



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
February 15th, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:38 pm. DPW Superintendent Joseph Solimando led the salute to the flag followed by a moment of silence at the request of Mayor Colina to reflect on the challenges and pain of those in recovery from injuries suffered in battle, combat and innocent work such as Arizona Representative Gabrielle Giffords as well as forces around the globe.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of February 15th, 2011 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 transmitted to the Bergen Record and Ridgewood News on December 22, 2010; 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:

PRESENT:

Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Councilman Rivers, Council President Shaw

ABSENT:

Councilman Browne

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney.

III. PROCLAMATIONS & CITATIONS

February is American Heart Month in the Borough of Emerson

IV. PUBLIC COMMENT

Before opening the meeting for comments from the public, Mayor Colina 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 Colina 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 Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

Kenneth Hoffman, 61 Emwood Drive asked about scheduled agenda items regarding current hours of business in the Borough and the creation of the grant subcommittee. He encouraged the Governing Body to think seriously about not having another 24 hour business in town.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public.

☛ **Motion** to close the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried at 7:45 p.m.

V. APPOINTMENTS/RESIGNATIONS

a) **Borough Professional Appointments** - Pursuant to N.J.S.A 19:44A-20.4 et seq. "Fair and Open"

(Appointment by Mayor on Consent and Advice of Council)

POSITION	NAME	TERM
08-11 Borough Prosecutor	Marc D. Ramundo	1 Year
09-11 Alternate Prosecutor		1 Year
10-11 Public Defender	Ronald P. Mondello	1 Year
11-11 Alt. Public Defender		1 Year
17-11 Appraiser		1 Year

☛ **Motion** to approve Marc Ramundo as Borough Prosecutor for the term ending December 31, 2011 and Ronald Mondello as Public Defender for the term ending December 31, 2011 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Rivers, DiPaola, Shaw, Lazar, Garis

b) **Environmental Commission**

Resignation:

Christine Fehre effective immediately

Mayor Colina said that he accepted Ms. Fehre's resignation as she had moved out of town and made the following appointments to the Environmental Commission:

Appointments

- Pat DiNallo as a Regular member for the unexpired term ending 12/31/11
- Tom Reilly as an Alternate I member for the unexpired term ending 12/31/12
- Alexandra Reilly as the Student member for the term ending 12/31/11
- Neil Schwab as the Regular member for the unexpired term ending 12/31/12

VI. CORRESPONDENCE

Mayor Colina stated that copies of the correspondence were available in the office of the Borough Clerk.

- Letter dated January 21, 2011 from Mayor John Birkner, Re: HUMC North at Pascack Valley
- Letter dated January 25, 2011 from Assemblyman Robert Schroeder; Re: NJ DOPT Grant of \$150,000 for road improvements in Emerson
- Letter dated January 27, 2011 from Bergen County Freeholder Chairman John Driscoll Jr., Re: Selection as Chairman
- Letter dated January 28, 2011 from Senator Gerald Cardinale; Re: Division of Local Aid & Economic Development, NJDOT grant for \$150,000

- Letter dated January 26, 2011 from Commissioner James Simpson, NJDOT; Re: Municipal Aid Program for Lincoln Blvd Grant of \$150,000
- Letter dated January 26, 2011 from Director Michael Russo, Div. of Local Aid & Economic Development, NJDOT; Re: Municipal Aid Grant for Kinderkamack Road Streetscape denied

VII. UNFINISHED BUSINESS

2011 Municipal Budget Workshop:

- Department of Public Works – Superintendent Joe Solimando
 - Mr. Solimando explained that he was representing five Borough budgets and made the following budget requests:
 - Replace two vehicles, one to plow snow and a replacement for the 1990 dump truck
 - Replace fence along easterly property line of DPW building
 - Basket system with lift to assist at pumping station
 - Vehicle maintenance –upgrade diagnostic equipment, mobile truck lift
- Emerson Public Library – Director Jodi Fulgione, Board President Bill Bierman, Vice President Gloria Wilson and Treasurer Marcia DeSalvo presented their budget and goals for 2011:
 - Phase II transformation of interior of library – proposing waive of borough health expense give back for two years which would net approximately \$90,000 allowing for additional renovations including furniture and shelving.
- Recreation Commission – Peter Weiss presented their budget for 2011:
 - Budget would remain the same as 2010 for each sport with some savings from the Recreation Secretary salary

