



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
February 5, 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 CFO Catherine Henderson.

Borough Administrator Joe Scarpa arrived after the roll call.

III. APPROVAL OF MINUTES

- Regular Meeting of August 21, 2012

☞ **Motion** to approve the Regular Meeting Minutes of August 21, 2012 was **moved** by Councilman Knoller. The motion failed to be seconded and Mayor Colina moved forward to the next set of meeting minutes.

It was determined after a brief discussion that the Governing Body did take formal action at the meeting of January 15, 2013 to reflect a change in how meeting minutes would be transcribed from that point forward. A suggestion was made to postpone the approval of some of the minutes until later in the meeting so as not to inconvenience those present to discuss their departmental budgets and take action now on those that could be met with approval.

- Sine Die/2013 Reorganization meeting of January 2, 2013

☞ **Motion** to approve the Sine Die/2013 Reorganization Meeting minutes of January 2, 2013 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: Knoller, Worthington, Rivers, Garis, Paino

ABSTAIN: DiPaola

- Regular Meeting of January 15, 2013

☞ **Motion** to approve the Regular Meeting minutes of January 15, 2013 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 4-0.

RC: Council members:

YES: Knoller, Worthington, Rivers, Paino

ABSTAIN: DiPaola, Garis

MIN No. 4 APPROVED FOR RELEASE & CONTENT 8-5-14

Councilwoman DiPaola stated that she did not recall ever receiving or seeing the Closed Executive Session meeting minutes the listed on the agenda and subsequently there was no discussion and no formal action was taken.

D. Closed Executive Sessions Meeting Minutes:

1. Approval of Content-Not For Release to the Public

- a. June 12, 2012
- b. July 17, 2012
- c. September 4, 2012
- d. September 18, 2012
- e. October 2, 2012
- f. October 16, 2012
- g. October 23, 2012
- h. November 13, 2012
- i. December 4 (except for #32 already approved for content and release to the public)
- j. December 18, 2012
- k. January 15, 2013

2. Approval of Content and Release to the Public:

- a. June 12, 2012: Sections #16 & 17 only
- b. July 17, 2012
- c. September 18, 2012: First three paragraphs under #20
- d. October 23, 2012
- e. January 15, 2013

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

V. APPOINTMENTS/RESIGNATIONS

A. Land Use Board

- Neil Tortora as the Alternate III for the term ending 12/31/14

Mayor Colina announced that he appointed Neil Tortora as the Alternate III for the term ending 12/31/14.

B. Environmental Commission

- Reappoint Lorraine Zoeller as a Regular Member for the term ending 12/31/15
- Appoint Francesca Reilly as the Student Member for the term ending 12/31/13

Mayor Colina announced that he was reappointing Lorraine Zoeller as a Regular Member for the term ending 12/31/15 and appointing Francesca Reilly as the Student Member for the term ending 12/31/13.

VI. UNFINISHED BUSINESS

A. Budget Work Session

Catherine Henderson, the borough CFO, was present to participate in the work session.

1. Library Board of Trustees - Board Chairman William Panza, Director Camille Valentino and members of the Board were present. Mr. Panza introduced the Director who gave the Library's annual report and distributed her three year strategic report. The matter of a \$35,000 give back was debated and the Board of Trustees agreed to recalculate their figures for a more accurate bottom line of what they were asking for back from the borough.

2. Emerson Volunteer Ambulance Corps – Captain Dave Mason presented his capital requests for 2013 and was asked why the EVAC’s operating budget was not reduced now that the borough had daytime coverage.

3. Recreation Commission – Presiding Officer Dave Rector discussed each individual sports program budget and the shortages to their operating budgets. He noted that fundraising efforts and coaches reaching into their own pockets offset deficits.

4. Department of Public Works – Superintendent Joseph Solimando presented his department’s operating budgets and his capital requests for 2013. He shared concerns about the non-compliance of the building and periodic OSHA inspections. He requested another full time employee to assist the one mechanic of a 40 + vehicle fleet and to offset the difference of the increased insured motor vehicle deduction for repairs. In addition, he asked for a part time staffer to assist him in processing the increasing mandatory reporting compliance requirements.

B. Lightning Detection System

Mayor Colina led the discussion about the implementation of a lightning detection system, the cost of which was to be split 50/50 with the Emerson Board of Education. OEM Coordinator Mark Savino was present along with Mr. Solimando and Mr. Rector to explain the impetus of the project, the research done and the results and recommendations from meetings held. All present endorsed the project and discussed at length the advantages and benefit of the preferred vendor, Weather Decision Technologies. Ms. Henderson and Mr. Scarpa confirmed that the project would qualify for Open Space grant funding but the deadline had been missed. The project would need to be fully funded by the 2013 budget. The appropriation would be between \$10,000 and \$12,000. Mayor Colina’s goal was to implement the system by baseball season. The Council shared concerns about notification procedures, installation costs and hardware needs to cover all the borough and BOE fields. The Council raised no objection to moving forward with the project and one member concurred that the JIF endorsed such preventative safety measures.

C. Mayors’ Against Illegal Guns resolution

Mayor Colina discussed taking proactive action and preventative measures to reduce gun violence nationwide, referencing a resolution that had been distributed to the each Council member. In response to questions, Mayor Colina explained that it was a nationwide effort and he would be flexible in eliminating some language as long as it did not diminish the effectiveness of the resolution. Mayor Colina asked that all members come prepared to vote on the resolution at the next meeting.

