



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
SEPTEMBER 15th, 2009
7:30 P.M.



Call to Order

Mayor Lamatina called the meeting to order at 7:42 pm. Ms. Teresa Giacalone led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of September 15, 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 - Present
Council President Hoffman - Present
Councilman Lazar - Present
Councilman Loffredo – Absent

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

I. APPOINTMENTS/RESIGNATIONS

- Environmental Commission – Resignation of Karen Browne effective September 30, 2009

☞ **Motion** to accept the resignation of Environmental Commission member Ms. Karen Browne was **moved** by Councilman Browne, **seconded** by Council President Hoffman and carried. Mayor Lamatina thanked Ms. Browne for her efforts through the years on behalf of the Borough. Council President Hoffman also thanked her for spearheading the Borough's efforts on the Farmer's Market

II. CORRESPONDENCE

The Mayor 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 August 12th from Assemblywoman Charlotte Vandervalk; Re: Assembly Bill #3865
- Letter dated August 20th from Janet Leli, American Public Works Assoc.; Re: APWA Public Works Awards
- Letter dated August 20th from Edward Hynes, Exec. Dir., BC Improvement Authority; Re: Bergen Muni Banc
- Letter dated August 26th from Assemblywoman Charlotte Vandervalk; Re: COAH guidelines

III. UNFINISHED BUSINESS

- High Street Traffic Study – Public Hearing – Moved to later in the agenda due to delay of Borough engineer.
- Hillman Field - Moved to later in the agenda due to delay of Borough engineer.
- Emerson Public Library (Moved to October)
- Train Station/NJ Transit – Council President Hoffman explained that the Cookie Cupboard had vacated the station and thought this would be a good opportunity for the Borough to use part of the station as an historical museum and the rest for a coffee concession. He discussed approaching New Jersey Transit with a proposal where they would maintain ownership and perform upkeep on the building but allow the opportunity for the Borough to use it as a museum. Mr. Scarpa said that he would write a letter and report back with updates. Council President Hoffman suggested a one dollar lease for the space.

IV. NEW BUSINESS

- Discussion of new ordinance to allow fingerprint checks on Recreation Commission coaches and volunteers

Mr. Scarpa stated that he had spoken with Mr. Boggia about enacting a new ordinance regarding fingerprinting Recreation Commission coaches and volunteers. The Mayor asked for opinions from the Governing Body. Council President Hoffman expressed budgetary concerns. Councilman Bair commented that the cost would depend on whether they would restrict fingerprinting to Recreation Commission members or expand it to all volunteers. The consensus from the Governing Body was that the Borough would pay for the fingerprinting. Councilman Heyer asked whether this would help with the JIF deductible. Mr. Scarpa responded that he would check into it. After further discussion, the Mayor asked that the ordinance be drafted and forwarded to the Borough Attorney for review.

- Glenwood Avenue – Councilman Browne said that an email had come from United Water about clearing encroachments on their property. He added that the Glenwood Avenue lots were their property. He said that it was now a moot point because Mr. Scarpa had a discussion with United Water about this. Councilman Browne questioned who would pay for the remediation and fixing the curb and road. Mr. Scarpa explained that the property owner would be responsible.

V. REPORTS

Councilman Browne – No report

Councilman Lazar stated that they had met with Mr. Farouk Ahmad at the County regarding the Kinderkamack Road project and that the meeting was very favorable and was moving in the right direction. He noted that Mr. Ahmad was a reasonable person who had the same philosophy as he and some of the Council members did – to do what the people wanted, not what the County wanted. He added that Mr. Ahmad had asked the Borough to send him a resolution stating that Emerson had abandoned the idea of a huge downtown redevelopment and using a huge redeveloper. According to Councilman Lazar, this would allow Mr. Ahmad to proceed with the Kinderkamack Road area to increase the flow of traffic and make the road safer without turning it into a highway. He said that the Kinderkamack Road improvement project was a long time in coming.

Mayor Lamatina expanded on Councilman Lazar's comments saying that plans to improve Kinderkamack Road went back fifty years and that the road would get planned and designed this year. He added that a meeting was scheduled for September 17th among the Borough and County engineers to come up with an agreed upon concept plan. He noted that the County was requiring a letter or resolution saying that the Borough was not looking to have a major developer do the entire downtown. The Mayor assured Mr. Ahmad that he would have it and that the Council was of like mind. He also noted that everyone was in agreement for two lanes with a turn lane and that once the concept plan was agreed upon Maser Consulting would draw up plans and the County would put it out to bid. Mayor Lamatina emphasized that he was very optimistic that the road would be designed by the end of the year.

