



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
AUGUST 3, 2010  
7:30 P.M.

Borough Hall-Council Chambers  
Emerson, NJ 07630



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**Call to Order**

Mayor Lamatina called the meeting to order at 7:40 pm. Sergeant Michael Mazzeo and his father, former Police Chief Michael Mazzeo Sr., 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 August 3, 2010 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 Hoffman – Present  
Council President Lazar- Present  
Councilman Rivers – Present  
Councilman Shaw –Absent

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

I. PROCLAMATIONS & CITATIONS

- Swearing-in Ceremony for Sergeant Mazzeo

Mayor Lamatina invited Chief Saudino to join Sergeant Mazzeo and his family at the dais for the swearing-in. The Mayor swore in Sergeant Mazzeo in the presence of his wife Kim, and his children Nicholas and Jacqueline, which was followed by a huge round of applause. Chief Saudino thanked the entire Governing Body for filling the vacant Sergeant position and for realizing the significance of maintaining a full commanding squad. He thanked them for selecting Sergeant Mazzeo, and said that it was very well deserved, adding that Mike was a very dedicated officer, family man and significant part of the community. He discussed Sergeant Mazzeo's coaching of wrestling and football and added that this demonstrated his community spirit. The Chief said that it gave him great pleasure because he had known Mike since he was two years old as his father Peter Mazzeo was the former Chief of Police. He noted that Sergeant Mazzeo would have a very significant role in the Emerson Police

Department and would continue working with juveniles because he did that so effectively and was well respected by the juvenile community and their parents. Finally, the Chief congratulated him and said that it was great to have him on board in a supervisory role.

Sergeant Mazzeo thanked everyone and said that he hoped to make everyone proud. He shared that in 1994 his father, Chief Mazzeo, hired him and said that his father was tougher on him than the other officers. He said that he understood why, appreciated everything he had done and thanked him and loved him. He then addressed Chief Saudino and said that he had known him since he was young and was part of a generation of Police Officers that he always respected and admired - who were always community oriented, doing a lot for Emerson because that was the Emerson Police Department way. He promised to continue to do whatever he could to assist the department moving forward. He thanked everyone for their support, said that he respected them all and looked forward to working with them for many more years. He said that Lieutenant George Buono had been his mentor for the past five or six years and had learned so much from him and said that the Lieutenant was a big reason why he was up there that evening.

Sergeant Mazzeo remarked that he was blessed with a loving mother and supporting father, two older brothers, Joseph and Peter who were his role models who taught him all the necessary traits to be successful in life – honesty, integrity, respect, discipline, hard work and lots of love. He said that his wife Kim, son Nicholas and daughter Jackie were the reason he woke up every morning wanting to do his best and give it his all and try to help as many people as he could and give them a reason to be proud to say that he was their husband and father. Lastly, he thanked his friends, family members, in-laws and colleagues in attendance. Everyone had choices to make in life and he chose to be an Emerson Police Officer, he chose to raise his family in Emerson and he chose to continue to doing whatever he could to make Emerson the best town to live in.

## II. APPOINTMENTS/RESIGNATIONS - None

## III. UNFINISHED BUSINESS

- Kinderkamack Road Concept Plan – The Mayor said that they needed to consider a resolution since the County would be proposing resolutions on their September 1<sup>st</sup> agenda setting forth the agreed responsibilities for the road project. Emerson needed to pass a resolution mirroring the County's. He asked that it be placed on the August 17<sup>th</sup> agenda. He added that Emerson had a very productive meeting with the County and now they were in the final stages of preparing the plan. The Mayor also stated that Mr. Scarpa had met recently with NJDOT and John Jahr and that the meeting had gone well. NJDOT did not care where the bus stops were going south, and that they would be located in front of the buildings at Emerson Plaza West off Kinderkamack Road.
- Background Check Ordinance – Councilman Rivers asked that this topic be postponed to the next meeting because he ran across other New Jersey ordinances that had better information. He also became aware of the organization responsible for Megan's Law which gave money to non-profit groups for background checks. Mr. Scarpa said that he spoken with Maureen Kanka, mother of the late Megan Kanka, who explained the foundation would cover 50% or 100% of the background check costs. He said that there were a couple things the Borough needed from the State Police and they

would be set to go. Councilman Rivers said that Ms. Kanka provided another ordinance to them, giving them a road map to make sure they met all the criteria in place to receive grant money. He anticipated having a draft ordinance available to the Governing Body by next Friday. Councilman Hoffman asked for clarification that the Borough would be responsible for the cost of background checks, not the individuals being checked. Councilman Rivers confirmed that. He added that they may not get the background checks done in time for football or soccer, but said that the ordinance would be effective immediately. He proposed perhaps setting a ninety day allowance for everyone to complete their background checks, but said that the fall sports season would not be delayed. In addition, he mentioned that the grant would provide a \$4000-\$5000 savings to Emerson.

