



**AGENDA  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
JULY 21<sup>st</sup>, 2009  
7:30 P.M.**



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**Call to Order**

Mayor Lamatina called the meeting to order at 7:40 pm. Mr. Gary Schwinder 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 July 21, 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 - Absent  
Council President Hoffman - Present  
Councilman Lazar - Present  
Councilman Loffredo - Present

Also present were Jane Dietsche, Deputy Clerk, substituting for Borough Clerk Carol Dray, Phil Boggia, Borough Attorney, and Joseph Scarpa, Business Administrator.

**I. CORRESPONDENCE**

Mayor Lamatina announced that copies of the correspondence were on file in the Office of the Municipal Clerk.

- Letter dated May 15, 2009 from March Picchierri, Chief, Bergen County SPCA, Re: Fines collected under Title 4
- Letter dated June 10, 2009 from Robert Garrett, Acting President, HUMD, Re: Success of local public hearing
- Letter dated June 16, 2009 from Timothy McDonough, President NJLOM, Re: 12 Annual Elected Officials Hall of Fame
- Letter received June 16<sup>th</sup> from Mark Miskovitz, Emerson resident, Re: Shop Rite Planning Board approval
- Letter dated June 17<sup>th</sup> from Assemblyman John E. Rooney, Re: Waterway Management Plan
- Letter dated June 17<sup>th</sup> from Matthew Russo, Administrator of Armenian Nursing & Rehabilitation Center, Re: Sidewalk damage
- Letter dated June 17<sup>th</sup> from Assemblywoman Charlotte Vandervalk, Re: Cooperative Waterway Management Task Force Resolution

- Letter dated July 2<sup>nd</sup> from Paul Ashley, Re: storage unit ordinance
- Letter received July 17<sup>th</sup> from NJLOM, Re: Nominations for Michael Pane Memorial Award
- Letter dated July 2009 from Valerie Dargan, Ph.D., Bergen County Div. of Senior Services, Re: Annual Bergen County Senior Picnic

## II. UNFINISHED BUSINESS

- Mayor and Council Approval of Concept Plan for Kinderkamack Road Corridor Improvements – Mayor Lamatina began by explaining that the County had received the AutoCAD plans on July 13 but did not have enough time to review the plans before the meeting. Council President Hoffman stated that there should have been a public meeting for residents and the Council to give their input on the concept plan before it was submitted to the County. He expressed his desire to tell the County to hold off on their review until after a scheduled Council meeting with public input. Councilman Loffredo opined that this issue had been discussed at reasonable length and that County input was a logical next step since they were aware that it was not a completed project. He said that the concept would change regardless of what the Governing Body did and that after the County made their suggested changes would be the right point to discuss it again. Councilman Browne said that the Council did not support the plan as a starting point and that he had some concerns with it. He supported swift action, but wanted to it done correctly. Councilman Loffredo said that there would never be a total consensus before it went to the County; rather, it was a starting point and a beginning of cooperative concessions. Mayor Lamatina noted that he had asked Farouk Ahmad if they should endorse the concept, to which Mr. Ahmad replied ‘no’. The Governing Body continued to debate this issue, exchanging opinions on the timetable of events leading up to the County review. Council President Hoffman and Councilmen Lazar and Browne emphasized that the plan should not have gone to the County without further consideration. Councilman Loffredo countered that he failed to see the harm in the County reviewing the plan in its preliminary state and was hopeful that the County would provide feedback accordingly. Councilmen Bair and Loffredo stressed that the plan was still in the design phase and that County feedback was crucial since the plan had not yet been finalized. Mayor Lamatina commented that this item had been on the agenda twice and no one, except Planning Board member Gary Schwinder, had come to a meeting to speak on the matter. He added that once the County responded to the concept; a highly-adequate noticed public hearing would be served. Council President Hoffman countered that he was concerned that once they heard from the County, that the plan would be final. He preferred halting their review, allowing the public and Council to comment, and then going forward. Councilman Browne noted that the cost of the NJDOT preemption construction project would increase if the road plan was delayed. Councilman Lazar maintained that the Borough should have allowed everyone the opportunity to comment and send the County a nearly completed plan so as to move forward in an orderly and proper fashion. Mayor Lamatina said that in order to fund this project for 2010, it was necessary to get it to the County in time for their September budget cycle. The Mayor requested that this item be added to the August 4<sup>th</sup> agenda with an opportunity for public comment,

but added that the County should continue their review. He also requested that Mr. Scarpa contact John Jahr to attend the next meeting and to advertise the topic and public hearing on the Borough bulletin board.

