



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
JUNE 9<sup>TH</sup>, 2009  
7:30 P.M.



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**Call to Order**

Mayor Lamatina called the meeting to order at 7:45 pm. Mr. Joseph Solimando 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 June 9, 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 7:47 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.

I. CLOSED EXECUTIVE SESSION

- a. Resolution No. 118-09  
N.J.S.A. 10:4-12 -6 - Construction Code Enforcement  
N.J.S.A. 10:4-12-4 - Police Negotiations

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 118-09 was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Bair-Yes**

II. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 8:30 p.m.

III. APPOINTMENTS/RESIGNATIONS

- a. Re-Appointment of Tax Assessor Claire Psota for the term July 1, 2009-June 30, 2013

☞ **Motion** to re-appoint Tax Assessor Claire Psota for the term July 1, 2009 through June 30, 2013 was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

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

- b. Resignation of Historic Preservation Commission member Edward Caputo effective immediately.

☞ **Motion** to accept the resignation of Historic Preservation Commission member Edward Caputo effective immediately was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried.

IV. PUBLIC HEARINGS FOR ADVERTISED ORDINANCES

- a. 1375-09 – BOND ORDINANCE (MULTI- PURPOSE)

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

☞ **Motion** to adopt Ordinance #1375-09 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**  
**Hoffman-Yes**  
**Heyer-Yes**  
**Bair-Yes**

**b. 1376-09 - BOND ORDINANCE**

**AMENDING SECTIONS SECTION 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 open the meeting to public comment on this topic only was **moved** by Council President Hoffman, **seconded** by Councilman Lazar 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 #1376-09 on second reading was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

**V. UNFINISHED BUSINESS**

- a. Metro PCS- Contract – Mr. Scarpa explained that he and the Borough Attorney were finalizing the terms of the phone service contract for roof space at the DPW yard which would provide the Borough with \$1,400 per month. He anticipated that it would be ready for a vote on June 16<sup>th</sup>.
- b. Hillman Field – Mr. Scarpa reviewed an observation made by Councilman Browne about the grass dying on the field in certain areas. He detailed plans for field maintenance and the fact that 9 or 10 sprinkler heads were not functioning properly, leading to wet or dry areas. Mr. Scarpa explained that Borough Engineer Paul Niehoff had contacted JC Landscaping and was waiting for follow up.
- c. Safe Routes to Transit – Councilman Browne noted a change to the original Safe Routes to Transit grant application. He said that he had worked with Paul Niehoff and John Jahr of Maser Consulting who consulted with NJDOT and said that some of the work was not within the scope of the Safe Streets to Transit Grant. Mr. Jahr explained why the focus was shifted to using the grant money application for a traffic signal at High Street and Main Street. He detailed the reasoning for changing the grant application from Kinderkamack Road to High/Main Streets, adding that this project would fit exactly what NJDOT was looking for in dollars. He referenced a traffic study they conducted that warranted a traffic signal at that location and said that it might be able to be funded through the grant program. He stressed that June 12<sup>th</sup> was the deadline for the application and that NJDOT favored this improvement. Councilman Browne and Councilman Lazar agreed that Maser should move forward with the grant application. Councilman Heyer recommended that people in the area be notified so that they had an

opportunity to appear before the Governing Body. The Mayor and Council agreed to release the High Street report as a public document for distribution from the Clerk's office and on the Borough website. Mr. Jahr also noted that the grant money would not be available until December 2009. He stated that a draft easement form for certain property owners to sign would be helpful and recommended utilizing the NJDOT format. It would allow the Borough a ten foot right of way for property improvement easement work. Mr. Jahr took the group through the concept plan explaining that the scope was from Etna at the South to Lincoln Boulevard at the North. Mr. Jahr also explained that the County had asked for the survey to be extended 300 feet down each of the side streets so that improvements would be comprehensive. Mayor Lamatina asked for assurance that the County would do something if the Borough paid for the surveying of those streets. Mr. Jahr opined that there was a higher likelihood if the survey was completed that the County would do so, but that he couldn't guarantee it. Councilman Lazar discussed setting up a meeting with County Engineer Farouk Ahmad and some Council members.

