



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
February 19, 2013
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Colina called the meeting to order at 7:41 p.m. and identified the emergency exits.

II. ROLL CALL

Mayor Colina asked Ms. Dray to call the roll of the Governing Body.

Present: Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Paino, Council President Rivers, Councilman Worthington

Also present were Borough Attorney Scott Mooney and Borough Administrator Joe Scarpa.

Councilman Knoller arrived at 8:00 p.m.

III. APPOINTMENTS/RESIGNATIONS

- **Resolution No. 57-13 BOROUGH PROFESSIONAL APPOINTMENTS** - Pursuant to N.J.S.A 19:44A-20.4 et seq. "Fair and Open"
 - Borough Planner-Brigette Bogart

☞ **Motion** to approve Resolution #57-13 Borough Professional Appointment of Borough Planner Brigette Bogart for 2013 was **moved** by Councilman Paino, **seconded** by Council President Rivers and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Worthington, Rivers, Garis, Paino

- Emerson Volunteer Ambulance Corps - New Member: Hristos Vaporakis

☞ **Motion** to approve new EVAC member Hristos Vaporakis was **moved** by Councilman Worthington, **seconded** by Council President Rivers and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Worthington, Rivers, Garis, Paino

IV. APPROVAL OF MINUTES

A. Regular Meeting of August 21, 2012

Council President Rivers asked to have this item moved to the end of the meeting. Mayor Colina agreed to move this and item B and item C to the end.

B. Special Meeting/Budget Work Session of January 22, 2013

☞ **Motion** to approve the Special Meeting/Budget Work Session Minutes of January 22, 2013 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 5-0.

RC: Council members:
YES: Worthington, Rivers, Garis, Paino
ABSTAIN: DiPaola

C. Closed Executive Sessions Meeting Minutes:

1. Approval of Content-Not For Release to the Public

- January 17, 2012
- May 1, 2012
- June 12, 2012
- July 17, 2012
- September 4, 2012
- September 18, 2012
- October 2, 2012
- October 16, 2012
- October 23, 2012
- November 13, 2012
- December 4 (except for #32 already approved for content and release to the public)
- December 18, 2012
- January 15, 2013
- January 22, 2013

2. Approval of Content and Release to the Public

- January 17, 2012 Item # 2 only
- February 7, 2012
- March 2, 2012
- April 3, 2012
- May 1, 2012 Items 11, 12, 13, & 14 only
- June 12, 2012: Items 16 & 17 only
- July 17, 2012
- September 18, 2012: First three paragraphs under Item #20
- October 23, 2012

V. CORRESPONDENCE

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

- Letter dated January 3, 2013 from Roy & Jamey Archer; Re: Commending DPW during Hurricane Sandy
- Letter dated January 14, 2013 from Lerch, Vinci, Higgins; Re: 2012 Annual Audit
- Letter dated January, 2013 from Community Hospice of Bergen County; Re: Community Night Tuesday, February 12, 2013
- Letter dated January 16, 2013 from Cablevision; Re: Franchise Fee payment of \$58,469
- Letter dated January 31, 2013 from Former Mayor Louis Lamatina, Esq.; Re: Emerson Golf Course Request for Amendment to Zone

VI. UNFINISHED BUSINESS

- Resolution #58-13 In Support of the Fix Gun Checks Act and Other Measures to Reduce Gun Violence

Mayor Colina clarified language in the resolution regarding mental illness. He noted that he was not looking to take guns away, but to reduce gun violence, close loopholes and make national databases available to law enforcement and other agencies to reduce gun violence.

☞ **Motion** to approve Resolution #58-13 In Support of the fix Gun Checks Act and Other Measures to Reduce Gun Violence was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by roll call vote of 4-0.

RC: Council members:

YES: Worthington, Rivers, Garis, Paino

ABSTAIN: DiPaola

- Broadway Path – Mr. Mooney said that he and several others inspected permanent fixtures currently on borough property in the area and discussed liability issues regarding what remained. He emphasized that a decision needed to be made. He said the Department of Public Works could handle the remaining items that needed removal if the Governing Body decided it was worthwhile. Council President Rivers said that a letter should be sent to one resident delineating what was or was not town property and if necessary, ask the DPW to do what was necessary. Mayor Colina expressed the same sentiment adding that the property owner's expectation should be that the town is not permitting use and that the DPW will clear whatever necessary to create the path.

VII. NEW BUSINESS – There was no new business.

VIII. REPORTS

- Borough Administrator Joe Scarpa gave his report relating to the Pascack Valley Cooperative Road Program and discussed bonding for this project.

☞ **Motion** to approve bonding for the Pascack Valley Cooperative Road Program was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Worthington, Rivers, Garis, Paino

Mr. Scarpa also gave an update on the Senior Center.

