



AGENDA
BOROUGH OF EMERSON
MAYOR AND COUNCIL
JULY 7th, 2009
7:30 P.M.



Call to Order

Mayor Lamatina called the meeting to order at 7:40 pm. Police Chief Michael Saudino led the salute to the flag followed by a moment of silence in remembrance of Mr. Frank Magyar, a former Emerson Board of Health President, at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of July 7, 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. UNFINISHED BUSINESS

- High Street Discussion – The Governing Body considered methods to disseminate notices to residents regarding proposed changes to the traffic signal in this area. They concluded that a September 15th public hearing should be announced in the August issue of the newsletter, on the electronic bulletin board, the Borough website, published in local newspapers, and mailed to impacted residents. The Mayor asked Mr. Scarpa to draft a letter for Council approval that would be disseminated to residents of Union, Palisades, High and Clinton Streets by regular mail.

- Mayor and Council Approval of Concept Plan for Kinderkamack Road Corridor Improvements – Mayor Lamatina stated that they had not heard from the County yet and had received a call from Senior Engineer Jaison Alex of Mr. Ahmad's team who explained that there was confusion about what the County needed from Maser Consulting. John Jahr of Maser would advise the Mayor

the next day of the status. He anticipated having a report by the next meeting. Because the report and the County comments were still pending, the Mayor said that there was no need to discuss the topic further or approve it that evening. Council President Hoffman expressed concern that further contact from the Governing Body might influence or antagonize the County. The Mayor explained that it was his job to follow through to make sure that County had everything they needed and the fact that the County had not started their review was not a good thing. He emphasized that it was crucial to have this done in time for the September/October budget cycle.

- Redevelopment – Councilman Bair discussed his proposed changes to the Redevelopment plan and designation. He asked for Council feedback before a letter was forwarded to Borough Planner Joe Burgis for recommendations. Mayor Lamatina asked Councilman Bair to draw up a document outlining what the Governing Body believed should happen. He polled the Council to see if they agreed with the process of sending it to Mr. Burgis. Councilman Lazar asked whether the Planning Board had any suggestions to review besides Councilman Bair's list. Councilman Bair explained that he had asked the Planning Board Chairman to place it on the June meeting agenda, but that had not happened. So instead he asked members of the Planning Board to come to that evening's meeting to share their comments. Councilman Lazar stated that he was not prepared to discuss those comments because he wanted to wait for Planning Board feedback. Councilman Bair said that he would have liked to see Planning Board comments, but that he was most interested in Mr. Burgis' comments. He added that the objection to the Borough's COAH submission was a new wrinkle and was based on the Redevelopment Plan currently on the website which needed to be changed if his suggestions were accepted. He emphasized that there was a significant difference between 311 proposed housing units and less than the probable 100 units after the changes. He added that the sooner changes were made to the plan, the sooner that objection would be suspended. Councilman Heyer commented that the onus was on the Governing Body as the Redevelopment authority to push it along by getting it to the Planner and the Planning Board. Planning Board member Gary Schwinder shared his opinion regarding different aspects of the plan, commenting that he was sensitive to parking reductions and shared parking. Mayor Lamatina emphasized that the Tool Chest plan was scheduled to be reviewed by the Planning Board on July 16th and two plan reviews, the PNC Bank property and Mr. Polidoro (the old Texaco station), were also scheduled for that night. With only one Planning Board meeting in August, Mayor Lamatina did not know when the Planning Board would be able to review the road plan. Councilman Bair noted that making parking more restrictive would bring more applications to the Planning Board for a variance, allowing more control over the situation. Mayor Lamatina emphasized that both PNC and Mr. Polidoro had spent lots of money based on the 25% reduction in parking and to tell them they needed more spots, the Borough might face a lawsuit for changing the zoning in midstream. Mr. Schwinder asked that Mr. Burgis look at the parking requirements. The Mayor said that Mr. Burgis would also look at demand levels, i.e. retail demand during the day vs. residential parking at night. The Mayor asked Councilman Bair to draft a letter for review by the Council. Council President Hoffman opined that he wanted to reduce the plan

parameter to two stories, based on residents' opinions. Councilman Lazar stated that he also wanted future plans to be restricted to two stories. He referenced two story buildings in Westwood constructed in the last five years. Councilman Heyer agreed as well with the caveat that in instances where the grade slopes away from the street, an extra story would not be perceived as a three story building from the street, thereby minimizing impact. Councilman Bair expressed that if the height restrictions were reduced, the Planning Board would have the discretion to make a variance allowance, allowing more control. However, the three plans currently under review had based their spending on the existing zoning code that allowed four story buildings. He emphasized that this, and the COAH objection, were the reason he wanted to push the plan along – the sooner the zoning code was changed by ordinance, the sooner people would know what to build. Councilman Bair added that he would allow Mr. Burgis to comment on limiting commercial development to two and a half story construction, although he felt more comfortable with three stories. Councilman Lazar stated that he would go along with that.

