



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
August 2, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:40 p.m. The Mayor led the assembled in the salute to the flag and noted that Congresswoman Giffords, the victim of a violent crime in Arizona several months ago, had returned to Congress and asked for a moment of silence and good thought for all victims of violent crimes especially the victims in Norway.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of August 2nd, 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, Councilman Lazar, Councilman Rivers

ABSENT:

Councilwoman Garis, Council President Shaw

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney, Borough Administrator Joseph Scarpa, Borough Auditor Gary Higgins and CFO/Treasurer/Tax Collector Cathy Henderson.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBERS - None

IV. PROCLAMATIONS & CITATIONS - None

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Library Board Trustee member William Bierman effective July 19th, 2011
☛ **Motion** to accept the resignation of Library Board Trustee member William Bierman effective July 19th, 2011 was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried unanimously.
- Appointment of William Panza as Library Board of Trustee member for the unexpired term ending 12/31/2014
☛ **Motion** to appoint William Panza as a Library Board Trustee member for the unexpired term ending 12/31/2014 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried unanimously.

Mayor Colina invited Mr. Panza to the dais and performed the oath of office.

VI. UNFINISHED BUSINESS

- Finalizing 9-11 Committee Members – Mayor Colina announced the three citizens at large were Robin Griffin, the mother of Kyle Griffin who was lost in Iraq, Ann Reneri, who recently retired from Memorial School as a second grade teacher and was a long time Emerson resident, and Tom Sudano who volunteered to participate. The committee had two missions – the design and location of the memorial monument with the piece of steel from the World Trade Center and the ceremonial observance of the tenth anniversary of 9-11. He said they were looking forward to their first meeting and thanked everyone for participating.
- Increasing Parking Fines – Councilman Browne said this was an upcoming ordinance on the agenda and would raise non-resident parking fines to \$100 for the first offense and \$150 for the second offense. He thanked Ms. Dray for her help.
- Maser Engineering – Mr. Mooney explained they had been waiting for the past seven months for additional documents the Borough had paid for. Maser Engineering employee John Jahr had turned over easement descriptions and an electronic survey about a month ago. The current engineer was examining them and he and Mr. Scarpa were waiting to hear back to make sure that this was what they were looking for. If so, they would move forward with the Kinderkamack Road project. Then they would have a sit down with Maser Engineering and try to finalize the remaining outstanding bills they claim they were owed.

VII. NEW BUSINESS

- Presentation of 2010 Audit by Borough Auditor Gary Higgins – Mr. Higgins reviewed the findings and recommendations of the audit and commented that the financial records were in excellent condition. He explained his recommendations for the Municipal Court Bail Account, unresolved issues with the Recreation Commission, the Housing Trust, and uniform purchases by the Recreation Commission. Mr. Scarpa noted that the Court issue was a carryover from the previous Court Administrator. He noted that issues with the Recreation Commission had been ongoing for years, due not only to volunteers but to volunteers changing over time. He said the big issue was the 48 hour time limit for deposits. Councilman Rivers suggested that a policy be set that Ms. Henderson should be doing their purchasing, even for uniforms. The Mayor thanked Mr. Higgins and Ms. Henderson.
- Library Referendum – Councilman Browne explained the rationale behind his adding this item to the agenda and stated that it was triggered by and was the direct result of the past three years of the Library's non-collaboration with the Governing Body. It motivated him to think there should be a solution because it was an ongoing issue and we still were receiving bits and pieces from this dysfunctional organization. He noted that New Jersey apparently had two types of library organizations – one type was a municipal public library like in Emerson and the other one was a private association library and explained the differences. He stated that he wanted to consult with Mr. Mooney to get some more details and the proposition would have to be done by referendum question. He emphasized it did not lessen their commitment to the library but put it more in the control of the Governing Body. Mr. Scarpa outlined the pros and cons of converting to a private library association. He said that it would give the Governing Body control over the hiring and firing of library personnel. In addition, there would be more control over the Board of Trustees. Councilman Browne stated that it would not lessen their responsibility to the organization.

Councilwoman DiPaola noted that she preferred to wait to discuss this topic with Councilwoman Garis present since she was the liaison. Councilman Browne agreed but said that he had her approval to discuss it that evening because of the time limitation. Councilwoman DiPaola posited that if certain problems at the Library were rectified, then perhaps they would not have to make such a drastic classification change. She thought it needed a lot more discussion. Councilman Browne agreed. Councilman Rivers suggested they should send their questions to Mr. Scarpa who would provide answers for the next meeting.

Mayor Colina said that he was heartened by the Trustees comments and actual results of voting on specific items at the last meeting. He said that hopefully they were turning the corner and would start to have a better flow of communication, unite and be a little bit more effective.

- Beautification Committee – Mayor Colina said there were several eyesores in Emerson and wanted to increase awareness and have more direct communication with people regarding property maintenance. He suggested being proactive to make Emerson as good looking a community as it could be. He had a couple committee members lined up and was looking for nine total members. Councilman Rivers said he wanted to be a part of that if it included the big picture as it was a very important area and Emerson needed to go through as parts of town to be cleaned up and made nicer and more presentable. He thought it would increase the value of the town and properties.
- Sewer line inspection – Mr. Scarpa discussed the sewer emergency on Park Avenue and said there were other lines in that area that should be inspected. He requested using a camera to inspect the lines on Vivian, Dorchester and Nimando. They had received a price of \$15,116 to check on the condition of the sewer lines with a camera. He recommended that they proceed.

