



**MAYOR AND COUNCIL MINUTES**  
**Work Session**  
**Executive (Closed) Session**  
Tuesday, May 6, 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 7:38 pm. Mr. DiPaola 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 May 6, 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-Absent  
Council President Christopher Heyer-Present  
Councilman Kenneth Hoffman-Absent  
Councilman Anthony Loffredo-Present  
Councilman Francis P. Milone, Jr.-Arrived at 8:45 p.m. during Closed Session

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

**6. ORDINANCES**

**Public Hearing-Second Reading**

**\*1349-08 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$405,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$134,900 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 Councilman Loffredo, **seconded** by Councilman Bair 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 Loffredo, **seconded** by Council President Heyer and carried.

☞ **Motion** to adopt Ordinance #1349-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

- Bair-Yes
- Heyer-Yes
- Loffredo-Yes

\*As there were insufficient affirmative votes to approve this Bond Ordinance, voting was delayed until Councilman Milone arrived. Please see vote on page 7.

**1350-08 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 106 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, TO CHANGE THE AMOUNT FOR ANNUAL LICENSE FEES**

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

☞ **Motion** to adopt Ordinance #1350-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

Bair-Yes  
Heyer-Yes  
Loffredo-Yes

**7. OLD BUSINESS**

Resolution #89-08

Approve DPW Superintendent Compensation Agreement for the term of January 1, 2008 through December 31, 2011

☛ **Motion** to approve DPW Superintendent Joseph Solimando's Compensation Agreement for the term of January 1, 2008 through December 31, 2011 was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

Bair-Yes  
Heyer-Yes  
Loffredo-Yes

**8. NEW BUSINESS**

a) NJ National Guard Deployment – Based on a resident's request, Municipal Clerk Carol Dray stated that she had started to gather information on any residents who may have served, are on active duty or about to be deployed in the Iraqi conflict so that the Borough could honor them at a reception on June 10<sup>th</sup> from 6:30 until 7:30 at the Emerson Senior Center. In addition, there were plans to recognize these individuals with a presentation at the Mayor and Council meeting following the reception. Ms. Dray noted that everyone was pleased that Emerson would be recognizing these individuals and asked that the public inform the Governing Body of any other people who they were not yet aware of. Mayor Lamatina and the Council expressed appreciation for the sacrifices of these armed forces who reside in Emerson. The Mayor suggested that the Borough mail each individual a copy of the Borough newsletter, The Emerson Eagle, on a monthly basis. Ms. Dray explained that the event would be advertised in the Borough newsletter, local community papers and displayed on the Emerson website. She also stated that Hillsdale might be interested in a joint ceremony.

On other topics, Councilman Loffredo mentioned that he had received a memo from Bill Panzer regarding the Memorial Day celebration, asking for help in raising awareness of the time and day of the event. He inquired about ways to get the information out and stated that he would speak with Mr. Scarpa about getting a hard copy flyer produced to publicize the event. Mr. Scarpa mentioned that he would be announcing

the event on the bulletin board by the Cookie Cupboard as well as scrolling it on the home page of the website.

b) COAH Regulations/Affordable Housing Form – Mayor Lamatina explained that the New Jersey State League of Municipalities had requested that each municipality in New Jersey pledge \$500 towards potential litigation to overturn proposed COAH regulations. He noted that at this point they were only asking for a pledge, not money. Mr. Scarpa stated that the money would be set aside with the approval of the Council. While there was some concern as to whether there would be requests for additional funds, he noted that this would also be up to the Council to approve. Council President Heyer agreed to pledge the initial \$500.

☞ **Motion** to approve pledging \$500 to the NJSLOM towards potential litigation to overturn the proposed COAH regulations was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

Bair-Yes

Heyer-Yes

Loffredo-Yes

Mayor Lamatina concluded the discussion by quoting Montvale Mayor Fyfe in describing the potential new COAH regulations as absurd. Mr. Scarpa stressed that it would double every town's obligation.

**9. 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 Heyer and carried at 8:10 p.m.

Ms. Toni Plantamura-Rossi – Ms. Rossi, owner of the Emerson Dairy Queen at 13 Kinderkamack Road, spoke at length regarding her frustration with road improvements that have taken place in front of her store. She stated that these ongoing disruptions have caused her to lose business. She requested that all roadwork be completed in the evening so as to avoid interfering with her livelihood. Ms. Rossi asked Borough Attorney Phil Boggia if she could recoup her lost income. Mr. Boggia replied that her insurance company would be the one to advise her on that question. Acknowledging her frustration, he added that new business was good for the town and temporary inconveniences are to be expected when properties are purchased. He also stated that as a municipality, Emerson could not control the work as it was not a town project. Mr. Boggia also reminded Ms. Rossi that a similar situation must have occurred when her building had been constructed.

Mr. Scarpa explained that initially, the work being done for Oritani Bank was not anticipated to close Kinderkamack Road, only to allow for alternating traffic. A mobile sign had been in place alerting drivers and those in the area that road work was scheduled; also Emerson's website had added this information to their home page scroll. However, during that work, a gas main was accidentally ruptured, causing an emergency that required the road to be shut down for approximately two hours. Mr. Scarpa reminded Ms. Rossi that Kinderkamack Road was a county road. He noted that it was not Emerson's intention to hurt any business and made it clear to Ms. Plantamura-Rossi that businesses along the main road are at a definite advantage because of the volume of potential customers that pass by her store. He emphasized that roads are only closed as an absolute last resort. Members of the Council also explained that road work is not done in the evening except in the case of an emergency due to costs, noise and safety concerns. Additionally, it was explained to Ms. Rossi that Emerson has an ordinance that restricts noise before 8 a.m. or after 10 p.m. except for emergency repairs.

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 Heyer, **seconded** by Councilman Loffredo and carried at 8:53 p.m.

**10. CONSENT AGENDA-Resolution No. 86-08**

☞ **Motion** to approve the Consent Agenda Resolution No. 86-08 was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

Bair-Yes  
Heyer-Yes  
Loffredo-Yes

- Ca #87-08\* Approve Temporary Emergency Budget
- Ca #88-08 Authorize endorsement of Recycling Tonnage Grant application
- Ca #90-08 Approve 2007 Tax Appeal Settlement to Mara Center LLC – Block # 609, Lot #2, 72 Kinderkamack Road for \$5,849.72

\* This resolution was postponed to the June 10<sup>th</sup> meeting due to the lack of a majority of members present to take official action.

**11. CLOSED SESSION RESOLUTION No. 91-08**

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 91-08 was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

**RC: Council members:**

Bair-Yes  
Heyer-Yes  
Loffredo-Yes

- #08-5/6-30 Personnel - Borough Attorney Fees
- #08-5/6-31 Personnel - Police Chief's Contract/PBA Contract
- #08-5/6-32 Litigation - Redevelopment
- #08-5/6-33 Litigation - Attorney Fees; re: Police Hearing
- #08-5/6-34 COAH Fees
- #08-5/6-35 Litigation-Ackerman Park Basketball Courts

**12. RECONVENE**

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

**Correspondence-Feral Cats**

Councilman Loffredo brought up a letter that had been addressed to the Mayor and Council by resident Dorothy Romaine. Ms. Romaine

expressed concern with feral cats on her neighbor's property and requested that the governing body consider enacting an ordinance making it illegal to feed stray cats. It was briefly discussed and would be considered at length at another meeting when all the information had been gathered.

Mayor Lamatina also mentioned the issue of rabies shots and asked Mr. Scarpa to look into that for him.

### **County Park Use of Facility**

Councilman Loffredo brought up the improvements on Hillman field and recommended that a letter go out stating the dates and times that the field will be available because the fields were necessary for the soccer league. Mayor Lamatina emphasized that the borough was in need of a replacement field and asked Ms. Dray to send a letter to Bruce Bonaventuro, the County Director of Parks. Councilman Loffredo asked that the letter go out that week and the Mayor agreed.

### **BOND ORDINANCE No. 1349-08**

The Mayor returned to Ordinance #1349-08, noting that there were three affirmative votes from Council members, but four votes were necessary to approve the bond ordinance. As Councilman Milone was now in attendance, the Mayor recommended re-voting and asked for a motion to adopt Ordinance #1349-08.

☞ **Motion** to adopt Ordinance #1349-08 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

#### **RC: Council members:**

Milone-Yes  
Bair-Yes  
Heyer-Yes  
Loffredo-Yes

### **Police Chief Contract for the term of January 1, 2007 through December 31, 2010**

☞ **Motion** to approve the terms of the contract for the Police Chief for the years 2007 through 2010 as discussed in Closed Session and recommended by the Council was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried by roll call vote.

#### **RC: Council members:**

Milone-Yes  
Bair-Yes  
Heyer-Yes  
Loffredo-Yes

### **Resolution No. 92-08-Designating the need of an area in need of redevelopment and preparing a supplemental Redevelopment Plan**

☞ **Motion** to have the Governing Body authorize the Planning Board to undertake a supplemental investigation in determining whether the proposed area which is currently designated in need of redevelopment should remain and whether there are any other properties that should be added as per their discussion in Closed Session and execute a resolution in accordance with our discussions as marked up by Borough Council in Closed Session was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

**RC: Council members:**

Milone-Yes  
Bair-Yes  
Heyer-Yes  
Loffredo-Yes

**Ackerman Park Basketball Courts**

☞ **Motion** to authorize Joseph Scarpa to rebid the repaving of the courts and to use the posted bond if no response is received from Macchione Brothers by May 12<sup>th</sup>, 2008 to a seven day notice from the Borough Attorney to correct the deficiency was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

Milone-Yes  
Bair-Yes  
Heyer-Yes  
Loffredo-Yes

**13. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:35 p.m.

Carol Dray, RMC, CMC

May 14, 2008