



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
NOVEMBER 10th, 2009  
7:30 P.M.



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**Call to Order**

Council President Hoffman, chairing the meeting in absence of Mayor Lamatina, called the meeting to order at 7:44 pm. Ms. Melissa Hagberg led the salute to the flag followed by a moment of silence in memory of Emerson resident Mr. Pietropaolo at the request of Council President Hoffman.

**O.P.M.A. Statement**

Council President Hoffman read the Sunshine Statement announcing that the meeting of November 10th, 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-Absent  
Councilman Steven Bair –Present  
Councilman Browne - Present  
Councilman Heyer-Present  
Council President Hoffman-Present  
Councilman Lazar - Present  
Councilman Loffredo - Present

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

II. PROCLAMATIONS & CITATIONS - None

III. APPOINTMENTS/RESIGNATIONS

- Deputy Court Clerk – Mr. Scarpa's discussion is inaudible.

☛ **Motion** to appoint Ms. Mary Griese as a part time Deputy Court Clerk effective November 16, 2009 at the rate established by the salary ordinance 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**

- Resignation of Recreation Board Secretary and Authorization to advertise position

Council President Hoffman asked for a motion to regretfully accept the resignation of Recreation Board Secretary. Maggie Burns effective immediately and authorize to advertise for the position to be filled. He commented that Ms. Burns did a fantastic job and that she would be sorely missed by the Recreation Commission. Councilman Loffredo agreed that she had done a terrific job.

☞ **Motion** to accept the resignation of Maggie Burns was **moved** by Councilman Lazar, **seconded** by Councilman Loffredo and carried.

#### IV. CORRESPONDENCE

Council President Hoffman 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 October 21, 2009 from Bergen County Municipal JIF; Re: Public Hearing – 2010 Proposed Budgets
- Letter dated October 22, 2009 from PERMA Risk Mgt. Services; Re: 2009 dividend
- Letter dated October 22, 2009 from David Watkins, Esq.; Re: 58 Kinderkamack Road Performance and Maintenance Bond
- Letter dated October 22, 2009; re: NJDOT Municipal Aid Program, NJDOT
- Letter dated October 28, 2009; re: Geese, Bergen County
- Letter dated October 27, 2009; re: Elected Officials' Training Seminars, JIF

#### V. UNFINISHED BUSINESS

- High Street –John Jahr of Maser Engineering said he wanted to clear up some confusion. He stated that the Borough engineer had an obligation to do things according to the law and that putting striping on roads had to be approved by a professional engineer per Title 39. He explained that it would cover the Borough in case of a lawsuit. He added that there might have been some confusion regarding the cost for engineering approval. Mr. Jahr explained that he thought he had an agreement with the Police Chief to perform the necessary oversight over a two day period for a few hundred dollars each day. Mr. Boggia stated that Mr. Scarpa had seen his request and had responded to it. Mr. Jahr said that he had not seen a response. Mr. Scarpa's comments were inaudible. Mr. Boggia added that in this specific situation, the Borough followed the correct procedure and that the Borough was in compliance with the statute.
- Redevelopment and Eminent domain were postponed to later in the meeting due to Mr. Jahr's presence.
- Kinderkamack Rd./Securing Rights-of-Way – Mr. Jahr said that he was waiting for a color copy of the plan. He said that the version he had was not easy to read but illustrated that the County had flattened out the road line a little bit, with two lanes heading towards Ackerman Avenue from Linwood Avenue. He added that with this drawing, he could now revise the concept plan and add more detail. The County also requested that more information be shared digitally through a secure ftp site. Mr. Jahr requested \$8,300 for the additional work and said the plan would be to the County by November 24<sup>th</sup>. He explained that a 70 foot right of way was required by the County near the

railroad tracks for road widening and that eminent domain would only be necessary to get the road done. He had been speaking with the Puddingstone Group which was interested in specific parcels but the group needed to know where the road would be aligned. He explained that he would help Puddingstone on two conditions – written approval from the Governing Body giving him permission to work with Puddingstone and that the Borough pay his fee to get the job done. He also opined that a negotiation might be useful where Puddingstone might offer the necessary property to the Borough, and then he would provide his services to them for free.

☞ **Motion** to authorize \$8,300 for the purpose of preparing a final concept plan for approval by both the Borough and the County subject to review by the Borough Administrator 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**

Council President announced that the meeting agenda would return to Redevelopment and Eminent Domain. He explained that he wanted to check to see if they had gotten any response from Mr. Burgis. Mr. Scarpa said that he did not have anything yet.

## VI. NEW BUSINESS

- Ambulance Corps stipend discussion – Council President Hoffman explained that Ambulance Corps Captain Hagberg had asked him to look into providing stipends to members of the Ambulance Corps; the same as the Emerson Volunteer Fire Department is receiving. However, when Captain Hagberg was asked to speak he complained that that the Borough would not pay for last year's installation dinner. He maintained the donations had been down and discussed budget cuts, uniform stipends, volunteer compensation, equipment needs, and cutbacks equating the lack of funds as a battle that needed to be approached. Mike Budres said that the Ambulance Corps installation dinner had been paid in the past by the borough but it had been denied this year and that they had been offered stipends instead. He said for the same dollar amount, the Borough could just pay for the dinner as they had done previously. Council President Hoffman understood that the issue to be discussed what was the stipend process, not whether to pay for the dinner or not. Mr. Scarpa concurred stating that the installation dinner had not been mentioned when the matter of stipends was brought up previously. Mr. Budres characterized the EVAC's request as a final offer that the Borough could either make out one check for the installation dinner or the Borough would have to write out twenty checks to the members in the form of a stipend payment. Captain Hagberg said that he did not care which line item the dinner came out of. Councilman Lazar said that he did not see anything wrong with paying for the installation dinner and that it appeared to be a

miscommunication. Council President Hoffman clarified with Mr. Budres that if the borough were to pay for last year's installation dinner then the request for annual stipends would be dropped. He directed Mr. Scarpa to resolve the matter.

