



MINUTES
SPECIAL MEETING
BOROUGH OF EMERSON
MAYOR AND COUNCIL
MAY 10, 2010
6:00 p.m.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. Call to Order

Mayor Lamatina called the meeting to order at 6:05 pm. Mr. Ronald Griffin 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 Special Meeting of May 10, 2010 had been duly noticed and was in compliance to the provisions of the Open Public Meetings Law. Further, that notice had been emailed on May 7th, 2010 to the Record and Ridgewood News; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and had remained continuously posted as the required notices under the Statute. A copy of this notice is on file in the office of the Municipal Clerk and has been available to the public.

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.

I. UNFINISHED BUSINESS

a) General Discussion of Defeated 2010-2011 School Board Budget

Mayor Lamatina explained that he had called a Special Meeting to convene to discuss the Council's position regarding the defeated school budget. He announced that the governing body would be forming a subcommittee and said that he was opening the meeting to public comment so that residents could state their position. He added that the Council had reviewed any emails that had been forwarded to them and stated that after listening to public comments, the Governing Body would go into Closed Session to arrive at a consensus and meet with the Board of Education subcommittee to present their thoughts to them and hopefully come up with a resolution that was best for the Borough of Emerson.

II. 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 Hoffman, **seconded** by Councilman Bair and carried.

Steven Pawlowski, 6 Lakeview Drive said that there were too many administrative positions and too much overhead in the school district while programs for school children were being eliminated. He recommended taking out the Superintendent and other large ticket administrative items.

Mayor Lamatina commented that they were looking at the administration but emphasized that they were not looking to eliminate any teachers or programs. He also noted that Superintendent Taffaro did have a contract and that this was an issue to be dealt with but that the positions of Superintendent and Business Administrator were mandated positions by the State. Councilman Browne mentioned that these positions could be combined.

Councilman Browne asked Mayor Lamatina to give the public a walkthrough of the process of reviewing the budget after defeat at the School Board election. The Mayor said that they were there by statute, because they had to be there since the budget was rejected by the voters 57% to 43%. The Council interpreted those percentages as a statement from the voters for further cuts. He said that they were deliberating and were consulting with the Board of Education. He explained that the purpose of the meeting was to listen to the public and then come up with a consensus among the five Council members. He added that Councilman Bair had recused himself because of a conflict of interest – a family member was employed by the BOE. The next step was to set up a meeting with the Board of Education's finance members and negotiate what was best. If the Board of Education agreed with the Council at that point, they would be done. If the BOE did not agree with their amount, then they would have the right to appeal to the State who make the decision taking the matter out of the hands of the municipality.

Raymond Albano, 67 Sherwood Court said that his entire career had been in education in differing superintendent capacities. He said that there were a lot of misconceptions and did not know if everyone was fully informed about the development of a school board budget, the requirements, the mandates, where the leeway was and where there was discretion. He hoped that the Governing Body would look to the Board and its representatives to work with them. He said that he hoped they would not look at the Board as the enemy as the Board had already made significant cuts to their budget. He said that the schools were the true center of the community and were a draw for new residents.

Ron Griffin, 87 Ackerman Avenue said that he voted against the budget because he did not agree with reducing it. He was concerned that they were reducing the quality of education. He pointed out that taxes were increasing anyway and asked the Governing Body if the BOE budget would be reviewed line by line. He questioned whether there were adequate child psychologist services in the school, pointing out that this kept children in district and claimed that; in actuality, saved money.

Mayor Lamatina noted that the purpose of the Closed Session was to go look at particular issues and positions for potential savings before ascertaining an actual number. The child psychologist issue was adequately addressed by the Board of Education to the Governing Body's satisfaction and would not be an issue under discussion.

Mr. Griffin asked if the public would be made aware of where the Council suggested cuts in the Board of Education budget. Councilman Hoffman said that Mr. Griffin had a good question and he did not understand why that information would not be provided to the public. Mayor Lamatina explained that at the May 18th meeting, that information would be provided to the public and did not want their decision negotiated in the press. Councilman Hoffman questioned whether the matter fell under the exception legally qualified to be discussed in Closed Session. Councilman Shaw agreed that their final decision would come out in some form and tentatively had no objection coming out after Closed Session to release their collective decision. He also addressed Mr. Griffin's concerns about the Child Study Team and said that the Board of Education felt that other individuals were able to multitask to provide adequate skills and services even though they acknowledged that the cuts had been painful and had been given deep consideration.

Mayor Lamatina said that after Closed Session, a councilperson could make a motion to have a vote. He also said that the issue of thorough education was the standard that would ultimately be looked at by the State. He explained that the Council was not looking to further cut any Child Study Team resources. Councilman Shaw said that the entire Council had intensely studied the school budget and reassured Mr. Griffin that he would ask the questions that Mr. Griffin wanted answered. He also explained that he was told that everything that was cut in the school budget would not lower the standard of the program or department or be detrimental to a level that was perceptible. Councilman Shaw assured Mr. Griffin that he had gone to the Board of Education with all the questions that had been proposed by the public.

Sandra Blau, 24 Mitchell Street commented on her daughter's personal growth under the direction of an untenured teacher, Rebekah Marxen. She claimed that arts and music were usually the first things to go when budgets were cut, but if Emerson was to lose this teacher, it would be very detrimental to the children.

