



**MAYOR AND COUNCIL MINUTES**

**Regular Meeting/Sine Die**

Tuesday, December 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. Mr. Brian Yehle 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 December 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  
Councilwoman Marcia DeSalvo-Present  
Councilman Steven Bair -Present  
Councilman Francis P. Milone, Jr.-Present  
Council President Christopher Heyer-Present  
Councilman Anthony Loffredo-Absent  
Councilman Kenneth Hoffman- Present

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

## 6. APPROVAL OF MINUTES

- Regular Meeting - October 21, 2008
- Regular Meeting – November 17, 2008
- Regular Meeting/Work Session – December 2, 2008

Mayor Lamatina postponed the approval of the above meeting minutes by request of Councilpersons DeSalvo and Hoffman until the Reorganization Meeting of January 5th, 2009.

## 7. CORRESPONDENCE

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

Letter dated 11/13/08 from Brian Yehle; Re: Stoneridge at Emerson condominium trash pickup

Letter dated 11/21/08 from Ms. Janice Friedman; Re: Inappropriate ad in 'My Westwood'

Letter dated 11/25/08 from Denise Holmes, Westwood Deputy Clerk; Re: Westwood Resolution Supporting the Certificate of Need Application by Hackensack University Medical Center

Letter dated 11/25/08 from Mr. David Grubb, Executive Director of the Municipal Excess Liability Joint Insurance Fund; Re: POL/EPL Deductibles

Letter dated 12/3/08 from Mr. Eugene Dowling; Re: Lieutenant Donald Rossi, Emerson Police Department

Letter dated 12/5/08 from Elizabeth Randall, Commissioner, NJ Board of Public Utilities; Re: Local Govt. Energy Audit Program

Letter dated 12/5/08 from Audrey Meyers, President & CEO of The Valley Hospital; Re: Position on use of PVH site

Letter dated 12/8/08 from Douglas Duchak, President & CEO of Englewood Hospital; Re: Position on use of PVH site

## 8. PROCLAMATIONS AND PRESENTATIONS

### ***Recognition of Service:***

### ***Councilwoman Marcia DeSalvo and Councilman Frank Milone***

Mayor Lamatina thanked Councilwoman DeSalvo and Councilman Milone for their dedicated service to Emerson and presented each with a plaque to recognize their service on the Governing Body.

***Radon Action Month – January 2009***

Mayor Lamatina noted that January 2009 would be Radon Action Month and stated that the Proclamation would be posted in Borough Hall.

**9. APPOINTMENT AND PERSONNEL CHANGES**

Resignation: Beverly Doughty, Recreation Commission – Unexpired term ending 12/31/09

☞ **Motion** to accept the resignation of Ms. Doughty from the Recreation Commission was **moved** by Council President Heyer, **seconded** by Councilman Milone and carried.

**8. ORDINANCES**

**SECOND READING AND PUBLIC HEARING:**

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

☞ **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 Councilwoman DeSalvo and carried.

☞ **Motion** to adopt Ordinance #1362-08 on second reading 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**

**9. OLD BUSINESS**

- a) COAH – Mayor Lamatina explained that he had given Borough Planner Joe Burgis the authorization to move forward in light of the December 31<sup>st</sup> deadline. He said that a special Planning Board meeting was scheduled for December 30<sup>th</sup> at 7:00 p.m. followed by a Council Meeting to approve the plan submitted by Mr. Burgis. He said that the plan will most likely be amended but that it had to be submitted by December 31<sup>st</sup>. Mayor Lamatina noted that he agreed with the concept of the legislation, but believed that COAH should be done away with and a better system devised to allow municipalities to participate in the process in a different way.
  
- b) Stoneridge at Emerson – Senior Housing –Mr. Yehle was given the floor by Mayor Lamatina in representation of the condominium group that was requesting that there solid waste be picked up from dumpsters instead of individual household containers as the rest of the community. Mr. Scarpa explained that presently the only dumpsters picked up were public dumpsters, at schools, municipal buildings, etc., and that if they were to pick up a dumpster at the condo unit; he questioned whether the Borough would also have to pick up other dumpsters in town. However, he did not object to the request. The Mayor asked if the carrier would be willing to pick up the dumpsters at the senior housing development and if there would be a cost involved. Mr. Scarpa replied that he would discuss this with the hauler. Mr. Yehle noted that the condominium association would provide the dumpster if the Borough waste hauler would pick up the garbage.
  
