



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 3, 2013
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Colina called the meeting to order at 7:32 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 Borough Attorney Scott Mooney and Temporary Acting Assistant Administrator Les Shenkler.

III. PROCLAMATIONS & CITATIONS – There were no proclamations or citations.

IV. APPOINTMENTS/RESIGNATIONS

- Appointment of Emerson Police Department Part Time Dispatchers
 - Sean Croal
 - Sebouh Ganemian
 - Mark Savino, Jr.
 - ☛ **Motion** to appoint Sean Croal, Sebouh Ganemian and Mark Savino, Jr. as Emerson Police Department Part Time Dispatchers was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by a roll call vote of 6-0.
 - RC: Council members:**
 - YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino**

- Appoint Temporary Elevator Inspector Sub-Code Official
 - NJ Technical Services
 - ☛ **Motion** to appoint NJ Technical Services as Temporary Elevator Inspector Sub-Code Official was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by a roll call vote of 6-0.
 - RC: Council members:**
 - YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino**

- Resignation
 - Neil Tortora from the Land Use Board effective immediately
 - ☛ **Motion** to accept the resignation of Neil Tortora from the Land Use Board effective immediately was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried unanimously.

V. UNFINISHED BUSINESS

- Proposed commuter parking ordinance – Council President Rivers reported on the details of the proposed ordinance including the registration procedure for the 36 reserved spaces along Emerson Plaza East spaces and fees for residents and non-residents. Residents would have right of first refusal and would have until February to purchase them for the first time. Once all the spots were sold, there would be a waiting list and then it would be a first come, first serve for that year. A lengthy discussion ensued in respect to considering no fee at all for residents or at reduced rate from the \$350 to \$150 only for Emerson residents.

Council President Rivers said that there was a threshold to what it would cost to maintain that area and that \$350 was less than \$1.50 a day for a guaranteed parking spot which he considered reasonable.

VI. NEW BUSINESS

- 2014 Professional Services Request for Qualifications

Mr. Mooney led the discussion stating the RFQ's were ready to be posted sometime that week and asked the Governing Body to discuss the cap on rates charged per hour for professional services and if it was the Council's prerogative to include the figure in the RFQ document. A lengthy discussion ensued in respect to what other towns allowed for specific professionals and their scope of work especially borough attorneys.

Mayor Colina said he believed that the Council could combine Labor Attorney and Borough Attorney as one professional. Mr. Shenkler considered the fee of \$125 low for Emerson and the kind of talents they want to work with. He said engineering and auditing would be tough to get at that price, also. Councilwoman DiPaola thought that legal services was currently at \$126.50 and considered increasing that figure to \$150 a huge jump for the position. Ms. Dray confirmed that no rate was used in the 2013 RFQ as was the Council's decision.

Council President Rivers suggested combining Borough Attorney with personnel and rather than putting in a number, he suggested that they decided on the right person and negotiate once they were appointed because it would limit who applied. Mr. Shenkler and Councilman Knoller agreed. Council President Rivers suggested that they determine who the right person for the town was and negotiate the number then.

☞ **Motion** to move forward with the posting of the 2014 RFQ's was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried by a roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

- Emerson Volunteer Fire Department Communications Grant – Council President Rivers reported that the volunteer fire departments throughout the Pascack Valley had met with Congressman Scott Garrett to apply for a communication grant in the area. The grant would have a 10 % matching portion. They would apply for a \$400,000 grant and the contribution would be roughly \$7,000 per municipality. He requested that Mayor Colina write a letter showing their support and send it to Congressman Garrett's office as soon as possible. He added that it would require \$7000 from the 2014 budget. The Council agreed to the appropriation of \$7,500.

☞ **Motion** to authorize sending the letter to the appropriate authority supporting Congressman Garrett in pursuit of this grant was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

Councilwoman DiPaola called a Point of Order and asked Council President Rivers to give an explanation to a member of the public who had arrived late to the meeting after the discussion of the proposed commuter parking permit process had taken place. Council President Rivers explained the details of the parking ordinance that was up for first reading over again as she requested for the benefit of the individual.

VII. 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 December 17th, 2013 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the December 6th, 2013 edition of the Ridgewood News by summary. He added that this 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.