Mayor Lamatina also reported that the vacant spaces at the shopping center were all now rented and that Sertino's would be opening soon next to Oritani Bank.

Council President Hoffman gave the August **Fire Department** and **Ambulance Corps** reports. He also reported on the **Board of Health** meeting held on September 10th, noting that they were preparing for a swine flu vaccine program. He also discussed the **Shade Tree Commission** planned to start their street tree planting program for the fall. Council President Hoffman added that they would be receiving \$6,200.00 in tree management funds for the planting of street trees. Finally, he mentioned that at their next meeting they would be discussing amending the tree ordinances to increase the replacement cost of trees to a higher dollar amount – currently the fee was \$100, but the actual cost was closer to \$350.

Mayor Lamatina told Mr. Scarpa that he wanted to give recognition to Mr. Sal Dinardi for the work he did on Jim Wagner Park. Mr. Scarpa said that Mr. Dinardi did extra plantings at no cost to the town. He emphasized that Mr. Dinardi really improved the area. The Mayor also thanked Joe Solimando and Council President Hoffman, remarking that the park made such a difference to the center of town. Council President Hoffman added thanks to Joe Solimando, Steve Frassa and the rest of the Shade Tree Commission.

Councilman Heyer gave the Police Chief's Report for the month of August.

Councilman Bair reviewed the recent Board of Education meeting where they discussed the pick up at Villano School, explaining that parents were using the Emerson Golf Course parking lot. He noted that they were discussing adding an additional crossing guard or moving someone around.

Upon the arrival of the Borough Engineers, Mayor Lamatina announced that they were going back to the original agenda items.

UNFINISHED BUSINESS

- High Street Traffic Study – Mayor Lamatina invited Chief Saudino to sit before the Governing Body as the issue was discussed with Borough Engineers Paul Niehoff and John Jahr. Mr. Jahr explained that they had been asked to look at traffic conditions at Villano School. They had done traffic counts on area streets based on complaints from residents, the Police Department and the Mayor and Council that unsafe conditions existed. He explained that the results showed that there were some undesirable issues that could be fixed with minor modifications and limited impact. He noted that there would be a benefit to installing a traffic signal at Linwood Avenue and High Street, making High Street a one way and perhaps making Union a one way as well. The Governing Body questioned the cost of a traffic signal. It was estimated that total costs were between \$80,000 and \$150,000. While they had applied for State aid, they did not anticipate hearing back on this until November. A lengthy discussion of the advantages and disadvantages of various options were reviewed by the Governing Body and the Borough Engineers. Councilman Lazar suggested changing High Street to a one-way only during certain parts of the day. Chief Saudino emphasized that the parents were the problem, not the children. While he agreed that changing High Street to a one way might be inconvenient and unpopular, he said that the safety of children was of first and foremost importance. He addressed Councilman Lazar's concern by explaining that temporary or time restriction one-way rules were a hazard that might add more confusion and problems. He finished by stating that the Police Department's suggestion was to make High Street a one-way going south. Mr. Jahr noted that temporary one-ways were not legally permitted in New Jersey and agreed with the Chief's comments. Other topics covered were which direction to make the one-way, parking considerations, painting lines to limit parking at certain unsafe locations, the varying width of the side streets in question, parking during sporting events at the High School, the expense of traffic signalization and guest parking for residents.

☞ **Motion** to open the meeting for comments from the public on this topic only was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried at 9:00 p.m. Tony DeScisciolo, Marianna Place was against one-way streets and recommended finding a different location for parents to drop off their children. Danielle DiPaola, 93 Union asked about staggering drop off times or adding a Police or volunteer presence. Chief Saudino remarked on the financial concern of placing Police there and added that it was hard to get volunteers. She also recommended limiting parking on Union Street to residents and guests.

Teresa Giacalone, 12 Dawn Drive stated that staggering school times was impossible because of busing.

Trish Mallet, 109 Union asked why Clinton Street was not included as a possible one-way. Mr. Scarpa explained that because there were no sidewalks on Clinton, it presented a safety concern.

John Brzezowski, 7 Marianna Place recommended having Police at this location full time.

Bill Price, 9 Emwood Drive said that people that park there have an attitude.

Joe Solimando, 17 Palisade Avenue stated that signs did not help and that a traffic light would create a dangerous situation. He liked the idea of changing High Street temporarily before spending money on a traffic signal.