- Borough Clerk Carol Dray had no report.
- Borough Attorney Scott Mooney gave an update on Kinderkamack Road. He sent a final set of letters to property owners and anticipated that there would be a dozen that would probably have property taken by eminent domain.

Ms. Dray announced that Councilman Knoller arrived at 8:00 p.m.

- Mayor and Council

Council President Rivers gave the January **Police Department** report and said that Police Officers Meltzer and Velez had agreed to continue the Dare Program on their days off and suggested some kind of recognition for them later in the year. He detailed a grant received by the Police Department for \$20,000 to purchase a license plate reader for one vehicle.

Councilman Knoller reported on a **Recreation Commission** meeting where the Code of Conduct was discussed with Captain Buono and Mr. Mooney.

Councilwoman DiPaola reported that the **Board of Health** would like a representative from GASP to speak to them about passing an ordinance making the recreation areas smoke free. She said that the **Shade Tree Commission** had several new members.

Councilman Worthington had no report.

Councilman Paino gave the **Building Department** and the **Volunteer Ambulance Corps** reports for January.

Councilwoman Garis reported that the **Emerson Public Library's** January circulation had doubled over the previous January.

Mayor Colina reported on progress in meeting about a potential new municipal complex as well as sharing with Oradell the positive experience that Emerson enjoyed with Fuchs Ambulance Service.

IX. PUBLIC COMMENT.

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried.

Cathy Hornyak, 123 Palisade Avenue asked Mr. Scarpa about Open Space grants.

Seeing no more hands, Mayor Colina 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 Knoller, **seconded** by Councilwoman DiPaola and carried unanimously.

X. RESOLUTIONS ON CONSENT AGENDA NO. 59-13

☞ **Motion** to approve Consent Agenda #59-13 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 6-0:

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

Ca 60-13 Approve Bill List

Ca 61-13 Approve Transfer of Funds of the 2012 Municipal Budget

Ca 62-13 Approve 2012 LOSAP Certification Lists for the Emerson Fire Department and the Emerson Volunteer Ambulance Corps

Ca 63-13 Authorize Change Order #1 for the Sewer Re-Lining Project for Hillcrest and Vivian Avenues for \$12,372.50 to En-Tech Corp, 91 Ruckman Rd. Closter, NJ 07624

Ca 64-13 Approve Interlocal Service Agreement for TV Inspection between Emerson and the Northwest Bergen County Utilities Authority for CY 2013-2014

Ca 65-13 Approve Tax Certificate Redemption - **PULLED**

Ca 66-13 Authorize the Cash Release of the Performance Guarantee for 45 Emerson Plaza East of \$11,290.80

Ca 67-13 Approve Change Order # 2 for Senior Center Kitchen Renovation for \$1,079.00

Ca 68-13 Authorize Pistol Range Agreement with Park Ridge for 2013

Council President Rivers asked Ms. Dray to move the 'not for release section' of December 4th and December 18th, 2012 and January 15th, 2013 Closed Session minutes to a future date. He also asked to move February 7th and April 3rd, 2012 to be discussed during Closed Session.

XI. CLOSED EXECUTIVE SESSION - Resolution No. 69-13

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 69-13 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

#13-2/19-05 Personnel-Certified Municipal Registrar N.J.S.A. 10:4-8

XII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

☞ **Motion** to appoint the Borough Clerk as the Acting Registrar on a temporary basis at the rate of an additional \$100 per week added to compensation was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: Knoller, Worthington, Rivers, Garis, Paino

ABSTAIN: DiPaola

Councilman Rivers asked Mr. Mooney to discuss his findings regarding minute preparation. Mr. Mooney outlined the research he had performed and various sources he had spoken with.

☞ **Motion** to approve the Regular Meeting Minutes of August 21, 2012 was **moved** by Councilman Knoller; however, there it was not seconded.

☞ **Motion** to approve the Special Meeting/Budget Work Session minutes of January 22, 2013 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 5-0.

RC: Council members:

YES: Knoller, Worthington, Rivers, Garis, Paino

ABSTAIN: DiPaola

☞ **Motion** to approve the content of Closed Executive Session meeting minutes of February 7 and April 3rd, 2012 with the changes made in Closed Session was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by roll call vote of 4-1.

RC: Council members:

YES: Knoller, Worthington, Rivers, Garis

ABSTAIN: Paino

NO: DiPaola

☞ **Motion** to approve the content of Closed Executive Session meeting minutes of March 2nd, July 17th and October 23rd, 2012 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 4-1.

RC: Council members:

YES: Knoller, Worthington, Rivers, Garis

ABSTAIN: Paino

NO: DiPaola

The Mayor asked Ms. Dray to get correspondence out to the Governing Body to solicit changes on the remaining twelve sets of Closed Session meeting minutes so they could be put to the vote at a future meeting.

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 Rivers and carried at 9:45 p.m.

Carol Dray, RMC/CMC/CMR

Joseph Kolodziej, Borough Administrator/Clerk

DATE: