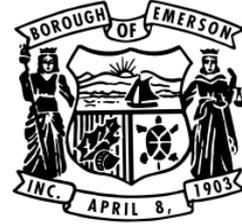




MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
FEBRUARY 16, 2010

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 7:40 pm. Mr. Tom Clancy and Ms. Kim Redmond of the press corps 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 February 16<sup>th</sup>, 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 - Absent  
Councilman Hoffman – Present  
Council President Lazar- Present  
Councilman Rivers – Present  
Councilman Shaw – Arrived at 7:44 p.m.

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

III. PROCLAMATIONS & CITATIONS - None

IV. APPOINTMENTS/RESIGNATIONS - None

V. CORRESPONDENCE

Mayor Lamatina stated that all correspondence listed below was on file in the Municipal Clerk's Office for inspection or reproduction for a statutory fee.

- Letter dated January 20, 2010 from David Watkins; Re: 58 Kinderkamack Rd.
- Letter dated January 25, 2010 from Denise Holmes, Deputy Clerk, Borough of Westwood; Re: Resolution - Authorization for Shared Services Agreement for High Pressure Sewer Cleaner
- Letter dated February, 2010 from the American Red Cross; Re: 12<sup>th</sup> Annual Heroes Breakfast
- Resolution received February 8, 2010 from the Borough of Oradell; Re: Cover-up and Assistance program between Emerson and Oradell

- Resolution received February 8, 2010 from the Borough of New Milford; Re: Opposition of plans to expand pilot program whereby the County will take over tax assessor duties

#### VI. UNFINISHED BUSINESS

- New Jersey Transit Train Station – Mayor Lamatina explained that New Jersey Transit needed the go ahead to indicate that the Borough was interested in getting control of the train station for a nominal amount per year. The Borough would then be responsible for the leasing of the property as well as maintenance. He added that the Borough could bill itself to maintain it. The profits would be shared and some could be held for future beautification of the area. He noted that he thought that there would be minimal risk involved. Mr. Scarpa stated that NJ Transit has had trouble getting a renter and said that the interior was a shambles. The Mayor asked to empower Mr. Scarpa to negotiate the details of a lease with NJ Transit. After Councilman Hoffman questioned the repairs necessary, Mayor Lamatina pointed out that it could be part of the negotiations subject to review of the lease by the Borough Attorney and the Governing Body. Mr. Scarpa cautioned that the Borough would be taking on an unnecessary burden and that there would be no profit in the venture. Councilman Hoffman had suggested using the sight for historical exhibits but added that he preferred the use of some of the site without taking on a lease. Mr. Scarpa shared his communication with John Del Colle of NJ Transit, who had agreed to allow the use of some portion of the train station for historic displays. Mr. Scarpa also cautioned that the Westwood's train station experienced numerous episodes of vandalism. Councilman Lazar suggested appointing a sub-committee who would speak to businesses in town and access interest in taking over a concession in the station. He believed that it would be a great benefit to Emerson and its residents as well as promoting mass transit. He felt that it would be a shame to pass up the opportunity to demonstrate Emerson's "Green" initiative by promoting mass transit. Councilman Rivers remarked that no one was preventing a business from renting space in the station now and Mayor Lamatina commented that NJ Transit had a bid package but not one bid was received despite the advantage of a business setting their own rent. Councilman Rivers said that it would not hurt to see what terms NJ Transit was willing to work out with the Borough but noted that they would need to investigate potential risks as well as burdens that would fall on the **Department of Public Works**. Mr. Scarpa stated that the DPW already maintained the outside of the building. The Mayor emphasized that all terms in a lease would be negotiable. He asked the Council for authority to move forward to continue negotiations with NJ Transit. Councilman Shaw said that in order for him to agree, the agreement would need to state that in the event the Borough was unable to find a tenant, the Borough would not be liable for payments back to Transit. Councilman Bair questioned potential insurance expenses. Councilman Shaw opined that the current condition of the train station was unacceptable to the town and its residents and it would be in the best interest of the town that the train station should be made usable and beautiful. Council consensus was to move forward to discuss the terms of an agreement. Mr. Scarpa reminded the Council that the improvements to the building would have to include ADA accessibility.
- GovOffice – Postponed

VII. NEW BUSINESS

- United Water Storm Water Management – Mr. Scarpa said that a representative from United Water was supposed to attend the meeting. United Water wanted to perform work in Emerson Woods across from Ridge Road where the land had deteriorated. Councilman Hoffman said that they wanted to put in a device to catch the flow from a storm sewer outlet where the ditch was deteriorating. Mr. Scarpa mentioned that DPW Superintendent Joe Solimando would need to clean out the trap every six months.