VIII. NEW BUSINESS

- Redevelopment Zone – 129 Kinderkamack Road – Block 610, Lot 1: Developer Presentation – Mr. Lou Flora represented BMAI Corp. and said that they were looking to develop a 24 hour 7-11 at the site across from Dunkin Donuts. They had presented before the Land Use Board on two occasions. He said that this commercial development would use very little if any municipal services and would be a good neighbor and taxpayer. He noted that a 24 hour business at that location would be good for both the Borough and the business. Among the topics discussed in favor of a 24 hour store were resident convenience and the ability to have deliveries in the middle of the night. The Governing Body was reminded that 24 hour businesses were not new to Emerson as Dunkin Donuts and Quick Chek both kept those hours and asked for consideration in amending the current ordinance. The Governing Body questioned Mr. Flora on the need for another 24 hour business in town and the concerns that might arise as well as objecting to changing the current ordinance regulating business hours.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried.

Bill Bierman, 139 Eagle Drive asked when Dunkin Donuts and Quick Chek opened and speculated on when they were granted permission to be open 24 hours.

Kenneth Hoffman, 61 Emwood Drive inquired about whether a vote on the issue of allowing a 24 hour opening for 7-11 would be taken.

☞ **Motion** to close the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried.

- Creation of Grant Subcommittee – This topic was postponed due to the absence of Councilman Browne.

IX. INTRODUCTION OF ORDINANCES

First Reading:

Mayor Colina announced that Ordinance 1420-10 would be further considered at a Public Hearing to be held on March 15th, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the February 18, 2011 edition of the Ridgewood News by summary. He added that the 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.

1420-11 AN ORDINANCE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 146 OF THE BOROUGH CODE, ENTITLED "FEES" SO AS TO ADD A NEW SECTION TO ARTICLE 2, ENTITLED "MISCELLANEOUS FEES" PROVIDING FOR FEES FOR REDEMPTION CALCULATIONS

☞ **Motion** to approve Ordinance #1420-10 on first reading was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis, Lazar

Second Reading & Public Hearing:

1419-11 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 106 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, TO CHANGE THE AMOUNT FOR ANNUAL PLENARY RETAIL DISTRIBUTION LICENSE FEES

☞ **Motion** to open the meeting to comments from the public on Ordinance #1419-10 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis, Lazar

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on this ordinance.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1419-10 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1419-10 on second reading was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote:

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis, Lazar

X. REPORTS

▪ Mayor and Council

Councilman Rivers gave the **Fire Department** report for the month of January. He also updated the group on the estimated cost for a new fire truck and scheduled a time for a manufacturer to come in and check the current fire truck to determine if it could be re-chassied. He explained that instead of spending \$750,000 on a new truck, they would explore the cost to re-chassis it on to a four door International vehicle. He added that he would work with the Fire Chief on this and report back.

Councilwoman DiPaola gave the **Ambulance Corps** report for the month of January. She noted that the Corps was very concerned about their ambulance and wanted to get a cabin and chassis. She said that after hearing their concerns, she tended to agree with them. She discussed the option of updating the cab and chassis as opposed to purchasing a new ambulance. She said that the Corps did not want to go to a paid service since they felt it would be more of a detriment than an asset.

Mayor Colina suggested that Councilwoman DiPaola encourage the Ambulance Corp to put together a report of the implications of going to an insurance billing. The Governing Body discussed partnering with the Ambulance Corps by having them allocate some of their donated revenue towards this purchase. Council President Shaw emphasized that they wanted to help everyone but needed some cooperation.

