



MAYOR AND COUNCIL MINUTES
Regular Meeting
Tuesday, May 5, 2009
7:30 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 7:42 pm. Captain Donald Rossi 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 5, 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 - Absent
Councilman Heyer-Arrived at 8:15
Council President Hoffman-Present
Councilman Lazar - Present
Councilman Loffredo - Present

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

6. APPOINTMENTS AND PROCLAMATIONS

*Swearing in Ceremony
of
Captain Donald Rossi
Emerson Police Department*

Captain Rossi and his family were joined at the flag by Mayor Lamatina, Chief Saudino and Councilman Loffredo where he was sworn in as Captain of the Emerson Police Department. The assembled crowd of family, friends and members of the Police Department cheered and congratulated Captain Rossi at the conclusion of the ceremony. Councilman Loffredo shared

memories of Captain Rossi as a resident, father, member of the Board of Education, and police officer, calling him a good citizen and a wonderful friend. Police Chief Saudino shared that he had a lot of trust and faith in Captain Rossi, and said that he would do a fine job as Captain of the Emerson Police Department. He wished the Captain luck and added that he was looking forward to working with him. Captain Rossi was profoundly grateful and at a loss for words. He thanked the Council for their confidence and trust in him, and thanked his wife, children, mother, fellow officers, past and present, and his friends.

7. CLOSED SESSION RESOLUTION No. 96-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 96-09 was **moved** by Council President Hoffman, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Bair-Yes

#09-5/05-17 Redevelopment – Mr. S. Gebbia

#09-5/05-18 Police Negotiations

8. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Bair, **seconded** by Councilman Browne and carried at 8:15 p.m.

☞ **Motion** to approve Weather Craft as being a building developed and approved in accordance with the Redevelopment Plan based on the conversation discussed in closed session, that the Mayor and Council of the Borough of Emerson does hereby acknowledge that upon completion of the above improvements consistent with the Redevelopment Plan, all parties shall enter into a stipulation of settlement dismissing the pending litigation and removing Block 616, Lot 22 from the Redevelopment zone was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried at 8:15 p.m.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Mr. Boggia noted that this would be memorialized in a resolution and in a settlement agreement.

9. APPOINTMENTS AND PROCLAMATIONS

Arbor Day Proclamation

Council President Hoffman explained that Arbor Day was celebrated on April 25th with a red oak planting donated by PNC Bank. He read the Proclamation supporting efforts to protect our trees and woodlands for future generations.

Building Safety Week 2009

Construction Official Michael Sartori read the Proclamation recognizing Building Safety Week.

11. OLD BUSINESS

***Items marked with an asterisk are out of order from the original agenda.**

a) Resolution No. 104-09 Waiver to Reading the Budget in Full

☞ **Motion** to approve Resolution #104-09 a waiver to reading the budget in full was **moved** by Councilman Heyer, **seconded** by Council President Hoffman carried.

b) Adoption of 2009 Municipal Budget-Public Hearing – The Mayor explained that the budget adoption was being postponed due to the high volume of materials that were being reviewed by the Division of Local Finance.

☞ **Motion** to open the meeting to public comment on the 2009 budget was **moved** by Councilman Loffredo, **seconded** by Councilman Bair 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 Council President Hoffman, **seconded** by Councilman Loffredo and carried.

Mayor Lamatina announced that the adoption of the 2009 Budget was postponed until such time as after the CFO has been notified that the review is complete and the Governing Body can meet.

11. NEW BUSINESS

The Mayor requested that, with the consensus of the Council, the engineering discussion be moved up on the agenda.

*a) Kinderkamack Road Improvements – Borough Engineer Paul Niehoff and Mr. John Jahr of Maser Consulting updated the Governing Body. The Mayor explained that he had signed a contract with Maser for road improvements from Lincoln Boulevard to Ackerman Avenue. However County Planner Farouk Ahmed had sent a letter commenting on the contract. Mr. Jahr recommended that the town offer the highest level of cooperation to the County because it would be reciprocated. Mr. Niehoff stated that he interpreted the County's letter as requesting an expanded work area. Council President Hoffman expressed concern that an expanded area might be more than the Borough wanted. The Mayor noted that the Borough would set forth and control the plan, and added that he was aware that there was no

Council consensus to allow more than three lanes on Kinderkamack Road. Mr. Jahr added that three lanes were what they intended to design and emphasized the spirit of cooperation between the Borough and the County. Councilman Bair questioned Mr. Scarpa about where funds for expanding the scope of work would come from. Mr. Scarpa noted that \$42,500 would be included in an upcoming bond for redevelopment. The Mayor noted that there was a consensus to set up a meeting with Mr. Ahmad and Maser.

