



**MINUTES**  
**Regular Meeting and Budget Workshop**  
Tuesday, March 13, 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 7:35 pm. Mr. Pfister led the salute to the flag followed by moment of silence at Mayor Lamatina's request.

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

Mayor Lamatina read the Sunshine Statement declaring that this meeting of March 13, 2007 had been adequately noticed and was in compliance to the to the provisions of the Open Public Meetings Law. Further, that the meeting of **March 13, 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 14, 2006 and had 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
- Councilwoman Marcia DeSalvo-Present
- Councilman Christopher Heyer-Present
- Councilman Kenneth Hoffman-Present
- Council President Loffredo - Present
- \*Councilman Francis P. Milone, Jr.-Present (left at 8:55 p.m.)
- Councilman Brian Todd-Present

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

**6. Approval of Minutes:**

- a) **Motion** to approve the meeting minutes of the **Regular Meeting of the Mayor and Council of July 11, 2006** was moved by Councilman Heyer, seconded by Councilman Todd and carried unanimously.

**b) Motion** to approve the meeting minutes of the **Regular Meeting of the Mayor and Council of October 3, 2006** was moved by Councilman Heyer, seconded by Councilman Milone and carried unanimously.

**c) Motion** to approve the meeting minutes of the **Regular / Budget Workshop Meeting of the Mayor and Council of January 16, 2007** was moved by Councilman Hoffman seconded by Councilwoman DeSalvo and carried unanimously.

## 7. CORRESPONDENCE

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

- #07-30 Ordinance received from the Health Department re: Fee Increases
- #07-31 Ordinance received 2/23/07 re: Rules of Decorum for Conduct at meetings, Cranford
- #07-32 Sample Ordinance received 2/23/07 re: Sample Marriage/Civil Union Fee, NJSLOM
- #07-33 Letter received 02/22/07 re: Emerson Senior Housing, Job & Job
- #07-34 Letter received 02/22/07 re: Paul Van Dyke, Domenico Aramini, Emerson Senior Housing, Job & Job
- #07-35 Fax Advisory dated 2/23/07 re: Clean Communities, NJSLOM
- #07-36 Fax Advisory dated 3/2/07 re: Increase in annual dog license fees, NJSLOM
- #07-37 Letter received 3/5/07 re: Gikas Subdivision, Block 501-01, Lot 14, Maser Consultants/Planning Board
- #07-38 Memo received 3/5/07 re: Re-imbusement Community Policing – Chief Saudino
- #07-39 Resolution received 3/12/07 re: Urging the New Jersey Sports and Exposition Authority to continue operation of Continental Airlines Arena, Borough of Rutherford
- #07-40 Letter received 3/12/07 re: Guidelines for Municipalities regarding Appellate Division Decision on COAH
- #07-41 Resolution received 3/12/07 re: Revisions to Administrative Code of Bergen County, Bergen County Freeholders
- #07-42 Ordinances received 3/12/07 re: Bond Ordinances Public Works and Bergen County Improvement Authority, Bergen County Freeholders
- #07-43 letter received 2/9/07, re: Subpoena for Community Policing account, James B. Nobile, US Attorney General's

## 8. PROCLAMATIONS AND PRESENTATIONS

a) Shade Tree Commission – James Wagner

James Wagner was present with his daughter, Debbie Fehre, Administrator/Clerk of Englewood Cliffs, in acceptance of a plaque in recognition of his many years of stellar service to the borough as Chairman of the Shade Tree Commission. Councilman Hoffman commented that he enjoyed working with Mr. Wagner, as the liaison to the Shade Tree Commission, and the plaque in his honor was well deserved. Mr. Scarpa

concurrent remarking on the tremendous contribution Mr. Wagner had made to the borough through his knowledge and participation nearly everyday at borough hall and looked forward to continuing working with him.

**9. APPOINTMENT AND PERSONNEL CHANGES**

- a) Appointment: Environmental Commission – Richard Worthington  
Mayor Lamatina appointed Richard Worthington as a member of the Environmental Commission for the term ending 12/31/07 effective immediately.

