



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL

January 17, 2012  
7:30 P.M.

Borough Hall-Council Chambers  
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:35 p.m., and identified the emergency exits. Coach Menditto led the assembled in the salute to the flag. Mayor Colina asked everyone to remain standing for a moment of silence, prayer and good thought for former Councilman Jack Frost who died unexpectedly last week and his family.

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

Mayor Colina read the Sunshine Statement announcing that the meeting of January 17, 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

- Michael Menditto Day – Mayor Colina announced it was Michael Menditto Day in the Borough of Emerson. Council President Shaw requested this item be postponed until later in the meeting to await the arrival of Mr. Menditto's guests.

☞ **Motion** to suspend the regular order of business was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried.

IV. APPOINTMENTS/RESIGNATIONS

- **Shade Tree Commission**  
Mayor Colina announced he was reappointing Mr. Robert Bauman as a regular member of the Shade Tree Commission for the term ending 12/31/16 retroactive to January 3, 2012.
- **Police Dispatchers –Part Time Resolution No. 49-12**
  - a. Ron Berg
  - b. Brian Donaghy
  - c. Michael Agnello

☞ **Motion** to approve Resolution #49-12 appointing Ron Berg, Brian Donaghy and Michael Agnello as part time Police Dispatchers effective immediately at an hourly rate not to exceed \$15.30 per hour 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**

• **Court Security Officer – Part Time Resolution No. 50-12**

a. Kevin Felici

☞ **Motion** to approve Resolution #50-12 appointing Kevin Felici as a part time Court Security Officer effective immediately at an hourly rate not to exceed the salary ordinance was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried by roll call vote.

**RC: Council members:**

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

• **Department of Public Works – Temporary Part Time No. 51-12**

a. Michael Kraus – effective December 27, 2011

☞ **Motion** to approve Resolution #51-12 appointing Michael Kraus as a part time temporary employee of the Department of Public Works effective December 27, 2011 at an hourly rate not to exceed \$10.00 per hour per the Teamsters' agreement was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

V. CORRESPONDENCE

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

- Letter dated December 14, 2011 from Marc Schrieks, Chair, Flood Advisory Committee, BC Board of Chosen Freeholders; Re: Flood Advisory Council
- Letter dated December 15, 2011 from Chairman John Driscoll, BC Board of Chosen Freeholders; Re: Annual Reorganizational Meeting on January 3, 2012
- Letter dated December 27, 2011 from John Driscoll, Jr., Bergen County Board of Chosen Freeholders; Re: Freeholder Board Update
- Letter dated December 28, 2011 from Commissioner Lori Grifa, NJ Dept. of Community Affairs; Re: The Redevelopment Handbook
- Letter dated December 30, 2011 from Guy Watson, NJDEP; Re: Requirements of Recycling Enhancement Act

VI. UNFINISHED BUSINESS

- Resolution # 44-12 - 2012 Borough Holiday Closings

Mayor Colina explained this item had been discussed at the end of last year but had not yet been voted on. Councilwoman DiPaola asked the Governing Body whether or not Election Day should be kept as a floater. She thought the general consensus was to keep everything the same. There were no changes made to the resolution.

☞ **Motion** to approve Resolution #44-12 2012 Borough Holiday Closings was **moved** by Councilwoman Garis, **seconded** by Councilwoman DiPaola and carried by roll call vote.

**RC: Council members:**

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

- Hillman Field – Councilman Rivers said the engineer and a potential vendor had met regarding what was necessary and really needed fix the field. They came to an agreement on the drill and fill, using sand as the fill material but did not agree with the engineer on details regarding aeration. He said two separate quote requests were sent out – the original did not include deep tine aeration, the alternate did include it. He anticipated having the information on Thursday and requested holding a special meeting at that time to make a decision. He emphasized they had run out of time and might have a short window over the next seven days to get this done. If the weather was bad, they were done and children would not be able to play on Hillman Field in the spring if it was wet, leading to the same issue they had in past years. He said they would discuss the quotes at the special meeting and hoped anyone with an interest in Hillman Field would attend. He thought the engineers had the best of intentions but did not think they had the expertise in fields as the vendor and that the original specifications prepared by the engineer contained elements not necessarily essential. His intent was to make that decision on Thursday to move forward.

