



MAYOR AND COUNCIL MINUTES

Work Session

Executive (Closed) Session

Tuesday, June 10, 2008

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. The Mayor asked the **Emerson Volunteer Fire Department Honor Guard** to lead the salute to the flag on a very special evening as they honored those who had served or are serving our country in the war against terrorism. Afterwards, he presented the members of the **Emerson Middle School Choir** who sang a moving rendition of The National Anthem. Reverend Dominick Lenoci, Pastor of the Assumption Church, presented a Benediction in honor of those serving or who have served in the military.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of June 10, 2008 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
Councilwoman Marcia DeSalvo-Present
Council President Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Councilman Anthony Loffredo-Present
Councilman Francis P. Milone, Jr.-Arrived at 8:42 p.m.

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

6. PROCLAMATION

a) National Military Appreciation Month – The Mayor read a brief quote from President Dwight D. Eisenhower honoring the brave men and women that protect our country, defend freedom and help make our world a better place. Mayor Lamatina then read a Proclamation declaring June 2008 National Military Appreciation Month.

b) National Guard Deployment Ceremony and Presentation.
Mayor Lamatina asked the people named below, or, in their absence, members of their family, to stand when their name was called. He explained that the Borough of Emerson had chosen to do something special for its residents who were enlisted in the military at this time of war. Noting that Emerson was the Family Town, and to keep in that spirit, he asked that everyone give their support and include them in their daily prayers. The Mayor explained that the Chief of Police had mandated that the entire **Police Department** wear yellow ribbons since the conflict began while any of Emerson's residents were serving; also that Emerson's places of worship include them in their weekly prayers at services and in their bulletins. In conclusion, he stated that the Governing Body would make a continuing effort as a reminder to all that they care and understand that every life is a valuable blessing and those that embark on that dangerous journey of defending our nation shall never be forgotten.

The Mayor and Council President Heyer presented each individual with a Proclamation and plaque with the key to the Borough to honor their service to the United States of America.

Pfc. Daniel Ardalan
Cpl. Daniel J. Castrovallari
Sgt. Paul Cimino
St. Sgt. David Elliott
Lieutenant Colonel Eric J. Fisher
Capt. Matthew J. Fisher
1st Lt. Michael Anthony Franson
Sgt. Jason Mulhearn
Spc. Ronald Solimando
Major John Tumino

He thanked everyone for coming out on this special occasion and showing their support for the residents and their families who are

making such a great sacrifice. In addition, he thanked the **Emerson Fire Department** and Chief Savino for their participation, the **Emerson Police Department** for their continuing support of the Borough's service people, and the **Emerson DPW** and Superintendent Joe Solimando for helping make the Borough Hall look so stunning this season and especially for the evening's events. The Mayor and Council agreed that the Borough Hall looked so impressive that the decorations should be kept up until Labor Day.

☞ **Motion** to keep the patriotic decorations up until Labor Day was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried.

In addition he thanked the **Emerson Senior Citizens** who helped with the reception, the **Emerson Board of Education** for loaning the voices of the Borough's talented youth, local businesses for making generous donations to the reception, and the employees of the Borough Hall who coordinated and decorated for the event. He closed by saying that he and the Borough wished them God Speed and that everyone had them in their hearts.

7. APPROVAL OF MINUTES

a) Closed Session of April 15, 2008

☞ **Motion** to approve the Closed Session minutes of April 15, 2008 was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried.

9. APPOINTMENT AND PERSONNEL CHANGES

a) Retirement:

Emerson Police Captain David Hayes effective December 31, 2008

☞ **Motion** to accept the retirement of Emerson Police Captain David Hayes effective December 31, 2008 was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried.

b) Appointment: Part time Seasonal DPW Employees

- Richard Rodriguez, Mike Davis - Effective June 2
- Brendan Rizza - Effective June 23

☞ **Motion** to appoint Richard Rodriguez and Mike Davis effective June 2nd and Brendan Rizza effective June 23rd at the rate set forth in the salary ordinance was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried.

6. ORDINANCES

a) ADOPTION - SECOND READING – PUBLIC HEARING

1351-08 AN ORDINANCE TO AMEND THE CODE OF EMERSON OF THE BOROUGH OF EMERSON BY DELETING AND REPEALING ARTICLE I § 79-1 TITLED BIDDING REQUIREMENTS OF CHAPTER 79 ENTITLED PURCHASING

☞ **Motion** to open the meeting to public comment on this topic only was **moved** by Council President Heyer, **seconded** by Councilwoman DeSalvo 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 Hoffman, **seconded** by Councilman Bair and carried.

