



AGENDA  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
JUNE 1, 2010  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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**Call to Order**

Mayor Lamatina called the meeting to order at 7:43 pm. Mr. Ron Griffin led the salute to the flag followed by a moment of silence in honor of our overseas service men and women.

**O.P.M.A. Statement**

Mayor Lamatina read the Sunshine Statement announcing that the meeting of June 1, 2010 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 Hoffman – Present  
Council President Lazar- Absent  
Councilman Rivers – Present  
Councilman Shaw – Arrived at 8:25 p.m.

Also present were the Deputy Clerk Jane Dietsche substituting for Borough Clerk Carol Dray, Borough Attorney Phil Boggia, Business Administrator Joseph Scarpa, CFO Catherine Henderson and Borough Auditor Gary Higgins.

III. PROCLAMATIONS & CITATIONS - None

IV. APPOINTMENTS/RESIGNATIONS - None

V. UNFINISHED BUSINESS

- a. Fire Department Ordinances – Councilman Hoffman reviewed possible amendments to the Fire Department ordinances, noting that two amendments were still up for discussion and decision after the last meeting. He said one was now moot because the Board of Fire Officers withdrew its recommendation for an addition to the Fire Department code that would reduce the percent of attendance requirement from 50% to 30%. He recommended going with their

decision unless the Council felt otherwise. The Board was going ahead with enforcement of the 50% requirement and would be sending a letter to members.

The remaining issue was Chapter 35-15, charges against members hearing which came down to the Borough Administrator's role. He said that he thought everyone agreed to put the role of investigating the charges in the Administrator's hands rather than the Fire Commissioner as it currently stated. He said that he thought it was a fairer way to proceed and would allow the Administrator to rescind or resolve charges before going to the Governing Body. Mayor Lamatina said that he was concerned with leaving all the power in the Administrator's hands. Mr. Scarpa thought that Councilman Hoffman's suggestion was a way to handle things without automatically going to the Governing Body. The Mayor affirmed that Mr. Scarpa should address it but send a recommendation to the Governing Body. Councilman Browne remarked that they should be a part of this process. Councilman Rivers agreed. Mr. Scarpa suggested that the Governing Body have their own hearing after he filed a report on the charges. Mayor Lamatina clarified the proposal by noting that there would only be a formal hearing if the Administrator could not resolve the issue.

Councilman Hoffman said that this ordinance would be on the agenda for first reading at the next meeting.

b. Broadway and Spruce Avenue Appraisal – Mayor Lamatina stated that he had spoken with Appraiser Bob McNerney who revised his estimate of the land value to between \$200,000 and \$240,000 as a buildable 60x100 lot. Mr. Scarpa mentioned that it would only be buildable with a variance. Councilman Bair explained that there were many homes in that particular area that were 60 foot wide or less so if an application came before the Municipal Land Use Board for a variance just based on that frontage, it would receive due process. Mr. Boggia said that the purchaser would have to obtain a variance no matter what since it was an undersized lot so that would be a condition of the sale. Mr. Scarpa opined he did not think that the lot would sell for \$240,000. Mayor Lamatina said that Mr. McNerney had agreed to redo the appraisal based on a different premise. Mr. Boggia said that the appraisal would be updated and that they would then put together an advertisement. The Mayor summed up by stating that the consensus was that this was an undersized buildable lot and that it should be appraised as such.

c. United Water – Emerson Woods drainage – Tabled until the next meeting.

d. Amending Borough Conference/Convention Leave Policy – Mr. Scarpa said that this was a follow-up to correspondence he had sent the Council a couple months ago and asked for their thoughts. Councilman Hoffman said that certain Borough employees such as the Borough Clerk, DPW Superintendent and the Police Chief should be polled on their opinions based on a recommendation by Council President Lazar. Councilman Rivers said that he had never been part of anything where if he was travelling and having to do something for his job, he did not have some sort of per diem for meals. He proposed a general per diem

per day for meals and thought that \$20 to \$25 would be appropriate. Mayor Lamatina said that it should not be automatic; reimbursement would require a receipt. The Council consensus was to allow up to \$25 per day. Councilman Hoffman asked to table this item until Council President Lazar returned. The Mayor directed Mr. Scarpa to make the change and add to the June 15th agenda.

e. Correspondence dated 4/15/10 from Job and Job; re: Senior Housing-Final Inspections – Mr. Scarpa said Mr. Job wanted to know if he should continue with this work or whether the current engineer should do the work. Mayor Lamatina opined they should stay with who started the work. Mr. Scarpa said that some items were outstanding and the developer was looking for his bond back. The Governing Body consensus was to allow Mr. Job to move forward. Councilman Bair said that he would contact him to see what had not yet been done.

