



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
April 23, 2013  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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I. CALL TO ORDER

Mayor Colina called the meeting to order at 7:39 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 Knoller, Councilman Paino, Council President Rivers, Councilman Worthington

Also present were Borough Attorney Scott Mooney, Borough Administrator Joe Scarpa, CFO Catherine Henderson and Borough Auditor Gary Higgins.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Knoller for absence from Regular Meeting of April 2, 2013  
☞ **Motion** to excuse Councilman Knoller for his absence from the Regular Meeting of April 2<sup>nd</sup>, 2013 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried unanimously.

IV. CORRESPONDENCE

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

- Letter dated March 22, 2013 from Ken Benkovic, President Emerson Junior Baseball League; Re: Opening Day Ceremonies
- Letter dated March 25, 2013 from Robert Laux, Executive Director, BCUA; Re: Sewer Connection Fee Municipal Incentive Program Rebate
- Letter dated March 7, 2013 from Sandra Huber, Executive Director NJ Clean Communities Council; Re: Overdue 2011 Statistical Reports
- Letter dated April 2013 from Patrick Murray, Director, Monmouth University Polling Institute; Re: Emerson Awarded Best Municipal Website for Citizen Interaction
- Letter dated March 26, 2013 from John Rosenow, Chief Executive, Arbor Day Foundation; Re: Emerson earns recognition as a 2012 Tree City USA

V. UNFINISHED BUSINESS

- Resolution No. 89-13 Waiver to Reading Budget in Full  
☞ **Motion** to approve Resolution No. 89-13 Waiver to Reading the Budget in Full was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried unanimously

- 2013 Municipal Budget-Public Hearing  
☞ **Motion** to open the meeting to comments from the public on the adoption of the 2013 Municipal Budget only was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments on the 2013 Municipal Budget.

☞ **Motion** to close the meeting to comments from the public about the 2013 Municipal Budget was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

- Resolution No. 90-13 Adoption of the 2013 Municipal Budget  
☞ **Motion** to adopt the 2013 Municipal Budget was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.  
**RC: Council members:**  
**YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino**
- 2013 Multi-Purpose Bond – Mr. Scarpa identified the projects anticipated to be funded by the proposed multi-purpose bond scheduled to be introduced at the regular meeting of May 14<sup>th</sup>.

#### VI. NEW BUSINESS

- Economic Development Initiative-Property Tax Reward Program – Councilman Worthington introduced the concept of a rewards card program to the Governing Body to promote shopping locally by offering property tax rebates to property owners. Marlboro Township had adopted and was utilizing the incentive-based program which offered rewards credited towards a property owner's tax bill for participating residents who stay local and shop in support of local merchants. A percentage of every purchase to be determined by the participating individual business owners would be credited against a resident's property tax bill tallied by the swipe of the property owner's reward card at the time of purchase. He emphasized that there would be no expense to the borough and a very small expense to the business owner to participate in the program. He asked the Governing Body to review and consider implementing the program in Emerson.

#### VII. ADOPTION OF ORDINANCES

##### **Second Reading & Public Hearing:**

##### **1455-13 Amending Code of Emerson Chapter 77 entitled Police Department Article II entitled Outside Employment**

☞ **Motion** to open the meeting to comments from the public on Ordinance #1455-13 was **moved** by Council President Rivers, **seconded** by Councilwoman Garis and carried unanimously

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments on Ordinance #1455-13.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1455-13 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried unanimously.

☞ **Motion** to adopt Ordinance #1455-13 on second reading was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by roll call vote of 6-0.

**RC: Council members:**

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

**1456-13 Amending the Code of Emerson Chapter 140, entitled “Dogs and other Animals”**

☞ **Motion** to open the meeting to comments from the public on Ordinance #1456-13 was **moved** by Council President Rivers, **seconded** by Councilwoman Garis and carried unanimously

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments on Ordinance #1456-13.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1456-13 was **moved** by Council President Rivers, **seconded** by Councilwoman Garis and carried unanimously.

☞ **Motion** to adopt Ordinance #1456-13 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried by roll call vote of 6-0.

**RC: Council members:**

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

VIII. REPORTS

- Mayor and Council

Councilman Knoller reported that the **Recreation Commission** was working on a fireworks display on June 15<sup>th</sup> as well as a summer concert series. A CPR course was held in conjunction with the **Volunteer Ambulance Corps**.

Councilwoman DiPaola reported that the **Shade Tree Commission** would be celebrating Arbor Day on April 27<sup>th</sup> at 2 p.m. at Centennial Park; the **Historical Preservation Commission** in conjunction with Stop and Shop would display panels of the history of the town in the store; former Councilman Ken Hoffman had written a brief history of Emerson which would be posted on the borough website and the **Environmental Commission** had recently completed a cleanup on Broadway. An ordinance had just been adopted related to the **Board of Health** eliminating the need for people to appear in court to pay pet licensing fines.

