



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
May 1st, 2012
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:34 p.m., and identified the emergency exits. Mr. Joe Giacalone led the assembled in the salute to the flag. Mayor Colina asked everyone to remain standing for a moment of silence to keep good thoughts for the men and women of the Armed Forces and noted that it was the one year anniversary of the death of Osama Bin Laden, commenting that the war on global terror continued and a lot of men and women were in harm's way.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of May 1, 2012 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 21, 2011; 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.

ROLL CALL:

PRESENT:

Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Knoller, Councilman Worthington

ABSENT:

Councilman Rivers arrived at 7:48 p.m.
Council President Shaw arrived at 8:12 p.m.

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney, and Borough Administrator Joseph Scarpa.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Worthington for absence from Regular Meeting of April 3, 2012
☛ **Motion** to excuse Councilman Worthington for his absence from the Regular Meeting of April 3, 2012 was **moved** by Councilman Knoller, **seconded** by Councilwoman Garis and carried.

IV. PROCLAMATIONS & CITATIONS

- Honoring Eagle Scouts Joseph Calabrese and Vincent Giacalone – Mayor Colina said it gave him great pleasure to honor recently inducted Eagle Scouts Joseph Calabrese and Vincent Giacalone. He requested they join him at the flag and proclaimed Wednesday, May 2nd as their day in the Borough of Emerson. He said he had attended the Court of Honor the previous weekend and asked each gentleman to describe their project. Mayor Colina said he was impressed with their works and that they encouraged their fellow scouts to give back and get involved in the community. He said that it rang true for the

Family Town. He also acknowledged their parents and said that they were a significant support system and wished the young men the best of luck.

V. APPOINTMENTS/RESIGNATIONS - None

VI. UNFINISHED BUSINESS

- Broadway – Environmental Commission report – Mayor Colina discussed a letter the Governing Body received from Chairman Tom Browne regarding the passive park proposal. He said Councilman Rivers had read it and wanted to attend the next Environmental Commission meeting and walk the park with Mr. Scarpa. The letter said they had begun working on a plan to restore and preserve the natural settings and create a safe pathway for residents to use as an alternative to busy streets. He noted that property encroachments would need to be addressed to make the effort a success. They requested the Council begin to work to that goal with expediency. The Mayor said that he and Councilman Rivers had discussed the report and said that he received messages from the Boy Scouts and Girl Scouts who might be resources to perform the necessary work. He said that after they walked the property, they would ask Mr. Mooney to issue a very specific time sensitive directive to clear the property so they could start to proceed.
- Bergen County United Way/Madeleine Corporation – Mayor Colina explained that this item related to the purchase of 5 Pine Drive as a group home for physically challenged adults. He said that he, Mr. Scarpa and Mr. Mooney had met with United Way and the Madeleine Corporation. Mr. Scarpa detailed that BCUW had provided the Borough with some documents they needed to agree upon if they were inclined to proceed. Mr. Mooney had reviewed them and at a subsequent meeting those issues were addressed.

Ms. Dray announced that Councilman Rivers arrived at 7:48 p.m.

Mr. Scarpa said the project would count towards the Borough's COAH Affordable Housing obligations comprise of three beds and count as six units for the Borough.

- i. Resolution No. 90-12 Endorsing Sponsor's application for Agency funding for Special Needs Ranch Finance Project.
☛ **Motion** to approve Resolution #90-12 Endorsing Sponsor's application for Agency funding for Special Needs Ranch Finance Project was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried by roll call vote.
RC: Council members:
YES: Garis, Worthington, Rivers, Knoller, DiPaola
- ii. Resolution No. 91-12 Adopting Payment in Lieu of Taxes
☛ **Motion** to approve Resolution #91-12 Adopting Payment in Lieu of Taxes was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried by roll call vote.
RC: Council members:
YES: Garis, Worthington, Rivers, Knoller, DiPaola
- iii. Resolution No. 92-12 DCA Local Planning Requesting Review and Approval of a Municipal Affordable Housing Trust and Fund Spending

☞ **Motion** to approve Resolution #92-12 DCA Local Planning Requesting Review and Approval of a Municipal Affordable Housing Trust and Fund Spending was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried by roll call vote.

RC: Council members:

YES: Garis, Worthington, Rivers, Knoller, DiPaola

VII. NEW BUSINESS

- Ambulance Service Agreement with Fuchs – Mr. Scarpa said Mr. Mooney had drafted an agreement and the insurance company had made some changes. Mr. Mooney said the actual contract would be discussed during Closed Session.
- Williams-Transco Pipeline – Mayor Colina referenced recent articles in The Record regarding the Williams-Transco Pipeline which entered Emerson from Oradell, crossed over Soldier Hill Road and took a hard right towards the reservoir, skirting around Emerson through the reservoir and ultimately led to Old Hook Road to enter Harrington Park. He first heard about it during at the Pascack Valley Mayor's Association meeting from River Vale Mayor Blundo. The issue was an increase in pipeline pressure scheduled for 2015. He said he had reached out to Williams-Transco and was gathering information and explained that the concern was related to the fact that the pipeline was 50 years old and what the increased pressure might lead to and the consequences. He said they needed to gather information and would keep everyone informed.

