



MAYOR AND COUNCIL AGENDA
Regular Meeting
Tuesday, May 19, 2009
7:30 P.M.
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:40 pm. Borough Administrator Joseph Scarpa led the salute to the flag followed by a moment of silence at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of May 19th, 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-Arrived at 8:20 p.m.
Council President Hoffman-Present
Councilman Lazar - Present
Councilman Loffredo - Absent

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

6. CORRESPONDENCE

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

- Letter dated April 16, 2009 from John Leon, Sr. Dir., Office of Govt. & Community Relations, New Jersey Transit; Re: Anticipating traffic detours
- Letter received April 23rd from Lester Farthing, U.S. Dept. of Commerce; Re: 2010 Census
- Letter dated April 30, 2009 from Bud O'Hagan, Nominations Committee Chairman, Bergen County Municipal JIF; re: Candidates to serve on Executive Board.
- Letter dated May 5, 2009 from Park Ridge Mayor Donald Ruschman; re: Emerson Fire Department commendation

7. PROCLAMATIONS

Myasthenia Gravis Awareness Month - June 2009

Mayor Lamatina proclaimed June 2009 as Myasthenia Gravis Awareness Month in the Borough of Emerson and asked everyone to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure.

Scleroderma Awareness Month - June 2009

The Mayor proclaimed June 2009 as Scleroderma Awareness Month in the Borough of Emerson and urged all employees and residents to participate in our municipality's effort to become better educated in the subject of Scleroderma.

8. APPOINTMENTS

Historic Preservation Commission - Class A by Mayor – Mayor Lamatina appointed Mr. Vince Benanti as a Class A member to the Historic Preservation Commission.

9. BUDGET

▪ **Resolution No. 106-09 Emergency Temporary Budget**

☞ **Motion** to approve the Resolution #106-09 Emergency Temporary Budget Resolution was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

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

▪ **Resolution 107-09 Temporary Capital Budget**

☞ **Motion** to approve the Resolution #107-09 Emergency Temporary Budget Resolution was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

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

11. ORDINANCES

Mayor Lamatina announced that the following ordinances would be read by number and title. On approval, they would be further considered at a Public Hearing to be held on June 9th, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J and published in the May 22nd, 2009 edition of the Ridgewood News. He added that these ordinances were 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.

First Reading:

1375-09: Multipurpose Bond - BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$361,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 OF

BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NJ

☞ **Motion** to introduce Ordinance #1375-09 on first reading was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

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

1376-09: BOND ORDINANCE AMENDING SECTIONS 3 AND 4 OF BOND ORDINANCE NO. 1345-08 ADOPTED MARCH 4, 2008 TO AMEND THE PROJECT DESCRIPTION AND TO MAKE SUCH OTHER CONFORMING CHANGES AS NECESSARY FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NJ

☞ **Motion** to introduce Ordinance #1376-09 on first reading was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

- Browne-Yes**
- Lazar-Yes**
- Loffredo-Absent**
- Hoffman-Yes**
- Heyer-Absent**
- 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

Councilman Bair requested that this ordinance be pulled because he believed that the time restraints were too restrictive. Council President Hoffman also expressed concerns on this issue although he supported the purpose of the ordinance. He requested input from Construction Official Mike Sartori and Mr. Boggia. The Mayor requested formal written comment from Mr. Sartori before the next meeting.

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

The Governing Body agreed not to take action on ordinances 1377-09 and 1378-09 at this time.

Re-designation of the Redevelopment Zone – Councilman Bair suggested asking another attorney for his opinion on whether the Borough was on substantive legal ground on the Redevelopment designation. The Governing Body discussed the definition and criteria of blight as well as substantial evidence requirements. Councilman Bair discussed the concept of having a redeveloper provide for unified parking requirements, cohesiveness of design and streetscapes as opposed to allowing individual property owners to redevelop on their own. He said that the Planning Board must keep these issues in mind as applications come before them to make sure that they were integrated as much as possible. The Mayor mentioned that he had spoken with the attorney for the

PNC property and stated that they had discussed with the Sunoco and Tool Chest property owners about joining their lots. He emphasized that anyone submitting plans had to be in compliance with the Redevelopment plan. Mayor Lamatina added that Joseph Burgis, Borough Planner, was reviewing the entire plan since three years had passed and it needed to be revisited. He explained that Mr. Burgis would file a report in early June. Councilman Bair suggested that it might be in the Borough's best interest to reduce the maximum number of stories in the plan to three. The Mayor added that he and Mr. Scarpa had met with Mr. Leonard Boyarsky of LB Realty to discuss various properties in town. Councilman Lazar questioned the need for Mr. Burgis to review the plan and be paid again. He suggested that the Council review and make recommendations to the plan on its own and go to Mr. Burgis only if necessary. The Governing Body agreed to review the plan, but noted that the document would need to be sealed by Mr. Burgis' after his review which would require some payment. The Mayor directed Mr. Scarpa to contact Mr. Burgis and inform him to hold off on reviewing the plan.

