



**MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL**

**January 18th, 2011  
7:30 P.M.**

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



Mayor Colina called the meeting to order at 7:40 pm. Bill Bierman led the salute to the flag followed by a moment of silence at the request of Mayor Colina.

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

Mayor Colina read the Sunshine Statement announcing that the meeting of January 18th, 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, Council President Shaw, Councilman Rivers

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

**PROCLAMATIONS AND CITATIONS** - None

IV. APPOINTMENTS/RESIGNATIONS – None. Mayor Colina announced that this item was tabled until the next meeting.

**A) BOROUGH PROFESSIONAL APPOINTMENTS - Pursuant to N.J.S.A 19:44A-20.4 et seq. "Fair and Open"**

(Appointment by Mayor on Consent and Advice of Council)

08-11 Borough Prosecutor	1 Year
09-11 Alternate Prosecutor	1 Year
10-11 Public Defender	1 Year
11-11 Alt. Public Defender	1 Year
17-11 Appraiser	1 Year

**B) Resolution No. 42-11 ANNUAL APPOINTMENT OF CERTAIN OFFICERS AND MUNICIPAL EMPLOYEES WITH COUNCIL CONFIRMATION**

- Police & Fire Surgeon 1 Year Dr. Abend

- **Motion** to appoint Dr. Abend as the Police and Fire Surgeon for 2011 was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

#### V. CORRESPONDENCE

Mayor Colina stated that all correspondence listed below was on file in the Municipal Clerk's Office.

- Letter dated January 7, 2011 from N. J. State Senator Robert Gordon; Re: Open forum with NJ Dept. of Community Affairs
- Letter dated January 9, 2011 from D. Schultz and J. Bolela; Re: Snow
- Letter dated January 10, 2011 from Jack Farese; Re: Snow

#### VI. UNFINISHED BUSINESS - None

#### VII. NEW BUSINESS

- Amending By-Laws: Agenda – Order of Business – Mayor Colina proposed moving the Public Comment portion of the meeting to earlier in the agenda to make it more timely and convenient for citizens who came to speak. Council President Shaw agreed that it was a good idea and suggested making the public aware of this change. Councilman Rivers asked if it could be changed during the year if necessary. Ms. Dray said that it could. The Governing Body agreed to try this and see if it worked.

**Motion** to change the order of business pursuant to the By-Laws of the Mayor and Council was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

- Bergen County Law Enforcement Consolidation Grant - Mr. Scarpa asked if the Governing Body was interested in pursuing this grant. He mentioned that a drawback was that if the consultant was hired with grant money and came to certain conclusions, but that they were not implemented by the Borough, the money would have to be returned. Mr. Scarpa estimated that it would cost approximately \$50,000. He mentioned that he had spoken to the Chief about doing this on their own without the consultant and suggested that if two departments agreed to work together, even if it was to share services and not consolidate, it could be implemented more quickly and easily. Mr. Scarpa noted that there was no deadline to apply for the grant. Council President Shaw expressed concern that the Borough would be locked in to an entity that would evaluate them on a very important component and lock them into a \$50,000 fee. He agreed with Mr. Scarpa's recommendation to discuss it internally first. Councilman Rivers concurred, emphasizing financial concerns. He added that they had not given the new Chief the opportunity to implement some of things that he was interested in doing.
- Possible sale of municipal property known as Block 715, Lot 2, 156 Palisade Avenue – Mr. Scarpa said that Emerson had considered selling this property back in 2008 and that an appraisal of \$100,000 was calculated. The property was approximately 4000 square feet. A neighbor had been interested in purchasing it. Councilman Lazar asked whether that person would join the two properties and subdivide to build a house on it since once the lot was sold it became a buildable lot under New Jersey statutes. Council President Shaw asked to table this discussion until the next meeting so that he could examine the property

- Changing closing times for businesses – Councilwoman DiPaola stated that she had received a request to amend the closing time ordinance to permit 24 hour opening of businesses in the central business district. She asked the Governing Body for their feedback. The request had come from Lou Flora, the attorney for the Puddingstone Group, who was planning to bring an application before the Land Use Board to build a 7-11 across from Dunkin Donuts. She explained that they wanted an assurance that they would be able to operate 24 hours a day. She said that to her knowledge the Dunkin Donuts and Quick Chek were open 24 hours a day. She stated that she had inquired how that had come to be, but no one seemed to know.