**10. ORDINANCES –FIRST READING**

**1319-17        ORDINANCE TO EXCEED CAP**

☞ **Motion** to adopt Ordinance #1319-07 was **moved** by Councilman Heyer, seconded by Council President Loffredo and carried unanimously by roll call vote.

**RC: Council members:**

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

Mayor Lamatina announced that Ordinance No. 1319-07 was duly adopted by a vote of 6-0 ON first reading. This matter would be further considered at the meeting of April 24<sup>th</sup> in the council chambers of the Borough Hall, Municipal Pl., Emerson, NJ at 7:30 p.m. where the public would be invited to speak. A notice would be published in the next available edition of the Ridgewood News.

**11. ORDINANCES – SECOND READING AND PUBLIC HEARING**

None

**12. NEW BUSINESS**

Discussions:

- a) **Introduction of 2007 Budget-Resolution No. 65-07**

**Motion** was made by Councilman Todd, **seconded** by Councilman Heyer and carried unanimously by roll call vote.

**RC: Council members:**

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

**b) Approval of proposed increases to various BOH fees**

**Motion** was made by Councilman Heyer, **seconded** by Councilman Hoffman and carried unanimously.

**RC: Council members:**

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Yes

Milone-Yes

c) Local Finance Notice 2007-5 Marriage/Civil Union Fee ordinance and Trust Fund.

Mayor Lamatina remarked that he would prefer to continue the practice of the participants donating the suggested fee of \$100.00 to a charity of their choice; thus there was no need to pursue local legislation mandated by the state for fees accepted by the Mayor for his services.

d) Incorporating work sessions into the Annual Notice

The Mayor and Council agreed to amend the bylaws to allow for the first meeting of the month to be a work session on consensus. In regard to the closed session portion of meetings, it was agreed that there would be no change and they would continue to take place as usual after the public portion of the meeting.

e) Creating local legislation for acceptable decorum at Mayor and Council meetings and appointing a Sergeant-At-Arms

Mr. Boggia explained that creating a policy to enforce proper decorum during a meeting must be done by ordinance, and suggested the input of the Joint Insurance Fund and David Grubb prior to passage to ensure validity and provide protection from liability for the Borough.

f) Ackerman Park-basketball courts resurfacing

Steve Belloise, Maria Maggiuli and Marty Porcello, of the Recreation Commission were in attendance to give their remarks and recommendation to the Council. Councilman Hoffman listed the options on recommendation of the borough engineer for the resurfacing bid of the Ackerman Avenue basketball courts. Those surfacing options were a superior resurfacing material called premier court, asphalt or a combination of both. He added that since the costs were unknown and that the preferred material, Premier, would likely be the most expensive surface, the Recreation Commission would like to raise monies to supplement the grant; albeit, in a quick fashion in order to satisfy a projected start date in July of a new summer basketball program. In order to do so, Councilman Hoffman remarked, the bids would have to be accepted by April with the certified funds in place at that time. Council President Loffredo warned that time was of the essence and to meet a July deadline would be a challenge given the prior history of the bidding process. Ms. Maggiuli commented that the Recreation Commission was told that with a June 15<sup>th</sup> starting date, the project could realistically be finished by July if it did not run into any major problems. Councilman Milone was concerned with drainage issues and

wear and tear on the Premier court by sources other than basketball. Mr. Scarpa reminded the Council that the \$66,000 grant was based on the engineer's estimate to resurface the court with asphalt. Mr. Scarpa recommended that the Council authorize the preparation of the bid specifications and include the removal of the existing surface. He also opined that the bid should include only two options: either all asphalt or all Premier court. Mr. Scarpa explained to Ms. Maggiuli that the Council could, at this meeting, authorize going out to bid for either of the two options and then the Council would be able to decide which option to go with based on available funds. Mr. Scarpa recommended that the resolution be worded to give the Council the choice of either material.

Mayor Lamatina requested a motion to authorize the preparations of the bid specifications with a choice of either all Premier court or all asphalt.

**A motion** by Councilman Hoffman was seconded by Councilman Heyer and carried unanimously by roll call vote.

**RC: Council members:**

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

g) Babes Field dugout renovation

Dan Ciniello of the Emerson Junior Baseball League explained the design plan for the renovation at Babes Field and what it would entail.

