



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
SEPTEMBER 21, 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 7:35 pm. Mr. Bernard Silverberg 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 September 21st, 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 on December 19<sup>th</sup>, 2009 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 Browne – Absent  
Councilwoman DiPaola - Present  
Councilman Hoffman – Present  
Council President Lazar- Present  
Councilman Rivers – Present  
Councilman Shaw –Present

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

III. PROCLAMATIONS & CITATIONS

Honoring Bernard Silverberg's 33 Years of Service to the Borough of Emerson

Mayor Lamatina stated he thought it was fitting to honor Mr. Silverberg with a Proclamation for serving as Chairman of the Planning Board for 33 years. He noted that the Borough had nominated him as their Volunteer of the Year to the Bergen County Executive's office. Mr. Silverberg and his family approached the dais and the Mayor read the Proclamation in his honor.

IV. APPOINTMENTS/RESIGNATIONS - None

## V. CORRESPONDENCE

Mayor Lamatina stated that all correspondence listed below was on file in the Municipal Clerk's Office for inspection or reproduction.

- Letter dated August 10, 2010 from Assemblywoman Charlotte Vandervalk; Re: DEP procedures
- Letter dated August 17, 2010 from Assemblywoman Charlotte Vandervalk; Re: Emerson's support of Governor Christie's 'toolkit' bills
- Letter dated August 17, 2010 from Commissioner Elizabeth Randall, NJ BPUA; Re: rate increase
- Letter dated August 18, 2010 from Eric Anderson, P.E., BCUA; Re: Bergen County Utilities Authority Wastewater Mgt. Plan Advisor from NJSLOM
- Letter received August 20, 2010 from Kevin and Lisa Smith; Re: Commending the Emerson Police and Fire Departments after recent fire
- Letter dated August 18, 2010 from Bergen County Freeholder John Hogan; Re: Resolution #1169 opposing State's planned budget cuts towards EMT's.
- Letter dated August 22, 2010 from Shirley Vilardi; Re: Commending Emerson Police Department and Officer Dan Kalyoussef and Sergeant Rick Mottley

## VI. UNFINISHED BUSINESS

- Best Practices Questionnaire FAQ – Councilman Hoffman discussed the questionnaire which required yes or no responses and would determine the remaining funding from the State. He explained that there were many questions about the document, which resulted in the State providing a FAQ. He commented that their response was very poor and that it should have been entirely redone, describing the inconsistencies in some of the questions. In addition, he discussed a public law signed by the Governor in June 2010 (Consolidated Municipal Property Tax Relief Act of 1994) and questioned how the State could nullify state statute requiring funding which was enacted to replace funds that were originally direct sources of municipal revenue and was never repealed. He stated that as far as he was concerned, they were still required to provide that funding and his interpretation was that they were violating State law by further trying to cut Emerson's state funding.

Mayor Lamatina stated that he had attended the New Jersey Conference of Mayors Summit at the Governor's estate where the Deputy Commissioner explained that pursuant to the passage of the budget, the Legislature required the Department of Community Affairs to come out with this document by September 1<sup>st</sup>. Mayor Lamatina assigned blame to the Legislature who passed the budget in June and wanted the questionnaire out by September and called it a total mess. Mr. Scarpa commented on the DCA's suggestions on how to fill out the questionnaire. He said that its directives would cause an increase in spending, be more time consuming and would not lead to tax savings. Mayor Lamatina said that the penalty for not complying with all the directives was minimal and pointed out that it was designed to have municipalities think. But he emphasized that it should have been given to them now to think about for the 2011 budget and not to put municipalities in a situation where it was necessary to scramble to comply. Councilman

Hoffman said that they could have done it in a responsible way to make people think; and opined that a lot of it was done for press coverage. He added that Trenton continued to blame municipalities but it was Trenton that could not get its own fiscal mess under control so they were putting it off on municipalities. Mr. Scarpa said that all the problems that towns were facing were because of Trenton. Mr. Hoffman said that it was not Republicans against Democrats but rather the state against municipalities. He added that municipalities have been trying to do their job, but the state had not.

#### VII. NEW BUSINESS

- Library Renovation Resolution – Mayor Lamatina said that the Borough was required to pass a resolution allowing the Library to secure temporary space during renovations. He said that they had gone through the bid package and plans and were looking at bidding the renovation work in early October with bids to come in 30 days later with work to start by the first of the year. He commented that it was a pretty ambitious renovation costing about a half million dollars and the library had agreed to move forward subject to their acceptance of the bids.

#### VIII. INTRODUCTION OF ORDINANCES

##### Second Reading and Public Hearing:

##### **1415-10 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 61 ENTITLED PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF TO ADD A SECTION REGULATING BACKGROUND CHECKS FOR VOLUNTEERS THAT PARTICIPATE IN BOROUGH-SPONSORED YOUTH SPORTS PROGRAMS**

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

Peter Weiss, 158 Jordan Road asked for clarification on details in the background check ordinance.