Mr. Mooney said that he had checked with Land Use Board Secretary Barbara Looney who explained that Dunkin Donuts and Quick Chek had gone before the Zoning Board and received variances or waivers. Councilman Lazar concluded that 7-11 would also have to go before the Land Use Board for the same relief. Mr. Mooney said that the Borough would have to amend the ordinance since the Closing Ordinance exception, under Ordinance 124-1, was general legislation and said that the Governing Body oversaw this and would be the ones to amend the ordinance. Councilwoman DiPaola expressed concerns that if the ordinance was changed to run for 24 hours, it would open this opportunity up to the entire central business district. Council President Shaw said that the Chief would have to be consulted on how it would affect the health, safety and welfare of the community in relation to the Police Department. He also remarked that if the ordinance were changed, Puddingstone would not have to go for a variance which had a higher standard and noted that he was against it without the Police Chief, Land Use Board, Borough Attorney or Land Use Board Attorney telling him differently. He emphasized that there was a good reason for the ordinance and that shutting down in the evening was important for the community. Councilman Lazar concurred and said that they should go through the same procedure as the other businesses, presenting their case to the professionals on the Land Use Board and let them make the decision which would not set precedents for the future. Mayor Colina concurred with Council President Shaw and Councilman Lazar. Mr. Mooney said that he would reach out to Mr. Flora and let him know how the Governing Body felt.

- Reestablish Hillman Field Special Committee – Councilman Rivers explained that at the end of last year, the Mayor put together a subcommittee that was looking at Hillman Field and field usage. In addition they were interested in looking at other areas where they could potentially have fields in and around Emerson because of overuse on certain fields and not having the facilities needed for all the sports programs. He asked that the subcommittee be reconvened under Mayor Colina and added that Councilman Lazar did a great job last year. Councilman Lazar said that the first meeting was very productive and made a lot of headway with people volunteering to deal with issues and return with reports. He opined that the next meeting would bring back a lot of information about the field and other sites that may become available. Mayor Colina said that he hoped for a clear cut mission statement to know what they wanted to accomplish. Councilman Rivers reiterated his comments from last year, stating that he did not think they should go back to see who was at fault; the time had passed and would only throw good money after bad. He added that he did not know what more could be done to Hillman Field to make it more playable; instead he recommended looking to the future to figure out how they would be able to get more done with less. He suggested finding other field locations as more kids came to town and played more sports ‘out of season’, leading

to a utilization issue that had to be addressed – potentially on school property. He thought that the School Board was open to that, but that ultimately, they would need to find new areas. Councilman Lazar said that those were the exact issues that would be studied by the committee and that people were going to find out about fund-raisers, and grants as well as communicating with the Board of Education. He recommended setting up a chain of command so that they could work efficiently.

Mayor Colina asked if having one of the contractors on the committee represented any kind of conflict. Councilman Rivers said that Mr. Callagee's work was done well and he did not think it was a conflict. Councilman Lazar agreed that Mr. Callagee did a great job and thought that he could help the committee because he had firsthand knowledge of what was done. Mayor Colina asked Councilman Lazar to set up another meeting.

☞ **Motion** to set up the Hillman Field Special Committee for 2011 was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

- Supporting the Petition filed by Hackensack University Medical Center; re: Establishing a New Acute Care Hospital in Westwood (On Consent) – Mayor Colina stated that he had attended the Pascack Valley Mayors' Association dinner where Westwood Mayor Birkner was elected President. He said that this topic was near and dear to all Pascack Valley Mayors' hearts. He noted that a copy of the resolution supporting the reopening of the hospital was on the Consent Agenda. Councilman Lazar said that this had come up in the past and was supported because it was the right thing to do – in an emergency; the closer someone was to the hospital, the better their chance of surviving. The Mayor said that the PVMA would be meeting with the Northern Valley Mayors Association to discuss this issue, and said that everyone could expect to see a regeneration of momentum.

#### VIII. INTRODUCTION OF ORDINANCES

##### First Reading:

##### **1419-11 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 106 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, TO CHANGE THE AMOUNT FOR ANNUAL PLENARY RETAIL DISTRIBUTION LICENSE FEES**

☞ **Motion** to introduce Ordinance #1419-10 on first reading 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**

Mayor Colina announced that Ordinance 1419-10 would be further considered at a Public Hearing to be held on February 1<sup>st</sup>, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the January 21, 2011 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.

IX. REPORTS

- Mayor and Council

Mayor Colina shared his experience in his first two weeks as Mayor. He likened it to drinking from a fire hose adding that he had attended many meetings and was trying to do the right thing. He mentioned critical issues the Borough faced and said that he had attended the NJ League of Municipalities breakfast last week with Mr. Scarpa and planned to speak with Bergen County Executive Kathleen Donovan about Kinderkamack Road and other issues vital to the community. He planned to visit with the seniors and would speak with Police Chief Don Rossi to see what could be done to keep the seniors safe and well cared for in Emerson. He noted that the Borough had received a lot of great compliments for the **Department of Public Works** for snow removal. He publicly commended the **DPW** for the great job they did. He concluded by thanking everyone for their cooperation and support and felt that there was a certain air of excitement and positivity.

Councilman Browne discussed a three month subscription purchased by the Borough for Grant Station, a clearing house for grants that made it easier to search and apply for grants. He hoped that this would open up an avenue for funding. He stated that the website design was finalized and sent to the developer and anticipated that it would be up and running within a month.

Councilman Rivers had no report.

Councilwoman DiPaola gave the **Building Department** report for the month of December.

Councilman Lazar said that the last **Shade Tree Commission** meeting was cancelled due to the inclement weather. He attended the **Historical Preservation Commission** meeting noting that there were many new faces and mentioned that they were looking at one building in town that they wanted to designate as a historic site. They would be preparing the required reports and forwarding them to the Governing Body. He said that former Councilman Ken Hoffman was there and would be a big asset to the commission. He also gave the December **Police Department** report.

Councilwoman Garis attended the **Library Board of Trustees** meeting and reported that they were moving ahead with renovations. She said that Library Board President Bill Bierman asked to give a presentation about the renovation to the Governing Body. They decided to add it to the February 15<sup>th</sup> agenda. She noted that the library would be open at a temporary location through the renovation which she said was definitely needed and she was glad they were moving ahead. She mentioned that the Board of Health met at the same time as the Library Board of Trustees and asked if this conflict could be put on the back burner for now.

Council President Shaw had no report.

Borough Administrator Joe Scarpa said that at the next meeting there would be a resolution for consideration to extend the financial services agreement with Hillsdale. He noted that about 40% of people had done their background checks for Recreation. Also, the final safety meeting was held in December and the Borough had started to receive some checks from the Federal Emergency Management

Agency, totaling \$60,000 so far. The Borough had received a \$10,000 Tonnage Grant from 2008 and a \$30,460 dividend from the liability insurance. He reminded the elected officials that another training seminar was scheduled for February 15<sup>th</sup> on liability practices.

- Borough Attorney Scott Mooney had no report.

#### 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 Councilman Shaw, **seconded** by Councilwoman DiPaola and carried.

Brian Todd, 207 Palisade Avenue asked questions about the Palisade Avenue property for sale and the mini-farm. Mr. Scarpa said that if there was farming on the property, it raised some concerns which he would look into such as tax exemptions.

Ken Hoffman, 61 Emwood Drive was happy to see that the Governing Body was going to pass a resolution regarding Pascack Valley Hospital. He also commented on moving Public Comment to the beginning of the meeting, noting that a number of years ago it had occurred earlier in the meeting but there were times when people wanted to comment on issues that took place afterwards.

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

#### XI. RESOLUTIONS ON CONSENT AGENDA NO. 43-11

☞ **Motion** to approve Consent Agenda Resolution #43-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

**RC: Council members:**

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

Ca 44-11 Approve Tax Appeal Settlement – United Water

Ca 45-11 Approve Community Development Delegate – Joseph Scarpa

Ca 46-11 Approve Transfer of funds

Ca 47-11 Approve Bill List

Ca 48-11 Approve Mutual Aid – Pascack Valley Fire Departments

Ca 49-11 In Support of Petition filed by Hackensack University Medical Center -  
Establishing an Acute Care Hospital in Westwood, NJ

Ca 50-11 Approve Taxi/Limousine License MetroPro Limousine, LLC effective  
immediately for the term ending June 30, 2011

In response to Mr. Hoffman's comments, Council President Shaw suggested that the Governing Body hold two Public Comment sessions during the meeting. Mayor Colina said that he was willing to try it and that the message he wanted to send to the community was that they were there to hear their voices and cared what they said.

XII. CLOSED EXECUTIVE SESSION - Resolution No. 51-11

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 51-11 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried by roll call vote.

**RC: Council members:**

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

#11-1/18-01	Police Chief – Contract Negotiations	N.J.S.A. 10:4-8
#11-1/18-02	12 Marianna Place	N.J.S.A. 10:4-7

XIII. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried at 10:25 p.m.

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Browne, **seconded** by Council President Shaw and carried at 10:27 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 03/10/11)

February 25, 2011