



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
APRIL 13, 2010
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Call to Order

Mayor Lamatina called the meeting to order at 7:40 pm. At the request of the Mayor, Ms. Laurie Porcello led the salute to the flag followed by a moment of silent thought.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of April 13th, 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 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
Councilman Browne - Present
Councilman Hoffman – Present
Council President Lazar- Present
Councilman Rivers – Present
Councilman Shaw – Present

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

III. PROCLAMATIONS & CITATIONS

Arbor Day Proclamation

Councilman Hoffman read a proclamation where he declared April 24th, 2010 as Arbor Day in the Borough of Emerson and that a ceremony would be held at the Veterans Monument.

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 March 16, 2010 from Senator Gerald Cardinale; Re: Senate Bill S-1787
- Letter dated March 29, 2010 from Peter & Christiane Rioux; Re: Union Street traffic, residential dumpsters
- Letter dated March 30, 2010 from Mayor Donald Ruschman of Park Ridge; Re: Thank you to the Fire Dept. for contributions during fire crisis at Krell Lighting
- Letter dated April 6, 2010 from Assemblyman Robert Schroeder, NJ General Assembly; Re: FEMA assistance available for damage due to March 12 storm

VI. UNFINISHED BUSINESS

- a) Resolution 83-10 Authorizing a Change Order for Hillman Field 20% over the Original Contract Amount

☞ **Motion** to approve Resolution #83-10 was **moved** by Council President Lazar, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

Browne-Yes

Rivers-Yes

Bair-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- b) Hillman Field-Sod or Seed – Mayor Lamatina provided a recap of last week's discussion regarding whether to plant seed or lay sod at Hillman Field and explained that Councilman Rivers had asked for feedback from the boards. Councilman Rivers said that he wanted to know how the grass selection would impact all sports and felt that the Governing Body should ultimately go with the Recreation Commission's recommendation.

Peter Weiss, 158 Jordan Road and Marty Porcello, 146 Demarest Avenue, of the Recreation Commission discussed field conditions and how each choice would impact various sports. Mr. Weiss mentioned that if soccer was unable to schedule games or had to forfeit games, they were subjected to grave penalties and added that he did not want the Recreation Commission to deny sports the options of playing games or deny children the ability to play. Mr. Weiss added that if Hillman Field was sodded and they had reasonable weather and it was properly watered, it would root in time to allow game play by June, with no problems for summer camps or fall sports. He was not sure that the seed would be strong enough to sustain heavy usage. Mr. Porcello emphasized that the faster the field was fixed, the better since the wear and tear would occur no matter what was done and recommended using sod.

Council President Lazar questioned Mr. Weiss and Mr. Porcello on the residency of field players. They said that most of the children were from Emerson, but noted that for eleven years old and above, the teams could include 25% out of town players. Mr. Weiss said that the vast majority of children were from Emerson. Council President Lazar also inquired about out of season and in season soccer teams. Mr. Weiss detailed the process for children to join the club and recreational teams. Council President Lazar proposed laying sod on heavily played areas and seeding in less used areas of the field. Mr. Weiss agreed that this was possible, but was not sure it was feasible. Council President Lazar noted that seed was much less expensive than sod and would like to save money on areas where the children did not play frequently.

Councilman Rivers opined that using both seed and sod might affect the pitch of the field and recommended speaking with the contractor, Mr. Tom Callagee. Mr. Callagee, CAL's Excavating, 235 Grand Blvd., and Mr. Dan Cinello, 33 Longview Drive, approached the dais to give their opinion on this suggestion. Mr. Callagee said that there would be a safety issue with this option as it would be very difficult to get the transition between the two perfect. He suggested using the Borough Engineer for his expertise and experience in determining which way to go. He did state that long term, seed done correctly gave a better product. He suggested getting a ground cover on the field by the first week of November since it was done so late last year that the ground was frozen.

Mr. Stephen Paino, 51 Colonial Road, stated that if he could not schedule his games, the teams would be subject to penalties and monetary fines. Mr. Porcello detailed the challenges and consequences of field time management.

At the conclusion of the discussion, the overriding concern was whether soccer would be able to play on the field in the spring. Mr. Callagee said that seed would allow a \$3000-\$4000 savings over sod. Councilman Shaw summed up by stating that they were faced with the scheduling of a handful of soccer games to make a decision on seed versus sod which was really an issue of safety and longevity for children, an economic concern for Emerson and considering that there were only a handful of soccer games and the possibility of rainouts, that clarified the issue. Mr. Callagee said that it was safer to use a seeded field than an unrooted sodded field. Councilman Rivers asked if on an emergency basis a handful of soccer games could be played on Hillman Field if it was seeded. Everyone agreed, leading him to state that this decision was not much of an issue since the Borough would save \$4000 and the field could be played on.

