



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
JUNE 15, 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. Tony DeScisciolo led the salute to the flag followed by a moment of silence.

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

Mayor Lamatina read the Sunshine Statement announcing that the meeting of June 15th, 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 - Absent  
Councilman Hoffman – Present  
Council President Lazar- Present  
Councilman Rivers – Present  
Councilman Shaw – Arrived at 7:53 p.m.

Also present were the Borough Clerk Carol Dray, Borough Attorney Phil Boggia and Business Administrator Joseph Scarpa.

III. PROCLAMATIONS & CITATIONS - None

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.

- Letter dated May 24, 2010 from BC Community Development Director Joseph Rutch; Re: BCCD Workshop June 22, 2010
- Letter dated May 14, 2010 from County Executive Dennis McNerney; Re: Centennial & Wagner Park Improvement Project – Award of \$15,984.00

- Letter received May 28, 2010 from Richard Wierer, BCUA; Re: Public Hearing Notice
- Letter dated May 24, 2010 from County Executive Dennis McNerney: Re: Reverse Online Auction for Natural Gas Supply

#### VI. UNFINISHED BUSINESS

- United Water – Emerson Woods drainage – Mr. Ray Cywinski, Project Manager for United Water discussed a pilot program in which a concrete structure would be built to capture floatables before they entered the reservoir. United Water would handle the capital costs of fabrication and installation; the Borough would maintain it. DPW Superintendent Joe Solimando proposed a location east of Main Street near Ridge Road. Among the topics discussed were sedimentation concerns, engineering review, safety issues, fencing, tree removal, maintenance costs, and flooding concerns. Mayor Lamatina suggested sending the plan to the Borough Engineer for review and placing it on the July 20<sup>th</sup> agenda for a vote.

☞ **Motion** to open the meeting to comments from the public on this topic alone was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried.

Anthony DeScisiolo, 17 Marianna Place shared his concerns regarding flash storms and potential flooding.

Christina Fehre, 231 Eagle Drive said that she was a regular hiker in Emerson Woods and had been in charge of the trail crew at the Palisades Interstate Parkway for the past six years. She opined that this project might be out of place since Emerson Woods was a preserve and suggested that a simpler solution might solve the problem. She said that it seemed like a large project and would be an eyesore in the middle of the woods where people appreciated the beauty of the area. She emphasized that the problem of erosion needed to be addressed and questioned whether someone should construct a big obstruction when they weren't even sure it would work.

The Governing Body discussed deed restrictions, aesthetic concerns, erosion issues, relocation of the project and road runoff with Mr. Cywinski. Councilman Hoffman requested that the Environmental Commission place this item on their next agenda to get their opinion on this project. Councilman Hoffman stated that a couple members of the Environmental Commission wished to question Mr. Cywinski. The Mayor asked that this item be placed on the July 20<sup>th</sup> agenda.

Carol Hoernlein, 216 Ackerman Avenue established that she was a licensed professional engineer who specialized in water resources and drainage design. She had looked at the site and maintained that a softscape solution was the choice most needed in this area. She had inspected the device and said that it appeared woefully undersized for the type of flow entering it. In addition, she informed the Governing Body that it was oriented incorrectly and that downed trees in the area were causing severe undercutting of the banks on both sides. She recommended that the Borough check NJDEP's website regarding MTD certification – Manufactured Treatment Device certification – that would indicate what the

NJDEP had already tested and found to work for water quality treatment. They only listed three devices that actually worked at removing debris and had been given a TSS rating of 80%. She did not believe this particular device had been certified. Ms. Hoernlein recommended moving any obstructions in the channel so there was no more erosion and explained that pollutants were attached to soil and when soil eroded, it carried the pollutants away. That source of pollution needed to be stopped. She also advised cleaning out the channel, getting rid of the downed trees, stabilizing the bank with vegetative solution and sizing rip wrap properly that would be placed at the outfall of that pipe. This would make it much easier to pick up the garbage. Ms. Hoernlein also noted that she was currently assisting the Bogota engineer in refitting all the catch basins with little plates which stopped a lot of debris and was recommended by the DEP.

The Governing Body discussed the alternate solution of refitting the Borough's catch basins, but reported that it was not required at this time and they did not have the budget.

☞ **Motion** to close the meeting to comments from the public on this topic alone was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried.