First Reading:

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

☞ **Motion** to introduce Ordinance #1471-13 on first reading was **moved** by Council President Rivers, **seconded** by Councilwoman Garis and carried by a roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

VIII. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

#1469-13 AN ORDINANCE SUPPLEMENTING CHAPTER 7 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "AMBULANCE CORPS"

☞ **Motion** to open the meeting to comments from the public on Ordinance #1469-13 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried unanimously

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments on Ordinance #1469-13.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1469-13 was **moved** by Council President Rivers, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to adopt Ordinance #1469-13 on second reading was **moved** by Councilman Worthington, **seconded** by Council President Rivers and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Worthington, Rivers, Garis, Paino

ABSTAIN: Knoller

#1470-13 AN ORDINANCE AMENDING CHAPTER 118 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED BRUSH, GRASS AND WEEDS ADDING ARTICLE I CONTROL OF BAMBOO

☞ **Motion** to open the meeting to comments from the public on Ordinance #1470-13 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried unanimously

Mr. Sardonopoli, 166 Vivian Avenue thanked the Governing Body for the time and effort they put into the ordinance. He asked how the ordinance would work in relation to a neighbor's property which was for sale.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments on Ordinance #1470-13.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1470-13 was **moved** by Council President Rivers, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to adopt Ordinance #1470-13 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried by roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

IX. REPORT

- Acting Assistant Borough Administrator Les Shenkler reported that he found an application for Community Development ADA grant that did not involve matching funds. He noted that it was due on Friday and would allow for curb cuts with the new barrier modules to replace sidewalks on Kinderkamack and Main Street. He said they would ask for \$30,000 – if the entire amount was not used, it could be returned. He noted that it needed to be submitted as soon as possible and that a resolution authorizing the submission of the application on Friday was necessary. Mr. Shenkler also tracked down a NJDOT paving grant for High Street. He explained that once a grant was approved, the borough receives back 75% of the grant; that was not done when the project was awarded. To remedy this, he contacted the engineering firm that had been engaged. Since the project was finished and inspected by the state, the entire amount of \$144,881.10 would be reimbursed to Emerson in the next month or so. He said if they had waited another two months, they would have probably lost it. He also reported on his visit to a meeting at the Senior Center where he had informed them that carpet would be installed in a few days. They had also been promised a flat screen television. He said he did not believe it had been budgeted for; however they found some money to make it happen by the end of the year. He stated that the Senior Citizens were very grateful.

X. 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 Council President Rivers, **seconded** by Councilwoman Garis and carried at 8:10 p.m.

Mr. Sardonopoli, 166 Vivian Avenue commented on the condition of property behind some businesses on Kinderkamack Road. He said there were safety and littering issues. Council President Rivers referenced the property maintenance ordinances and said that Construction Official Mike Sartori could inspect and enforce that. Mayor Colina asked Mr. Shenkler to follow up with Mr. Sartori to determine whether this area was public or private property.

Mrs. Pellegrino, 152 Hartland Avenue asked about widening and sidewalks on Kinderkamack Road. Mayor Colina outlined issues related to improvements in this area. She also discussed issues related to the paving and curbing on Hartland Avenue. Mayor Colina asked Mr. Shenkler to follow up on this and told Mrs. Pellegrino they would get back to her.

Mr. Sardonopoli, 166 Vivian Avenue asked how to get on the list to have Vivian Avenue repaved. Council President Rivers explained how the process worked and outlined budget considerations.

Sheryl Dickerson, 43 Colonial Road questioned how to find more information about the beautification project for Kinderkamack Road. Mayor Colina said that information was available at Borough Hall. Councilman Paino said that the borough had done their due diligence and it was now in the hands of the county.

Mayor Colina and Council President Rivers explained at length the difference between a beautification project which the Kinderkamack Road Corridor project was not and the Redevelopment Ordinance in place.

Councilwoman DiPaola asked Mr. Shenkler to contact the county to see if there was any proprietary reason a resident couldn't look at the plan and get back to Ms. Dickerson. It was determined that the Kinderkamack Road corridor concept plan was on the borough website.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Worthington, **seconded** by Council President Rivers and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 202-13

☞ **Motion** to approve Consent Agenda #202-13 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

Ca 203-13	Authorize Tax Appeal Settlement with Liberty Emerson, LLC
Ca 204-13	Authorize Submission of Grant Extension for Emerson Municipal Alliance
Ca 205-13	Tax Sale Certificate Redemption
Ca 206-13	Award Senior Center Flooring Installation Labor in the amount of \$2,500
Ca 207-13	Resolution to Confirm Endorsement of Community Development Project for Barrier Free Improvements in the amount of \$30,000

XII. CLOSED EXECUTIVE SESSION - Resolution No. 208-13

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 208-13 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

#13-12/3-30 Personnel - Police Department N.J.S.A. 10:4-8

#13-12/3-31 Personnel - Fire Department N.J.S.A. 10:4-8

XIII. RECONVENE

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

☞ **Motion** to Rice Notice PO Officers D. Kearns, C. Bova and G. Howard and Emerson Fire Volunteer Fire Department members M. Brackenbury, G. Falotico, J. Maurer, L. Hagberg and G. Solimando to appear at the next meeting of the Mayor and Council was **moved** by Councilman Worthington, **seconded** by Councilwoman Garis and carried by roll call vote of 6-0.

RC: Council members:

YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

XIV. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried at 8:30 p.m.