- c) Changing High Street to a one-way street – Ref: Emerson Board of Education letter dated March 30, 2009 from Superintendent Vincent Tafarro – Mr. Niehoff stated that there was concern about traffic safety for students and other pedestrians near Villano School. The concept was to change High Street to a one-way going towards the Oradell Reservoir and making Union Street a one-way going in the opposite direction to get a circulation pattern, greatly improving safety in that area. In addition, they were considering traffic signalization at the Linwood Avenue and Main Street intersection. Mr. Jahr noted that a process including traffic counts and an engineering investigation would have to be completed. At its conclusion, Maser would prepare an ordinance for Governing Body approval. He also recommended looking for a funding source. Council members discussed resident concerns. Mr. Jahr related that the ordinance would be advertised, allowing residents to come out and share their concerns.

☞ **Motion** to move forth with the May 4, 2009 proposal from Paul Niehoff for changing High Street to a one-way for \$4000 for a traffic engineering study and \$1500 for signal warrant analysis for a total of \$5,500 was **moved** by Councilman Heyer, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

The Governing Body and Mr. Niehoff also discussed the Safe Routes to School and NJDOT Safe Routes to Transit grants and their deadlines, with the Mayor emphasizing that these grants may potentially supplement the High Street study.

- d) Signal Outdoor – Mr. Scarpa said that, based on his conversation with the Borough Attorney, they would not have to go out to bid on this. Councilman Browne stated that he had discussed the existing bus shelters and perhaps an additional location with Council President Hoffman and Councilman Lazar. He also suggested consolidating a couple stops further north on Kinderkamack Road and emphasized that contracting with Signal Outdoor would free the Borough of maintenance costs. Based on Council consensus, Mr. Scarpa said that he would review their proposal and move forward.
- e) 2009 Multipurpose Bond – Mr. Scarpa listed items totaling \$250,000 that would be added to the bond including \$115,000 for the library, \$32,500 for a police hybrid SUV, \$50,000 for the tennis courts (split with the school), \$42,500 for

redevelopment, and \$10,000 for buildings and grounds items. Mr. Scarpa opined that the amount set aside for Redevelopment might be insufficient since \$9,000 had already been spent. Councilman Lazar noted that if the Borough wanted to move forward with the road development project, they would need more money or would face a shortfall with a project half way done. He added that the road improvement was an important issue to all residents of Emerson. Since the project with the County was now reduced to three lanes and grant monies were available, he stated that it was a project worthy diverting money to.

Mayor Lamatina requested that the library improvements and funding discussion take place before they finalized their discussion on the multipurpose bond.

* f) Library improvements and funding – Library Board of Trustees President William Bierman, Vice President Marcia DeSalvo, Trustee Gloria Wilson, and Trustee Elizabeth Craig appeared before the Governing Body. Mr. Bierman discussed their capital request improvement as part of the library's renovation project. He reviewed their initial request of \$150,000 for updating and improving the ceiling lights and windows, noting that these items were to be funded by the Borough under state statute. He discussed other planned updates, including lighting and furnishing which would be funded through library monies. Mr. Bierman referenced the Mayor's statement at a March board meeting that the Borough may only be able to fund \$115,000 and agreed that they would be willing to work with that amount of money. He urged the Council to fulfill its obligation and approve that amount for the library improvements. The Mayor responded that he understood their issues, but referenced the Borough's capital issues as well as whether the Borough or the Library should pay the costs. Councilman Browne asked about the yearly disbursement and surplus fund reports that should be submitted. The Mayor added that the Council was concerned about the funds that the Library had been able to accumulate over the years and stated that the main issue was whether the Borough would absorb the costs or require the Library to pay it back. Councilman Lazar also asked whether the annual reports had been submitted to the CFO per state statute. Mr. Bierman responded that he had dropped off audit reports for the last three years that day, and added that 2008 was not yet complete. Councilman Lazar asked how much money was set aside for the improvements and how much they had in reserve, whether or not dedicated for improvements. He also asked for a report on how the money was to be spent. Ms. DeSalvo explained that the renovation account totaled \$72, 699.07 and that the cash management fund total was not readily available. Ms. Wilson added that the management fund had two to three months of funds available for payroll and other expenses. Ms. Craig explained that they were only able to provide a rough estimate on probable costs, since the Board did not want to go out for bids and commit to architectural fees until they knew whether the Borough would supply the necessary funds. The Mayor explained that he was aware that renovations were necessary, but asked the Board if they were willing to contribute money from the mandated annual funds supplied to the Library for the renovation. Mr. Bierman suggested that the Council attend a Library Board meeting to ask the trustees as a whole. The Governing Body and Mr. Bierman reviewed various state statutes regarding loans and pay backs. Ms. DeSalvo stated that she felt that the Borough should show the taxpayers that they were not only interested in maintaining the recreation fields, but cultural entities as well. The Mayor emphasized that no one was saying no, but rather that the Borough needed help. The Governing Body shared their opinions on funding the renovations, allowing the Mayor to move back to discussing the multipurpose bond. The Mayor asked the Library Board