- Safe for Ambulance Corps – Council President Hoffman stated that the Ambulance Corps had requested a \$10,000 fire and flood proof safe for record storage but that there were concerns about the need and cost. The Governing Body exchanged views on having them use an electronic storage system instead. Councilman Hoffman opined that they should wait or consider a less expensive safe based on budgetary concerns and other emergencies. The Governing Body consensus was not to purchase a safe based on the Council President’s recommendation. Mayor Lamatina asked Mr. Scarpa to notify the Ambulance Corps.
- Easement – Kenneth Avenue – Council President Hoffman explained that the Ambulance Corps was concerned about the proposed easements next to Gregory T’s Restaurant. He said that the easement was opposite where the Ambulance Corps pulled out their rigs. The Mayor noted that this item was on the agenda because it was requested by Mr. Polidoro’s attorney, Mr. DelVecchio when the Planning Board Chairman refused to consider the application even an informally, unless the access issue was worked out by the Borough Attorney and the Governing Body. The Mayor explained that three spots would be lost by adding the ingress and egress, and that Mr. Polidoro had a verbal agreement with the owner of Gregory T’s to knock down a building on his property and cart it away in exchange for the three parking spots in that space. In addition, the lots would remain level and connected. The Council considered issues related to an ingress and egress easement near Gregory T’s Restaurant based on the Ambulance Corps need to pull out their equipment. Mayor Lamatina stated that access would have to be worked out for Planning Board approval and asked for agreement from the Council.

Jerry. Polidoro, 77 Piermont Avenue, Norwood explained that where he wanted egress would not affect the Ambulance Corps. The Governing Body discussed the number of parking spaces, ingress and egress on Kinderkamack Road, and how this might affect the value of Borough property. Mr. Polidoro pointed out that his variance was for .7 of a parking space and parking within five feet of the property line.

☞ **Motion** to execute an agreement between the Borough and Mr. Polidoro approving ingress and egress through Borough property, subject to the execution of an agreement with Arthur’s new owner Gregory Kyritsis to allow three more parking spots there, and subject to Mr. Polidoro installing adequate signage to address the concerns of the Ambulance Corps, and subject to the approval of the Planning Board was **moved** by Councilman Browne, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Loffredo-Yes**

