



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
May 15, 2012  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:37 p.m., and identified the emergency exits. Ms. Rachel Rhee led the assembled in the salute to the flag. Mayor Colina asked everyone to remain standing for a moment of silence, thanks, good thought and prayer for our men and women that have made the ultimate sacrifice. He reminded everyone that Monday, May 28<sup>th</sup> was Memorial Day and asked the assembled to join him at Veterans' Park on High Street at 11:00 a.m. where they would have their Memorial Day ceremony to pay their respects to those men and women.

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

Mayor Colina read the Sunshine Statement announcing that the meeting of May 15, 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

**ABSENT:**

Councilman Worthington

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

III. PROCLAMATIONS & CITATIONS

- Chief for the Day – Rachel A. Rhee – Friday, June 1<sup>st</sup> – Mayor Colina invited Police Chief Rossi, Council President Shaw and Councilman Rivers to join him at the front of the Council Chambers with Ms. Rhee and her family. Chief Rossi explained that they were honoring her with a proclamation as Chief for the Day in conjunction with a program associated with the Bergen County Sherriff's Department and the Bergen County Police Department. He praised Ms. Rhee for her academic and extracurricular achievements and noted that she had raised almost \$21,000 on behalf of the Juvenile Diabetes Foundation. Mayor Colina read the proclamation and congratulated Ms. Rhee and said he had heard nothing but excellent, glowing, and brilliant comments from her teachers at Villano School.
- Emerson Police Officer Daniel Kalyoussef and Detective Michael McDermott – Mayor Colina invited Officer Kalyoussef and Detective McDermott and their families, as well as Captain Buono and Chief Rossi to join him at the dais while he read their proclamations. He said it gave him great pride to be involved with the Emerson Police Department. He described the incident that the officers were instrumental in that led to the arrest of a predator. Chief Rossi emphasized the importance of good old fashioned police work and described the steps taken by the officers that led to this arrest. He commended his officers for a job well done.

IV. APPOINTMENTS/RESIGNATIONS

- Dispatchers: Part Time
  - a. Edward Conklin
  - b. Brendan Rizza

☛ **Motion** to appoint Edward Conklin and Brendan Rizza as part time dispatchers was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote:

**RC: Council members:**

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

- Resignation: Neil Schwab from the Environmental Commission effective immediately
- Appointments: Mayor's Appointment to the Environmental Commission
  - a. Regular Member for unexpired term ending 12/31/12 - Karen Browne
  - b. Alternate I Member for unexpired term ending 12/31/12 - Emma Ryan

Mayor Colina announced the resignation of Neil Schwab from the Environmental Commission effective immediately. In addition he appointed Ms. Karen Browne as a regular member of the Environmental Commission for the unexpired term ending 12/31/12 and Ms. Emma Ryan as the Alternate I member for the unexpired term ending 12/31/12.

V. CORRESPONDENCE

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

- Letter dated March 26, 2012 from Governor Chris Christie; Re: NJDOT Municipal Aid for High Street in the amount of \$146,500
- Letter dated April 6, 2012 from Mayor for the Day William Nienstedt; Re: Thank you
- Letter dated April 9, 2012 from Jennifer Eckes; Re: Website content
- Letter dated April 5, 2012 from David Kuhn, Asst. Commissioner, Capital Investment Planning & Grant Admin.; Complete Streets Training Workshop
- Letter dated April 23, 2012 from Williams Gas Pipeline Transco Manager, Public Outreach Cindy Ivey; Re: Field Activities Postponed
- Letter dated April 27, 2012 from Assemblyman Robert Schroeder; Re: NJDEP award of \$11,327.41 in grant funding through Clean Communities Program
- Letter dated April 27, 2012 from Senator Gerald Cardinale; Re: 2012 Clean Communities Grant Award of \$11,327.41
- Letter dated March 27, 2012 from Chief Executive John Rosenow, Arbor Day Foundation; Re: Emerson named Tree City USA community for 2011
- Letter dated April 30, 2012 from Sr. V.P. Clifford Heath, NJ Alliance for Action Inc.; Re: Invitation to BC Alliance for Action Chapter meeting on June 1, 2012
- Letter dated May 1, 2012 from Bergen County Police Chiefs' Association President/Chief Vincent Caruso; Re: Shared Services
- Letter dated May 8, 2012 from Senator Paul Sarlo, Senator Linda Greenstein and Assemblyman Troy Singleton; Re: Energy Tax Receipt Bill

