



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 9, 2014
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Colina called the meeting to order at 7:37 p.m. and identified the emergency exits.

II. ROLL CALL

Mayor Colina asked Ms. Dietsche to call the roll of the Governing Body.

Present: Mayor Colina, Councilwoman DiPaola, Councilman Knoller, Councilman Paino, Councilman Tripodi, Councilman Worthington

Absent: Council President Rivers

Also present were Borough Attorney Ron Gordon, Administrator/Clerk Joseph Kolodziej, CFO Catherine Henderson, Police Chief Donald Rossi and Mayor-Elect Louis Lamatina.

III. PROCLAMATIONS & CITATIONS

- Swearing in ceremony – Patrol Officer Brendan Rizza – Officer Rizza was sworn in with friends and family present.
- Emerson Library Board of Trustees Honoring Mayor Colina's years of service to the Borough of Emerson – Library Board Chairman Bill Panza and members of the Board of Trustees presented Mayor Colina with a plaque and praised his participation in library projects during his term.
- Honoring Mayor Colina's years of service to the Borough of Emerson – Mr. Kolodziej presented Mayor Colina with a plaque honoring his service and contributions during his tenure to the Borough of Emerson.

Mr. Kolodziej requested that the order of business be suspended in order to accommodate three candidates present for interviewing for the position of police officer.

IV. CLOSED EXECUTIVE SESSION - Resolution No. 221-14

#14-12/9-41 Patrol Officer Interviews 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. 221-14 was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 3-2.

RC: Council members:

YES: Tripodi, Knoller, Worthington

NO: DiPaola, Paino

V. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Paino, **seconded** by Councilwoman DiPaola and carried at 8:55 p.m.

Councilwoman DiPaola requested that the order of business be suspended and that a discussion of what took place occur. A lengthy discussion ensued on the topic of transparency to the public and the interview process for hiring police officers.

VI. APPOINTMENTS/RESIGNATIONS

- Resignation of Board of Health member Barbara Andrews effective immediately
☞ **Motion** to accept the resignation of Board of Health member Barbara Andrews effective immediately was **moved** by Councilwoman DiPaola, **seconded** by Councilman Paino and carried unanimously.
- Resignation of Police Captain George Buono effective January 1, 2015
☞ **Motion** to accept the resignation of Police Captain George Buono effective January 1, 2015 was **moved** by Councilman Worthington, **seconded** by Councilman Paino and carried by a roll call vote of 4-1
RC: Council members:
YES: Tripodi, Paino, Knoller, Worthington
NO: DiPaola

VII. MINUTES FOR APPROVAL

- Regular Meeting Minutes of November 12, 2014
☞ **Motion** to approve the Regular Meeting Minutes of November 12, 2014 with the inclusion of the comment 'signs on borough property' in Councilwoman DiPaola's report was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.
RC: Council members:
YES: DiPaola, Tripodi, Paino, Knoller, Worthington

☞ **Motion** to approve the Regular Meeting Minutes of November 12, 2014 with the deletion of the phrase 'and was provided with clarification' in Councilwoman DiPaola's report was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.
RC: Council members:
YES: DiPaola, Tripodi, Paino, Knoller, Worthington
- Closed Session Meeting Minutes of November 12, 2014
☞ **Motion** to approve the Closed Session Meeting Minutes of November 12, 2014 was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried unanimously.

VIII. CORRESPONDENCE

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

- Email dated November 17, 2014 from Ian Swatt, Dollar Crazy Plus; Re: lighting
- Resolution received November 17, 2014 from Borough of New Milford; Re: Solar Energy
- Public Notice dated November 26, 2014 from Loretta Castano, RMC, Borough Clerk of the Borough of Closter; Re: Ordinance Amending Chapter 200 – clarifying maximum height requirement for residence Areas A & B
- Ordinance received December 3rd from Borough of Harrington Park; RE: Amending Master Plan

IX. UNFINISHED BUSINESS – Mayor Colina announced that there was no unfinished business.

X. NEW BUSINESS

- Resolution #206-14 Authorizing Issuance of Request for Qualifications for Professional Services

☞ **Motion** to approve Resolution #206-14 Authorizing Issuance of Request for Qualifications for Professional Services with a change in the date of the Reorganization Meeting was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 4-0.

RC: Council members:

YES: Tripodi, Paino, Knoller, Worthington

ABSTAIN: DiPaola

- Borough Hall December closings – This item was tabled.
- Lighting – Dollar Crazy – Mr. Ian Swatt discussing the lighting display in the Dollar Crazy store windows. Mr. Gordon stated that only the Land Use Board could grant a variance and recommended he submit an appeal to that board.

XI. FINANCIAL BUSINESS

- Resolution No. 207-14 Bill List

☞ **Motion** to approve Resolution No. 207-14 Bill List, pulling item #1401630 in the amount of \$3,448.70 was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Knoller, Worthington

☞ **Motion** to approve Resolution No. 207-14 Bill List item #1401630 in the amount of \$3,448.70 was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 4-0.

RC: Council members:

YES: Tripodi, Paino, Knoller, Worthington

ABSTAIN: DiPaola

XII. INTRODUCTION OF ORDINANCES – No ordinances were introduced.

XIII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1494-14 AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED “LIBRARY BOARD” SECTION 50-2 “TERMS”

☞ **Motion** to open the meeting to comments from the public on Ordinance #1494-14 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried.

