



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
March 1st, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:46 pm. Mr. Ken Hoffman led the salute to the flag followed by a moment of silence at the request of Mayor Colina for families suffering from domestic quarrelling and dispute who were not able to share Read Across America Day.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of March 1st, 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 Administrator Joseph Scarpa, and Borough Attorney Scott Mooney.

III. PROCLAMATIONS & CITATIONS

Read Across America

Mayor Colina said that he took pride in reading the Read Across America Proclamation to the assemblage.

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 Browne, **seconded** by Councilwoman DiPaola and carried.

Ken Hoffman, 61 Emwood Drive said that he supported stop signs in Continental Woods since it would make it safer for pedestrians, especially children.

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 Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

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
09-11 Alternate Prosecutor	Christopher Martin, Esq.	1 Year
11-11 Alt. Public Defender	Jeff Carney, Esq.	1 Year

Mayor Colina announced the above Professional Appointments to the Borough of Emerson.

☛ **Motion** to appoint Christopher Martin as Alternate Prosecutor and Jeff Carney as Alternate Public Defender was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried by roll call vote:

RC: Council members:

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

b) **Shade Tree Commission**

- Resignation of Christina Fehre as a Regular member effective immediately
- Appointment of Ken Hoffman as a Regular member for the unexpired term ending 12/31/14

Mayor Colina announced that he appointed Ken Hoffman as a Regular member of the Shade Tree Commission for the unexpired term ending 12/31/14.

c) **Emerson Volunteer Fire Department**

- Joseph L. Maurer III as a member of the Fire Department

☛ **Motion** to appoint Christopher Martin as Alternate Prosecutor and Jeff Carney as Alternate Public Defender was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried by roll call vote:

RC: Council members:

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

VI. UNFINISHED BUSINESS

- 2011 Municipal Budget-Borough Auditor Report
Mayor Colina introduced Borough Auditor Gary Higgins and CFO Catherine Henderson. Mr. Scarpa said that he would be meeting with Ms. Henderson, the Finance Committee and the Mayor that week because of the short time frame to introduce the 2011 budget. He added that they were under the 2% cap and that there would be a modest tax increase. Mr. Higgins summarized the budget calendar and pertinent deadlines. He explained the COLA Ordinance on that night's agenda and how it related to the cap and banking. He noted that it had to be introduced prior to the budget introduction or else it would be void.

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 approve Ordinance #1422-11 on first reading 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

- Resolution #68-11 Computation of Reserve for Uncollected Taxes – 2011 Budget

Mr. Higgins explained the calculation of the reserve for uncollected taxes and its relation to tax appeals.

☞ **Motion** to approve Resolution #68-11 Computation of Reserve for Uncollected Taxes was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried by roll call vote:

RC: Council members:

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

- Resolution #69-11 Authorizing Increase in Deferred School Taxes for Local District School Taxes

Mr. Higgins provided details on the need for Resolution #69-11 to the Governing Body.

☞ **Motion** to approve Resolution #69-11 Authorizing Increase in Deferred School Taxes for Local District School Taxes 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

- Stop Signs – Continental Woods area - Councilman Browne said that residents in the area felt that stop signs were needed since it was a very busy area and people cut through from Old Hook Road to Kinderkamack Road. He said that a preliminary cost estimate was about \$1,200. Mr. Scarpa said that it would cost \$50 per sign and that there would be about 25 signs needed. Councilman Rivers agreed that the area was dangerous and was in favor of moving on this. He added that they would look at other measures in the future like speed bumps. The general consensus was for the Borough Attorney to draft the ordinance.
- Active Duty Troops Tax Waiver – Councilman Browne discussed the documents that had been distributed and detailed the active duty deployments in Emerson. Councilman Rivers inquired about how this process would be executed. Councilman Browne explained that the onus for the waiver was on the individual property owner. The Governing Body discussed the data that had been gathered and agreed that going forward with the ordinance was the right thing to do, as well as being fiscally responsible to the Borough's needs.
- Creation of Grant Subcommittee – Councilman Browne requested that a subcommittee be formed to search for funding opportunities. He noted that the Borough was in the process of getting a trial subscription to Grant Station; a third party that made it easier to aggregate information to locate and apply for grants. He mentioned the option of hiring a grant writer. Mr. Scarpa noted that some grant writers wanted a retainer and others asked for a percentage of the grants they

