



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

Tuesday, April 1, 2008

7:30 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:35 pm. DPW Superintendent Joseph Solimando 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 April 1, 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 -Present
Councilwoman Marcia DeSalvo-Present
Council President Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Councilman Anthony Loffredo-Present
Councilman Francis P. Milone, Jr.-Absent

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

Approval of Minutes:

March 4, 2008 Work Session/Regular Meeting
☞ **Motion** to approve was **moved** by Councilman Hoffman, **seconded** by Councilman Loffredo and carried with one abstention by Councilman Bair.

7. PROCLAMATION

Autism Awareness Month – Mayor Lamatina read a Proclamation declaring April 2nd as World Autism Day and the month of April as Autism Awareness Month in the Borough of Emerson in honor of all who are affected with Autism.

8. APPOINTMENT AND PERSONNEL CHANGES

a) Resignation: Zoning Board of Adjustment-Lawrence Gallagher, Alternate I effective immediately

☞ **Motion** to accept the resignation of Mr. Gallagher was **moved** by Councilman Hoffman, **seconded** by Councilman Bair and carried.

b) Appointments: Zoning Board

Alternate I: Marc Clouse effective immediately for the unexpired term ending 12/31/08

☞ **Motion** to approve the change in appointment of Mr. Gallagher to Alternate I for the unexpired term ending 12/31/08 was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried.

Alternate II: John Zeilinski for the unexpired term ending 12/31/09

☞ **Motion** to approve the change in appointment of Mr. Zeilinski to Alternate II for the unexpired term ending 12/31/09 was **moved** by Councilman Hoffman, **seconded** by Council President Heyer and carried.

9. ORDINANCES-FIRST READING

1347-08 AMENDING CHAPTER 106, ALCOHOLIC BEVERAGES, SUBSECTION 4-B. PROHIBITED ACTS, TO ADD CLARIFYING LANGUAGE AND INCREASE FINES FOR SUBSEQUENT OFFENSES

☞ **Motion** to introduce Ordinance #1347-08 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

APPROVED 4/15/08

RC: Council members:

DeSalvo-Yes
Bair-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

1348-08 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$595,000 AS AN APPROPRIATION THEREFOR AND AUTHORIZING THE ISSUANCE OF \$565,250 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, NEW JERSEY

☞ **Motion** to introduce Bond Ordinance #1348-08 on first reading was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

Mayor Lamatina announced that Ordinance Nos. 1347-08 and Bond Ordinance 1348-08 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on April 15, 2007 at 7:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the April 4, 2008 edition of the Ridgewood News. Ordinance Nos. 1347-08 & 1348-08 were on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

Resolution # 76-08 – TEMPORARY CAPITAL BUDGET

☞ **Motion** to approve Resolution #76-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

10. ORDINANCES-SECOND READING AND PUBLIC HEARING

None

11. NEW BUSINESS

Discussions:

a) RX Reimbursement-PO Meltzer – Borough Clerk Carol Dray explained that Police Officer George Meltzer’s children had never been enrolled despite that his family information had been updated when the group health benefits had changed approximately three years ago and was now seeking reimbursement for dental care fees he had paid out of pocket for his children. The borough’s monthly premium statements listed the Meltzer family as husband and wife. PO Meltzer claimed that he did not know his children were eligible until it was brought to his attention, the former CFO had not alerted Ms. Dray of the error in status on the monthly premium statement and the insurance provider claimed that they were not notified of the change of status. The present options were to either pay the family rate premiums for the overlooked three years or reimburse Officer Meltzer for the visits. Ms. Dray explained that the matter had been thoroughly researched and the out of pocket expenses were all documented. It was determined by the risk insurance managers that the cost of reimbursing for the visits would be approximately \$200 less than paying the cost of the previous years’ premiums. After a brief discussion, the consensus was to reimburse Officer Meltzer. However, Mayor Lamatina wished to speak with Administrator Joseph Scarpa (who was not present at this portion of the meeting) before taking formal action.

b) Recyclable Container – Councilman Bair asked Mr. Solimando about the recycling procedures currently in place at the DPW facility. Mr. Solimando explained that due to a change in waste haulers and an oversight in the specifications of the new contract, commingled materials were only picked up at that location every other week. Since the DPW facility did not have storage capabilities for that amount of dumping, the service for residents was eliminated when the Borough did not wish to renegotiate the contract. He suggested that the Borough buy their own dumpsters because there was some revenue in collecting and then transferring co-mingle. The issue of security was also discussed and he suggested that a new model surveillance camera with motion detection be purchased to properly monitor the site. Councilman Bair asked that Administrator Scarpa look into a new monitoring system for the DPW yard.

Mayor Lamatina brought up the discussion of the dugout currently under construction at Hillman Field, stating that Construction Official Mike Sartori had sealed the plans for the second story. He noted that when construction was complete, a resolution would need to be passed.

12. OLD BUSINESS

13. 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 Loffredo, **seconded** by Councilman Hoffman and carried at 8:15 p.m.

Mr. Vincent Donato, 128 Vivian Avenue – Mr. Donato asked for a status report with Millennium Homes regarding Redevelopment. The Mayor and Mr. Boggia explained that the topic was being covered in Closed Session with discussions related to litigation and contract negotiations with the possibility that formal action may follow in open session.

