



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
June 14, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:36 p.m. Mayor Colina led the salute to the flag, noting that it was Flag Day and asked for a moment of silence, meditation, prayer, or good thoughts for our men and women who represented the flag every day not only in pledges of allegiance but in the actions and responsibilities they executed on a daily basis.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of June 14th, 2011 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 22, 2010; 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, Councilman Browne, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Councilman Rivers, Council President Shaw

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER - None

IV. PROCLAMATIONS & CITATIONS - None

V. PUBLIC COMMENT

Before opening the meeting for comments from the public, Mayor Colina reminded everyone to turn off their cell phones, keep their comments as brief as possible and try to limit them only to governmental issues of concern to an Emerson resident. He further requested that if a subject matter was addressed and answered, to please refrain from repeating it unless they had something new to contribute. A five-minute rule was in effect for each speaker at the discretion of the Council. Mayor Colina asked that everyone do their part to be civil, to the point and respectful of another's point of view and opinion. He further warned that speaking out without recognition would not be tolerated and a second warning could result in removal from the Council Chambers.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried at 7:40 p.m.

Seeing no 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 Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

VI. APPOINTMENTS/RESIGNATIONS

- Resignation of Regular Member Gladys DeMarco from the Board of Health, effective June 30, 2011

☞ **Motion** to accept the resignation of Board of Health Regular Member Gladys DeMarco effective June 30, 2011 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Shaw and carried.

VII. UNFINISHED BUSINESS

- Broadway Paper Street – Mr. Mooney said that he spoke with the Borough Appraiser, McNerney and Associates, who had prepared the 2010 appraisal. The property was represented as a lot off Spruce Avenue with a land area of 6,000 sq. ft. If the Council decided to vacate the parcel, the Borough would first have to offer it for sale to the two immediate adjacent neighbors. If one or both turned it down, the Borough could then put it out to bid. Councilman Rivers inquired if they would have to accept the original sale price offered to adjacent sale property owners if they advertised and received higher bids. Mr. Mooney said that they did not and could accept the higher offer and if no one bid on the advertisement, the Council could accept the homeowners' offers. Mr. Mooney explained that a resolution (ordinance) would be prepared to vacate the property, next a title search and then an offer to the two adjoining neighbors. Councilman Rivers understood from the Land Use Board that an applicant was trying to put a few small homes on a small piece of property and thought that for that neighborhood, that could affect everyone's property values. He added that he would rather see a couple larger homes go on that lot and adjoining lot than to see two or three smaller homes that would potentially devalue the entire neighborhood.

Mayor Colina mentioned that his next door neighbor, Mr. Brunelle, had come before the Governing Body to ask them to consider what Councilman Rivers suggested. He added that the tenant at that location had vacated last Sunday, leading to time sensitivity associated with the buyer having to expand into two larger properties. Councilman Rivers asked what the process would be if the Governing Body voted to move forward. Mr. Mooney detailed the process stating that the Borough would need to vacate the property, draft a resolution (ordinance) to that effect, conduct a title search and survey, then make an offer to the adjoining neighbors informing them that the Borough had vacated the property, giving them the right of first refusal. Councilwoman DiPaola asked what would happen if the neighbors did not want to purchase it and after advertising, no one bid on it. Mr. Mooney explained that the property would still belong to the Borough and they would make a decision at that time. He added that the resolution to vacate the property would be on the next meeting agenda as well as authorizing the title search and survey.

☞ **Motion** to conduct a title search and survey for this particular piece of property was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried.

