MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 17, 2013
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. Dray to call the roll of the Governing Body.

Present: Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Knoller, Councilman Paino, Council President Rivers, Councilman Worthington

Also present were Mr. Craig Bossong, Esq. substituting for Borough Attorney Scott Mooney, and Acting Assistant Administrator Les Shenkler.

III. CORRESPONDENCE
Mayor Colina announced that copies of the correspondence were available in the office of the Borough Clerk.

- Letter dated December 4, 2013 from Kelly O’Donnell, RMC, Borough Clerk/Administrator of Park Ridge; Re: Park Ridge Pistol Range 2014 and Capital Upgrades

IV. APPOINTMENTS/RESIGNATIONS
- Appointment of Patrick Christie as a Volunteer Firefighter in the Emerson Volunteer Fire Department
- Motion to appoint Patrick Christie as a Volunteer Firefighter in the Emerson Volunteer Fire Department was moved by Council President Rivers, seconded by Councilman Knoller and carried unanimously.

V. APPROVAL OF MINUTES
- Regular Meeting Minutes of August 20, 2013
  - Motion to approve the Regular Meeting Minutes of August 20, 2013 was moved by Council President Rivers, seconded by Councilman Knoller and carried by a roll call vote of 5-0.
  
  RC: Council members:
  YES: Knoller, Worthington, Rivers, Garis, Paino
  ABSTAIN: DiPaola

- Regular Meeting Minutes of September 3, 2013
  - Motion to approve the Regular Meeting Minutes of September 3, 2013 was moved by Council President Rivers, seconded by Councilman Knoller and carried by a roll call vote of 5-0.
  
  RC: Council members:
  YES: Knoller, Worthington, Rivers, Garis, Paino
  ABSTAIN: DiPaola
VI. UNFINISHED BUSINESS

- Municipal Building Study – Mayor Colina reported that he was expecting more information from the Borough Architect Anthony Iovino. There would be another meeting in 2014 to discuss the completed study.

- Commuter Parking Ordinance discussion – Council President Rivers reported that based on discussions the ordinance on the agenda for second reading was amended reducing the fee for residents to $250.00 from $350.00 but the fee for non-residents would remain at $600.00 if spots were available. He also noted that the two handicapped spaces that were included in the 38 spots would be left as commuter spaces but with a time restriction for people with handicap placards but would not require a permit parking tag. According to the Borough Attorney, Mr. Bossong, these were not substantive changes and they could continue with second reading on the ordinance.

- LUB Zoning recommendations – Mayor Colina introduced Land Use Board Chairman Mark Orecchio who presented the board’s recommendations. Mr. Orecchio discussed one ordinance which would get the tax map up to date with ordinances that had been adopted in the last five or six years, as well as pick up any changes they discussed that evening. He discussed the Central Business District (CBD) that was created in 2008 and suggestions made by Borough Planner Brigette Bogart to change designations to make them consistent with the ordinances. Other changes included updating ordinances to reflect proper zoning designations in areas of town. He said the changes would simplify the variance application process that comes before the Land Use Board. He explained that these items were reviewed by the borough’s engineer and planner who then attended the board meeting. The changes had been passed unanimously by the Land Use Board which recommended putting them on the Council agenda for discussion.

VII. NEW BUSINESS

- Solid Waste Bid Options- Award Contract – Mr. Shenkler said the low bidder was Miele Sanitation. The bid included options for picking up the garbage twice a week and an alternate with once a week pickup except between May 1st and October 31st where it would be picked up twice a week. He said the difference in cost was about $60,000 per year over the three year period. Mayor Colina asked for comments. Council President Rivers recommended leaving it at two pickups a week – he thought it was a relative low cost based on the overall budget. Ms. Dray explained that this was the option as on the Consent Agenda.

VIII. INTRODUCTION OF ORDINANCES – No ordinances were introduced.

IX. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

#1471-13 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED “PARKING, STANDING AND STOPPING”

Motion to adopt ordinance No. 1471-13 with amendments reducing the fee for residents from $350.00 to $250.00 and removing the handicapped spots from the actual ordinance requiring a permit was moved by Council President Rivers, seconded by Councilman Knoller and carried by a roll call vote of 5-0.

RC: Council members:
YES: Knoller, Worthington, Rivers, Garis, Paino
ABSTAIN: DiPaola

Motion to open the meeting to comments from the public on Ordinance #1471-13 was moved by Council President Rivers, seconded by Councilwoman DiPaola and carried unanimously.

Mr. Griffin, 155 Linden Avenue questioned where residents who previously used these spaces in the past could park. Council President Rivers explained procedurally how the spaces could be reserved giving preference to residents through March 31st for the first year and then throughout the month of December thereafter. He added that for residents who did not want to pay for the spots there were three additional lots they could use and the borough could realize revenue by charging for spots used mainly by out of town commuters.