☞ **Motion** to authorize United Water to move forward with the Storm Water Management work in Emerson Woods was **moved** by Councilman Bair, **seconded** by Council President Lazar and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

- 2010 Municipal Budget: Recreation – The discussion was postponed due to a lack of representation from the Recreation Commission.
- Proposed amendments to Shade Tree Ordinances – Councilman Hoffman explained that the proposed amendments had been discussed at the **Shade Tree Commission** meetings and that the members did support these changes. He suggested raising the replacement tree assessment value from \$100 to \$150 since tree planting costs had escalated over time. It now cost the Borough between \$350 and \$375 to contract to purchase a tree, plant it, mulch it and stake it. He thought that incremental cost increases would be the most fair. The Mayor asked that this ordinance be placed on the next agenda for first reading. The Mayor suggested adding language that would say each tree would be a separate offense and asked Ms. Dray to prepare an ordinance for his review. Councilman Shaw suggested a range for the fine based on circumstances such as the age of the tree. The consensus was for the fine to range from \$250 to \$500 for each offense.
- Proposed amendments to Fire Department Ordinances – Councilman Hoffman explained that at a meeting with the Fire Chief they decided to postpone discussion of the 70 years of age requirement until the next meeting. Regarding membership and the supplemental fire fighter position in the by-laws for residents who work in town but do not live in town, he suggested that this be added to the ordinance. He also discussed changing the time frame referenced for annual inspections so that the department did not have to go to the Governing Body if they wished to change the date. The Governing Body also discussed the availability of members and perhaps vetting members more carefully so that enough volunteers were available at selected times. Councilman Hoffman also discussed the position of the Fire Commissioner and whether the ordinance gave the role too much influence the way it was written. He suggested changing it to let the testimony of the individuals and anyone else the Governing Body would want to call to provide the rationale for a decision that would be made by the Council. He also requested asking that if a member had been expelled for more than one year or dismissed from the department that they have an opportunity to reapply in writing no sooner than one year to the date of the dismissal or suspension. Mr. Scarpa suggested that the application go to the Fire Department first, then to the Mayor and Council. The Mayor suggested getting the Fire Department recommendation in writing before it came to the

Governing Body. Mr. Scarpa also suggested having a disciplinary problem go to him for resolution first before it went to the Governing Body. Councilman Hoffman said that he was going to work on it and not put it forth yet for an ordinance. He stated that he was considering adding language to the ordinance about state required mandates such as blood borne pathogen training. Councilman Lazar questioned Mr. Scarpa about Right to Know training. Mr. Scarpa said that he would check into it.

- 200 Kinderkamack Road easement – Mayor Lamatina stated that he had expected Mr. Polidoro or Mr. DelVecchio at the meeting, but he assumed that they did not attend due to bad weather. He explained that the Governing Body had agreed to give them an easement through Borough property because the County did not want ingress and egress onto Kinderkamack Road. The Mayor added that they had not discussed money; the Planning Board had taken the application and agreed that they would replace three spots that were being taken by the easement next to the Ambulance Corps parking. He added that the issue of compensation was to be a Borough issue, not a Planning Board issue. At the Planning Board level the offer was a \$20,000 one time payment to the Borough. The Mayor said that a letter from the Tax Assessor, Clair Psota, was presented to the applicant stating that the lot would be devalued by 20% or approximately \$70,000 as a result of the easement. He said that the meeting would have been an appropriate night to discuss an appropriate payment from the applicant to the Borough for the permanent easement of the Borough property. The Mayor commented that he thought that the amount should be somewhere between \$20,000 and \$70,000. Councilman Shaw suggested discounting the offer and asking Mr. Polidoro and Mr. DelVecchio how they came up with the \$20,000 offer since he didn't think it was fair. The Mayor adjourned the discussion until Closed Session.
- U.S. Census Service and Space Agreement – Ms. Dray discussed a form given to the Borough by the U.S. Census to allow them to use the Recreation Center. However she added that the Borough was originally not comfortable with liability. Mr. Scarpa said that the Joint Insurance Fund did not see a problem with this agreement, but that the Governing Body had to approve it. Ms. Dray explained that the U.S. Census will not sign a Hold Harmless agreement, leaving the Borough liable under its existing insurance.

