



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
APRIL 6, 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 Mayor Lamatina, John Jahr 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 6th, 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 –Absent
Councilman Browne - Absent
Councilman Hoffman – Present
Council President Lazar- Present
Councilman Rivers – Present
Councilman Shaw – Present

Also present were Borough Clerk Carol Dray, Joe Voytus substituting for Borough Attorney Phil Boggia, CFO Catherine Henderson and Business Administrator Joseph Scarpa.

II. PROCLAMATIONS & CITATIONS

Autism Awareness Month

Mayor Lamatina asked the Women's' Club of Emerson to join him to read the proclamation declaring April 2010 as Autism Awareness Month in the Borough of Emerson.

III. APPOINTMENTS/RESIGNATIONS

Environmental Commission:

- Resignation of Joan Martin as Chairman of the Environmental Commission effective immediately
- Appointment of Richard Worthington as Chairman of the Environmental Commission

Mayor Lamatina said that he accepted the resignation of Joan Martin as Chairman of the Environmental Commission effective immediately and appointed Richard Worthington as Chairman in her place.

Planning Board Class II

- Appointment will take place after the second reading of Ordinance No. 1396-10

IV. UNFINISHED BUSINESS

a. Mayor Lamatina added the issue of Hillman Field – Open Vouchers to the agenda and invited Borough Engineer Andy Hipolit, contractor Tom Callagee and CFO Catherine Henderson to the dais. The assembled group discussed whether to replace the field with seed and sod based on cost, need, circumstances and current conditions. Mr. Scarpa remarked that the original project was never a sod project; it was a drainage project. Mayor Lamatina steered the discussion to the payment issue. Mr. Hipolit recalled the circumstances of the project which included a bid specification that specified a base bid and alternates. He explained that he was informed by the Borough Administrator that his recommendation to award the base bid was authorized by the Mayor and Council to the successful bidder, CAL's Excavating, for \$11,964. As the work began, a pipe that was known to exist but not excavated until the work began was discovered to be of an insufficient length and size for the drain by the contractor in an area behind the swale near the library. When the discovery was made, Mr. Hipolit was away at the time but was consulted with about the situation with the contractor and Borough Administrator via a conference call. The additional work was over \$10,000 and the Borough Administrator authorized the change order based on the recommendations of the contractor and engineer due to the unforeseen circumstances at that time and for expediency sake so the various town sports programs would not be prevented from using the field in the upcoming season. However, the authorization violated the 20% cap on change orders for awarded contracts without action by the governing body and without the adequate and appropriate notifications posted. The Borough CFO, Catherine Henderson, stated that the additional amount expended to correct the fitting of the drain resulted in going over the 20 % threshold and the matter had not been brought to her attention until the voucher was presented for payment. She claimed that it did not fall under an 'emergency' expenditure and there was no mention of a weather event in any of the paperwork that she had seen. Catherine Henderson explained the proper procedure and to rectify the situation and to satisfy the auditor a written report from the engineer was required justifying the added expenditure 20% over and above the original contract amount. She added that it should have been done at the very next meeting after the authorization. The consensus was to seed Hillman Field. The Mayor announced that it would be on the next agenda and Ms. Henderson would work with Mr. Scarpa to get the correct notices out regarding exceeding the 20% change order limitation.

b. Library – The Mayor reviewed the status of lighting at the Library, noting that two contractors had looked at it, with one giving a verbal quote for ductwork and lighting of \$33,340. The Mayor asked Councilman Shaw to attend the next meeting. He also noted that the design committee had approved the floor plan and assumed that the full Library Board would approve it at their next meeting. He added that the PSE&G lighting grant was still available. Councilman Hoffman reviewed the Library Board's intention to hire an attorney to determine who should fund the capital improvements. The Mayor emphasized that the Council wanted to see them get the ball rolling, get the

free lights, pay for the ceiling and move on. Councilman Shaw said that he hoped a productive discussion would take place with the Governing Body and the Library Board, resulting in the work commencing immediately. Councilman Hoffman countered that he disagreed, and anticipated that it would take quite a while since they were planning to hire an attorney. The Mayor stated that he hoped that Councilman Shaw would be persuasive at the meeting in his absence. Councilman Lazar said that he was greatly disturbed by the Library Boards' use of the term 'their money' because it was not their money; it was the Emerson taxpayers' money.

c. High Street One Way Trial Report – Chief Saudino stated that after careful monitoring by the entire department, crossing guards, checking accident report data, and reviewing complaints, everyone believed that this was a great improvement for relieving school traffic. It was the Chief's and traffic unit's recommendation to permanently designate High Street one way southbound. The Chief explained that he had received no complaints and that everyone was getting used to it. Councilman Shaw remarked that the change was much better. Based on questioning from Mayor Lamatina, Chief Saudino recommended not installing a traffic light there at this time. Councilman Hoffman said that the sunset of the ordinance was the end of June. Ms. Dray said that an ordinance to make this a permanent change would be added to the next meeting agenda. Councilman Hoffman recommended putting a notification on the electronic sign to make residents aware of this permanent change.

