

Approved



**MAYOR AND COUNCIL AGENDA
Work Session/Regular Meeting**

Tuesday, April 10, 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 7:40pm. Mr. Napolitano led the salute to the flag followed by moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that this meeting of April 10, 2007 had been adequately noticed and was in compliance to the to the provisions of the Open Public Meetings Law. Further, that the notice of the meeting was included in 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 14th, 2006 and has remained continuously posted as the required notices under the Statute.

In addition, a copy of this notice was on file in the Office of the Municipal Clerk and has 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-Present

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

6. ORDINANCES – FIRST READING AND INTRODUCTION

Ordinance No. 1322-07 **BOND ORDINANCE – MULTI PURPOSE BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE AN AMOUNT NOT TO EXCEED \$855,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, AND TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Councilwoman DeSalvo questioned the absence of the Ackerman Avenue Basketball court resurfacing in the capital budget. Mr. Scarpa explained that a bond would be passed to offset any costs associated with the grant and the required matching funds. Councilwoman DeSalvo questioned if the bond should have been introduced earlier to expedite the work. Mr. Scarpa stated that the bonding was usually done with the budget so that the down payment was readily available. Councilwoman DeSalvo wanted to know what the amount of the increase would be to install the Premier Court. Mr. Scarpa stated that; although, the project was out to bid the award could not take place until the funds were available.

☛ **Motion** to adopt Ordinance #1322-07 was **moved** by Councilman Todd, seconded by Council President Loffredo and carried by roll call vote.

RC: Council members:

- DeSalvo-Yes
- Hoffman-Yes
- Todd-Yes
- Loffredo-Yes
- Heyer-Yes
- Milone-Yes

Mayor Lamatina announced that Ordinance No. 1322-07 was duly adopted by a vote of 6-0 on first reading. This matter would be further considered at the meeting of April 24th in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, NJ at 7:30 p.m. where the public would be invited to speak. A notice would be published in the next available edition of the Ridgewood News.

7. ORDINANCES – SECOND READING AND PUBLIC HEARING

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Ordinance No. 1319-07 **ORDINANCE TO EXCEED THE CAP**

Public Hearing

Motion to open the meeting for comments from the public in regard to Ordinance No. 1322-07 Ordinance to Exceed the Cap was moved by Councilman Hoffman, **seconded** by Councilman Heyer and **carried** with no objection.

Seeing no hands, Councilman Heyer **moved** to close the meeting for comments from the public in regard to Ordinance No. 1322-07 Ordinance to Exceed the Cap; **seconded** by Councilman Todd and **carried** unanimously.

Motion to approve: Todd

Second: Heyer

Carried by

Roll Call: Council members

DeSalvo-yes

Hoffman-yes

Todd-yes

Loffredo-yes

Heyer-yes

Todd-yes

7. OLD BUSINESS

a) Pay to Play Ordinance

Mr. Boggia explained that this ordinance was the culmination of discussions and would close any loopholes in the state pay to play ordinance. The introduction of the ordinance was scheduled for April 24, 2007 meeting of the Mayor and Council.

b) Police Promotion Model Ordinance

Mr. Boggia reported that a revised draft of the ordinance would be discussed at the April 24, 2007 meeting of the Mayor and Council.

c) Creating Fee Schedule for the Recreation Department according to the advice of the Auditor

Councilman Hoffman reported that the a schedule for fees collected by the Recreation Commission should be put into ordinance form by the advice of Mr. Higgins, Borough Auditor.

d) FAA Air Traffic Plan Letter

Approved

Councilman Hoffman suggested that a letter on behalf of the Mayor and Council be forwarded to the FAA opposing the FAA's intention to increase air traffic over the Pascack Valley.