## VI. 2010 MUNICIPAL BUDGET ADOPTION

a. Resolution No. 107-10 Authorizing Self- Examination of Budget pursuant to N.J.S.A. 40A:4-78b

☞ **Motion** to approve Resolution No. 107-10 authorizing self-examination of the Budget pursuant to N.J.S.A. 40A:4-78b was **moved** by Councilman Rivers, **seconded** by Councilman Bair and carried by roll call vote:

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Hoffman-Yes**

b. Resolution 108-10 Waiver to Reading the Budget in Full

☞ **Motion** to approve Resolution No. 108-10 waver to reading the budget in full was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried by roll call vote:

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Hoffman-Yes**

c. Public Hearing-2010 Municipal Budget

☞ **Motion** to open the meeting for comments from the public on the 2010 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Councilman Hoffman and carried.

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 on the 2010 Municipal Budget was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried.

d. Resolution No. 70-10 Adoption of the 2010 Municipal Budget

☞ **Motion** to approve Resolution No. 70-10 Adoption of the 2010 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Councilman Bair and carried by roll call vote:

**RC: Council members:**

**Browne-No**

**Rivers-Yes**

**Bair-Yes**

**Hoffman-Yes**

**Shaw-Yes\***

**\* Councilman Shaw's vote was counted when he arrived at the meeting and answered 'yes' when asked about the adoption of the 2010 Municipal Budget; not at the time of the actual roll call vote.**

Mr. Higgins reviewed the status of the State budget and the potential need for estimated tax bills. Mayor Lamatina asked if the Borough budget should be approved that evening. Ms. Henderson recommended approving the budget, explaining that estimated bill costs had been included in the budget due to cash flow considerations while they waited for the State to pass their budget. She said that the cost to process estimated tax bills was approximately \$2000. The only other option was to do a tax anticipation note which would be more costly.

VII. NEW BUSINESS

- a. Bus Stops – Mr. Scarpa said that NJT was going to replace an existing bus stop. Councilman Browne suggested replacing the existing NJT bus stops containers with those from Creative Outdoor Advertising since the Borough would not have to maintain them and it would bring in a small amount of revenue.
  
- b. Renewing Shared Services Contract with Hillsdale for the CFO services – Mr. Scarpa said the contract had expired at the end of May and Hillsdale wanted to extend it until the end of the year at the same rate. When asked by Councilman Bair if the situation was working out as anticipated, Ms. Henderson agreed. She said that it was. Mr. Scarpa said that Hillsdale had already voted to extend her contract and were happy with the arrangement. Councilman Rivers said it made sense if it was working out well and that they could make changes at the end of the year if they wanted to.

☞ **Motion** to extend the shared service agreement with Hillsdale authorizing Mayor Lamatina to sign the agreement was **moved** by Councilman Rivers, **seconded** by Councilman Bair and carried by roll call vote:

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Hoffman-Yes**

**Shaw-Yes**

Councilman Rivers called upon Councilman Browne to justify why he had voted ‘no’ on the Municipal Budget after it had been in place for four months. Councilman Browne responded that he thought there were going to be discussions that reviewed the budget line by line, department by department, in budget workshop meetings. Councilman Rivers responded that this had been done by breaking everything out with all the changes, reductions, increases in spending, new revenues, miscellaneous items, and was not sure what else Councilman Browne wanted. Councilman Browne replied that he was looking for dollar amounts attached to it because the bullet points did not have dollars. Councilman Rivers stated that they did. The document in question was listing with a dollar total prepared by Mr. Scarpa, not a line by line examination.

