

Approved



MAYOR AND COUNCIL MINUTES

Regular Meeting

Tuesday, March 20, 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 7:32 pm. Mr. Woods led the salute to the flag followed by moment of silence at Mayor Lamatina's request.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement declaring that this meeting of March 20, 2007 had been adequately noticed and was in compliance to the provisions of the Open Public Meetings Law. Further, that the meeting of **March 20, 2007** was included 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 14, 2006 and had 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 Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Council President Loffredo - Present
*Councilman Francis P. Milone, Jr.-Present
Councilman Brian Todd-Absent

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

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1. Approval of Minutes-None

7. CORRESPONDENCE

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

#07-44 letter received 3/16, re: Basketball hoops, Mr. & Mrs. Di Natale
#07-45 letter received 3/16, re: Town Wide Garage Sale, G. Kovacs
#07-46-letter received 3/16, re: Emerson Baseball Opening Day Ceremonies, Emerson Junior Baseball

8. PROCLAMATIONS AND PRESENTATIONS

- a) “Stan Woods Day”

Mr. Woods graciously accepted his proclamation read by Mayor Lamatina and Council President Loffredo attested to his many years of dedicated service and stellar accomplishments.

- b) Arbor Day Proclamation

Councilman Hoffman read the proclamation into the record.

9. APPOINTMENT AND PERSONNEL CHANGES

- a) Appointment

1. Emerson Police Department: Randy L. Velez as a Patrol Officer

Motion: Council President Loffredo

Second: Councilwoman DeSalvo

Roll Call Councilpersons:

DeSalvo-yes

Hoffman-yes

Loffredo-yes

Heyer-yes

Milone-yes

Mr. Velez was sworn in as an Emerson Police Officer in the presence of his family. Chief Saudino thanked the Mayor and Council and confirmed his support of the appointment commenting on Mr. Velez’ work ethic and honorable character.

2. Emerson Police Department: Eric Flyge as a Part Time Dispatcher

This matter was postponed until after the Closed Session portion of the meeting by Councilman Hoffman.

10. GIRL SCOUT PUBLIC COMMENT

A **motion** was moved by Councilman Hoffman and seconded by Councilman Heyer to open the meeting to questions by a group of

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local Girl Scouts at the request of Mayor Lamatina who had met with them earlier in the evening to school them in local government. All were in favor, none opposed, and the motion was carried.

Sara Longo, 127 Longview Dr., complained about snow mounds created by borough snow plows that made it hazardous to walk and, in her opinion, contributed to traffic accidents. Councilman Milone acknowledged her concerns and offered to speak to the DPW Superintendent.

Elisabeth Rolfson, 237 Mill St., Westwood and Rebecca Wegner, 9 Lakeview Dr., suggested that the town provide a greater number of town wide garbage cans with a logo to combat what she perceived as a litter problem. Mayor Lamatina agreed and suggested that they contact the Borough Clerk with their ideas. Councilman Heyer concurred and Councilman Hoffman noted that people need to make an attitude adjustment in regard to litter. Mayor Lamatina encouraged everyone to do their part and pick up litter whenever they encountered it.

Seeing no other Girl Scouts with comments, Mayor Lamatina requested a **motion** to close for comments, and reconvene to regular open session. So moved, seconded and carried.

11. ORDINANCES-FIRST READING

1320-07 AN ORDINANCE TO AMEND THE CODE OF EMERSON IN ORDER TO PROHIBIT CERTAIN POLITICAL CAMPAIGN CONTRIBUTIONS BY PROFESSIONAL SERVICE PROVIDERS

Mayor Lamatina announced that the ordinance was still under review and would, therefore, be postponed for introduction at a later date. Councilman Hoffman questioned whether the issue of 'wheeling' was included in the proposed ordinance. Mr. Boggia explained that the municipality would be engaging in an open process by general policy which required full disclosure on all campaign contributions which then allowed a person under consideration for a professional appointment to make political contributions. This ordinance would limit the contribution to \$600. In addition, it would also prevent a County organization from turning over any contribution to a local political party in support of a professional appointment. Councilwoman DeSalvo confirmed that a contribution of any amount can be made to a County organization but then that County organization could not 'wheel' it back to a local individual. It was determined that the time limit must be further discussed and Mayor Lamatina was not comfortable with the language in regard to contributions to the County.

12. ORDINANCES-SECOND READING AND PUBLIC HEARING

None

15. OLD BUSINESS

a) Redevelopment: Responses to RFP

The two developers that had submitted RFPs had been asked to appear at the meeting to introduce themselves to the governing body and answer a few preliminary questions.

8:00 p.m. The Atkins Realty Group, LLC

No one was present to represent the Atkins Group.