The Mayor asked that everyone do their homework on this issue and requested that Mr. Scarpa interact with Ms. Fehre and get a crew out there to do what needed to be done.

- Amending Borough Conference/Convention Leave Policy – This item was postponed until after the Dairy Queen/Oritani discussion.
- Dairy Queen/Oritani – Mayor Lamatina explained that this topic was based on the fact that Dairy Queen's electric lines were allegedly cut by Oritani Bank and that Dairy Queen had asked for the Council's assistance. He said that it was not a Borough responsibility but that Emerson held Oritani's maintenance bond and would not release it until the issue was resolved. He added that Mr. Boggia had spoken with Oritani's attorney who had agreed to discuss this issue. Construction Official Michael Sartori brought the Council up to date by relating issues going back a year and a half ago. Mr. Boggia suggested that the Dairy Queen sue Oritani in small claims court. Council President Lazar said that the Borough should not get involved as it had nothing to do with the Borough; it was a dispute between two private parties.

Mayor Lamatina said that he would go to the meeting and asked Mr. Sartori if he could attend. He explained that while it was not a Borough responsibility, they were trying to help out to resolve the issue. Council President Lazar questioned Mr. Sartori on specifics of the project. In response to the Council President's question, Mr. Sartori said that it appeared that the electrical issue was caused by the contractor working at Oritani Bank. Mr. Boggia stated that there was enough uncertainty in this situation that the parties should use their best efforts to get this resolved. Mayor Lamatina asked Mr. Scarpa to set up a meeting for the next week with Mr. Jaworski.

- Amending Borough Conference/Convention Leave Policy – Mr. Scarpa said that after his discussion with Council President Lazar he would add in the change discussed at the last meeting and distribute it to everyone. It would also include changes recommended by JIF, changes in federal and state law and changes discussed with the Governing Body. Mr. Scarpa said that it would be distributed to all employees to sign off on.
- Background Check Ordinance – Councilman Rivers requested that this item be tabled since he had not met with Mr. Scarpa or the Police Chief to put together a process. He said that he had seen two drafts and wanted the opportunity to review them and put together a new draft to go over in case anyone wanted input. He said that he would come to the July 20<sup>th</sup> meeting with an updated draft to work through and would introduce it at the August 3<sup>rd</sup> meeting. That would give enough time to do background checks on coaches before fall sports began. Councilman Hoffman asked if there was money in the budget to implement this process. Councilman Shaw said that he would check with Mr. Scarpa on that. Mr. Scarpa noted that this went back to the discussion of who to check but that there should be enough money in the budget to cover it.

#### VII. NEW BUSINESS

- Street Closing/Block Party Ordinance discussion – Ms. Carol Dray suggested taking another look at the ordinance to make it less restrictive and referenced a recent situation as an example. She authored a draft which would place approval with the Borough Clerk's office with necessary consent of the Chief of Police and the DPW Superintendent. Additionally, she proposed lessening the filing timeframe from 30 to 10 days. Councilman Hoffman said that he did not have a problem with switching approval to the Borough Clerk but thought that a 15 business day approval window was more appropriate. He explained that he had originally designed this ordinance to have a standard procedure based on an incident on his own block where notification for a street closing was provided only a day or two before the event.

Councilman Shaw observed that some parts of the ordinance would be hard to enforce and wanted to review it again. Ms. Dray said that there needed to be a level of reasonableness to take away some of the burden on residents. Mr. Scarpa opined that one house should not close a street for a private party - it should only be for an entire block and suggested that it state that the majority of the block sign off on a street closing; which was brought to his attention that the ordinance did, in fact, cover that already. The Mayor requested that first reading of this ordinance be placed on the next agenda.

VIII. INTRODUCTION OF ORDINANCES

**First Reading:**

Mayor Lamatina announced that the following ordinances would be read by number and title by Ms. Dray. Upon approval of introduction, they would be further considered at a Public Hearing to be held on July 20<sup>th</sup> 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the June 18<sup>th</sup>, 2010 edition of the Ridgewood News. He added that these ordinances were 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.