**A motion** by Councilman Hoffman to approve the design of renovated dugouts was seconded by Council President Loffredo and carried unanimously by roll call vote.

**RC: Council members:**

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

**14. OLD BUSINESS**

a) Employee and Volunteer Background Checks

Councilman Hoffman began a discussion in regard to performing background checks on certain borough employees and volunteers of boards and commissions and what the budget would allow at this time. Mr. Belloise, the Recreation Presiding Officer, was included in the discussion. Recreation had budgeted some monies for the background checks but not enough this year to cover every volunteer; to set an example, it was the Recreation's intention to begin with the commission members.

Mayor Lamatina suggested implementing background checks on officers of Boards and Commissions and then subsequently budget next year for all coaches. It was recommended that the Police Department would be the custodian of those background files. Councilman Hoffman and Mr. Boggia agreed to meet and formulate an ordinance for introduction to that effect.

b) Proposed Local Pay to Play Ordinance would be introduced on March 20, 2007.

c) Community Policing Account

Mayor Lamatina read into the record, and attached to these minutes, a response received February 19 from James B. Nobile, Assistant to the US Attorney, stating that after review of the Emerson Policing Account there was no sufficient evidence of any federal criminal activity. He added that the auditor had come to the same conclusion after spending \$3,000 and now, considered the matter laid to rest.

## 15. REPORTS

a) **Mayor and Council Reports** Mayor Lamatina reported that he would issue a proclamation in honor of Stan Woods at the Council Meeting of March 20, 2007. At the suggestion of Chief Saudino, Mayor Lamatina notified the Council that a community cleanup sponsored by the **Police Department** was scheduled for the last two Saturdays in April. Councilman Todd offered to reach out to the Boy Scouts for assistance. Mr. Scarpa would provide monthly attendance reports for the various boards.

**The RFP deadline for submission was Friday, March 16, 2007. He and the borough planner had met with** Kuiken Brothers who stated that they did not support redevelopment under any circumstance and asked to be removed from the Redevelopment area. Mayor Lamatina had answered them that they could not be removed. Mayor Lamatina anticipated a RFP submission for a large developer over the next few days.

Councilwoman DeSalvo reported that the **Board of Education** budget required an increase in the amount of 3.9%. The total budget for the Board of Education was \$17.2 million.

Councilman Hoffman waived his report until the next meeting.

Councilman Todd gave the **Volunteer Ambulance** activity report for February.

Council President Loffredo gave the **Police Department Activity Report**.

Councilman Heyer gave his report on the **Building Department** and Mr. Sartori's request for a part time assistant property maintenance inspector. After a lengthy discussion, it was decided to address the issue in the salary ordinance.

Mayor Lamatina notified the Council that he and Mr. Scarpa had attended the **Joint Insurance Fund** meeting and were informed by David Grubb that the Borough had been put on probation by the JIF for a period ending January 1, 2009. Mayor Lamatina explained that the reason the Borough was put on probation was a result of the 16 lawsuits that were filed against Emerson since 2001. Mr. Scarpa reported that the Borough would be receiving a \$2,100.00 storm water management reimbursement that was reflected in the budget.

Office of the Municipal Clerk and the Borough Attorney had no reports.

**16. PUBLIC COMMENT**

*In the interest of time, speakers are limited to five (5) minutes. Speakers with prepared statement should provide eight (8) copies for the Council*

*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 ejection from the council chambers.*

**Motion** to open the meeting or comments from the public was moved by Council President Loffredo, seconded by Councilman Todd and carried unanimously.

**Tom DeScisciolo**, 64 Dyer Avenue, wanted to know what changes were being made regarding the use of metal bats in the borough baseball program. Mr. Ciniello, representing the Emerson Junior Baseball League, was invited to respond by the Chair and stated that no changes had been made, although extra protective gear had been purchased. Mr. DeScisciolo also commended the Council for supporting the Paramus wetlands preservation effort.