obtained. Mr. Scarpa emphasized that the Borough currently received a lot of money in grants and mentioned two received this year: \$150,000 grant to resurface Lincoln Boulevard and \$23,000 to protect the reservoir. He explained that applying for grants was time consuming and pointed out there was not a full time grant writer. He said that it would be a big help if each group could work on grants that pertained to them. Mr. Scarpa said that a company called Capital Alternatives worked on a percentage basis but did not want to work here. The only one that had been available wanted \$35,000 up front; the Borough did hire them, but it took about three years for them to make up for the payment. The Governing Body agreed that creating a Grant Subcommittee to search for additional grants was a good idea. Mayor Colina said that the Borough should aggressively pursue this, but not just with Councilman Browne spearheading it. He suggested that other representatives from the Council help him carry the load and think about what they could commit to. He also asked that Mr. Scarpa consider what the appropriate structure should be to augment his efforts at pursuing grants.

- Discussion of new ambulance cabin chassis – Councilwoman DiPaola emphasized that there was a very strong need for a more operational ambulance. Volunteer Ambulance Corps Captain Dave Mason described the deficiencies of the 1993 ambulance and the need for a replacement chassis as well as its limited availability. He said that the company, which was on state contract, had only one left. Mr. Mason said that they would do some targeted fundraising towards ambulance funding over the next five years and that they had a \$10,000 from Oritani Savings Bank that they were willing to put down as a down payment to hang on to this chassis. He said that if they don't get a cab and chassis now, they would need a new ambulance in a couple years at a cost of over \$200,000. Mr. Scarpa said that a multi-purpose bond was being planned for 2011 and that including this item would be discussed with the Finance Committee. Mr. Mason said that the 1993 ambulance was the secondary vehicle used at football games and events like that. With a new chassis, the two ambulances could be rotated for use, extending their life spans. The consensus was to include the ambulance chassis in the multipurpose bond.

VII. NEW BUSINESS - None

VIII. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ordinances 1421-11 and 1422-11 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 March 4, 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.

First Reading:

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

☞**Motion** to approve Ordinance #1421-11 on first reading was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried by roll call vote:

RC: Council members:

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

Second Reading & Public Hearing:

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 open the meeting to comments from the public on Ordinance #1420-11 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

Ken Hoffman, 61 Emwood Drive asked for an explanation of this ordinance. Ms. Henderson explained that this ordinance was based on a new law that allowed the Borough to charge fees for people looking for redemption figures on tax sale certificates.

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 #1420-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried.

☞ **Motion** to adopt Ordinance #1420-11 on second reading 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. REPORTS

- Administrator – Mr. Scarpa said that he and Ms. Dray had met with the third grade class of Assumption Academy where they were given a tour of Borough Hall and a lesson on government. He said that they were well versed on the topic. He also stated that OEM Coordinator Mark Savino had attended a meeting sponsored by FEMA that would help the Borough get money back for expenses associated with the blizzard in December. He estimated that the Borough had incurred \$35,000 - \$40,000 in bill and hoped to get 75% back.

X. RESOLUTIONS ON CONSENT AGENDA NO. 63-11

☞ **Motion** to approve Consent Agenda Resolution #63-11 with the removal of Ca 65-11, Ca 66-11 and Ca 67-11 was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

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

Ca 64-11 Issuance of Precious Metal and Gold License – Reliance Gold Buyers, Inc., 101 Emerson Plaza East

Ca 65-11 Endorsement of the Submission of Community Development Block Grant Program Applications – Armenian Nursing & Rehabilitation Center, 70 Main Street, Emerson, NJ – **PULLED**

Ca 66-11 Tax Overpayment in the amount of \$4,161.29 – 161 Randolph Ave, Blk. 732 Lot 4

Ca 67-11 Tax Overpayment in the amount of \$1,620.13 – 21 Eagle Dr, Blk 332, Lot 4

PULLED FOR SEPARATE VOTES (See above):

Ca 68-11 Computation of Reserve for Uncollected Taxes – 2011 Budget
Ca 69-11 Authorizing Increase in Deferred School Taxes for Local District School Taxes

XI. CLOSED EXECUTIVE SESSION - Resolution No. 70-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 70-11 was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

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

#11-3/1-05 Police Chief – Contract Negotiations N.J.S.A. 10:4-8

XII. RECONVENE

☛ **Motion** to reconvene was moved, seconded and carried at 10:48 p.m.

☛ **Motion** to accept the Police Chief's contract at the terms discussed in Closed Session at a salary of \$156,200 was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

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

XIII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried at 10:49 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 04/08/11)

March 22, 2011