**1409-10 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$260,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$247,000 OF BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY**

☞ **Motion** to introduce Ordinance #1409-10 on first reading was **moved** by Councilman Rivers, **seconded** by Council President Lazar and carried by roll call vote:

**RC: Council members:**

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

**1410-10 AN ORDINANCE TO AMEND THE CODE OF EMERSON ; CHAPTER 247 THEREOF, ENTITLED STORMWATER MANAGEMENT TO ADD A NEW SECTION REQUIRING DUMPSTERS AND OTHER REFUSE CONTAINER THAT ARE OUTDOORS OR EXPOSED TO STORMWATER BE COVERED AT ALL TIMES**

☞ **Motion** to introduce Ordinance #1410-10 on first reading was **moved** by Councilman Shaw, **seconded** by Councilman Hoffman and carried by roll call vote:

**RC: Council members:**

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

**1411-10 AN ORDINANCE TO AMEND CHAPTER 35 ENTITLED FIRE DEPARTMENT §35-10 TITLED MEMERSHIP; §35-15 TITLED CHARGES AGAINST A MEMBER; HEARING; §35-20 TITLED MANDATORY TRAINING AND §35-22 TITLED ANNUAL INSPECTION**

☞ **Motion** to introduce Ordinance #1411-10 on first reading was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried by roll call vote:

**RC: Council members:**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

**Second Reading & Public Hearing:**

**1408-10 AN ORDINANCE AMENDING CHAPTER 140 OF THE CODE OF THE BOROUGH OF EMERSON, ENTITLED “DOGS AND OTHER ANIMALS”**

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

☞ **Motion** to adopt Ordinance #1408-10 on second reading was **moved** by Councilman Hoffman, **seconded** by Councilman Shaw and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

**IX. REPORTS**

- Mayor and Council

Councilman Rivers gave the **Volunteer Ambulance Corps** report for the month of May. He commended the **Recreation Commission** for doing a fantastic job putting together the fireworks. They had raised all the money necessary with no cost to the Borough. He said that a lot of people participated, including Council members, and it was a great event that he hoped would take place annually. Mayor Lamatina agreed and said that he had spoken with Police Officer Mark Savino about increasing the softball

tournaments. The Mayor also commended Councilman Rivers and said that everything worked out very well and that it was a great day.

Councilman Bair had no report.

Council President Lazar gave the May **Police Department** report and noted that Patrol Officer Ryan Sokerka was up for permanent appointment on tonight's agenda. He also said that Sergeant Allen Solimando had sent a letter indicating that he would be retiring.

Councilman Hoffman gave the May **Fire Department** report. At the **Board of Health** meeting, they unanimously passed a resolution in opposition to proposed Senate Bill S458 which would have New Jersey counties assume the functions of property tax assessment and collection, local animal control and public health which were now the responsibility of municipalities. He added that if the bill went through, it would place a state wide bonding referendum on the general election ballot that would be decided on a county by county basis.

Councilman Shaw had no report.

Mayor Lamatina reported that he had sent a letter on June 3<sup>rd</sup> to Governor Christie regarding the reopening of Pascack Valley Hospital. He circulated it to the Pascack Valley Mayors and followed it up with a phone call to the Governor's office asking for feedback. He added that he was promised follow up by the end of the day but had not heard back a week later. He emphasized that this was incredibly frustrating. He explained that the letter stated he wanted to have two Democratic Mayors and two Republican Mayors meet as a committee with someone in Trenton to find out what was going on but they just keep being ignored. The Mayor emphasized that they keep hearing that something was imminent but the Governor was addressing everything except this one issue that would bring money into the State and the towns. He said that this topic would be discussed at the next Pascack Valley Mayors' meeting.

He said that at a meeting at United Water in Harrington Park, Haworth Mayor DiRienzo discussed the police central dispatch and indicated that the northern Mayors were interested in joining it, suggesting strongly that the Borough take a look at it. He said that several Mayors were interested. He wasn't sure if it was good for Emerson but he said that the savings for all the towns combined would be about \$200,000-\$300,000 per year by going to central dispatchers. He added that Mayor DiRienzo said that the facility was higher tech and better than New York City's facilities. Mayor Lamatina asked Mayor DiRienzo take a look at it first. Mr. Scarpa said that they would need to get the Police Chief involved since it was a public safety issue and that there were consequences that would need to be addressed such as no one being at the Police Desk, specifically in the evening. He also thought there might be confusion about common street names in multiple towns, giving

'Main Street' as an example. The Mayor said that it was worth exploring especially since it was a cost saving measure but would want feedback from the Police and Fire Chief.

