



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
JANUARY 19, 2010  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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**Call to Order**

Mayor Lamatina called the meeting to order at 7:35 pm. Mr. Guy Germinario led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina to mourn the loss of a local hero, U.S. Marine Corps Sergeant Christopher Hrbek who was killed in Afghanistan. He shared details of the funeral arrangements for Sergeant Hrbek and requested that the moment of silence also be in memory of the people of Haiti who lost their lives.

**O.P.M.A. Statement**

Mayor Lamatina read the Sunshine Statement announcing that the meeting of January 19<sup>th</sup> 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 – Arrived at 7:40 p.m.

Also present were Borough Clerk Carol Dray, Borough Attorney Phil Boggia, and Business Administrator Joseph Scarpa, who arrived at 7:50 p.m.

III. PROCLAMATIONS & CITATIONS

*Recognition of Service:  
Joseph Mara, Jr. Fire Sub-code Official*

Councilman Hoffman joined the Mayor in honoring Mr. Joseph Mara, Jr. by presenting him with the following proclamation:

## APPROVED MIN No.2

*WHEREAS, Joseph R. Mara, Jr. has served the Borough of Emerson in his capacity as Fire Inspector since 1983, a tenure of twenty seven uninterrupted years, and as Fire Official from 1986 through 1995; and,*

*WHEREAS, Joseph Mara has distinguished himself by faithfully and conscientiously addressing his responsibilities as Fire Inspector, earning the respect of his peers for his dedication and expertise; and,*

*WHEREAS, Joseph Mara has also served as a member of the Borough of Emerson's volunteer Fire Department since 1973 and as its Chief in 1996 and 1997; and,*

*WHEREAS, Joe's many years of devoted service as a Borough Fire Inspector and fireman have helped make Emerson a safer place to live and work.*

*NOW, THEREFORE, BE IT RESOLVED that Joseph Mara's exceptional devotion to the Borough of Emerson's fire safety should not be permitted to pass without notice.*

*BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Emerson that this commendation be spread upon the minutes of this Body in recognition of the invaluable service of Joseph R. Mara, Jr. and his anticipated future service to the Borough's fire prevention and the citizens of the Borough of Emerson.*

### IV. APPOINTMENTS/RESIGNATIONS - None

### V. CORRESPONDENCE

Mayor Lamatina stated that all correspondence listed below was on file in the Municipal Clerk's Office for inspection or reproduction for a statutory fee.

- Letter dated January 4, 2010 from Raymond Dressler, Acting Director of Parks, BC Dept. of Parks; Re: Control of Canadian goose population in northern New Jersey
- Letter dated January 7, 2010 from Michael Russo, Director, Div. Of Local Aid & Economic Devel., DOT; Re: Safe Streets to Transit
- Letter dated January 13, 2010; re: BCUA Sewer Connection Fee, R. Wierer

### VI. UNFINISHED BUSINESS

- Amending Redevelopment Zoning Ordinance – Councilman Bair reminded the Governing Body that they were required by statute to examine and amend the Redevelopment Plan each year and that it was not done in 2009. He asked that a vote be taken on Borough Planner Joseph Burgis's revisions to the plan but clarified that a vote did not imply an endorsement of the Redevelopment. Rather, it would be a vote to limit the scope and size of Redevelopment in the designated areas. The Mayor remarked that this procedure had to be done by ordinance, requiring two votes, and asked that the meeting be given over to questions from the Council. It would then be put on the next agenda for first reading. Council President Lazar voiced his objection to the three story buildings, explaining that if someone wanted to build three stories, they should be required to go to the Planning Board. He acknowledged that in some areas of the Borough, a three story building might be appropriate based on elevations. Councilman Hoffman concurred with Council President Lazar since he had heard a lot of public opposition to

three stories. The Mayor asked that it be put on the next agenda for first reading.