Pat Nelson, 11 Marianna Place said that parents needed to be educated and police their kids.

Jack Fisher, 3 Marianna Place recommended expanding the bus route because it was good for the environment.

Amy Morgan, 58 Vivian said that the intersection of High Street and Palisade Avenue was an accident waiting to happen.

Sherry Jaeger, a crossing guard on High Street, said that the Police should come to Open Houses to educate parents and those parents needed a wake up call.

Mike Doughty, 131 East Ackerman suggested lowering the speed limit at this location.

☛ **Motion** to close the meeting to comments from the public was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 10:20 p.m.

Mayor Lamatina asked for the Council's opinions on this issue. Councilman Bair agreed to a one-way on High Street with a drop off only on the west side, stating that it would be an improvement. Councilman Heyer was also in favor of a one-way traffic flow on a trial basis during certain school hours, and was not in favor of a traffic light. He also suggested rolling out signs during school hours and not changing Union Street to a one way but restricting parking to residents only. Council President Hoffman and Councilman Lazar agreed with Councilman Heyer. Councilman Browne questioned Borough liability with a temporary one way. Mr. Voytus said that he would speak with Mr. Jahr about this. Councilman Browne stated that he preferred making the one-way on High Street permanent and leaving Union Street as it was but agreed to go with the consensus. The Mayor suggested a sunset provision for the ordinance, with an expiration date of December 31, 2009.

The Governing Body agreed to change High Street to a one-way in October for a trial period through December 31, 2009. They asked that Chief Saudino provide a weekly report. The consensus was to draft an ordinance for introduction at the next meeting. The Mayor thanked the Mr. Niehoff and Mr. Jahr for their work and the public for their comments.

- Hillman Field – The Mayor asked Mr. Niehoff to review the status of the issues at Hillman Field. Mr. Niehoff said that there was ponding water even after twelve dry days. The contractor had visited the field and was looking into possible solutions. Mr. Niehoff said that he would work together with them to find a solution. But he emphasized that it was the contractor's issue to fix since he guaranteed no standing water. Councilman Lazar referenced the twenty four hour clause on pooling. Mr. Niehoff reviewed specifics at the field related to mowing, watering, aeration, percolation and the location of drains. The Mayor added that 95% of the field was in great condition with no standing water. He mentioned that he had asked the Borough Attorney about the contractor's

maintenance bond and was waiting for his response. The Mayor ended the discussion on this topic by asking Mr. Niehoff to stay on top of the contractor. Mr. Niehoff also stated that the Longview, Hill and Ross drainage project was going pretty well and said that the change order on the Consent Agenda would save the Borough some funds.

The Mayor returned to the Reports section of the agenda.

Borough Administrator Scarpa stated that PSE&G would be doing a free energy audit. The Borough was also proceeding with the installation of a chair lift at the Fire House.

The Deputy Borough Clerk and Borough Attorney had 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 Heyer and carried at 10:55 p.m. Seeing no 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 Heyer and carried at 10:56 p.m.

VII. RESOLUTIONS ON CONSENT AGENDA NO. 181-09

☞ **Motion** to approve the Consent Agenda Resolution No. 181-09 was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Ca 182-09 Bill List

Ca 183-09 Approve Minutes 7/21, 8/4, 8/18

Ca 184-09 Bergen Municipal Employee Benefit Fund

Ca 185-09 Requesting Approval of Items of Revenue & Appropriation NJS
40A:4-87 – Chapter 159

- Ca 186-09 Authorizing Combined Sale & Issuance of Bond Anticipation Notes, in an Aggregate Amount Not To Exceed \$1,697,650 General Improvement Bond Anticipation Notes of the Borough of Emerson, in the County of Bergen, New Jersey
- Ca 187-09 Award bid on 2010 Ford Explorer XLT 4 x 4 to Winner Ford for \$28,131.00
- Ca 188-09 Reject energy audit bids
- Ca 189-09 Renew Liquor License - Jack Fricke Inc.
- Ca 190-09 Change Order #1 to Trino Associates. LLC for \$2,600.00 for the Drainage Improvements for Longview Drive, Hill Road and Ross Avenue

VIII. CLOSED EXECUTIVE SESSION - Resolution No. 191-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 191-09 was **moved** by Council President Hoffman, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

- 12 Marianna Place - N.J.S.A. 10:4-12-6

IX. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried at 11:04 p.m.

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Bair **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 11:04 p.m.

Jane Dietsche, Deputy Clerk

September 23, 2009