



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
OCTOBER 20th, 2009
7:30 P.M.



Call to Order

Mayor Lamatina called the meeting to order at 7:41 pm. Mr. Tom Clancy led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of October 20, 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 – Arrived at 8:00 p.m.

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

III. APPOINTMENTS/RESIGNATIONS

- Environmental Commission - Sal Dinardi as a Regular Member for the unexpired term ending December 2010. Mayor Lamatina approved this appointment.

IV. CORRESPONDENCE

The Mayor stated that all correspondence listed below was on file in the Municipal Clerk's Office for inspection or reproduction for a statutory fee.

- Letter dated September 9, 2009 from Commissioner of NJ Dept. of Labor & Workforce Development; Re: Customized Training Grant for Bergen Gastroenterology PC
- Letter dated September 15, 2009 from Donna Bott, Community Hospice of Bergen County; Re: Hospice Support
- Letter dated October 7, 2009 from Duane Floyd, Supervisor, Public Agency Unit; Re: Public Agency Review

V. UNFINISHED BUSINESS

- Kinderkamack Road Concept Plan-Maser Engineers – Maser Consulting Engineers Paul Niehoff and John Jahr gave a brief presentation after meeting with the County Engineers and County Planners on October 13th to review the County's revisions to the concept plan prepared by Mr. Jahr. Mr. Jahr said that they had a very good meeting with the County officials and that very few changes were made. He detailed the negotiations that took place and said that they agreed to a traffic light at Lincoln Boulevard. He pointed out that the area from Linwood to Ackerman had a critical capacity issue and needed a safety improvement. Instead of having a left turn lane into Emerson Plaza West, the County proposed widening Linwood by a couple feet allowing for a double left turn lane, creating two receiving lanes on Kinderkamack Road southbound. Mr. Jahr said that this would increase capacity and be a Grade D improvement. He added that this was the only thing that the County was asking them to do differently than the Borough's plan. He reiterated that only the area from Ackerman to Linwood would have more than a three lane section. But to make the section and capacity work, it was necessary and would give a much better result for a very long time. He also said that this was very expensive, but it was the County's money and recommendation. He added that the section over the railroad tracks would be slightly widened and that some quiet zone improvements would need to be implemented. He detailed that the County's alignment would swing slightly to the east, bringing the road down towards the railroad more. He added that properties would be affected that would not have been impacted in his plan, specifically across from Dunkin Donuts. He emphasized that the plan would improve safety and capacity and have longevity. Mr. Jahr and the Council reviewed the plan and traffic flow and discussed next steps by explaining that Mr. Ahmad and Mr. Femia at the County would hopefully approve the plan and that it would be returned to him to redo and finalize it. He explained that it was a major remake and it would be brought to the Council for approval. Then the County and the Borough would pass resolutions of approval at which point the project would move to the design phase.

Mayor Lamatina thanked Mr. Jahr and opened the discussion to Council members for questions. The Council questioned Mr. Jahr on details of the concept plan including quiet zone criteria, turn lanes, rights of way, signalization, and capacity issues. Mr. Jahr mentioned that he would need additional funding to redo the concept plan and that it would be available within two weeks of when he received it from the County. He anticipated that reworking the plan would cost an additional \$7000 to \$9000. He emphasized that the Borough's only obligations were engineering costs and right of way acquisition.

- Draft Ordinance Eminent Domain – Council President Hoffman stated that at the last meeting, Councilman Loffredo had asked Borough Planner Joe Burgis to take a look at the Red Bank, NJ ordinance as an example. The Council discussed the cost of review by Mr. Burgis. The Mayor asked for a consensus to authorize Mr. Burgis to review the draft ordinance. The Council agreed.
- Approve Broadway Newsletter – Mr. Scarpa referenced the newsletter that Ms. Dray and he had drafted and had been emailed to the Council. There were comments from the Mayor and Council President Hoffman regarding content. The

Council requested that a map appear on the back of the newsletter illustrating the area. Councilman Lazar said that he was surprised to hear that residents on Patrick Avenue had heard that the Borough was going to extend the road to Broadway, increasing traffic. He located the resident that had shared this information, who showed Councilman Lazar a map that showed a through street. Mr. Niehoff explained that when the Patrick Avenue subdivision was approved, a paper street was drawn past the cul-de-sac on the map, but that it would be virtually impossible to put a road in there because of the steep grade. Therefore, Councilman Lazar requested that this information be included in the newsletter. Mayor Lamatina said that this was already in the newsletter. Councilman Lazar also asked that a dead end sign be placed on Patrick Avenue. Mr. Jahr said that he and Chief Saudino would take a look at it. The Governing Body requested several modifications to the newsletter.