## VII. NEW BUSINESS

- Website Discussion – GovOffice – Councilman Browne explained that a good online presence could do a lot for the image of the Borough and visibility to constituents. He detailed several companies he had looked at and discussed the concept of online payments and compliance standards that might be costly. He thought it best to poll the Governing Body before proceeding. He referenced Westwood’s website, noting that GovOffice’s proposal would be similar. Mayor Lamatina stated that in his conversation with Westwood Administrator Bob Hoffman, he learned that their website received over 21,000 hits a month from all over the world and that they were happy with it. Councilman Browne said that during a meeting with the current webmaster, Mike Licameli, it was noted that GovOffice’s proposal would be a better deal. Ms. Dray explained that the correct procedure was to get at least two mirror image quotes, preferably three, before selecting a website vendor. Councilman Browne said that he would look into it further and emphasized that the Borough website was the face it presented to the world. Councilman Rivers suggested joining with Councilman Browne to put together a Request for Proposals before soliciting quotes. Mr. Scarpa said that after the next meeting they would know more about the budget and could discuss this further. Councilman Rivers also pointed out that there were millions of iPhone users who were unable to get onto the Borough website and that thousands of people in our area were unable to get into the site. He suggested something small, but available for people on the go.
- Proposed changes to Sign Ordinance Chapter 232-5 & 232-6 – Construction Official Mike Sartori discussed the fact that currently the Sign Inspector was required to go out and charge \$25.00 to any business that displayed a sign. He added that it caused ill will with merchants who felt that they were being shaken down for another municipal fee without getting anything in return since permits had already been paid for when their signs were installed. Mr. Sartori mentioned that he believed that Emerson was the only town with this requirement. Council President Lazar opined that the requirement might have been a bit of overkill based on a safety issue with a sign in the past, but he felt that it was unfair. The Governing Body raised questions about revenue, sign safety and liability issues. The consensus was to repeal this ordinance.
- Consolidation of Land Use Boards – Councilman Bair explained that this discussion was preliminary and that the process should be done very carefully after thorough research. He noted that Emerson was able to make this change as the population was under 15,000 residents and explained that if the two boards were consolidated into the Planning Board, at least two people would lose jobs – the attorney and secretary for the Zoning Board. He pointed out that there would be a savings of about \$6,000.00 to the Borough. Additionally, he remarked that with the economic downturn and lack of real estate activity, meetings were occasionally cancelled and agendas were limited to one or two items, causing the volunteers to lose interest. He concluded that the Planning Board would be very capable of handling both with some

training. He noted that there was a potential for abuse if power was concentrated into one board, but the Municipal Land Use laws limited the potential for abuse of power through certain restrictions on what may be voted on by the Mayor as a Class I member and Class III members. He recommended that the Council move forward on this proposal. The Mayor suggested that it become an eleven member board and Mr. Scarpa recommended that membership be chosen from the two present boards. Councilman Lazar inquired about appointments to these boards, noting that the Council approved Zoning Board members, but the Mayor appointed members to the Planning Board. Mr. Boggia explained that by combining the boards, the Mayor would have the sole appointment ability without the input of the Council. Councilman Bair replied that this would not dissuade him from combining the boards and that it was still a viable option that should be considered. Mayor Lamatina pointed out that Zoning Board applications would be able to be heard twice a month, rather than once a month, shortening approval time. The Mayor mentioned that he wanted to speak to the Chairman of the Zoning Board about this proposal. Mr. Boggia pointed out that the Governing Body would not be merging two boards, but eliminating one of them. After polling the Council and listening to their concerns and suggestions, the Mayor agreed that Mr. Boggia should prepare a report on how the process worked.

#### VIII. INTRODUCTION OF ORDINANCES - None

#### IX. REPORTS

- Mayor and Council

Councilman Browne had no report.

Councilman Rivers announced that there was a 0% CAP for this year's municipal budget and asked the Council to be prudent and to look at everything with a discerning eye. He added that he was not in favor of adding bonds to increase the Borough's debt. On another topic, he stated that the Recreation Commission had a new Presiding Officer, Marty Porcello. Steve Belloise, the previous Presiding Officer, had agreed to stay on to get Mr. Porcello up to speed. Mr. Belloise would remain as a regular member of the **Recreation Commission**.

Councilman Bair had no report.

Council President Lazar said that he had met with Police Chief Saudino and that they had gone over his plans for 2010. He added that the Chief was working very hard to keep costs down including overtime and that Chief Saudino was a very good Police Chief who had the best interests of Emerson at heart.

Councilman Hoffman gave the December **Fire Department** report. He also mentioned that he was going to propose some changes to the Fire Department ordinance, including life membership requirements and disciplinary procedures. In addition he noted that he was going to propose changes to the **Shade Tree** ordinance, including increasing tree replacement fees, fines for removing shade trees within the 10 foot right of way and permit fees for any trees removed from a property.

Councilman Shaw said that he had some preliminary discussions with members of the **Volunteer Ambulance Corps** and was looking forward to his attendance at their next meeting. As Library liaison, he had also spoken with **Library Board** of Trustees President Bill Bierman.

