



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
DECEMBER 1st, 2009
7:30 P.M.



Call to Order

Mayor Lamatina called the meeting to order at 7:40 pm. Mr. John DelColle 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 December 1st, 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 - Present
Council President Hoffman - Present
Councilman Lazar – Arrived at 8:33 p.m.
Councilman Loffredo – Present

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

I. PROCLAMATIONS & CITATIONS - None

II. APPOINTMENTS/RESIGNATIONS

- Elevator Inspector

☞ **Motion** to appoint Russell Kunz as part time Elevator Inspector at the rate set by the salary ordinance was **moved** by Council President Hoffman, **seconded** by Councilman Heyer and carried by roll call vote. Reference Resolution AO-01-01.

- Bill Panza – Historic Commission Appointment – Regular Member – Mayor Lamatina appointed Bill Panza as a Class A Regular Member of the Historical Commission for the term expiring December 2010.

III. UNFINISHED BUSINESS

- Kinderkamack Road - New concept design- John Jahr 7:45-8:00 – Mayor Lamatina explained that John DelColle of New Jersey Transit was present to observe Mr. Jahr’s presentation since he had been interacting about the road and train station with the Borough. Mr. Jahr stated that the County had asked for a number of changes, including more scaling and detail. He said that the next step was preparing a Memorandum of Understanding which would put into words what appeared on the concept plan. He added that the plan was based on all the previous meetings and discussions they had. Mr. Jahr and the Mayor discussed the information that two appraisers would need to appraise the properties that were to be acquired. Mr. Jahr noted that the site plan for the gas station would not work and asked that the Planning Board Chairman be contacted for subsequent discussion. He explained that the County would review the plan and may have minor adjustments. Councilman Bair questioned Mr. Jahr on his comments about the gas station site plan. Mr. Boggia emphasized that it was necessary to convey to the gas station owner that the Kinderkamack Road project took priority over his building. The Mayor asked Mr. Jahr to compose a review letter that stated that he had reviewed the plans, and that the building needed to be located a certain number of feet from a specific point on the map to accommodate the road. He added that it should be copied to the Planning Board with a copy to Planning Board Secretary Barbara Looney. Mr. Jahr asked for permission to give the Sunoco property owner a copy of the current plan and speak with him. The Mayor agreed and said that that stipulation must be a condition of the gas station owner’s agreement. Mayor Lamatina also agreed that the owner could be charged engineering fees for the Borough’s assistance. Mr. Jahr estimated that the cost would be approximately \$1,500. The Mayor said that he and Councilman Bair would speak with the Sunoco owner at the next Planning Board meeting.

☞ **Motion** to approve the Kinderkamack Road new concept design plan was **moved** by Councilman Browne, **seconded** by Councilman Bair and carried by roll call vote.

RC: Council members:

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

Councilman Bair suggested that Mr. Jahr try to get current surveys from owners of the properties involved to save the Borough surveying fees. Mr. Jahr said the next steps were for the County to say okay, the Governing Body resolution just voted upon be sent to the County and he would call the seven property owners affected to see if they had recent surveys of their properties and tell them about the project. The Mayor asked Mr. Scarpa to send a letter to the County informing them of the resolution.

- Library Renovation – Councilman Browne discussed the architect’s estimate for renovation work at the Library. He added that the Library Board would be getting more cost clarifications which he would distribute when he received it. Councilman Bair asked about the difference between the original cost estimates and the current estimate of approximately \$833,000. Councilman Browne explained that they had not factored in demolition costs, but noted that the architect did say that he would come back with a lower cost estimate.
- Longview Drive/Hill Road Drainage – Councilman Bair said that the residents were looking for answers to the continued drainage problem. He explained that the work done was performed in an expedient fashion, but on certain properties, it had not eliminated the problem that they had hoped to eliminate. He added that the question now became whether to spend another \$56,000 to replace a section of pipe referenced by Borough Engineer Paul Niehoff and asked Mr. Scarpa to clarify what sections of the pipe had been inspected. Maser Engineer Andy Hippolit discussed the scope of the original project as well as specifics about the pipe, flow restrictions and the drain system. Councilman Bair and Mr. Hippolit discussed potential solutions to this issue, with Mr. Hippolit offering his recommendations for evaluating the situation. Mr. Scarpa said that there was money left for roads and drainage. Mayor Lamatina asked Mr. Hippolit to coordinate with 115 Longview and keep the Governing Body up to date on his progress. Mr. Hippolit said that he would talk to the contractor again, get a price for lining the pipe and repair and get it back to the Council for approval. The Mayor asked that he have the cost for repair ready for approval for the December 15th meeting.