- Parking Fines – Councilman Browne said that he had received complaints from commuters regarding non-residents parking in the Kenneth Street lot. He said he would like to make the fine, currently \$36.00, more protective of Emerson residents. He proposed increasing the fine to \$100.00 or \$150.00. Councilman Shaw recommended changing the signs to notify commuters of the increased fine. Mayor Colina said that he has had conversations with various Borough officials about trying to derive revenues from commuter parking and thought this might be a good idea. Councilman Browne mentioned that he was hesitant to charge residents to park in their own lots. However, he added that if it was coupled with a plan to improve conditions in the commuter lots, he might consider it. Councilman Rivers and Council President Shaw said that other towns on the train lines did charge a nominal amount for resident commuter parking permits. Councilman Browne said that Emerson did have parking stickers for residents but they were free.
- Library Subcommittee Update – Councilwoman Garis said that she, Councilwoman DiPaola and Councilman Browne had met with the Library Subcommittee several times. She noted that the original purpose of the subcommittee was to move forward in a positive manner together. But she said that it seemed that they had been met with indifference and been disrespected. She explained they had asked for an updated financial breakdown four times and had not received it to date. Mr. Scarpa had gone out of his way to get inmates to work on the library and a vote against it was taken by the Library Board due to insurance concerns. They had asked several weeks ago during a subcommittee meeting to check on the insurance coverage regarding using the inmates and had not heard back. She said that she felt that they were getting a lack of response to their requests and disrespect for what they were asking for.

She noted that a request for additional funds for the Library renovation could not even be considered until they received some kind of financial breakdown and update of fund spending thus far. She compared it to giving a child \$100.00. They come back and ask for another \$100.00 and when you ask what happened to the first \$100.00, they don't want to tell you. She said that she was having a little trouble understanding this response and was disheartened by the meetings. She and her fellow Council members had tried to do everything they could to move forward but it was like hitting their heads against the wall.

Councilwoman DiPaola said that she had finally received the document she requested but Councilman Browne had not yet received the financial breakdown he had requested. These requests were made almost a month ago, leading Councilwoman DiPaola to finally fill out an OPRA request. Ms. Dray had reached out on her behalf and her request was ignored. The only explanation Councilwoman DiPaola received was that someone was very busy and could not get the documents. Council President Shaw asked if anyone had received any email explaining why they did not receive what they asked for. They responded that they did not. Councilwoman Garis said that they had also requested that Mr. Scarpa be notified of the meetings with the architect but that had not happened either.

Councilman Browne recalled the Library Board coming before the Governing Body three years ago to break out their spending plan and mentioning they would be doing the work in stages. They were never definite about the money being spent. He emphasized this had been going on for almost three years and the entire process had been nothing but an exercise in deception and delay by the Library Trustees. He said that the Governing Body had directed the full time professionals to work together on a regular basis on this project, referencing Mr. Scarpa and Ms. Fulgione, and that had not happened. He noted that there was a meeting with the contractor and architect with a biweekly status punch list that

described what was done, what was to be done, the hurdles, challenges that would be very illuminating to the Governing Body to consider extra funds if needed. He had requested this document multiple times and had not yet seen it. He said that the expectation of the Governing Body at the beginning of the project was that it would be done in stages as money allowed. This was not the way it happened; the building had been gutted and you could not half rebuild an empty building. He also referenced the library's demand for a new roof even though there was an existing roof with a five year warranty on it. If a new roof was installed, he opined that the monthly payment should be deducted from the Borough's payment to the library as it was the correct thing to do to avoid issues such as this in the future.

Councilwoman DiPaola said that she had asked at their last meeting when another Subcommittee meeting would be scheduled and was told that another one would not be necessary. In response to Council President Shaw's question regarding whether the Trustees had been asked when they would be giving the Governing Body the requested documents, Councilwoman DiPaola said that they were told that they were volunteers and Bill Bierman, the President, was very busy. Council President Shaw declared that the Governing Body members had put significant time and energy and effort into working through this issue and it was an absolute requirement that information requested by them be provided in a timely manner. He added that this issue did not seem to be moving towards resolution and suggested bringing the Library Board there to explain why they were unable to provide information to them that was requested a month ago. He emphasized that a board should function within the constraints of the Governing Body and the time frames established. He requested that tomorrow the documents be placed in the Borough Hall conference room and the Governing Body members have time to inspect them at a time they designated.

