



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
May 17, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:42 pm. The Mayor led the salute to the flag followed by a moment of silence and kind thoughts for all the citizens and businesses in the Mississippi flood area.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of May 17th, 2011 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 22, 2010; 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, Councilman Browne, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Councilman Rivers, Council President Shaw

Also present were Borough Clerk Carol Dray and Borough Attorney Scott Mooney. Borough Administrator Joseph Scarpa was away on vacation.

I. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman John Lazar on May 3, 2011
☞ **Motion** to excuse the absence of Councilman Lazar from the May 3rd Mayor and Council meeting was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried.

II. PROCLAMATIONS & CITATIONS - None

III. PUBLIC COMMENT

Before opening the meeting for comments from the public, Mayor Colina reminded everyone to turn off their cell phones, keep their comments as brief as possible and try to limit them only to governmental issues of concern to an Emerson resident. He further requested that if a subject matter was addressed and answered, to please refrain from repeating it unless they had something new to contribute. A five-minute rule was in effect for each speaker at the discretion of the Council. Mayor Colina asked that everyone do their part to be civil, to the point and respectful of another's point of view and opinion. He further warned that speaking out without recognition would not be tolerated and a second warning could result in removal from the Council Chambers.

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

Ken Hoffman, 61 Emwood Drive read a statement supporting the Historical Preservation Element/Master Plan and addressed concerns about liability.

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

IV. APPOINTMENTS/RESIGNATIONS

- Recreation Commission
 - Paul Riker as a Regular Member for the unexpired term ending 12/31/12

☞ **Motion** to appoint Paul Riker as a Regular Member of the Recreation Commission for the unexpired term ending 12/31/12 was **moved** by Councilman Rivers **seconded** by Councilwoman Garis and carried.

V. CORRESPONDENCE

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

- Letter dated April 11, 2011 from Joseph Picciano, Deputy Director Preparedness, Office of Homeland Security; Re: Grant activity
- Letter dated April 14, 2011 from Tax Administrator Robert Layton; Re: 2011 Taxable Values
- Letter dated April 18, 2011 from John Rosenow, Chief Executive, Arbor Day Foundation; Re: Emerson named Tree City USA community for 2010
- Letter dated April 20, 2011 from Richard Loveless, Acting Manager, NJDOT; Re: Grant in the amount of \$150,000
- Resolution dated April 20, 2011 from Woodcliff Lake Borough Clerk Lori Sciara; Re: Supporting S-54 Restricting changes on Certain County or Municipal Stream Cleaning Activities
- Letter dated April 29, 2011 from Courtney Fagan & Suzanne Forbes, Wakefern Food Corporation; Re: ShopRite Earth 2010
- Letter dated April 28, 2011 from NJ State Senator Gerald Cardinale; Re: Fiscal Year 2011 Clean Communities Grant of \$11,525.46

VI. UNFINISHED BUSINESS

- Background Check Ordinance – Council President Shaw discussed an issue brought to his attention by a couple of Emerson residents regarding the structure of this ordinance. He stated that he and Mr. Mooney were satisfied that it was written in compliance to the law on the state and federal level. He would reach out to the family that had brought the issue to his attention.
- Historic Preservation Element/Master Plan – Mayor Colina reviewed the fact that former Councilman Hoffman had spoken at the previous meeting and followed up with a hypothetical model of the Historic Preservation Plan Element. Councilman Rivers shared his concern about this issue and said that property owners might not want to ‘get in the car’ or ‘get out of the way’. He asked if it would be forced on a homeowner because of the greater good and did not like that idea. However, he agreed that he did not want specific downtown buildings to change such as the Emerson Hotel which he described as a landmark. But he would only agree to include a borough home on the list of properties if a homeowner came in and said they were never moving and agreed with the plan and were all for it. He opined that it could drive property values down in

Emerson and emphasized that unless there were a lot more checks and balances put in the document, he would have a tough time agreeing.