☞ **Motion** to approve the Broadway newsletter as amended 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

The Mayor changed the agenda to move on to reading of ordinances and new business.

VI. ORDINANCES – SECOND READING & PUBLIC HEARING

1388-09 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, SCHEDULE III § 274-39 TITLED ONE-WAY STREETS

☞ **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 Heyer and carried.

☞ **Motion** to adopt Ordinance #1388-09 on second reading was **moved** by Councilman Loffredo, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

VII. NEW BUSINESS

- Bergen County 2009 Municipality Accessibility Recognition Award – Miss Emily Bischoff, 86 Park Avenue and Miss. Lauren Lamatina, 1018 Soldier Hill Road represented the Emerson Girl Scouts to encourage everyone to participate in the 2009 Municipal Accessibility Recognition Award campaign. They explained that the object of the campaign was to increase awareness of individuals with disabilities and that Emerson had a 10% disabled population and that a monetary award would be given this year during Disability Awareness Month. Miss Bischoff and Miss Lamatina explained that they would be documenting and reporting the ways the Borough assisted the disabled. Mr. Scarpa said that he would sit down with them and go over the ADA playground equipment, ramps, signage, etc. There was a consensus from the Governing Body to apply for this grant.

VIII. REPORTS

Mayor and Council

- Councilman Browne had no report.
- Councilman Lazar stated that he had spoken to Council President Hoffman about elected offices in the **Historical Commission**. Council President Hoffman said that Ms. Irene Stella of the Closter Historical Commission gave them a lot of good information on how to start out, look at landmarks and set up priorities. He added that this information was a big help to Emerson's Commission.
- Councilman Loffredo gave the **Police** Activity report. Councilman Lazar discussed the status of Hillman Field after meeting with DPW Superintendent Joe Solimando and Mr. Tom Carlos. He reviewed his inspection of a sample of sod and materials under it, noting that he had discovered clay rather than sand. Mr. Solimando agreed with Councilman Lazar's observations. Mr. Boggia reviewed the work that had taken place to the present point in time. The Governing Body discussed the present condition of the field in detail. The Mayor asked that the field specifications be checked. Mr. Solimando stated that if the correct fill was installed, the drainage problem would be eliminated. Councilman Lazar provided specifics on what materials would need to be installed. This topic was added to Closed Session per the Mayor's request. They also discussed the need to reseed by the goal posts and in the middle of the field using growth blankets. The cost was \$259.00 a blanket and they would need to purchase 3. He hoped that this would be enough to regenerate the sod in the center of the field. There was consensus on this item.
- Council President Hoffman gave the **Fire Department** report for September. He also thanked the **Fire Department Ladies Auxiliary** for the Inspection Dinner and said that they had done a great job. He added that on September 16th **Ambulance Corps** member Alison Knoller was named EMT of the Year by the local Knights of Columbus and congratulated her on this honor.
- Councilman Heyer gave the September **Building Department** report.
- Councilman Bair had no report.

- Mayor Lamatina commented that there was more agreement and a better atmosphere in the **Fire Department**, noting that Fire Chief Mark Savino had turned things around. Councilman Hoffman agreed and said that Mr. Savino had done a fantastic job and thanked him on behalf of the Governing Body. The Mayor also said that Sertino's coffee shop should open shortly. He thanked the County for their participation with Kinderkamack Road and said that their cooperation was terrific.
- Borough Administrator Joe Scarpa stated that the Christmas tree lighting would take place on December 6th at 7:00 p.m. He said that the fire escape at Borough Hall had been repaired. He discussed the bids for the joint tennis court project, adding that it was within the money allotted. He also said that the Borough had received about \$16,000 from the Pascack Valley Open Space Committee and discussed a grant application of \$28,000 submitted for a new Senior Center roof, the leaf bag postcard mailing, and repairs to the Borough Hall heating system. They also reviewed the condition of the train station roof and what would be historically appropriate as a replacement.
- Borough Clerk had no report.
- Borough Attorney had no report.