- c) Resolution #209-08 Approve Change Order #2 totaling \$1,800.00 – Hillman Park Improvements

☞ **Motion** to approve Resolution #209-08 was **moved** by Councilman Bair, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**DeSalvo-No**

**Bair-Yes**

**Milone-No**

**Heyer-Yes**

**Hoffman-Yes**

**The motion was carried 3-2.**

**10. NEW BUSINESS**

a) Changing Reorganization Meeting from Tuesday, January 6<sup>th</sup> to Monday, January 5, 2009

Councilman Hoffman explained that County Executive Dennis McNerney was only available on Monday, January 5<sup>th</sup> to swear in the new Council members. Therefore, he asked that the Reorganization Meeting be to reschedule to accommodate Mr. McNerney. There were no objections to his request and the Municipal Clerk would make the required notices of the change in date.

b) Creative Outdoor Advertising

Mr. Scarpa, Councilman-Elect Browne and Joan Martin, the Environmental Commission Chair, met with Mr. Bill Schwartz of Creative Outdoor Advertising that provides recycling dumpsters. They would be free of cost and display advertising. The dumpsters would be maintained by the company, and allow the Borough right of refusal on advertising or location. Mr. Scarpa added that the typical locations were by bus stops, the train station or the school; approximately 13 possible locations within the borough. In addition, the company would bring the recyclables to the DPW garage. Councilwoman DeSalvo thought it was an excellent idea and commended Councilman-Elect Browne for getting this project going. Mayor Lamatina agreed and requested a motion.

☞ **Motion** to execute contract with Creative Outdoor Advertising if acceptable to the Borough Attorney was **moved** by Council President Heyer, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

b) Reverse 911

Mr. Scarpa said that the County had contracted with a new telephone alert system. It was reviewed by the OEM Coordinator, Captain David Hayes, who recommended the service.

☞ **Motion** to go with the Reverse 911 program as recommended by OEM Coordinator David Hayes was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

**11. BOARD AND COMMITTEE REPORTS**

**MAYOR AND COUNCIL**

Councilwoman DeSalvo reviewed the most recent Library Board meeting where they discussed staffing and the Annual Breakfast. They expressed an interest in Councilwoman DeSalvo serving on the Board of Trustees. She attended the Christmas Tree Lighting Ceremony and thanked everyone involved in helping to make the event special. She also addressed concerns with Maser Consulting fees so as to give the Governing Body some information to review before making next year's professional appointments. She detailed a two year fee comparison between Job and Job for 2005-2006 with Maser Consulting for 2007-2008. She stated that for the period of 2006-2007, Job and Job billed the Borough \$170,944. For the period of 2007 through November 2008, Maser billed fees of \$348,904. She added that there were engineering vouchers to sign that evening totaling \$6,200. She declared that this represented an increase of 113% in fees and maintained that Maser's appointment was a political appointment. She urged the Council to take this information and the Emerson taxpayers into consideration when making the Borough Engineer's appointment next year. She concluded her report by stating that she had enjoyed her time on the Council and had tried to be fair on all issues, committing whatever time necessary to research issues in order to make informed decisions. Councilwoman DeSalvo wished her successors, the Mayor and the rest of the Governing Body well and urged them the courage to stand by their convictions during their terms of office. She recognized Mr. Scarpa and Ms. Dray for their exceptional work as employees responsible for providing all the information that the Council needed to do their jobs very well. She also recognized their professionalism and courtesy. Finally she said that she would continue to be involved in town, school and civic activities and thanked everyone for the opportunity to serve them and looked forward to serving in the future.

Councilman Bair – No report

Councilman Milone stated that he was proud for the opportunity to serve the Borough of Emerson as a member of the governing body and called it a learning experience. He commented on the budget and said that with the help of others, he had tried to keep it as low as possible. He added that he had appreciated working with everyone.

