



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
SEPTEMBER 7, 2010
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Call to Order

Mayor Lamatina called the meeting to order at 7:40 pm. Mr. Ron Griffin led the salute to the flag followed by a moment of silence at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of September 7, 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 Browne - Present
Councilman Hoffman – Present
Council President Lazar - Present
Councilman Rivers – Present
Councilman Shaw – Absent

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

III. PROCLAMATIONS & CITATIONS - None

IV. APPOINTMENTS/RESIGNATIONS

- Nomination: Council Vacancy
- a. Carlos Colina
 - b. Danielle Di Paola
 - c. Elizabeth Garis

Mayor Lamatina stated that there was a vacancy on the Council and that he had received a letter from the Emerson Municipal Republican Committee Chairman, Ron Griffin, presenting three individuals nominated to fill the vacancy left by the resignation of Councilman Steven Bair. He asked for a roll call vote on Danielle DiPaola's nomination.

Councilman Hoffman announced that he was abstaining on the vote due to the perceived conflict of interest and that he did not want the vote to be tainted by the perception of political taint.

RC: Council members:

Browne-Yes
Rivers-Yes
Lazar-Yes
Hoffman-Abstain

Mayor Lamatina congratulated Councilwoman DiPaola on being elected to replace Dr. Bair. She stepped to the dais and was sworn in by Councilman Rivers while her mother held the Bible. She was congratulated by the Council and took her place on the dais where she thanked everyone for coming out and supporting her. Councilwoman DiPaola thanked the Council for voting for her and added that she was extremely honored and privileged to hold the office and looked forward to working with everyone.

V. UNFINISHED BUSINESS

- Resolution #175-10 - Award of Reassessment Contract to Realty Appraisal for \$60,000

☞ **Motion** to adopt Resolution No. 175-10 awarding the reassessment contract to Realty Appraisal for \$60,000 was **moved** by Councilman Rivers, **seconded** by Councilman Hoffman and carried by roll call vote:

RC: Council members:

Browne-Yes
Rivers-Yes
DiPaola - Yes
Lazar-Yes
Hoffman-Yes

VI. NEW BUSINESS

- Resolution No. 182-10 Authorize Shared Services Agreement for Intersection Improvement and Signalization – Kinderkamack Road & Linwood, Kinderkamack Road & Ackerman Avenue, Kinderkamack Road & Lincoln Blvd., Borough of Emerson

☞ **Motion** to adopt Resolutions No. 182-10 Authorizing a Shared Service Agreement for Intersection Improvement and Signalization for the above mentioned roadways was **moved** by Councilman Browne, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Browne-Yes
Rivers-Yes
DiPaola - Abstain
Lazar-Yes
Hoffman-Yes

- Guidelines for Best Practices Toolkit Initiative – Governor’s Questionnaire – Councilman Browne stated that the questionnaire put burdens on municipalities to make them jump through hoops to receive the final state payment for the year. Mayor Lamatina explained that it was designed to take away up to 5% of the aid that was already promised to them. He commented that the questionnaire was unfair. Councilman Hoffman added that it was contradictory and very poorly conceived, noting there were questions that would cause municipalities to spend more money. He added that it would take away aid that was required by State statute. Mr. Scarpa discussed unfunded mandates such as requiring elected officials to take classes that were included in the document. He emphasized that the State aid figures were included in Emerson’s budget which the State approved and they were going to go back retroactively to cut the aid. The Council also discussed the fact that the 5% reduction in the last payment was unclear. Councilman Rivers said that in reviewing the list, there were things that would be good for the Borough to do if there was sufficient funding. Councilman Hoffman pointed out that some things would save money, but some things would cost the Borough more, commenting that if the idea was to save money, it didn’t make any sense. He questioned why they weren’t given this document at the beginning of the year from the Governor when it could have been included in their budget process. Councilman Rivers agreed that it was done at the wrong time but there were a lot of items that should be looked at for the future and if Trenton would fund them, they would be good things to take advantage of. Councilman Browne questioned whether it was a calculated effort to take money away from the municipalities by creating a last minute road block designed to fail. The Mayor asked that the questionnaire be worked on and to at least have a draft to the responses before October 2nd .
- Resolution No. 183-10 - Opposition to Best Practices Checklist – Councilman Hoffman read the resolution he composed opposing the Best Practices Checklist. Mayor Lamatina commented that the Borough had passed a resolution drafted by the NJSLOM that was approved unanimously by the Governing Body. He noted that the Council did support the toolkit and wanted to see toolkit reform.

☞ **Motion** to adopt Resolutions No. 183-10 was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried by roll call vote:

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Abstain

Lazar-Yes

Hoffman-Yes

VII. INTRODUCTION OF ORDINANCES

First Reading:

Councilman Hoffman asked if the ‘Friends of’ organizations would be included in this. Councilman Rivers stated that they were as it would be an Emerson sanctioned activity if

they were using Borough facilities and directly responsible for coaching, assistant coaching or involved in the education, directing or supervising of youth. Councilman Hoffman also questioned whether an individual arrested for having a controlled dangerous substance would be covered by the statutes of this ordinance. Councilman Rivers stated that it would be included, and that such an individual would have to go through the appeals process. Councilman Rivers also noted that this all versions of this ordinance except for the final version had been discussed with the Recreation Commission and that he had incorporated the changes they had requested. He explained that no one had shown up at the last meeting but it had been sent to them by email with no response. Mayor Lamatina congratulated Councilman Rivers for preparing this ordinance and said that it was long overdue.

