



MAYOR AND COUNCIL MINUTES
Regular/Budget Workshop Meeting
Tuesday, February 3, 2009
7:30 P.M.
EXECUTIVE (CLOSED) SESSION-7:30PM-8:15PM
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:35 pm. Mr. Joseph Scarpa led the salute to the flag followed by a moment of silence at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of February 3rd, 2009 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 Heyer-Present
- Council President Hoffman-Present
- Councilman Lazar - Present
- Councilman Loffredo - Present

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

6. CLOSED SESSION RESOLUTION No. 46-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 46-09 was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried by roll call vote at 7:38 p.m.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

#09-2/03-4 Police Department – PBA Contract Negotiations
#09-2/03-5 Police Department – Promotional Ordinance

7. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 8:16 p.m.

8. APPOINTMENT AND PERSONNEL CHANGES

Environmental Commission:

- Philip Nisonoff as a regular member effective immediately for the term ending 12/31/11
- Shirley Michalski as an alternate member effective immediately for the term ending 12/31/10

The Mayor appointed Dr. Nisonoff and Ms. Michalski as members of the Environmental Commission effective immediately.

Office of Emergency Management:

- Resignation of Captain David Hayes effective January 30, 2009

☞ **Motion** to approve the resignation of Captain David Hayes as Captain of the Office of Emergency Management effective January 30, 2009 was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried with no objections.

- Police Chief Michael Saudino effective immediately for the term ending 12/31/09.

☞ **Motion** to appoint Police Chief Michael Saudino effective immediately for the Office of Emergency Management was **moved** by Councilman Bair, **seconded** by Councilman Heyer and carried with no objections.

9. FINANCIAL BUSINESS

Resolution No.47-09 Temporary Capital Budget

☞ **Motion** to approve Resolution No. 47-09 Temporary Capital Budget was **moved** by Council President Hoffman, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

10. ORDINANCES

FIRST READING:

**1363-09 AN ORDINANCE ESTABLISHING CHAPTER 130
“CHARITABLE DONATION BINS,” OF THE CODE OF THE
BOROUGH OF EMERSON, IN ORDER TO REGULATE THE
PLACEMENT AND OPERATION OF DONATION BINS WITHIN
THE BOROUGH OF EMERSON**

☞ **Motion** to introduce Ordinance #1363-09 on first reading was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried by 6-0 roll call vote.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

Mayor Lamatina announced that Ordinance No. 1363-09 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on February 17, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J and published in the February 6, 2009 edition of the Ridgewood News. Ordinance No. 1363-09 was on file in the Clerk’s Office and posted on the official bulletin board of the Municipal Building.

Ms. Dray announced that the above notice would apply for each ordinance to be read that evening.

1364-09 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$440,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$418,000 OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY

☞ **Motion** to introduce Ordinance #1364-09 on first reading was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried by 6-0 roll call vote.

RC: Council members:

- Lazar-Yes**
- Browne-Yes**
- Bair-Yes**
- Hoffman-Yes**
- Heyer-Yes**
- Loffredo-Yes**

1365-09 AMENDING CHAPTER 240 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED SNOW AND ICE, REMOVAL OF

☞ **Motion** to introduce Ordinance #1365-09 on first reading was **moved** by Councilman Browne, **seconded** by Councilman Bair and carried by 6-0 roll call vote.

RC: Council members:

- Lazar-Yes**
- Browne-Yes**
- Bair-Yes**
- Hoffman-Yes**
- Heyer-Yes**
- Loffredo-Yes**

1366-09 AMENDING CHAPTER 77, OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED POLICE DEPARTMENT

☞ **Motion** to introduce Ordinance #1366-09 on first reading was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried by 6-0 roll call vote.

RC: Council members:

- Lazar-Yes**
- Browne-Yes**
- Bair-Yes**
- Hoffman-Yes**

Heyer-Yes
Loffredo-Yes

**1367-09 AMENDING ORDINANCE #1353-08 DEFINED
RETIRMEMENT TO REMOVE MUNICIPAL COURT
ADMINISTRATOR PER LFN-2008-10**

☞ **Motion** to introduce Ordinance #1367-09 on first reading was **moved** by Council President Hoffman, **seconded** by Councilman Lazar and carried by 6-0 roll call vote.