VIII. INTRODUCTION OF ORDINANCES

SECOND READING & PUBLIC HEARING:

1444-12 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$525,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

☞ **Motion** to open the meeting to comments from the public on Ordinance #1444-12 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

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

☞ **Motion** to close the meeting to comments from the public on Ordinance #1444-12 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1444-12 on second reading contingent on receiving the approval of the Land Use Board that the proposed improvement is consistent with the Master Plan was **moved** by Councilman Rivers, seconded by Councilwoman Garis and carried by roll call vote:

RC: Council members:

YES: Garis, Worthington, Rivers, Knoller, DiPaola

IX. REPORTS

- Borough Administrator – Mr. Scarpa said there would be a status report issued on Hillman Field in the next couple days. He explained that the Borough Engineer had yet to authorize payment to the contractor because outstanding punch list items had not yet been established as completed. In addition, Councilman Rivers had asked for some fertilized work to be done and they would provide a written statement of what needed to be done so he would know what to ask another contractor to do there. The Department of Public Works was hiring two temporary summer helpers who had reapplied from last year, Brian Donaghy and Mike Kraus. Mr. Solimando asked that they be reconsidered for this summer.

☞ **Motion** to approve the hiring of Brian Donaghy and Mike Kraus as temporary, seasonal full time DPW employees per the Teamster contract was **moved** by Councilwoman DiPaola, seconded by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Garis, Worthington, Rivers, Knoller, DiPaola

Mr. Scarpa said that the issues related to Academy Electric were being addressed. A recycling tonnage grant was prepared. He had researched the cost of playground mulch compared to wood chips based on a suggestion and there was a significant price difference – to do the parks would cost about \$60,000 to start from scratch with rubber mulch as opposed to \$4,200 to do wood chips. He said it would not cost as much in subsequent years but the initial outlay was expensive and it could not be done this year because it was not in the budget. Fence repair work costing \$800 needed to be done at Sunset Park. It was an ongoing problem and the Police Department was looking into installing a surveillance camera there since the fence has been cut more than once and no one had ever been caught. He and Mayor Colina met with the Borough Engineer on Kinderkamack Road and had addressed a number of issues. They were going to try to sit down with the County again and get this project into their budget agenda to get the work done in the next year or so. The promotions for Police Lieutenant were proceeding. He referenced an issue related to crossing guards in that there was a loophole in the law that allowed them to collect unemployment at the end of the school year. He said it cost a considerable amount of money – the Borough had to put in \$12,000 towards this. He explained that a bill was introduced in the legislature and asked the council to review the bill and consider a resolution supporting it. He commented that this was not what the unemployment fund was intended for.

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 Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried at 8:06 p.m.

Mr. Ken Hoffman, 61 Emwood Drive thanked Councilman Worthington for participating in the Arbor Day Ceremony. He also thanked Councilwoman DiPaola for attending. He said it did very well. He said the families honored were very happy with the ceremony that honored their loved ones who had passed away and they intended to do it again next year.

Mr. Tom Browne, 114 Pine Drive said that there was additional information not in the Environmental Commission letter – requesting that the Land Use Board designate the property as a park to take it off the tax rolls. He referenced a possible easement for United Water which would need to be considered for access. (Comments inaudible.) Councilman Rivers said he planned to be at their next meeting to go over these items and thanked them for the letter.

Ms. Dray announced that Council President Shaw arrived at 8:12 p.m.

☛ **Motion** to close the meeting to comments from the public was **moved** by Councilman Rivers, **seconded** by Councilman Worthington and carried at 8:14 p.m.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 93-12

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 #93-12 was **moved** by Councilman Rivers, seconded by Council President Shaw and carried by roll call vote:

RC: Council members:

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

- Ca 94-12 Approve Coin-operated Laundry/Dry Cleaning License Renewal – Mr. Kleen, dba Emerson Speedwash
- Ca 95-12 Approve Coin-operated Laundry/Dry Cleaning License Renewal – Emerson Cleaners
- Ca 96-12 Authorize Mayor Colina to execute agreement for Specialty/Hybrid Services for Sidewalk Repair with -Sidewalk Safety, Market Street, Elmwood Park, NJ
- Ca 97-12 Oppose Senate Bill 1451 OPMA
- Ca 98-12 Oppose Senate Bill 1452 OPRA
- Ca 99-12 Tax Appeal Adjustment - Block 611 Lot 204, 10 Wortendyke Ave.

XII. CLOSED EXECUTIVE SESSION - Resolution No. 100-12

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 89-12 was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried by roll call vote.

RC: Council members:

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

- #12-5/1-10 Personnel - EVAC N.J.S.A. 10:4-7
- #12-5/1-11 Real Estate - COAH N.J.S.A. 10-4-6
- #12-5/1-12 Litigation – Callagy - SM N.J.S.A. 10-4-7
- #12-5/1-13 Litigation – Hamparian - SM N.J.S.A. 10-4-7
- #12-5/1-14 Litigation – McLaughlin - SM N.J.S.A. 10-4-7

XIII. RECONVENE

☛ **Motion** to reconvene was **moved** by Councilwoman Garis, **seconded** by Councilman Rivers and carried.

☛ **Motion to** authorize Mayor Colina to execute the contract with Fuchs E.M.S. and Medical Transportation Services Ambulance contingent on the modification of several issues formerly discussed in the contract was **moved** by Councilwoman Garis, **seconded** by Councilman Worthington and carried by roll call vote.

RC: Council members:

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

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 9:26 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 06/11/12)

May 4, 2012