



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
MAY 4, 2010
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Call to Order

Mayor Lamatina called the meeting to order at 7:30 pm. Superintendent Vincent Taffaro led the salute to the flag followed by a moment of silence.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of May 4, 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 the Borough Clerk Carol Dray, Borough Attorney Phil Boggia and Business Administrator Joseph Scarpa.

Mayor Lamatina announced that the meeting would be moved to the Emerson Jr./Sr. High School auditorium after regular business was attended to because the Council Chambers was now at capacity. He suggested that those who were in attendance only to hear the discussion of the 2010-2011 Defeated Emerson Public School proceed to the Junior/Senior High School. The Council would follow after finishing regular agenda business by approximately 8:00 p.m.

Mayor Lamatina resumed the meeting when most of the crowd disbursed.

I. PROCLAMATIONS & CITATIONS

- Town-wide Clean-up

Mayor Lamatina announced that the Fourth Annual Town wide Cleanup Day was held in the Borough of Emerson on April 24th, 2010 and thanked the Emerson Police Department, Patrol Officer Mike McDermott and all Emerson residents for their assistance in keeping the community clean.

II. APPOINTMENTS/RESIGNATIONS-None

III. UNFINISHED BUSINESS:

- Municipal Court

The Borough Administrator asked if the Council had read the proposed shared services contract with the Borough of Old Tappan to provide Municipal Court administrative services with Emerson as the lead agency. There were no objections to the terms. Mr. Scarpa had not met with the Mayor of Old Tappan but had with the Old Tappan Administrator and Court Liaison who were in agreement with the terms and would take their own formal subsequent action upon the approval by Emerson.

☞ **Motion** to approve Shared Services Agreement between the Borough of Emerson and the Borough of Old Tappan effective from June 1, 2010 to December 31, 2010 was **moved** by Councilman Rivers; **seconded** by Councilman Shaw and approved unanimously by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Bair-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- Changes to employee handbook

The Borough Administrator led a discussion of his recommendations to the policy change in the Emerson Personnel Policy that regulated borough employees' attendance, expenses and length of participation at conventions and conferences. He also suggested limiting the amount of nights at a hotel as an afterthought. The Borough Clerk was asked for her opinion on the matter when it was learned that the Borough Administrator did not because he maintained that he was not required to consult with the employees on setting policy. Councilman Lazar considered Ms. Dray's input worthy since her title was a certified position that required bi-annual renewal through education credits and she was a department head. Ms. Dray remarked that meals had been an allowable, reimbursable expense in the past. She maintained that conferences; while voluntary, was the customary and standard means of maintaining statutory requirements for those local government officials who were certified for employment purposes. While she agreed that certification credits can be attained in several different ways; annual position specific conferences were, in fact, a very cost efficient and time-effective means of acquiring the statutory number of education credits in the most concentrated time away from the office. The fees for the hotel, registration and some meals are bundled as one package for a substantial savings relative a stay in a hotel at any other time. Ms. Dray considered conferences work-related business trips adding that she

was on call and checked in with the office often during the day while attending certification specific conferences including the annual League of Municipalities conducting business by cell-phone. She maintained that the policy to exclude meals as a reimbursable expense was unusual and atypical even in the current economy but did support a tiered daily meal allowance. She agreed that employees who held no certification should be limited on attending conferences and conventions; if at all. The Council postponed the discussion until the next meeting for lack of clarity and agreement on the proposed changes.

IV. NEW BUSINESS

- Land Acquisition for Road Widening

Mayor Lamatina reported that the Puddingstone Group was having trouble with the contract of sale with the owner and; as a result, may not be able to proceed as the redeveloper of Block 610, Lot 1. He suggested that the owner of the property be sent a letter so as not to further delay the process of widening Kinderkamack Road at that spot (a 13 ft. strip of land) and un-designate Pudding Stone as the redeveloper of the property. This matter would be further discussed at the next regular meeting of the Governing Body.

V. ORDINANCES

Second Reading and Public Hearing:

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 open the meeting to public comment on this topic only was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried.

Councilman Hoffman stated that he would again be voting against the amending ordinance since the element of a maximum of three (3) stories height was not eliminated. Councilman Lazar concurred with Councilman Hoffman's sentiments and stated that he would be taking the same action. Councilman Lazar believed that the proof would be provided by the citizens of Emerson when they comment on the (2) two (3) three story monstrosities to be built.

Councilman Bair responded to Councilmen Hoffman and Lazar's comments citing his point of view stressing that the elimination of the three stories from the plan could discourage development as one developer testified and a three story building would not be considered unusual in a downtown area.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to public comment on this topic only.

☞ **Motion** to close the meeting to public comment on this topic only was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried.

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

RC: Council members:

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

Mayor Lamatina announced that the ordinance was adopted by a 4-2 roll call vote.

1404-10 “CAP” ORDINANCE TO EXCEED INDEX RATE

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to public comment on this topic only.

