



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



Mayor Colina called the meeting to order at 7:35 pm. Brian Todd led the salute to the flag followed by a moment of silence at the request of Mayor Colina for Emerson resident and Fire Department member Thomas Monahan who passed away earlier in the week as well as our neighbors in Japan who suffered from the earthquake and tsunami.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of March 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, Councilman Browne, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Councilman Rivers, Council President Shaw

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney and Borough Administrator Joseph Scarpa.

III. PROCLAMATIONS & CITATIONS

NJ Women in History

Mayor Colina announced that March was designated Women's History Month.

The Women's Club of Emerson - Youth Art Month

The Mayor stated that the Women's Club of Emerson had proclaimed March as Youth Art Month and read a proclamation in honor of the occasion.

Honoring Emerson Boy Scout Troop 67 Eagle Scouts:

*Brian Jaeger
Daniel P. Reid
Edward Jaeger
Evan Stracquadanio
Kevin M. Cariddi
Raymond W. Rossi
Timothy J. Cariddi*

Mayor Colina invited the Emerson Eagle Scouts to join him at the dais and stated that he had the privilege and honor of attending the Eagle Scout induction ceremony the previous Sunday. He remarked that he was very impressed with the group's contributions and projects in the areas of conservation, the arts, nature, safety, communication, information and project management skills. He presented each with a proclamation and said that each had done great things. The assembled erupted in a round of applause for these fine young men. The Mayor also commended their parents and families who had provided strong support systems.

“Stan Woods Day”
Recognizing the Achievements of Emerson Wrestling Coach Stan Woods

Mayor Colina invited Coach Stan Woods, his family and the wrestling team to the dais and read the proclamation in Mr. Woods's honor. He proclaimed March 15, 2011 as Stan Woods Day in the Borough of Emerson.

Dominic Spataro said that Coach Woods had been at the school since 1967 and was a pillar of the community. He emphasized that the Woods' family symbolized the true definition of the 'family town'. Council President Shaw said that he had known Coach Woods since he moved to town and when you have the integrity and ability of the coaching staff and the people associated with the program, you want your children to participate in the program, not only so that they become wrestlers, but so that they build character and integrity. He said that that was due to the leadership of Coach Woods.

Coach Woods said that he was disappointed when 'the family town' was taken off the signs. He thought it was a great statement and anyone who lived in Emerson could be proud of that. Mayor Colina said that they would get the sign back.

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 Councilman Rivers, **seconded** by Councilwoman DiPaola and carried at 7:56 p.m.

Henry Pfister, 31 Franklin Court questioned the borough funds spent on the Kinderkamack Road Corridor project and expressed his disgust that the project seemed to have gone nowhere.

Ken Hoffman, 61 Emwood Drive said the Borough was fed a lot of bull crap from the County and possibly from John Jahr of Maser Engineering with respect to the Kinderkamack Road project. He asked that Mr. Jahr come before the Governing Body and explain what the hell was going on and thanked everyone for getting on top of this issue.

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 Councilman Rivers and carried.

V. APPOINTMENTS/RESIGNATIONS

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

(Appointment by Mayor on Consent and Advice of Council)

POSITION	NAME	TERM
17-11 Appraiser	_____.	1 Year

b) **Recreation Commission**

- Resignation of Kathleen Calabrese as a Regular member of the Recreation Commission effective immediately
 ☞ **Motion** to accept the resignation of Recreation Commission member Kathleen Calabrese effective immediately was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried.

VI. CORRESPONDENCE

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

- Letter dated February 14, 2011 from Pauline Gadino; Re: American Legion
- Letter dated February 14, 2011 from Jeanette Terrano; Re: Snow
- Letter dated February 16, 2011 from Richard Henning, Senior V.P. United Water; Re: Half Marathon to benefit HUMC
- Letter dated February 22, 2011 from Community Hospice of Bergen County; Re: Oldies Dance
- Letter dated February 22, 2011 from Joe Zierer; Re: Property issue
- Letter dated March 1, 2011 from Congressman Scott Garrett; Re: FAA Next Generation Air Traffic Control System

VII. UNFINISHED BUSINESS

- Award bid for Senior Center Roofing – **TABLED.**
- Multi-Purpose Bond – Mr. Scarpa reported that he, Ms. Henderson and the Finance Committee had gone over the budget and a multipurpose bond, explaining that the bond needed to be introduced that evening because of the ambulance chassis and road resurfacing project. The bond would include items that each department requested including turnout gear for the Fire Department, a four wheel drive vehicle for the Department of Public Works, camera equipment for the Police, the road project, the ambulance chassis and money for computers and buildings and grounds.