e] Millennium Homes

Mr. Pantirer, one of the principals of Millennium Homes, introduced his associates that were present Mark Perel, Principal of Arc Properties, Lisa Macchi, Head of Marketing and Sales for Millenium Homes and Seth Cohen, Vice President of Property Management. Mr. Pantirer offered a brief history of both Millennium Homes and Arc Properties. David Minno of the firm Minno and Wasko Architects and Planners, P.C., presented more detailed plans for the redevelopment area. Mr. Minno spoke about smart growth in regard to the redevelopment to retain the sense of unity while improving the esthetics to the community to make the area more attractive. Councilman Hoffman questioned if the demographics had been examined to maintain Emerson's character, rather than have it look like other towns. Mayor Lamatina explained that the redevelopment would be done in phases. Council President Loffredo spoke about moving the train station and questioned the incentive for NJ Transit to relocate the train station. Mr. Minno explained that with additional parking the ridership might increase. Councilman Heyer questioned the impact on traffic signalization. Councilman Milone questioned the borough's COAH obligations and what effect, if any, would there be. Mayor Lamatina explained that the COAH obligations were currently under appeal but had learned that it would be safe to say about 20%. Mr. Minno explained that the design would include COAH requirements as currently mandated.

F] Basketball Courts at Ackerman Park

Mr. Scarpa recalled that the resurfacing project dated back approximately two years when it was originally funded through bonding and a grant. However, the lighting issue at Hillman Park took precedence over the resurfacing of the basketball courts and the money was shifted over to that project. The former borough engineer had estimated that an asphalt resurface would cost \$66,000 at the time. Between January 16 and March 13 of this year, the current borough engineer took over the project working with the Recreation Commission with his recommendations. Mr. Scarpa further explained that bonding (borrowing) was used for items with at least a five-year useful life expectancy and at least a two-month window of time was needed for the bonding process to certify funding. A bid cannot be awarded until the funds are available certified by the CFO/Treasurer. This particular bonding process took longer because a third option was added after the original vote and it became necessary for the governing body to take subsequent official action for borrowing purposes to increase the bond amount. Mayor Lamatina explained that up to \$90,000 was set aside for

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this project by projections of the borough engineer of what it would cost to resurface the courts. Mayor Lamatina explained that if the adoption on April 24th of the Bond passed as smoothly as the introduction and with the 20-day estoppel period, the bid, if acceptable, could be awarded May 15th. As of yesterday, there were no bids submitted and the borough engineer had no explanation as to why. Mayor Lamatina stated that the Recreation Commission was considering canceling the basketball program because of the current condition of the courts but the borough engineer maintained in writing that the courts were playable in their current condition. Additionally, it had been made clear at the meeting on March 13th with the Recreation Commission members present that; although the Premier surface was included in the bid spec, the governing body did not make any guarantee or promise that the courts would be resurfaced in that material; only that possibility existed by virtue of it being included in the bid spec as an option. In fact, Council President Loffredo recalled that he had made a remark at that meeting on the 13th to the effect that it would be a low percentage chance that the project would be completed in time for this year given the history of bonding and that there were many uncontrollable reasons why a project could be delayed.

Steve Belloise, 105 Vivian Avenue, Chairman, Recreation Commission reiterated that he understood that the Premier Court surface might not be installed due to cost, but asphalt was definitely an option, as it was less expensive. Mr. Belloise maintained that the process of bonding was not fully explained to him as far as the timeline of bonding, and had he known that the process would take until May 15, 2007 the Recreation Commission would not have pursued the summer basketball league.

Maria Margiulli, 22 Longview Drive explained that basketball players have commented that the courts at the Ackerman Avenue Park are not conducive to running a formal basketball program. Ms. Margiulli felt that there should have been a better explanation of the bonding process.

8. NEW BUSINESS

- a) Monitoring Borough Departmental Emails – The consensus of the Borough Council was not to monitor departmental emails. Councilman Hoffman questioned how the various commissions could get their information posted on the website. Mayor Lamatina explained that it is relatively easy, a phone to call to Mr. Scarpa with the information and if he is available to post the item he will.
- b) Paperless Meetings/ Document Imaging – Borough Clerk Dray, informed the Council that Greg Hart, Administrator/Clerk, of Old Tappan currently utilized paperless meetings technology at the

