



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 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 7:32 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 Labor Attorney Ron Gordon.

Borough Administrator Joe Scarpa arrived at 7:40 p.m.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Worthington from the Special Meeting of August 9, 2013

☞ **Motion** to excuse Councilman Worthington from the Special Meeting of August 9, 2013 was **moved** by Councilman Knoller, **seconded** by Councilman Paino

Councilwoman DiPaola and Mayor Colina debated whether or not there was a special meeting.

Mayor Colina asked for a roll call which was carried by a roll call vote of 2-1.

RC: Council members:

YES: Knoller, Paino

ABSTAIN: Worthington, Rivers, Garis

No: DiPaola

- Council President Rivers from the Special Meeting of August 9, 2013

☞ **Motion** to excuse Council President Rivers from the Special Meeting of August 9, 2013 was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried by roll call vote of 2-1.

RC: Council members:

YES: Knoller, Paino

ABSTAIN: Worthington, Rivers, Garis

No: DiPaola

- Councilwoman Garis from the Special Meeting of August 9, 2013

☞ **Motion** to excuse Councilwoman Garis from the Special Meeting of August 9, 2013 was **moved** by Councilman Paino. There was no second. She explained that she had a family emergency and would bring a doctor's note to the next meeting.

- Councilwoman DiPaola from the Special Meeting of August 9, 2013
Mayor Colina asked for a motion to excuse Councilwoman DiPaola from the Special Meeting of August 9, 2013. No motion was made.

Councilwoman DiPaola stated that there was no meeting. Councilman Paino said there were other Governing Body members there and they paid borough employees to come to the meeting.

IV. APPROVAL OF MINUTES

- Regular Meeting of July 9, 2013
☞ **Motion** to approve the Regular Meeting minutes of July 9th, 2013 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
NO: DiPaola
ABSTAIN: Garis
- Regular Meeting of July 23, 2013
☞ **Motion** to approve the Regular Meeting minutes of July 23rd, 2013 was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 4-1.
RC: Council members:
YES: Knoller, Worthington, Rivers, Paino
NO: DiPaola
ABSTAIN: Garis

V. APPOINTMENTS/RESIGNATIONS

- Emerson Volunteer Fire Department
 - Sean Carlos – Cadet
 - Sean Croal – Probationary firefighter
 - Mark Savino, Jr.
- ☞ **Motion** to appoint Sean Carlos as a cadet, Sean Croal and a probationary firefighter and Mark Savino, Jr. to the Emerson Volunteer Fire Department 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

VI. CORRESPONDENCE

Mayor Colina announced that copies of the correspondence were available in the office of the Municipal Clerk.

- Letter dated August 27th from Evan Cooper; Re: Sidewalk
- Letter received August 29th from Robert E. Laux, Executive Director, BCUA; Re: Public Hearing – Proposed Amendment to BC District Solid Waste Management Plan
- Letter dated September 1st from Phyllis Sembos; Re: Administrator Joseph Scarpa
- Letter dated September 5th from Joan Wright; Re: Gabriel Ambrosio Memorial Golf & Tennis Outing invitation

VII. UNFINISHED BUSINESS

- Bamboo Ordinance - Councilwoman DiPaola said this topic had come up several meetings ago and thought it was important that they go through with the ordinance. She wrote it and it had been reviewed by Construction Code Official Mike Sartori. Mr. Sartori would be doing the inspections and was okay with the ordinance and enforcing it.
- Amending Fuchs Contract – Mr. Scarpa said this was a continuation of last meeting’s discussion as to whether the Council wanted to consider suggested changes by Fuchs for the next few months. Fuchs wanted to be able to keep the ambulance in contiguous towns. Mr. Scarpa said that Mr. Fuchs would guarantee the same response time. Council President Rivers said it made sense to him given the fact that Mr. Fuchs was able to show that he was losing money on the deal and it had been a good plan for Emerson overall.

☞ **Motion** to approve the amendment to the Fuchs contract to the end of the year 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

- Exigency Resolution – Asbestos Remediation #168-13
☞ **Motion** to approve Exigency Resolution – Asbestos Remediation #168-13 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

- Censure Resolution No. 165-13 - Councilwoman DiPaola
☞ **Motion** to approve Censure Resolution #165-13 – Councilwoman DiPaola was **moved** by Councilman Knoller, **seconded** by Councilman Rivers. Mayor Colina gave the floor to Councilwoman DiPaola who asked that Councilwoman Garis take the floor first.

The Governing Body debated whether or not to censure Councilwoman DiPaola and discussed the statute governing the Open Public Meetings Act with Mr. Gordon

☞ **Motion** to open to the public on this topic only was moved by Councilwoman DiPaola, seconded by Councilwoman Garis and carried by roll call vote of 5-1.

RC: Council members:

YES: DiPaola, Worthington, Rivers, Garis, Paino

NO: Knoller

Ken Hoffman, 61 Emwood Drive said his first question was how much this had cost the borough in terms of Mr. Gordon’s legal fees and any other costs and was opposed to censuring Councilwoman DiPaola

A Wallington resident (name inaudible) spoke in support of Councilwoman DiPaola and was opposed to censuring her.