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to get a consensus as to whether to agree to fund this project through the third of a million dollars that it received each year from the Borough. The Mayor asked Mr. Scarpa to send the Board an email detailing exactly what they wanted them to consider.

Multipurpose Bond – The Governing Body reconsidered this issue and decided to vote.

☞ **Motion** to approve the bond for \$100,000 for building, \$32,500 for the Police SUV, \$47,000 for the tennis courts, \$60,000 for Redevelopment and \$10,000 for buildings and grounds was **moved** by Councilman Lazar, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

*Redevelopment – PNC Bank – Mr. Mark Sokolich appeared before the Governing Body to informally introduce a concept plan for the PNC property. The Mayor announced that he was appearing to determine if their plan was generally in conformance with the existing Redevelopment plan. Mr. Sokolich detailed a mixed use structure consisting of three retail spaces on the ground floor and sixteen proposed condominiums above it within a three story building. He said that after receiving Council approval, they would proceed to the Planning Board. The Mayor emphasized that parking was an issue in that area, and asked whether the applicant would work with the properties to the left and right towards shared parking. Mr. Sokolich said that they would certainly consider this. Mr. Sokolich also remarked that they had been in contact with adjacent properties to research acquiring them for the purposes of annexing them to make their redevelopment more comprehensive – not from an intensification standpoint, but more for on-sight parking. He remarked that to date their efforts have been to no avail. Mr. Sokolich assured the Governing Body that there would be a substantial buffer to the rear to minimize adverse impact. Councilman Lazar asked how the applicant felt about a two story building, explaining that many residents and some Council members were reluctant to see three story buildings in Emerson. Mr. Sokolich said that three stories were consistent with the plan for the Redevelopment zone and that his client would have to make a decision that was economically feasible.

☞ **Motion** to confirm that the planned building for the PNC property was in conformance with the Redevelopment plan as presently drafted was **moved** by Councilman Bair, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

The Mayor commented that Mr. Germinario was also improving his buildings and the streetscape on Emerson Plaza West.

*Accurate Tool – Mr. Dan Michaels of 1 Palisade Avenue stated that he was interested in developing the property at 1-7 Palisade Avenue, Block 617, Lot 1. He displayed an artist rendering/schematic design that included adding three additional second story apartments in the front of the building along Palisade Avenue and removing 20 feet off the back of the warehouse to create additional parking spots, as well as adding a second story above part of the warehouse to gain more warehousing space. He said that they had not determined which variances they might need. Mr. Michaels also discussed a stream that would require EPA or DEP involvement that might take a year to eighteen months to resolve. He emphasized that this would have to make sense economically to move forward. Streetscape design and parking considerations were also discussed.

☞ **Motion** to allow Mr. Michaels to move forward was **moved** by Councilman Bair, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

Councilman Loffredo commented that he had a concern about individual redevelopment applicants looking for variances on parking and anticipated a parking squeeze. He questioned how that could be regulated or how to make the plan more amenable to the size and scope of the project because if the variances were granted, the Borough might run out of parking, preventing or constricting other property owners to do anything with their property. He speculated about the density of projects and whether it would become unbalanced. The Governing Body discussed this and agreed that they would need to address this before it moved on to Board review. The Mayor referenced the two story house and asked the Council to consider including it in the Redevelopment zone to help address the parking issue. He also asked the Council to look at the plan and make suggestions on how to handle this situation.