VI. UNFINISHED BUSINESS

- Fuchs Ambulance Service Update – Chief Rossi provided an update on the service provided by Fuchs Ambulance Service. He reported that to date everything had been flawless except for one small incident. He said most of the calls had been responded to in two to three minute and things were working well. They were still working on determining if there was a need for additional ambulances in the area. He said there was constant communication and he and his officers were very happy. In addition, he described how backup ambulance coverage was determined when a call came in.

VII. NEW BUSINESS

- Appointing a Local Historian – N.J.S.A. 40:10A Local Historian – Mr. Scarpa said that Mr. Wassmann had been serving on the Historic Commission and had informed them that he was the Borough Historian for years but could not provide any historical information regarding when this appointment was made. Mr. Scarpa thought that formally appointing him to that position needed to be done again by the Governing Body.

Councilwoman DiPaola referenced the state statute provided by Ms. Dray which said that the local historian may employ clerical assistance to carry out their duties and responsibilities. She asked how this would be handled. Council President Shaw asked about the relationship of the Historian to the Historic Commission. Mr. Scarpa said he thought they could have one without the other. He added that Mr. Wassmann had been collecting information for years; the commission had a different role than the Historian but they all had the same goals.

Mayor Colina asked if there was a pressing need for this and asked about potential associated expenses. He mentioned the value, duties and responsibilities and questioned why now as some of his concerns. Mr. Mooney said anyone could label themselves as “historian”, but once they were officially recognized, there was some liability taken by the Borough. He explained that business cards in Mr. Wassmann’s name and position as Municipal Historian had been purchased listing his personal home address and personal phone number on them with the borough seal. He said that even if he was made the local Historian, his personal address with the Borough seal was not appropriate on a borough business card. He added that the Council had created an Historic Preservation Commission and said there was safety in numbers versus Mr. Wassmann going out on his own. He cautioned against the creation of the position. He pointed out that Mr. Wassmann was the Chairman of the Historic Commission but ultimately the decision to have both was up to the Mayor and Council.

Councilwoman DiPaola said she would tend to heed the Borough Counsel’s recommendation. She suggested that Mr. Wassmann come in and explain why he needed this official title. The Governing Body agreed that Mr. Wassmann should appear before them at the next meeting to share his explanation for the need and how it would affect the Borough.

- Amending Recreation Commission Code of Conduct – Councilman Knoller reported that Recreation Commission’s Code of Conduct was found to be lacking in regard to enforcement language. In cases when an individual violated the code for certain types of inappropriate behavior and suspended from participation at any recreational sporting event; the Chief of Police had informed him that there was no language in the ordinance that provided enforcement of the violation. Councilman Knoller requested that the ordinance be amended to address that concern of a lack for enforcement of penalties.

Council President Shaw said he and Councilman Knoller had attended a Recreation Commission meeting for all the heads of all the sports programs. Council President Shaw said that some of the boards spent an awful lot of time not dealing with the business of the sport but rather with code of conduct issues. He said one of the provisions was that an individual could not attend practices or games but if the individual was sanctioned by a recreation body what would happen if they did not follow the punishment. He said that there was a suggestion to add an enforcement provision similar to the enforcement provision for open containers, excessive noise, littering, etc. He said it would legitimize it as a borough ordinance that would be enforced by the Municipal Court.

Mr. Mooney speculated that a solution could be found to improve the structure of enforcement within the ordinance and he, Council President Shaw and Councilman Knoller would work towards that goal. He suggested a trespassing ordinance that would only apply in the confines of the Borough. He said he would put something together and run it by the Recreation Commission before the next meeting.