IV. NEW BUSINESS

- Donations for Troops – Councilman Browne asked the Governing Body to set aside some funds for donations to troops serving from the Emerson area for family expenses for shipping, phone cards, or monetary contribution to charities that support servicemen and their families. The Mayor agreed that this was a good idea. Councilman Browne stated that he would prefer donating to the families directly or on behalf of the family and volunteered to reach out to them. Mr. Scarpa suggested that Councilman Browne find out the names of the troop members. The Mayor asked to get these members in at the Reorganizational Meeting in January 2010 for a ceremony and put a press release in the local papers. He suggested that Former Councilman Brian Todd might be able to help with finding out who was currently serving from Emerson.
- Retain two appraisers for right of way in accordance with Federal guidelines – Mayor Lamatina outlined that he had received a call from Kevin Funabashi, County Council, indicating that in anticipation of federal stimulus funds for Kinderkamack Road, two appraisals were necessary and a waiver from property owners acknowledging the appraisals and that they were donating their property or that the Borough would be paying X amount of dollars for them. Mr. Scarpa had an estimate for appraisal services from Borough Appraiser Robert McNerney for \$1125 for each of seven properties. He indicated that the funds may be able to come from the buildings and grounds fund. Mr. Scarpa

added that they would need to get a second appraiser. The Mayor indicated that the Puddingstone Group, New Jersey Transit and Sunoco would give their land which would limit the Borough's expenses in acquiring land.

☞ **Motion** to appraise five or more right of ways by two appraisers was **moved** by Councilman Heyer, **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

The Mayor asked Mr. Scarpa to include this information in his letter to the County and Mr. Funabashi.

- Catholic Schools – Councilman Heyer stated that the last week in January and the first week in February were Catholic Schools Week and Assumption Academy had requested that they be allowed to put a banner across Kinderkamack Road.

☞ **Motion** to allow Assumption Academy to put a banner across Kinderkamack Road for Catholic Schools Week was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried.

- Web Contact Information – Councilman Browne reviewed his discussion with the Mayor regarding adding Governing Body contact information to the website. He added that Mr. Scarpa would poll the Council members privately to see if they wanted to do it. The Mayor noted that he had added his contact information to the website, but that it was a personal decision to do so.

Councilman Browne also discussed looking at the Borough website. The Mayor asked him to look into this and informed him that Ms. Dray and Deputy Clerk Jane Dietsche had made some suggestions in the past and forwarded that packet of information to Councilman Browne.

V. ORDINANCES - 1st Reading

#1391-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON BY DELETING AND REPEALING CHAPTER 132, ENTITLED “CONSTRUCTION CODES, UNIFORM FEES” AND REPLACING IT WITH A NEW CHAPTER 132 TO BE ENTITLED “CONSTRUCTION CODES, UNIFORM FEES”

☞ **Motion** to introduce Ordinance #1391-09 on first reading was **moved** by Councilman Loffredo, **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

Mayor Lamatina announced that Ordinance #1391-09 was approved on first reading and would be further considered at a Public Hearing to be held on December 15th, 2009 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J and published by summary in the December 4th, 2009 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.

ORDINANCES-2nd Reading and Public Hearing

1389-09 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON AND CREATING A CHAPTER THEREOF REQUIRING A REFLECTIVE SYMBOL ON STRUCTURES USING LIGHT-FRAMED CONSTRUCTION

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

☞ **Motion** to adopt Ordinance #1389-09 on second reading was **moved** by Councilman Bair, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Browne-Yes

Lazar-Yes

Loffredo-Yes

Hoffman-Yes

Heyer-Yes

Bair-Yes

#1390-09 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON BY ADDING A NEW SECTION, TO BE ENTITLED MUTUAL AID AGREEMENT FOR SHARED SERVICES WITH JOINT VOLUNTEER FIRE DEPARTMENTS, ESTABLISHING A MUTUAL AID DISTRICT FOR THE PURPOSE OF SHARING PERSONNEL AND FIRE AND RESCUE EQUIPMENT

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

☞ **Motion** to adopt Ordinance #1390-09 on second reading was **moved** by Council President Hoffman, **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

- VI. ADMINISTRATOR'S REPORT – Mr. Scarpa stated that PSE&G had completed their energy audit and would sit down with them on Thursday. He reminded everyone that the Christmas tree lighting was to be held on Sunday, December 6th at 7 p.m. at Borough Hall and discussed an article in the Record which stated that the State may be withholding some municipal aid. The amount to be withheld from Emerson would be \$5,800.85 but he did not have any further details.