Councilwoman DiPaola remarked that she knew Council President Rivers had done a lot of hard work on this ordinance but was not comfortable charging residents for parking.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments on Ordinance #1471-13.

Motion to close the meeting to comments from the public on Ordinance #1471-13 was moved by Council President Rivers, seconded by Councilman Knoller and carried.

Motion to adopt Ordinance #1471-13 on second reading was moved by Council President Rivers, seconded by Councilman Knoller and carried by roll call vote of 5-1.

RC: Council members:
YES: Knoller, Worthington, Rivers, Garis, Paino
NO: DiPaola

Council President Rivers thanked the committee who had worked very hard on the ordinance talking to residents, commuters and non-commuters who were involved. He also mentioned that Tom Browne was very involved from the start and helped identify the light poles that needed better lighting to ensure safety.

X. REPORTS

• Acting Assistant Borough Administrator – Mr. Shenkler said that several issues the Council left for him had been addressed and believed they had all been ameliorated. He discussed brush in front of a driveway that was limiting visibility to someone trying to see their driveway. This was taken down by the property owner. Flooding issues on Hartland and Eagle were addressed by planning for an additional storm drain on Hartland as well as having the contractor redo the intersection of Hartland and Eagle. The Construction Official visited the area behind Cork and Keg and surrounding businesses and found that the complaint made to the Council was not only legitimate but dangerous. All the property owners had received warnings to clean up the area and fill in the potholes. A pothole belonging to the Borough had been filled.

• Borough Clerk Carol Dray had no report

• Mayor and Council

Councilman Paino gave the November Building Department report.
Councilwoman Garis read a statement referencing an article dated December 16th in the Pascack Press about the investigation altering her election petition. She addressed a quote from Mayor Colina and stated that he should make it a high priority to stand for what was honest, fair and right.

Council President Rivers had no report.

Councilman Knoller thanked Mr. Shenkler and CFO Catherine Henderson for getting Mr. Solimando his new cell phone. He thanked Mr. Shenkler and Borough Engineer Berge Tombalakian for meeting them in the Continental Woods section of town to review the flooding issues on Hartland Avenue and the intersection of Hartland Avenue and Eagle Drive. He was glad to see that those issues were being taken care of.

Councilwoman DiPaola thanked the Department of Public Works for doing an excellent job after the snow storm. She noted that when the budget was done, it was important that the Shade Tree Commission get a very substantial increase. She said there were a lot of trees on an emergency list that needed to come down and thanked Mr. Shenkler and Perry Solimando for their assistance removing a dangerous tree on the corner of Jefferson and Arthur Avenue the next day after being notified. She said the Board of Health was still meeting about hiring a registrar.

Councilwoman DiPaola directed her next questions to the attorney, Mr. Bossong, who was covering for Mr. Mooney inquiring who had invited him that evening and if he had a resume on file. Mayor Colina replied that he had invited him. Mr. Bossong answered that he was not being compensated by the Borough at all-he was acting on behalf of the borough in gratis. She asked for confirmation that he was not accepting compensation at all from anybody. Mr. Bossong assured her that he was not and Councilwoman DiPaola thanked him for being present for no compensation. Councilwoman DiPaola directed her questioning to Mayor Colina wondering how he had come to invite Mr. Bossong and where he had met Mr. Bossong and found out he was available. Mayor Colina replied that, having the authority to appoint an alternate in his absence, Mr. Mooney recommended Mr. Bossong.

Councilman Worthington had no report.

Mayor Colina reported that the senior citizens held a holiday party and were very happy with Mr. Shenkler’s efforts to get a last minute grant in for their 2014 activities as well as a last minute grant for ADA structures, signage, etc. He responded to Councilwoman Garis’ previous statement made earlier in the meeting stating that any comments he made or actions he took, he did so seriously and did try to act sincerely in the best interest of the Borough. He noted there was a divergence of opinion regarding several issues in the Borough over the last couple of years and that was to be expected. He said he stood by his comments.

Councilwoman DiPaola inquired if he was equating the alleged crimes to other things that happened in the Borough and requested that the Mayor clarify his statement. Mayor Colina restated his previous comment that there were many differences of opinion that existed in the Borough and this happened to be a difference of opinion and repeating that he stood by his comments.
XI. 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 to comments from the public was moved by Councilwoman DiPaola, seconded by Council President Rivers and carried at 8:24 p.m.

Margaret Boyce, 92 Colonial Road asked about the solid waste bid option and asked if the town had ever been polled on having a limitation on the number of containers.

