

****MAYOR AND COUNCIL MINUTES
Work Session/Regular Meeting**

Tuesday, June 12, 2007

7:30 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:35p.m. Mr. Pfister led the salute to the flag followed by moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that this meeting of June 12, 2007 had been adequately noticed and was in compliance to the to the provisions of the Open Public Meetings Law. Further, that the notice of the meeting was included in the Annual Meeting Notice Resolution sent to the Bergen Record and Ridgewood News on December 14, 2006 and advertised in said newspapers; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 on December 14th, 2006 and has remained continuously posted as the required notices under the Statute.

In addition, a copy of this notice was on file in the Office of the Municipal Clerk and has been available to the public since its approval by the governing body.

Roll Call:

Mayor Louis J. Lamatina-Present
Councilwoman Marcia DeSalvo-Present
Councilman Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Council President Loffredo-Absent
Councilman Francis P. Milone, Jr.-Present
Councilman Brian Todd-Present

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

6. OLD BUSINESS

a) Proposed Police Promotion Policy – Councilwoman DeSalvo stated that she and Councilman Loffredo had met with Police Chief Saudino to

discuss the policy. They were content with the amendments but did not want to finalize the document until they had completed going through the police Rules and Regulations to check for conflicting language within the two policies. In addition, it was noted that the 'appropriate authority' to needed clarification. Mayor Lamatina asked Borough Clerk Dray to have the policy put on a future business agenda since it was still under review.

b) Local Finance Board Application Certification – Mr. Scarpa explained that this certification was required for a bond sale and that Mr. Higgins, Borough Auditor, would be taking the resolution to Trenton for the required authorization to proceed.

☛ **Motion** to adopt Resolution #101-07 was **moved** by Councilman Todd, seconded by Councilman Heyer and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Heyer-Yes

Milone-Yes

c) Illegal Dwellings – Councilwoman DeSalvo declared that she believed it was time for the Borough to enact an ordinance addressing overcrowded dwellings and illegal occupancies. She detailed a number of costly problems created by illegal occupancies including excessive traffic, parking shortages, increased generation of solid waste and sewer flow, overburdened municipal services, crowded schools and substandard housing units. She reported that the Building Inspector Mike Sartori and Police Chief Mike Saudino agreed that it was a good idea to put an ordinance in place. Councilmen Heyer, Hoffman and Todd concurred that creating an ordinance would be beneficial to the Borough. Mayor Lamatina asked Borough Clerk Carol Dray to gather similar ordinances from Westwood, Bergenfield, East Rutherford and Ridgefield, as well as Emerson's previous version so that it could be properly amended.

d) False fire/Burglar Alarms – Councilwoman DeSalvo reported that in 1984, the Mayor and Council put an ordinance in place that regulated false alarms that required police and/or fire response. She emphasized that it created unnecessary expense and diversion of personnel and equipment from public safety functions. Councilman Hoffman noticed that it appeared that the fines had been updated in December 2006 but thought that the ordinance particulars should be reviewed. In response, Borough Clerk Carol Dray said that she would check on the fines and maximums in other towns and report back to the Mayor and Council.

e) Block Party Request – After a brief discussion regarding the Highland Avenue block party application, the general consensus was to approve the request on the condition it end at 10 p.m. instead of 12 p.m. in compliance to the noise ordinance and the reluctance to close a public street for that stretch of time.

☛ **Motion** to approve the application request for a block part on Highland Avenue on September 1st, from 12 noon and to 10 p.m. was **moved** by Councilman Hoffman, seconded by Councilwoman DeSalvo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Heyer-Yes

Milone-Yes

f) Block Party Ordinance - Borough Clerk Carol Dray stated that Deputy Clerk Mary O'Keefe had made her aware of a set of procedures that were used in Parsippany instead of creating an ordinance to regulate block parties. The Mayor and Council decided to review these procedures and provide a set of rules and recommendations to be discussed at the next work session for standardization in the future.