Council President Heyer gave the Police Department report for November 2008. He also extended his gratitude to Councilwoman DeSalvo and Councilman Milone for all their hard work and wished them the best of luck.

Councilman Hoffman gave the November 2008 Fire Department report. He noted that the department was awarded a \$3000 grant from the 200 Club. He congratulated the department for the awards they received at the Wallington Competition. Councilman Hoffman also reviewed the Shade Tree Commission's plaque ceremony in memory of Muriel Wassmann at Centennial Park. Finally, he discussed the Environmental Commission's activities, outlining a visit from a member of a Hillsdale Environmental group which conducted activities for children. They were hoping to start a similar program in Emerson. He reviewed plans for next year's Farmers' Market and how they plan to do better advertising. He thanked Councilwoman DeSalvo and Councilman Milone for their service to the community. He referenced previous comments about Maser by Councilwoman DeSalvo noting that the comparison of fees was skewed because of the magnitude of the projects that Maser had oversight for over the past couple years including the Pascack Valley Shopping plaza. He also explained that it is difficult to compare engineers since projects varied in scope and size from year to year.

Mayor Lamatina discussed the reopening of Hackensack University Medical Center North at the site of the former Pascack Valley Hospital. He added that he attended a meeting with several other Mayors and a Borough Attorney at the State Department of Senior Services in Trenton. He commented that the meeting was successful, but also sobering. He opined that there was a 50/50 shot that the hospital would reopen. The application required that there was a need to show the necessity of reopening a full service acute care hospital at the site. He emphasized that public participation was crucial. He mentioned that the application was not yet complete, but when it was, hearings would take place that he hoped would be packed with members of the public to show support for the hospital reopening. He asked that the Borough obtain testimonials from residents who had a bad experience at other local hospitals to present to the State Health Board. He added that he had requested that the Emerson Seniors accompany him to the next day's Freeholders meeting to show their support and implore the Freeholders to pass a resolution to reopen the site. He gave kudos to the Emerson's senior citizens for assisting him in organizing them for the meeting.

Mayor Lamatina also reviewed Redevelopment efforts. He said that a meeting was set up for December 23<sup>rd</sup> with some of the property owners who had received a letter asking for discussions about their plans. He hoped it would be a very quick process, but added that economic concerns might make the process difficult.

### **BOROUGH ADMINISTRATOR**

- He thanked Mr. Ullman for coordinating the choir for the Tree Lighting ceremony and DPW Superintendent Joe Solimando for his efforts in setting it up.
- The Borough had problems with the newsletter company and he was looking at a company that was part of Community Life to take over. It would be free to the town and published every other month. He stated that the Borough Attorney would review the contract if the Governing Body had no objections. He said that he planned to get material to them by January 15<sup>th</sup> for a February issues.
- He asked the Mayor for a vote on extending the cleaning service's contract for a second year. He added that the cost savings was significant compared to other options.

☞ **Motion** to allow the Borough Attorney's to review the contract with the Emerson Eagle, allowing the Borough to move forward with the replacement newsletter was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried.

☞ **Motion** to continue with the current cleaning company for an additional year was **moved** by Councilman Hoffman, **seconded** by Councilman Milone and carried.

- He discussed a potential loss of revenue, referencing Verizon's Business Personal Property Tax. Emerson was due to lose about \$22,000 in property taxes if Verizon's plan moved forward. He discussed meeting with the BPU with Councilman-Elect Browne regarding a pending energy audit.
- He reviewed the League Convention meeting where his resolution on opposing forced mergers of municipalities based on population was passed.
- He stated that the Borough needed a Qualified Purchasing Agent based on a new State mandate. He said that he was willing to take the position and that it would involve taking three classes and passing a test.
- He was trying to get final punch lists for the curb ramp project and the Lincoln Boulevard resurfacing. He stated that both projects were done with grants.
- He thanked Councilwoman DeSalvo and Councilman Milone for their service and said that it had been a pleasure working with both of them.