Mark Orecchio, 78 Karen Lane clarified two other issues that had come before the Land Use Board. One was ‘use’ variances on commercial buildings – he thought the Council should look at that to find out exactly what the right number was. He thought the Borough’s fee was fairly high for a commercial building. The other item was concerning an area along Ackerman Avenue, an R-10 zone where a lot of homes and blocks had mostly 50x100 or 75x100 lots and the potential of changing that zone. He said it needed a little more study. Ms. Bogart had suggested she could do that but did not want to take it on for a cost unless the Council was interested. He said if they were interested, they may want to allocate some money for it. He explained that people from that area always require variances because 60-70% of the lots were nonconforming.

Motion to close the meeting to comments from the public was moved by Council President Rivers, seconded by Councilman Worthington and carried at 8:30.

XII. RESOLUTIONS ON CONSENT AGENDA NO. 209-13
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.

Councilwoman DiPaola called a Point of Order and asked to pull the Bill List off the Consent Agenda, specifically check #23894, Scott Mooney $6,005.25. Council President Rivers suggested pulling the Bill List off but Councilwoman DiPaola objected stating that she did not want to vote ‘no’ on the entire bill list.

Motion to approve Consent Agenda #209-13 without check # 23894 on the Bill List was moved by Council President Rivers, seconded by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:
YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

Ca 210-13 Bill List
Ca 211-13 Approve Mayor & Council Meeting Dates for 2014
Ca 212-13 Approve Mayor & Council Holiday Dates for 2014
Ca 213-13 Award Aaron Michael Inc. contract in the amount of $7,142.00 for repairs to the dugout at Benkovic baseball field
Ca 214-13 Confirm endorsement of CDBG Senior Citizen Activities Grant Application in the amount of $5,500.00
Ca 215-13 Authorize Mayor Colina to execute NWBCUA Inter-local Service Agreement for Monitoring Borough Pump Stations
Ca 216-13 Award Solid Waste hauler contract for 2014-2016 for $870,000
Ca 217-13 Authorize Mayor Colina to execute contract with D & L Paving to install a catch basin and drain on Hartland Avenue for $6,250.00
Approve Transfer to the 2013 Municipal Budget
Tax Sale Certificate Redemption in the amount of $35,276.21 –260 Main Street, Block 314, Lot 12
Authorize Drug & Alcohol Testing Agreement for 2014
Award Municipal Building Cleaning - Winnett’s Cleaning Service

Council President Rivers remarked that when the Bill Lists came into the Borough, they were checked by the Assistant Administrator and the CFO. When they were presented to the Governing Body, they were already checked for clarity and precision and items that had been worthy of being invoiced. Councilwoman DiPaola said she was uncomfortable approving payment paying from someone who was charged by the prosecutor’s office and she apologized on behalf of the taxpayers. Council President Rivers said that the attorney fees for the Council’s approval were not related to the County prosecutor.

Motion to approve Mr. Mooney’s item #23984 on the Bill List was moved by Council President Rivers, seconded by Councilman Knoller and carried by roll call vote of 4-1.

RC: Council members:
YES: Knoller, Worthington, Rivers, Paino
ABSTAIN: Garis
NO: DiPaola

Councilwoman DiPaola reiterated that the charges had been made and she was not comfortable spending taxpayer money on anybody that was in question right now. Mayor Colina thanked Councilwoman DiPaola for restating her previous comment and she likewise thanked the Mayor for allowing her to do so.

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 222-13

Motion to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 222-13 was moved by Council President Rivers, seconded by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:
YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

#13-12/17-32 Personnel ‘Rice’ Notice
Emerson Police Department
- Christopher Bova
- Douglas Kearns
- Glenn Howard

#13-12/17-34 Negotiation - PILOT

#13-12/17-35 Litigation – Tax Appeals

#13-12/17-36 Personnel – Acting Assistant Administrator

XIV. RECONVENE

Motion to reconvene was moved by Council President Rivers, seconded by Councilman Worthington and carried.

- Resolution #223-13 Extending the Probationary Period for New Emerson Patrol Officers
  Motion to approve Resolution #223-13 Extending the Probationary Period for New Emerson Patrol Officers was moved by Council President Rivers, seconded by Councilwoman DiPaola and carried by roll call vote of 6-0.

RC: Council members:
YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino
• Resolution #224-13 Authorize Tax Appeal Settlement with Liberty Emerson, LLC
  Motion to approve Resolution #224-13 Authorize Tax Appeal Settlement with Liberty Emerson, LLC was moved by Councilman Knoller, seconded by Council President Rivers and carried by roll call vote of 6-0.
  RC: Council members:
  YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

  Motion to extend the agreement with New Jersey Professional Management through the end of January not to exceed an additional 30 hours from December and then 15 to 25 hours maximum per week in the month of January was moved by Councilman Knoller, seconded by Councilman Worthington and carried by roll call vote of 5-1.
  RC: Council members:
  YES: Knoller, Worthington, Rivers, Garis, Paino
  NO: DiPaola

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was moved by Councilman Knoller, seconded by Councilman Worthington and carried at 10:28 p.m.