Mayor Lamatina discussed the Sustainable New Jersey program and said that he would get this program going through Councilman Browne who had expressed interest in this. He thanked Councilman Lazar for suggesting using PSE&G for the Borough's energy audit.

VII. 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 Bair, **seconded** by Councilman Loffredo and carried.

Guy Germanario, 6 Warren Court, Old Tappan stated that he owned and managed several buildings in Emerson, two on Emerson Plaza West, another on Emerson Plaza East which is the former PNC bank. He complimented the Governing Body on the progress made on improving Kinderkamack Road. He questioned the situation at 55 Emerson Plaza West and asked if Maser Engineering could make sure that the streetscape improvements would not have to be done twice. The Mayor said that the County would not be paying for the streetscape and that it may become a negotiation. He suggested that Mr. Germanario do his work in conjunction with the engineer. Mr. Jahr noted that with Council permission, he

could share the plans with Mr. Germanario. The Council agreed to allow Mr. Jahr to share the plans with Mr. Germanario and the Puddingstone Group.

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 Lazar and carried.

VIII. RESOLUTIONS ON CONSENT AGENDA NO. 219-09

☞ **Motion** to approve the Consent Agenda Resolution No. 219-09 was **moved** by Council President Hoffman, **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

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| Ca 220-09 | Approve Christmas Tree Sales at Ken Benkovic field benefitting Anthony Pietropaolo Family Trust |
| Ca 221-09 | Approve Transfer of funds |
| Ca 222-09 | Authorize Exigency Repair – Park Avenue |
| Ca 223-09 | Authorize Interlocal Agreement with Hillsdale for CFO |
| Ca 224-09 | 2009-2010 CDBG Senior Center Activities - Grant Signatories |
| Ca 225-09 | Authorize Tax Appeal Settlement for W. Rossi & Plantamura, Block 613, Lot 1, 13 Kinderkamack Road for 2007 Appeal: Withdraw, 2008 Appeal: \$857,900.00 and 2009 Appeal: \$857,900.00 |
| Ca 226-09 | Change Order #1 to Marini Brothers Construction Company, Inc for \$1,000; re: Lincoln Blvd. - Inlet Repairs |
| Ca 227-09 | Change Order #2 to Marini Brothers Construction Company, Inc for \$7,925.00; re: Lincoln Blvd. - Inlet Risers and Spot Repairs |

IX. CLOSED EXECUTIVE SESSION Resolution No. 228-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 228-09 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
Heyer-Yes
Bair-Yes

#09-12/1-47 Hillman Field N.J.S.A. 10:4-7
#09-12/1-48 Personnel N.J.S.A. 10:4-8

X. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried at 10:35 p.m.

Upon reconvening, Councilman Lazar revisited the situation at Longview Drive. He asked Mr. Hippolit several specific questions regarding the procedure followed for the Longview Drive drainage project. He reviewed the concept of drainage easements and property rights, the status of the deeds in question, and the potential for lawsuits. He said that if the Borough did this work without any clear paperwork stating that they were responsible for the maintenance, repair and replacement of the drainage pipe, then every resident in town can expect the town to pay for the remediation of their problem. He explained that if they do it for the people on the property in question, they would have to do it for everyone. He noted that if someone could show him a document that stated that the Borough was responsible for the maintenance, repair and replacement of the drainage, he was for it. Otherwise, if they could not, he did not want to open up a can of worms. Councilman Bair agreed and said that he did not want to go on private property, but added that the Samuels' flooding problem had gotten significantly worse since the video had been done. He speculated that the action of the video camera may have created a plug that was not there before. Mr. Hippolit made suggestions regarding researching easements on the deeds in question. Mr. Lazar emphasized that if there were easements and they were legally obligated to remedy the situation, he was all for it. However, if they were to take taxpayer money to fix a problem that a homeowner could fix themselves, then it was wrong. Mayor Lamatina requested that Ms. Dray ask Ms. Looney to see what file maps and assessor information they have for the subdivision from the mid-1950's.

XI. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 10:56 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 12/14/09)

December 2, 2009