VIII. ORDINANCES

**First Reading:**

**1408-10 AN ORDINANCE AMENDING CHAPTER 140 OF THE CODE OF THE BOROUGH OF EMERSON, ENTITLED “DOGS AND OTHER ANIMALS”**

☞ **Motion** to introduce Ordinance #1408-10 on first reading was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried by roll call vote:

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Hoffman-Yes**

**Shaw-Yes**

Mayor Lamatina announced that Ordinance #1408-10 would be further considered at a Public Hearing to be held on June 15th, 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the June 4th, 2010 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:**

**1407-10 AN ORDINANCE TO AMEND ORDINANCE NO. 1323-10 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 (FEES)**

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

☞ **Motion** to adopt Ordinance #1407-10 on second reading was **moved** by Councilman Rivers, **seconded** by Councilman Bair and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Rivers-Yes**

**Bair-Yes**

**Hoffman-Yes**

**Shaw-Yes**

#### IX. ADMINISTRATIVE REPORTS

Mr. Scarpa reported on preparing bid specifications for solid waste and recycling, a Longview Drive drainage meeting, the Joint Insurance Fund quarterly safety meeting, and using the auction site GovDeals.com. Mayor Lamatina asked if land could be advertised on this site. Mr. Scarpa said that he would look into it and report back to the Governing Body.

He reviewed recreation issues such as vandalism to Sunset Park, Creative Outdoor Advertising setting up six more waste bins, the basketball league wanting more outlets installed for their scoreboard, adjusting fees for day camps, meetings that had taken place over the fireworks display, putting seed behind the fence at Hillman Park, meeting with Construction Official Mike Sartori about needing a new floor at the concession stand, and vandalism at the concession stand and bathrooms. He noted that he would be requesting a multi-purpose bond at the next meeting. Mr. Scarpa detailed a meeting for all employees scheduled for June 3<sup>rd</sup> to discuss healthcare, as well as FEMA meetings, a Clean Communities grant for \$11,771.00, the shared services agreement for court services with Old Tappan, the Cooperative Pascack Valley Road program, fire escape replacement at Borough Hall, LOSAP issues, Right To Know training, the annual tonnage report, a recycling program for batteries and other items.

#### X. PUBLIC COMMENT

Members of the public are welcome to speak on any topic by coming to the table and stating your name and address for the record. In the interest of time, speakers are limited to five (5) minutes. In consideration of all who may wish to speak, please keep your comments brief and concise.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried.

Ron Griffin, 87 Ackerman Avenue commented that he could never hear Councilman Browne speak since the microphone did not face him. He also said that he was confused regarding the property on Spruce Avenue. Mayor Lamatina and Mr. Boggia explained the appraisal and variance procedures. He inquired about the legal standing of the Recreation Commission in relation to the Mayor and Council.

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 Shaw, **seconded** by Councilman Rivers and carried.

Mr. Scarpa stated that Westwood did receive the bids and the low bidder was DLS Contracting of Nutley. Each town had to award their portion of the contract to the company.

☞ **Motion** to approve DLS Contracting as part of the Pascack Valley Cooperative Road Project for the drainage project for Pine and Eagle Drive and road resurfacing at Clinton and Palisade Avenue was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**Bair-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

#### XI. RESOLUTIONS ON CONSENT AGENDA NO. 109-10

☞ **Motion** to approve the Consent Agenda Resolution No. 109-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Rivers-Yes**  
**Bair-Yes**  
**Hoffman-Yes-**  
**Shaw-Yes**

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|-----------|---|
| Ca 110-10 | Requesting Approval of Items of Revenue & Appropriations N.J.S. 40A:4-87 - \$4,950 CD Block Grant for Senior Activities                   |
| Ca 111-10 | Requesting Approval of Items of Revenue & Appropriations N.J.S. 40A:4-87 - \$963.94 Body Armor Grant                                      |
| Ca 112-10 | Requesting Approval of Items of Revenue & Appropriations N.J.S. 40A:4-87 - \$10,356.00 from Municipal Alliance on Alcoholism & Drug Abuse |
| Ca 113-10 | Requesting Approval of Items of Revenue & Appropriations N.J.S. 40A:4-87 - \$11,771.67 for Clean Communities Grant                        |

- Ca 114-10 Requesting Approval of Items of Revenue & Appropriations N.J.S. 40A:4-87 - \$251.37 for Alcohol Education, Rehabilitation and Enforcement Fund Grant
- Ca 115-10 Approve Block Party – Birch Avenue on 6/26/10-6/27/10
- Ca 116-10 Establish Internal Revenue Code Section 125 Plan to deduct the 1.5% contribution from employees' salary on a pre-tax basis
- Ca 117-10 Authorize Mayor Lamatina to execute the 2010-2012 County Snow Plow Agreement
- Ca 118-10 In Support of Preserving Funding for Municipal Public Libraries and the New Jersey Library Network
- Ca 119-10 Authorization of the Borough of Emerson Tax Collector to Prepare and Mail the 2010 Estimated Tax Bills
- Ca 120-10 Approve Emerson Speed Wash Coin-operated Laundry/Dry Cleaning License Renewal for the 2010-2011 licensing term