☞ **Motion** to accept the changes spoken about with a review by the Mayor and Council before Councilman Bair sent it to Mr. Burgis was **moved** by Councilman Bair, **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

Councilman Bair said that he would get the changes to everyone for comments and then send it to Joe Scarpa to send to Mr. Burgis by the following Monday. Councilman Lazar requested that Mr. Burgis be directed to only review the changes, not the entire plan.

- Amending Police Ordinance – Mr. Scarpa and Chief Saudino explained that the educational requirements needed to be consistent. The proposed ordinance would grandfather in the existing people with old education requirements, but have stricter standards for anyone hired after January 1, 2009. Mr. Scarpa detailed the new requirements and said that the ordinance was on the agenda for introduction.

II. NEW BUSINESS

- Adding park space - Councilman Browne asked to formalize his conversations with Council President Hoffman and Councilman Lazar regarding a triangular spot of land on Kinderkamack Road by designating it as a park area so that it would qualify for grants. He suggested benches and native plantings at the site. Mayor Lamatina commented that there were safety issues at that location and that if it was designated a park, safety improvements would be necessary. After brief discussion, the Council consensus was to designate the area as a park and have Mr. Scarpa apply for grants but decide the road plan before accepting grant money.

- **Motion** to designate the triangular area on Kinderkamack Road as a park was **moved** by Councilman Browne, **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

- **Drainage – 98 Dorchester** - Mayor Lamatina explained that he, Mr. Scarpa and Mayor Birkner of Westwood visited this property to survey the situation caused by flooding after the recent storm. He added that Borough Engineer Paul Niehoff said that there was nothing that could be done from an engineering standpoint. He also noted that DPW Superintendent Joe Solimando said that the pipe was clear, but that the drains in town were not designed for a 100 year storm when they were installed many years ago. Mayor Lamatina noted that the Pascack Valley Mayors' Association was working to de-snag the brook which might help with flooding. Councilman Bair suggested that Mr. Scarpa add this location to a future list of drainage improvement projects. Mr. Scarpa remarked that drainage improvements would not help in this instance, even though there were three storm drains in front of the home; it was just a terrible storm. Councilman Loffredo referenced a home on Vivian Avenue that experienced a problem one hundred times worse. He emphasized that it was a horrible situation with no solution and paled in comparison to 98 Dorchester. He referenced six retention tanks built on Briarwood based on newer requirements that were not in place when these homes were built. He added that a fix like retention tanks would be a tremendous expense. Mayor Lamatina noted that he and Mayor Birkner also visited this second home, where a lawsuit was pending, and suggested some fixes for this situation. He asked Mr. Scarpa to add 98 Dorchester to his list to study in the future. Mr. Scarpa emphasized that there was no fix for this situation and did not want to give the residents false hope.
- **Mutual Aid – Pascack Fire Departments – Ordinance** - Mr. Scarpa explained that Fire Chief Savino had asked to codify this agreement instead of doing a resolution every year. It was agreed to introduce this as an ordinance at the next meeting.
- **Leaf Disposal Shared Services Project** - Mr. Scarpa explained that the Borough would continue using leaf bags but would piggyback with other Pascack Valley towns to lower leaf disposal costs.
- **Police Vehicles** – Mr. Scarpa and Chief Saudino discussed two vehicles damaged in the June 15th storm, and explained that insurance reimbursed the Borough \$7,500 for one of them. Chief Saudino added that the Borough had accumulated approximately \$20,000 in a utility trust fund that covered the cost of police and the use of a vehicle. He explained that the Council would need to vote on purchasing a vehicle. Chief Saudino discussed the pros and cons of a hybrid, concluding that purchasing a vehicle that could use gas or propane was necessary for the electrical needs of a police vehicle. He referenced a bond to replace the SUV needed for patrol with a Ford Explorer and convert a Crown Victoria to using propane using the remainder of the bond. The consensus was to allow the

Police Department to go ahead with the purchase of these vehicles using bond and grant money.

Chief Saudino also requested that Officer Mark Saudino be a part of the Bergen County Arson Squad Task Force. He explained that there would be a cost involved, but that he would like to allow him to try it and if overtime for a replacement officer was costly, the issue would be revisited. He explained that Officer Savino would be on call for one week of every ten and that there would be no overtime costs for him. Councilman Lazar quizzed Chief Saudino on the ease of getting replacement coverage. The Chief assured the Council that he did not foresee this being a problem and suggested doing this on a trial basis and commented that the training helped the Borough as well.