☞ **Motion** to move forward with the grant application for the Safe Streets to Transit was **moved** by Councilman Browne, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

Mr. Jahr announced that he had more information to share since he was ahead on a project he was working on and displayed a visual concept board for review by the Governing Body and the public. He described it as a challenging project since they had to meet midway with the County to make it come to fruition. He stressed that he thought it would solve a lot of congestion issues in the main section of town. He asked for approval to move forward with the concept plan for the redesign of Kinderkamack Road. Among topics he covered were:

- It would provide for turn lanes throughout the town, but he noted that there were utility and right of way issues that would need to be worked on.
- He recommended having the project shovel ready for when stimulus money funnels down to the municipality. Mr. Jahr said that the right of way issue could be worked out with the County, but that the utility issue would require moving every pole along the road so that the road could be widened.
- He emphasized that no property would need to be taken. He noted that they would need ten feet from the right of way for a specific section of the road and recommended talking to those businesses.
- He discussed brick paver sidewalks, lights and streetscape improvements if they sign an easement agreement with the Borough.
- He went through the design concept with the Governing Body, emphasizing that there were only two properties that impeded on the project – the nail salon and the coin shop.

- He detailed areas where parking would need to be redesigned or easement agreements would be necessary. He stressed that in order to get a design that the County could sign off on, the whole road width would have to be within the right of way. Mr. Boggia said that it would be best to see if these property owners would agree in advance. Mr. Jahr agreed.

The Mayor requested that this process be started. Councilman Lazar suggested that it would be a good project for himself, Council President Hoffman, Councilman Lazar and Planning Board Chairman Jeff Bischoff to get resolved by going to the property owners in person to sell the project. He thought that he could get through to them to gain some ground to do the project and said that he would like to move on this rapidly. Mr. Jahr thought this was a great idea and noted that every property would have to have an easement description which would ultimately become part of their deed. He continued by saying that Mr. Boggia could prepare a general easement agreement, but that the engineer had to do an actual description of the property. Councilman Lazar commented that the project looked exactly like what he wanted to get done and was very encouraged by the time frame proposed by Mr. Jahr. He added that it would make the streets safer and move the traffic along and congratulated him for the job he did. Mr. Jahr continued that green space and parking would increase with this concept. The Mayor asked Mr. Jahr to appear at the next meeting for a detailed discussion and asked the Council for a consensus to move forward on the survey.

☞ **Motion** to move forward with the survey for the additional 300 feet east and west, according to Farouk Ahmad's letter, at a cost of \$15,000 was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

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

Mayor Lamatina asked Mr. Scarpa to send a confirmation letter to Mr. Jahr and then stated that the public needed to be made aware of this plan and get the concept approved this month. He suggested scheduling a third meeting in June dedicated to the road project.

## VI. NEW BUSINESS

- a. Resolution No. 119-09 Self-Examination of Budget Resolution

☞ **Motion** to adopt Resolution #119-09 Self-Examination of Budget Resolution was **moved** by Council President Hoffman, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

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

- b. Resolution No. 120-09 Adoption of the 2009 Municipal Budget

☞ **Motion** to adopt Resolution #120-09 Adoption of the 2009 Municipal Budget was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-No**

**Lazar-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

- c. 2009 Open Space Grant – Council President Hoffman detailed that this was the application to be submitted July 31<sup>st</sup> and suggested enhancements to Centennial Park such as a community vegetable garden, benches and improving the pathway. Councilman Browne suggested extending the park space to the little spot in the triangle on the other side of Kinderkamack Road. The Mayor also discussed naming a street or dedicating a plaza in honor of the late Kyle Griffin. The Governing Body discussed possible locations in the Borough. The Mayor asked Mr. Scarpa to research this issue and notify Mr. Griffin that it would be discussed at the next meeting.

