



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
April 5, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



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'Mayor for the Day' Christian Mazzariello called the meeting to order at 7:40 p.m. Mayor Mazzariello led the salute to the flag followed by a moment of silence for those in the armed services.

O.P.M.A. Statement

Mayor Mazzariello read the Sunshine Statement announcing that the meeting of April 5, 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.

Mayor Mazzariello asked Borough Clerk Carol Dray to call the roll of 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, Borough Administrator Joseph Scarpa, Borough Attorney Scott Mooney, and Mayor for the Day Christian Mazzariello.

III. PROCLAMATIONS & CITATIONS

**Mayor for the Day
Christian Mazzariello**

Mayor Colina and Mayor Mazzariello stood together by the flag while Mayor Colina read a proclamation declaring Christian Mazzariello Mayor for the Day in the Borough of Emerson. The gathered erupted in applause. Mayor Mazzariello posed for pictures with his family and Mayor Colina.

Poison Prevention Week

Mayor Colina emphasized the importance of accidental poisoning prevention awareness and proclaimed the Week of April 4 Poison Prevention Week in the Borough of Emerson

IV. 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 for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried.

Seeing more hands, Mayor Colina asked for a motion to close the meeting to comments from the public.

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

V. APPOINTMENTS/RESIGNATIONS - None

VI. UNFINISHED BUSINESS

- Library Discussion - Councilwoman Garis suggested setting aside \$40,000 for the library renovation from the buildings and grounds fund and asked for feedback from the Governing Body. Mayor Colina stated that a number of library issues needed to be discussed related to direction and management and their ability to have amassed a certain amount of money. He added that the library was a valuable asset to the community and was borough property and that they needed funds whether or not they were spending over \$400,000 they accumulated over several years on renovating. He mentioned that after renovating it would be a shame if when someone walked into the library they had old carpeting because they were short on funds. He emphasized that it was a facility for all age groups and all of Emerson young and old.

Council President Shaw asked if the \$40,000 would be allocated for a specific purpose. Councilwoman Garis stated that \$14,000 would be for asbestos removal and the remainder could be earmarked for a specific purpose. Council President opined that the asbestos removal costs were already factored into the surplus in their construction budget. He therefore thought that the \$14,000 might not be necessary from the Borough. He did not know if the remaining \$26,000 could be considered without line item details. Councilwoman DiPaola agreed that they would need to look back at the library's original plan and whether there had been a contingency plan already built in for asbestos removal before they were given another \$14,000. She questioned where the money requested from a recent fundraising letter would be going.

Mayor Colina stated that they had received a letter from Library Board Treasurer Marcia DeSalvo who specifically asked if they would receive funds or not. He said that they needed to work towards a response to her request.

Councilman Rivers asked if the money the library had accumulated was gone and asked for a breakdown of where that money was spent, how much was left, how much was budgeted for specific items. He asked that this information be distributed and reviewed before anyone could vote on additional monies.

Councilman Browne said that the asbestos problem was mentioned two or three years ago before the Council. He asked about the management program for the renovation project, noting that the library already received a dedicated funding source from the taxpayers and they needed another ten percent on top of the money they had already accumulated that they did not spend on books or infrastructure. He said that it would have been responsible if years ago they had set up a dedicated trust fund and contribute to it yearly.

Councilwoman Garis maintained that the residents were looking for the project to move ahead and that she s wanted to give them something since libraries were very important. She thought it would be a shame to redo the library and not redo the rug or replace the furniture. Councilman Browne stated that they had to be fiscally responsible because they were still in the midst of the worst economy the country had seen since the Great Depression and they had to be responsible to the taxpayers. Councilman Rivers asked if it was appropriate to have them come back for an update on the project, where the money was, how much money was left, what still had to be spent, what the expectations were. He added that someone was managing the project and they should come in and give them some concrete updates.

Mr. Scarpa asked to find out who was running the project because there was a full time paid director there and he did not think it was fair if the Board of Trustees or volunteers were doing it; someone should be overseeing it on a full time basis since it was costly and was ongoing during the daytime. He added that the letter from Ms. DeSalvo requested \$90,000 for the physical library space, layout and interior furnishings.

Council President Shaw explained that fiscal requests had to be prioritized based on what was needed at the moment. He said that he was surprised if the library had not allocated funds to remove asbestos since the scope of the project was about construction and was baffled if they were asking for construction money when the asbestos was in the path of the construction. He asked that the Library Board explain what gave rise to a need now when the construction had been discussed for years and should have been anticipated.