☞ **Motion** to allow the U.S. Census to use the Recreation Center for census assistance was **moved** by Councilman Lazar, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**

**Bair-Yes**

**Lazar-Yes**

**Hoffman-Yes**

**Shaw-Yes**

VIII. INTRODUCTION AND ADOPTION OF ORDINANCES

FIRST READING:

Mayor Lamatina announced that the following ordinances would be read by number and title by Ms. Dray. Upon their approval they would be further considered at a Public Hearing to be held on March 2, 2010 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the February 19, 2010 edition of the Ridgewood News. He added that the 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.

**1396-10 AN ORDINANCE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, DISSOLVING THE EMERSON ZONING BOARD OF ADJUSTMENT AND VESTING THE POWERS OF THE ZONING BOARD OF ADJUSTMENT IN THE PLANNING BOARD PURSUANT TO N.J.S.A. 40:55D-25(C)(1)**

☞ **Motion** to introduce Ordinance #1396-10 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

Mayor Lamatina asked Mr. Scarpa to send a letter to the Chairman of the Zoning Board to let him know that the Ordinance 1396-10 would be up for second reading at the March 2<sup>nd</sup> meeting and to inform the members of the board as well.

**1397-10 AN ORDINANCE AMENDING THE CODE OF EMERSON CHAPTER 290 §40 ENTITLED FENCES, WALLS, ARBORS AND TRELLISES**

☞ **Motion** to introduce Ordinance #1397-10 on first reading was **moved** by Councilman Bair, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

IX. REPORTS

- Mayor and Council
  - ✓ Councilman Rivers had no report for Recreation. Regarding the Finance Department, he said that he had met with Mr. Scarpa and Ms. Henderson to go through details on the budget. He suggested to the Council to review the budget carefully, including legal expenses.
  - ✓ Mayor Lamatina commented that he had attended the last Library meeting and there had been questions regarding the PSE&G free work and whether it fit with their design specifications. He said that that the Library should take advantage of this free service. The Mayor also noted that the Library was still listing in their summary that they were expecting \$150,000 from the Borough this year. He noted that it

was a whole new year and that the money was not available from the Borough but urged them to take advantage of the free offer from PSE&G. The Mayor added that the Library had concerns, but emphasized that these concerns had to be alleviated very soon. He asked Mr. Scarpa to get the PSE&G program going at the Library. Councilman Lazar said that one of the Library's major concerns had been the lighting and didn't understand why they were not moving forward since they would only need a small portion of their funds to do the ceiling and would get the lighting for free.

- ✓ Councilman Bair had no report.
- ✓ Councilman Lazar gave the **Police Department** report for January 2010. He discussed the installation of Chief Michael Saudino as the President of the Bergen County Police Chiefs' Association on January 23<sup>rd</sup>. He commented that Chief Saudino deserved it because he was very dedicated and community minded and always had the best interests of Emerson at heart.
- ✓ Councilman Hoffman gave the January report for the **Fire Department** and the yearly report for the **Fire Inspectors Bureau**. He congratulated Fire Official Frank Boccio and the inspectors for doing a great job for the Borough. He said that there was no **Shade Tree Commission** meeting due to the snow storm. He thanked the Mayor for all the work he did with New Jersey Transit in trying to get something done with the building and the station.
- ✓ Councilman Shaw had no report.

Mayor Lamatina stated that John Jahr had met with people from PSE&G on the Kinderkamack Road widening project the previous week. He reported that the meeting went very well and PSE&G was in the process of confirming the discussion they had to relocate the poles, hopefully at no cost to the Borough. He added that he hoped to know by next week if the last hurdle had been reached, namely the relocation of the telephone poles. The next step would be designing the road.