#### IV. NEW BUSINESS

- NJDOT Grants – Mr. Scarpa explained that these grants tied into Kinderkamack Road and were available through NJDOT. Borough Engineer Andy Hipolit and John Jahr recommended that the Borough apply for the below grants.
  - a. Resolution No. 150-10 - Approval to Submit a Grant Application and Execute a Grant Agreement with the NJ DOT for Lincoln Blvd. (Section 3) Roadway Improvement Project Fiscal Year 2011
  - b. Resolution No. 151-10 – Approval to Submit a Grant Application and Execute a Grant Agreement with the NJDOT for Kinderkamack Streetscape Beautification Project Fiscal Year 2011

☞ **Motion** to adopt Resolutions No. 150-10 and 151-10 were **moved** by Councilman Browne, **seconded** by Council President Lazar and carried by roll call vote:

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**

- Complete Streets Ordinance – Councilman Browne said that this document set the tone for any future projects in Emerson so that they be designed to incorporate and be friendly to all modes of travel – pedestrian, bike, etc. He asked the Governing Body to review it for discussion. Councilman Hoffman asked for a specific example. Councilman Browne explained that this was NJDOT policy for their projects, whereby if they funded a project, it had to include sidewalks, traffic calming and pedestrian friendly cross walks. The ordinance would cover a town level project such as roadway reconstruction for an area that did not have a sidewalk or needed traffic striping, traffic calming. He explained that it was modeled loosely on Montclair’s ordinance. The Mayor said that they would study it and bring it up at the next meeting but was concerned that they would have to have bicycle paths, and something like that would not be possible on Kinderkamack Road. Councilman Browne pointed out that the language said ‘wherever feasible to do so’.

V. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Lamatina announced that the following ordinances would be read by number and title by Ms. Dray. Upon approval of introduction, they would be further considered at a Public Hearing to be held on August 17<sup>th</sup>, 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 6th, 2010 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 where copies would be available to the General Public at no charge.

**1413-10 AN ORDINANCE AMENDING ORDINANCE NO. 1374-09 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2010**

☞ **Motion** to introduce Ordinance #1413-10 on first reading was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried by roll call vote:

**RC: Council members:**

**Browne-Yes  
Rivers-Yes  
Bair-Yes  
Lazar-Yes  
Hoffman-Yes**

**1414-10 AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE SUM NOT TO EXCEED \$90,000 FOR THE BOROUGH-WIDE REASSESSMENT OF ALL REAL PROPERTY IN THE BOROUGH OF EMERSON**

☞ **Motion** to introduce Ordinance #1414-10 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Rivers and carried by roll call vote:

**RC: Council members:**

**Browne-Yes  
Rivers-Yes  
Bair-Yes  
Lazar-Yes  
Hoffman-Yes**

**1415-10 BACKGROUND CHECK ORDINANCE - POSTPONED**

Second Reading and Public Hearing:

**1412-10 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 112 THEREOF, ENTITLED BLOCK PARTIES AND STREET CLOSINGS, TO CHANGE FILING CRITERIA DEADLINES; PROOF OF INSURANCE AND LIABILITY AND THE AUTHORITY TO GRANT APPROVAL OR REVOCATION OF PERMIT TO THE BOROUGH CLERK REMOVING FORMAL ACTION BY THE GOVERNING BODY.**

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

☞ **Motion** to adopt Ordinance #1412-10 on second reading was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

## VI. REPORTS

- Administrative – Mr. Scarpa followed up with the Governing Body on whether they were going to use short or long term bonding and asked for a consensus. Councilman Rivers opined that 3.5% was a good rate and said that he was inclined to lock it in hoping that the economy would turn around very soon but did not think the risk was great either way. Councilman Bair said that Borough Auditor Gary Higgins was pushing them in that direction. Councilman Rivers said that if the Local Finance Board granted a waiver to the Borough, they should move forward.

☞ **Motion** to apply for a waiver to the Local Finance Board for non-conforming permanent financing of bond notes that become due in 2011 as presented by the Borough Auditor was **moved** by Councilman Rivers, **seconded** by Councilman Bair and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

Mr. Scarpa also reported that Oritani Bank and Dairy Queen agreed to split the cost of repairs to the electrical cable. The Mayor said that Oritani Bank's attorney asked if the Borough would waive the permit fees because it was in a public right of way and the Construction Official agreed. But the Mayor said that it was up to the Council. Council President Lazar questioned why they would waive any fees and that if the Construction Official told him that, it was improper of him to do so since he was not authorized to do that. He added that he did not think the Governing Body should have gotten involved in this from the beginning. He did not want to give away another \$100 and questioned why they paid \$100 to an attorney for something they should not have been involved in. He emphasized that it was the taxpayers' money and he didn't think it was right.

Councilman Bair said this topic had been a thorn in their side for a while and could not find anyone to blame. He was happy that it was resolved in such a simple manner and that if the attorney for Mr. Rossi would object to the entire deal if the permit fee weren't waived, then he would feel that it was appropriate to waive the permit fee. He added that the Borough was not paying the \$100; it was \$100 that they would waive and if \$100 was the impediment, he would like to see it removed. The Mayor asked Mr. Scarpa to call Mr. Jaworski and say that it was not their policy to waive fees. Councilman Hoffman questioned setting a precedent by waiving a fee.

Mr. Scarpa also said that County Executive Dennis McNerney was asking for names for Volunteer of the Year and asked for names at the August 17<sup>th</sup> meeting. Mayor Lamatina suggested Bernard Silverberg who had stepped down as Chairman of the Zoning Board.

#### VII. 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 Council President Lazar, **seconded** by Councilman Hoffman and carried.

Seeing no hands, the Mayor 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 Hoffman, **seconded** by Council President Lazar and carried.

#### VIII. RESOLUTIONS ON CONSENT AGENDA NO. 152-10

☞ **Motion** to approve the Consent Agenda Resolution No. 152-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

Ca 153-10      Special Emergency - Reassessment

Ca 154-10      Corrective Action Plan

IX. CLOSED EXECUTIVE SESSION - Resolution No. 155-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 155-10 was **moved** by Council President Lazar, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

#10-8/03-15      Personnel – Fire Department      N.J.S.A. 10:4-8

X. RECONVENE

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

XI. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Bair **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 8:40 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 8/15/10)

August 5, 2010