The Mayor noted that the document was a hypothetical model and refinements would be made to it. He suggested that conversations be conducted in accordance to procedure and asked Councilman Lazar to capture the concerns and opinions and allow them to proceed. He asked that the discussion take place among the core contributors. Council President Shaw suggested that the Governing Body do their due diligence and work with the Historic Preservation Commission more closely where they attend a meeting to deal with underlying concerns. Councilman Rivers said it wasn't the intention to delay the process, but that they did want to do the right thing. Since Councilman Lazar was not prepared to articulate of the subject yet, he agreed to sit down at a meeting to become a voice for them.

- Library – The Mayor stated that the Library Board Subcommittee, including Councilwoman Garis, Councilwoman DiPaola and Councilman Browne, joined with the Library Board to identify and clarify issues and requests. He said they were establishing a clear communication channel between the Library Board of Trustees and the Governing Body subcommittee members to be actively involved and team up with the library because the library worked for all of Emerson. He reported that he was very impressed by the progress made on the renovations and anticipated completion around September 1st.

VII. NEW BUSINESS

- Donation of obsolete surplus Volunteer Fire Department equipment to the Beach Lake Fire Co. in Beach Lake, PA – Councilman Rivers explained that PEOSHA had cited the Fire Department for a number of violations, many involving gear that did not meet their requirements to even remain in the building. He said that they could be thrown away or donated to an area outside New Jersey that did not have the same safety standards. They had the opportunity to donate items to the Beach Lake Fire Company and needed approval from the Governing Body. Councilman Lazar commented that the Borough Attorney would need to draw up a disclaimer for the equipment so that the Borough was not held liable or accountable in any way. Councilman Rivers agreed.

☛ **Motion** to donate surplus Fire Department equipment to the Beach Lake Fire Company was **moved** by Councilman Rivers **seconded** by Councilman Lazar and carried.

- Parking Fines – Councilman Browne asked that this item be tabled until the next meeting.
- Approval to hire 2 seasonal temporary DPW employees – Mayor Colina said that this request was based on past practice. Councilman Browne inquired about the cost for these employees. The Mayor said that these employees were paid \$10.00 per hour. Councilman Browne sought the whole seasonal cost of both employees and Councilman Rivers explained that it was included in the budget. Councilman Browne mentioned that the Park Avenue collapse, the fire trucks not passing PEOSHA standards and an insufficient supply of turnout gear were not figured in the budget. Councilman Rivers said that turnout gear was also in the budget and that the estimated cost of \$750,000 for a new truck would have to come from an emergency fund which would require bonding if that were to occur. Councilman Browne pointed out that surrounding towns were freezing employee salaries and laying people off and Emerson was looking to hire casual labor at \$10 an hour in the current of economic environment. Councilman Rivers explained that the seasonal labor provided a great service to the town in the summer and

were able get out and clean up areas and help the DPW and the cost was minimal compared to the benefit that was obtained. He also noted that it was already in the budget and the road work was part of the emergency budget passed two weeks ago.

☛ **Motion** to direct the Administrator to advertise to fill the need for two full-time, temporary seasonal employee positions was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

VIII. INTRODUCTION OF ORDINANCES - None

IX. REPORTS

- Mayor & Council

Councilman Lazar gave the April **Police Department** report. He said that the **Shade Tree Commission** had planted 25 trees throughout town and one at the park. He had met with Mr. Kim at the Emerson Golf Course to ask his help with the need for soccer to find a place to practice allowing the Borough to reduce wear and tear at Hillman Field. He explained that Mr. Kim showed interest and asked for further information. He said that the **Historic Preservation Commission** had met the previous evening and discussed the Historic Preservation Plan Element.

