



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL

July 9, 2013
7:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Colina called the meeting to order at 7:31 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, Councilman Knoller, Councilman Paino, Council President Rivers, Councilman Worthington

Absent: Councilwoman Garis

Also present was Borough Attorney Scott Mooney. Borough Administrator Joe Scarpa arrived at 7:35 p.m.

III. APPROVAL OF MINUTES

- Regular Meeting of June 18, 2013
 - ☛ **Motion** to approve the Regular Meeting Minutes of June 18, 2013 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 4-0.
 - RC: Council members:**
 - YES: Knoller, Worthington, Rivers, Paino**
 - ABSTAIN: DiPaola**

IV. APPOINTMENTS/RESIGNATIONS – There were no appointments or resignations.

V. UNFINISHED BUSINESS

- Capping reimbursement period for tax exempt status - “An Ordinance Supplementing Chapter 9 of the Code of the Borough of Emerson entitled “Assessor”

Mr. Mooney explained he had distributed rough drafts of two ordinances – the disabled veteran refund tax which was capped to date back 12 months. Mayor Colina directed Ms. Dray to add this ordinance to the next agenda for introduction.

- Regulating Invasive Plant Species – “An Ordinance establishing Chapter 119 of the Code of the Borough of Emerson entitled “Invasive Plants”

Mr. Mooney said he had drafted this ordinance based on similar ordinances in the surrounding area at the request of the Governing Body. He noted that the ordinance was not regulating invasive plants in the right of way, but on someone's private property and advised the Council that adopting the ordinance would involve the Borough in neighbor to neighbor disputes. Councilwoman DiPaola agreed to meet with Code Official Mike Sartori to see what kinds of calls he was currently receiving on this issue and to meet with Shade Tree Commissioner Ken Hoffman to discuss specific species and she would report on her findings at the next meeting.

VI. NEW BUSINESS

- Title Search – 70 Patrick Avenue – Mr. Mooney said this address was restricted as wetlands and people were trying to build on the property according to the Zoning Official. Mr. Mancinelli was requesting the Governing Body to authorize a tax search so he and the Tax Assessor could ascertain whether or not it was a buildable piece of property; at a cost of \$200.00 to \$300.00. The Governing Body asked Mr. Mooney to provide more information regarding the owner and background of this topic.

VII. INTRODUCTION OF ORDINANCES – No ordinances were introduced.

VIII. ADOPTION OF ORDINANCES – No ordinances were adopted.

IX. REPORTS

- Borough Administrator Joe Scarpa said work was progressing at Emerson Woods. He and Mr. Iovino would be meeting with department heads on Friday for the municipal building study. Shred Day would be held on July 19th. Council President Rivers questioned the actual cost of the Emerson Woods project. Mr. Scarpa explained that it was costing the Borough nothing except perhaps a slight cost for the Borough Engineer, but the cost was about \$359,000.

X. 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 at 7:50 p.m. was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

Robert Obernauer, 161 Kinderkamack Road said his company had recently purchased the Sunoco station on Kinderkamack Road and requested the council pass an ordinance requiring all gas stations have a canopy to protect the workers' from extreme weather elements expeditiously. Mr. Scarpa informed Mr. Obernauer that certain standards of conformity must be met to erect a structure and Mayor Colina explained he was waiting for feedback from various Borough professionals and suggested setting up a meeting with Mr. Obernauer, the Borough Planner, Mr. Mooney, the Land Use Board Chairperson, Mr. Scarpa and Councilman Paino to identify the issues and how they might expedite the process.

Ron Griffin, 87 Ackerman Avenue asked for the time frame and cost to take care of issues under discussion in Closed Session and personnel issues related to the Borough Clerk. Councilwoman DiPaola responded to Mr. Griffin's questions in interpretation of what she considered it was that Mr. Griffin was referencing and asking about.

Marguerite Pellegrino, 152 Hartland Avenue asked about the enforcement of property maintenance ordinances referencing a home on Sullivan Drive with lean-to structures in their driveway that Mr. Scarpa volunteered to follow up with the next day. She also asked about construction vehicles and inquired about the status of redevelopment in the center of town. Council President Rivers said that he planned to introduce an ordinance regarding trucks by the end of the year.

Ken Hoffman, 61 Emwood Drive asked for details about Emerson Woods referencing a comment made by Council President Rivers at the last meeting. Council President Rivers commented that he was looking at options to provide more athletic fields in the borough for lack of adequate space and in anticipation of a report from the Environmental Commission more information about new things that could be done in that area.

Cathy Hornyak, 123 Palisade Avenue asked about options for property owners and eminent domain. It was the general consensus that eminent domain was not a methodology of acquiring land Governing Body supported at this time.

Marguerite Pellegrino, 152 Hartland Avenue discussed drainage issues on her street. Mr. Scarpa said he would check on it.

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 Council President Rivers, **seconded** by Councilwoman DiPaola and carried unanimously at 8:30 p.m.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 128-13

Matters listed below are considered routine and will be enacted by one motion to the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

☞ **Motion** to approve Consent Agenda Resolution #128-13 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, Paino

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| Ca 129-13 | Approve 2013-2014 Liquor License Renewal for the following licensee: <ul style="list-style-type: none">• Gregory T's Inc.- Trustee 0214-33-001-006 |
| Ca 130-13 | Approve surrender of Emerson American Legion ABC Club License #0214-31-009-001 |
| Ca 131-13 | Approve Block Party Application Block 334, Lot 1 & Block 333, Lot 10 |
| Ca 132-13 | Bond Release – Kesilyas, 60 Orchard Avenue, Block 218, Lot 19.01 |
| Ca 133-13 | Change Order #1 Lincoln Ave. Blvd. Section #3 – NJDOT/2011 Pascack Valley Cooperative |
| Ca 134-13 | Authorizing Joint Purchase of Lightning Detection System in an amount not to exceed \$24,000.00 |

Council members discussed removing the Closed Session Item #13-7/09-18 Litigation – Attorney Fees – Municipal Clerk from the closed session resolution based on the belief of Councilwoman DiPaola that discussing the attorney fees was in violation of the Sunshine Law, the absence of Councilwoman Garis who had discussion points to add and several inaccuracies on the corresponding resolution.

☞ **Motion** to table discussion of item #13-7/09-18 Litigation – Attorney Fees – Municipal Clerk be removed from Closed Session and tabled until the first meeting in August when Councilwoman Garis returned as she requested was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried by roll call vote of 4-1.

RC: Council members:

YES: DiPaola, Worthington, Rivers, Paino

NO: Knoller

XII. CLOSED EXECUTIVE SESSION - Resolution No. 135-13

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 135-13 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, Paino

#13-7/09-18	Litigation - Attorney Fees – Municipal Clerk - PULLED	
		N.J.S.A. 10:4-7
#13-7/09-19	Professional Service Contracts	N.J.S.A. 10:4-7

XIII. RECONVENE

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

☞ **Motion** to approve Professional Service Agreements for Bond Counsel, Labor Attorney, Land Use Attorney, Planner, Auditor, Tax Services and Appraiser as was presented by the aforementioned and provide the Borough Engineer with only a 2% increase over 2012 rates was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by roll call vote of 5-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Paino

Resolution No. 136-13 Attorney Fees to Be Paid on Behalf of Borough Clerk Carol Dray, RMC/CMC/CMR – **No formal action was taken on this resolution.**

XIV. 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 Councilman Knoller and carried at 9:03 p.m.

9/17/13

Carol Dray, RMC CMC

DATE