VIII. INTRODUCTION OF 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 June 12th, 2012 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the May 18th, 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:**

**1445-12 AN ORDINANCE AMENDING CHAPTER 266 ENTITLED TREES AND SHRUBBERY ARTICLE II ENTITLED TREE PRESERVATION AND WOODLANDS MANAGEMENT § 266-21 REPLACEMENT OF TREES**

Councilwoman Garis questioned how issues of negligence would be handled and how the determination would be made. She also asked who would determine where the tree would be planted. Mr. Mooney explained that it was not the homeowner's property, but the right of way which belonged to the Borough. Councilwoman DiPaola agreed and said she did not think it should be up to the Shade Tree Commission but rather should be a joint decision between the Commission and the homeowner.

Mr. Mooney said he had been approached by Shade Tree Commission Chairman Joe Solimando because of the need for greater authority and enforcement of the ordinance. Mr. Solimando explained that they worked with every resident on the location of their tree. He also explained that one member of the commission was a certified arborist and could tell if the tree was diseased or was being willfully destroyed. They would not penalize people whose trees were diseased. Councilwoman Garis referenced the possibility that someone other than the homeowner might destroy a tree through vandalism. She suggested that the ordinance be worded differently because she could not vote on something that held the homeowner negligent.

Council President Shaw commented that their suggested changes might dilute the purpose of their authority and put the Commission in a situation where they could not resolve a dispute. He said the purpose of the Commission was to be authority and they had to have trust in that power. After additional discussion, the Governing Body agreed to table the ordinance until the Shade Tree Commission liaison was available to participate in further discussion.

IX. REPORTS

- Borough Attorney Scott Mooney had no report.
- Borough Administrator Joe Scarpa reported Emerson was named Tree City USA for the seventh year and commended the Shade Tree Commission for that honor. The borough had received the check for over \$11,000 for help with the purchase of leaf bags. The BCUA would again sponsor a shredding event in the Borough. Bergen Swan had informed him they had received final approval from the Attorney General's Office to approve grant funding for the restoration project of the road and drainage ditch. He would be meeting the next day with the Captain of the EVAC to see about changing locks on the Ambulance Corps building. Senator Paul Sarlo had submitted legislation for the Energy Receipts Tax related to the loss of tax revenue from State Aid funding. He said that Emerson had lost over \$2 million. He encouraged the Governing Body to pass a resolution supporting bill S1900. At a joint administrators' meeting attending by Pascack Valley and Northwest Bergen administrators, they discussed a utility audit on all utilities (comments inaudible). Work on local road repair would begin in early June. The Police were working on a DWI enforcement program grant for \$4,400 that would cover the cost of police overtime. He said there was an ongoing issue with PSE&G and streetlights. A new list had been sent to their contact person regarding the 38 lights that are currently out. He had attended a meeting of the Bergen County League of Municipalities where a motion was made to call for a joint open public meeting about the Williams pipeline issue.

- Borough Clerk Carol Dray reported on the online auction. She said the DPW posted some vehicles on GovDeals.com and they realized about \$3000. She emphasized that the on-line auction was working out well and the DPW had really taken charge and done a great job. The borough was realizing greater revenues from old and obsolete equipment than doing it the old fashioned way. She said they sold three obsolete vehicles, a sewer jet and a roller.
- Mayor and Council

Councilwoman Garis gave the **Emerson Volunteer Ambulance Corp** report for April. She said the Emerson Public Library would be having a grand opening celebration on Sunday, May 20<sup>th</sup> from 2 – 4 p.m. which would be open to the public.

Councilman Rivers gave the **Emerson Volunteer Fire Department** report for the month of April. He said that Gregory T's would hold a Softball fundraiser on Friday and it was a great opportunity to support the Girl's Softball team.

Councilwoman DiPaola gave the April report of the **Building Department**.