V. BUDGET INTRODUCTION

a. Ord. No. 1404-10 "CAP" Ordinance to Exceed Index Rate

Motion to introduce Ordinance #1404-10 on first reading was **moved** by Councilman Rivers, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Mayor Lamatina announced that Ordinance No. 1404-10 was approved unanimously on first reading and would be further considered at a Public Hearing to be held on Mayor and Council of the Borough of Emerson 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 9th, 2010 edition of the Ridgewood News. He added that Ordinance #1404-10 was 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.

b. Resolution No. 70-10 Introduction of the 2010 Municipal Budget

Councilman Hoffman thanked Councilman Rivers and Mr. Scarpa for their hard work on the budget and emphasized that this had been an extremely tough budget year. He said that he had a problem with the Governor asking municipalities to cut costs without providing the tools that they needed to cut the costs first. He referenced Governor Christie's comments about jumping off a cliff, stating that the Governor was pushing the taxpayers off the cliff without giving them a lifeline to break the fall. He commented that he thought that the Governor was acting extremely irresponsibly in this regard.

☞ **Motion** to approve Resolution #70-10 Introduction of the 2010 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Councilman Shaw and carried by roll call vote:

RC: Council members:

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Mayor Lamatina announced that the 2010 Budget was on file in the Municipal Clerk's office and copies were free of charge. A copy is also on file in the Emerson Public Library.

Mr. Scarpa detailed the status of the health care benefit change for the Police Department and DPW. Mayor Lamatina thanked CFO Catherine Henderson, Mr. Scarpa, Borough Auditor Gary Higgins and the Council members for their hard work on the budget. Councilman Rivers thanked the Chief Saudino and his Police Department for stepping up and doing what was right not only for themselves but for Emerson residents, showing that they were looking out for the overall town by accepting a change to the State health benefits plan. He added that he hoped that the DPW would see that as well. Mayor Lamatina emphasized that due to everyone's hard work there would be no layoffs or no furloughs. However, there were cuts and shared services and that the Governing Body would continue on a daily basis to discuss shared services and ways to save dollars while keeping a good level of services. Councilman Rivers concurred, explaining that keeping Emerson residents safe was priority number one while trying to attain as many services as possible..

Mayor Lamatina mentioned that Emerson had not received final numbers from Trenton and that things could change that would tweak the budget. Mr. Scarpa mentioned that Governor Christie was putting a disproportionate burden on small towns. He agreed with Councilman Hoffman's earlier comments that this was the most difficult budget he had ever worked on.

- c. Resolution No. 71-10: Fee Increases Construction, Cell Tower, Cable Franchise Fees

☞ **Motion** to approve Resolution #71-10 Fee Increases Construction, Cell tower, Cable Franchise Fees was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- d. Resolution No. 72-10 Shared Service Agreement – Hillsdale CFO

☞ **Motion** to approve Resolution #72-10 Shared Service Agreement – Hillsdale CFO was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

- e. Resolution No. 73-10 Special Item of Revenue – Developers Agreement – 200 Kmack.

☞ **Motion** to approve Resolution #73-10 Special Item of Revenue- Developers Agreement was **moved** by Councilman Shaw, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Rivers-Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

f. Resolution No. 74-10 Deferred School Tax

☞ **Motion** to approve Resolution #74-10 Deferred School Tax was **moved** by Council President Lazar, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

Rivers-Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

VI. NEW BUSINESS:

- a. Garbage/Recycling Collection Specifications – Mr. Scarpa asked for permission to begin preparing specs for garbage/recycling collection as the contract expired at the end of the year. He proposed looking into changing the collection schedule to once a week except in the summer or even changing to once a week year-round to save money. He added that a shared service agreement with Oradell would also be considered. The Council discussed the time frame for a twice a week pickup and decided on May through September. The Governing Body consensus was to allow Mr. Scarpa to proceed with drafting specifications.
- b. Personnel Policy – Mr. Scarpa said that the Joint Insurance Fund had sent the Borough a set of guidelines that needed to be updated including a Model Civil Rights Resolution. He also said that a revised convention and conference policy would be incorporated and it would be ready for the next meeting.
- c. State Comptroller correspondence – Ms. Dray said that the Borough had received a letter from the Attorney General's office asking for copies of the Borough Attorney's contracts for the last three years. She mentioned that a few of the contracts had not been signed. Mayor Lamatina said that the 2009 and 2010 contracts had not been signed and asked that this be resolved so that the Borough could sign a new retainer agreement with Mr. Boggia.

