



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
June 12, 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. The Mayor led the assembled in the salute to the flag. He asked everyone to remain standing for a moment of silence and good thought for first responders.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of June 12, 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 Rivers, Council President Shaw (arrived late), Councilman Worthington

Also present were Borough Attorney Scott Mooney and Borough Administrator Joseph Scarpa.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Worthington for absence from Regular Meeting of May 15, 2012
☛ **Motion** to excuse Councilman Worthington for his absence from the Regular Meeting of May 15, 2012 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

IV. PROCLAMATIONS & CITATIONS

- “Coach Bob Carcich Day” - Mayor Colina invited Mr. and Mrs. Carcich and Ms. Ida Ennis to join him by the flag where he read the proclamation celebrating his 500th victory in baseball. Coach Carcich thanked the assembled for honoring him.

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Environmental Commission member Denise LeBrun effective immediately
- Appointment of Ronald Griffin as a Regular Member of Environmental Commission for the unexpired term ending December 31, 2014

Mayor Colina announced the resignation of Denise LeBrun from the Environmental Commission effective immediately. He then appointed Mr. Ronald Griffin as a regular member of the Environmental Commission for the unexpired term ending 12/31/14.

VI. CORRESPONDENCE

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

- Letter dated May 16, 2012 from Donna Bott, Community Hospice of Bergen County; Re: Upcoming events
- Letter dated May 16, 2012 from James Simpson, Commissioner, NJDOT; Re: 2012 Transportation Enhancement Program
- Letter dated May 16, 2012 from Robert Laux, Executive Director, BCUA; Re: Connection Fee Rebate Program
- Letter dated May 20, 2012 from EVAC Secretary George Howlin; Re: Recall Committee
Letter dated May 23, 2012 from Asst. BC DPW Road Supervisor Russell Martin; Re: 2012-2014 Snow Plowing Program

VII. UNFINISHED BUSINESS

- Appointing a Local Historian – N.J.S.A. 40:10A – Mayor Colina explained that the Borough had not had a Municipal Historian, and referenced previous conversations related to associated expenses, duties, certifications and affiliations. He asked Mr. Bill Wassmann to address why there was a need for this position. Mr. Wassmann said Mayor Owen Cassidy asked if he and his wife in 1980 wanted the job and they had agreed. Mr. Scarpa noted that the position was not in the Municipal Code Book. Mr. Wassmann described his duties as saving any item he saw anywhere related to Emerson history, photocopying the items and storing them for future historians. He anticipated potential future costs associated with digitizing his photocopied records. Councilwoman DiPaola asked if having a Historical Commission and Municipal Historian would be redundant. Mr. Wassmann said that he considered it redundant and did not need the Historical Commission for his work. She asked if it could be incorporated into the commission's function.

Mr. Mooney commented that if Mr. Wassmann considered the functions redundant, the Borough was not going to eliminate the Historical Commission and asked about the necessity of having a local historian. He added that he had never seen a resolution appointing him to this position. Mr. Wassmann said he did not think anyone would do much if he was not there. He explained that the Historic Commission served a different purpose; the commission's purpose was to preserve properties in town. He noted that the Governing Body was not enthusiastic about this because they refused to pass a preservation ordinance. Mr. Mooney asked if his functions as historian could be incorporated into the commission's purpose. Councilwoman DiPaola asked if one of the purposes of the commission was to educate the public on the history of Emerson and mentioned the budget money allocated for display cases in the library. Mr. Wassmann said the money authorized did not cover purchasing even one case. Councilman Rivers said they would look into that.

Mr. Wassmann said the Council did not want to preserve the American Legion Hall which was one of the oldest buildings in the Borough. Mr. Mooney corrected Mr. Wassmann stating that the Borough did not own that property. Mr. Wassmann commented that all the building needed was a paint job and some landscaping. Mr. Mooney responded that it was privately owned and not up to the Governing Body to decide on its maintenance. Mr. Wassmann said that limits to historic buildings would only apply to the exterior of the building. Mr. Mooney explained that if someone purchased a home without restrictions and the Borough decided to put an additional restriction on the property, there would be more government interference on a privately owned property.