VIII. FINANCIAL MATTERS

a) **Resolution No. 71-11 – 2011 Municipal Budget Introduction**

☞ **Motion** to introduce the 2011 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Mayor Colina announced that the public hearing for the 2011 Municipal Budget would be Tuesday, May 3rd, 2011 in the Council Chambers of Borough Hall at 7:30 p.m.

b) Resolution No. 72-11 - Increase in Temporary Appropriations

☛ **Motion** to approve Resolution No. 72-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

c) Resolution No. 73-11 – Approve Temporary Capital Budget

☛ **Motion** to approve Resolution No. 73-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

d) Resolution No. 81-11 Authorizing the Introduction of Bond Ordinance No. 1423-11
Appropriating \$604,984 and Authorizing the Issuance of Bonds or Notes

☛ **Motion** to approve Resolution No. 81-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

IX. NEW BUSINESS

a) Best Practices-Excused absences – Best Practice checklist requirement – Ms. Dray referenced a sample that she had distributed from a town that had done an ordinance regarding the vacancy law. She said that it was on the Best Practices checklist and that the Borough should have local legislation regulating or excusing absences at all board meetings, not just Mayor and Council meetings. She gave an example that if someone was absent from a meeting, at the next meeting there would be a motion to excuse a member from the last meeting. She explained that it would formalize an absence. She referenced the state vacancy law which stated that if someone did not show up for eight straight weeks, the seat would be vacant. She noted that the Borough could make it even more stringent if they chose and recommended doing so. Councilman Lazar said that it needed to be put in place to satisfy the needs of the state. She said that she would draft one for the next meeting.

X. INTRODUCTION OF ORDINANCES

Mayor Colina announced Ms. Dray would read the following ordinances by title and they would be further considered at a Public Hearing to be held on April 5th, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the March 18th, 2011 edition of the Ridgewood News by summary. 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.

He explained that Ordinance 1425-11 would not be introduced because a local municipality could not enact this kind of legislation. Only the State Legislature had exclusive control over property tax deductions or rebates for veterans.

First Reading:

1423-11 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS APPROPRIATING \$604,984 AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES

☞ **Motion** to approve Ordinance #1423-11 on first reading was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

1424-11 CHP 277 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON CHAPTER 274 THEREOF; ENTITLED VEHICLES AND TRAFFICE § 274-44 SCHEDULE VIII: ENTITLED 'STOP INTERSECTIONS' TO DESIGNATE ADDITIONAL INTERSECTIONS AND INSTALL ADDITIONAL STOP SIGNS

☞ **Motion** to approve Ordinance #1424-11 on first reading was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

1425-11 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON BY ADDING CHAPTER 49, TO BE ENTITLED , MILITARY PROPERTY TAX RELIEF, IN WHICH SAID CHAPTER SHALL PROVIDE FOR A REAL ESTATE PROPERTY TAX CREDIT /REDUCTION PER CALENDAR YEAR FOR RESIDENTS WHO HAVE BEEN DEPLOYED FOR ACTIVE COMBAT DUTY BEGINNING SEPTEMBER 2001 TO THE PRESENT - PULLED

Second Reading & Public Hearing:

1421-11 AMENDING CHAPTER 77 OF THE CODE OF EMERSON ENTITLED POLICE DEPARTMENT § 77-8 PROMOTIONS TO ELIMINATE A CONTRADICTIONARY CLAUSE

☞ **Motion** to open the meeting to comments from the public on Ordinance #1421-11 was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried.

Ken Hoffman, 61 Emwood Drive asked for an explanation of the contradictory clauses.

Seeing no more 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 #1421-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1421-11 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

1422-11 CALENDAR YEAR 2011 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

☞ **Motion** to open the meeting to comments from the public on Ordinance #1422-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Brian Todd asked for a public explanation of the ordinance.

Seeing no more 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 #1422-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to adopt Ordinance #1422-11 on second reading was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

XI. REPORTS

- Mayor and Council

Councilman Lazar gave the February **Police Department** report. He noted that the Police Chief had concerns about the manpower situation that he wanted to discuss with the Governing Body. Councilman Lazar also updated the Council on Hillman Field. They had developed a mission statement to improve Hillman Field so Emerson was able to provide adequate athletic facilities that were safe as well as provide the maximum playing time for all youth sports. They would explore short and long term goals for the fields to be able to accomplish this goal. Their contracts and spending would have teeth and accountability as not to be wasteful of resources. He declared that they had very good participation at the meetings and accomplished quite a bit but that there was more to be done. At the next meeting they would be discussing alternative locations for practice fields. He said that the engineer from Boswell had agreed to work with them at the present time for no cost to review the field and its problems, make suggestions and come to a meeting. He also said that Arbor Day would be celebrated on Saturday, April 30th at 3:00 p.m. at Centennial Park. At their last meeting the **Shade Tree Commission** discussed trees that were to be planted in town along the roads and in parks by a contractor to be selected.