☞ **Motion** to adopt Ordinance #1351-08 on second reading was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Absent

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

7. OLD BUSINESS

None

8. NEW BUSINESS

a) Community Hospice of Bergen County, Inc. – Ms. Donna Bott

Councilwoman DeSalvo explained that Ms. Donna Bott had contacted the Mayor and Council to publicize the fact that her organization was creating a not for profit community based hospice to fill the need left by the sale of the hospice at Bergen Community Healthcare, an affiliate of Pascack Valley Hospital. Ms. Bott discussed the newly formed non profit Hospice of Bergen County which provides comfort care at the end of live with quality, comfort, dignity and respect. She noted that she and three others had started a grassroots nonprofit hospice for Bergen County residents and they had been speaking to community groups, schools,

senior citizens and others. Noting that Medicare would not cover patient expenses until the facility had cared for 10 patients for three months, she explained that the costs for this care would amount to approximately \$300,000. She emphasized that she was reaching out to anyone would could assist with grants, foundation assistance, corporate funding or personal contributions to help the hospice get established in the community. Councilwoman DeSalvo stated that what Ms. Bott and her colleagues were doing was very admirable and thanked her for the presentation. The Council requested that this information be posted on the Borough website and in the next issue of the Emerson Eagle.

b) Bike Path between Ackerman Avenue and Soldier Hill Rd. (Patrick Avenue) and Eagle Drive

Councilwoman DeSalvo explained that a resident had contacted her suggesting a bike path between Ackerman Avenue and Soldier Hill Road. She mentioned feasibility and liability issues and asked for feedback from the Mayor and Council. Councilman Hoffman inquired as to whether it was a safe area. Councilwoman DeSalvo responded that the area would have to be cleared and paved and that sloping should be taken into consideration. Councilman Heyer noted that it could be dark there and that there was a significant slope but that it might make sense with the appropriate clearing. The Council debated these facts, as well as the potential need for catch basins and bridge work, the length of the path, and, in general, the substantial work that would need to be done to create a bike path. Councilwoman DeSalvo stated that she would look further into this issue and if parks or recreation grant money became available next year, perhaps a portion of these funds could be utilized for this project. Councilman Hoffman discussed adding bicycle lanes and traffic issues on Eagle Drive that had been brought up during the last **Environmental Commission** meeting. He said that he would investigate the topic further.

Mr. Scarpa discussed potential tennis court renovations with the Mayor and Council and explained that the engineer's estimate for renovations and lighting totaled \$410,000; the Borough's commitment would be about \$100,000, based on matching grants and the school's contribution. All agreed that the courts were in a significant state of disrepair and that there would be more use there if repairs were performed. It was agreed that there should be follow-up with Emerson High School to see if the Board of Education was still committed to the project.

9. 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 to comments from the public was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried at 8:40 p.m.

Scott Voorhees, 147 Grand Blvd. – He began by thanking the Borough for making repairs to the Linwood Avenue storm drains and saying that everyone in the area was very appreciative of the improvements. He added, however, that during the construction some portions of his sidewalk were heavily damaged and not repaired at the conclusion. One portion was damaged by heavy equipment, the other by a tree that was removed. He had initially brought it to the attention of a Maser representative who assured Mr. Voorhees that the sections would be repaired, but they have not. Subsequently, he was put him in touch with a Maser representative who opined that the damage was preexisting and that no repairs would be undertaken. Finally, Paul Niehoff, **Borough Engineer**, took another look at the damage. Mr. Voorhees requested recourse since he did not believe that he should be responsible for repairs for damage due to the construction. Mr. Scarpa explained that the issue has not been finalized and that he would visit the area with Mr. Niehoff and advise the Mayor of the outcome.

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 Heyer, **seconded** by Councilman Loffredo and carried at 8:47 p.m.

10. CONSENT AGENDA-Resolution No. 105-08

☞ **Motion** to approve the Consent Agenda Resolution No. 105-08 was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes
Loffredo-Yes
Hoffman-Yes

Ca #106-08 Affirm Group Affidavit

Ca #107-08 Approve Change Order #1 for \$1,900 to LKL Contractors for
Municipal Building Interior Alterations

Ca #108-08 Award Paving Contract Pursuant to the Pascack Valley
Cooperative Pricing Program (PVCPP)

11. CLOSED SESSION RESOLUTION No. 109-08

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 109-08 was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

#08-6/10-44 Litigation – Police Department

#08-6/10-45 Potential Litigation - COAH Revised Third Round Rules

#08-6/10-46 Personnel-Police

#08-6/10-47 Litigation - Redevelopment

12. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried at 10:45 p.m.

13. ADJOURNMENT

☞ **Motion** to adjourn was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried at 10:45 p.m.

Carol Dray, RMC, CMC

July 7, 2008