Councilman Rivers stated he wanted to look at the commission's mission statement to see what they were commissioned to do and see if it incorporated functions related to the historian. Mayor Colina said the Governing Body would look at the ordinance and its mission.

Mr. Ken Hoffman was recognized by Mayor Colina and invited to comment. He was perplexed that the Council did not have a greater understanding of Historic Preservation Commission and stated that education did fall within the commission's purpose. He added that there was also a need for a Borough Historian with the commission supporting him in that role. He said he supported appointing Mr. Wassmann as Borough Historian.

Councilman Rivers agreed that it was important to keep the history of Emerson and wanted to review the mission statement and to make a decision. He did not see a problem with having an historian; it was a benefit to the town.

Mr. Wassmann said there were two filing cabinets at the library which contained historical information but they did not belong there. He had additional materials at his home. Mr. Mooney asked if this was Borough owned property. Mr. Wassmann said he would remove the items from his home if there was a place to keep them.

Council President Shaw praised the efforts of Mr. Wassmann.

Mr. Mooney inquired of Mr. Wassmann his necessity for borough business cards displaying the Borough Seal but with his home address on them. He was not aware that the borough issued business cards to volunteers. Mr. Wassmann responded that his first cards listed his home address. Those were printed up 25 years ago and had just run out. Mr. Wassmann maintained that the Historian was a three year appointment. Mr. Mooney stated he would check on the statutory period of the appointment and report back.

Mayor Colina said they appreciated Mr. Wassmann's commitment and passion for the history of Emerson but he was concerned with continuity. He stated that the topic would be revisited in July and the Council should be prepared to discuss and finalize their decision.

Ms. Dray announced for the record that Council President Shaw had arrived at 8:00 p.m.

- 9-11 Memorial – Mr. Scarpa said they were nearing a deadline to make a decision if they wanted the memorial finished by September 11th. The meetings with the 9-11 Committee had not been well attended and asked the Governing Body for a decision at the current or next meeting. He discussed the "I Remember" design using the 'I' beam from the World Trade Center site and the materials that would be used as well as suggestions he had to improve it. Mayor Colina suggested sending a very pointed message to the committee members to let them know that firm decisions needed to be made swiftly. If the 9-11 Memorial members do not meet, the decisions will be brought before the Governing Body and the sub-committee dissolved.

Mr. Scarpa said he anticipated the cost to be about \$35,000. He noted that the commission had not done any fundraising and there a very short timeframe remained. He explained that there was building and grounds money in the bond that could be used and fundraising efforts may offset the bond payment. Councilman Rivers said that if there were individuals on the commission who did not want to continue, he would volunteer to join it.

Mayor Colina directed Mr. Scarpa to come up with an action plan within the next day or two – to get the message out and he would follow up with phone calls if necessary. Mr. Scarpa suggested a brochure with a rendering of the design to be used for fund raising. Council President Shaw asked who would run with that. Mr. Scarpa said he would do it but to get things started they should use the bond money. Council President Shaw recommended they begin developing the fund raising efforts now in anticipation of the dedication.

VIII. NEW BUSINESS

- Amending Annual Salary Ordinance – Mr. Scarpa said that a 2% salary increase for Borough employees was in the approved adopted budget. Mayor Colina asked if there was a way to approve this ordinance earlier in the year versus midyear. Councilman Rivers said that it was tied to the budget approval but agreed it should be done earlier. Mr. Scarpa agreed and said he would prepare the pending ordinance for introduction at the July meeting.

