



MAYOR AND COUNCIL MINUTES

Regular Meeting

Monday, November 17, 2008

7:30 P.M.

Executive (Closed) Session

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:30 pm. Ashley Kindergan 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 November 17th, 2008 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
Councilwoman Marcia DeSalvo-Present
Councilman Steven Bair -Present
Councilman Francis P. Milone, Jr.-Present
Council President Christopher Heyer-Present
Councilman Anthony Loffredo-Present
Councilman Kenneth Hoffman- Arrived at 7:35 p.m.

Also present were Carol Dray, Borough Clerk, Joseph Scarpa, Borough Administrator, and Philip Boggia, Borough Attorney.

6. APPROVAL OF MINUTES

Work Session/Regular Meeting - October 7, 2008

☞ **Motion** to approve the Regular Meeting Minutes of October 7th, 2008 with corrections was **moved** by Councilman Loffredo, **seconded** by Council President Heyer and carried.

7. CORRESPONDENCE

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

Letter dated October 23, 2008 – Joseph Doria, DCA Commissioner & Lucy Vandenberg, COAH Executive Director; Re: Adjustments to COAH projections based on local data.

Letter dated October 30, 2008 – PERMA, Risk Management Services – Re: 2008 Dividend

Letter dated October 29, 2008 – Elizabeth Randall, Commissioner of Board of Public Utilities;

Letter dated November 3, 2008 – Joseph Femia, County Engineer; Re: Emerson Redevelopment

Letter dated November 4, 2008 – David Vozza; Re: Bergen County Municipal Joint Insurance Fund dividends totaling \$7,789.00

8. ORDINANCES

FIRST READING:

1359-08 AN ORDINANCE DELETING CHAPTER 232 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED “SIGNS AND AWNINGS” IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 232 IN ORDER TO REVISE THE PROVISIONS REGARDING POLITICAL AND NON-COMMERCIAL SPEECH SIGNS

☞ **Motion** to introduce Ordinance #1359-08 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

1360-08 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED “ZONING” IN ORDER TO REVISE THE PROVISIONS REGARDING ELECTION SIGNS

☞ **Motion** to introduce Ordinance #1360-08 on first reading was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

1361-08 AN ORDINANCE ESTABLISHING FEES AND PROCEDURES FOR REIMBURSEMENT OF MAYOR’S EXPENSES IN CONNECTION WITH MARRIAGE AND CIVIL UNION CEREMONIES

The Mayor and Mr. Scarpa discussed the collection of the fee for residents and non-residents. Mayor Lamatina requested that the fee be allocated to the Borough’s General Fund.

☞ **Motion** to introduce Ordinance #1361-08 on first reading was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

9. OLD BUSINESS

- a) Hillman Field Update – Mr. Scarpa referenced a letter sent to JC Landscaping from the borough engineer on November 12th asking for feedback on the unresolved issues at Hillman Field. The Mayor mentioned a pole that was in the playing field. Councilwoman DeSalvo commented that the Engineer was not taking responsibility for any of the mistakes made by the contractor, instead asking the Borough to split the fees with the Engineer.

Councilman Milone questioned the current engineering fees that had been paid adding that there had been many problems with Maser this year. Mayor Lamatina explained that there was a dispute between the Engineer and contractor – the contractor said that everything was done right and the measurements were wrong; the Engineer disagreed. Mr. Boggia asked if the Governing Body was responsible for some of these problems. Council President Heyer discussed how Maser oversaw and billed for this project and thought that there was an oversight problem. He wondered if Maser had an obligation to remedy any problems. Mr. Boggia mentioned that JC Landscaping had a bond in place in case there were any problems that were their fault. He added though, that the good news was that the fix, an installation of a drain, was under \$5,000. The Mayor related that there was water ponding at different locations on the field and discussed compromising on the drain, but not the pole. Councilman Milone asked why the taxpayers would be penalized by paying for a job twice where either Maser did not oversee it properly or the contractor made a mistake. The Mayor responded that they needed to compromise or litigate; it was up to the Council. Councilman Loffredo reminded the Council that this project was done in an attempt to limit it to the confines appropriated for with capital improvement money – they hoped it would work, but the area was unique, in that it flooded all the time. The Mayor suggested talking to Maser and trying to compromise. Councilwoman DeSalvo emphasized that she did not believe that the Borough should have to pay for Maser to supervise the additional work. The Mayor asked for a consensus to authorize Mr. Scarpa to talk to Maser and see what they will do to resolve this situation, allowing the Borough to pay up to \$4673.00 to cover the pole and drainage to complete this project. The Governing Body agreed, but asked not to hold up the work any longer than necessary.