8:15 p.m. Millennium Homes

Seth Cohen, Millennium Homes, 16 Micro Lab Rd., Livingston, NJ, VP of Real Estate Development was introduced and gave a descriptive overview of the company’s real estate development projects and business pursuits as developers and builders. He replied that they had no knowledge of the prior RFP when asked by Mayor Lamatina. They were joint partners with ARC Properties, a commercial/retail developer in New Jersey and New York. Mayor Lamatina questioned Mr. Cohen at length and shared with him his vision of what he had in mind for Emerson. Councilman Heyer’s priority was to relieve the tax burden on the residents by acquiring new ratables. Mr. Cohen replied to Councilman Hoffman that the majority of their work was residential and partnered with ARC properties for commercial pursuits with the majority of their focus on residential use. Millennium Homes preference was sellable units; however, they would be flexible and interested in doing what was best for the town. Affordable housing would be factored in according to the requirements of law. Mr. Boggia asked if they had ever done a downtown redevelopment the size of Emerson. Mr. Cohen replied that they had encountered and had experience a few with obstacles and challenges of their own incorporating mixed use. Mr. Cohen offered to bring the architect with him to the next meeting. Mayor Lamatina wondered if they would be agreeable to do the project in phases as opposed to the whole redevelopment at once. Mr. Cohen replied that they would prefer to take on the whole project but would consider phasing.

b) Amending Mayor and Council By-laws for Work Session Meetings

The Borough Clerk had distributed copies of the governing body’s by-laws with an amendment to reinstitute work sessions on a trial basis.

Motion to approve amending the Mayor and Council by-laws to dedicate one meeting a month as a ‘work session’ for the purpose focusing on discussion was moved by Council President Loffredo, seconded by Councilman Hoffman and carried by a 5-0 by roll call vote.

Roll Call Councilpersons:

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DeSalvo-yes
Hoffman-yes
Loffredo-yes
Heyer-yes
Milone-yes

c). Police Promotion Model Ordinance

Mr. Scarpa discussed the proposed police promotion model used in Rochelle Park to set a standard of criteria when evaluating police officers for promotion so that the matter was not left to question. The point system would be as follows:

- 20 pts- Chief Interview or designated person or committee
- 20 pts- Mayor and Council
- 20 pts-based on seniority
- 20 pts.-based on employee record
- 20 pts- based on standardized written test

After a brief discussion including comments from Chief Saudino, the Council was inclined to set a standard of 5 years minimum from patrol to Sergeant and incorporate all levels of promotion in one ordinance.

Motion to authorize the borough attorney to proceed to draft the ordinance with the above criteria including 5 years minimum experience for promotion to sergeant was moved by Council President Loffredo, seconded by Councilman Hoffman and carried by a 5-0 roll call vote.

Roll Call Councilpersons:

DeSalvo-yes
Hoffman-yes
Loffredo-yes
Heyer-yes
Milone-yes

d). Amending Recreation Commission Ordinance

The Council was in agreement to introduce a proposed ordinance at the next Mayor and Council meeting that would bring the existing local legislation into conformance with the state statute.

13. NEW BUSINESS

Discussions:

a) Student Council Liaison to Council

Mayor Lamatina suggested that one representative from each grade at the high school level act as liaisons to the governing body for at least one Mayor and Council meeting a month. He had spoken to Dr. Taffaro about the proposal and would need their consensus. Mayor Lamatina requested Mr. Scarpa to contact the Board of Education for the proper protocol of how to formally present the suggestion to the Board.

Approved

b) Sale of the paper street: Broadway

Mayor Lamatina had requested that Broadway, a 'paper street' be discussed as a possible revenue opportunity for the borough. He explained that Broadway was shown on the borough tax map as a 'paper' street running roughly 1,700 ft. long and 60 ft wide. This 'paper' street was reserved for possible use by the town should they need to utilize it down the road. The Hackensack Golf Club bordered the street on one side and it had come to Mayor Lamatina's attention that the borough might possibly subdivide the street and sell off those lots that border the Hackensack Golf Club as prime real estate. Mayor Lamatina explained that the idea to subdivide originated from the encroachment practice of current residents who exploit the space for their own use. Mayor Lamatina asked the Council to consider authorizing the borough attorney and borough engineer to study the feasibility from a zoning and design perspective as to whether an opportunity actually existed and the proper way to do it procedurally. Mayor Lamatina added that it was important that the opinion of the emergency services also be considered but felt confident that after an inspection by everyone of the area the consensus would be that the street would never be utilized. Mr. Scarpa also suggested receiving input from the Construction Code Official and the Borough Planner, Mr. Burgis, since Mr. Burgis was preparing a new zoning map. The borough attorney would review the borough zoning code for rezoning purposes to incorporate the single family homes. Mayor Lamatina's intention was to authorize the borough professionals to look into the issue for viability and the discussion continued at length. Councilwoman DeSalvo questioned the cost of authorizing the engineer to do a study and was concerned with drainage and water issues in the area. She was also concerned about open space, quality of life and buffer issues with the golf course. Mr. Scarpa confirmed that there would be an engineer's fee, but did not expect it to be major one, estimating the cost at about \$500. Councilman Hoffman answered the second part of Councilwoman DeSalvo's concern in the affirmative that certain areas may have water issues especially on the block near Erie St., specifically, Mr. Fecci's property. Mayor Lamatina concurred adding those drainage concerns were the very reason why the input from the borough engineer of any impediments was important and necessary. The borough engineer may say that the project was not feasible and, depending on conclusions drawn from his report, the Mayor and Council may not want to pursue the possibility of selling the lots to a developer to build reasonable single family homes. Mayor Lamatina added that because of the lie of the land the feasibility would also be dependent on the golf course's cooperation to contribute some land in certain sections of the area to create sustainable construction worthy building lots. Councilman Milone suggested getting a ball park figure from the borough engineer to do the feasibility study since he guessed that the engineer's fee could range