- Broadway Designation as Open Space – Council President Hoffman declared that the Broadway referendum went down to resounding defeat and that it was clear that the residents wanted it to remain as open space. He asked to pursue the possibility of redesignation of that property as open space and asked Mr. Boggia to look into that. Councilman Heyer questioned if it would deter the Borough from taking a drainage easement for basins since drainage was an issue in that area. He opined that designating the area as open space might restrict the Borough's ability to resolve that problem. He also questioned the current encroachments by residents on that property. Mr. Boggia explained that there were ramifications if they did this which could create encumbrances on the Borough's freedom to act, necessitating DEP approval. Councilman Bair suggested that the Planning Board take a look at this issue.
- Shared Services – Mr. Scarpa asked that this be moved to closed session. The Council agreed.
- Longview Drive/Ross flooding –Councilman Bair said that the drainage improvements that were done in the area had not significantly resolved the flooding situation and perhaps exacerbated it in some ways. He asked that money be set aside in next year's budget to resolve this. DPW Superintendent Joe Solimando appeared before the Governing Body, described the current situation and made suggestions regarding possible solutions, such as designating easements on certain properties. He explained that all the backyards were lower than the existing drain.

☞ **Motion** to open the meeting to comments from the public on this issue only was **moved** by Councilman Loffredo, **seconded** by Councilman Bair and carried.

Mr. and Mrs. Samuels, 132 Ross Avenue – Comments are inaudible.

Councilman Bair suggested that they go back to Engineer Paul Niehoff and, with Mr. Solimando's input, establish whether the Borough could reasonably simply correct the Samuels' flooding problem. Mr. Scarpa's comments were inaudible. Councilman Bair asked that Mr. Niehoff attend the next meeting for follow up. Councilman Lazar asked if he could meet with Mr. Solimando to determine a way to get things under control since he had a lot of experience in this area.

## VII. INTRODUCTION OF ORDINANCES

### **# 1389-09 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 introduce Ordinance #1389-09 on first reading 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**

**#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 introduce Ordinance #1390-09 on first reading 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**

VIII. REPORTS

Councilman Browne had no report.

Councilman Lazar said a resident reported that a light pole had been replaced but the light had not. He asked Mr. Scarpa to handle this.

Councilman Loffredo gave the October Police Department report. He also requested a personnel issue be added to Closed Session. Council President Hoffman agreed.

Council President Hoffman made the Council aware that two benches in Emerson Woods were removed by vandals and that benches might have to be anchored in concrete.

Councilman Heyer gave the Construction and Zoning Code Official's report for October.

Councilman Bair had no report.

Borough Administrator Scarpa – Report was inaudible.

Borough Attorney and Borough Clerk had no reports.

IX. PUBLIC COMMENT

Before opening the meeting for comments from the public, Council President Hoffman 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. Council President Hoffman 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 Loffredo and carried at 9:10 p.m.

Scott Voorhees, 147 Grand Boulevard discussed his dissatisfaction with getting back his \$1000 escrow check after the Zoning Board approved his variance. He was informed by the Zoning Board Secretary that he would not get the funds back until April 2010 due to the need to publish a notice. He stated that this was unreasonable and requested that the process be handled in a timelier manner. Councilman Lazar agreed that six months was longer than necessary and that he would look into it. Mr. Boggia explained that there might be other fees incurred by the Borough that would be subtracted before any money was returned.

Seeing no more hands, Council President Hoffman 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 Bair and carried.

#### X. RESOLUTIONS ON CONSENT AGENDA NO. 212-09

☞ **Motion** to approve the Consent Agenda Resolution No. 212-09 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**

Ca 213-09	Approve Bill List
Ca 214-09	Approve Transfer within the 2009 Budget
Ca 215-09	Approve Property Tax Exemption-100% Disabled Veteran
Ca 216-09	Shared Agreement for Sharing Professional Staff in Case of an H1N1 Flu Staffing Shortage
Ca 217-09	Requesting approval of chapter 159-Items of revenue and Appropriation-state Tonnage Recycling Grant for \$11, 127.26

#### XI. CLOSED EXECUTIVE SESSION - Resolution No. 218-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 218-09 with the addition of an Interlocal Agreement – Personnel and Police Personnel 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**

#09-11/10-43	Hillman Field/Engineering	N.J.S.A. 10:4-7
#09-11/10-44	PBA Negotiations	N.J.S.A. 10:4-12-4
#09-11/10-45	Personnel - Interlocal Services	N.J.S.A.10:4-12-8
#09-11/10-46	Personnel – Police	N.J.S.A. 10:4-8

XII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Loffredo, **seconded** by Councilman Browne and carried.

☞ **Motion** to accept the PBA counter proposal along with the information in the last Governing Body proposal and directing Mr. Boggia to present the entire contract to the rank and file 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**

☞ **Motion** to approve an Inter-Local Agreement with Hillsdale and the Borough of Emerson as the Lead agency to share the services of Chief Financial Officer, Catherine Henderson, effective from December 1, 2009 through May 31, 2010 on a (6) six month trial basis with an option for renewal at a rate of \$3,291.66 per month to the Borough of Emerson and Catherine Henderson shall be compensated \$13,640 for said two hours a week work in the Borough of Hillsdale was **moved** by Councilman Lazar, **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**

☞ **Motion** to announce the Police Sergeant interviews for the December 1<sup>st</sup> meeting was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried.

XIII. ADJOURNMENT

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