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

☞ **Motion** to motion to close the meeting to comments on this topic was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

RC: Council members:

YES: Knoller, Worthington, Rivers, Paino

NO: DiPaola, Garis

Mr. Gordon left the Council Chambers.

VIII. NEW BUSINESS

- Commuter Parking Sub-committee – Mayor Colina announced that there was a new Commuter Parking Sub-committee that would consist of himself, Council President Rivers, Councilman Paino and two residents, Mr. Tom Browne and Mr. John Carroll.

☞ **Motion** to establish the Commuter Parking Sub-committee 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

- Discussion - Emails violating the Open Public Meeting Act - Councilwoman DiPaola listed several examples of what she said were violations of the Open Public Meetings Act by Mayor Colina. Mayor Colina said he received advice from counsel and would not do that again.
- Resolution #166-13 Award the Contract for Information Technology Services
☞ **Motion** to award the Contract for Information Technology Services to DART Computer Services Resolution #166-13 was **moved** by Councilwoman Garis, **seconded** by Councilwoman DiPaola and carried by roll call vote of 6-0.
RC: Council members:
YES: Knoller, DiPaola, Worthington, Rivers, Garis, Paino

IX. INTRODUCTION OF ORDINANCES – No ordinances were introduced.

X. ADOPTION OF ORDINANCES – No ordinances were adopted.

XI. REPORTS

- Borough Administrator Mr. Scarpa said the electrical inspector had some health issues and would be retiring effective November 1st. They would need to appoint an acting electrical inspector in the meantime.
☞ **Motion** to authorize to advertise for this position 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
- Borough Clerk Carol Dray had no report.
- Borough Attorney Scott Mooney had no report.
- Mayor and Council

Councilman Paino gave the **Building Department** report for August.

Councilwoman Garis listed upcoming events at the **Emerson Public Library** and said she was very impressed with how things were going there.

Council President Rivers updated everyone on a meeting he had with **the Emerson Volunteer Fire Department** and said they were interested in placing the 9-11 Memorial at that location. He asked for this item to be added to the next agenda.

Councilman Knoller said the **Department of Public Works** was helping with the lightning detection system and were coordinating it with the school to schedule installation.

Councilwoman DiPaola gave the **Historic Preservation Commission** report and noted that Chairman Ken Hoffman had decided not to write a historic book about the borough. She said she did not even know when the **Environmental Commission** meetings took place. She had been to one of their meetings and tried to attend a couple of their other meetings and there was no quorum. The **Shade Tree Commission** met and they were very active. There were numerous trees that needed to come down in the borough that were a matter of public safety and they were finding it increasingly difficult to manage all the requests and suggested the need for an exigency resolution. Mr. Scarpa said they needed to put together a list of the trees that had to be taken down or pruned and come up with a price estimate because they could transfer money until November 1st. Councilwoman DiPaola said she believed they were working on this. She also discussed the **Board of Health**.

Councilman Worthington gave the **Emerson Volunteer Ambulance Corps** report for the month of August.

Mayor Colina said last week was the 12th anniversary of September 11, 2001 and they had a small ceremony in front of borough hall. The Emerson Chamber of Commerce was going to honor Sheriff Saudino as Citizen of the Year.

XII. PUBLIC COMMENT

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

Tom Browne, 114 Pine Drive thanked Mayor Colina for creating the Parking Committee and hoped they could work together. He thought that parking at Emerson Plaza East should be restricted to residents first. He also discussed the Environmental Commission meeting schedule with Councilwoman DiPaola.

Mike Budres, 93 Pascack Avenue expressed dissatisfaction with the discussion regarding leaf bags.

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

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

XIII. RESOLUTIONS ON CONSENT AGENDA NO. 159-13

Councilwoman DiPaola made a Point of Order and asked to extract some items from the Bill List for a separate vote: Mr. Mooney's vouchers for \$2,307.75, \$4,156.50, and \$3,825 and Carol Dray's legal fees of \$2,696.

☞ **Motion** to approve Consent Agenda Resolution #159-13 pulling the four items specified by Councilwoman DiPaola from 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 160-13 Approve Hiring Two Full Time Temporary DPW Employees
- Ca 161-13 Approve Block Party Application – Crest Road between Parker Drive and Chestnut Street on September 28th (rain date October 5th)
- Ca 162-13 Approve Bill List
- Ca 163-13 Approve Block Party Application – Washington Ave. between Colonial Rd. and Revere Ave. and Lexington Ave. between Washington Ave. and Hancock St. on October 5th (rain date October 12th)
- Ca 164-13 2013-2014 CDBG Senior Citizen Activities – Resolution to Enter into a Grant Agreement for \$3,274.00

☞ **Motion** to approve the bills pulled by Councilwoman DiPaola 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

NO: DiPaola

ABSTAIN: Garis

XIV. CLOSED EXECUTIVE SESSION - Resolution No. 167-13

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 167-13 was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

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

#13-9/17-26 Litigation - A. Solimando v. Borough of Emerson N.J.S.A. 10:4-7

XV. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Worthington, **seconded** by Council President Rivers and carried at 9:17 p.m.

XII. 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 9:20 p.m.

Carol Dray, RMC/CMC/CMR

Joseph Kolodziej, Borough Administrator/Clerk

DATE: