



**MAYOR AND COUNCIL MINUTES**  
**Regular Meeting**  
**Executive (Closed) Session**  
Tuesday, March 18, 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. Mr. Fricke lead 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 18, 2008 had been adequately noticed and was in compliance to 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.

**Roll Call:**

Mayor Louis J. Lamatina-Present  
Councilman Steven Bair -Present  
Councilwoman Marcia DeSalvo-Present  
Council President Christopher Heyer-Present  
Councilman Kenneth Hoffman-Present  
Councilman Anthony Loffredo-Present  
Councilman Francis P. Milone, Jr. - Arrived at 8:35 p.m.

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

1. Approval of Minutes

Work Session/Budget Workshop of January 8, 2008

☛ **Motion** to approve the Work Session/Budget Workshop of January 8, 2008 with corrections was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried unanimously.

Work Session/Budget Workshop of February 12, 2008

☞ **Motion** to approve the Work Session/Budget Workshop of February 12, 2008 with corrections was **moved** by Councilman Bair, **seconded** by Councilwoman DeSalvo and carried with no objections.

**7. CORRESPONDENCE**

Mayor Lamatina announced that copies of listed correspondence were available for a statutory fee in the Office of the Municipal Clerk.

Received Copy of Resolution dated February 27, 2008; re: COAH Research, PVMA

**8. PROCLAMATION**

None

**9. APPOINTMENT AND PERSONNEL CHANGES**

Resignation: Councilman Hoffman **moved** to accept the resignation of Antoinette Montuoro-Germann from the Environmental Commission effective immediately; **seconded** by Councilman Heyer and carried unanimously.

The repositioning of the Zoning Board of Adjustment alternates due to a pending resignation was briefly mentioned. Those appointments would take place at the next meeting upon Mr. Gallagher's formal action in writing.

**10. OLD BUSINESS**

a) ORDINANCE PUBLIC HEARING

**1346-08 WAIVER TO EXCEED THE CAP**

☞ **Motion** to open the meeting for public comment on this ordinance only was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried. Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public on this topic only.

☞ **Motion** to close for comments from the public was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried.

☞ **Motion** to adopt Ordinance No. 1346-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried by roll call vote.

**RC: Council members:**

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

Mayor Lamatina announced that Ordinance No. 1346-08 was duly approved on first reading and would be further considered at a Public Hearing to be held on April 1, 2008 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the March 21, 2008 edition of the Ridgewood News. Ordinance No. 1346-08 is on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

**11. NEW BUSINESS**

a. Amend Chapter 160-Alcoholic Beverages

The Emerson Police Department suggested amending that section of the ordinance that addressed underage drinking to add greater clarification for prohibited acts and increase the violation fees. After a brief discussion with the Borough Attorney, the Governing Body agreed to modify the ordinance accordingly and introduce those amendments at the next Mayor and Council meeting on April 1<sup>st</sup>.

**12. REPORTS**

a) Mayor and Council Reports

Councilwoman DeSalvo gave the **Library Board** of Trustees report. The director had begun interviewing architects for a proposed building renovation. Ms. Fulgione had prepared a cost benefit analysis that proved that for every one dollar spent on the library, residents receive \$3.50 in service and goods. She reminded the Council that the rescheduled Breakfast is Saturday, March 29<sup>th</sup> at 9 a.m. with regrets only.

Councilman Bair reported that the **Board of Education's** final budget meeting would be held on March 24<sup>th</sup> in the High School library at 8:00 p.m.

Councilman Heyer had a conversation with the **Construction Code Official** about increasing fees to help offset Trenton's decision to reduce state aid.

Councilman Loffredo gave the **Police Department** monthly activity report. In regard to **Recreation**, councilman Loffredo reported that there was a good possibility of losing the use of the soccer fields during the season because of the planned improvements to Hillman Field. Alternate plans were being looked into.

Councilman Hoffman gave the **Fire Department** activity report and reported that the **Shade Tree Commission** had received an unofficial confirmation that the Borough would again receive Tree City designation for the third straight year. The Arbor Day ceremony would take place on April 26<sup>th</sup> with a memorial for Jim Wagner, the former Shade Tree Chairman. Councilman Hoffman had attended the **Storm water** Ceremony at United Water treatment plant and it was stressed that the Borough be aware of the Category I buffers in their flood zones.

Mayor Lamatina announced that the town wide clean up was scheduled for April 19 at 9:00 a.m., the same day as the Memorial Softball Tournament. He noted that the first edition of the Emerson Eagle newsletter was published and gave a reminder to everyone to submit content. On other topics, the first Do-It team meeting was scheduled to be held in Trenton on April 10<sup>th</sup> at 10 a.m. and he and Mr. Scarpa and Mr. Boggia would be attending as well as eleven State agencies, Millennium Homes, and Ken Aloisio, the County Engineer assigned to Emerson.