☞ **Motion** to close the meeting to public comment on this topic only was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried.

☞ **Motion** to adopt Ordinance #1404-10 on second reading was **moved** by Councilman Rivers, **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

Mayor Lamatina announced that the ordinance was adopted unanimously by a roll call vote.

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

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to public comment on this topic only.

☞ **Motion** to close the meeting to public comment on this topic only was **moved** by Councilman Rivers, **seconded** by Councilman Shaw and carried.

☞ **Motion** to adopt Ordinance #1405-10 on second reading was **moved** by Councilman Hoffman, **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

Mayor Lamatina announced that the ordinance was adopted unanimously by a roll call vote.

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 open the meeting to public comment on this topic only was **moved** by Councilman Shaw, **seconded** by Councilman Hoffman and carried.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to public comment on this topic only.

☞ **Motion** to close the meeting to public comment on this topic only was **moved** by Councilman Rivers, **seconded** by Councilman Hoffman and carried.

☞ **Motion** to adopt Ordinance #1406-10 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Bair-Yes

Lazar-yes

Hoffman-yes

Shaw-Yes

Mayor Lamatina announced that the ordinance was adopted unanimously by a roll call vote.

Recess:

Motion to recess to proceed and continue the meeting at the Emerson Junior / Senior High School to discuss the 2010-2011 defeated was moved by Councilman Hoffman and seconded by Councilman Rivers at 7:59 p.m. All were in favor. With no objections, the motion was carried and the Governing Body exited the Council Chambers in the Borough Hall.

Reconvene:

Councilman Shaw moved to reconvene the meeting at the Emerson Junior/Senior High School at 8:15 p.m.; seconded by Councilman Rivers and carried.

New Business continued from the Emerson Borough Hall:

- Defeated 2010-2011 School Board Budget

In attendance was the entire Governing Body of the Borough of Emerson with Municipal Clerk Carol Dray and Borough Attorney Philip Boggia.

In attendance for the Emerson Board of Education were Dr. Vincent Taffaro, Superintendent; Dr. Philip Nisonoff, Business Administrator/Assistant Superintendent; and Board of Education members Vice President, John DiNiro and Sanjay Deshpande and Board of Education Attorney, John L Shettino, Esq.

Mayor Lamatina explained for the benefit of the public who were present the statutory process of reviewing a school board budget after it had been defeated at the annual school board election held. By law, the defeated budget was then reviewed by the Mayor and Council in consultation with the board of education. He emphasized that the Mayor and Council were not there by choice but required to participate in the process by law and that May 19th was the last day for the governing body to determine and certify to the county board of taxation the amount of money necessary for school purposes to be raised by taxation for the ensuing school year. Generally, the municipality may - but is not required to - reduce the size of the school tax levy requested by the board. If the Governing Body does make a cut, the municipality must back up its decision by identifying corresponding reductions in school expenditures. The school board is not bound by these particular spending cuts, but it must live with the tax levy certified by the municipal governing body. There was an appeal process; however; the budget would then be reviewed at the state level and subject to a final decision made by the state commissioner of education.

Mayor Lamatina added that the School Board was very cooperative in giving to the Council all the numerous budget documents they had requested well within the statutory timeframe. The Council had used the time between receiving the documents and this meeting to familiarize themselves with the budgeting process for schools and to acquire a comprehensive understanding of how a school district determines their budgetary needs. Nevertheless, he had instructed the Council to come prepared with well thought-out questions for those areas of the budget and salary guides that required further clarification. Mayor Lamatina frequently stressed throughout the evening that the Council would not be looking at the school board budget if it had not been defeated and that it was not the intent of the Council to reduce the budget to the extent that teachers would be laid off, programs eliminated or class size increased. However, because the budget was defeated by a relatively large margin of voters; the Council was obligated to recommend cuts that would satisfy the sentiments of the taxpayers and still enable the schools to operate in a thorough and efficient manner.

He explained that the Council had weighed the benefit of meeting by sub-committee or as a body whole in consultation with the School Board and after a lengthy discussion; the consensus of the Council was to meet as a whole in the spirit of open and transparent government.

Council member Recuse:

Councilman Bair recused himself from the discussion citing that a member of his family is an employee of the Emerson school system. He then stepped down from the dais and sat with the public.

Mr. Di Niro thanked the Mayor and Council and introduced the school board members and school district administration who were present. He remarked that an already fat-trimmed budget had been presented for approval to the voters at the April election and defeated. It was a district budget that had already been dramatically reduced due to the pending cuts by Governor Christie and they were now at breaking point. They would assist the Council in any way they could to better comprehend the process of preparing a school district budget and the Council's required obligation of due diligence of examining a defeated school board budget.

After the introductions of the school board administration and board members, Mayor Lamatina asked each councilmember to present their questions to the school board beginning with Councilman Browne and ending with Councilman Shaw.