**Hoffman-Yes**

**Heyer-Absent**

**Bair-Yes**

- Referendum Re: Broadway Development - Council President Hoffman referenced his proposed ballot question on the Broadway paper street and the adjoining properties and the possibility of the Borough selling that property. He explained that it was for potential inclusion on the November ballot and if passed, would allow for additional Borough revenue. The Mayor asked the Governing Body to review the referendum question and offer comments. Councilman Browne asked for further clarification on the property value mentioned in the interpretive statement. The Mayor informed the group that Tax Assessor Claire Psota would perform the appraisal. Council members uniformly praised Council President Hoffman for his well written, simple, balanced proposal. The Mayor asked that some of the revenue from the proposed sale be used to improve pathways in this area and asked for consensus on adding this referendum question to the November ballot. All agreed that it was a good idea. The Mayor asked Mr. Scarpa to contact Claire Psota for assessment information.
- Library Architect Plans/Funding – Councilman Browne stated that the Library audit report was completed and distributed to the Governing Body. He added that he had met with the Library Board and had a walk through of their renovation plans. Council President Hoffman stated that he wanted clarification of the Council's role in this process, adding that the Library's contention was that the building was the Borough's responsibility. The Mayor noted that the Borough was responsible for capital improvements. Councilman Browne asked who owned the project – questioning whether the Governing Body was to manage the process or only provide the funding and stay at arms length. Mr. Boggia explained that the municipality was only required to supply a third of a million dollars on the assessed valuation in town and the Library could spend those funds in a manner of their choosing. He surmised that the Library wanted money above and beyond that annual appropriation; therefore, some collaboration and cooperation was reasonable. He also questioned whether it was the right time to do this renovation; that the project's cost exceeded what the Library had built up a capital fund. He commented that it was reasonable for the Council to have input on the project and unreasonable for the Library to ask for the money and not expect or permit the Council's involvement. Councilman Browne held that the Council should to be prudent in how the money was spent. Mr. Boggia suggested a subcommittee be formed of the Governing Body to work out the problems. Councilman Browne suggested Council representation in a partnership with Library Trustees, adding that this did not presuppose support for the additional money because times were tough. The Mayor noted that if the Library used their own funds, they could proceed with the project as they wished. However; since they were asking for additional funding, the Council should be an interested and involved party to the process. Councilman Lazar reference the Library Trustees' last visit before the Council at which time, when questioned about the amount of funding they had set aside for the project; the figure specified was far below the amount revealed in the audit. He found that disturbing and sought accountability as to why they were told something that may not have been true after reading the audit report. Councilman Lazar suggested that the Library Trustees should come to the Council in good faith to explain the difference of what they were led to believe as opposed to what the audit

disclosed. The Mayor said that his recollection was that they had said they about \$72,000. Councilman Lazar remarked that it was a great deal more than that. The Mayor and Council President Hoffman agreed that some members of the Library Board should be asked to a meeting for clarification and the Mayor asked Mr. Scarpa to invite the Library Board President and another member to clear the air and figure out what was going on. He also passed out the New Jersey State code section stating that the Library could pay capital expenses out of the third of a million dollars if they chose to.

- HUMC - Mayor Lamatina updated the Council on the status of their application. He referenced a recent article in The Record regarding Gordon Johnson's comments. He said that on the following Saturday, six out of ten Pascack Valley Mayors met at his home to discuss a plan of action. They decided to contact reporters and the editorial board at The Record, discussed contacting Governor Corzine, and the legislators of the 39<sup>th</sup> District. The Mayor detailed his meeting with the editorial board and two reporters, noting that they are deliberating on the merits of this issue and whether to come out in support of the reopening. They were also able to get two stories in The Record. He also discussed that he and Mayor Birkner presented Governor Corzine with a six page letter asking for his support for the reopening at a Woodcliff Lake fund raising event. Governor Corzine promised to meet with them at breakfast within the next two weeks. Also, Assemblywoman Vandervalk received a letter published in The Record in support of the reopening as well and was present at the meeting at the Record as well. He emphasized that it was not a done deal and that the reason it was postponed was because of the letter from Mr. Johnson and added that the hospital was moving forward. He said that he and the Governing Body had to do everything in their power to make this issue known to both gubernatorial candidates and that they were redoubling their efforts in support of this effort. He asked the Council for ideas as to what the town could do to make this issue known and get people to communicate the need for the reopening to the paper. Each Councilman shared ideas to increase community knowledge and support. Councilman Browne suggested reaching out to the residents opposed to the expansion of Valley Hospital in Ridgewood, hearing from the respective Ambulance Corps., having a consortium of elected officials buy an ad in a Trenton newspaper addressed to the Governor and inviting gubernatorial candidate Chris Christie to speak about it. Councilman Lazar suggested setting up websites where people can send a letter in favor of the reopening. The Mayor noted that HUMC has one, and Councilman Lazar suggested putting that web address on the electronic sign. Mayor Lamatina asked Mr. Scarpa to put the phone number for the Governor's office on the electronic sign. He asked that people talk to their family and friends and urge them to call the governor and to write letters and speak out. Mayor Lamatina said that he would report back after he spoke with the Governor.