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anywhere from \$500, as Mr. Scarpa quoted, to as much as \$10,000 given the scope of the report.

Mr. Scarpa stated that the engineer's eyeball view of the area estimated a developable area of 1,400 feet on the tax map; 60 feet wide with a potential for possibly 8-10 building lots.

Councilman Hoffman also advocated receiving an estimate from the engineer for his services before taking a vote to pursue or before making a decision.

Mr. Boggia suggested that initially it would simply be a matter of reviewing the tax map to determine if it were prudent to go forward with further analysis to see if the area could be converted into building lots. He would speak to the engineer to do a preliminary examination of the area advising him not to spend more than a couple of hours on it. Mr. Scarpa offered to speak with the engineer himself and also the borough planner, Mr. Burgis, adding that he did not think the costs would be major for what the Council intended to do initially.

Councilman Milone warned again about water run-off from the Hackensack Golf course in that area.

Mayor Lamatina conceded that there were water runoff considerations in the area but added that in order to move forward and evaluate the viability of pursuing the idea of the borough profiting from dormant borough property, it would require the expert evaluation of borough professionals. Mayor Lamatina opined that it appeared to be a decent idea to pursue and, with no objection to the contrary except for the concerns aforementioned, the discussion ended when Mr. Scarpa offered to begin the initial inquires with the borough professionals.

16. REPORTS

a) Mayor and Council Reports

Mayor Lamatina announced the first Operation Emerson Cares Clean-Up Day on April 21st at 9:00 a.m. ending with a bar-be-que at Borough Hall. He encouraged everyone to participate and to contact the **Emerson Police Department** to register as volunteers.

Councilwoman DeSalvo had nothing new to report.

Councilman Hoffman gave the **Fire Department** activity report and reported from the **Shade Tree Commission** that the annual Arbor Day planting would take place on April 28 at Centennial Park by planting a Copper Beech in honor of Muriel Wassmann. The Recreation Commission was continuing their efforts to have the Ackerman Courts resurfaced and the Baseball Opening Day ceremonies would take place on Saturday, April 14th at 9 am.

Council President Loffredo gave the **Emerson Police Department** Activity Report.

Approved

Councilman Heyer had given the **Construction Office** report at the last meeting and had received a Loss Control Report from the Insurance Managers and would be discussing the report with the Administrator after the meeting.

Councilman Milone gave the Finance and Revenue Report for the month of February.

b) Office of the Borough Administrator-Bond Ordinance for Ackerman Basketball Courts and Sunset Park.

Mr. Scarpa reported that:

- Funding had to be formalized before going out to bid or awarding the contract to resurface the basketball courts. The Recreation Commission had offered to do fundraising privately to supplement the project as an extra bonus but he anticipated that preferred surface, Premier, would cost much more than \$66,000 and recommended that the governing body bond for \$90,000. Initially, there had been no urgency to the project, but it was now understood that the Recreation Commission was organizing a summer league; however, it was unrealistic to think that the resurfacing would be done by May or June. Mr. Scarpa had spoken to a Recreation member and explained that they might have to utilize the current courts for the summer league program. There were concerns that the resurfacing material, Premier, might be vulnerable to damage if used for anything else besides basketball but Councilman Hoffman stated that the company maintained that anything could be fixed fairly easily.

Motion to bond for improvements to Sunset Park and the Ackerman Basketball Courts were moved by Councilman Hoffman seconded by Councilman Loffredo and carried by a 4-1 roll call vote.