g) Broadway – Mayor Lamatina referenced a report from the Borough Engineer Paul Niehoff dated May 21, 2007 addressing whether the Borough should vacate the paper street known as Broadway. The report indicated that the easement totaled 71 feet property, rather than the 60 feet as originally believed. According to Borough Attorney Philip Boggia, the neighboring golf course had an interest in joining the borough in this project. The Mayor proposed the question as to whether the Borough should obtain 75 foot lots or secure additional property from the course to produce 100 foot lots. Mayor Lamatina emphasized that they were not proceeding at this point since they needed to speak with golf course personnel. The Mayor also mentioned that the golf course had two acres of landlocked property north of Patrick Avenue that they were interested in developing. He hoped to explore various options for the future. When Councilman Todd asked if other towns had worked with private property owners to develop land; the Mayor replied that efforts of this type involved selling, not developing. He quantified the proposal of developing the paper street because of the need to construct a new Borough Hall and Police facility. Money from the sale of the land would be reserved in a building fund for that purpose. Mayor Lamatina asked Mr. Boggia whether unutilized land may be sold or whether it must be deeded. Mr. Boggia explained that municipalities have the option of vacating unused, undersized paper streets, in which case, the property remains tax exempt.

However, municipalities may choose to vacate with one half of the property going to each adjacent property owner, allowing it to be placed on the tax roles. Mr. Boggia stated that this particular situation was unique because it was a significant portion of land that had the potential to build sizable lots under R-10 Zoning with a minimum lot width of 100 feet. He also noted it was the Borough's obligation to look at municipal land that was currently untaxed and determine a way of maximizing the use of the property consistent with the current zoning ordinance. He emphasized that this would accomplish two infrequent opportunities – generate significant cash revenue for the municipality and in the long term put productive properties on the tax roll that would continue to generate revenue. Councilman Todd noted the need to explore the cost to make the properties developable. Councilman Hoffman added that the engineer's report required a cul-de-sac or looped streets which could impact the size of the property. Mayor Lamatina concurred that the borough had an obligation to explore the feasibility of the plan and that the council would then have an opportunity to vote on a very specific proposal to authorize the borough to apply to the Planning Board to subdivide the lots for the purpose of selling them. Councilwoman DeSalvo explained that she did not support the proposal based on her issues with overdevelopment and the pending the downtown redevelopment and its impact on schools, taxes and municipal services. Councilman Heyer remarked that he felt that variances for this property should be avoided to the greatest extent possible even if the borough needed to acquire golf course property to make the lots conforming. Councilman Heyer said that the plan was a good idea since the property was not parkland, and was currently being used by property owners whom the borough repeatedly had to send letters so the borough could preserve its own rights and that they did not acquire the land under adverse possession. Also, he noted that he believed that every property should be looked at on a case-by-case basis with no blanket determination to preserve all open space. The Mayor also emphasized that he believed that the borough should join with the golf course in sharing costs in making the properties ready for sale, not pay the course for anything. Councilman Hoffman added that he was reluctant to vote yes unless the lots were conforming. Additionally, he asked that if the borough gained revenue from the sale of the properties, a portion be used to replace trees beyond the scope of the tree ordinance in place. Mayor Lamatina summarized by stating that next steps included talking with representatives for the golf course and their attorney, Mr. Rizzi and reporting back at the next meeting. Councilwoman DeSalvo asked to go on record as not wanting to spend any money at this point in the process until the Mayor and Council agree to do so.

7. NEW BUSINESS

a) Letter received 5/4/07, Re: Minimum standards for New Jersey Municipal Detention Facilities, State of New Jersey Department of Corrections – Borough Administrator Joseph Scarpa explained that the entire Borough Hall is out of compliance and stated that these issues would be addressed with the opportunity to build a new facility within the redevelopment plan. He noted that even the current handicap ramp did not meet minimum standards because it was not three feet wide. He did not recommend throwing good money after bad to upgrade the present facility. Mayor Lamatina explained that he and the Council would be meeting with Atkins and their planner, Scott Fishbone, to discuss concepts for a new Borough Hall. He also expressed concern for the safety of Police Officers and Borough Staff and wondered if anything should be done to the current dwelling. Additionally, Councilwoman DeSalvo inquired about whether the present building standards were grandfathered in or if there was a time frame for upgrading. Administrator Joe Scarpa noted that the standards are upgraded all the time and that there were no time limits to his knowledge. However, Mayor Lamatina added that there were still liability issues to consider, even if the condition of the current facility was grandfathered in. Mayor Lamatina explained that once a plan was put in place, it was just a matter of implementing it as quickly as possible. Administrator Scarpa mentioned that there were ADA grants available that could possibly be applied to the new building. The Mayor agreed that this should be looked into and stated that one of the reasons he was pursuing the Broadway issue was to raise money for a new building which would otherwise need bonded funds.