### III. NEW BUSINESS

- COAH mediation - Mr. Scarpa said that the mediation should change based on the changes that Borough Planner Joe Burgis was making to the Redevelopment plan. Mr. Boggia said that they were so backed up that they were trying to meet with people and work out accommodations, but that this

might change. He added that the Borough had not received any formal notice about a date and predicted that it would be some time away and thought that the Redevelopment changes would help the Borough.

- eRevival e-waste recycling – Councilman Browne shared details about the company and asked for a consensus to investigate the company. He said that the company had done work in Montvale and was licensed by the NJDEP and the EPA to handle electronic waste disposal. He noted that it was now illegal to dispose of this material in the trash and would be no cost to the Borough. He mentioned two types of service – one that included TV disposal which would cost \$350 per month and one excluding televisions which would be free as long as the company was promoted in the Borough’s newsletter. He thought that it might save on annual tonnage fees since it would divert these items from the general waste. Mr. Scarpa said that he would look into it and talk to DPW Superintendent Joe Solimando.

#### IV. ADOPTION OF ORDINANCES

##### **Second reading and public hearing:**

##### **1380-09 AN ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED “POLICE DEPARTMENT”**

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

☞ **Motion** to adopt Ordinance #1380-09 on second reading was **moved** by Councilman Loffredo, **seconded** by Council Lazar and carried by roll call vote.

##### **RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Loffredo-Yes**

**Hoffman-Yes**

**Heyer-Absent**

**Bair-Yes**

#### V. REPORTS

Councilman Browne – No report

Councilman Lazar mentioned that the first Historic Preservation Commission meeting had taken place and that they had discussed their goals.

Councilman Loffredo – No report

Council President Hoffman gave the Fire Department report for the month of June. He also mentioned that he had walked through the Emerson Woods property with Kevin Cariddi who was planning to do an Eagle Scout project to clean up the site, perform trail maintenance, and perhaps install a foot bridge.

Councilman Bair – No report

Mayor Lamatina reported that a formal application was presented at the last Planning Board meeting from Tool Chest. He added that a number of variances were requested. There was also an informal application from the contract purchaser of the PNC site who was requesting an 18 unit condominium project over 3000 square feet retail with no variances and no waivers. He also mentioned his desire to work with both the Sunoco Station and Tool Chest towards connecting lots. He added that Sergeant Mottley said that the desire of the Police Department was to connect the lots and have a one way pass through. He said that he had shared this information with Mr. Guy Germinario of Grand Homes and said that he was more than willing to work with the people there. The Mayor added that Mr. Polidoro would be coming in with a plan for ground floor retail and ten units above. He also stated that Hillsdale Mayor John Sapanara complimented the Borough twice for our help during the freak storm in their town. He said that Hillsdale saved thousands of dollars and appreciated the Borough's help.

Borough Administrator – Mr. Scarpa gave updates on the June 15<sup>th</sup> ice storm, stating that the Borough had received \$6,500 in insurance payments for a totaled police vehicle. The Borough would go ahead with leasing a Police vehicle to replace it. He also detailed a storm drain collapse on Lincoln Blvd. and Hasbrouck Avenue which caused the road to buckle. The drainage break was fixed as an emergency and they would be proceeding with bid specs to fix the road and line part of the other pipe that had cracks in it. Work was proceeding on Borough Hall and the Ambulance building to repair flood damage.

Borough Clerk – No report

Borough Attorney – No report

## VI. 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 Bair and carried at 9:45 p.m.

Gary Height, 84 Lincoln Blvd. commented on the recent Community Life article about the Mayor and Council not purchasing a hybrid SUV. He explained that as Westwood's mechanic, their two hybrid SUV's worked well on patrol and could handle the amperage requirements for Police vehicles and that more research should have been done before this decision. Mr. Scarpa responded that the purchase was not made yet and that he would get clarification from Chief Saudino and the Westwood Police Chief.

Charles Thomas, 4 Walnut Street said that he was disappointed that the Borough was considering selling the Broadway paper street. He considered it a bad idea and that it would bring lawsuits, water runoff and unhappy residents.