RC: Council members:

Lazar-Yes
Browne-Yes
Bair-Yes
Hoffman-Yes
Heyer-Yes
Loffredo-Yes

11. OLD BUSINESS

Maser Consulting – Mr. Andrew Hippolit of Maser Consulting appeared before the Mayor and Council in place of Borough Engineer Paul Niehoff who was unable to attend. Mayor Lamatina prefaced Mr. Hippolit’s attendance by explaining that; although, the Borough was pleased in general with Maser’s engineering work, questions had been raised about some fees and alleged oversight failures at various projects. He added that Councilman Bair had asked the firm to appear before the Governing Body. Councilman Bair commented that engineering fees and time billed for oversight were significantly more than in previous years with the former Borough engineering firm. He maintained that it was a reasonable expectation of the Governing Body to presume that recent projects would have run much more flawlessly than they did because of additional supervision. Councilman Bair expressed that he was dissatisfied with the number of errors that had occurred and that if it continued, he would not be able to support re-appointing Maser next year. In response to Councilman Bair’s observation of increased costs, Mr. Hippolit explained that Job and Job did half the number of projects in 2006 (about 25) that Maser did in 2007 (about 60) and one of the 60 projects was the shopping center. The Governing Body reviewed each of the projects with Mr. Hippolit in depth. Councilman Lazar did not agree with Councilman Bair’s assessment. Mr. Hippolit then suggested that an engineer appear at Council meetings at no cost if issues occurred during the course of future projects. He also proposed that he bring the engineering oversight plan to the Finance Committee for consideration before the start of a new project. Councilman Bair concluded by stating that more frequent appearances by the Borough Engineer at the Mayor

and Council meetings would hopefully eliminate any surprises at the end of a job.

Mayor Lamatina segued into a discussion of Kinderkamack Road improvements. He stated that he and Councilman Bair met with Mr. John Jahr of Maser Consulting where they worked off a rough proposal to improve the road. He added that they were going to put out a Request for Proposals for bids for a set fee. In addition, it was his understanding from Mr. Ahmad, the County Planner, that the Borough would be required to finance engineering costs to design the road in conjunction with the County. Mr. Hippolit explained that the County would pay 100% of the construction and inspection costs, but require the Borough to pay design fees. He recommended negotiating with the County because they might potentially participate in the design phase. Mayor Lamatina declared that the Borough needed to budget for engineering costs, set up a plan and resolve to commit to do this right away. Councilman Loffredo maintained that the County should be involved in all costs. He added that the Borough should see if the County had contributed to the design costs of improvements to Kinderkamack Road in other towns. The Mayor suggested going out for bids with a Request for Proposals for engineering design work not to exceed a certain fee and asked Mr. Hippolit if that was a fair way to ascertain costs. The Governing Body discussed the cost and location of widening the road to allow for a turning lane at several locations in town. Councilman Browne also requested that a cost be ascertained for incorporating quiet zone engineering into the design as well as pursuing Smart Growth funds for this project. The Mayor opined that this was a possibility and added that funds may also come from those owners who chose to redevelop their properties. Mr. Hippolit also suggested applying for a NJ DOT grant since Emerson was a transit village and commuter improvements would encourage mass transit. At the conclusion of this discussion, the Mayor asked Mr. Hippolit to interact with Councilman Browne regarding quiet zone engineering.

The Governing Body also questioned Mr. Hippolit on soil movement. Mr. Hippolit stated that each soil movement application must be reviewed on its own merits. Construction Official Mike Sartori said that \$750.00 escrow was required for soil movement and that 95% stay within that amount. He also noted that he was not aware of any resident complaints about the escrow fee.