The Mayor returned to Unfinished Business and the Broadway newsletter.

☞ **Motion** to open the meeting to the public for discussion of the Broadway newsletter was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried.

Mr. Robert Fecci, 8 Eric Avenue, said that the Broadway newsletter was a sales pitch and asked if a drainage study had been done. He said that the town was responsible for the water issues and that there was no drainage there. Mr. Boggia advised him that all of the concerns would be addressed and studied further after the results of the referendum vote.

Mr. James Rooney, 5 Oakland Avenue remarked on the amount of water that the golf course dumped. He also asked about undersized lots, and the loss of trees. He said that his street was the crappiest of all. He asked to see the deeds and wondered how the Borough had acquired the land. Mr. Rooney stated that his lawyer was going to send a letter to the Borough because he wanted to see copies of the deeds.

Seeing no more hands, Mayor Lamatina asked for a motion to close the open session on this issue to the public.

☞ **Motion** to close the meeting to the public for discussion of the Broadway newsletter was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried.

☞ **Motion** to approve the Broadway newsletter as amended by the previous discussion to include Council President Hoffman's comments as amended by the Mayor's comments 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

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 Council President Hoffman, **seconded** by Councilman Lazar and carried at 10:00 p.m.

Police Chief Michael Saudino, 116 Randolph Avenue said that the DEA was sponsoring a state wide operation called Operation Medicine Cabinet on November 14th. He explained that people could come to discard old, expired or left over prescription drugs and that the Emerson Police Department would be participating. He added that an armed guard would be there to accept it and that they would be turned over to the DEA. Councilman Loffredo explained that this program was in direct response to the amount of prescription drugs appearing in the water supply due to people flushing drugs in the toilet.

Daniel DiPaola, 93 Union Street said that the Chamber of Commerce wanted to participate in the Christmas tree lighting and asked if a date had been announced. Mr. Scarpa responded that he would take care of it. She also inquired as to whether there would be left turn coming from Oradell to go up Linwood Avenue. The Mayor said that the County would not accept a left turn at that location because it blocked traffic from moving.

Seeing no more hands, Mayor Lamatina 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 Councilman Bair, **seconded** by Councilman Heyer and carried 10:05 p.m.

X. RESOLUTIONS ON CONSENT AGENDA NO. 201-09

☞ **Motion** to approve the Consent Agenda Resolution No. 201-09 was **moved** by Councilman Heyer, **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 202-09 Approve Bill List

Ca 203-09 Approve Minutes of the Regular Meeting of the Mayor and Council on September 1 and September 15, 2009

Ca 204-09 Acceptance of Bidder and Award for Bond Anticipation Notes dated October 6th, 2009

Ca 205-09 Authorize Enforcement of 9:00 p.m. Curfew on Cabbage Night and Halloween by the Emerson Police Department

- Ca 206-09 Approve Tax Sale Redemption Certificate – 23 Emerson Plaza East, LLC for \$37,519.14
- Ca 207-09 Approve Tax Sale Redemption Certificate to Leonard & Mildred Goodgal for \$14,271.28
- Ca 208-09 Award Tennis Court Improvements to SCS Contracting Inc.
- Ca 209-09 Authorize Mayor Lamatina to execute agreement with Metro PCS Contract
- Ca 210-09 Authorize Change of Payroll Servicing Company

XI. CLOSED EXECUTIVE SESSION - Resolution No. 211-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 211-09 with the addition of Hillman Field discussion was **moved** by Councilman Heyer, **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

#09-10/20-41 PBA Negotiations - N.J.S.A. 10:4-12-4

#09-10/20-42 Hillman Field- N.J.S.A. 10:4-12-7

XII. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried.

XIII. 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 11:25 p.m.

Carol Dray, RMC/CMC/CMR

November 17, 2009

(Proofed 12/14/2009)