



**MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
AUGUST 18th, 2009
7:30 P.M.**



Call to Order

Mayor Lamatina called the meeting to order at 7:37 pm. Mr. and Ms. Griffin 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 August 18, 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 – Present

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

I. PROCLAMATIONS & CITATION

Spc. Kyle Griffin Dedication

Mayor Lamatina invited the Griffin Family up to the American Flag to make a special presentation to them in honor of their son, Kyle, who died in the line of duty in Iraq. A proclamation was read by Mayor Lamatina who remarked that a ceremony had been held earlier dedicating a street in his Kyle's name, Kyle Griffin Way, near Ackerman Park. Mr. and Ms. Griffin thanked the Governing Body for the honor.

II. APPOINTMENTS

- Historic Preservation Commission – Member Class C - Jean Turi for the unexpired two year term ending December 31, 2011

Mayor Lamatina appointed Jean Turi to the Historic Preservation Commission for the unexpired term ending December 31, 2011.

III. CORRESPONDENCE

All correspondence listed below is on file in the Municipal Clerk's Office for inspection or reproduction for a statutory fee.

- Letter dated July 16 from Hillsdale Mayor John Sapanara, Re: Thank you to DPW Superintendent Joe Solimando and DPW Works
- Letter dated July 27 from Eric Anderson, P.E. Chief Engineer, BCUA; Re: Eliminate Municipal Sanitary Sewer Overflows
- Letter dated July 21 from Nancy Russo: Re: Pascack Valley Hospital
- Letter dated July 24 from Lucy Vandenberg, Executive Director of NJ COAH; Re: Development Fee Ordinance
- Letter dated July 28 from Donna Bott, Community Hospice of Bergen County; Re: Fundraising event
- Letter dated July 28 from Farouk Ahmad, P.E. of Cty. Of Bergen Dept. of Planning & Econ. Devel.; Re: Site Plan & Subdivision Applications
- Letter dated July 30 from Senator Gerald Cardinale; Re: Leaf disposal in 39th District towns
- Letter dated July 31 from Nancy Wittenberg, Asst. Commissioner, NJ DEP; Re: Recycling Enhancement Act
- Letter dated August 3, 2009 from Kevin DeSimone, Director, Office of Leg. Services, Dept. of Health & Senior Services; Re: HUMC Application
- Letter dated August 6, 2009 from County Executive Dennis McNerney; Re: September 11th Memorial Service in Bergen County
- Letter dated August 2009 from Patricia Espy, Exec. Director, Center for Food Action; Re: Donations
- Letter dated August 12 from Wakefern Food Corp.; Re: Shop Rite & the environment
- Letter dated August 14, 2009 from William Dressel, Jr., Exec. Director, NJ League of Municipalities; Re: 2009 League Conference Resolutions

IV. UNFINISHED BUSINESS

- Energy Audit

Mr. Scarpa explained that an energy audit had not been budgeted for in this year's municipal budget and he was informed by the auditor that balances left over from borrowed money could not be utilized to pay for the service. The only alternative was to do an emergency appropriation. Mr. Scarpa described how the audit worked adding that the most the borough would gain was a 25% savings. Councilman Lazar suggested acquiring free advice and literature from PSE&G or any other qualified programs. Mr. Scarpa explained that he had searched the yellow pages for any contractor that emphasized green construction and there were none. Councilman Browne suggested surfing the BPU website and other links for information and incentive programs. After a brief discussion, Mr. Scarpa was directed to conduct further research and feasibility before appropriating any funds and carry the topic to future meetings.

- COAH Municipal Liaison

Mr. Scarpa explained that the proposed ordinance requires a liaison to be named - likely himself- but that he wanted to inform the Council that he would need to consult with Mr. Burgis from time to time. Councilman Loffredo suggested naming Mr. Scarpa by title in the ordinance and all were in agreement.

V. NEW BUSINESS - None

VI. INTRODUCTION OF ORDINANCES

First Reading:

1383-09 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON, ENTITLED “DEVELOPER’S FEES” TO CONFORM WITH THE COUNCIL ON AFFORDABLE HOUSING’S RECENTLY ADOPTED THIRD ROUND REGULATIONS

☞ **Motion** to introduce Ordinance #1383-09 on first reading was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

Mayor Lamatina announced that Ordinance #1383-09 would be further considered at a Public Hearing to be held on September 1, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 7, 2009 edition of the Ridgewood News. He added that this ordinance was 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.

1384-09 AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING EMERSON’S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

☞ **Motion** to introduce Ordinance #1384-09 on first reading was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

Mayor Lamatina announced that Ordinance #1384-09 would be further considered at a Public Hearing to be held on September 1, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 7, 2009 edition of the Ridgewood News. He added that this ordinance was 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.

1385-09 AN ORDINANCE AMENDING THE CODE OF EMERSON CHAPTER 222 ENTITLED RECYCLING § 222-13 TITLED MANDATORY SEPARATION AND CHAPTER § 222-17 TITLED VIOLATIONS AND PENALTIES

☞ **Motion** to introduce Ordinance #1385-09 on first reading 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-Yes
Bair-Yes

Mayor Lamatina announced that Ordinance #1385-09 would be further considered at a Public Hearing to be held on September 1, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 7, 2009 edition of the Ridgewood News. He added that this ordinance was 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.

1386-09 BOND ORDINANCE AMENDING SECTIONS 3 AND 4 OF BOND ORDINANCE NO. 1348-08 ADOPTED APRIL 15, 2008 TO AMEND THE DESCRIPTION OF PROJECTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY

☞ **Motion** to introduce Ordinance #1386-09 on first reading was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

Mayor Lamatina announced that Ordinance #1386-09 would be further considered at a Public Hearing to be held on September 1, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 7, 2009 edition of the Ridgewood News. He added that this ordinance was 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.