Seeing no more 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 Rivers and carried.

☞ **Motion** to adopt Ordinance #1415-10 on second reading was **moved** by Councilman Rivers, **seconded** by Council President Lazar and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**

**DiPaola-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

**IX. REPORTS**

▪ **Mayor and Council**

Mayor Lamatina said that he had submitted a question for the Governor to consider at the Conference of Mayors at Drumthwacket. He submitted a question on behalf of the Pascack Valley Mayors Association on the status of the hospital and when it was expected to open. He explained that the Governor did not get to his question but subsequently spoke with Lieutenant Governor Guadagno who said that they deserved a response to their question. He said that he has not yet heard from her but was optimistic that he would get a response.

The Mayor also announced that the Heroes and Cool Kids Program was going to begin in the Emerson school system this year. He had assisted the PTA in applying for a grant through the United Water Foundation which had agreed to pay for the first year at the cost of \$4,500. The program would allow high school students to be trained by certified counselors to mentor sixth graders by appearing in classrooms on three occasions. He praised the program stating that it was great for both the mentors and the six graders and thanked United Water.

He updated the assembled on Kinderkamack Road, explaining that letters were going out to property owners where a small right of way was needed for sidewalk replacement. In exchange for signing the easement, the property owners would get a new sidewalk. In addition, the County would be passing their resolution at their first meeting in October. He explained that the two issues that needed to be resolved were the easements and the preemption study with DOT. He added that he was very optimistic that the County would pass the resolution and that millions in funding were available. He looked forward to some important announcements next month.

Councilman Rivers gave the **Emerson Volunteer Ambulance Corps** report for the month of August and stated that they were working on updating their bylaws. He said that he would update the Council on that.

Councilwoman DiPaola had no report.

Council President Lazar gave the **Emerson Police Department** report for the month of August.

Councilman Hoffman gave the **Emerson Fire Department** report for the month of August. He reminded the Governing Body that this year's

Inspection Dinner was scheduled for Saturday, October 2<sup>nd</sup>. He said that at last week's **Shade Tree Commission** meeting, they decided to move its annual tree planting program to the spring due to recent dry conditions.

Councilman Shaw had no report.

- Borough Administrator Joe Scarpa discussed the cost of this year's leaf bag purchase. The Borough had received a \$4,000 check from the Community Development Fund for a municipal project, and \$16,000 for insurance reimbursement for the April storms. He anticipated receiving reimbursement from FEMA by the end of the year. He updated the Council on Hillman Field, explaining that the outfield was reseeded but it did not take. DPW Superintendent Joe Solimando was going to do it again with growth fertilizer. He said that the area by the goal was spongy, but the rest of the field was very dry. Councilman Rivers said that after two days with no rain, soccer teams should be able to play on the field but some games had been cancelled a few days after it had stopped raining and this should be looked at. He suggested getting the engineer to inspect the field a couple days after a rainstorm as well as getting an idea of how many people are on the field and who they were. He suggested preparing a calendar and having one person in charge so they know who was on the field at all times. Councilman Shaw agreed that the engineer had to come back and look at the field. The Mayor commented that the best was made of a bad situation because it was a tough field but that the drainage solution was working.
- Borough Clerk Carol Dray had no report.
- Borough Attorney Phil Boggia had no report.

#### X. 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 Councilwoman DiPaola, **seconded** by Councilman Rivers and carried at 8:30 p.m.

Police Chief Michael Saudino reminded everyone that the Police Open House would take place on Sunday and hoped to see everyone there.

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 Council President Lazar, **seconded** by Councilman Rivers and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 185-10

☞ **Motion** to approve the Consent Agenda Resolution No. 185-10 **moved** by Councilman Hoffman, **seconded** by Councilwoman DiPaola and carried by roll call vote.

**RC: Council members:**

- Rivers-Yes**
- DiPaola-Yes**
- Lazar-Yes**
- Hoffman-Yes**
- Shaw-Yes**

- Ca 186-10 Bill List
- Ca 187-10 Approve Mayor & Council Meeting Minutes – September 7, 2010
- Ca 188-10 Award Leaf Bag Contract to PABCO Industries for \$264.00 per thousand bags
- Ca 189-10 Award Contract for 2011 Chassis Truck to DeLuxe International Trucks for the base bid amount of \$118,316.00
- Ca 190-10 Protect Soldier Hill Road Site from Development
- Ca 191-10 Approval of Ocker & Trapp Building for Temporary Use of Emerson Public Library during Renovations

XII. CLOSED EXECUTIVE SESSION - Resolution No. 192-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 192-10 was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

- Rivers-Yes**
- DiPaola-Yes**
- Lazar-Yes**
- Hoffman-Yes**
- Shaw-Yes**

#10-9/21-18	Personnel Matter	N.J.S.A. 10:4-8
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XIII. RECONVENE

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

XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilwoman DiPaola **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 9:25 p.m.