*Geopeak Energy – Mr. Rich Worthington discussed a solar power purchase agreement that would allow Emerson to become a ‘greener’ borough. He explained that Geopeak would cover some of the costs, and in return the Borough would lease solar panels and get the power at a reduced rate. He mentioned potential cost savings of \$200,000 over a 25 year period. The Governing Body questioned him on issues such as engineering factors, locations, insurance, roofing and safety issues and energy credits. Mr. Scarpa said that this concept was new to him and that he would have to check with Mr. Boggia to see if some sort of bidding was required. Councilman Browne thought it would be a huge plus for the Borough. The Mayor clarified that Mr. Worthington’s assessment would be of no cost to the Borough. There was a general consensus to continue considering this initiative.

10. ORDINANCES

SECOND READING AND PUBLIC HEARING:

**1370-09 AN ORDINANCE AMENDING ORDINANCE 1368-09
CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON
ENTITLED “POLICE DEPARTMENT”**

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

☞ **Motion** to adopt Ordinance #1370-09 on second reading was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

1371-09 AN ORDINANCE AMENDING CHAPTER 140 ENTITLED DOGS AND OTHER ANIMALS ADDING A SUB-SECTION FOR REGULATING NOISE PROHIBITING CERTAIN ACTS

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

Mr. Thomas DeScisciolo, 64 Dyer Avenue stated that he strongly approved of this ordinance. He asked how it would be publicized. The Mayor explained that it would be published in the newspaper as required.

Seeing no more 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 Council President Hoffman, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1371-09 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

1372-09 AN ORDINANCE AMENDING CHAPTER 190 ENTITLED NOISE SUB-§ 190-8 ENTITLED SPECIFIC PROHIBITED ACTS § D. ANIMALS

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

☞ **Motion** to adopt Ordinance #1372-09 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

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

**1373-09 AN ORDINANCE AMENDING CHAPTER 146 ENTITLED FEES
ADDING SUBSECTION MINIMUM COURT FINES FOR BOROUGH
VIOLATIONS**

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

☞ **Motion** to adopt Ordinance #1373-09 on second reading was **moved** by Councilman Lazar, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

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

12. NEW BUSINESS

a) Redevelopment:

- Examination of redevelopment plan procedure pursuant to statute
- PNC Bank (postponed from 4/14 meeting)
- Accurate Tool, Palisade Avenue – Mr. Dan Michaels
- Redevelopment procedure of designating individual property owners as ‘redevelopers’
- KK Road Improvement-letter dated 4/4/09, F. Ahmad

The Mayor asked the Governing Body to think about examining the redevelopment plan procedure for the next meeting since it was already discussed. Councilman Hoffman maintained that the plan did not work because it had major flaws and proposed that current plan/ordinance be repealed. Councilman Lazar concurred stating it was his understanding that there were flaws in the plan that led the Borough to redo it. He didn’t see why the Borough would keep a plan that would not hold up in court. The Mayor corrected Councilman Lazar explaining it was done to pre-empt any legality challenges with the notice, referencing the Harrison case. Council President Hoffman countered that it was more than noticing, since Borough Planner Burgis performed more work on the plan and referenced that Millennium and Atkins representatives who commented that the plan was flawed. Therefore, he did not see the reason to keep the plan in effect. Councilman Heyer stated that these companies were not doing business with the Borough any more and both had backed away in part because of the financial downturn in the real estate market and because they were looking for continued concessions. He conceded that the plan was not perfect and

needed to be examined but that the Mayor's approach was the most prudent and that they should try to move forward and make it work. He emphasized that after many years, individual property owners were finally coming forward and that they should make the plan work. The Mayor said that issues that had come up involving the criteria designating the redevelopment area. He added that the plan was a good plan and he would like to continue with it since it was making excellent progress. He referenced beautiful building plans, with no four stories, with a mix of buildings and did not see a reason to formulate a whole new redevelopment plan. Councilman Hoffman countered that people would have come forward to redevelop their properties anyway since it was profitable for them. Councilman Loffredo opined that the redevelopment plan allowed for increased density, motivating people to come forward and reassess their properties. He agreed that the plan should be tightened up because the economy would change. Council President Hoffman questioned the constitutionality of the plan based on blight.

