffman-Yes

10. ORDINANCES-SECOND READING AND PUBLIC HEARING

1345-08 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR ROAD IMPROVEMENTS, APPROPRIATING

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\$360,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$342,000 OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilwoman DeSalvo, **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 #1345-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Loffredo-Yes

Hoffman-Yes

11. NEW BUSINESS

Discussions:

a) Introduction of 2008 Budget-Resolution No. 53-08 – Mayor Lamatina addressed the fact that the borough may lose a significant amount of State Aid although no definitive decision was scheduled until June. While the Governing Body was able to put together a budget with a zero percent increase, there was still the potential of a tax increase if State Aid was reduced. He discussed a meeting he would be attending with Mr. Scarpa on March 6th to review this issue and said that he would report back upon his return. Councilman Loffredo emphasized that the Council needed to know if there would be State Aid cuts so that they could put together a reasonable budget. He also felt that it was unfortunate that Emerson had kept the budget below the CAP, but might be penalized. Administrator Scarpa noted that State Aid cuts would affect over 300 municipalities, more than half the towns in the state, and that this would force them to raise taxes. The Mayor concluded the discussion by congratulating the Council on putting together a budget with a zero percent increase.

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☛ **Motion** to introduce the 2008 Budget Resolution #53-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina stated that the 2008 Budget was approved on first reading and would be further heard at a hearing on April 15, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall at Municipal Place, Emerson, NJ and published by summary in the Ridgewood News. A copy of the budget will be made available to the public at no fee until the time of its adoption and on file in the Clerk's office and in the Emerson Public Library.

b) Zoning Board of Adjustment-Alternate member appointments – Councilman Hoffman addressed the number of alternates necessary for the Zoning Board of Adjustment. He explained that while State statutes allow for up to four alternates, the current Borough Code permitted only two. He did not see the need to adopt an ordinance to raise this figure and proposed making Alternate II the Alternate I and appointing Mr. John Zielinski to the Alternate II position. Councilman Bair agreed that this made sense and noted that he believed that two alternates were more than sufficient. Councilwoman DeSalvo agreed and opined that extra alternates might get bored and lose interest. Mayor Lamatina agreed and stated that he would ask Chairman Silverberg's opinion and report back to the Council.

12. OLD BUSINESS

a) Redevelopment – Mayor Lamatina reported that he, the Redevelopment Subcommittee and Millennium had met with the County to discuss various issues. The County Planner, Mr. Farouk Ahmad, indicated his willingness to work with the Borough. The Mayor noted that Millennium needed to prepare road plans for the County to review. He also indicated that the County was willing to send a representative down to Trenton with them for discussions scheduled for April 10th. Further, they hoped to negotiate and finalize the agreement at an upcoming meeting on May 7th. Councilman Hoffman requested that the Redevelopment Subcommittee meetings be taped so that he could be kept informed of everything that was being discussed. Borough Attorney Boggia indicated that it would be inappropriate to tape the

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meetings because they would then be discoverable under both the Open Public Meeting Act and the Open Public Records Act. Councilman Bair assured Councilman Hoffman that there was nothing secretive going on and that he could count on the Subcommittee to report back on their discussions. Councilwoman DeSalvo explained that no decisions could be made without going back to the entire Council and suggested that Millennium come in for an Executive Session meeting on March 18th. Mayor Lamatina stated that he wanted to push Millennium to see if they were going to finalize negotiations and sign the Redevelopment Agreement. He agreed that bringing them in for a Closed Session was a good idea. Councilman Hoffman inquired as to who would be responsible for paying any costs associated with potential lawsuits and referred to the Harrison case which could open the door for other lawsuits. He emphasized that he did not want taxpayers stuck with the bill for lawsuits related to Redevelopment. The Council agreed that if Council President Heyer could not attend the next Redevelopment meeting, that Councilman Hoffman could attend. Mayor Lamatina broached the subject of allocating \$1000 to the Pascack Valley Mayor's Association towards a letter regarding COAH requirements. The Council objected to the cost, with Councilman Loffredo explaining that the Borough was already going through the process with Borough Planner Joe Burgis. Mayor Lamatina asked Mr. Scarpa to follow up with Mr. Burgis and get a draft of his letter as soon as possible since the deadline to comment was March 22nd.

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.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried at 8:15 p.m.

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Mr. Vincent Donato, 128 Vivian Avenue –referred to two recent court decisions addressing Redevelopment, and suggested that Millennium be required to indemnify the Borough entirely against potential lawsuits. He also asked for a copy of the ordinance authorizing Redevelopment as he had heard that one did not exist. Mr. Boggia corrected him and responded that the document did exist and was available for his review.