The bulk of the questioning revolved around the increase in administrative costs associated with staffing and general salary questions in all functional areas. The Council was concerned with a budget that increased administrative spending and sought an explanation as to why Emerson went from the rank of one of the lowest to one of the highest in one year in the category of administrative payroll.

Dr. Nisonoff explained that Emerson chose to comply with a regulation of reclassification sooner than later; one of the few districts to do so. This resulted in the recoding of personnel in the proper classifications due to overlapping functional areas. However, he maintained that in actuality, there was an overall decrease in administrative salaries over the last five (5) year period and staff had been reduced by .5% while the student population rose 14%. He claimed that the one time allocation of reclassifying certain staff in administrative coding was true efficiency on their part.

Mr. Nisonoff gave a breakdown of the \$1.8 million in the audit at the request of Councilman Lazar and what the capital reserve could be used for.

Mayor Lamatina asked the School Board members if they had any specific areas where they felt more cuts could be made. Mr. Di Niro responded that they were cognizant that the voters had spoken but he needed to know what the number was that the Governing Body was recommending to cut the budget more by; because by law, the School Board was required to send letters to non-tenured teachers by May 15th that they may not be rehired in the coming school year in September. Dr. Nisonoff reminded the Council that the business model does not always translate into the public sector because of union contractual employees and maintained that the district employees in Emerson were not the highest paid in the county.

Councilman Shaw reiterated the Council's circumstance of reviewing a budget that they were candidly not authorities on and the Council's genuine effort of trying to work together with the school board members towards a number that would satisfy the taxpayers yet not

diminish the quality of the Emerson school system or lay off teachers. He added that certain line items stood out and to offer a number without explanation of those concerns would be hasty at this time. It was not the intention of the Council to decimate a system, they all had a great appreciation of Dr. Nisonoff and the teachers, however, the fact that the voters had spoken at the polls required that this examination take place.

RECESS:

Mayor Lamatina announced that there would be a 15 minute recess before the meeting opened to public comment.

VI. ADMINISTRATIVE REPORTS-None

VII. PUBLIC COMMENT

Members of the public are welcome to speak on any topic by coming to the table and stating your name and address for the record. In the interest of time, speakers are limited to five (5) minutes. In consideration of all who may wish to speak, please keep your comments brief and concise.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried at 9:50 p.m.

Ron Griffin, 87 Ackerman Avenue, opposed the cuts that were in the school board budget presented on the ballot and was concerned with how school personnel that had been let go would be replaced.

John Guarnieri, 36 Granger Rd., was opposed to the board's comments about noticing teachers that their jobs might not be secure and suggested that cuts be made at the top.

Eva Baratta, 43 Sanford Avenue, could not thank the School board teachers enough and asked the Council to keep the budget intact.

Matt Lachman, 213 Congress, urged the Council to leave the school district budget alone.

Kevin Wall, 82 Vivian Avenue, complimented Dr. Nisonoff on his competency as a business administrator and his proactive approach to financial problems.

Karen Sterinsky, 274 Lincoln Blvd. reminded the public that it was Teacher's Appreciation Week and thanked the entire Emerson School District staff. She urged the Council to keep the school board budget where it was at.

Ron Steidel, 151 Eagle Drive, was tired of what was going on and urged all to work towards a common goal.

Gene Riley, 183 Jefferson Avenue, had many questions that were apparently asked and answered satisfactorily about the overall procedure and process of reviewing a defeated district budget by the Governing Body. He was opposed to the idea that the initial meeting with the Board of Education was not by committee.

Glen Cariddi, 233 Birch Street, had voted against the school budget because he was not happy with the cuts and wondered if those cuts could now be reinstated.

Stephen Murphy, 41 Furman Drive, repeated what he had just learned and understood from the discussion about the procedure of reviewing and recommending cuts to a defeated school district budget by the Governing Body.

Henry Pfister, 31 Franklin Street, commented that the senior citizens did not vote for the budget because they were at the end of their rope trying to keep up with the high cost of taxes and asked that the governing body consider the hardship to senior citizens.

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 Brown and carried at 10:53 p.m.

VIII. RESOLUTIONS ON CONSENT AGENDA NO. 89-10

☞ **Motion** to approve the Consent Agenda Resolution No. 89-10 was **moved** by Council President Lazar, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

Bair-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Ca 90-10	Affirming the Borough of Emerson's Civil Rights Policies
Ca 91-10	Authorizing complaint to be filed for reinstatement of Watershed aid to the Borough of Emerson
Ca 92-10	On-line Auction
Ca 93-10	Supporting Senate Bill S-1787 – Saving advertising costs by publishing certain information on the official website

IX. CLOSED EXECUTIVE SESSION -There was no closed session.

X. RECONVENE-N/A

XI. ADJOURNMENT

With no other business to address, at the request of the Mayor Lamatina, Councilman Shaw **moved** to adjourn the meeting, **seconded** by Councilman Hoffman and carried at 10:56 p.m.