Mayor Lamatina discussed plans for the procession, wake and funeral for late U.S. Marine Sergeant Christopher Hrbek of Westwood and encouraged the Governing Body to attend these events. He commented favorably on the status of the additional drainage work being done at Hillman Field. The Mayor provided an update on Kinderkamack Road, and explained that utility poles needed to be relocated and that this issue was being negotiated. He emphasized that the Borough was in the end stages of the concept plan and was urging the County and engineers to get the plan done by the end of January. Once completed, construction planning would begin. Finally, he discussed his meeting with the owner of the Sunoco station regarding his building and explained that he was preparing additional sketches that would give the County more land for the road reconfiguration.

- Borough Administrator – Mr. Scarpa reported that the bid for cleaning services came in at \$20,000.00, saving the Borough a lot of money through privatization. He had advertised for a temporary part time **DPW** worker to fill in for an injured employee and recommended a person who had a CDL license named Daniel Ferrara. He asked the Governing Body to authorize hiring this person for \$10.00 per hour.

☞ **Motion** to hire Daniel Ferrara as a temporary DPW employee at \$10.00 per hour was **moved** by Councilman Shaw, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

Mr. Scarpa also mentioned that the Borough had entered into two agreements with two cell phone providers to use the existing monopole, leading to more than \$30,000.00 in additional revenue per year.

- Borough Clerk had no report.
- Borough Attorney had no report.

## X. 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 Shaw, **seconded** by Councilman Hoffman and carried at 8:57 p.m.

Brian Todd, 207 Palisade Avenue suggested waiting until terminal leave was over for the retiring officer before hiring a new Police Officer and hoped that terminal leave was going to be eliminated from the new contract.

Guy Germinario, Old Tappan thanked the Mayor, Council members, Ms. Dray, Mr. Scarpa, and Borough employees Jane Dietsche and Barbara Looney who accepted him with open arms and helped him with any questions he had. Their assistance and cooperation eased his understanding of what was required of him. He added that everyone was knowledgeable, pleasant and experienced and gave special praise to the Building Department and Building Department Assistant Michele Perlman, saying that they provided anything he needed and that everything was done in a timely manner. Councilman Bair inquired if he would have been able to do his project if he had been restricted to two stories or if being required to appear before the Planning Board or Zoning Board for a variance for three stories would have been an impediment. Mr. Germinario said that it would not have worked financially and that time delays for approval would have added big soft costs. Mr. Germinario commented that it took 16 months for him to get approval in Closter for two apartments. Councilman Bair continued that his understanding in the past was that when there was a teardown and new construction, as on the three applications approved and the two applications that were pending; they were seeing three stories on new construction and two stories for renovations.

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

#### XI. RESOLUTIONS ON CONSENT AGENDA NO. 40-10

☞ **Motion** to approve the Consent Agenda Resolution No. 40-10 was **moved** by Councilman Bair, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

Ca 41-10 Bill List

Ca 42-10 Transfer of Funds

Ca 43-10 Affirm PARIS Grant Shared Services with the County of Bergen

Ca 44-10 2010 Animal Control Contract

Ca 45-10 2010 Blood borne Professional Services Agreement

Ca 46-10 Add obsolete vehicles to On-Line Auction

Ca 47-10 Release of Performance Guarantee – 348 Kinderkamack Road -PULLED

XII. CLOSED EXECUTIVE SESSION - Resolution No. 48-10

☞ **Motion** to go back into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 48-10 was **moved** by Councilman Browne, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

#10-1/19-01 Personnel – Construction Official N.J.S.A. 10:4-8

XIII. RECONVENE

☞ **Motion** to reconvene was **moved** by Council President Lazar, **seconded** by Councilman Hoffman and carried at 10:25 p.m.

☞ **Motion** to dedicate the salary and working hours performed by the Construction Code Enforcement Official for each respective duty that is within his job description under separate titles shall be as follows: roughly \$45,000.00 of the approximate total salary of \$80,000.00 for all positions and 4 hours per day for a total of 20 hours per work per week shall represent the Construction Code Enforcement Official/Building Sub-code title, duties and responsibilities and the remaining fifteen hours of the thirty five hour total work week would represent the duties and responsibilities performed in the capacity of Zoning Official, Property Maintenance Officer and Fire Sub Code Official setting those hours from 11:00 a.m. to 2:00 p.m. was **moved** by Councilman Bair, **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 called for a motion to reappoint Michael Sartori to the position of Construction Code Enforcement /Building Code Official and asked for Council confirmation.

☞ **Motion** to reappoint Mike Sartori as Construction Code/Building Code Official was **moved** by Councilman Bair, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Bair **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 10:29 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 2/11/10)

January 27, 2010