☞ **Motion** to dedicate the turn area of Ackerman Avenue as ‘Kyle Griffin Way’ was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

- d. Sustainable NJ - Green Team Nominations – Councilman Browne recommended that the Mayor and Council should form a Green Team and appoint members by resolution. Council President Hoffman agreed to serve on this team. Councilman Browne agreed to schedule this for the June 16<sup>th</sup> meeting.
- e. Amending Recreation Fee Ordinance – Mr. Scarpa said that the auditor recommended that the recreation registration fees be amended by ordinance. The fees would appear in a range so that it would be applicable for a couple years. Ms. Dray said that it would be introduced on June 16<sup>th</sup>.

VII. INTRODUCTION OF ORDINANCES

a. **1374-09 2009 SALARY ORDINANCE**

**AN ORDINANCE AMENDING ORDINANCE NO. 1352-08 TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2009**

☞ **Motion** to introduce Ordinance #1374-09 on first reading was **moved** by Council President Hoffman, **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**

VIII. 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 Lazar, **seconded** by Councilman Heyer and carried at 10:13 p.m.

Danielle DiPaola, 93 Union Street stated that she had taken a consensus on her street and the residents agreed that turning Union Street into a one way was a bad idea. She also opined that there would be more public interest in the town if the meetings were televised on a public access channel. After discussion, the Mayor asked Mr. Scarpa to look into this and give them a report on the cost and how it would be done. He also asked that it be put on the next agenda.

Michael Cimino, 42 Dyer Avenue stated that he had spoken with Mr. Scarpa about parking a commercial vehicle in the parking lot at Borough Hall. Mr. Scarpa explained that the Borough ordinance does not allow for overnight parking of commercial vehicles since the spots were reserved for commuters.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried.

IX. RESOLUTIONS ON CONSENT AGENDA NO. 121-09

☞ **Motion** to approve the Consent Agenda Resolution No. 121-09 was **moved** by Councilman Bair, **seconded** by Councilman Heyer and carried by roll call vote.

**RC: Council members:**

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

Ca 122-09	Approve Estimated Tax Rate
Ca 123-09	Approve License Renewal for Mr. Kleen, Inc. d/b/a/ Emerson Speed Wash for the period ending April 30, 2010
Ca 124-09	Approve Tax Certificate Redemption
Ca 125-09	Approve Mutual Aid – Pascack Fire Departments
Ca 126-09	Award Office Supply Contract

Council President Hoffman stated that the hearing for reopening Pascack Valley Hospital had taken place. He said that there was a very good showing and that Mayor Lamatina had spoken very well for the Borough of Emerson. He mentioned that Emerson residents Ms. Lisa Babin and Ms. Kosits had spoken and added that he was happy with the response. Mayor Lamatina said that the audience was full. He said that Emerson looked very good as a town and appreciated the Emerson seniors who appeared. The Mayor also noted that the meeting in Trenton was tentatively scheduled for July 16<sup>th</sup> and he expected that the Board would make its recommendation at that time. He said that he and the Pascack Valley Mayors would be there and was optimistic that the hospital would be reopened. Council President Hoffman commended Mayor Lamatina on his third place showing in a kayak race at the Oradell Reservoir. The Mayor said that he would like to make it an annual event and wanted to look into granting access to kayaks on weekends. He remarked that he had a great time and credited United Water and RiverKeeper for organizing the event.

☞ **Motion** to close for a second executive session to discuss matters exempt from the public as duly noticed by Resolution No. 118-09 was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 10:30 p.m.

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Councilman Browne and carried at 10:45 p.m.

☞ **Motion** to advertise for the Sergeant position and set up the necessary testing to be done for the position was **moved** by Councilman Heyer, **seconded** by Councilman Lazar and carried by roll call vote.

**RC: Council members:**

**Browne-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Heyer-Yes**

**Bair-Yes**

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Bair and carried at 11:16 p.m.

Carol Dray, RMC/CMC/CMR

June 22, 2009

(Proofed 7/17/09, jmd)