12. NEW BUSINESS

a) **2009 MUNICIPAL BUDGET:**

- Library Board of Trustees – 2009 Budget Presentation and Capital Improvement Request – Library Board President Mr. Bill Bierman presented their 2009 budget requests and renovation plans. Also present were Library Board members Ms. Elizabeth Craig, Ms. Gloria Wilson and Treasurer Ms. Gail Kovacs. He outlined capital improvement requests totaling \$150,000 for replacement of the ceiling, lighting and windows and reminded the Governing Body that the Borough was responsible for all capital improvements. He also noted that the board had hired an architect with expertise in renovating libraries with limited budgets. Mr. Bierman emphasized that they were not trying to expand the library but rather to better utilize the space and improve and maintain the present building, saving money in the long run. Ms. Wilson discussed the present state of the staff, circulation, energy usage and facility. She also mentioned the current economic downturn and the greater need to provide materials and facilities for residents' use. Councilman Lazar asked to see a rendering of their plans. Mr. Bierman replied that he did not have one, but one could be obtained. Ms. Kovacs emphasized that the library had been able to accumulate some of their own funds and would be also do their own fundraising and was only asking the Borough for funds for structural maintenance. The Board would only be able to supply renderings once they knew how much the Borough would 'pony up'. Mayor Lamatina asked that the library liaison forward their plans to the Borough for consideration. Councilman Browne asked about having an energy audit done so that they could apply for grant money.
- Building Department – Construction Official Mike Sartori reviewed his operating budget for 2008, noting that he did not spend the entire amount. He proposed a budget cut of about \$250 for 2009. He also emphasized that the Building Department had brought in \$176,000 more in revenue over a three year period than originally anticipated. Mr. Boggia discussed setting minimum fines in the ordinance revisions being considered by the Borough to avoid violators having to appear in Court.

b) Kinderkamack Road Improvements – The Mayor urged the Council to move forward by writing a letter to the County Engineer, Farouk Ahmad, copying Freeholders and the County Executive, outlining the Borough's plan and the need to work with the County on design and funding for Kinderkamack Road. He emphasized that he wanted to press to have engineering design costs shared and explained that the County was waiting for Emerson to move forward and discuss an engineering budget. The Mayor requested coming up with an amount below the \$150,000

suggested by the County to send a message that Emerson could only afford a smaller contribution. Members of the Governing Body discussed moving ahead carefully due to budget constraints, as well as bonding for a portion of the funds. Mr. Scarpa offered to call Oradell and River Edge to find out what portion of road improvement funds were paid for by the County. Councilman Bair suggested researching funds available for infrastructure improvements for a shovel ready project based on initiatives from the federal government.

☞ **Motion** to direct Mr. Scarpa to look into the costs of getting an RFP was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

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 for comments from the public was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried.

Chief Michael Saudino, resident of 116 Randolph Avenue, property owner at 189 Kinderkamack Road, asked if the road plan would include condemnation of properties. The Mayor responded that partial condemnation was a possibility. Mr. Boggia added that if the work was done within the County right of way, properties would not have to be taken. The Mayor added that the Borough might ask or require property owners to contribute adequate land.

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

14. CONSENT AGENDA-Resolution No. 48-09

☞ **Motion** to approve the Consent Agenda Resolution No. 48-09 was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

- Lazar-Yes**
- Browne-Yes**
- Bair-Yes**
- Hoffman-Yes**
- Heyer-Yes**
- Loffredo-Yes**

- Ca 49-09 Approve Tax Appeal Settlement – 2008- Hudson City Savings Bank, Block #211, Lot #4 – 330 Kinderkamack Road
- Ca 50-09 Approve Amendment to Resolution #212-08 – 2009 Borough Holiday Closings
- Ca 51-09 Approve Bergen County Natural Hazard Mitigation Plan
- Ca 52-09 Approve Change Order #1 for Lincoln Boulevard Road Improvement for \$14,082.23

☞ **Motion** to return to Closed Session was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried.

15. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Browne **moved** to adjourn the meeting, **seconded** by Councilman Lazar and carried at 11:00 p.m.

Carol Dray, RMC, CMC

March 9, 2009

(Proofed 03/16/09, cd)