☞ **Motion** to authorize Mr. Scarpa to allow continuance on the work on Hillman Field up to \$4,673.00 which is one half the drainage cost was **moved** by Councilman Bair, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-No

Bair-Yes

Milone-No

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

- b) Maser's Engineering Bills – This matter was included in the discussion above, according to Mr. Scarpa

- c) Library Renovation – Councilwoman DeSalvo updated the Council on a major renovation planned by the Library. They would be creating a fund from unused budgetary funds from the last 20 years. She added that they would be doing a major fund raiser early next year. A Renovation Subcommittee had met several times over the last year with architects and an interior designer. A recommendation on an architect had been made to the Board of Trustees and they would start working as soon as possible. She added that the Board was looking for some capital funding to address building issues such as the ceiling, lighting and windows and were preparing to submit a 2009 budget request of approximately \$150,000 to the Governing Body. Councilwoman DeSalvo summarized by stating that the building needed to be updated to enhance the desirability of the town ; investment in the library would be an investment in all the taxpayers. She also stated that the Library would be looking into any grants that might be available.

10. NEW BUSINESS

- a) Holiday Displays – The Mayor said that the Stop and Shop had asked for an outside display of wreaths and other holiday greenery beginning December 9th. Councilman Loffredo asked if there were any safety issues associated with the location of this greenery. Councilman Hoffman assured them that there were none.

☛ **Motion** to grant Stop and Shop on Kinderkamack Road in Emerson the approval for an outside garden retail display of wreaths, evergreen ropes, blankets, and cemetery plots through the Christmas holiday was **moved** by Councilwoman DeSalvo, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Abstain

- b) Christmas tree lighting – The Council discussed several dates for holding the tree lighting ceremony. Mr. Scarpa said that he would check to see when the Fire Department and Choir would be available.
- c) Resolution No.185-08 Emergency for \$16,000 for Emerson Volunteer Fire Department Heating System – Mr. Scarpa said that

the Fire Department's 35 year old heating unit did not work and noted that there were some line items in the budget that they were going to try to use to replace it with a more efficient unit. He added it would have to go out for bid.

☞ **Motion** to approve Resolution #185-08 was **moved** by Councilman Heyer, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

- d) Redevelopment - Millennium Homes – Mayor Lamatina had drafted a letter to Millennium stating that since they had not honored the borough's request for additional escrow moneys, the Borough would no longer consider them the preferred Redeveloper. He wanted to formalize this and let them know that the Borough was no longer in negotiations with them. He added that active negotiations had ended in August and he was looking forward to moving ahead.

☞ **Motion** to disengage Millennium Homes as the preferred developer for the Redevelopment project was **moved** by Council President Heyer, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

- e) Redevelopment Mailer – Councilman Hoffman stated that he had a number of questions regarding the flyer entitled 'Redevelopment Questions and Answers' mailed before Election Day. He said that he did not see it before it went out, only a draft letter emailed by Mr. Scarpa on October 10th. In addition, he had requested to see a draft of the mailer before it was mailed. He claimed that what he reviewed was entirely different than the mailer. He wanted to know if other members of the Governing Body had seen it before it went out. Mayor Lamatina reviewed the course of events that led to the mailing. He said that no one had responded to the original email from Mr. Scarpa regarding the letter and that he, Councilman Bair and Mr. Scarpa redrafted it in another format and authorized mailing it. Councilman Hoffman noted that the actual mailing was

80% different than the original email from Mr. Scarpa and that the first time he saw the final version was when he received it in the mail. Mr. Scarpa mentioned that he had sent it to the Redevelopment Committee – Council President Heyer and Councilman Bair but that Council President Heyer was not involved in drafting it. Mr. Scarpa stated that he was asked to present a historical perspective going back to 2000-2001. Councilman Hoffman asked for the cost of printing and mailing this communication. Mr. Scarpa said that the postage was \$645.00 and did not know the printing cost yet.

