

APPROVED



**MAYOR AND COUNCIL MINUTES**

**Regular Meeting**

Tuesday, July 17, 2007

7:30 P.M.

**BOROUGH HALL COUNCIL CHAMBERS**

Municipal Place

Emerson, NJ 07630

**Call to Order**

Mayor Lamatina called the meeting to order at 7:37 pm. Mr. Basile led the salute to the flag followed by moment of silence at the request of Mayor Lamatina.

**O.P.M.A. Statement**

Mayor Lamatina read the Sunshine Statement declaring that the meeting of July 17, 2007 had been adequately noticed and was in compliance to the provisions of the Open Public Meetings Law. Further, that the meeting of **July 17, 2007** was included the Annual Meeting Notice Resolution sent to the Bergen Record and Ridgewood News on December 14, 2006 and advertised in said newspapers; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 on December 14th, 2006 and has remained continuously posted as the required notices under the Statute.

In addition, a copy of this 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 Christopher Heyer- Present  
Councilman Kenneth Hoffman-Present  
Council President Loffredo-Present  
Councilman Francis P. Milone, Jr.-Absent  
Councilman Brian Todd-Present

Also present were Carol Dray, Borough Clerk, Martin Durkin representing the office of the Borough Attorney, and Joseph Scarpa, Borough Administrator.

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**1. Approval of Minutes:**

Regular Meeting of February 20, 2007 Meeting Minutes were approved with corrections on a motion by Councilman Hoffman, seconded by Councilman Todd and unanimously carried.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone- Absent

Work Session/Regular Meeting of March 13, 2007 Meeting Minutes were approved with corrections on a motion by Councilman Todd, seconded by Council President Loffredo and unanimously carried.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone- Absent

Work Session/Regular Meeting of April 10, 2007 Meeting Minutes were approved with corrections on a motion by Councilwoman DeSalvo, seconded by Councilman Hoffman with corrections.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

Regular Meeting of April 24, 2007 Meeting Minutes were approved with corrections on a motion by Councilman Heyer, seconded by Councilwoman DeSalvo with corrections.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes

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Milone-Absent

## 7. CORRESPONDENCE

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

#07-60 letter dated 6/21/07; re: Pascack Valley Hospital, County Executive Dennis McNerney

#07-61 letter dated 6/27/07; re: Emerson Library Director, F. Yeager

#07-62 email received 7/9/07; re: Broadway, L. Thomas

#07-63 letter dated 7/6/07; re: Selling State Assets, Assemblyman DeCroce

#07-64 letter dated 7/9/07; re: Proposed Development, T & V Giacalone

#07-65 letter dated 7/9/07; re: Broadway Proposed Development, J. Solimando

#07-66 letter dated 7/8/07; re: Broadway Proposed Development, L. Thomas

#07-67 letter dated 7/10/07; re: Broadway Proposed Development, L. Milch

#07-68 letter dated 7/11/07; re: Hazard Mitigation Projects, DEP

## 8. PROCLAMATIONS AND PRESENTATIONS

None

## 9. APPOINTMENT AND PERSONNEL CHANGES

### a) Emerson Volunteer Fire Department

☞ **Motion** by Councilman Hoffman to appoint Lawrence G. Hagberg to the Emerson Volunteer Fire Department, seconded by Councilman Heyer, and carried unanimously.

### b) Emerson Auxiliary Police

☞ **Motion** by Councilman Heyer to appoint Daniel Clayton to the Emerson Auxiliary Police, seconded by Councilwoman DeSalvo, and carried unanimously.

## 10. OLD BUSINESS

### a) ORDINANCES-FIRST READING

**1327-07 AN ORDINANCE TO AMEND ORDINANCE NO. 1313-06 ENTITLED "AN ORDINANCE AMENDING THE ZONING CODE OF THE BOROUGH OF EMERSON TO PERMIT NURSING HOMES AS A CONDITIONAL USE IN THE R-7.5 SINGLE FAMILY ZONE"**

APPROVED

☞ **Motion** to approve Ordinance #1327-07 on first reading was **moved** by Councilman Todd, seconded by Council President Loffredo and carried by roll call vote.

Mayor Lamatina asked that Allen Bell, the Armenian Home's attorney, be notified of this ordinance.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

Mayor Lamatina announced that Ordinance No. 1327-07 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on August 21, 2007 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the July 20, 2007 edition of the Ridgewood News. Ordinance No. 1327-07 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

**1328-07 AN ORDINANCE ENTITLED "RAFFLES AND LICENSES"**

☞ **Motion** to approve Ordinance #1328-07 on first reading was **moved** by Councilman Hoffman, seconded by Council President Loffredo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

Mayor Lamatina announced that Ordinance No. 1328-07 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on August 21, 2007 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the July 20, 2007 edition of the Ridgewood News. Ordinance No. 1328-07 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building

**1329-07 AN ORDINANCE ENTITLED "REGULATING BLOCK PARTIES"**

APPROVED

☞ **Motion** to approve Ordinance #1329-07 on first reading was **moved** by Councilman Hoffman, seconded by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

Mayor Lamatina announced that Ordinance No. 1329-07 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on August 21, 2007 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the July 20, 2007 edition of the Ridgewood News.