VII. ORDINANCES: Second Reading

Ord. No 1396-10 CONSOLIDATION OF LAND USE BOARDS - AN ORDINANCE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, DISSOLVING THE EMERSON ZONING BOARD OF ADJUSTMENT AND VESTING THE POWERS OF THE ZONING BOARD OF ADJUSTMENT IN THE PLANNING BOARD PURSUANT TO N.J.S.A. 40:55D-25(C)(1)

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

☞ **Motion** to adopt Ordinance #1396-10 on second reading was **moved** by Councilman Shaw, **seconded** by Council President Lazar and carried by roll call vote.

RC: Council members:

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

Planning Board Appointments

- a. Class II- Thomas Monahan for the unexpired term ending 12/2010 – Mayor Lamatina formally made this appointment now that the Planning Board ordinance had been adopted.
- b. Alternate III – Brian Lacey for the unexpired term ending 12/2012– Mayor Lamatina announced that he was appointing Brian Lacey to this position.

VIII. ADMINISTRATOR'S REPORT

Mr. Scarpa asked for permission to go to the Board of Public Utilities hearing in Hackensack on April 15th. The hearing was on the rate increase request of 20% which affected water rates. Councilman Hoffman asked if it was a daytime meeting. Mr. Scarpa stated that the meeting began at 6:30 p.m. Mr. Scarpa said he would speak on fire hydrant rates which had increased \$40,000 in the last two years. Presently the Borough was being charged \$120,000 per year for the hydrants. He also reviewed the time frame for replacement of the Borough Hall fire escape.

IX. 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 Council President Lazar and carried.

Danielle DiPaola, 93 Union Street thanked the Zoning Board for their many years of service. She also thanked Joan Martin for serving as the Chairperson of the Environmental Commission and said that she had done a wonderful job. In addition, she commended the DPW and the Police Department, Chief Saudino and Superintendent Joe Solimando for running everything so smoothly during the storm. She was happy that the change to High Street was working out and that Union Street would not be made a one way. But due to increased parking on her street, she had been noticing debris in the area. She asked someone to write a letter to the Little League and Girls' Softball to urge them to park at the High School rather than on Union Street. Councilman Rivers said that he would share that message with the Recreation Commission. The Mayor explained that this request could not be enforced. Councilman Rivers said that Union Street residents should request that drivers for Girls' Softball directly request that vehicles parking on their street park at the High School instead since it would have more impact than a letter to the school.

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.

X. RESOLUTIONS ON CONSENT AGENDA NO. 75-10

☞ **Motion** to approve the Consent Agenda Resolution No. 75-10, pulling CA 82-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Shaw and carried by roll call vote.

RC: Council members:

Rivers-Yes
Lazar-Yes
Hoffman-Yes
Shaw-Yes

- Ca 76-10 Opposing United Water's Billing Tactics & Proposed Fire Hydrant Rate/Tax Increase
- Ca 77-10 Authorize Release of Performance Guarantees for PNC Bank Project
- Ca 78-10 Approve Temporary Emergency Budget
- Ca 79-10 Approve 2010 Transfer of Funds
- Ca 80-10 Tax Overpayment – TD Bank, 466 Old Hook Road in the amount of \$2,033.36
- Ca 81-10 Approve Contract of Specialty/Hybrid Services for repair of sidewalks to Sidewalk Safety, Market Street, Saddle Brook, NJ
- Ca 82-10 Approve payment to CAL'S Excavating for \$ _____ for the Hillman Field Improvement Project – PULLED

XI. CLOSED SESSION – RESOLUTION #83-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 83-10 was **moved** by Council President Lazar, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

Rivers-Yes

Lazar-Yes

Hoffman-Yes

Shaw-Yes

#10-4/6-08 Personnel-Group Employee Health Benefits N.J.S.A. 10:4-8

XII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Rivers, **seconded** by Councilman Shaw and carried at 10:00 p.m.

XIII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Shaw **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 10:04 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 6/23/10)

May 13, 2010