Council President Shaw commented that Councilman Rivers had spent countless hours and due diligence on Hillman Field and would accept his recommendation on Thursday. He said they all understood some parts of whatever they accepted from the engineers might not have been completely applicable.

Councilwoman DiPaola asked if the Borough Engineer was on board with this. Councilman Rivers explained they had gone with the Borough Engineer's plan to use sand rather than another material that had been discussed. The only question remaining related to the deep tine aeration. He hoped that quotes would come in both ways and allow them to make a decision.

Mayor Colina announced that Michael Menditto would be recognized at this time. He invited the Menditto family to the front of the Council Chambers and read the proclamation. He noted that Mr. Menditto had done so much for the community and moved up at Emerson Junior/Senior High School.

Mr. Menditto thanked the Mayor and Council for the great honor and thanked Council President Shaw in particular for his support. He said he felt blessed to be able to be the head football coach for twelve years in the town he grew up in and the school he went to, on a field he had played on. He said his memories would last a lifetime. He thanked his family and friends and everyone who allowed him to lead the program and the school. He added that a coach was only as good as his players and felt blessed he was able to coach a great group of young men.

## VII. NEW BUSINESS

- Grant Right of Way Access request – Mr. Scarpa said late last year Mr. Dan O'Brien had a water leak on property on Palisade Avenue, leading him to have to spend significant funds. To repair it, Mr. O'Brien wanted access to the Borough's right of way to tap into the water line. He asked for Council approval. Council President Shaw asked if there was a standard access agreement. Mr. Scarpa noted he had referred this to the Borough Attorney and if they wanted, they could have an agreement drafted.

Dan O'Brien, 17 A,B,C Palisade Avenue said in the past one person owned the house and the buildings he was currently moving his business to. He explained that when it was all one piece of property, the water meter for the rear building was installed in Mr. Joe Solimando's front lawn, leaving his water meter on someone else's property. In the process of doing his renovation, he received big water bills and discovered leaks between the water meter at the street and his building. He provided a drawing to the Governing Body to illustrate his situation. Councilman Rivers asked if there would be no cost to the Borough for this project. Mr. O'Brien concurred and estimated the work would take a couple days. In order not to interfere with anyone, he would try to do it on the weekend. He explained that without agreement from the Governing Body, he could not go further with the water company. He emphasized that Joe Solimando had gone above and beyond in helping him.

☞ **Motion** to grant the right of way as described above for access to water utility contingent on a signed agreement prepared by the Borough Attorney was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

- Shared Agreement for Court Administrator for Old Tappan – Mr. Scarpa said it was a repeat agreement of those done in 2010 and 2011. He said it had worked out well and Old Tappan would like to do it again. He referenced the draft contract he had distributed to the members of the Council and noted it contained a two percent increase.

☞ **Motion** to approve continuing shared service agreement for the Court Administrator with Old Tappan for 2012 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

- Sine Die Scheduling – Councilwoman DiPaola explained that in reading the by-laws prior to the reorganization meeting, she noticed it stated that all business finished at the Sine Die on the last Tuesday of the month. To her knowledge, the Sine Die took place on the first Tuesday of the month in conjunction with the reorganization meeting. She recommended changing the by-laws to reflect what they actually did. Mr. Scarpa said it used to be done at the last meeting in December. The Governing Body was in agreement. Ms. Dray said she would do a resolution to amend the by-laws.

## VIII. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ms. Dray would read the following ordinance by title and it would be further considered at a Public Hearing to be held on February 7th, 2012 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the January 20th, 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.

**1439-12 AN ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "POLICE DEPARTMENT"**

☞ **Motion** to approve Ordinance 1439-12 on first reading was **moved** by Councilman Rivers, **seconded** Councilwoman Garis by and carried by roll call vote:

**RC: Council members:**

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

## IX. REPORTS

- Borough Administrator Mr. Scarpa said the \$80,000 emergency appropriation for the pre-Halloween snow storm was approved by the State. They were proceeding with the Pascack Valley Cooperative road resurfacing program in 2012. Former Borough Engineer Ken Job would be handling that project for the Pascack Valley. He and DPW Superintendent Joe Solimando would be finalizing their road list. He planned to contact Borough Bond Counselor Steve Rogut and have the bond ready to go. PSE&G said they were working on the street lighting issue but he had not heard anything further from them. The Library reopened that day to the public with an official reopening scheduled for sometime in March. Mayor Colina, DPW Superintendent Joe Solimando and some emergency services personnel had attended a meeting in Washington Township regarding the proposed joint dispatch center for the Pascack Valley. Based on the report and numbers discussed, it did not look like the project would make sense for Emerson. This was one case where it did not make sense to enter a regional agreement and he did not recommend pursuing it unless something changed. He commented that Emerson had the second lowest taxes in the Pascack Valley and was roughly at the median of the entire county.
- Borough Clerk Carol Dray had no report.
- Borough Attorney Scott Mooney had no report.
- Mayor and Council

