



**AGENDA  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL**

**March 20, 2012**

**7:30 P.M.**

**Borough Hall-Council Chambers  
Emerson, NJ 07630**



Mayor Colina called the meeting to order at 7:33 p.m., and identified the emergency exits. Mr. Joey Buono led the assembled in the salute to the flag. Mayor Colina asked everyone to remain standing for a moment of silence for the men and women in the Armed Forces who faced daily pressures, multiple tours to combat areas and suffered in ways that could only imagined.

**O.P.M.A. Statement**

Mayor Colina read the Sunshine Statement announcing that the meeting of March 20, 2012 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 21, 2011; 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, Councilwoman DiPaola, Councilwoman Garis, Councilman Knoller, Councilman Rivers, Council President Shaw, Councilman Worthington

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

**III. PROCLAMATIONS & CITATIONS**

- Joey Buono Day – Wednesday, March 21st, 2012 – Mayor Colina invited Joey Buono and his family and friends to join him at the flag while he read the proclamation honoring his accomplishments as a football player at Emerson Jr./Sr. High School.

**IV. APPOINTMENTS/RESIGNATIONS - None**

**V. CORRESPONDENCE**

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

- Letter received February 21, 2012 from Robert Petrow; Re: Tax assessment third request
- Letter dated February 27, 2012 from Joseph Picciano, Deputy Director Preparedness, NJ Office of Homeland Security; Re: FY09 Buffer Zone Protection Program
- Letter dated March 5, 2012 from Robert Laux, Executive Director, BCUA; Re: 2011 BCUA Sewer Connection Fee Rebate
- Letter dated March 7, 2012 from Robert Laux, Executive Director, BCUA; Re: BCUA Rain-Derived Infiltration/Inflow Reduction & Sanitary Sewer Overflow Elimination Plan – 2012 Status

VI. UNFINISHED BUSINESS

Councilman Rivers requested that Hillman Field be placed on the agenda as a point of order and gave his report. In his judgment, the 'drill and fill' procedure was not done properly, describing it more accurately as a 'drill and spill' since the holes were drilled but the sand was thrown over the top. He described a meeting which had taken place recently with the engineer and vendor. The engineer considered that the work performed was done so properly and to let the process have some time to work. He also advised letting the field time to rest and the grass time to grow before passing judgment. He noted they had followed the borough engineer's advice and had used sand in place of the other material on the field.

Councilman Rivers continued by remarking on the research he had done on the procedure of drill and fill' and found hundreds of places where the process had been done with a product called Turfus or Pro's Choice with great results. He said people were present who wanted to hear a unified message as to what the Governing Body suggested should happen on the field. The engineer suggested they leave the field empty through the month of April. The engineer and vendor's biggest concern was having numerous players on the field. However, he had been informed by everyone he talked that there would be no damage provided that only a few of players were permitted at a time on the field.

He proposed that through the end of March no one be on the outfield of Hillman Field (left field or center field). It would be acceptable to allow practice drills on the infield or right field as long as they stayed off the areas where field work had been done. He explained that baseball had done much work on the infield so if they wanted to practice on the infield or right field, he did not have a problem with that. Only a few games were scheduled for the first part of April. Most were scheduled for the middle to end of the month. He suggested permitting field usage for baseball games to begin in April. He requested that drills for soccer and football be eliminated through April emphasizing that no one should be allowed on the field in April except center or left fielders.

He added that after April the field improvement would be re-evaluated and proceed from there. He noted the final expectation of the vendor to come back and do was a top dressing composed of top soil mixed with Pro's Choice. This had not been done yet because the vendor did not have access to good top soil per specifications because of the winter time frame. He said he hoped this would happen in the next week and should not slow the activity he outlined that could be done on the field.

VII. NEW BUSINESS

- Stop & Shop – Outdoor Saleable Floral Request – Mayor Colina said Stop and Shop had made a request to sell floral items on their sidewalk. He had spoken with Code Enforcement Officer who had a concern related to the ordinance. Since Stop and Shop had been granted permission in the past, there was a past precedent for it. Therefore, he proposed they grant permission as done in the past on the condition that Stop and Shop file for a bulk variance with the Land Use Board within 90 days of a letter being sent to them.

☞ **Motion** to permit Stop and Shop to sell floral items outside on their sidewalk was **moved** by Council President Shaw, **seconded** by Councilwoman Garis and carried unanimously.

VIII. ORDINANCES

Mayor Colina announced that Ms. Dray would read the following bond ordinance by title and it would be further considered at a Public Hearing to be held on April 3rd, 2012 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the March 23rd, 2012 edition of the Ridgewood News by summary. He added that the ordinance was 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-Introduction**

**1443-12 AN ORDINANCE AMENDING CHAPTER 200 PARKS, PLAYGROUNDS AND RECREATION AREAS**

☞ **Motion** to approve Ordinance #1443-12 on first reading was **moved** by Council President Shaw, **seconded** by Councilman Knoller and carried by roll call vote.

**RC: Council members:**

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

**Second Reading and Public Hearing:**

**1442-12 CALENDAR YEAR 2012 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 #1442-12 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1442-12 was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried.

☞ **Motion** to adopt Ordinance #1442-12 on second reading was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote:

**RC: Council members:**

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

IX. REPORTS

- **Borough Administrator** – Mr. Scarpa said they were meeting with the employees regarding a Flexible Spending Account through AFLAC. He had updated all the personnel posters regarding labor laws. A quarterly safety meeting had been held as required by the Joint Insurance Fund. He would be posting fire escape route signs by the suggestion of the Fire Prevention Official. The Bond Counsel had begun work on the multipurpose bond. JIF was offering a \$25,000 grant to receive Police Department accreditation. The Borough had received \$98,000 back from FEMA for the snowstorm and a \$23,000 federal reimbursement – inaudible – and approval on a \$3,600 grant for Senior Citizen Activities from Community Development. They had received reimbursement for the Open Space Grant for work done at Wagner Park. He referenced

the ongoing saga with regard to PSEG street lights; Assemblyman Schroeder had gotten involved but they had not yet received a final response.