Ken Hoffman, 61 Emwood Drive asked for an explanation of the ordinance.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public on Ordinance #1494-14.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1494-14 was **moved** by Councilman Paino, **seconded** by Councilman Worthington and carried.

☞ **Motion** to adopt Ordinance #1494-14 on second reading was moved by Councilman Paino, seconded by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Knoller, Worthington

XIV. REPORTS

- CFO Catherine Henderson had no report.
- Borough Attorney Ron Gordon had no report.
- Borough Administrator Joe Kolodziej said that a meeting was scheduled for Thursday to discuss the Kinderkamack Road project. He also noted that the Personnel Committee would be moving forward on revising the personnel manual.
- Mayor and Council

Councilwoman DiPaola had no report.

Councilman Tripodi gave the November **Emerson Volunteer Ambulance Corps** report. In addition, the **Emerson Public Library** would be holding a folk song concert on December 12th.

Councilman Paino gave the November **Building Department** report.

Councilman Worthington had no report.

Councilman Knoller said that the **Emerson Fire Department** had held elections and recommended that the Governing Body receive budget reports on a monthly basis since he found them useful.

Mayor Colina discussed the Christmas Tree Lighting and the Senior Citizens holiday luncheon.

XV. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried.

Ken Hoffman, 61 Emwood Drive inquired about Closed Session.

Howard Ablan, 21 Powell Road commented on the figures given by Chief Rossi in support of hiring a new officer.

Ken Hoffman, 61 Emwood Drive commented on the process for hiring a police officer.

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 Councilman Paino, **seconded** by Councilman Tripodi and carried.

XVI. RESOLUTIONS ON CONSENT AGENDA NO. 208-14

☛ **Motion** to approve Consent Agenda #208-14 with the removal of Ca 216-14 Elevator Repair and moving this topic to Closed Session was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried by a roll call vote of 4-0.

RC: Council members:

YES: Tripodi, Paino, Knoller, Worthington

ABSTAIN: DiPaola

- Ca 209-14 Borough Closings - Annual Holidays 2015
- Ca 210-14 Award One Year Contract Extension for Municipal Building Cleaning to Winnett's Cleaning Service for \$26,000.00 for CY 2015 with additional option of cleaning DPW restrooms for \$1,050.00
- Ca 211-14 Transfer of Funds
- Ca 212-14 Exigency- Ebola Supplies
- Ca 213-14 Tax Overpayment & Year End Adjustments 2014
- Ca 214-14 Tax Appeal Adjustment
- Ca 215-14 Tax Overpayment Refund
- Ca 216-14 Elevator Repair - **PULLED**
- Ca 217-14 Appoint Tax Appraiser for 2014 – Realty Appraisal
- Ca 218-14 Rescind Resolution 198-14
- Ca 219-14 Award Fire Engine Contract to Ferrara-FF1 Professional Safety Service for the purchase of a Ferrara Igniter MVP Heavy Duty Custom Pumper with accessories in the amount of \$690,283.00
- Ca 220-14 Appoint Community Development Delegate & Alternate for the period from July 1, 2014 through June 30, 2015

XVII. CLOSED EXECUTIVE SESSION - Resolution No. 221-14

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 221-14 was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Knoller, Worthington

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|-------------|---|-----------------|
| #14-12/9-39 | Police Chief Contract | N.J.S.A. 10:4-8 |
| #14-12/9-40 | Administrator Contract | N.J.S.A. 10:4-8 |
| #14-12/9-41 | Patrol Officer Interviews | N.J.S.A. 10:4-8 |
| #14-12/9-42 | Litigation - State v. Tenebruso | N.J.S.A. 10:4-7 |
| #14-12/9-43 | Easement Acquisition – Kinderkamack Road/ Linwood Avenue | N.J.S.A. 10:4-5 |
| #14-12/9-44 | Ca 216-14 Elevator Repair | N.J.S.A. 10:4-7 |

XVIII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried at 1:05 a.m.

☛ **Motion** to approve Resolution No. 222-14 Hiring of Mr. Jorge Fujita as a New Full Time Probationary Patrol Officer for the Emerson Police Department was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 4-0.

RC: Council members:

YES: Tripodi, Paino, Knoller, Worthington

ABSTAIN: DiPaola

☞ **Motion** to authorize the Administrator to contact the Borough's Appraisal Consultants and obtain appraisals for the properties located at 176 Kinderkamack Road, 76-78 Linwood Avenue for the fair market value of the property and the value of an easement as well as to obtain an appraisal for properties located at 129 Kinderkamack and 176 Kinderkamack Road and 177 Kinderkamack Road was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Knoller, Worthington

☞ **Motion** to award the contract to the low bidder for the handicap lift repair and to include a two year performance and one year maintenance bond beyond the two years to be posted contingent on doing the work was **moved** by Councilman Paino, **seconded** by Councilman Tripodi and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Paino, Tripodi, Knoller, Worthington

Mr. Kolodziej stated that there was a discussion on the State v. Tenebruso. Direction was provided to legal counsel. There was a discussion regarding the Police Chief contract. No formal action was required at this time. There was a discussion regarding the Administrator's contract. No formal action was required at this time.

☞ **Motion** to hold the Sine Die/Reorganization meeting on January 6, 2015 at 7:30 p.m. was **moved** by Councilman Worthington, **seconded** by Councilman Tripodi and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Knoller, Worthington

XIX. 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 Tripodi and carried at 1:10 a.m.

Respectfully submitted,

Joseph Kolodziej, MPA
Borough Administrator/Clerk