

APPROVED



MINUTES
Regular Meeting and Budget Workshop
Tuesday, April 24, 2007
7:30 P.M.
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:34 pm. Borough Attorney Boggia led the salute to the flag followed by moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement declaring that the meeting of April 24, 2007 had been adequately noticed and was in compliance to the to the provisions of the Open Public Meetings Law. Further, that the meeting of **April 24, 2007** was included the Annual Meeting Notice Resolution sent to the Bergen Record and Ridgewood News on December 14, 2006 and advertised in said newspapers; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 on December 14th, 2006 and has remained continuously posted as the required notices under the Statute.

In addition, a copy of this notice is 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
Councilwoman Marcia DeSalvo-Present
Councilman Christopher Heyer-Absent
Councilman Kenneth Hoffman-Present
Council President Loffredo-Present
Councilman Francis P. Milone, Jr.-Absent
Councilman Brian Todd-Present

Also present were Carol Dray, Borough Clerk and Philip Boggia, Borough Attorney.

6. Approval of Minutes:

None

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7. CORRESPONDENCE

Mayor Lamatina announced that copies of the correspondence are on file in the Office of the Municipal Clerk.

#07-47 letter dated 3/27/07 re: National Arbor Day Foundation, J. Rosenow
#07-48 Schedule of FAA Noise Mitigation Hearings, Eventworks
#07-49 letter dated 4/9/07; re: DPW Yard, DEP

8. PROCLAMATIONS AND PRESENTATIONS

The following proclamations were read and acknowledged by Mayor Lamatina.

- a) Autism Awareness Month 2007
- b) Safe Kids Week
- c) Scleroderma Awareness Month 2007
- d) Child Abuse Prevention Month 2007

9. APPOINTMENT AND PERSONNEL CHANGES

None

10. OLD BUSINESS

a) **ORDINANCES-FIRST READING**
1320-07 AMENDING CODE TO PROHIBIT CERTAIN POLITICAL CAMPAIGN CONTRIBUTIONS FROM PROFESSIONAL SERVICE PROVIDERS

☞ **Motion** to adopt Ordinance #1320-07 was **moved** by Councilwoman DeSalvo, seconded by Councilman Hoffman and carried by roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Absent

Mayor Lamatina announced that Ordinance No. 1320-07 was duly approved unanimously on first reading and would be further considered at a Public Hearing to be held on May 15, 2007 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the April 27, 2007 edition of the Ridgewood News.

Ordinance No. 1320-07 was on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building

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1321-07 ADOPTING RULES OF DECORUM FOR COMMITTEE MEETINGS

AN ORDINANCE TO ADOPT RULES OF DECORUM FOR THE CONDUCTION OF BOROUGH COMMITTEE MEETINGS

Councilman Hoffman requested that this ordinance be tabled due to a number of concerns.

b) ORDINANCES-SECOND READING AND PUBLIC HEARING

1322-07 MULTI PURPOSE BOND

☞ Councilman Hoffman **moved** to open the meeting for public comment on this ordinance only, seconded by Councilman Todd and carried.

☞ Seeing no hands, Councilman Hoffman **moved** to close the meeting for public comment, seconded by Council President Loffredo and carried.

☞ **Motion** to adopt Ordinance #1322-07 was **moved** by Councilman Todd, seconded by Council President Loffredo and carried by roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Absent

Milone-Absent

Mayor Lamatina announced that Ordinance No. 1322-07 was duly adopted by a vote of 4-0.

Discussions:

- c) Borough Website Councilman Todd sought clarification of the change in the website provider since he did not recall any discussion in regard to the appointment of the new provider and was concerned that the website was not up to the standard of the prior website. He acknowledged that acquiring a new website had been discussed but was unclear as to how the new provider was selected and questioned if the matter had gone out to bid. In his opinion, at the very least, the appointment should have been discussed at the Mayor and Council level and was concerned that he had no knowledge of the person's qualifications or seen a copy of their references. Mayor Lamatina explained, in absence of Mr. Scarpa, that the fees associated with the new website provider were \$3,000 for the initial set up and, then subsequently, a \$700 a year maintenance fee as opposed to a \$3,000 annual fee by the former webmaster. It was his understanding that two quotes were received for \$6,000 and \$3,000. Mayor Lamatina remarked that

the website was 80% up to speed but could not explain the glitch that occurred when the former website was disabled before saving the postings from the previous one. Council President Loffredo explained that the decision making process was in the hands of Mr. Scarpa.