Margie Guttilla, 50 Linwood Avenue – Ms. Katella asked if the Council would consider expanding the drainage project on Linwood and Hasbrouck Avenues because of flooding issues she had experienced. She stated that it may be more cost-effective to add her property and her neighbor's rather than perform the work at a later time. Mr. Scarpa explained that he had brought her concerns to Borough Engineer Paul Niehoff's attention but that the cost to add this work to the current project was \$15,000 over and above the monies available. Mr. Scarpa stressed that the Borough was making an ongoing effort to address the numerous drainage problems as the budget allowed.

☞ Seeing no more hands, Councilman Hoffman **moved** to close the meeting for public comment, **seconded** by Councilman Loffredo and carried at 8:25 p.m.

14. CONSENT AGENDA-Resolution No. 54-08

☞ **Motion** to approve the Consent Agenda Resolution No. 54-08 was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

Roll Call Council members:

DeSalvo-Yes

Bair-Yes

Loffredo-Yes

Hoffman-Yes

Ca 55-08 Appoint Roy Rigitano and Kelly Lombardi as temporary, part time Finance Office Assistants

CA 56-08 Approve Bill List

15. CLOSED SESSION RESOLUTION No. 57-08

☞ **Motion** to add Stone Ridge Senior Housing, 58 Kinderkamack Road discussion to Closed Session Resolution No. 57-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Loffredo and carried.

☞ **Motion** to close for an Executive Session to discuss matters exempt from the public as duly noticed by Resolution No. 57-08 was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

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Roll Call Council members:

DeSalvo-Yes

Bair-Yes

Loffredo-Yes

Hoffman-Yes

#08-3/4-14- Litigation – Gebbia v Emerson

#08-3/4-15- Personnel – Municipal Court

#08-3/4-16- Personnel - CFO/Treasurer

#08-3/4-17- Litigation – Stone Ridge Senior Housing

19. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried at 9:40 p.m.

Court Administrator

☞ **Motion** to authorize the Borough Administrator to make a conditional offer of employment for the position of Court Administrator to Mr. Craig Ferdinand at the salary discussed was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried.

Deputy Court Administrator

☞ **Motion** to authorize the Borough Administrator to make a conditional offer of employment for the position of Deputy Court Administrator to Ms. Susan Keenan at the salary discussed was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried.

CFO/Treasurer

☞ **Motion** to authorize the Borough Administrator to make a conditional offer of employment for the position of CFO/Treasurer to Ms. Catherine Henderson based on the salary and terms discussed was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried.

The Governing Body continued their discussions by reviewing issues related to the upcoming Bond Ordinance including repair costs for the sweeper, the mobile electronic street sign, drainage and road repair issues, and the Police Department rescue boat. In addition, the Mayor and Council debated the relative merits of acquiring laptop computers. Councilmen Loffredo and Bair thought that laptop computers would assist them in conducting Borough business by easing the search for documents and eliminating excessive paper. However Councilwoman DeSalvo and Councilman Hoffman disagreed. Councilwoman DeSalvo stated that she thought it was a huge expense for its purpose and anticipated criticism from residents. She added that she would say no to

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placing it into the bond. Borough Clerk Carol Dray explained that using laptops would offer savings in paper, labor, copy machine costs, toner and the extra fees for going over the contracted limit for total copies produced. Ms. Dray suggested that the Council members attend a Council Meeting or contact Council members in Franklin Lakes or Old Tappan where they currently use laptops at meetings and ask for feedback on their experiences. Councilman Hoffman related information that the savings related to paper reduction were not in fact true; and that computers may be worse for the environment because of recycling and energy concerns. Councilman Hoffman did concede that; although, he would go along with the plan he considered it trendy. The Governing Body also debated the proposal for a new gas card system and acknowledged that as gas became more expensive, there would be a real need to keep closer track of its use in the numerous Borough vehicles. Finally, Mayor Lamatina mentioned that there were no Police Officers at Kinderkamack Road and Linwood Avenue to handle traffic problems during the current road repair project. Mr. Scarpa stated that it was a safety issue and that the area should be manned by an Officer. Mayor Lamatina asked him to follow-up on the Councils' concern regarding this situation.

21. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Loffredo **moved** to adjourn the meeting, **seconded** by Councilman Bair and carried at 10:05 p.m.

Carol Dray, RMC, CMC

March 26, 2008