**Chief Michael Saudino** wanted to commend Police Officer McDermott for his efforts in initiating the Borough wide clean up with a possible donation from United Water of \$500.00 for food. The dates scheduled for the clean up were Saturday, April 21 and Saturday April 28, 2007. Chief Saudino thanked the Borough Council for their pursuit of confirmation from United States Attorney's office, indicating that they were unable to find any criminal activity in the Police Department. Chief Saudino commented that it brought closure to what he alleged were terrible accusations and a vicious attack upon him and his department. The Chief reminded those present how the accusations were generated against two residents and him. He remarked that the new working relationship with the Council was in the best interest of the Borough.

Mayor Lamatina was inclined to inform the public of the decision of the United States Attorney's office with a press release and commented for the benefit of the reporters who were present from local newspaper that a press release would be an excellent means of closure for the wronged citizens and the Emerson Police Department. Councilman Hoffman concurred with the Mayor.

**Motion** to close the public portion of the meeting was moved by Councilman Heyer, seconded by Councilman Hoffman and carried unanimously.

**RC: Council members:**

DeSalvo-Yes

Hoffman-Yes

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

**17. CONSENT AGENDA-Resolution No. 58-07**

☞ **Motion** to approve the Consent Agenda Resolution No. 58-07 was moved by Councilman Hoffman seconded by Councilman Todd and carried unanimously.

**RC: Council members:**

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

Ca 60-07 In support Paramus Wetlands

Ca 61-07 Requesting permission for the dedication by rider for Emerson Emergency Management

Ca 62-07 Transfers within the 2006 Budget

Ca 63-07 Calendar Raffle for Emerson Music Sponsors

Ca 64-07 Making Application to the Local Finance Board pursuant to N.J.S.A. 40A:4-45.3 et. seq. CAP Waiver

**18. CLOSED SESSION RESOLUTION No. 59-07**

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 59-07 was moved by Council President Loffredo, seconded by Councilwoman DeSalvo and carried.

07-03/13-13                      Personnel-Police Department (5) items

**RC: Council members:**

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

**19. RECONVENE**

**Motion** to reconvene was moved by Council President Loffredo, seconded by Councilman Heyer and carried unanimously.

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

**a) Hiring a Randy Velez as an Emerson Patrol Officer at Step 1**

**Motion** to hire Randy Velez as an Emerson Police Officer at Step 1 of the Collective Bargaining Agreement contingent on a satisfactory background check was moved by Council President Loffredo, and seconded by Councilwoman DeSalvo, to take effect on March 20, 2007.

**RC: Council members:**

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

**b) Re-hiring Daniel Kalyoussef as an Emerson Patrol Officer at Step III**

**Motion** to establish the hiring anniversary date for Officer Daniel Kalyoussef of January 8, 2007 for Step III of the Collective Bargaining Agreement was moved by Council President Loffredo, seconded by Councilwoman DeSalvo and carried unanimously.

**RC: Council members:**

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

**c) Approve Saudino v. Borough of Emerson Lawsuit Settlement**

**Motion** to approve lawsuit settlement agreement with Chief Saudino amending the amount with a \$4,000.00 and a \$1,000.00 credit for medical insurance and authorize the Borough Attorney to execute the agreement was moved by Council President Loffredo, seconded by Councilman Heyer and carried by a 4-1.

**RC: Council members:**

DeSalvo-No  
Hoffman-Yes  
Todd-Yes  
Loffredo-Yes  
Heyer-Yes  
Milone-Absent

**d) Approve Transfer of Ruderman & Glickman Litigation Files to Philip Boggia, Borough Attorney**

**Motion** to authorize the Borough Clerk to turn over the Ruderman and Glickman litigation files to Philip N. Boggia, Borough Attorney, was moved by Council President Loffredo, seconded by Councilman Hoffman and carried unanimously.

**RC: Council members:**

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

**e) Authorizing Borough Attorney to draft Police Promotion Policy**

**Motion** to establish a police promotion policy by ordinance for the Emerson Borough Police Department with authorization for the Borough Attorney to draft the ordinance was moved by Councilman Todd, seconded by Council President Loffredo and carried unanimously.

**RC: Council members:**

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

**21. ADJOURNMENT**

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, seconded by Council President Loffredo and carried at 11:12 p.m.

Carol Dray, RMC

May 25, 2007