Councilman Worthington had no report.

Councilman Paino gave the March **Building Department** report.

Councilwoman Garis had no report.

Council President Rivers gave the March **Fire Department** and **Police Department** reports.

Mayor Colina gave a report of the progress of the Municipal Building sub-committee emphasizing that there was no predetermined course of action to construct a new municipal building and underlining that the sub-committee was working in a responsible, logical fashion examining all options. He considered the architect to be the

professional expert who would manage an analysis to determine the viability of a building and site and examine the infrastructure within the building for feasibility purposes.

In addition, Mayor Colina reported on the progress of the shared purchasing of a lightning detection system with the Emerson Board of Education and commented on recently held meetings with the vendor Earth Networks identifying some of the costs involved. He had had conversations with other local mayors which could bring the cost of Earth Networks' services and fees down by splitting the fees among them. He added that the Emerson borough officials wanted to move forward and a follow up would take place with the Board of Education. If no other local entity wanted to enter into the shared service, the cost could run \$48,000 but he hoped to reduce the figure with the cooperation of the vendor and other municipalities joining on.

- Borough Attorney Scott Mooney had no report.
- Borough Clerk Carol Dray had no report.
- Borough Administrator Joe Scarpa reported on the progress of the 9-11 Memorial Committee noting that they had decided to proceed with the current design but had moved the location to the Veterans' Memorial area by Villano School. He sought the Council's approval to print and mail the 9-11 Memorial fundraising brochure to local residents. The consensus of the Governing Body was to review the brochure and respond by Monday to Mr. Scarpa if they had any objections or questions and depending on their comments allow Mr. Scarpa to move ahead with his plan without further delay. He concluded his report with other miscellaneous updates.

- PUBLIC COMMENT

Members of the public are welcome to speak on any topic by coming to the table and stating your name and address for the record. In the interest of time, speakers are limited to five (5) minutes. In consideration of all who may wish to speak, please keep your comments brief and concise.

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

Ron Griffin, 87 Ackerman Avenue spoke in length about his opposition to a higher level of government overturning the decision made by the local Republican Party Club of their choice for the slate of local Primary nominating candidates to be placed on the ballot to run in the June Primary Election. He also questioned the legality of a letter released related to a borough personnel matter that was included in a legal action taken by a councilmember.

Mark Orecchio, Land Use Board Chairman, 78 Karen Lane said the board had their first meeting regarding the Emerson Golf Course and thanked Borough Clerk Carol Dray for assisting them while they were without a secretary. He asked if a screen could be provided to project presentations to the board and public.

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 Garis and carried unanimously.

IX. RESOLUTIONS ON CONSENT AGENDA NO. 91-13

☞ **Motion** to approve Consent Agenda Resolution #91-13 with the removal of Resolution #92-13 Bill List was **moved** by Councilman Knoller, **seconded** by Councilwoman Garis and carried by roll call vote of 6-0.

**RC: Council members:**

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

Ca 92-13 Bill List – **PULLED FOR SEPARATE VOTE**

Ca 93-13 Award 2012 DOT Contract to D & L Paving in amount of \$142,947.13

Ca 94-13 Granting Permission to AT&T Corp. to install communications facilities along, under and over the public right-of-way in order to provide communications services to the public

Ca 95-13 Authorize execution of Right of Way Agreement between Emerson & Fiber Technologies Networks, LLC to Permit Installation, Use & Maintenance of Telecommunications Facilities within Public Right-of-Way for Purposes of Providing Telecommunications Services

Ca 96-13 Award contract to D.R. Mullen for Nimando Place - Sanitary Sewer Point Repair in the amount of \$9,250

☞ **Motion** to approve Resolution #92-13 Bill List was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 5-1.

**RC: Council members:**

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

**NO: DiPaola**

X. CLOSED EXECUTIVE SESSION - Resolution No. 97-13

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 97-13 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote of 5-0.

**RC: Council members:**

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

#13-4/23-09 Personnel-DPW Superintendent Contract

N.J.S.A. 10:4-8

#13-4/23-10 Personnel – Independent Hearing Investigator

N.J.S.A. 10:4-8

XI. RECONVENE

☞ **Motion** to reconvene was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried at 9:15 p.m.

☞ **Motion** to increase the previously approved allotted amount budgeted for an independent investigation by \$1,750 to Wiener, Lesniak LLP was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by roll call vote of 5-0.

**RC: Council members:**

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

**ABSTAIN: DiPaola**

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried at 9:18 p.m.