Ordinance No. 1329-07 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building

b) **ORDINANCES-SECOND READING AND PUBLIC HEARING**

**1325-07 AN ORDINANCE AMENDING THE ANNUAL SALARY ORDINANCE**

☞ Councilman Hoffman **moved** to open the meeting for public comment on this ordinance only, seconded by Councilman Todd and carried.

☞ Seeing no hands, Councilman Hoffman **moved** to close the meeting for public comment, seconded by Councilman Todd and carried.

☞ **Motion** to adopt Ordinance #1325-07 was **moved** by Councilman Hoffman, seconded by Council President Loffredo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

Mayor Lamatina announced that Ordinance No. 1325-07 was duly adopted by a vote of 5-0.

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**1324-07 AN ORDINANCE AMENDING CHAPTER 61 ENTITLED PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF ESTABLISHING A RECREATION FEE SCHEDULE**

**This ordinance was inadvertently adopted after the introduction but prior to its notice in the paper.**

☞ Councilman Hoffman **moved** to open the meeting for public comment on this ordinance only, seconded by Council President Loffredo and carried.

☞ Seeing no hands, Councilman Hoffman **moved** to close the meeting for public comment, seconded by Councilman Todd and carried.

☞ **Motion** to adopt Ordinance #1324-07 was **moved** by Councilman Hoffman, seconded by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

Mayor Lamatina announced that Ordinance No. 1324-07 was duly adopted by a vote of 5-0.

**1326-07 AN ORDINANCE AMENDING CODE OF EMERSON, CHAPTER 39, ENTITLED, BOARD OF HEALTH**

☞ Councilman Hoffman **moved** to open the meeting for public comment on this ordinance only, seconded by Councilman Todd and carried.

☞ Seeing no hands, Councilman Heyer **moved** to close the meeting for public comment, seconded by Councilman Hoffman and carried.

☞ **Motion** to adopt Ordinance #1326-07 was **moved** by Councilman Todd, seconded by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes

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Loffredo-Yes

Heyer-Yes

Milone-Absent

Mayor Lamatina announced that Ordinance No. 1326-07 was duly adopted by a vote of 5-0.

Discussions:

a) **Report of FAA Plan** –

Mayor Lamatina reported that at a recent meeting of the Pascack Valley Mayors Association, seven of the ten members agreed that further action should be taken regarding the FAA plan. Mayor LaPaglia and Mayor Lamatina spoke with Carter Strickland, Jr. an environmental attorney, regarding the possibility of the Association retaining him to represent them. The Association decided that a pledge of \$1,000.00 from each community would be needed to hire Mr. Strickland. Councilman Hoffman asked what the likelihood of success would be in preventing the FAA from implementing their plan by engaging Mr. Strickland. Mayor Lamatina explained that it was not possible to predict but perhaps with this new effort they may be successful.

☞ A **motion** to adopt a resolution authorizing the pledge of \$1,000.00 to the Pascack Valley Mayors Association to hire Carter Strickland, Jr. to advise the association and combat the FAA and their new flight plan was **moved** by Council President Loffredo, seconded by Councilman Hoffman and carried by roll call vote.

b) Adverse Possession/Broadway Paper Street

This topic was postponed pending review of information by Borough Attorney Boggia.

**11. NEW BUSINESS**

a. 2007 Road Resurfacing Program

Mr. Scarpa informed the Council that the Borough Engineer was preparing specifications for the Road Resurfacing program for Colonial Road and Kensington Road including drainage issue specifications.

Mr. Scarpa also informed the Council that the Borough Engineer had to prepare the paperwork for the State Aid Project, to which the Council had no objection.

**134-07 BOND SALE**

APPROVED

**BOND RESOLUTION NO. 134-07 BOND RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS OF THE BOROUGH IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,030,000 AND DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS AUTHORIZED IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY.**

☞ **A motion** was made by Councilman Todd to approve Resolution No. 134-07, seconded by Council President Loffredo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

**12. REPORTS**

**a) Mayor and Council Reports**

Councilwoman DeSalvo had no report to give.

Councilman Hoffman reported that there would be several fundraisers for the family whose home suffered severe fire damage on July 4, 2007. Councilman Hoffman deferred to Mr. Scarpa to report on the recreation meeting regarding baseball field maintenance issues. According to Councilman Hoffman, the baseball program would like more maintenance performed on the fields.

Councilman Todd gave the Library report noting that June 2007 had the largest circulation to date. Councilman Todd stated that Jodi Fulgione, Emerson Library Director, had made huge improvements to the Library, including numerous activities for all ages. The objective was to make the Library the center of the community. The Library Board would be submitting a letter to the Council regarding redevelopment.

Council President Loffredo delivered his report on the Police Department for May and June noting that overtime costs were at 50%. Council President Loffredo asked that Chief Saudino compare last year's statistics to this year's to get a better idea as to how the department was working.

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Councilman Heyer reported that Building Department permits and revenues are up from last year.

Office of the Borough Administrator reported to the Council the results of a meeting between the Mayor, Borough Administrator, and County Officials where the “bowtie” design for Kinderkamack Road was introduced. Atkins Group was studying the County’s reconfiguration of Kinderkamack Road for feasibility.

- The Community Development Department of Bergen County has extended the barrier free grant for the Municipal Building until year’s end. If not used by then the monies will be rescinded.
- The 2006 Road Program was scheduled to begin within a month to resurface Orchard Street and Second Street.
- Approximately twelve surveys have been returned from the residents and Mr. Scarpa would distribute copies when more were returned.
- Mr. Scarpa noted that the renewal for the Pitney Bowes postage machine lease was listed on the Consent Agenda.
- Mr. Scarpa reported that at the Recreation Commission Meeting field maintenance and improvements to Hillman Park were discussed. There was discussion regarding a retaining wall at the end of the field and applying for a grant to cover part of the costs. The retaining wall would alleviate the need for the soccer program to play on the baseball field. The Recreation Commission would collect all the information needed for the grant and the application would be submitted with a request for approximately \$100,000. The resolution authorizing the application to be filed would be on the August 7, 2007 meeting. The Recreation Commission wanted to hire a private contractor to maintain the baseball fields at Hillman Park and was in the process of obtaining quotes as part of their 2008 budget request.

Office of the Municipal Clerk had no report to give.

Office of the Borough Attorney had no report to give.

☞ **A Motion** moved by Councilman Heyer was seconded by Councilman Todd to open the meeting for comments from the public and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes

Hoffman-Yes

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Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

**Charles Thomas**, 4 Walnut Avenue, requested reassurance that any plans for the sale of lots on Broadway were over and questioned what was being done regarding the slope and the path. Mr. Scarpa was researching the situation and area from Patrick Avenue to Walnut Avenue. Mr. Thomas commended the Council for the action they were taking regarding the FAA. Councilman Heyer suggested that both the Borough Attorney and the Borough Engineer review the matter of the recent case law about adverse possession in Fair Lawn to address the other comments made by Mr. Thomas.

**Pat Palagonia**, 2 Oakland Avenue, asked the Council to consider making the paper street Broadway area “Green Acres”, so that children would have another form of access to Ackerman Park.

**Karen Brown**, 114 Pine Drive, recently read in the newspaper that New Jersey Transit might be increasing service both weekdays and weekends by October 2007. Mr. Scarpa stated that New Jersey Transit was looking to add trains during the non-commuter times. Mr. Scarpa also reminded the Council to keep the increase in mind when considering both the redevelopment and reconfiguration of the road as this would be a factor.

☞ Seeing no more hands Councilman Heyer **moved** to close the meeting to the public, seconded by Councilwoman DeSalvo and carried by roll call vote.

**RC: Council members:**

DeSalvo-Yes  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

**17. CONSENT AGENDA-Resolution No. 131-07**

☞ **A motion** to approve the Consent Agenda Resolution No. 131-07, was moved by Councilman Hoffman, seconded by Council President Loffredo and approved unanimously by roll call vote.

**RC: Council members**

DeSalvo-yes  
Hoffman-yes

APPROVED

Todd-yes  
Loffredo-yes  
Heyer-yes  
Milone-absent

Ca 124-07 Approve Fire Department Mutual Aid Agreement  
Ca 125-07 Oppose United Water Increase  
Ca 126-07 Group Affidavit for the 2006 Audit  
Ca 127-07 Corrective Action  
Ca 128-07 Support of Continued Funding for PARIS Grant  
Ca 129-07 Bill List  
Ca 130-07 Investments  
Ca 133-07 Approve Pitney Bowes Agreement and Lease

**15. CLOSED SESSION RESOLUTION No. 132-07**

**Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 132-07 was moved by Councilman Heyer, seconded by Council President Loffredo and carried unanimously

#07-7/17-30 Litigation – Emerson Woods Encroachment  
#07-7/17-31 Personnel – Nancy Burns CFO/Treasurer  
#07-7/17-32 Real Estate County Plan for Kinderkamack Road

**RC: Council members**

DeSalvo-yes  
Hoffman-yes  
Todd-yes  
Loffredo-yes  
Heyer-yes  
Milone- absent

**16. RECONVENE**

**Motion** to reconvene was moved by Council President Loffredo man Heyer, seconded by Councilman Hoffman.

**RC: Council members**

DeSalvo-yes  
Hoffman-yes  
Todd-yes  
Loffredo-yes  
Heyer-yes

APPROVED

Milone-absent

**20. ACTIONS TAKEN AS A RESULT OF CLOSED SESSION DISCUSSION**

**APPOINTMENT**

☞ A motion was moved by Councilman Heyer to appoint Michael Kempton to the Emerson Volunteer Fire Department, seconded by Councilman Hoffman and carried unanimously.

**RC: Council members**

DeSalvo-yes  
Hoffman-yes  
Todd-yes  
Loffredo-yes  
Heyer-yes  
Milone-absent

**17. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, seconded by Councilman Todd and carried at 9:35 p.m.

Carol Dray, RMC

July 30, 2007

[Proofed]