Mayor Colina stated that he thought Council President Shaw's idea of bringing the Library Board to their next meeting was good. He noted that when he attended the last Library Board meeting with Councilwoman DiPaola, he had expressed his disappointment they were not communicating effectively. They were all capable and intelligent enough to get back on track and that this was a significant project with a lot of money involved. While the Governing Body was not looking to manage the project, they were looking out for the best interests of the Borough and its citizenry and they needed that information. He added that when they communicated with the Library, all concerned should make the effort to make sure that everyone was included, i.e. the Council members, the Administrator, the Clerk, himself and the entire Library Board and Director. He suggested taking a deep breath and teaming up and emphasized that he remained an advocate for the Library.

Councilman Browne said that he was not anti-library, but pro-Emerson taxpayer. He added that the Library was an asset to the community and the Governing Body had been more than accommodating to the Library's requests but it was up to them to live up to their responsibility to every resident to give a clear accounting of where they were spending the taxpayers' money.

Councilwoman DiPaola pointed out they still had not gotten an answer about the inmates. She and the Mayor had asked the contractor if there would be a liability, insurance or legal issue if the inmates came in and pulled up the carpet. They were informed that he would check with his attorney and insurance carrier, and also said that this had been the first time he had heard about this option. He later explained that there was a chain of command and he did not report to the Mayor and Councilwoman DiPaola. They requested that when the contractor received an answer, that it be passed through the chain of command and forwarded to them. However, they still had not heard back. She asked again at last

Thursday's meeting and no one had yet followed up. Mr. Scarpa confirmed that there were no insurance, liability or legal issues.

Councilman Rivers said they needed to find out who was responsible for this situation, take charge and try to move it forward as quickly as possible because right now it was an embarrassment for the town – it was slowing things down and they were not doing the right thing for the Borough. Councilman Rivers also questioned the chain of command and opined that the Borough Administrator should be overseeing construction on Borough property. He questioned why they were going through a Board to do that.

Councilman Browne inquired who was making decisions and who decided to spend \$10,000 on an interior designer when they were not satisfied with the architect's designs. Councilwoman DiPaola explained that Library Board members told her the decorator had been a tremendous help and they could not have done the designing without her. Councilman Lazar emphasized that the architect was capable of that. He pronounced that since the first time the Board came before them a couple years ago, he had serious doubts about the competency of the people that were moving forward with the project. He offered them his help and all he had seen were huge amounts of money being spent. The Borough found free lighting for them from PSE&G but it was not good enough for them. He said that if you only had enough money to go out and buy a Ford, you did not go out and buy a Mercedes or BMW – you lived within your budget. And if you had to settle for something a little bit less, maybe you had to do that. He emphasized that he was very upset about the money being spent and felt that it was crazy to hire a decorator for \$10,000. It was a waste of taxpayer money in the times we lived in and he was fed up with it. He pronounced that the Council was given misinformation and the Board must think the Governing Body members were idiots. They had set themselves up above the taxpayers and what was good for the community and what was good for our children and set themselves up above the Mayor and Council. He declared that they could not tolerate it and they needed to do something about it.

Councilman Shaw said that the requested documents had to be made available in the Borough Hall conference room on a day specified for Governing Body review and the Library Board of Trustees should attend the next meeting. Mayor Colina asked Ms. Dray to handle that correspondence.

- Grant Writer MBI Gluck Shaw – Councilwoman DiPaola said there was a fire safety grant emailed for review and they never voted on whether or not to hire the company to do grant writing and search for new grants. Councilman Rivers stated it was their responsibility to try and go the extra mile and pay a little bit to try to get more grants. Council President Shaw inquired about their retainer and Mr. Scarpa said that he would get that information. Council President Shaw said that the Borough needed large equipment like a fire truck and people with expertise would help significantly.
- DPW Temporary Help – Mr. Scarpa said that the Borough had advertised for temporary summer positions with the DPW and they had interviewed and selected two people – Brian Donaghy and Michael Kraus.