### **BOROUGH CLERK**

- Ms. Dray discussed changing the starting time of Mayor and Council meetings in 2009 to 7:00 p.m. and beginning with Closed Session. The Governing Body discussed the merits of the change. The Mayor suggested that Closed Session start at 7:30 and last until 8:15; if there was a need for further Closed Session discussion, it could be revisited after regular business was

completed. The Mayor and Ms. Dray did address the fact that Closed Session discussions can become inefficient and ramble on and thought that 45 minutes would be sufficient. They also pointed out that when Closed Session took place at the end of the meeting, voting was taking place late in the evening after everyone had left and noted voting should take place in front of the public.

- Ms. Dray also suggested that the Governing Body consider more flexible hours for all Borough Hall departments as long as there was coverage in each area. She also noted that most other Borough Hall hours were 8:30 to 4:30. Mr. Scarpa mentioned that the Court employee hours were staggered. He and Ms. Dray explained that the department head would be responsible for ensuring that office hours were covered. Mr. Scarpa said that the Court Administrator's hours were 9-4 and the Deputy Court Administrator's hours were 10-5. He explained that they each worked an hour less a day to accommodate one or two monthly Court sessions and ensure coverage in the Court office from 9-5. Mr. Scarpa added that the flex hours also worked well in the Building Department.

The Governing Body discussed the merits of moving Closed Session to the beginning of Council meetings, specifically the length of time to schedule this portion of the meeting. They also reviewed when to schedule the Sine Die meeting - at the end of the year or at the Reorganization meeting. Ms. Dray stated that the 2008 Sine Die was being delayed until the 2009 Reorganization meeting on January 5<sup>th</sup>, 2009. She explained that any unfinished business for 2008 would be discussed and voted on by the 2008 Governing Body and then the Reorganizational portion of the meeting would begin with the swearing in of the new Council members.

**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 Hoffman, **seconded** by Council President Heyer 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.

### 13. CONSENT AGENDA-Resolution No. 204-08

☞ **Motion** to approve the Consent Agenda Resolution No. 204-08 with an amendment to Ca #211-08, changing the date of the Reorganization Meeting to January 5, 2009, was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Milone and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**

**Bair-Yes**

**Milone-Yes**

**Heyer-Yes**

**Hoffman-Yes**

Ca#205-08 Approve Bill List

Ca#206-08 Approve Transfer of Funds

Ca#207-08 Approve Cancellation of Checks

Ca#208-08 Approve Cancellation of Capital Balances

Ca#210-08 Award Contract for Specialty/Hybrid Services

Ca#211-08 Approve Annual Notice of 2009 Mayor and Council Meeting  
Dates

Ca#212-08 Approve 2009 Borough Holiday Closings

Ca#213-08 Approve Emergency Notification System

Ca#214-08 Award Office Supply Contract

### 14. CLOSED SESSION RESOLUTION No. 215-08

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 215-08 was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**  
**Bair-Yes**  
**Milone-Yes**  
**Heyer-Yes**  
**Hoffman-Yes**

#08-12/16-91      Litigation- Patient Rights  
#08-12/16-92      Litigation- Ruderman v. Borough of Emerson  
#08-12/16-93      Contract Bargaining – PBA  
#08-12/16-94      Personnel – Police Interviews

**15. RECONVENE**

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

☞ **Motion** to offer conditional employment as a Police Officer to Ryan Sokerka effective March 11, 2009 subject to a satisfactory background check and subject to any new bargaining agreement as a Step 1 employee was **moved** by Council President Heyer, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**  
**Bair-Yes**  
**Milone-Yes**  
**Heyer-Yes**  
**Hoffman-Yes**

☞ **Motion** to authorize the Borough Attorney to settle the pending litigation with the Ruderman & Glickman law firm for \$6,000 was **moved** by Council President Heyer, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**DeSalvo-Yes**  
**Bair-Yes**  
**Milone-Yes**  
**Heyer-Yes**  
**Hoffman-Yes**

**16. ADJOURNMENT/SINE DIE**

The Mayor announced that there would be a Special Meeting of the Mayor and Council on December 30, 2008. In addition, he noted that the Sine Die was postponed until the Reorganization Meeting of the Mayor and Council on January 5, 2009 at 7:30 p.m.

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilman Milone and carried at 11:25 p.m.

Carol Dray, RMC, CMC

January 30, 2009

(Proofed 2/1/09 cd)