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Mayor and Council meetings in Old Tappan and had agreed to do a PowerPoint presentation that evening for the Council before additional business was added to the agenda. The presentation would be postponed until the first meeting in May, if Mr. Hart's schedule allowed. Ms. Dray also informed the Council that Emerson was chosen in the first round of PARIS (*Public Archives and Records Infrastructure Support*) grant funding for records retention and archiving that would also provide for computer equipment and document imaging technology in the Clerk's Office.

c) Resolution Supporting Renewal of Garden State Preservation Trust Fund – Councilman Hoffman requested that a resolution in support of the Garden State Preservation Trust Fund be placed on the consent agenda for the meeting of April 24, 2007.

d) Resolution No. 75-07 Approval of RFP Extension to April 27, 2007 at 12:00 p.m.

☞ **Motion** to approve extension of deadline for RFP submittals **moved** by Councilman Heyer, seconded by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Yes

Milone-Yes

e) Sale of Public Property Resolution No. 76-07

☞ **Motion** to approve a resolution authorizing the Sale of Public Properties was **moved** by Councilman Heyer, seconded by Councilman Todd and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Yes

Milone-Yes

9. REPORTS

a) Office of the Borough Administrator

- ✓ Mr. Scarpa reported that: Congressman Scott Garrett would like to set up a satellite office once a month for

approximately two hours in Emerson. He has requested using the conference room on the first Wednesday of the month.

- ✓ The Health Officer reported that the appropriate plans are being put into effect for the latest flu pandemic.
- ✓ The Borough received \$30,000 in Community Development grants rather than the \$60,000 for curb cuts. The potholes would be filled by the railroad by New Jersey Transit.
- ✓ The application for the CAP waiver has been filed in Trenton.
- ✓ Emerson has received the Tree City distinction again and the ceremony will take place on Arbor Day.
- ✓ The borough received confirmation of federal grant funding for a thermal camera
- ✓ Mayor Lamatina added that he would like to proclaim April as Autism Awareness month
- ✓ The Fire Chief would be attending out of state training; as such, he requested that he not be charged for leave and that the borough pay him for his time, with the agreement of DPW Superintendent Solimando. After a brief discussion, the request was granted and the Council, by general consent, also requested that Chief Carlos provide a report of the out of state training.

- b) Office of the Municipal Clerk-There was no report.
- c) Borough Attorney-No report in open session.

10. PUBLIC COMMENT

In the interest of time, speakers are limited to **five (5) minutes**.

Speakers with a 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 for comments from the public was moved by Councilman Heyer, seconded by Councilwoman DeSalvo and carried unanimously.

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Chief Michael Saudino, Emerson Police Department, informed the Council that the Borough wide cleanup would be held on April 21, 2007 at 9:00 a.m.

Steven Bair, Chairman, Emerson Planning Board, 105 Longview Drive, expressed his opinion that the Phase IV area of the redevelopment should be a restaurant row given that a Thai restaurant already existed there and his belief that the Oritani Bank was considering a café as part of their construction.

Councilwoman DeSalvo informed the Council that the Library would be having an art show on Saturday, April 14 and Sunday April 15. Mayor Lamatina asked that Mr. Scarpa post this news item in the upcoming events section of the borough website.

Seeing no more hands, **motion** to close the meeting for comments from the public was moved by Councilman Heyer, **seconded** by Council President Loffredo and carried unanimously.

11. CLOSED SESSION RESOLUTION No.93-07

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 93-07 was moved by Councilman Todd, seconded by Councilwoman DeSalvo.

#07-4/10-14 Litigation-Iozzia

#07-4/10-15 Litigation-Saudino v. Borough settlement

#07-4/10-16 Litigation-Savino v. Borough

#07-4/10-17 Litigation-Fagan

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Yes

Milone-Yes

19. RECONVENE

Motion to reconvene was moved by Council President Loffredo, seconded by Councilman Heyer.

RC: Council members:

Approved

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Yes
Milone-Yes

20. ADJOURNMENT

With no more business to discuss, Council President Loffredo **moved** to adjourn the meeting, seconded by Councilman Heyer and carried unanimously at 11:29 p.m.

Carol Dray, RMC/CMC

June 30, 2007