Councilman Lazar stated that volunteers agreed to do a job for free if they were given the tools to do the job. He said that those tools saved people's lives and helped them when they were in need. He commented that he would thank the volunteers very much for providing something for free, saving thousands per year for taxpayers, and that it was wrong to ask for blood from a stone.

Council President Shaw said that Councilman Lazar's comments were a misrepresentation of what they were saying. He said that the charitable donations raised from the Ambulance Corps came from the citizens of Emerson, not from the Corps. He emphasized that no one was asking a volunteer to pay for their equipment. But he pointed out that funds were raised and asked how they were allocated. He added that while he and everyone on the Governing Body would like to give everyone everything, they were trying to improve and maintain emergency services based on limited revenue and resources which were diminishing. Councilman Lazar said that the donations given by residents were to show appreciation for what they were doing. The money could be used as a stipend for soda or food or beer and was not meant to go to the town, but to the members.

Mayor Colina expressed that the Governing Body was in a tough spot, facing greater fiscal control and constraints that previous governing bodies probably did not have to face. He and Council President Shaw said that Councilman Lazar was not at the budget meeting where they and Captain Dave Mason had a cooperative discussion about this issue. The Mayor stated that Emerson was fortunate to be served by people with the passion, care, consideration and skills and it was incumbent on them to find a way to provide the tools needed but at this particular time it might be necessary to be creative and cooperative. Councilman Lazar said that he gave the Corps a lot of credit if they offered to give some of their funding. The Mayor explained that he had asked Captain Mason to put together a cost-benefit analysis of the insurance billing – once it was put on paper he could have it researched by an expert.

Councilman Lazar suggested that the Borough bond for this expense since the public depended on this equipment not to break down. Councilman Rivers emphasized that it was obvious that one of the vehicles was old and worn out and needed to be replaced if they could afford it; if they could not afford it, he was not in favor of putting the town in too much debt without looking at everything very closely. The Council agreed to have Councilwoman DiPaola cover the discussion with the Ambulance Corps and return with their comments so the Council could figure out what was a critical need and what was not.

Councilman Lazar gave the January **Police Department** report. The **Shade Tree Commission** was looking for people interested in putting trees in front of their homes. The next Hillman Field meeting was scheduled for February 22nd and the Historical Preservation Commission was interested in land marking trees over 100 years old. Mayor Colina asked Councilman Lazar to work towards crafting a mission statement for the Hillman Field committee.

Councilwoman Garis reported on the **Library** and the **Board of Education**. She noted that as a teacher she was very impressed with the reading program they were implementing.

Mayor Colina reported that he had visited with the senior citizens last week and that the Vice President of Planning for Hackensack University Medical Center had attended. He added that 74 seniors signed up to get updates and that she was very well received. He anticipated seeing more activity towards the reopening of HUMC at Pascack Valley as the year progressed.

Borough Clerk Carol Dray had no report.

Borough Attorney Scott Mooney discussed the bid that had been put out last year to have the roof redone on the Senior Center.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 55-11

☛ **Motion** to approve Consent Agenda Resolution #55-11 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis, Lazar

- Ca-56-11 Approve Change of Custodian of Petty Cash
- Ca 57-11 Confirm Endorsement of Community Development Project – Senior Citizen Health Center Improvements for \$5000.00
- Ca 58-11 Amend Community Development Grant Agreement No. 194-09
- Ca 59-11 Bill List
- Ca 60-11 Approve Mayor & Council Meeting Minutes: Regular Meetings of December 21, 2010, Sine Die/Reorganizational Meeting of January 4, 2011
- Ca 61-11 Approve LOSAP Certification Lists

XII. CLOSED EXECUTIVE SESSION - Resolution No. 62-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 62-11 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis, Lazar

#11-2/1-03 Police Chief – Contract Negotiations N.J.S.A. 10:4-8

#11-2/1-04 12 Marianna Place N.J.S.A. 10:4-7

XIII. RECONVENE

☛ **Motion** to reconvene was moved, seconded and carried.

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried at 12:10 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 03/10/11)

March 10, 2011