Councilwoman Garis said that she, Mayor Colina and Councilman Browne had met with some of the Library trustees the previous weekend and were impressed during a tour of the library. Cost saving ideas were presented and were now being pursued. She said that the use of inmates to remove old carpeting had been put forth by Mr. Scarpa in an effort to save up to \$6,000. The **Library Board of Trustees** had met and voted against using the inmates. She found this disappointing but was working on pursuing answers to their questions in hopes that the board would revisit this idea and move ahead in a cohesive manner. She requested another subcommittee meeting the following Saturday to address their issues and concerns regarding the use of inmates.

Councilman Rivers asked if there was anything of value in the library where the carpet would be removed. She said there was nothing that she was aware of. The Mayor added they were seeking clarification on a couple issues – the skilled or unskilled labor used to remove the carpeting, the preparation necessary for the installation of new carpets, specifications, etc. He said the board would pursue this information with the project manager, architect and contractor. He added that even though they voted on it, he did not know if it was a moot point. The Governing Body still thought it was a good idea, but certain issues and ideas needed to be communicated effectively.

Councilwoman DiPaola did not understand why the library took a vote after the Council gave their okay especially when it would save taxpayer money. Councilwoman Garis responded that she was unclear on this and would bring it up on Saturday when they met. Councilwoman DiPaola added that they were all trying to help the library and get it open in a very fiscally responsible manner and keep everyone happy, but the lines of communication needed to be kept open and when decisions were made, they needed to be adhered to. Councilwoman Garis agreed and emphasized that every avenue that could be pursued to save money had to be pursued at all costs.

Councilman Browne stated that he had directed Library Director Jodi Fulgione to an energy efficiency block grant for up to \$50,000 that municipalities could applied for. He noted that the library, architect and designer had to move expeditiously to get this information submitted because once the installation was complete; they could not apply for the grant. He also noted that he did not see antagonism between the Governing Body and the Library; rather he observed 100% compliance from the Governing Body in trying to work with them. He said that he thought that it was a one way street. At the subcommittee meeting there was not a single objection to using the inmates and it had already been discussed several times. He considered that for the board to nod their heads and say one thing to their face and then do something else behind their backs, with the expectation to get approval for another \$40,000, it had to be a two way street. Councilman Browne asked the board to look into the secondary market to save money on additional items they had requested to complete their renovations.

Councilwoman Garis concluded her report by saying having Councilman Browne at the meeting was very positive and he had some fantastic ideas. Mayor Colina thanked her and agreed.

Councilman Browne said that the **Environmental Commission** was planning the Farmers' Market with dates to be announced. They were also planning an Environmental Fair in conjunction with the schools.

Councilman Rivers had no report.

Councilwoman DiPaola gave the **Volunteer Ambulance Corps** and **Building Department** reports for the month of April. She said she was still waiting to hear from Captain Dave Mason with information about the direction they were going with the ambulance. A member of the softball tournament committee had inquired whether the Governing Body would approve having a DPW member work for a few hours the day before and a few hours after the June 19th softball tournament to prep the field and empty garbage. Councilman Rivers opined that a full day was a lot since it was a charity event and a lot of people pitched in. He said that they should also do their own fields since most of the people there were part of the baseball and softball boards. He said that having someone come in for a couple hours to remove trash would be appropriate. Councilwoman DiPaola said that DPW Superintendent Joe Solimando said that it was a big event that would lead to a lot of unsightly trash dispersing in the area, making it more difficult for the DPW to clean up later. Councilman Rivers noted that it was not sponsored by the Recreation Commission but agreed the area should be cleaned up. He did not think having a DPW worker out there was the right thing. Councilwoman DiPaola said that she would convey the Governing Body's feelings to Mr. Solimando. The Governing Body decided to reach out to the committee to see if someone could pitch in and donate their time.

Councilman Lazar expressed concerns about whether the fireworks event was being advertised outside of Emerson and the increasing number of people that might show up if it reoccurred every year. He said this would impact the Police Department which was already running short handed. He intended to check into the matter further.

Council President Shaw said that as Recreation Commission liaison, he would also follow up on Councilman Lazar's concerns.