1387-09 ORDINANCE CANCELING APPROPRIATIONS IN THE AMOUNT OF \$237,146.73 FROM PREVIOUSLY ADOPTED BOND ORDINANCES AND DETERMINING THAT SAID APPROPRIATIONS, INCLUDING BOND PROCEEDS, ARE NO LONGER NEEDED FOR THE PURPOSES SET FORTH IN SAID ORDINANCES AND TRANSFERRING SAID AMOUNT TO THE CAPITAL SURPLUS FUND AND APPROPRIATING \$237,146.73 FROM THE CAPITAL SURPLUS FUND OF THE BOROUGH FOR THE COST FOR THE IMPROVEMENTS HEREIN AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY.

☞ **Motion** to introduce Ordinance #1387-09 on first reading was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

Mayor Lamatina announced that Ordinance #1387-09 would be further considered at a Public Hearing to be held on September 1, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the August 7, 2009 edition of the Ridgewood News. He added that this ordinance was 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.

Second Reading & Public Hearing:

1381-09 AN ORDINANCE AMENDING THE CODE OF EMERSON CHAPTER 236 ENTITLED SITE PLAN REVIEW § 236-5 TITLED ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

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

☞ **Motion** to adopt Ordinance #1381-09 on second reading was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes
Lazar-Yes
Loffredo-Yes
Hoffman-Yes
Heyer-Yes
Bair-Yes

1382-09 AN ORDINANCE AMENDING CHAPTER 274 ENTITLED VEHICLES AND TRAFFIC §274-53 TITLED SCHEDULE XVII: TIME LIMIT PARKING— TO LIMIT PARKING ON THE NORTHSIDE OF PASCACK AVENUE BETWEEN KINDERKAMACK ROAD AND THE PASCACK VALLEY SHOPPING CENTER

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

☞ **Motion** to adopt Ordinance #1382-09 on second reading was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

VII. REPORTS

Mayor and Council

Councilmen Browne, Lazar, Heyer and Bair had no report to give.

Councilman Loffredo gave the **Police Activity** report for the month of July.

Council President Hoffman gave the **Emerson Fire Department** and **Fire Inspector** Activity reports for the month of July.

Mayor Lamatina reported that he had attended an event at the site of the former Pascack Valley Hospital that was also attended by gubernatorial candidate Christie who was there in support of the re-opening of the Pascack Valley Hospital. Mayor Lamatina stated it was essentially a Christie campaign event and, although Mayor Lamatina attended, he let it be known to the candidate that he was there in support of the battle to reopen the hospital; not Mr. Christie. He reported that several towns besides those in the Pascack Valley had recently adopted resolutions in support of re-opening the facility as a full-service hospital.

ADMINISTRATOR

Mr. Scarpa reported that the Emerson Fire Department and the Emerson Volunteer Ambulance Corps had an anti-harassment seminar fulfilling the JIF obligation. The recycling bins had been installed and the permit issue with the DOT Division of Outdoor Advertising had been resolved. The Civil Service Commission orientation booklets for the Sergeant exam were received to begin the promotional process by the Emerson Police Department. The Longview /Hill/Ross drainage project was scheduled to begin that week and Mr. Scarpa would find out and verify what, if any, the Hackensack Gulf Club's cooperation would be on that project.

The **Borough Clerk** and **Borough Attorney** had no report to give.

VIII. 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 Councilman Heyer, **seconded** by Councilman Loffredo and carried.

Lisa Thomas, 4 Walnut Avenue, spoke in opposition of the sale of Broadway and had a petition with 63 signatures supporting that position and asked that the proposition be put off another year. Council President Hoffman suggested that the question and interpretative statement be posted on the website.

Brian Todd, 207 Palisade Avenue, asked if a copy of the referendum question was available, to consider removing the question from the consent agenda to vote on it separately and commented that the sale of Broadway in a depressed market did not make any sense.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried.

IX. RESOLUTIONS ON CONSENT AGENDA NO. 166-09

Matters listed below are considered routine and will be enacted by one motion to the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

☞ **Motion** to approve the Consent Agenda Resolution No. 166-09 was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Ca 167-09	Bill List
Ca 168-09	Permit the Borough Clerk to Place a Question on the Official Ballot at the Next General Election - Sale of the Paper Street Known as Broadway
Ca 169-09	Permit the Borough Clerk to Place a Question on the Official Ballot at the Next General Election – HUMC
Ca 170-09	Tax Overpayment in the amount of \$3,617.75 – 98 Dorchester Road
Ca 171-09	Tax Overpayment in the amount of \$4,520.70 – 9 Rudolph Way
Ca 172-09	Support the denial of parole in the case of the murder of Kim Montelaro
Ca 173-09	Reject/Rebid Lincoln Blvd. Drainage Improvements
Ca 174-09	Capital Budget Amendment

X. CLOSED EXECUTIVE SESSION - Resolution No. 175-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 175-09 was **moved** by Councilman Loffredo, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne - Yes

Lazar - Yes

Loffredo - Yes

Hoffman – Yes

Heyer - Yes

Bair - Yes

- #09-8/18-32 – Litigation – A. Solimando – N.J.S.A. 10:4-12-7
- #09-8/18-33 – Police Negotiations – N.J.S.A. 10:4-12-7
- #09-8/18-34 – Police Department Personnel – N.J.S.A. 10:4-12-8

XI. RECONVENE

Motion to reconvene was moved, seconded and carried.

Tax appeals

Councilman Loffredo questioned the number of property tax appeals filed this year.

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 9:07 p.m.

Carol Dray, RMC/CMC/CMR

September 2, 2009