d) Redevelopment and RFP

The Mayor stated that he had been approached by two different developers to extend the deadline past April 27, 2007. KG Urban Developers spoke with Mayor Lamatina and had bowed out due to time constraints. Mayor Lamatina polled the Council individually of their desire to extend the deadline. By general consensus, the Council agreed that the deadline would not be extended and would remain April 27, 2007. Mayor Lamatina began a brief discussion about the redevelopment stating that he had been approached by a prospective buyer of the Tool Chest inquiring as to whether the purchase would be in his best interest to which Mayor Lamatina responded with just the facts of the redevelopment process and what might occur. Councilman Hoffman remarked that he would only be inclined to choose a redeveloper who was committed to working with property owners and Councilman Todd shared Councilman Hoffman's interest. Mayor Lamatina was told by a reliable source that in absence of a third round COAH plan it was safe to assume a 20% contribution for any affordable housing in the future. Councilman Todd reported that new residents should be occupying the New Concept development within the next thirty days.

e) Presentation by the Atkins Group – Mayor Lamatina remarked for the record that the redevelopers were originally scheduled to speak again May 1 but The Atkins Group had requested through Mr. Scarpa to appear that evening due to a conflict in their schedule. Apparently, Mr. Scarpa had given his approval to the Atkins Group but inadvertently failed to alert the Mayor and Council or Clerk. Mayor Lamatina apologized for the confusion and welcomed and introduced the Messrs. Atkins. Chick Atkins of the Atkins Group gave a short detailed history of the company and introduced his key associates. Accompanying Mr. Atkins was his brother Jim Atkins, Scott Fishbone, an associate and principal; and Jim Constantine of Looney Ricks Kiss Architects who proceeded to give a presentation on the redevelopment proposal. Mr. Constantine gave a brief history of his firm and the various projects they had completed. Mr. Constantine explained that each town was different and maintaining the character of the community was taken into account. Traffic calming would be their priority along Kinderkamack Road for safe accessibility for anyone from eight to eighty. Atkins expressed their desire to focus on two areas initially; the north phase and the south phase of the

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redevelopment area. Mr. Constantine's design would feature a landmark building at the intersection of Linwood Avenue and Kinderkamack Road as a signature piece.

The Mayor and Council engaged in a lengthy question and answer period. Councilman Hoffman was pleased that the Atkins plan would maintain the character and history of Emerson.

RECESS

Motion for a five-minute recess was moved, seconded and carried unanimously.

Motion to reopen the meeting was moved by Councilman Todd, seconded by Councilman Hoffman and carried unanimously.

f) Police Promotion Draft Ordinance

Council President Loffredo explained that the ordinance was still under deliberation between him, the Police Chief and Councilwoman DeSalvo. Mayor Lamatina asked that the discussion be carried until the meeting of May 15, 2007 or thereafter.

g) Auditor's Letter and Financial Schedules

Councilman Todd informed the Council that the borough auditor, Gary Higgins, recommended that the Borough should pursue a bond sale to consolidate bond anticipation notes that would correct his omission to the introduced budget document. Otherwise, the governing body would have to amend the budget. Councilman Todd agreed with Mr. Higgins' suggestion. Although Mr. Scarpa held a different opinion as to whether to sell bonds or amend the budget because of the fees associated with a bond sale, Council President Loffredo cautioned that there was an 'eventuality' associated with this matter and agreed with Mr. Higgins that it should be done now. With general consent, the Council agreed with the auditor's recommendations and Mayor Lamatina directed the matter to be voted upon at May 1, 2007 meeting.

h) Decorum ordinance

Councilman Hoffman recommended that the proposed ordinance be modified to include language that regulates the conduct of the chair at the meeting due to his past experience, and asked for input from the Chief of Police in regard to what defines 'physical disruption'. Mr. Boggia said the likelihood of the ordinance ever being needed was remote but having it in place would serve a very specific purpose when members of

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the public disrupt the business of the borough. With this ordinance, the governing body had the mechanism to deal with such circumstances. Mr. Boggia explained that Robert's Rules of Order covers decorum but was burdensome and hard to understand. Further, the ordinance was simply a mechanism to warn the person to comply with the direction of the chair and then empowering the governing body to have them removed should they refuse to do so. The governing body debated the issue of who would enforce the removal along with the definition of a 'physical disruption.' The Chief maintained that if it became necessary to physically remove someone from the meeting; then charges must be filed. In answer to concerns of lawsuits or denial of free speech, Mr. Boggia counseled it would ultimately be decided by a judge if it even came down to that and the JIF was in support of having the local legislation. Mr. Boggia suggested that Section Eight be removed from the proposed ordinance; the Council could prepare their own standard of what they considered a physical disruption. In essence, the ordinance would serve as a warning, or as it was called in Robert's Rules, a 'second chance'. The ordinance was a standard that could be pointed to putting people on notice of what would be expected of their behavior at a public meeting. Mayor Lamatina supported the ordinance but Councilman Hoffman would not unless it contained language assigning the same standard of behavior to the chairman. Mr. Boggia explained that mayor was a member of the borough council and the language would be changed from 'council' to 'governing body'. Mr. Boggia reminded Councilman Hoffman that this ordinance dealt with a disruptive public; there was an even more stringent rule in Robert's Rules addressing the decorum of the governing body.