Mayor Colina stated that he had attended the Pascack Valley Mayors' Association meeting where the guest speaker was Jean Martin, the director of Pascack Valley Meals on Wheels. He had delivered meals for the organization in Emerson, Washington Township, Paramus and Westwood and noted that it was much more than providing a nutritionally balanced meal. It provided human contact and awareness of each senior's physical condition. He discussed what he had learned about shingles and the shingles vaccine and was a part of Operation Goody Bag at the Emerson Junior/Senior High School. The participants stuffed 2000 lunch bags, and gave a touching presentation dedicated to victims of 9-11 and Kyle Griffin, a resident that died in 2003. He expressed thanks to the faculty for putting the event together.

He noted that the Emerson Volunteer Ambulance Corps members who were recently honored in town were going to be honored again along with Officers Duardo and Velez by the New York/New Jersey Volunteer Firemen Association on June 3rd at their convention in Cresskill. He said it provided continued recognition for their great rescue of Leonia Fire Chief Troy Wright.

- Administrator Joe Scarpa was on vacation.
- Borough Clerk Carol Dray had no report.
- Borough Attorney Scott Mooney reported that he had finished research on the Borough owned property at 156 Palisade Avenue and recommended that a title search be done for \$275.00. He also looked at the paper street located as a portion of Broadway located on the west side of Spruce Street between blocks 509 and 515. Councilman Rivers noted that the town referendum did not include this section of Broadway. Mr. Mooney noted that it was not a parcel of land, just a paper street that did not have a block or lot designation. He added that the portion under discussion could be vacated to the neighbors if they had any interest in it, but it could not be sold. Councilman Rivers said that the previous Borough Attorney did not come to that conclusion and was disappointed that they had spent money to get it surveyed and appraised twice based on the previous Borough Attorney's opinion. Mayor Colina said that the property had been appraised for approximately \$212,000. In response to questions as to whether this piece of property could be designated with a block and lot, Ms. Dray said that she thought at this point it could not be done. Councilman Rivers commented that it appeared that they spent a lot of money looking into this topic only to find out the money was wasted. Council President Shaw recommended distributing the appraisal again and discussing it with the company because the zoning data should be further evaluated. If they could find out what their conclusion was predicated upon, they could discuss it again. Councilman Rivers reminded the Governing Body that the Borough had advertised that parcel for sale last year but no one had expressed interest at \$212,000.

Before ending his report, Mr. Mooney mentioned that he was going to discuss making some changes to ordinances related to selections in baseball with the Recreation liaison.

X. RESOLUTIONS ON CONSENT AGENDA NO. 103-11

☛ **Motion** to approve Consent Agenda Resolution #103-11 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Ca 104-11 Approve Mayor & Council Regular Meeting minutes:
April 5, 2011, April 12, 2011, May 3, 2011

Ca 105-11 Bill List

Ca 106-11 Authorizing the Cancellation of Grant Balances

Ca 107-11 Authorizing the Cancellation of Capital Grants Receivable

Ca 108-11 Requesting Approval of Items of Revenue & Appropriation NJS 40A:4-87 –
Clean Communities Grant in the amount of \$11,525.46

Ca 109-11 Approve Extension of Premises Permit to Emerson Hotel to sell alcoholic
beverages at an affair to be held on Sunday, May 29th from 12 – 5 p.m.

Ca 110-11 Tax Deduction Adjustments

XI. CLOSED EXECUTIVE SESSION - Resolution No. 111-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly
noticed by Resolution No. 111-11 was **moved** by Councilwoman DiPaola, **seconded** by
Councilwoman Garis and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

#11-5/17-17	Police Chief's Contract	N.J.S.A. 10:4-8
#11-5/17-18	Litigation – Police	N.J.S.A. 10:4-7
#11-5/17-19	Litigation – Recreation	N.J.S.A. 10:4-7
#11-5/17-20	Potential Litigation – Maser Engineering	N.J.S.A. 10:4-7

XII. RECONVENE

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

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 10:21
p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 06/20/11)

May 24, 2011