Mr. Callagee discussed laying down different kinds of grass seed to make a tough surface that would drain better than sod. Councilman Rivers said that the decision was simple – go with seed which would give a better foundation moving forward. He added that it would have a limited impact on soccer and noted that soccer could still play on an emergency use basis subject to DPW Superintendent Joe Solimando giving approval.

Councilman Shaw concurred based on the fact that there were only a handful of soccer games to consider, the possibility of using a backup field, drainage was better with seeded grass, safety, economics, durability, and the long term effect on the field – seven factors that erred significantly in favor of seed. Council President Lazar agreed that seed was the best way to go, both short term and long term and provided detail about the difference in root systems in grass seed or sod. The Mayor declared that there was a consensus to go with seed and asked Mr. Scarpa how to handle the change order to an existing contract. Mr. Scarpa said that he did not see a cause for concern.

☞ **Motion** to change the contract to provide for seed at Hillman Field was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

Browne-Yes

Rivers-Yes

Bair-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Mr. Scarpa added that the Borough could use the \$4000 saved to purchase covers for the field.

VII. NEW BUSINESS

Mayor Lamatina asked Mr. Scarpa for an update on the DPW and their decision on moving to the state health benefits plan. Mr. Scarpa said that they were supposed to make a decision but needed more time and wanted to have an additional meeting. The Mayor asked to amend the agenda to discuss this matter in Closed Session.

VIII. INTRODUCTION OF ORDINANCES

First Reading:

The Mayor announced that the following ordinances would be read by number and title and if there were no objections, would ask for one motion and second and one roll call vote to approve on first reading after all were presented.

Mayor Lamatina announced that the following ordinances would be further considered at a Public Hearing to be held on May 4th, 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the April 16th, 2010 edition of the Ridgewood News. He added that these ordinances were on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building where copies would be available to the General Public at no charge.

Councilman Bair noted that Councilman Browne had asked for a modification in the first section of the ordinance. He asked about changing the language in that section. Mayor Lamatina explained that the request was to take out the provision to relocate the train station. Councilman Bair explained that he had discussed this with Councilman Browne and said that the expense to relocate a train station was not realistic. But he added that it was of benefit to eliminate the blockage of Kinderkamack Road. He asked to amend the sentence to 'work with New Jersey Transit to approve access to mass transit and to eliminate the blockage of Kinderkamack Road during train stops'. The Governing Body accepted this change. Councilman Hoffman said that he would be voting 'No' on Ordinance #1394-10 because of the three story building limitation. Council President Lazar said that he would also be voting 'No' because the three story allowance was left in. He added that what he understood was that the Emerson residents sent a message that they no longer wanted three and four story buildings and since the Planning Board still had the right in certain circumstances to allow a three story building; he did not think it was necessary to give a blanket approval allow three story buildings.

1394-10 AN ORDINANCE AMENDING CHAPTER 290 OF THE CODE OF THE BOROUGH OF EMERSON TO AMEND THE RECOMMENDATIONS SET FORTH IN THE 2006 CBD REDEVELOPMENT PLAN

☞ **Motion** to introduce Ordinance #1394-10 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

Browne-Yes
Rivers-Yes
Bair-Yes
Lazar-No
Hoffman-No
Shaw-Yes

1405-10 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 106 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, TO CHANGE THE AMOUNT FOR ANNUAL PLENARY RETAIL DISTRIBUTION LICENSE FEES

1406-10 AN ORDINANCE AMENDING ORDINANCE NO. 1388-09 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, SCHEDULE III § 274-39 TITLED ONE- WAY STREETS

☞ **Motion** to introduce Ordinances #1405-10 and #1406-10 on first reading was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Browne-Yes
Rivers-Yes
Bair-Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

IX. REPORTS

- Mayor and Council

Councilman Shaw reviewed the last meeting of the **Library Board** where they decided to approve the floor plan. They also discussed the ceilings and lights and how long the PSE&G grant would be available. They wanted someone to check the sprinkler system to make sure their heads would not be adversely affected by the construction on Hillman Field. Mr. Scarpa said that the grant was in for Emerson so he did not think a delay of a month or two was a problem. Councilman Shaw mentioned that there was a tremendous amount of litter around the library, the baseball field and the park and emphasized that it was a completely unacceptable situation. Mr. Scarpa explained that there had been an ongoing problem with litter and vandalism in the restrooms. Councilman Shaw stated that this area required triple the amount of litter receptacles currently available. Council President Lazar and Councilman Browne recommended contacting the company that supplied receptacles with advertising with no cost to the Borough. Mr. Scarpa said that the company would not put them there because they did not think it was a profitable area for advertising. Councilman Rivers discussed having the sports program coordinate advertising on them. Mr. Scarpa said that he would check with Creative Advertising. Mayor Lamatina thought that it would be a good idea to get the receptacles down there even if the Borough had to buy them. Councilman Lazar suggested that local merchants advertise at the field to support the sports teams. He asked Mr. Scarpa to contact the Borough of Ramsey and other towns to see what advertising programs they had in place.