Roll Call Councilpersons:

DeSalvo-no

Hoffman-yes

Loffredo-yes

Heyer-yes

Milone-yes

Councilman Hoffman added that the Recreation Commission would like to include a third option into the spec; the combination of asphalt and Premier court. Mr. Scarpa confirmed with the consensus of the Council to include the third option into specifications.

- A Safer Routes grant application for \$46,000 was submitted for traffic calming devices around schools.

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- A Safety meeting was scheduled for next week.
- He had requested NJ transit to repair potholes near track crossing at Kinderkamack Road and was told it would be done in a week or so.

The **Borough Clerk** had given her report earlier in the meeting.
The **Borough Attorney** had no report in open session.

17. 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.

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 or comments from the public was moved by Councilman Heyer, seconded by Councilman Hoffman and carried unanimously.

Peter Rioux, 90 Union St., complained that with the decline of postal mailboxes the one at borough hall should not be obstructed by parked vehicles and asked the Council to make the area in front of the postal depository a "standing only" area. The Council took the matter under consideration and Councilwoman DeSalvo volunteered that there was a drive-thru for mailing letters at the post office.

Tom DeScisciolo, 64 Dyer Ave., suggested dedicating the next available new borough street in the name of Kyle Griffin.

Chief Saudino, Emerson Police Department, alerted the governing body to the date of the First Annual Clean-up day on April 21st and the details would be advertised in the local newspapers.

Rob Fecci, 8 Erie St., was opposed to the proposed development of the paper street, Broadway, claiming it would exacerbate the water runoff

Approved

that came from the Hackensack Golf Course. He suggested making the area a safe pathway for children.

Seeing no more hands, motion to close the meeting for comments from the public was moved, seconded and carried.

18. CONSENT AGENDA-Resolution No. 66-07

☞ **Motion** to approve the Consent Agenda Resolution No. 66-07 was moved by Councilman Hoffman seconded by Councilman Milone and approved unanimously by roll call vote.

Roll Call Councilpersons:

DeSalvo-yes

Hoffman-yes

Loffredo-yes

Heyer-yes

Milone-yes

Ca68-07 Approve the appointment of Randy Velez as an Emerson Police Officer

Ca69-07 Dismissal of disciplinary charges against Sergeant Allen Solimando

Ca70-07 Approve Bill List

Ca71-07 Approve Investments

Ca72-07 Transfer of Funds

19. CLOSED SESSION RESOLUTION No. 67-07

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 67-07 was moved by Councilwoman DeSalvo, seconded by Council President Loffredo and carried unanimously.

#07-3/20-14 Litigation-Tax Appeals

#07-3/20-15 Personnel – Police, DPW

20. RECONVENE

Motion to reconvene was moved by Councilman Hoffman, seconded by Council President Loffredo and carried.

21. ACTIONS TAKEN AS A RESULT OF CLOSED SESSION DISCUSSION

a) Hiring of Part Time Police Dispatcher

Approved

Motion to hire Eric Flyge a part time police dispatcher was moved by Council President Loffredo, seconded by Councilman Heyer and carried by a 5-0 roll call vote.

Roll Call Councilpersons:

DeSalvo-yes
Hoffman-yes
Loffredo-yes
Heyer-yes
Milone-yes

b) Approval of Payment to Police Chief for Reimbursement

Motion to approve the payment of \$389.09 to Emerson Police Chief Michael Saudino for a requisition dating back to November 16, 2005 with a sworn statement from the Chief of the purchases he made was moved by Councilwoman DeSalvo seconded by Councilman Hoffman was carried by unanimously roll call vote.

Roll Call Councilpersons:

DeSalvo-yes
Hoffman-yes
Loffredo-yes
Heyer-yes
Milone-yes

c) Finalizing DPW Contract Bargaining Negotiations

Councilman Milone moved and Councilman Heyer seconded a

motion to authorize the final agreed upon terms to end the DPW Contract Bargaining negotiations as the Last Best Offer with the following items:

- 4% for four (4) years
- \$100 annually for pagers allowance
- Personal Day in lieu of a sick day

was carried unanimously on roll call vote.

Roll Call Councilpersons:

DeSalvo-yes
Hoffman-yes
Loffredo-yes
Heyer-yes
Milone-yes

d) Hiring a Part time Property Maintenance Official

Motion to hire a part time Property Maintenance official to assist the Construction Code Official at a rate to be determined in the 2007 Salary Ordinance was moved by Councilman Milone, seconded by Councilman Hoffman and carried unanimously by roll call vote.

Approved

Roll Call Councilpersons:

DeSalvo-yes

Hoffman-yes

Loffredo-yes

Heyer-yes

Milone-yes

22. ADJOURNMENT

With no more business to discuss, the meeting was adjourned on a motion by Councilman Heyer, seconded by Council President Loffredo at **10:00 p.m.**

Carol Dray, RMC/CMC

July 24, 2007