Councilwoman Garis gave the **Library Board** report, stating that the renovations were moving along as planned. She said that they were set up at their temporary site and donation letters would be going out. They planned on installing permanent plaques for those who donated. She also reported on the **Board of Health** and **Board of Education** meetings and said that the Board of Education would be holding a budget hearing on March 28th.

Council President Shaw provided highlights regarding the proposed budget. He said that it was under the 2% tax levy cap and was \$520,471 below the state mandated appropriation cap. He said that the \$77 increase on the average home was the lowest increase in three years. The budget continued to meet the equipment and infrastructure needs of the Borough with a forward looking and cost effective

capital spending plan. He emphasized the cost savings of sharing the CFO position with Hillsdale, sharing the Court Administrator with Old Tappan, and the savings with the new recycling and garbage collection contracts. He commended Ms. Cathy Henderson and Mr. Joe Scarpa for their work on the budget. Council President Shaw also mentioned the March 31st deadline for background checks. Councilman Rivers explained that no one would be allowed on the field after that date until they completed that requirement. Councilman Rivers said that for some sports, coaches had not been chosen yet and once these decisions were made, there would be another wave of people coming in for their background checks.

Councilwoman DiPaola had no report.

Councilman Rivers said that Mr. Scarpa and Ms. Henderson deserved a ton of credit for the amount of time they spent preparing the budget. He thanked Mr. Scarpa in particular for saving the Borough \$22,000 annually on the fees that United Water wanted to charge for having fire hydrants in town. He mentioned the reduction in positions by creating the Land Use Board and a position lost from the Recreation Commission. He said that the garbage collection contract represented a savings of \$125,000 annually over the previous contract and that the change over to the State Health Benefits Plan also reduced expenditures. He said they were being fiscally responsible and making sure to continually provide the town as many services as possible while keeping the increase in expenditures to the residents of Emerson as low as possible.

Councilman Browne had no report.

Mayor Colina thanked Council President Shaw and Councilman Rivers for leading up the Governing Body's efforts with the budget. He also thanked Mr. Scarpa and Ms. Henderson. He discussed volunteering for Meals on Wheels in Emerson, Westwood, Washington Township and Paramus. He emphasized that Director Jean Martin was part saint for the work she did. He mentioned that he wanted to make sure that the Borough's database was intact to support, protect and assist the elderly and others. He reported that he, Ms. Dray and Mr. Scarpa hosted the Cub Scouts the previous week and that they were a great group. They had asked about becoming more involved in the community and the Mayor referenced Councilman Browne's email during a blizzard where the Boy Scouts had volunteered their shoveling services. He asked that everyone give this some thought to resources like this could be used to come up with an effective plan to support as many people as possible. He also attended the senior meeting where they asked some tough questions about Kinderkamack Road.

Administrator Joe Scarpa said there was some additional money for road work. At an upcoming Community Development meeting, they would discuss a pool of money for the Pascack Valley. Mr. Scarpa mentioned that there were a couple requests in for the seniors – one for improvements to the Senior Center and one for senior citizen activities.

- Borough Clerk Carol Dray had no report.
- Borough Attorney Scott Mooney had no report.

XII. RESOLUTIONS ON CONSENT AGENDA NO. 74-11

☞ **Motion** to approve Consent Agenda Resolution #74-11 with the exception of Resolution #78-11 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Ca 75-11 Approve Mayor & Council meeting minutes – January 18, 2011, January 25, 2011, February 15, 2011

Ca 76-11 Approve Interlocal Agreement for 2011 from Emerson for the Hillsdale CFO

Ca 77-11 Approve Tax Appeal Settlement – Negron – 16 Cindy Lane, Block 905, Lot 3.01 adjusting Taxpayer's assessment from \$1,089,300 to \$822,000

Ca 78-11 Award contract to Best Roofing of NJ, Inc. for \$32,210 Senior Center Roof Replacement – **PULLED FOR SEPARATE VOTE**

Ca 79-11 Approve Bill List

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 80-11

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 80-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

#11-3/15-06 Police Chief – Contract N.J.S.A. 10:4-8

#11-3/15-07 Litigation – A. Solimando N.J.S.A. 10:4-7

XIV. RECONVENE

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

Mr. Scarpa discussed the bidding for the Senior Center roof replacement project.

☞ **Motion** to approve Resolution #78-11 awarding the contract for the Senior Center roof replacement contract to Best Roofing of NJ for \$32,210 was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis, Lazar

ABSENT: Browne

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 10:20 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 03/30/11)

March 29, 2011