Councilman Hoffman gave the March monthly **Fire Department** report. He thanked the department for all they did during the storm. He also gave the **Board of Health** report where they had discussed raising dog and cat licensing fees. He suggested they compare their fees with other towns and be compliant with that.

Council President Lazar added that the Borough should be very grateful that they had the amount of dedicated volunteers in the **Fire Department** they had because a lot of other towns could not do half the things Emerson was able to do during the emergency, such as pumping out basements. He emphasized that a lot of towns did not have enough manpower and that volunteers were the most important thing you could have in a town when it came to emergency services – getting as many volunteers involved as possible. Council President Lazar also gave the monthly **Police Department** report.

Councilman Bair reminded everyone about the School Board election next Tuesday. He added that Construction Official Michael Sartori had requested a meeting regarding staffing. He said that he would speak to Mr. Sartori before the next meeting. Mayor Lamatina noted that revenue was up significantly in the **Building Department** and that this was a good sign of economic activity.

Councilman Rivers said that there was nothing to report on recreation since everyone was all caught up. He asked if he could give his **Ambulance Corps** report after Closed Session. The Mayor agreed.

Councilman Browne - no report.

Mayor Lamatina thanked Tom Clancy of the Pascack Press for his feature on Kinderkamack Road. He added that the article included a quote from County Executive Dennis McNerney that the Kinderkamack Road project was going to get done. He emphasized that everything was a go and that this was very exciting.

- Borough Clerk – no report.
- Borough Attorney Phil Boggia brought the Governing Body up to date on the PBA contract, indicating that there were some minor changes involving a couple articles in the agreement. He said that he conveyed those to the PBA counsel who had made those changes which were incorporated into the final agreement and added that the document was now complete.
- Administrator Joe Scarpa reported on recommended changes to the Personnel Policy as recommended by the Joint Insurance Fund and mentioned that he had tightened up the convention leave policy for Borough employees. Employees would now need approval through their department head and should focus on continuing education units, commenting that if someone attended, it should be for a valid reason. He said that he would like to put that to a vote on at the next meeting. Mayor Lamatina asked Ms. Dray to add this to the May agenda. Ms. Dray remarked that she had not seen a copy of the draft of changes and Mr. Scarpa concurred.

Mayor Lamatina asked if Mr. Scarpa had interacted with Mr. John DelColle of New Jersey Transit on a lease agreement. Mr. Scarpa said that he had not yet spoken with him. The Mayor said that a vendor in town was still interested in opening a business in facility and recommended that Emerson do it as an entity allowing a better opportunity for people to interact with the Borough and make arrangements. He said that the consensus was for Mr. Scarpa to find out what the Borough's lease terms would be with NJT and wanted to move on that. Council President Lazar suggested putting together proposals at a future meeting to present to them. The Mayor replied that he hated to lose another three weeks on this because the train station was sitting vacant. Council President Lazar proposed that NJT be required to pay for the heat and utilities so that a lease would be more attractive to a tenant because the ideal goal was to make it a convenience for mass transit ridership. Mr. Scarpa remarked that the topic might tie into the upcoming discussions in Closed Session.

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 Council President Lazar, **seconded** by Councilman Rivers and carried at 8:35 p.m.

Chief Michael Saudino, Emerson Police Department, reminded everyone that April 24th was the town-wide clean up and encouraged volunteers to attend. He thanked United Water and Emerson Shop Rite for coming through for them.

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. 84-10

☞ **Motion** to approve the Consent Agenda Resolution No. 84-10, pulling Resolution #86-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Shaw and carried by roll call vote.

RC: Council members:

Browne-Yes
Rivers-Yes
Bair-Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

Ca 85-10 Bill List
Ca 86-10 Authorizing participation in State Health Benefits Program –
PULLED

Mayor Lamatina asked to add an item to Closed Session – Personnel – DPW. There were no objections to adding the topic to the Closed Session agenda.

APPROVED MIN No.10

XII. CLOSED EXECUTIVE SESSION - Resolution No. 87-10
#10-4/13-08 Personnel-DPW N.J.S.A. 10:4-8

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 87-10 was **moved** by Councilman Rivers, **seconded** by Council President Lazar and carried unanimously.

XIII. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried at 10:12 p.m.

Councilman Rivers gave the **Volunteer Ambulance Corps** report for the month of March.

XIV. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Rivers **moved** to adjourn the meeting, **seconded** by Council President Lazar and carried at 10:15 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 6/24/10)

May 13, 2010