Councilwoman Garis said that on February 13<sup>th</sup>, the Emerson Public Library would have a new director, Ms. Camille Steinfeld. She was presently the Library Director in Cliffside Park, NJ and had vast experience. Councilwoman Garis added that Ms. Steinfeld's hiring as the Director was a very exciting new beginning for the Library and Ms. Steinfeld planned to introduce herself and present the budget to the Governing Body on February 21<sup>st</sup>.

Councilman Worthington had no report.

Councilman Rivers gave the December 2011 **Fire Department** report and noted that both the **Fire Department** and **Fire Prevention** groups were given accolades for doing such a wonderful job. He also thanked the surrounding area Fire Departments who stepped in to help them. He noted that the **Volunteer Ambulance Corps** was also involved and commended the all around great job by everyone. He also gave the December 2011 **Police Department** report.

Councilwoman DiPaola said she had driven through multiple towns the previous evening and it was only in Emerson that the roads were in great condition. She praised the **Department of Public Works** for their performance and said it was greatly appreciated. Mayor Colina acknowledge the same adding that borough had a DPW they could be proud of.

Councilman Knoller stated he had attended the **Recreation Commission** and **Board of Health** meetings.

Council President Shaw had no report.

Mayor Colina said they had established two new standing committees at the beginning of the year, the first being a Human Resources Committee headed up by Councilman Knoller and Councilwoman Garis. They had a meeting last week and were off to a good start. They had also established a Technology Committee and were working towards getting a good solid foundation on that.

He commented that the year had just begun and they had a lot of work to do and appreciated everyone's effort. He had attended the **Fire Department** holiday party where Councilman Rivers was introduced as their favorite Fire Commissioner. He called Councilman Rivers a role model for the time and effort he continuously brought to his responsibilities as a Councilman. He was diligent and a busy man on a professional level as well as the father of four young daughters and a husband and that was the kind of behavior and commitment they should all strive to emulate. He looked forward to raising their games collectively as a Governing Body, as Borough employees and as residents to achieve the highest quality of service. He thanked Councilman Rivers for setting the bar high for all of them.

X. 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 Councilwoman Garis and carried.

Ms. Jill Dunican, 19 Kensington Avenue thanked everyone for allowing the work to be done on Hillman Field and thanked Councilman Rivers for all of his hard work over the last two weeks.

☞ With no other show of hands, **motion** to close the meeting for comments from the public was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried at 8:41 p.m.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 45-12

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 #45-12 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

Ca 46-12 Approve amendment to 2012 Mayor and Council By-Laws; re: Adding Standing Committees

Ca 47-12 Approve Bill List

XII. CLOSED EXECUTIVE SESSION - Resolution No. 48-12

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 48-12 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

#12-1/17-01 Potential Litigation – Maser Consulting N.J.S.A. 10:4-7

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

☞ **Motion** to add Emerson Volunteer Ambulance Corps update to Closed Executive Session Resolution #48-12 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried.

#12-1/17-02 Volunteer Ambulance Corps Update N.J.S.A. 10:4-8

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 48-12 with addition of Volunteer Ambulance Corps update was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried by roll call vote.

**RC: Council members:**

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

XIII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Worthington, **seconded** by Councilwoman Garis and carried.

**Engaging the services of an Consultant Engineer**

☞ **Motion** to engage Peter Messina, P.E. , P.P., L.L.C. , Engineering and Planning Consultant , 26 Ironia-Mendham Road, Chester, NJ 07930 as a consultant for pending litigation at a service fee not to exceed \$125.00 an hour was **moved** by Council President Shaw, **seconded** by Councilwoman Worthington and carried by roll call vote.

**RC: Council members:**

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

**ABSTAIN: DiPaola**

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried at 10:02 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 03/09/12)

January 31, 2012