☞ **Motion** to repeal the Redevelopment ordinance was **moved** by Council President Hoffman, and **seconded** by Councilman Lazar.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-No

Hoffman-Yes

Heyer-No

Bair-No

Mayor Lamatina broke the tie by voting No

* Redevelopment procedure of designating individual property owners as 'redevelopers' – Councilman Lazar discussed the basis for the property owners to come before the Governing Body to get their blessing before going to the Planning Board and opined that this gate keeping was an encumbrance. He added that the Planning Board was more than capable of deciding whether a property owner would comply with the approved plan, and that the current process cost property owners' time and money. The Mayor and Councilman Lazar reviewed case law on this issue. Councilman Heyer stated that great time and expense had been allotted to renoticing all property owners and that the Borough might be opening itself up to lawsuits. He emphasized that after 30 years people were finally coming forward to redevelop their properties. Council President Hoffman countered that they were opening themselves up to lawsuits if they voted no. Mayor Lamatina questioned why Council members would want to give up the ability to control development in their own town. Councilman Loffredo maintained that from his observation all the property owners who had presented thus far had not encountered any problems in coming before the Mayor and Council and believed that the current process was working smoothly and should be continued. The Mayor questioned why some members of the Council did not want a voice in their town. Council President Hoffman replied that he did want a voice but he had faith in the Planning Board to make those decisions. Mayor Lamatina and Councilman Loffredo explained that the Governing Body was the redevelopment authority by statute; and therefore, a part of the process. Council President Hoffman reiterated that the Borough was opening itself up to lawsuits if it said no. Reading from case law, Mr. Boggia commented that the redevelopment law did provide for property owners to come before the Mayor and Council and stated that the process was not and had not been confrontational. He also emphasized that the plan had not changed, but only the underlying process or study. The Mayor concluded the discussion by asking for an examination of the existing plan and any potential modification including but not limited to removing the Emerson Pharmacy and

Oritani as buildings that had developed in accordance with the plan. He also asked for an examination of the outdoor dining ordinance and whether the additional property can be brought into the redevelopment plan.

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 Heyer, **seconded** by Councilman Browne and carried at 11:15 p.m.

Mr. Gary Schwinder, 99 Linden Avenue supported extending the examination of the Kinderkamack Road corridor from Ackerman Avenue to Pascack Road.

Mr. Jeff Bischoff, 86 Park Avenue commented that he thought that some members of the Governing Body were just trying to cut red tape and save expenses for a developer. He opined that the threat of eminent domain was stopping new money from coming into the Borough. He added that so far no individual redevelopers had come before the Planning Board. Councilman Bair considered the amount of planning and technical preparation it took to prepare to come before the Planning Board for the delay and he was hopeful that individual redevelopers who have so far appeared before the Governing Body would appear before the Planning Board soon. He added that he hoped they would never have to use eminent domain and that once someone has their redevelopment plan approved by the board, they would be removed from the zone. Councilman Loffredo remarked that as people moved forward on their projects, more would be encouraged that it could be done and to do the same. He did not consider eminent domain to be the deterrent, but more so the economic climate and time demonstrated by the fact that even before eminent domain, people did not develop in Emerson.

Ms. Danielle DiPaola, 93 Union Street stated that she hoped that people coming before the Governing Body did not have a false sense of security that their plan would definitely be approved by the Planning Board. She also commented on the plan to make her street a one way and did not think that the residents would be happy as it would be an encumbrance. 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 Loffredo and carried.

14. CONSENT AGENDA-Resolution No. 97-09

☞ **Motion** to approve Consent Agenda Resolution No. 97-09 was **moved** by Councilman Browne, **seconded** by Councilman Heyer and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes
Heyer-Yes
Bair-Yes

- Ca 98-09 Supporting Shelter Our Sisters Grant application compliance
- Ca 99-09 Approve Treatment Works Approval Permit – Statement of Consent for Turn Key Laundromats, LLC
- Ca 100-09 Tonnage Grant Application
- Ca 101-09 Redeem Tax Sale Certificate in the amount of \$23,642.94 from owner Pauline and Raymond Wehrer
- Ca 102-09 Property Room Addendum – Bicycles
- Ca 103-09 Place to Place Transfer for KD Liquors LLC 425-429 Old Hook Road License # 0214-44-007-008

☞ **Motion** to hire three seasonal DPW workers for the summer, Mike Davis, Andrew Bevilaqua and Brendan Rizza, was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried.

☞ **Motion** to begin the posting process for the position of Lieutenant subsequent to the Borough's Police Rules and Regulations and the promotional ordinance was **moved** by Councilman Loffredo, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

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

15. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Browne **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 11:36 p.m.

Carol Dray, RMC, CMC

May 6, 2009

(Proofed 07/02/09, cd)