11. NEW BUSINESS

a. Resolution No. 89-07 Cancellation of General Capital Fund Improvement Authorization

☞ **Motion:** Councilman Todd

Seconded: Councilman Hoffman and carried by a 4-0 roll call vote.

RC: Council members:

DeSalvo-Yes

Hoffman-Yes

Todd-Yes

Loffredo-Yes

Heyer-Absent

Milone-Absent

b. Resolution No. 90-07 Exigency for repair of drainage swale on easement behind Patrick Avenue

☞ **Motion:** Council President Loffredo

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Seconded: Councilman Todd and carried by 4-0 roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Absent

c. Resolution No. 91-07 Temporary Emergency Appropriation

☞ **Motion:** Councilman Hoffman

Seconded: Council President Loffredo and carried by 4-0 roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Absent

d. Ackerman Avenue Basketball Courts

Mayor Lamatina informed the Council that the bids came in considerably over estimate. The Council decided to re-bid the project on the advice of Mr. Niehoff, Borough Engineer.

☞ **Motion:** Councilman Hoffman

Seconded: Council President Loffredo and carried by a 4-0 roll call vote.

RC: Council members:

DeSalvo-Yes
Hoffman-Yes
Todd-Yes
Loffredo-Yes
Heyer-Absent
Milone-Absent

12. REPORTS

a) Mayor and Council Reports

Mayor Lamatina reported on the **Town wide clean up** from Saturday, April 21, 2007. He commended the effort of the Emerson Police Department and United Water for donating food for the volunteers.

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Councilwoman DeSalvo gave the **Board of Education** report and the Girl Scouts contribution to the clean up effort.

Councilman Hoffman informed the Council that **Arbor Day** would be celebrated on Saturday, April 28, 2007 with the planting of a memorial tree for Muriel Wassmann. In addition, the Borough had received Tree City Status for the second straight year.

Councilman Todd suggested that **building** permit fees be waived for homeowners whose hot water heaters or heating units were affected by the April Nor'easter. The Council agreed to Councilman Todd's suggestion and Mayor Lamatina so decreed.

Council President Loffredo gave the **Police Activity** report and recognized the following individuals for their efforts during the Nor'easter: Marinos Loukeris, Leslie Solimando, Robert Sottile and Auxiliary Police Lieutenant, John Mahoney, adding that their work was greatly appreciated.

Office of the Municipal Clerk and Borough Attorney had no report.

13. PUBLIC COMMENT

In the interest of time, speakers are limited to five (5) minutes. Speakers with prepared statement should provide eight (8) copies for the Council. 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 ejection from the council chambers.

Motion to open the meeting or comments from the public was moved by Councilman Hoffman, seconded by Council President Loffredo and carried unanimously.

Seeing no one come forward to speak Mayor Lamatina asked for a motion to close the public portion of the meeting.

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Motion to close the public portion of the meeting was moved by Council President Loffredo, seconded by Councilman Todd and carried unanimously.

17. CONSENT AGENDA-Resolution No. 78-07

☞ **Motion** to approve the Consent Agenda Resolution No. 78-07 was moved by Councilman Hoffman seconded by Councilman Todd and approved unanimously by a 4-0 roll call vote.

RC: Council members

DeSalvo-yes
Hoffman-yes
Todd-yes
Loffredo-yes
Heyer-absent
Milone-absent

Ca80-07 Supporting the Renewal of the Garden State Preservation Trust
Ca81-07 Resolution in support of Tonnage Grant Application
Ca82-07 Approval of RFP Extension to April 27th @ 12 PM
Ca83-07 In Support of The Cigarette Fire Safety and Firefighter Protection
Ca84-07 Cancellation of Deposit Board of Health
Ca85-07 Correcting Cancellation of Certain Current Fund Appropriations
Ca86-07 Approve Bill List
Ca87-07 Approve Investments

15. CLOSED SESSION RESOLUTION No. 79-07

None

16. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Council President Loffredo **moved** to adjourn the meeting, seconded by Councilwoman DeSalvo and carried at 10:00 p.m.

Carol Dray, RMC

May 28, 2007