IX. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ms. Dray would read the following bond ordinance by title and it would be further considered at a Public Hearing to be held on July 10th, 2012 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the June 15th, 2012 edition of the Ridgewood News by summary. He added that the 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:

1445-12 AN ORDINANCE AMENDING CHAPTER 266 ENTITLED TREES AND SHRUBBERY ARTICLE II ENTITLED TREE PRESERVATION AND WOODLANDS MANAGEMENT § 266-21 REPLACEMENT OF TREES

Councilwoman Garis asked to discuss the placement of trees. She recommended that the homeowner have some kind of say in that decision. Councilman Worthington said the reasons included the health of the tree, whether the location was appropriate for a tree – they did not want to spend funds only to have a tree die in a couple years. He said the Shade Tree Commission would discuss with the homeowner and see if they could come up with a reasonable solution to suit both parties. But they needed to recognize that money was being spent and they wanted to ensure the trees would survive.

☛ **Motion** to approve Ordinance 1445-12 on first reading was **moved** by Councilman Worthington, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

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

X. REPORTS

- Borough Administrator – Mr. Scarpa reported he was approached by Interstate Waste to revise the garbage pickup schedule and they offered a financial incentive to make those changes. He described the changes and said he considered them to be improvements. He said there would be learning curve for residents but Interstate Waste offered to pay to print and mail new calendars and a town-wide handout. He said it would save \$20,000 per year. Councilwoman DiPaola proposed making the change effective August 1st to give them time to print, mail and communicate the changes.

Mr. Scarpa also discussed reinstating an ordinance related to board review for any type of business coming into Emerson. He explained that it was repealed in 2009. It gave the town an opportunity to address the business, hours of operation, signage and window displays. Councilwoman DiPaola asked Ms. Dray to add that item to the next agenda. Councilman Rivers asked if it would have any impact on a business presently under discussion. Mr. Scarpa said it would not. It would not give them the right to prohibit that business, but to put some restrictions on it and allow a dialog when a business came to town.

He also reported that Bergen SWAN had confirmed they were backing out of the drainage project. There had been a follow up meeting on Kinderkamack Road where he, the Borough Engineer, Mayor Colina and local business owners had met. They were trying to get things moving along and needed to get the County to fund it this year.

Mayor Colina asked about follow up actions related to Kinderkamack Road and the local businesses. Mr. Scarpa suggested that they should look at the whole redevelopment ordinance since the intent when it was passed was to have one developer come in and would have been given increased density in order to make money. He noted that this was not the case anymore. He mentioned shared parking and the lack of parking as well. He did not think that someone wanting to put up a three or four story building should be granted automatic approval; that was something that should be negotiated. He added that it would have impact for years and years. Mayor Colina asked that the information be distributed to the Governing Body and to start taking proactive measures and move forward. He asked Ms. Dray to add it to the next agenda.

Mr. Scarpa closed by saying that advertising for the bid to renovate the Senior Citizens Center kitchen was to begin, a project that funded with Community Development grant money and asked for permission to move forward.

☛ **Motion** to approve advertising to bid on renovating the Senior Center kitchen 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

Borough Attorney Scott Mooney and Borough Clerk Carol Dray had no reports.

- Mayor and Council

Councilwoman Garis and Councilman Worthington had no reports.

Councilman Rivers gave the **Police Department** and **Fire Department** reports for the month of May. He said that the **Fire Department** had asked that the Borough to present individual clothing allowance checks to its members. He thought it was a good idea; they had also supplied him with the calculations on how the amount was figured so that could be reviewed as well.

He discussed issues related to 200 Kinderkamack Road; Mr. Mooney had supplied information that allowed them to move forward with citations on that site. He had received a lot of positive comments about the Memorial Day event. Some residents said that the Borough should consider doing a parade and noted that Mr. Scarpa said he would help them get that started.

Regarding the paper street Broadway, the Borough Attorney had prepared a draft letter that would be going out to the homes, hopefully that week. He thanked Environmental Commission Chair Thomas Browne for his letter and said the Borough would be moving forward with this. He said they were glad the Environmental Commission wanted to continue with this project. He asked to meet with the homeowners prior to the letter going out as a heads up. He asked if a time frame for the homeowners to move off the land had been determined. Mr. Mooney said it would be thirty days and then the Department of Public Works would move in to remove the individuals' property from the Borough's property.

Councilwoman DiPaola gave the May report of the **Building Department**.