Mayor Lamatina briefed the Council on his discussion of Emerson's tax situation with Assemblywoman Vandervalk and felt that Emerson was a good case study for an Assemblyperson to use as an example to her colleagues with respect to scheduled State Aid reductions. He also reviewed the third round COAH regulations with Ms. Vandervalk and noted that the Pascack Valley Mayors' Association would be mailing a letter to the State on behalf of their ten towns. He considered the new COAH regulations 'bizarre' and stated that the NJ League of Municipalities is looking for a test Borough to bring suit to address the COAH situation.

b) Office of the Borough Administrator-

- Mr. Scarpa also discussed the proposed state aid reduction that would impact towns with less than 10,000 residents and noted that Emerson's per capita spending is approximately \$1300 while Hackensack's is \$1800 per

- resident. He postulated that if Emerson were to consolidate with a larger town, taxes in Emerson would go up, not down.
- He asked that articles for the Emerson Eagle be submitted by the last week of the month prior to publication. Councilwoman DeSalvo asked whether the 2008 resident survey could be included in the Emerson Eagle and Mr. Scarpa said that he planned to include that along with the budget summary.
  - He made note of Resolution #66-08 included in the pending Consent Agenda by stating that the State mandates a Qualified Purchasing Agent even though there is no need for one in Emerson.
  - Drainage work at Linwood and Wortendyke was almost finished - this project would be beneficial to residents and winter drivers.
  - Emerson was entitled to an \$1150 reduction on its insurance premium because all elected officials had attended a required seminar.
  - An Employment Practices Liability seminar was held on February 29th in the Borough with perfect attendance by all involved.
  - The first quarterly Safety Meeting would be held on March 19<sup>th</sup> in Borough Hall.
  - The Borough recently received a check for \$728 from FEMA, the last installment from the April 2007 storms which caused flooding, bringing the total reimbursement from FEMA to \$11,300 for that storm.
- c) Office of the Municipal Clerk – A Mayor and Council meeting was scheduled for the same night as the School Board Election on April 15<sup>th</sup> and asked if anyone would be opposed to beginning the meeting a half hour earlier that night. The Governing Body had no objection and Ms. Dray stated that she would advertise and schedule the change.
- d) Borough Attorney – No report.

### **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 to comments from the public was **moved** by Council President Loffredo, **seconded** by Councilman Hoffman and carried unanimously.

Brian Todd, 207 Palisade Avenue – Mr. Todd inquired about Resolution #65-08, asking if \$21,000 was going into or coming out of the town budget. Ms. Dray explained that this was money from a property that was scheduled for tax sale, but that the taxes were now being paid. He also asked about the status of the sewer jet that the County was going to purchase. Mr. Scarpa explained that he had received some paperwork from Mayor DeRienzo recently showing that item had gone out to bid but did not know the current status of the item. Finally, Mr. Todd asked when the 2008 budget would be posted on the website. Mr. Scarpa explained that they were waiting for the auditor's report and would post it upon receipt.

Seeing no more hands, Mayor Lamatina asked for a motion to close the public portion of the meeting.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Heyer, **seconded** by Councilwoman DeSalvo and carried unanimously.

**14. CONSENT AGENDA-Resolution No. 58-08**

☞ **Motion** to approve the Consent Agenda Resolution No. 58-08 was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and approved carried by roll call vote.

**RC: Council members:**

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

- Ca 59-08 Approve Bill List
- Ca 60 -08 Opposing the Failure of the Governor's Proposed State budget for the 2008-2009 fiscal Year to Treat Tax relief as our Priority

APPROVED 6-17-08

- CA 61-08 Appoint Catherine Henderson as the Full Time Certified Deputy Financial Officer/Treasurer effective March 17, 2008
- CA-62-08 Approve Budget Transfer
- CA-63-08 Endorse Community Development Senior Citizen Activities Grant
- CA-64-08 Tax Overpayment for property located at 128 Lozier Avenue in the amount of \$2,156.00
- CA-65-08 Redeem Tax Sale Certificate in the amount of \$21,238.72 from owner Angelo Giambona
- Ca-66-08 Opposing S-770 and A-1645 Mandating the Appointment of a Qualified Purchasing Agent and the Attendant reorganization of the Borough of Emerson Purchasing Functions

**15. CLOSED SESSION RESOLUTION No. 67-08**

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 67-08 was **moved** by Council President Heyer, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

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

- #08-3/18-18-Personnel- Court
- #08-3/18-19-Personnel-Police Chief Contract
- #08-3/18-20-Litigation-Redevelopment: contract negotiations, COAH and Gebbia lawsuit

**16. RECONVENE**

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

☞ **Motion** to rehire Nelson Fullam as Property Maintenance Officer at the same salary was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried by roll call vote.

**RC: Council members:**

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

APPROVED 6-17-08

**Loffredo-Yes**  
**Hoffman-Yes**

**17. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilwoman DeSalvo and carried at 10:00 p.m.

Carol Dray, RMC

June 3, 2008