Mr. Scott Leuck, 38 Highland Avenue – Mr. Leuck, a New Jersey State Trooper, provided the Governing Body with handouts of a study he performed with a laser detector to monitor vehicle speeds on his street. He stressed that there were many children on his block and that he was concerned about their safety. He conducted the study in plain clothes while hidden between Kinderkamack Road and High Street. He emphasized that many motorists drove considerably over the speed limit of 25 mph, and that he clocked a motorcycle at 73 mph. Based on considerable research that he undertook, he requested that the Mayor and Council adopt one or more strategies to slow drivers down. Among his suggestions were speed bumps, electronic speed signs, 'Children At Play' signs, stop signs and 25 mph signs. Mr. Leuck emphasized that statistical studies indicated that electronic speed signs were one of the top deterrents to speeding. He suggested specific spots where stop signs

would be advantageous, including eastbound Highland Avenue to High Street or westbound on Highland Avenue to Linda Place. An added concern was the anticipated increase in local traffic near his home as a cut through street once the new shopping center opened. The Mayor asked if there were any known grants to support the endeavor and Councilman Hoffman stated that there was a 'Safe Routes to Schools' federal grant program in place with an April 18th deadline. If the Borough acted quickly, they could request a grant, even if it was just for signage. Mayor Lamatina agreed that electronic speed signs were effective - some models were permanent and ran on solar power. Councilman Hoffman said that he or Councilman Loffredo would talk to Mr. Scarpa about applying for this grant. Mr. Leuck's spouse, Lisa, urged the Council to act quickly, and if the grant was not approved, to construct a backup plan. She stressed the danger the speeding presented to pedestrians. The Mayor agreed and noted that this situation should be addressed town wide. He asked that Councilman Loffredo report back next month with his findings.

Henry Pfister, 31 Franklin Court – Reacting to Mr. Leuck's statement and presentation, Mr. Pfister expressed concern that surveillance used by anyone other than the Emerson Police Department was an invasion of privacy and resented that he might be monitored himself. Borough Attorney Phil Boggia responded that Mr. Leuck had expertise in this area and that he used a credible and legitimate tool in an appropriate way to emphasize and bring the matter to the attention of the Council. Councilman Hoffman added that Mr. Leuck's presentation and evidence proved that there was a problem and that Mr. Leuck was not enforcing anything.

Seeing no more hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public.

☞ **Motion** to close the meeting for comments from the public was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried at 8:35 p.m.

14. CONSENT AGENDA-Resolution No. 68-08

☞ **Motion** to approve Consent Agenda Resolution No. 68-08 was **moved** by Council President Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Bair-Yes

APPROVED 4/15/08

Heyer-Yes
Loffredo-Yes
Hoffman-Yes

Ca 69-08 Amendment to the Temporary Budget
Ca 70-08 Approve reduction of Letter of Credit for 58 Kinderkamack Road to \$47,365.00
Ca 71-08 Approve authorized signatories
Ca 72-08 Approve Bill List
Ca 73-08 Tax Appeal Settlement – 2007 – PNC Bank – Block # 616, Lot #16 – 55 Emerson Plaza East, Emerson, NJ
Ca 74-08 Approve Authorized Court Signatories
Ca 75-08 Transfer within the 2007 Budget

15. CLOSED SESSION RESOLUTION No. 77-08

☞ **Motion** to add discussion of potential litigation by Ruderman and Glickman to Closed Session Resolution No. 77-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

☞ **Motion** to close for an Executive Session to discuss matters exempt from the public as duly noticed by Resolution No. 77-08 was **moved** by Councilwoman DeSalvo, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

#08-4/1-22 Personnel-DPW
#08-4/1-23 Personnel- Borough Attorney
#08-4/1-24 Litigation- Redevelopment
#08-4/1-25 Litigation-O'Shea v. Emerson Municipal Clerk
#08-4/1-26 Potential Litigation - Ruderman & Glickman

16. RECONVENE

Mr. Scarpa entered the council chambers during closed session at 9:40 p.m.

☞ **Motion** to reconvene was **moved** by Councilman Hoffman, **seconded** by Councilwoman DeSalvo and carried at 10:40 p.m.

☞ **Motion** to approve reimbursement of out of pocket dental expenses totaling \$1811.00 for Police Officer George Meltzer based on a discrepancy was **moved** by Councilman Loffredo, **seconded** by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes
Heyer-Yes
Loffredo-Yes
Hoffman-Yes

Redevelopment

☞ **Motion** Council President Heyer **moved** that whereas the Governing Body was wholly confident in the statutory soundness of the Redevelopment Plan; and whereas, because of recent New Jersey Appellate Court decisions, the borough's Redevelopment Plan, although, statutorily correct, may be weakened as a result of certain case decisions of the Appellate that had ruled in favor of certain procedural challenges to the Redevelopment Law; and whereas, the Governing Body does hereby implement the following in order to fortify the Redevelopment Plan to address those hurdles and for the Planning Board to conduct a hearing or hearings to:

1. Refresh the plan with respect to designation of properties contained within plan
2. Amend certain zoning elements of the plan
3. Re-notice all affected property owners within the proposed redevelopment area so as to avoid any contests to procedural applications of the Redevelopment Law; specifically, in regard to the Emerson Redevelopment Plan that have arisen in light of the recent New Jersey Appellate Division decisions, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Bair-Yes

APPROVED 4/15/08

Heyer-Yes

Loffredo-Yes

Hoffman-Yes

Mayor Lamatina announced that this was a good decision and that they were going to move forward.

17. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Council President Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:48 p.m.

Carol Dray, RMC, CMC

April 4, 2008