☞ **Motion** to approve hire Brian Donaghy and Michael Kraus as temporary summer employees with the DPW at the hourly rate of \$10.00 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

VIII. NEW BUSINESS

- 9-11 10th Anniversary Committee — Mr. Scarpa suggested creating a 9-11 10th Anniversary committee that should include members of the Governing Body. He recommended Council President Shaw and Mayor Colina as well as DPW Superintendent Joe Solimando, a member of the Police Department, an emergency service volunteer and a veteran. Council President Shaw said that his friend was a principal of an architectural engineering firm and they had agreed to donate their services for the design and whatever plans the Borough would need. He noted that it was very generous of them and hoped that they would be able to use their services well. He added that he was donating his salary as Council Member to the memorial. The Governing Body discussed possible locations for the memorial and where the ceremony would be held for the tenth anniversary. Mayor Colina said that Jack Quigley, the President Emeritus of the Nam Nights would be a good representative. He added that they would think of other community members and try to get a good cross section of community members. The Governing Body said that this decision would be made by the next meeting.
- PNC Grant Presentation – Mr. Scarpa postponed the item until the next meeting.
- Email Archive Services – Councilman Browne said that the Borough’s IT Consultant, Doug Neumetzger, was working on the pricing for automatically archiving emails on all Borough addresses. He said that it was probably a good thing in terms of litigation and protection for the Borough and that the cost was pretty nominal.
- Community Development Three Year Agreement – Alternate Delegate – He said that an alternate delegate was required and could be any Borough resident. Councilwoman DiPaola accepted the position and there were no objections.

IX. INTRODUCTION OF ORDINANCES - None

X. REPORTS

Administrator – Mr. Joe Scarpa reported that the DPW would be working to keep Ackerman Park cleaner. The Borough was proceeding with the joint services agreement with Park Ridge for the use of the pistol range. The Borough had put a \$20,500 expense report in to FEMA for costs related to the December storm. He hoped the Borough would receive about 70% back. The Borough had received final approval from Community Development for the \$41,000 renovation of the Senior Center kitchen. Another BCUA shredding event would probably take place in the fall. The DEP did a compliance inspection of the Emerson Woods. The Borough was in full compliance and had received a letter stating that they were very appreciative of the way that the property was being maintained. He was going to follow up with Bergen SWAN about a grant that would cover repairs and restoration to the ditch at the entrance to the park. Everything had been addressed that was listed in the Firehouse PEOSH inspection report except for the issue with the vehicle and the parts had been ordered to resolve this.

Councilman Lazar inquired about vandalism at Hillman Field. Mr. Scarpa responded that the sign that had just been repaired was pulled down. Vandals were climbing on the field house at night and wrecking the roof, baseball items were stuffed into the toilet plumbing and required retrieval by digging up the area in front of the bathrooms to get to the pipe. In the past, vandals had taken paper from the towel dispensers and shoved that down the toilet so it was replaced with electronic dryers that were ripped off the wall. Mr. Scarpa said that Lt. Buono was researching a grant for video security but would look into it whether or not they received the grant. The Mayor directed Mr. Scarpa to follow up on this expeditiously.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 112-11

☛ **Motion** to approve Consent Agenda Resolution #112-11 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Ca 113-11 Authorization of the Borough of Emerson Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72

Ca 114-11 Authorize 2011 Pistol Range Agreement with Borough of Park Ridge

Ca 115-11 Redeem Tax Sale Certificate – 31 Emerson Plaza Inc.

Ca 116-11 Tax Deduction Adjustments

Ca 117-11 Change Order No. 1 for Senior Center Roof Replacement in the amount of \$3,884.08

Ca 118-11 Authorization for inclusion in the Bergen County Community Development Program

XII. CLOSED EXECUTIVE SESSION - Resolution No. 119-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 119-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

#11-6/14-21	Personnel-Police	N.J.S.A. 10:4-8
#11-6/14-22	Potential Litigation – Maser Engineering	N.J.S.A. 10:4-7
#11-6/14-23	Library	N.J.S.A. 10:4-8

XIII. RECONVENE

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

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 Browne and carried at 10:10x p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 08/11/11)

June 20, 2011