b) Resolution No. 102-07 Approve 50/50 Raffle for IEA Boosters Club
☛ **Motion** to approve the application request for a 50/50 Raffle for IEA Boosters was **moved** by Councilman Todd, seconded by Councilman Hoffman and carried unanimously.

c) FAA Meeting in Woodcliff Lake on June 28, 2007 at the Woodcliff Lake Hilton – Councilman Hoffman referred to an article in the previous day's edition of the Record which stated that jet noise in the Pascack Valley could become twice as loud in the area and found it interesting that the Project Manager of this program, Steve Kelley, was quoted as saying that from a federal standard, this increase was not significant. Councilman Hoffman emphasized that Pascack Valley residents would disagree. Councilman Hoffman asserted that this would have a significant effect on the peace and quiet of the neighborhood and urged residents to attend a June 28th meeting at the Woodcliff Lake Hilton which would provide an

opportunity for everyone to voice their concerns before the FAA made a decision in August.

8. REPORTS

- a) Office of the Borough Administrator – Borough Administrator Joseph Scarpa reported that:
- The Borough had received a grant check for \$132,295 from the Open Space Fund for different projects including work on Washington and Hillman Park.
 - Playground equipment, funded with grant money, had been ordered for Rosengart Park which was scheduled to arrive in four to six weeks.
 - A new round of applications for Open Space Grant money was due on August 31st. The Recreation Commission had requested sprinklers at Hillman Park and if there were no objections, he would submit an application.
 - The Borough was reimbursed \$42,000 from the state for storm water compliance. In addition, Emerson would be receiving \$10,000 from the insurance company related to underground tank removal from the DPW yard, and \$40,000 from the County Community Development program for curb cuts which have not yet been done. It was agreed that curb cuts should not be performed in the downtown area due to pending redevelopment.
 - Kathy Brancato was taking over as Coordinator of the SAGE program due to the resignation of Joanne Stickles. A resolution would be prepared for the next meeting.
 - The quarterly newsletter was expected to be mailed in a few days.
 - Mr. Scarpa asked the Council how they would like to divide up the \$300,000 bond for road resurfacing and drainage work. Borough Engineer Paul Niehoff had estimated that it would cost approximately \$100,000 to stop the icing and drainage issue at the top of Linwood Avenue. Estimates for road resurfacing had been received for Colonial and Congress Avenues and with the Council's agreement he would have the engineer proceed with preparing specs.
- b) Office of the Municipal Clerk – No report
- c) Borough Attorney – Mr. Boggia discussed the steps necessary to move forward with redevelopment, noting that the need for a new municipal building was a 'monkey wrench' that Atkins would need to take a look at. The Council would need to develop a concept for the new facility and a location. Also impacting redevelopment was the alignment of Kinderkamack Road and the train station which

would need review by the County which has exclusive jurisdiction in that capacity. At that point Atkins would be able to present an ultimate design. Councilman Todd inquired as to the timetable for coming to an agreement with Atkins. Mr. Boggia estimated that he though an agreement might be ready in sixty to ninety days.

9. PUBLIC COMMENT

*In the interest of time, speakers are limited to **five (5) minutes**. Speakers with prepared statement should provide eight (8) copies for the Council*

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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 ejection from the council chambers.

☛ **Motion** to open the meeting for comments from the public was moved by Councilman Heyer, seconded by Councilman Milone and carried unanimously.

Mr. Salvatore Gebbia – 13 Kinderkamack Road – Mr. Gebbia distributed before and after photos of his property, explaining that he had purchased it 27 years ago and had made numerous improvements in that time. He stated that he took pride in its appearance and the community his business served and shared his belief that it was one of the most beautiful and well maintained properties in Emerson. He asked that his property be excluded from redevelopment and that he was willing to present his own personal redevelopment plan to avoid hardships to his business and his residential tenants. Attorney Phil Boggia commented on Mr. Gebbia's request to be removed from redevelopment by explaining that the process to determine which properties should be included in the redevelopment had already taken place; it was adopted by the Planning Board, approved by the Mayor and Council and now was a part of municipal zoning. He declared that the decision was already made and the time for Mr. Gebbia to object and submit an alternate approach had passed. Mayor Lamatina suggested that Mr. Gebbia consult with the Atkins group since the Mayor and Council did not have the power to take