VII. NEW BUSINESS

- Priority Goals for 2013
 - Kinderkamack Road Corridor Project
 - New Municipal Building
 - Re-establishing 911 Committee
 - Broadway Passive Trail project
 - Parking Meters

Mayor Colina led the discussion identifying the goals for the borough in 2013. He gave a brief update on the Kinderkamack Road project and stated that a new municipal building would be discussed under closed executive session in greater detail.

Mayor Colina summarized the previous challenges of the prior year's 9-11 Committee and lack of sustainable interest or progress. He requested an expression of interest from the members to re-establish the committee and lead it. Councilwoman DiPaola and Council President Rivers volunteered to work with Mr. Scarpa on the project and would reach out to at least two former members to reestablish a sub-committee by the next meeting. Mr. Scarpa stated that the project was eligible for Open Space funds. It was agreed that Mr. Scarpa, Councilwoman DiPaola and Council President Rivers would restore the committee and explore fundraising opportunities to offset costs and supplement grant money that might be realized without the use of borough money.

Council President Rivers explained the reasons for the slow progress of the Broadway Passive Path and installation of parking meters which had been previously slated to be budgeted for this year. He stated that he would continue to work with the Police Department, Mr. Scarpa and the Finance Department to make sure the numbers still made sense to effectuate that goal.

VIII. REPORTS

- Borough Administrator – Mr. Scarpa addressed Kinderkamack Road Corridor project issues and provided an update on the Emerson drainage ditch project.

IX. PUBLIC COMMENT

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

Mark Orecchio, 78 Karen Lane asked when the Council would hear the Land Use's recommendations for proposed zoning changes. Mayor Colina read a letter from the Emerson Golf Club's attorney Lou Lamatina stating they were withdrawing their request for the Governing Body to consider a zoning change and instead would apply to the Land Use Board directly for a use variance and site plan approval.

Brian Todd, 207 Palisade Avenue provided information about parking meters from a prior administration.

Catherine Mulligan Hornyak, 123 Palisade Avenue requested an explanation of Mr. Lamatina's letter. Chairman Orecchio was given the floor and explained the procedures for approving an application for a non-permitted use directly to the Land Use Board opposed to the Governing Body taking procedural action to change a zoning designation.

Thomas Kelly, 86 Palisade Avenue voiced his opposition to the Emerson Golf Club application now to be considered only before the Land Use Board and promised to appear at every meeting at both locations to continue to voice his objections.

Ken Hoffman, 61 Emwood Drive questioned if there was an appeal process for Land Use Board decisions and questioned why the discussion for the new municipal building was going to be held under closed executive session.

Marguerite Pellegrino, 152 Hartland Avenue asked why Emerson had no ordinance regulating large recreational vehicles parked in residential driveways and commented on the general appearance of some areas of the town. She requested that something be done to improve the aesthetics of Kinderkamack Road and her neighborhood in particular. Council President Rivers committed to exploring the objective of regulating large vehicles in driveways despite strong opposition by residents in the past.

Karen Falotico, 25 Henry Street commented on New Jersey gun laws and suggested the Governing Body conduct further research before taking action on the proposed resolution. She stated she was opposed to the proposed development at 99 Palisade Avenue.

Mark Orecchio, 78 Karen Lane clarified the rules for filing an appeal to a decision made by Land Use Board. Ms. Hornyak spoke about the Master Plan and its specific objectives and goals. Mr. Orecchio echoed the comments of Ms. Pellegrino in regard to the Kinderkamack Road downtown area and the need for improvement.

Marguerite Pellegrino, 152 Hartland asked how an ordinance was enacted and about enforcement of property maintenance. Council President Rivers committed once again to introduce an ordinance regulating large vehicles in driveways and urged Ms. Pellegrino to bring her supporters to the meetings where it would be discussed.

Seeing no 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 Rivers and carried.

X. RESOLUTIONS ON CONSENT AGENDA NO. 52-13

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.

☛ **Motion** to approve Consent Agenda Resolution #52-13 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

Ca 53-13	Supporting Mutual Aid and Rapid Deployment Force
Ca 54-13	Authorize terms of Hackensack Golf Club Tax Appeal settlement
Ca 55-13	Liquor License # 0214-33-008-003 Inactive License Strikes and Spare ceases to exist for failure of timely renewal

- APPROVAL OF MINUTES-discussion resumed

A lengthy discussion led by Councilwoman DiPaola resumed emphasizing her objection of how the Municipal Clerk had transcribed certain sets of meeting minutes including the Regular Meeting of August 21, 2012. She gave several examples of what she considered were serious lapses of accurate transcribing. It was her resolve not to approve any un-approved draft meeting minutes as they were presented prior to January 15, 2013. The consensus of the Governing Body was to postpone the approval of those meeting minutes still unapproved, regular and closed executive session, until the next meeting.

MIN No. 4 APPROVED FOR RELEASE & CONTENT 8-5-14

XI. CLOSED EXECUTIVE SESSION - Resolution No. 56-13

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 56-13 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

#13-2/05-04 Real Estate - New Municipal Building

N.J.S.A. 10:4-5

XII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

☛ **Motion** to establish a Municipal Building advisory sub-committee to investigate the options for a new municipal building consisting of Mayor Colina, Mr. Scarpa, Council President Rivers and Councilman Paino was **moved** by Councilman Worthington, **seconded** by Councilwoman DiPaola and carried unanimously.

XIII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Worthington, **seconded** by Councilwoman DiPaola and carried at 11:04 p.m.

Carol Dray, RMC/CMC/CMR

Joseph Kolodziej, Borough Administrator/Clerk

DATE: