



MAYOR AND COUNCIL MINUTES

Regular Meeting

Tuesday, August 19, 2008

7:00 P.M.

Executive (Closed) Session-7:00 P.M. - 7:45 P.M.

Public Hearing-7:45 P.M.

Executive (Closed) Session

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:01 pm. Councilman Hoffman 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 August 19th, 2008 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 –Arrived at 7:15 p.m.
Councilwoman Marcia DeSalvo-Present
Council President Christopher Heyer-Absent
Councilman Kenneth Hoffman-Present
Councilman Anthony Loffredo-Present
Councilman Francis P. Milone, Jr.-Present

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

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 153A-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Milone and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Absent

Milone-Yes

Heyer-Absent

Loffredo-Yes

Hoffman-Yes

08-8/19-64 Personnel- Redevelopment Financial Analyst

7. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Loffredo, **seconded** by Councilman Bair and carried at 8:05 p.m.

Mayor Lamatina explained that the Governing Body had interviewed two different firms for financial analysis of the Redevelopment process. He added that a third individual would be interviewed during the second closed session and was impressed with the people they had seen so far. Mayor Lamatina also mentioned that a financial expert hired would be in addition to the Borough continuing to work with Mr. Joseph Sanzari on a complementary basis.

8. APPROVAL OF MINUTES

- Regular Meeting – July 22, 2008

☞ **Motion** to approve the Regular Meeting Minutes of July 22, 2008 with one correction was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried with abstentions by Councilman Milone and Councilman Bair.

- Work Session/Regular Meeting – August 5, 2008

☞ **Motion** to approve the Regular Meeting Minutes of August 5, 2008 was **moved** by Councilman Milone, **seconded** by Councilman Loffredo and carried.

9. CORRESPONDENCE

Mayor Lamatina announced that copies of the correspondence were on file in the Office of the Municipal Clerk and available for a statutory fee.

Mayor Lamatina expanded on item #08-43 of the current correspondence, explaining that there are nine street signs in town that contain the first name of Emerson war veterans. He said that Councilman de Stefan of River Vale had suggested that the last names of these veterans be added with little tags on the signs. Assemblyman Rooney had followed up on this suggestion with a letter to the Governing Body. The Mayor asked Mr. Scarpa to work on this idea. Mr. Scarpa explained the whole street sign would have to be redone and that a lot of people would be upset or confused. Ms. Dray added that election maps would need to be changed and that implementing this idea would be very complicated.

Councilman Hoffman suggested putting an article in the Borough newsletter sharing information about these veterans with residents and raise awareness about who these people were. Mr. Scarpa agreed with Councilman Hoffman's suggestion. Since Councilman de Stefan had written a book about Emerson, they thought that he should be contacted to see if he would write an article about these veterans for the Emerson Eagle and the Borough website. Mr. Scarpa said that he would follow up with Assemblyman Rooney and Councilman de Stefan.

- #08-43 Letter dated 7/11/08 from Assemblyman John Rooney; Re: Street signs
- #08-44 Letter dated 7/15/08 from Assemblywoman Charlotte Vandervalk; Re: Opposing Senate Bill #1137 – redefining NJ collective bargaining process
- #08-45 Letter dated 8/5/08 from Ms. Shirley Vilardi; Re: Pine Drive homes

10. OLD BUSINESS

a) Linwood/Wortendyke drainage project- Credit for repair from Reivax – Mr. Scarpa said that the Borough had worked out an agreement with Reivax to amicably settle this issue by doing up to \$1000.00 in future drainage repairs.

11. NEW BUSINESS

None

12. ORDINANCES

SECOND READING AND PUBLIC COMMENT:

1353-08 DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

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

☞ **Motion** to adopt Ordinance #1353-08 on second reading was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Absent

Loffredo-Yes

Hoffman-Yes

13. BOARD AND COMMITTEE REPORTS

a) Mayor and Council

Councilwoman DeSalvo stated that the **Library Renovation Subcommittee** was in the process of interviewing architects for the project. The library plans to update the existing space and make it more user friendly and efficient. In addition, they hope to update the roof and windows as well as other portions of the facility.

Councilman Bair – No report.

Councilman Milone – He stated that the **Board of Health** was on summer break and would return in September. He also mentioned that the municipal budget was increasing by one percent.

Mayor Lamatina said that the Governing Body had received the final report on Redevelopment from Borough Planner Joseph Burgis and announced that the initial **Planning Board** hearing would be held on September 24th at 8:00 p.m. at Emerson High School. Additional dates will be announced at the first meeting. He mentioned that, at the request of Mayor Birkner, Council Members should write letters to their legislators and the State in support of the certificate of need for a full purpose hospital in the Pascack Valley. He finished by remarking that he was impressed with the road improvements completed at the original bid price as a result of the shared services agreement among eight Pascack

Valley towns. This project saved the Borough approximately \$100,000 and the Mayor congratulated the group on achieving their goal of sharing services to increase efficiencies and save taxpayers' money.

Councilman Loffredo – He gave the **Police Department** report for the month of July.

Councilman Hoffman – He gave the **Fire Department** report for the month of July. The **Shade Tree Commission** is off for the summer, but he noticed that a number of trees are being planted as part of this year's planting program. The **Environmental Commission** was also off for the summer, but the Farmers' Market continues to be a big success for them.

b) Borough Administrator:

- The Pascack Valley Shared Services coalition is doing a study on sharing **DPW** services and equipment, as well as a regional truck washing station.
- He encouraged the Governing Body to consider a replacement for the current Borough Hall complex as the present facility was in need of structural and HVAC repairs. He emphasized that continuing to put money into such an old building was not cost effective.
- The Borough had received the sewer truck contract from the County. Emerson will be the lead agency and store the vehicle.
- An advertisement was posted for the Captain position in the **Police Department**.
- The electronic message board plan is going ahead and will be located in Jim Wagner Park. Appropriate landscaping was discussed. Councilman Hoffman requested that the **Shade Tree Commission** be actively involved in this process.
- The anti-littering signs were in and ready to be posted. Once posted, the **Police Department** will be involved and start issuing warnings to those that are throwing cigarette butts on the ground rather than in appropriate receptacles.
- The Mayor asked Mr. Scarpa about biodiesel fuel for Borough vehicles. Mr. Scarpa said that the issue is complicated and that he would share materials he has gathered with the Governing Body. He noted that he would like to see how this process worked out in neighboring towns and how their vehicles hold up before he proceeds. He mentioned that Emerson has \$5 million worth of vehicles that must be properly maintained. In addition, he did not want to compromise any vehicle manufacturers' warranties.
- Mayor Lamatina stated that there are two Special Olympians in Emerson that he would like to present with Proclamations. The Governing Body agreed that they should be honored at an upcoming Council meeting.

c) Municipal Clerk – No report.

d) Borough Attorney - No report.

14. 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 Councilman Milone and carried at 8:35 p.m.

Seeing no 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 Loffredo, **seconded** by Councilman Hoffman and carried at 8:36 p.m.

15. CONSENT AGENDA-Resolution No. 145-08

☞ **Motion** to approve the Consent Agenda Resolution No. 145-08 was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Absent

Loffredo-Yes

Hoffman-Yes

Ca#146-08 Approve Bill List

Ca#147-08 Approve Bergen County Open Space Trust Fund Tennis Court Rehabilitation in the amount of \$152,432.00

Ca#148-08 Approve Block Party for Residents of Henry Street – Saturday, September 6, 2008 - 12 pm-10pm

Ca#149-08 Approve Inter-local Services Agreement for use of High a Pressure Sewer Cleaner Truck

APPROVED 9-16-08

Ca#150-08 Approve Block Party for Residents of Highland Avenue –
Sunday, August 31, 2008 - 12 pm-10pm

Ca#151-08 Tax overpayment of \$441.37 – Block #612, Lot 1 – 41 Allison
Way, Emerson, NJ

Ca#152-08 Retirement of Captain David Hayes

Ca#153-08 Tax overpayment of \$1,926.03 – Block #328, Lot 3 – 16
Sullivan Drive, Emerson, NJ

16. CLOSED SESSION RESOLUTION No. 154-08

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 154-08 was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

Milone-Yes

Heyer-Absent

Loffredo-Yes

Hoffman-Yes

#08-8/19-65 Personnel - Redevelopment Financial Analyst

#08-8/19-66 Litigation - Emerson Police Chief v. Borough of Emerson

#08-8/19-67 Personnel - Court Security

#08-8/19-68 Litigation - COAH Fees

17. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Loffredo, **seconded** by Councilwoman DeSalvo and carried at 10:20 p.m.

a) Redevelopment Financial Analyst

☞ **Motion**

Councilman Bair **moved** to engage the services of Ralph Basile, of BBPC Associates, as a financial consultant to scrutinize and evaluate the redeveloper's pro forma and other figures and data relative to the Redevelopment for the purpose of providing financial advice to the Borough of Emerson at the hourly rate of \$195.00 for principals and less for associates contingent upon Mr. Basile's acceptable reply to the unanswered question of his potential travel expenses. In addition, should the Council determine that Mr. Basile's travels fees are unreasonable or excessive; this appointment shall then be offered to Dennis Enright, of NW Financial Group, LLC, at the same hourly rate as above. Councilman Loffredo **seconded** the motion and it was carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Milone-Yes
Heyer-Absent
Loffredo-Yes
Hoffman-Yes

b) COAH Development Fees

Councilman Bair **moved** to calculate the determination of COAH Development fees on improved properties, residential and commercial, by taking the difference of the valuation with the building on the premises before demolition compared to the valuation of the property with the new improvement and that calculation be the amount of the COAH Development fee by advice of the Borough Attorney based on the wording of the COAH Regulations. In addition and specific to the Pascack Valley Shopping Center project, this motion shall also authorize the Construction Code Official in acceptance of the payment received from the Pascack Valley Shopping Center for COAH fees by use of the above formula, issue the Certificate of Occupancy to the remaining improvements on that property. Councilwoman DeSalvo **seconded** and the motion was carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Milone-Yes
Heyer-Absent
Loffredo-Yes
Hoffman-Yes

c) Appointing Court Security

☞ **Motion** to direct Mr. Scarpa to hire part-time Court Security Guards, Police Dispatcher and School Crossing Guards as recommended by Police Chief Michael Saudino was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Milone-Yes
Heyer-Absent
Loffredo-Yes
Hoffman-Yes

APPROVED 9-16-08

18. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilwoman DeSalvo **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:25 p.m.

Carol Dray, RMC, CMC

August 21, 2008

(Proofed 8/28/08, cd)