☞ **Motion** to appoint Officer Mark Savino to the Bergen County Prosecutor Arson Task Force was **moved** by Councilman Loffredo, **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

Councilman Loffredo requested that the Officer Savino's hours on the Arson Squad be included in the comments section of the monthly report. Chief Saudino agreed.

III. INTRODUCTION/SECOND READING OF ORDINANCES

Introduction:

1380-09 AN ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "POLICE DEPARTMENT"

☞ **Motion** to introduce Ordinance #1380-09 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 #1380-09 would be further considered at a Public Hearing to be held on July 21st, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the July 10th 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 and public hearing:

1374-09 AN ORDINANCE AMENDING ORDINANCE NO. 1352-09 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2009

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

☞ **Motion** to adopt Ordinance #1374-09 on second reading was **moved** by Councilman Heyer, **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**

1377-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 290 , ENTITLED ZONING, ARTICLE II, DEFINITIONS AND USAGE AND ARTICLE VII, SUPPLEMENTAL REGULATIONS PROVIDING FOR THE DEFINITION, REGULATION AND FEES OF CONSTRUCTION DUMPSTERS, STORAGE TRAILERS, PORTABLE ON DEMAND STORAGE UNITS, TEMPORARY EXTERIOR STORAGE UNITS

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

Gary Schwinder, 99 Linden Avenue requested that the fees be waived for a home that had experienced a fire, emergency or natural disaster. Mr. Boggia explained that Mr. Sartori has the discretion to waive fees to owners of property in these instances.

Paul Ashley, 90 Hillside Avenue described a temporary storage unit next door to his property as a large tent used as a workshop and asked if the ordinance could apply to this structure. Mr. Boggia agreed that it would apply. The Mayor said that Mr. Scarpa should get word to Construction Official Mike Sartori about 84 Hillside Avenue now that the ordinance was being adopted.

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 Councilman Loffredo, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1377-09 on second reading was **moved** by Councilman Browne, **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

1378-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON, CHAPTER 216, ENTITLED PROPERTY MAINTENANCE, § 216-3 ENTITLED DEFINITONS, AND § 216-26 ENTITLED APPEARANCE OF EXTERIOR OF PREMISES AMENDING § 216-26 D. DUMPSTERS AND OTHER GARBAGE OR REFUSE CONTAINERS

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

☞ **Motion** to adopt Ordinance #1378-09 on second reading was **moved** by Councilman Browne, **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

1379-09 AN ORDINANCE AMENDING ORDINANCE 1323-07 SECTION 61-09 SUBSECTION 9 ENTITLED 'FEE SCHEDULE' OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 61, PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF THE CODE OF THE BOROUGH OF EMERSON ESTABLISHING FEES FOR PARTICIPATION IN RECREATIONAL ACTIVITIES

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

☞ **Motion** to adopt Ordinance #1379-09 on second reading was **moved** by Councilman Loffredo, **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

IV. 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 Hoffman, **seconded** by Councilman Loffredo and carried at 9:40 p.m.

Gary Schwinder, 99 Linden Avenue, shared his comments and concerns regarding the proposed Kinderkamack Road plan. He stated that the plan was flawed and detailed areas where he thought that turn lanes or additional parking would be necessary.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried at 10:00 p.m.

V. RESOLUTIONS ON CONSENT AGENDA NO. 138-09

☞ **Motion** to approve the Consent Agenda Resolution No. 138-09 was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

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

Ca 139-09 Approve 2009-2010 Liquor License Renewal for Plenary Consumption
License #0214-33-004-001

Ca 140-09 Tax Appeal Settlement– 235 Randolph Avenue, Block 729, Lot 6

Ca 141-09 Leaf Disposal Shared Services Project

VI. CLOSED EXECUTIVE SESSION

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 142-09 was **moved** by Councilman Loffredo, **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

- a. Resolution No. 142-09
 - N.J.S.A. 10:4-12-5 - Property Sale/Acquisition

VII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried at 10:55 p.m.

☞ **Motion** to direct the Borough Attorney to serve notice on the property abutting the area of Broadway to remind them that it is Borough property and in order to avoid any adverse possession claims by the set property owners was **moved** by Councilman Heyer, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

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

X. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:58 p.m.

Carol Dray, RMC/CMC/CMR

July 9, 2009

(Proofed 7/17/09, jmd)