PVMA Waterway Management Resolution – Mayor Lamatina explained that he was asking the Administrators' group to discuss the concept of a joint committee, without expenditure, on this resolution. The Governing Body expressed concern about potential expenses, since the waterways did not run through Emerson. The Mayor explained that he was in favor of cooperating with the PVMA to discuss a joint committee, but added that while Emerson would participate in the committee, it would not agree to incur any costs. The Mayor said that he could not support the resolution in its current form and asked Mr. Scarpa to modify the resolution based on the Council's recommendations and submit it for a second look before the next Pascack Valley Mayors' meeting on May 27th.

14. REPORTS

Mayor Lamatina discussed the first hearing regarding the reopening of the former Pascack Valley Hospital, adding that Council President Hoffman would attend a meeting with Mayor Birkner in Westwood at which time they would coordinate the speaking schedule and transportation for Emerson seniors. Mr. Scarpa was directed to prepare a memo to the seniors advising them of the upcoming hearing. The Mayor also commented that the surveying of Kinderkamack Road was done. He reported that Gregory T's, a restaurant planning to open in the space formerly occupied by Arthur's, would open in about six weeks.

Councilman Browne stated that he had spoken with John Jahr and area residents about the potential change to a one-way as well as adding a traffic light on High Street.

Councilman Lazar announced that the **Historical Commission** would be up and running now that the architect was appointed. He explained that there was still nothing back from the state regarding the budget.

The Mayor stated that the Emerson Hotel had started their renovations and may begin the streetscape now rather than waiting.

Council President Hoffman gave the Fire Department report for the month of April. He read a letter from the Mayor of Park Ridge commending the **Fire Department** for their April 25th response. The **Shade Tree Commission** was planning to review the tree management ordinance and were looking at the per tree fee. The **Ambulance Corps** was voting on a resolution in opposition to the Governor's proposed transfer of the education training fund which covered the cost of EMT training. He emphasized that he thought it was a horrible idea which would shift the cost burden to the volunteers or to municipalities.

Councilman Heyer gave the Police Department report for the month of April.

Councilman Bair announced that Mr. Eric Wendell has been named the President of the Emerson Board of Education.

Borough Administrator stated the following: The DEP Municipal Storm Water Permit was renewed. The energy audit was submitted to the BPU. The deadline to submit the Open Space Grant application will be July 31st - it will include a 50/50 match from the

County. PNC Bank had sent a check to pay for a tree at Jim Wagner Park. The Borough had received a check from the Clean Communities Grant for \$11,300 to be used for leaf bags. The Borough would be obtaining a Mini Cooper for \$10 a month through a special program and would use it as a replacement for a bigger vehicle. Trenton had approved the LOSAP transfer. A preconstruction meeting for the 2009 Road Program had taken place. D & L Construction would be working on this project beginning the following week. An issue with destructive activities at Sunset Park was being monitored by the Police Department.

Borough Clerk – No report

Borough Attorney – No report

15. 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 Heyer, **seconded** by Councilman Browne and carried at 8:45 p.m.

Bob Andrews, 130 Dyer Avenue asked for more information about a Board of Education survey regarding making High Street a one way.

Kathy Hornyak, 123 Palisade Avenue commented on the proposed one way change to High Street and said that it would affect area residents all year as well as impact children’s safety. She suggested making the street one way only during certain hours on school days.

Karen Browne, Pine Drive provided an update on the Farmer’s Market, stating that three farmers, a pickle vendor, a coffee vendor and Panzarella would be involved. She added that they were soliciting sponsorship from the Chamber of Commerce and local businesses and discussed signage placement with the Governing Body. 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 Heyer, **seconded** by Councilman Lazar and carried at 8:53 p.m.

16. CONSENT AGENDA-Resolution No. 108-09

☞ **Motion** to approve the Consent Agenda Resolution No. 108-09 with review of Resolutions No. 114-09 and 115-09 once reviewed by the and signed by Mayor Lamatina was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Absent

Hoffman-Yes

Heyer-Yes

Bair-Yes

Ca-109-09 Approval of Bill List

Ca 110-09 Approval of Minutes:

APPROVED MIN 7-21-09

2-3-09, 2-17-09, 3-3-09, 3-17-09, 4-07-09
Ca 111-09 Award of Contract for PV Cooperative Pricing System – 2009 Road Paving Program
Ca 112-09 EMT Fund Transfer
Ca 113-09 Local Government Energy Audit
Ca 114-09 2010 Municipal Aid – Lincoln Blvd.
Ca 115-09 2010 Safe Routes to Transit

6. CLOSED SESSION RESOLUTION No. 116-09

☛ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 116-09 was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

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

#09-5/19-19 12 Marianna Place
#09-5/19-20 Lieutenant Interviews: Sgt. Clark, Sgt. Mottley, Sgt. Buono, Sgt. Solimando
#09-5/19-21 Litigation - Savino

8. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 11:15 p.m.

☛ **Motion** to appoint Sergeant George Buono as Lieutenant of the Emerson Police Department effective June 1st, 2009 was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 11:15 p.m.

RC: Council members:

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

17. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Lazar and carried at 11:15 p.m.

Carol Dray, RMC, CMC

May 28, 2009

(Proofed 06/24/09, cd)