Mayor Lamatina also noted that the sewer jet truck would arrive on Thursday. He commented that this was a great example of shared services and that DPW Superintendent Joe Solimando and Mr. Scarpa had been very helpful.

He also announced that Governor Christie had suspended COAH mediations for 90 days. He took credit with Mayor Didio for suggesting to the former President, Joe La Paglia, to write a letter to the Governor-Elect Christie, and he did agree. He emphasized that money was being spent on mediations when it should be spent on affordable housing. He said that the Governor's bill to put COAH within the State Planning Board would simplify things and was a decent bill. He said that at the next Pascack Valley Mayors' meeting, he hoped that they would take the position of supporting the bill. He announced that New Jersey needed to do away with COAH and that it cost towns tens of thousands of dollars with no housing being built, only money being spent.

- Borough Administrator Joe Scarpa said that he had met with the Woodcliff Lake Administrator about desilting the Pascack Brook. He said that eight of the nine towns were looking into doing it, but if one town didn't participate, it would hinder the entire project. He said that they had an initial meeting with an engineer that United Water was providing free of charge to see what was involved. He opined that it would still be a very expensive project. He noted that he had not committed to it, but that it would be a problem if one or two towns didn't participate. Councilman Lazar said that the Pascack Brook did not even go through Emerson, just bordered it and that the Governing Body had already decided not to do it.

Mr. Scarpa also discussed additional work recommended by Mr. Jahr amounting to \$33,000. He cautioned that the Borough might be going over the 20% threshold for the project and that they might need to talk about what was not expected. Mayor Lamatina explained that the scope of work had been extended beyond Kinderkamack Road at the request of the County and that Borough Engineer Andy Hipolit had recommended that the Borough budget \$50,000 for the year for this project. The Mayor asked that Mr. Jahr and Mr. Hipolit appear before the Council at the next meeting and asked Mr. Scarpa to contact them.

Mr. Scarpa also said that everyone continued to work on the budget. He was looking into employee contributions to health care insurance, not bonding and different things to limit taxes. However he noted that there was not a lot of discretion in the budget so there was not a lot to cut. Councilman Rivers emphasized that the Governing Body needed to take a very strong look at everything being spent and do everything they could to try to reduce it in every area. Mr. Scarpa mentioned that they might lease a police car instead of buying it; they were also looking at some things with Recreation and the Library as well as whether to hire another police officer. He opined that it might be cheaper to pay the overtime.

- Borough Clerk Carol Dray had no report
- Borough Attorney – Mr. Voytus had no report.

#### X. 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 Council President Lazar, **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 was **moved** by Councilman Hoffman, **seconded** by Council President Lazar and carried at 9:30 p.m.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 51-10

☞ **Motion** to approve the Consent Agenda Resolution No. 51-10 was **moved** by Councilman Bair, **seconded** by Councilman Hoffman and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

Ca 52-10	Bill List
Ca 53-10	Approval of Meeting Minutes: 12/15, 1/5, 1/19, 1/26, 2/2
Ca 54-10	Award Borough Hall Fire Escape Replacement contract to LKL Contracting
Ca 55-10	U.S. Census Donation of Services & Space Agreement
Ca 56-10	Transfer within the 2009 Budget

Mayor Lamatina asked to add a Closed Session to the agenda with Council consent so as to continue discussion regarding the 200 Kinderkamack Road easement.

XII. CLOSED EXECUTIVE SESSION - Resolution No. 57-10

☞ **Motion** to go back into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 57-10 was **moved** by Councilman Hoffman, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

**Rivers-Yes**  
**Bair-Yes**  
**Lazar-Yes**  
**Hoffman-Yes**  
**Shaw-Yes**

#10-2/16-02 Kinderkamack Rd. Easement N.J.S.A. 10:4-5

XIII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Bair, **seconded** by Councilman Rivers and carried.

XIV. ADJOURNMENT

With no other business to address, at the request of the Mayor, Councilman Bair **moved** to adjourn the meeting, **seconded** by Councilman Rivers and carried at 9:48 p.m.

Carol Dray, Borough Clerk  
(Proofed 5/15/10)

February 18, 2010