Councilman Knoller said the Technology Committee had some meetings with the webhosting company. Deputy Clerk Jane Dietsche had made some good changes to the Borough website. He complimented Borough Clerk Carol Dray for her work as well. The Human Resources Committee had several meetings with Labor Attorney Ron Gordon and Mr. Scarpa and would have some changes to the Employee Handbook as well as clarifications. He hoped to have them ready to present to the Governing Body at the July meeting.

Council President Shaw had no report.

Mayor Colina said the Memorial Day ceremony had a nice turnout and he had received lots of positive feedback. He said the Emerson Junior/Senior High School band brought a lot of pride and dignity to the event. The Police Color Guard and the Fire Department all did well and it was a significant event that paid the proper amount of respect the day warranted.

He referenced the Technology Committee and said the Consent Agenda included a resolution to enter into an agreement with the County and Swiftreach for emergency notifications. There would be no cost to the Borough. There was an additional option offered by Swiftreach that would cost \$100 per month with a \$250 set up fee which would allow the Borough to do outbound calling activities. He gave as an example the ability to set up calling lists to senior citizens or set up geographic boundary calling lists if there was a flood. He said they were going to pursue it and it would be break even, citing the cost of printing and mailing tree lighting or leaf bag cards. He suggested the Technology Committee and a couple Borough employees become familiar with the system.

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 Councilwoman Garis and carried.

Tom Browne, Pine Drive commented on designating the paper street Broadway as a park and suggested referring that to the Land Use Board.

Ken Hoffman, 61 Emwood Drive commented on the 9-11 memorial, the introduced shade tree ordinance and Bergen SWAN.

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

XII. RESOLUTIONS ON CONSENT AGENDA NO. 111-12

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 #111-12 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

ABSTAIN: DiPaola

- Ca 112-12 Approve Bill List
- Ca 113-12 Approve Mayor & Council Regular Meetings of February 21, March 6, March 20, 2012, April 3, 2012
- Ca 114-12 Authorize support of Senate Bill S1900 –Phased-in Funding Restoration
- Ca 115-12 Approve 2012-2014 Snow Plowing Agreement with County of Bergen
- Ca 116-12 Approve 2012-2013 Liquor License Renewals
- Ca 117-12 Authorization of the Borough of Emerson Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72
- Ca 118-12 Requesting Approval of Items of Revenue & Appropriations NJS 40A:4-87 - Alcohol Education, Rehabilitation and Enforcement Fund Grant in the amount of \$431.70
- Ca 119-12 Approval for Municipalities Wishing to Enter into Agreement with County of Bergen for Emergency Services Notification System - Swiftreach
- Ca 120-12 Tax Deduction Adjustments
- Ca 121-12 Approve Coin-operated Laundry/Dry Cleaning License Renewal – Ranch Cleaners
- Ca 122-12 Approve Coin-operated Laundry/Dry Cleaning License Renewal – J Fancy Cleaners
- Ca 123-12 Approve Coin-operated Laundry/Dry Cleaning License Renewal – Sonic Suds
- Ca 124-12 Authorizing McNerney & Associates, Inc. to Perform an Appraisal of Property Located at 411 Old Hook Road, Block 1301, Lot 1.02

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 125-12

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 125-12 was **moved** by Councilman Knoller, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

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

- #12-06/12-15 Hackensack Golf Club Appeal N.J.S.A. 10:4-5
- #12-06/12-16 Personnel-Police Department-Lt. Promotion Interviews N.J.S.A. 10:4-5
- #12-06/12-17 Litigation-S. Callagy N.J.S.A. 10:4-4
- #12-06/12-18 Litigation-5 Oakland Avenue N.J.S.A. 10-4-4

XIV. RECONVENE

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

☛ **Motion** to promote Sergeant Michael Mazzeo to Lieutenant of the Emerson Police Department 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

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 Councilwoman Garis and carried at 12:51 a.m.

Carol Dray, RMC/CMC/CMR
(Proofed 06/29/12)

June 15, 2012