1415-10 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 61 ENTITLED PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF TO ADD A SECTION REGULATING BACKGROUND CHECKS FOR VOLUNTEERS THAT PARTICPATE IN BOROUGH-SPONSORED YOUTH SPORTS PROGRAMS

☞ **Motion** to introduce Ordinance #1415-10 on first reading was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Yes

Lazar-Yes

Hoffman-Yes

Mayor Lamatina announced that Ordinance 1415-10 would be further considered at a Public Hearing to be held on September 21st, 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the September 10th, 2010 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 and Public Hearing:

Mayor Lamatina announced that there was an issue that remained unresolved and asked if the Governing Body should move the ordinance noting that there would be a possible change at the next meeting. Councilman Rivers said that he was okay with that with the understanding that it would have to be amended based on last weeks' discussion.

1413-10 AN ORDINANCE AMENDING ORDINANCE NO. 1374-09 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2010

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

Brian Todd, 207 Palisade Avenue asked who was covered by the ordinance and why it had been held over. Mayor Lamatina explained that this covered non-contractual employees and provided for a 2.5% increase.

Seeing no more 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 Councilwoman DiPaola, **seconded** by Council President Lazar and carried.

☞ **Motion** to adopt Ordinance #1413-10 on second reading was **moved** by Councilman Rivers, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Abstain

Lazar-Yes

Hoffman-Yes

VIII. REPORTS

- Administrative – Mr. Scarpa discussed the next edition of the Borough newsletter. The Mayor asked Mr. Scarpa to place an article in the newsletter about the combined boards. Mr. Scarpa said that there would be a notice in the newsletter about leaf bag pickup and postcards would not be mailed to residents this year. He also updated the Governing Body on field maintenance at Hillman Field. Councilman Rivers said that he had received pictures indicating that the field was not being well maintained and said that it reflected poorly on them. He suggested that everyone take a look at it again and would ask DPW Superintendent Joe Solimando to see what he could do. Mr. Scarpa said that he had already spoken with Mr. Solimando about this. Mayor Lamatina thanked Councilman Rivers and Mr. Scarpa for staying on top of this issue.

IX. 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 Hoffman, **seconded** by Council President Lazar and carried.

Elizabeth Garis, 174 Jordan Road commented on the background check ordinance. She said that she had requested that something be passed for the protection of children four year ago precipitated by incident with her son. She thanked everyone for passing it, and gave a special thanks to Councilman Rivers who worked so hard on it, emphasizing that it would make Emerson a safer and better place for children.

Ron Griffin, 87 Ackerman Avenue asked Councilman Hoffman about his comments regarding the municipal checklist and why he claimed that it was a clear violation of the law. Councilman Hoffman explained the state statute that required the State to supply municipalities with certain revenue and added that the League of Municipalities had also declared that it was a violation of the law.

Seeing no more hands, the Mayor 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 Lazar, **seconded** by Councilman Hoffman and carried.

X. RESOLUTIONS ON CONSENT AGENDA NO. 168-10

☞ **Motion** to approve the Consent Agenda Resolution No. 168-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Rivers-Yes

DiPaola - Abstain

Lazar-Yes

Hoffman-Yes

- | | |
|-----------|---|
| Ca 169-10 | Authorize On-Line Auction of bulk surplus file cabinets |
| Ca 170-10 | Approve resolution to enter into a Grant Agreement – CDBG Senior Center roof replacement for \$28,000 |
| Ca 171-10 | Approve minutes – Regular meeting of the Mayor and Council - August 17, 2010 |
| Ca 172-10 | Approve Tax settlement – 22 Cindy Lane - Block 905, Lot 4.01- adjusting assessment from \$564,000 to \$500,000 |
| Ca 173-10 | Approve Resolution to Enter into a Grant Agreement – CDBG Senior Citizen Activities for \$4,950 |
| Ca 174-10 | Approve Tax Court Judgment Refund – Block 1005, Lot 11, 91 Colonial Rd. for \$754,600 to \$679,000 for the year 2009 and applied the freeze act for the year 2010 |
| Ca 175-10 | Award Borough-wide Reassessment project to Realty Appraisal for the proposal for \$60,000 |
| Ca 176-10 | Approve Change Order for Road Resurfacing Project for \$5,000 |
| Ca 177-10 | Approve Tax Appeal Adjustments for B130 L1, B216 L7, B309 L1.01, B321 L2, B416 L5.01, B506 L3.01, B513 6.02, B604, L6, B 617.01 L4.01, B1006 L6, B1016 L1 for a Total Assessed Value Reduction of \$622,400 |

- Ca 178-10 Approve Tax Deduction Adjustments (Senior Citizen, Disabled Exemption) to B 109 L10, B 217 L32, B328 L8, B332 L3 (2), B336 L17, B604 L2, B723 L4, B1001.2 L4.06, B1004 L8, B604 L19
- Ca 179-10 Approve Chapter 159 – Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87 \$4,164.80 for Drunk Driving Enforcement Fund
- Ca 180-10 LOSAP Credit – Dan Ardalan – 2007 & 2008 Funds

XI. CLOSED EXECUTIVE SESSION - Resolution No. 181-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 181-10 was **moved** by Council President Lazar, **seconded** by Councilman DiPaola and carried by roll call vote.

RC: Council members:

Browne-Yes
Rivers-Yes
DiPaola - Yes
Lazar-Yes
Hoffman-Yes

#10-9/7-16 Litigation – 12 Marianna Place N.J.S.A. 10:4-7

XII. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried at 9:05 p.m.

☞ **Motion** for Councilwoman DiPaola to become Liaison to Real Estate and the Board of Education and Second on the Fire Department was **moved** by Council President Lazar, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes
Rivers-Yes
DiPaola - Yes
Lazar-Yes
Hoffman-Yes

XIII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Rivers **moved** to adjourn the meeting, **seconded** by Councilman Hoffman and carried at 9:07 p.m.