Councilman Knoller said the **Recreation Commission** would be holding their annual fireworks celebration on June 23<sup>rd</sup> after the charity softball game. They were doing a great job soliciting donations and would not be using any taxpayer funds. He said that the Recreation Commission Chairman Dave Rector was doing a tremendous job. He said it was nice to see the positive dialog at a recent Recreation Commission Board meeting. Mr. Rector had set goals to see what the boards could do not just for sports but for the entire Borough. He emphasized that the entire commission was doing a great job and were a terrific group of Emerson residents who should all be applauded.

Councilwoman DiPaola asked Councilman Knoller to bring the idea of a town picnic back to the Recreation Commission. She explained that a lot of residents had approached her and said they really missed that full day of activities, food and congregating. Councilman Rivers commented that at the last two picnics the attendance had declined drastically and there had been a enormous amount of waste. While he agreed that a lot of people might consider it a great idea, the low attendance and the cost of between \$9,000 and \$10,000 could not sustain it. He commented on the very well attended fireworks over the last two years and the fact that these events did not cost the Borough anything. Councilman Knoller added that they were trying to tie the fireworks into the charity softball tournament which was a community wide event that had been pretty well attended.

Mayor Colina suggested having two events in the summer. Councilwoman DiPaola said that maybe the timing of the picnic was not good and suggested moving it to September or October when people were not going away. She said that over Memorial Day weekend a lot of people were out of town. Mayor Colina said that obviously it would need to be well planned but hated wasting food. He concurred that there was a sentiment, especially among the seniors, for a picnic. He said it would obviously require a well planned effort and would be more than happy to discuss it in greater depth. He added that he wouldn't want to impact the charity softball event and fireworks at all since they had momentum. Councilman Knoller said he would be happy to bring the idea to the Recreation Commission. Mayor Colina said that with budgetary concerns for this year, maybe they could start planning it for next year.

Mayor Colina announced that the Memorial Day event would take place on Monday, May 28<sup>th</sup> at 11:00 a.m. at Veterans' Park. This year they hoped to show greater respect in their attendance and invited everyone to join them. The high school music ensemble would play some patriotic songs, he and Chief Rossi would work with the American Legion and their leadership to maintain it since it was the least they could do.

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 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried at 9:10 p.m.

Mr. Michael Davis, Goshen, N.Y. stated he was there representing the Emerson Volunteer Ambulance Corps. He said he wanted to shed light on what happened at the meeting the previous night where the Police Chief spoke. He shared his concerns regarding the wording of the Fuchs contract and backup issues and asked for a copy of the contract. He discussed potential mutual aid issues with the Governing Body.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 101-12

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.

Councilwoman DiPaola requested that Resolution #103-12 be pulled from the consent agenda until the next meeting.

☞ **Motion** to approve Consent Agenda #101-12 with removal of Resolution #103-12 was **moved** by Councilman Rivers, seconded by Councilwoman Garis and carried by roll call vote:

**RC: Council members:**

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

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|-----------|---|
| Ca 102-12 | Approve Bill List   |
| Ca 103-12 | Approve Mayor & Council Meeting Minutes:<br>Regular Meetings of Regular Meetings of February 21, March 6, 2012 -<br><b>PULLED</b> |
| Ca 104-12 | Approve Place to Place Transfer for Hackensack Golf Club, Soldier Hill Road,<br>Oradell, NJ - License # 0214-33-004-001           |
| Ca 105-12 | Award contract for Pascack Valley Cooperative Road Program to D&L Paving in<br>the amount of \$249,161.                           |
| Ca 106-12 | Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87 –<br>Clean Communities Grant in the amount of \$11,327.41  |
| Ca 107-12 | Approve Tax Appeal Adjustment – 75 Demarest Avenue  |
| Ca 108-12 | Approve Amending Annual Notice pursuant to NJSA 10:1.1 et seq   |
| Ca 109-12 | Tax Overpayment in the amount of \$736.94 - 24 John St  |
| Ca 110-12 | Tax Deduction Adjustments   |

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 Councilwoman DiPaola and carried at 9:15 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 06/28/12)

May16, 2012