Mayor Lamatina said that his daughter had the same teacher and that she would likely become an art teacher due to Ms. Marxen. Ms. Blau questioned whether the public could have a say in which teachers were cut if such a decision was made. Mr. Boggia explained that the Board of Education ran the school and made those decisions. He explained that when the budget was defeated it was up to the Governing Body to decide how to reduce the budget and maintain a thorough and efficient education while also protecting the taxpayers from excessive expenditures. He emphasized that it was an impossible task, with good arguments on both sides but whatever amount of money the Governing Body decided to cut

the budget by, the Board of Education would make the reductions in the areas they believed were in the best interest of the school system. Mayor Lamatina noted that it would be out of their hands at some point although they really wanted to resolve the situation so there were no issues like that.

Raymond Albano, 67 Sherwood Court opined that if the Council announced the dollar amount that they decided on before meeting with the Board of Education, there would be further problems and put them in an antagonistic position. He said that they should work things out with the Board of Education first. Mayor Lamatina said that this was the reason they wanted to meet in Closed Session and that this was what Mr. Albano had objected to when he spoke previously. Mr. Albano said he had asked about the legal basis to meet in Closed Session.

Councilman Hoffman said that Mr. Albano's question came down to the exemptions allowed under the Open Public Meeting Act and whether those exemptions allowed them to keep this private. He added that if the information was kept in Closed, it would give the appearance of trying to do something in private without public exposure and that this was a concern to him. He said that the law was not precise to him and openness and honesty was important for a group that represented the will of the people. Councilman Rivers remarked that he was in favor of discussing the remainder of the matter in closed session for reasons that certain aspects of the discussion involved matters exempt from the public. Councilman Hoffman agreed it there was a validity to go into Closed Session but emphasized that the exception should be noted adequately.

Eva Baratta, 43 Sanford Avenue urged the Council not to cut anything from the budget because the Borough was lucky to have the group of professionals that were working with their children.

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 Councilman Hoffman, **seconded** by Councilman Browne and carried.

III. NEW BUSINESS:

- a) Resolution 94-10 Relieving Puddingstone Group as the Preferred Developer of Block 610 Lot 1

Mayor Lamatina explained that correspondence received indicated that they were no longer the contract purchasers of the property.

☞ **Motion** to relieve the Puddingstone Group as the Preferred Developer of Block 610, Lot 1 was **moved** by Councilman Bair, **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

- b) Recreation Picnic Budget – Councilman Rivers said that a fundraiser was to take place on June 6th with the Police and Fire Departments would participate in a softball tournament to raise money for a benefit. The Recreation Commission had asked if they could use money designated for the town picnic for fireworks at that event. The line item for the picnic had been cut from \$8500 to \$4000; Councilman Rivers thought that it was not the appropriate time to use that money for fireworks. The Recreation Commission still wanted to do this so he spoke with Mr. Scarpa about their suggestion to raise their own funds. The Commission received a great price for the fireworks which would be covered by approximately \$6000 in donated funds. They had currently raised half that amount through donations. If they were unable to raise all necessary funds, Councilman Rivers said that he would bring it to the attention of the Council as a backup to pay since the money was allocated in the budget. He opined that they may fall short by about \$2000. The funds would also be used for a disc jockey and clean up. He noted that he was bringing this to the Governing Body as a discussion point to come up with a conclusive decision to provide to the Recreation Board. Mayor Lamatina clarified that the \$4000 was originally set aside for the town picnic but none was scheduled for this year and that this event was in lieu of the picnic. Councilman Lazar asked if they would be responsible for the setup, cleanup and associated costs or would DPW workers be required. Councilman Rivers said that the DPW would not be coming in that night for cleanup and assumed that the Recreation Commission would be responsible for that work. He said that some of the clean up would fall on the DPW as they normally clean up and empty trash barrels at parks on Mondays. Mr. Scarpa noted that the Recreation Commission said that they would cover any costs associated with the event, including DPW and Police. Mr. Scarps said that the cost of fireworks was about \$4700 and they estimate raising \$6000. Mr. Rivers said that the Recreation Commission had currently raised nearly \$3000.

Mayor Lamatina polled the Council for their opinion on whether to use the \$4000 allocated for the town picnic towards a fireworks event. Councilman Shaw said that he understood the value of the Recreation Commission participating in a shared event that was open and advertised to the public and benefited Tomorrow's Children charity as well. He commented that if the Recreation Commission accumulated more money than was needed, they would consider reducing fees associated with Recreation over a given period of time. He personally believed that they would succeed in their goal of raising the money through donations and would not need to tap into the town budget. Councilman Browne asked if the topic could be tabled until a member of the Recreation Commission could attend. Councilman Rivers replied that a member was scheduled to be present but had to cancel due to illness. The decision needed to be made this evening in time to book the fireworks vendor. Councilman Browne said that he was personally not in favor of it. Councilman Rivers emphasized that the Recreation Commission wanted to find economies of scale to do something nice for the Borough that would not cost the budget a lot of money. He reasoned that \$2000 was not a large amount of money considering the overall budget to bring some seasonal joy to the borough so he approved the expenditure of funds. Councilman Bair was concerned with the