The Mayor also discussed his conversations with John Jahr who would be delivering the concept plan for Kinderkamack Road on Thursday and he anticipated it being approved by the County with bid documents being ready in 30 days.

- Borough Administrator Joe Scarpa commented on the Governor not responding to the situation in Teterboro and the proposal to eliminate municipalities that had 5000 or fewer residents. He declared that it should be a concern for all small towns. He said that the Borough should get back \$72,875 from FEMA for claims resulting from the storms in March and April. VALIC had given approval to transfer LOSAP money. Right to Know training had occurred and 50 volunteers and employees had attended. The joint repaving program for Pascack Valley was awarded and a preconstruction meeting was scheduled. The quarterly safety meeting would take place on June 24<sup>th</sup>. The Borough had joined the County Cooperative Energy program which was looking at purchasing natural gas cooperatively and was looking at joining a cooperative garbage disposal program. In addition, Mr. Scarpa would be writing an article for the NJ League of Municipalities Magazine about the efforts that towns had made to save tax dollars by sharing services; it was due July 15<sup>th</sup>. A State Storm Water Management report was completed and sent to the NJDEP. The BMW Minis would be picked up soon. A town wide shredding program had been offered by the DCUA at no cost to Emerson allowing residents to bring anything they want to shred on July 16<sup>th</sup> from 9-1 p.m. in the Borough Hall parking lot. The Labor Law posters had been updated for 2010. A Joint Insurance Fund meeting would take place on June 17<sup>th</sup>. The Borough Attorney drafted the amendment for the Police and DPW contracts for the change in health insurance. Emerson had been named Tree City again for the fifth year in a row by the Arbor Day Foundation.

Mayor Lamatina said that the upcoming **Land Use Board** meeting had been cancelled for lack of agenda. He also said that the Puddingstone Group had filed a lawsuit against Dr. Carunchio, the owner of the triangle property. He did not think that this would affect the Kinderkamack Road widening project but might affect the development of the property. Mr. Boggia agreed. He said that he would keep the Governing Body up to date.

- Borough Clerk Carol Dray had no report.
- Borough Attorney Phil Boggia 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 Council President Lazar, **seconded** by Councilman Rivers and carried.

Anthony DeScisiolo, 17 Marianna Place said that he was appalled at the new building going up by the gas station and the fact that in the commercial zone every setback was ignored and it looked terrible. Councilman Bair explained that Mr. DeScisiolo would have to look at the zoning code that was established by the Redevelopment ordinance. The Mayor stated that the only variance that was required was in the back and every other aspect was within the Borough's zoning code and that the Redevelopment plan could be viewed on the Emerson website and had been in place since 2006. Council President Lazar noted that they had made some modifications to the Redevelopment plan by reducing some aspects of the original plan. Councilman Bair encouraged people to wait until the building exterior was complete to see the attractive architectural features and make it an anchor building in town. He also referenced budgets and that the new building would be contributing well over \$100,000 to the tax rolls. He emphasized that these were important points that every Emerson resident needed to consider.

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 Bair, **seconded** by Council President Lazar and carried.

#### XI. RESOLUTIONS ON CONSENT AGENDA NO. 123-10

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 approve the Consent Agenda Resolution No. 123-10 was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

Ca 124-10 Approve Bill List

Ca 125-10 Approve 2010-2011 Liquor License Renewals:

- Gregory T's Inc. - 0214-33-001-006
- Emerson F&B LLC - 0214-33-006-007
- Emerson Hotel - 0214-33-003-005
- Jack Fricke Inc. - 0214-33-005-002
- Hackensack Golf Club - 0214-33-004-004
- Scalco, Inc. - 0214-44-002-002
- K. D. Liquors, L.L.C. - 0214-44-007-009
- Emerson American Legion - 0214-31-009-001

Ca 126-10 Crossing Guard Appointments

Ca 127-10 Police Officer Ryan Sokerka - Permanent Appointment

XII. CLOSED EXECUTIVE SESSION - Resolution No. 128-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 128-10 was **moved** by Councilman Shaw, **seconded** by Council President Lazar and carried by roll call vote.

**RC: Council members:**

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

#10-6/15-13 2010 Salary Ordinance N.J.S.A. 10:4-8

XIII. RECONVENE

☞ **Motion** to reconvene was moved by Councilman Shaw, seconded by Council President Lazar and carried.

XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Hoffman **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 10:12 p.m.