Gary Solimando, 104 Broadway said that the Broadway paper street was a nice area to walk through and was opposed to developing this property.

Gary Schwinder, 99 Linden Avenue stated that he disagreed with the Kinderkamack Road redesign concept plan and explained that it should be endorsed, not thrown to the County because it was weak and not the best that Emerson had to offer. He also commented on HUMC, suggesting a grass roots program with speakers to talk to community groups. Finally he suggested that the Governing Body consider introducing an ordinance limiting parking to three hours on Pascack Avenue next to Celebrity Salons so that the spots did not go to commuters. The Governing Body discussed setting parking restrictions at this location and concluded that setting a three hour parking limit would be appropriate. After reaching a consensus, the Mayor said that an ordinance would be on the next agenda for first reading. Lisa Thomas, 4 Walnut Street discussed reasons why the Broadway paper street property should not be sold. She detailed her concerns that children used this area as a pathway, the potential for water runoff issues, and not wanting very large homes built on under sized lots. Councilman Lazar explained that a New Jersey law was passed that if a new home was built, there must be zero runoff from that property. Dry wells could be required that would hold the amount of water calculated as potential runoff. Mayor Lamatina commented that the interpretive statement drafted by Council President Hoffman stated that the money could be used for public improvements for public purposes, which could include making Patrick Avenue path safer and putting a pocket park there, as well as extending a path with easements from that cut through over to Ackerman Park. The money would also be used for general relief, noting that the Borough was looking for ways to offset some property taxes. 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 Hoffman, **seconded** by Councilman Bair and carried.

#### VII. RESOLUTIONS ON CONSENT AGENDA NO. 143-09

☞ **Motion** to approve the Consent Agenda Resolution No. 143-09 was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Loffredo-Yes**

**Hoffman-Yes**

**Heyer-Absent**

**Bair-Yes**

- |           |   |
|-----------|---|
| Ca 144-09 | Approve Bill List   |
| Ca 145-09 | Authorize Agreement with New York Life  |
| Ca 146-09 | Minutes for approval – 4/14, 5/5, 5/19, 6/9, 6/16, 7/7  |
| Ca 147-09 | Block Party – Residents of Highland Avenue - Saturday 8/29 (rain date 8/30) from noon – 10 p.m. |
| Ca 148-09 | Exigency – Lincoln Blvd. and Hasbrouck Avenue   |
| Ca 149-09 | Bus Stop Relocation – Kinderkamack Road at Louis Street   |
| Ca 150-09 | LOSAP Members Eligible to Receive Benefits  |
| Ca 151-09 | Fire Department - Certificate of Exemption – Joseph Solimando III                               |
| Ca 152-09 | Fire Department - Certificate of Exemption – Richard Solimando                                  |
| Ca 153-09 | Fire Department - Certificate of Exemption – Edward P. McDonald                                 |
| Ca 154-09 | Fire Department - Certificate of Exemption – Mark J. Brackenbury                                |

VIII. CLOSED EXECUTIVE SESSION

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 155-09 was **moved** by Council President Hoffman, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

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

a. Resolution No. 155-09

- Personnel-Deputy Municipal Clerk - N.J.S.A. 10:4-12-8
- Litigation – Savino - N.J.S.A. 10:4-12-7
- A. Solimando v. Emerson N.J.S.A. 10:4-12-7

IX. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried at 11:20 p.m.

☞ **Motion was made by Councilman Lazar** to adjust the salary of Jane Dietsche by increasing her base pay \$1,250 effective at the next pay period reflecting one half of her original employment offer amount of \$2,500 when she attained her certification as a Registered Municipal Clerk. The balance, or \$1,250, would be added to her base salary upon her successful fulfillment of the State Registered Municipal Clerk certification. Council President Hoffman seconded the motion and was carried by roll call vote.

**RC: Council members:**

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

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Loffredo **moved** to adjourn the meeting, **seconded** by Council President Hoffman and carried at 11:18 p.m.

Carol Dray, RMC/CMC/CMR

July 22, 2009

(Proofed 08/06/09, cd)