Councilman Lazar said that the Library Board had been clearly told last year that the Borough did not have any money to give them for the project. He thought the scope of the project was quite ambitious and expensive and he personally thought that a lot more money was spent that was necessary. He added that it was unfortunate that they chose to move forward at this time with the project, based on the state of the economy and the budget cap; if they wanted to move forward with this project, they should have thought it all out ahead of time and made sure they had secured all the funds based on the Mayor and Council meetings they attended in the past. He said that the Fire Department and Ambulance Corps had big needs for life safety equipment to save lives that they could not be given right now due to the financial crunch. All of that needed to be taken into consideration. He agreed that a meeting with the Library Board was necessary.

Mayor Colina ended the discussion stating that it seemed apparent that another meeting with the Library would be in the best interest of all and requested that a meeting be set up. Council President Rivers and Mr. Scarpa reminded everyone that the Library had received \$457,000 from the Borough last year and \$453,000 this year as part of their state mandated funding. Councilman Rivers noted that if it took them ten years to save \$400,000, then they may have \$40,000 available to them from this year's budget allocation.

VII. NEW BUSINESS

- Resolution #82-11 Emergency Temporary Budget
☞ **Motion** to approve Resolution No. 82-11 Emergency Temporary Budget 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

- Resolution #83-11 Transfer within 2010 Budget
☞ **Motion** to approve Resolution No. 83-11 Transfer within the 2010 Budget 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

VIII. ORDINANCES

Mayor Colina announced that Ms. Dray would read the following ordinances by title and they would be further considered at a Public Hearing to be held on May 3, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the April 8th, 2011 edition of the Ridgewood News by summary. He added that the ordinances were 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:

1425-11 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON CHAPTER 73 THEREOF; PERSONNEL POLICIES, ARTICLE III, ENTITLED EXCUSED ABSENCES ESTABLISHING A LOWER ABSENTEE THRESHOLD THAN N.J.S.A. 40A:9-12.1

☞ **Motion** to approve Ordinance #1425-11 on first reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Browne and carried by roll call vote:

RC: Council members:

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

1426-11 AN ORDINANCE AMENDING CHAPTER 274 ENTITLED VEHICLES AND TRAFFIC OF THE CODE OF THE BOROUGH OF EMERSON §274-42 SCHEDULE VI: PROHIBITED RIGHT HAND TURNS ON RED SIGNAL

☞ **Motion** to approve Ordinance #1426-11 on first reading was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried by roll call vote:

RC: Council members:

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

SECOND READING AND PUBLIC HEARING:

1423-11 BOND ORDINANCE AUTHORIZING AND PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS APPROPRIATING \$604,984 AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES

☞ **Motion** to open the meeting to comments from the public on Ordinance #1423-11 was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried.

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on this ordinance.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1423-11 was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1423-11 on second reading was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried by roll call vote:

RC: Council members:

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

1424-11 CHP 274 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON CHAPTER 274 THEREOF; ENTITLED VEHICLES AND TRAFFICE § 274-44 SCHEDULE VIII: ENTITLED 'STOP INTERSECTIONS' TO DESIGNATE ADDITIONAL INTERSECTIONS AND INSTALL ADDITIONAL STOP SIGNS

☞ **Motion** to open the meeting to comments from the public on Ordinance #1424-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried.

Brian Todd, 207 Palisade Avenue inquired about the cost of purchasing stop signs for installation pursuant to this ordinance.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public on this ordinance.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1424-11 was **moved** by Councilman Browne, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1424-11 on second reading was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried by roll call vote:

RC: Council members:

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

IX. REPORTS

Administrator Scarpa said that the Borough was proceeding with the resurfacing of the remainder of Lincoln Boulevard with a grant of \$150,000. He had received confirmation from Sheriff Saudino for inmates to do spring cleanup in town prior to Easter. The Borough had signed up for a document shredding program. He was collecting information from businesses and haulers in town for the annual tonnage report due April 30th. He completed a COAH report that was due in Trenton on the amount of money brought into our affordable trust fund. He thanked the Mayor for the Day Christian Mazzariello for doing a great job.

Mayor Colina thanked Mayor Mazzariello for his enthusiasm and his contribution to the meeting and wished him the best going forward. He also thanked his second grade teacher and Mr. and Mrs. Mazzariello. Mayor Mazzariello left the council chambers by a big round of applause.

X. CLOSED EXECUTIVE SESSION - Resolution No. 84-11

#11-4/05-08 Potential Litigation - Maser Engineering N.J.S.A. 10:4-7

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 84-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

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

XI. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried.

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 9:05 p.m.