someone out of the redevelopment zone. Mr. Gebbia complained that he had never received a certified letter and that he was told that his property would not be included in redevelopment. When Attorney Phil Boggia inquired as to who had told him this, Mr. Gebbia was unable to provide more information than that he had a brief conversation with the past Mayor and talked to the planner after a meeting. Attorney Phil Boggia responded that Mr. Gebbia's response was not legally relevant. Councilman Heyer and Mayor Lamatina suggested that Mr. Gebbia share his concerns with the Atkins Group, to which he agreed. Attorney Phil Boggia reminded Mr. Gebbia that other developers had submitted a much higher density and that Atkins wanted to maintain the aesthetic appeal of Emerson. He declared that if Mr. Gebbia had participated in the hearings, he would understand the needs of the community as well as Atkins' goals and objectives. Mayor Lamatina explained to Mr. Gebbia that he could have submitted his own proposal at any point through April 27th, but at this time, he was coming after the fact and his personal interests were not in the interest of Emerson; the borough could not act to favor one individual over the entire borough. However, in response to Mr. Gebbia's question, Mayor Lamatina said that he was still willing to sit down with him and Atkins at any time to discuss his property.

Mr. Ken Kulig, 9 Ridge Terrace – Mr. Kulig stated that the condition of the property at 260 Main Street was unsafe and illegal, with various construction debris, leaves, and multiple heavy construction vehicles on the site. He explained that he had contacted the Building Department many times to make sure that the property was cleaned up and met property maintenance codes, but to no avail. Councilman Hoffman said that he was familiar with the property and that he would take charge to have this resolved.

Mr. Pfister, 31 Franklin Court – Mr. Pfister inquired about the status of construction at the Emerson Shopping Center, noting that work appeared to have stopped and wondering if they were in bankruptcy. Mayor Lamatina reassured Mr. Pfister that this was one of many rumors and that there had been a delay in May due to plan changes which had to go before the board and out to bid. He also noted that the developer had recently submitted a \$26,000 deposit and that work was ongoing.

Pat Palagonia, 2 Oakland Avenue – Ms. Palagonia stated her concern with the Broadway development issue. She explained that she treasured open and green space because there is so little left in Bergen County. She wanted the Council to consider that trees provide shade and benefit the area, informing them that she would be watching this development carefully.

Mr. Schwinder, 99 Linden Avenue – Mr. Schwinder suggested that at the next Pascack Valley Mayor’s meeting all towns share in the cost of full page ads in the Pascack Press and Community Life to alert residents of the FAA’s pending flight plan change and urge them to sign a petition or write letters in opposition. He stated all communities sharing the cost would be an inexpensive way to notify residents. The Mayor agreed that he was willing to share in the cost of this proposal if other towns were interested.

Police Chief Michael Saudino notified the Mayor and Council that the County would be doing traffic studies for the next few weeks. He also shared the good news that Officers Alasio and Meltzer had delivered a baby boy in a resident’s home. Finally, he thanked the 131 golfers that had participated in the Golf Outing and expressed his appreciation to all.

10. CLOSED SESSION RESOLUTION No. 104-07

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 104-07 was moved by Councilman Heyer, seconded by Councilman Todd and carried unanimously.

RC: Council members

DeSalvo-yes
Hoffman-yes
Todd-yes
Heyer-yes
Milone-yes

#07-6/12-Personnel-Deputy Borough Clerk/Municipal Clerk/Personnel Policy
#07-6/12 Personnel-Seasonal DPW Employees
#07-6/12-Litigation – Laana Peters
#07-6/12-Collective Bargaining Agreement-DPW

11. RECONVENE

☞ **Motion** to reconvene was moved by Councilman Hoffman, seconded by Councilman Heyer and carried unanimously.

Resolution No. 103-07 Approve the hiring of two temporary seasonal DPW Employees: Michael Davis and Richard Rodriquez

☛ **Motion** to hire two temporary seasonal DPW employees, Michael David and Richard Rodriguez at \$10.00 an hour was made by Councilman Todd, seconded by Councilman Hoffman and carried unanimously by roll call vote.

RC: Council members

DeSalvo-yes

Hoffman-yes

Todd-yes

Heyer-yes

Milone-yes

12. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, seconded by Councilman Todd and carried at 10:42 p.m.

Carol Dray, RMC, CMC

February 19, 2008

**These minutes are a re-write of a set of meeting minutes that, although, formerly approved, had been overwritten by another set of meeting minutes. This set of minutes corrects the error.