11. BOARD AND COMMITTEE REPORTS

MAYOR AND COUNCIL:

Councilwoman DeSalvo discussed the Bergen County Volunteer of the Year Award Ceremony on October 30th where Dave Mason was honored for his loyal, longtime service as Captain of the **Emerson Ambulance Corps**. She congratulated him on receiving this prestigious award. In addition, she gave the **Library** report and stated that she had attended the Grand Opening of the new Oritani Bank on Kinderkamack Road. She toured the bank and the four one-bedroom apartments upstairs which she found impressive. The Oritani Bank also presented the **Emerson Ambulance Corps** with a very generous check for \$10,000.. She finished by discussing her lost her bid for reelection. She commented that it was clear that the main issue in the election was Redevelopment and used the opportunity to clear up misinformation about her that was included in the literature that was distributed. She said that she did not want to turn Emerson into a city and that she had a sincere desire to obtain a pedestrian friendly downtown that people could shop and eat in. She added that the Mayor and Council worked very hard to select a developer that would keep the character of Emerson and not make it into a city. Councilwoman DeSalvo continued by adding that key concerns to her and others on the Council were the relocation of businesses and the importance of not allowing anyone to lose their livelihood as well as density which explained why a developers agreement was never signed. Finally she addressed the accusation that the Mayor and Council had tried to keep the Ralph Basile financial analysis of Redevelopment secret and noted that Councilman Hoffman took it upon himself to release it before the Governing Body was allowed an opportunity to review and discuss it at a Council meeting. She said that it was the Council's duty to keep anything marked confidential as such unless they checked with the Borough Clerk or the Borough Attorney or a majority of Council members. Councilwoman DeSalvo emphasized that Councilman Hoffman had all those avenues available to him should he have chosen to ask and that for anyone to do this on a whim was not in the town's best interests.

Councilman Bair – No report

Councilman Milone thanked Mr. Solimando, the **DPW** and Mr. Scarpa for getting a temporary blockage put up in front of the Dairy Queen. Mr. Scarpa said that he had received no complaints and that they were waiting for the permanent guardrails to be installed in December.

Councilman Heyer – No report

Councilman Loffredo – No report

Councilman Hoffman gave the October **Fire Department** report. He added that the **Shade Tree Commission** was going to hold off on its work at Jim Wagner Park until spring due to the work being done on the new electronic sign. A ceremony was scheduled to install the Muriel Wassmann plaque in her memory and honor at Centennial Park on Sunday, November 30th. He stated that the **Environmental Commission** Farmer's Market last summer was very successful. This winter they would begin preparations for next years' market.

Mayor Lamatina updated the group on the FAA, explaining that he had been interviewed by Ms. Barbara Nevins Taylor, a reporter for Channel 9 News, about the redesign of the airspace and the Pascack Valley Mayors' Association's position on it. He said that their brief was filed in late August and that the DEP had filed a brief as well based on a meeting with a number of Pascack Valley Mayors. He believed that the DEP involvement would have a positive impact on their position. He added that the government would file their brief in December and they would have an opportunity to appeal.

Regarding Pascack Valley Hospital, Mayor Lamatina referenced a letter prepared by Valley and Englewood Hospitals saying that there were already too many hospital beds in the area. In response, the Pascack Valley Mayors had published a strong response in The Record expressing outrage at their position. He also mentioned that signs supporting the reopening of HUMC should be displayed at the Borough Hall and around town.