XII. CLOSED EXECUTIVE SESSION - Resolution No. 121-10

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 121-10 was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

- Browne-Yes**
- Rivers-Yes**
- Bair-Yes**
- Hoffman-Yes**
- Shaw-Yes**

#10-6/01-12 Personnel – Building Dept. N.J.S.A. 10:4-8

XIII. RECONVENE

☞ **Motion** to reconvene was moved by Councilman Hoffman, seconded by Councilman Rivers and carried at 9:45 p.m.

Councilman Shaw shared his concerns regarding the Recreation Commission and an ongoing issue not yet resolved. He did not think the Mayor and Council should insert their jurisdiction or power into their decision since he thought the Baseball Commission's decision was well thought out. He thought that Recreation was in the unenviable position as volunteers to look at the Baseball decision which at some level had become unpopular for them. He emphasized that they spend hundreds of hours putting together and running their program but he was concerned that this issue was not resolved. He questioned what the Council should do if it became an issue and suggested not intervening in the process, but perhaps to mediate the process if there were problems. This way the Baseball Board and the Recreation Commission would not have to be in conflict. He added that he did not think they should sit around and let one commission and one board deal with each other about a decision. He said that the Mayor and Council should make the hard decisions, not baseball. Councilman Hoffman disagreed and said that sometimes Recreation did have to make hard decisions; that was why they were there. The Mayor commented that he did not think that they had jurisdiction and agreed with Councilman Hoffman. He said that he and Councilman Rivers had spoken and agreed not to butt in. Councilman Shaw said that he

agreed that they should not intercede in anyone's decision. However he said noted that they were good at the process and understood the process so that if differences could be mediated, then as the Mayor and Council, they should appoint a subcommittee to mediate between the dissatisfied parents, Recreation and Baseball. He questioned whether they should purely intercede as mediation. Councilman Hoffman said that he saw no problem with mediation but that they had to be very careful not to disrespect the authority of the Recreation Commission in the process. Mr. Boggia asked if the issue had become bigger than one parent. Councilman Shaw said that the situation had become very divisive and that if it became contentious and led to litigation, there was an economic issue to consider. He questioned who would mediate the issue if it became litigious and suggested that if it came to it, they should put together a subcommittee to mediate, not to make or override a decision. If they did not do that, weren't they saying that they ran the town but didn't want any part in this? He said kids, parents and programs in the town were unhappy.

Mayor Lamatina noted that they already had a subcommittee consisting of Councilman Rivers as liaison. He asked if Councilman Shaw wanted to help and give him direction. Councilman Rivers said that he would welcome Councilman Shaw attending the meeting with him since he was very involved in Recreation and was an attorney. He hoped though, that it didn't go there. Mr. Scarpa asked if they expected Recreation to change their decision because of a threat of a lawsuit. The Mayor said that Councilman Shaw suggested mediating so that it didn't get past Recreation. Councilman Rivers said that Baseball understood the issues and what would be caused by them going against that decision and did not think they would do that. Mayor Lamatina said that he was all for Councilman Shaw going to the meeting as a representative of the Council but he emphasized that they were not looking to intercede and did not have a position either way. Councilman Hoffman thought that it was a good idea for Councilman Shaw to go since it showed that whoever was involved, that the Council was not ignoring the issue. He said that he would not underestimate the ability of the Commission. Mr. Scarpa said that the conflicts within Recreation were ongoing and age old and occurred everywhere. Councilman Rivers said that his hope was that they went to the meeting on Thursday, no one showed up and everything was done. But if they did show up, he said that they should let the Commission go through their process, see where it goes and take it from there. Councilman Hoffman said that since the Recreation Commission did not have an attorney, it was helpful that Mayor Lamatina and Councilman Shaw were attorneys and having Councilman Shaw there would be a big plus. The Mayor concluded by stating that they should let him know if he could do anything. He said that he did not know the right answer, but they had to respect the process. Councilman Rivers said that the right answer was to do the right thing for the kids.

## XII. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Rivers **moved** to adjourn the meeting, **seconded** by Council President Lazar and carried at 10:00 p.m.

Jane Dietsche, RMC  
Deputy Borough Clerk

June 25, 2010