- Borough Attorney Scott Mooney discussed Kinderkamack Road and said he was going to start sending out correspondence to all of the potentially affected property owners. He and Mr. Scarpa would answer any questions from property owners. He also followed up on items related to the Emerson Volunteer Ambulance Corps. He discussed his calls with various divisions of the IRS and a conversation with someone in the Complex Issues Division who said the EVAC should be permitted to receive clothing stipends because there was no provision that said they could not. The IRS recommended two final courses of action - the IRS website or mailing a letter to the Chief Counsel. Mr. Mooney mailed the letter and was waiting for a response.

Councilwoman DiPaola stated for the record that she was not listening to voices in her head speaking to her about the legality of the EVAC taking clothing stipends as Council President Shaw made it sound at the last meeting. Mayor Colina interjected that he did not recall that the Council President had talked about any voices in the head. She modified her prior comment by stating that when she read the Council President's quotes in a newspaper article and listened to the tape, it sounded to her like she was talking to fictitious people that she had made up which she had not. She listed the organizations she actually spoke with that who told her the EVAC could not receive clothing allowances or stipends from donated funds. They included the IRS, the Local Finance Board, the Department of Community Affairs, the Attorney General's Office, and John McCann, the attorney who had been helping her. She said that; although they had given an opinion on the prosecutor's report, she thought it had been interpreted incorrectly.

- Borough Clerk Carol Dray had no report.
- Mayor & Council

Councilwoman DiPaola gave the January and February **Building Department** reports and discussed issues related to the Land Use Board and the use of berms. She discussed issues related to a resident who was interested in building berm with a fence on top which would impact fence height restrictions. This item had been discussed with the Construction Official who brought up other considerations for changes. The Land Use Board Chairman recommended they put together a committee to review and make recommendations for changes to Borough ordinances.

Councilman Knoller said he and the Human Resources Committee Co-Chairperson, Councilwoman Garis, had met to discuss the Personnel Manual which had not been updated in four years. Mr. Scarpa had put together a draft with suggested underlined changes; and additional changes required by JIF were also being made. Mr. Scarpa added that an updated copy of the Personnel Policy with the proposed revisions will be distributed for review via email. Councilman Knoller's expectation was that it should be voted on at the April 3<sup>rd</sup> meeting.

Councilwoman Garis reported on the **Emerson Volunteer Ambulance Corps** for January and February.

Councilman Worthington had no report.

Councilman Rivers gave the February report of the **Emerson Volunteer Fire Department**. Half of the turnout gear had been delivered and seemed to be a great product. He also gave the February **Police Department** report. He announced that the annual Police Department golf outing would be held at Hackensack Golf Club on Tuesday, May 29<sup>th</sup>.

Council President Shaw had no report.

Mayor Colina had no report but said they continued to strive for a team theme throughout the community, in athletic endeavors and with the Governing Body.

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 for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

Mr. Afrim Hoxha, 34 Broad Street thanked the Governing Body for clarifying issues related to Hillman Field. As a member of Emerson Baseball, he said they would continue to comply and there would be no games until April. He asked for more information on the ordinance related to reducing field use fees.

Mr. Mike Budres, 93 Pascack Avenue discussed logistics related to the March 31<sup>st</sup> Easter Egg Hunt on Hillman Field. He also questioned Mr. Mooney and the Governing Body on IRS issues related to the EVAC and Councilwoman DiPaola's research on this issue.

Mr. Bob Carcich, 105 Ackerman Avenue asked questions about Hillman Field and the restrictions for March and April.

Ms. Jill Dunican, 19 Kensington Avenue asked for a recap of the earlier discussion about Hillman Field.

Police Officer Joe Alasio of the Emerson Police Department announced the upcoming Cop Card Program. He said they had purchased 1200 cards for each officer and he would be visiting the schools next week to explain the program. He said they had met their fund raising goals and would be buying about 15 Ipads to raffle to children in town. Due to a generous donation from Shop Rite they would also be purchasing about 1000 t-shirts for all the grade school children. The program was scheduled to begin April 1<sup>st</sup>. They were also anticipating a grant from United Water to underwrite some costs.

Mr. Ken Hoffman, 61 Emwood Drive asked about the Closed Session item related to real estate.

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 at 8:45 p.m.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 76-12

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 #76-12 was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

Ca 77-12 Approve Bill List

Ca 78-12 Approve Meeting Minutes of the Mayor and Council:  
Regular Meetings of November 22, December 6, December 20, 2011  
Regular Meetings of January 17, January 24, February 7, 2012  
Special Meeting of January 19, 2012

Ca 79-12 Resolution for Member Participation in Bergen County Cooperative Pricing System for Electricity Generation and Natural Gas Supply Services

XII. CLOSED EXECUTIVE SESSION - Resolution No. 80-12

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 80-12 was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

#12-3/20-05 Real Estate – COAH N.J.S.A. 10:4-5

#12-3/20-06 Personnel-Police Department N.J.S.A. 10:4-7

XIII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried.

☛ **Motion** to establish a PBA negotiation committee consisting of the members of the proper authority and Councilman Worthington was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

**RC: Council members:**

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

Mr. Scarpa stated that he would send a letter to the PBA to initiate the collective bargaining unit discussions to set up an initial meeting.

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Rivers, **seconded** by Councilman Worthington and carried at 10:01 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 060812)

March 22, 2012