BOROUGH ADMINISTRATOR

- Mr. Scarpa explained that the Borough had tried to save money by putting the leaf bag notice in the Emerson Eagle instead of mailing it, but most people did not notice it. Due to the large quantity of leaf bags that remained, a postcard was mailed indicating that the bags would be available again next Tuesday and Thursday.
- Work was progressing in Borough Hall on door replacement to meet fire safety codes and ADA hardware standards. He added that a lot of that money came from Community Development Grants.
- The fire detection system passed inspection.
- Two other projects funded by grant money were proceeding – road resurfacing on Lincoln Blvd and curb cuts throughout town.

Agenda No. 25

- The Borough would be receiving a \$7,789 dividend from JIF to offset next year's insurance costs.
- An energy audit program meeting was scheduled for November 25th. The Board of Public Utilities would pick up 75% of the cost and the Borough would be refunded the remainder if it did the recommended work.
- A postcard would be mailed announcing the Christmas tree lighting ceremony.

Councilman Milone thanked Mr. Scarpa for all his time and effort as Administrator of the Borough.

BOROUGH CLERK – Ms. Dray announced that Ordinances No. 1359-08, 1360-08 and 1361-08 were on file in the Office of the Municipal Clerk in the Emerson Borough Hall, Municipal Place, Emerson, NJ and copies were available to the General Public at no charge. They would be published in the Ridgewood News on November 21st, 2008. Ordinances No. 1359-08, 1360-08 and 1361-08 would be posted on the official bulletin board and would be heard again at a Public Meeting to be held on Tuesday, December 2nd at 7:30 p.m. at the Regular Meeting of the Mayor and Council in the Council Chambers of the Borough Hall at which time all those interested would be permitted to speak.

BOROUGH ATTORNEY – No report

12. 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 Heyer, **seconded** by Councilman Loffredo and carried at 8:45 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 Heyer, **seconded** by Councilman Hoffman and carried at 8:46 p.m.

13. CONSENT AGENDA-Resolution No. 186-08

Ms. Dray stated that Resolution #191-08 was being pulled because more information was required before putting the items up on an on-line auction site.

☞ **Motion** to approve the Consent Agenda Resolution No.186-08 with the exception of Resolution #191-08 was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

Ca#187-08 Approve Bill List

Ca#188-08 Authorize Mayor Lamatina to execute NWBCUA Inter-local Service Agreement

Ca#189-08 Approving Bergen County Animal Control Trapping Procedures

Ca#190-08 Approve Renewal of Precious Metal and Gold License – Avo’s Elegant Jewelry Inc.

Ca#191-08 Approve using on-line Auction Procedure for Fire Department Boat at a minimum price of \$4,500 - **PULLED**

Ca#192-08 Approve endorsing resolution for 2009-2010 Senior Citizen Grant in the amount of \$3,000.00

Ca#193-08 Transfer of Funds

Ca#194-08 Approve 2009 Municipal Alliance Funding

Ca#195-08 Chapter 159 – Firefighters Grant Program.

Ca#196-08 Approve 2009 Animal Control Contract

Ca#197-08 Approve 2009 Blood borne Pathogen Program Professional Services Agreement

Ca#198-08 Tax overpayment for property located at 15 Sunset Place, Emerson, New Jersey in the amount of \$2432.16

14. CLOSED SESSION RESOLUTION No. 199-08

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 199-08 was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

#08-11/17-81 Litigation - Saudino v. Borough
#08-11/17-83 Contract – Borough Administrator
#08-11/17-84 Police CBA Negotiations
#08-11/17-85 Personnel – Fire Department

15. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried at 10:51 p.m.

☞ **Motion** to direct the Borough Attorney to draft an employment contract that would extend the Borough Administrator's employment agreement through the year 2011, and which the terms of the contract discussed in Closed Session would remain the same except a decrease in the salary percentage increase from 4% to 3.5% annually for the last two years of the remaining contract was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

16. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:09 p.m.

Carol Dray, RMC, CMC

November 20, 2008

(proofed 12/16/08 cd)