☞ **Motion** to approve hiring National Water Main was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

- Police Promotions – Mr. Scarpa said they would advertise for the Captain position within the Police Department and set up a deadline of August 12th for eligible candidates. The interviews would be scheduled for August 16th meeting.

VIII. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ms. Dray would read the following ordinances by title and they would be further considered at a Public Hearing to be held on August 16th, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in August 5th, 2011 edition of the Ridgewood News by summary. He added that the ordinances were 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:

1430-11 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 290 THEREOF ENTITLED ZONING TO ADD A NEW SECTION UNDER ARTICLE V TITLED GENERAL REGULATIONS TO ENACT LEGISLATION REGULATING THE PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DRIVEWAYS AND AMENDING A DEFINITION UNDER ARTICLE II TITLED DEFINITIONS AND WORD USAGE

Councilman Lazar commented that he the ordinance was flawed. He discussed the definition of commercial vehicles and their weight and suggested that the following language be added: Manufacturer's Gross Vehicle Weight (MGVW).

☞ **Motion** to approve Ordinance 1430-11 on first reading as amended was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar

1431-11 AN ORDINANCE TO AMEND CHAPTER ONE ENTITLED ADMINISTRATIVE LEGISLATION ARTICLE II § 1-15 SCHEDULE OF MINIMUM FINES FOR VIOLATIONS OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to approve Ordinance 1431-11 on first reading was **moved** by Councilman Browne, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar

SECOND READING AND PUBLIC HEARING:

1428-11 AMENDING CHAPTER 132 ENTITLED CONSTRUCTION CODES; §132-2 ENTITLED FEES § 3.D WAIVER; EXEMPTION FROM FEES FOR DISABLED PERSONS

☞ **Motion** to open the meeting to comments from the public on Ordinance #1428-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

Ann McElwain, 357 Grand Boulevard asked who would supervise the commercial parking in driveways. Mayor Colina explained that this was not the item being discussed. She said that no one could hear them because half did not use the microphones or were talking to each other. The Mayor said that they would adjust their microphones and that she could ask her question during Public Comment.

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

☞ **Motion** to close the meeting to comments from the public on Ordinance #1428-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1428-11 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar

1429-11 AMENDING CHAPTER 73 ENTITLED PERSONNEL POLICIES OF THE CODE OF EMERSON ADDING ARTICLE III TITLED REMOVAL FOR CAUSE

☞ **Motion** to open the meeting to comments from the public on Ordinance #1429-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

Ken Hoffman, 61 Emwood Drive asked that the ordinance be read in full. Mayor Colina complied with his request.

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

☞ **Motion** to close the meeting to comments from the public on Ordinance #1429-11 was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1429-11 on second reading was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar

IX. REPORTS

- Administrator – Mr. Scarpa said the County had an Open Space Grant available. The application would be due September 1st. Now that the 9-11 Committee had been finalized, he wanted to meet quickly with them to get the design work finalized or at least an idea of its cost since they could apply for a grant for it. The Borough had received a check for \$2000 from PNC. He submitted the Solid Waste Recycling report to the BCUA and the DEP's annual storm water report. The road project for 2011 had begun and would include Park Avenue, Munsey Road and the paving of Woodside Avenue. He said that a resident had complained that part of Main Street was deteriorating. If some money was left over, they would perform some repairs at this location. He noted that one of the items on the new Best Practices Checklist was having a joint meeting with the Board of Education annually. He said that the Borough complied with most of the items on the checklist, but not that one. He had met with Assistant Superintendent/Business Administrator Philip Nisonoff who agreed to a joint meeting. The Borough would get credit on this item since it was pending. He attended a Library construction meeting and had participated in a couple conference calls. Borough Hall had been struck by lightning on June 23rd which caused server problems and about \$10,000 worth of damage which should be covered by insurance. He said that the deadline had been extended by the County Prosecutor for a grant for investigating regionalizing the Police Department. Councilman Rivers said that the issue was that if they didn't like the outcome, then they would have to pay it back. He said no one should be opposed to a study to evaluate and examine approaches to regionalization but he found it unreasonable that the County Prosecutor's office would hold a town accountable to pay back the cost of the study if the town did not accept the recommendations of the study and he thought it was not the right thing to do.

Councilman Lazar discussed the paving of Woodside Avenue and questioned whether it was a private road. Mr. Scarpa noted that the Council had agreed at a prior meeting to pave the road. Councilman Lazar said that he did not want a legal problem. Mr. Scarpa noted that the garbage and recycling trucks went down that road and it was a mess. He said that he did not know why the Council would want a dirt road in town.

X. 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 Councilman Rivers and carried.

Ann McElwain, 357 Grand Boulevard asked who had the authority to give out tickets when there was commercial parking in driveways. Mr. Mooney answered that the Zoning Official and the Police Department had that authority.

Ken Hoffman, 61 Emwood Drive asked about the stop signs that had been agreed to be installed in the Continental Woods area. Mr. Scarpa said that DPW Superintendent Joe Solimando had to order them. He asked about the Beautification plan and asked if this referenced a redevelopment project. Councilman Rivers explained that it was not a redevelopment. Mr. Hoffman also discussed the Library referendum and said that he was against the State mandate. He noted though that to stay a member of the BCCLS system, the Library had to meet that mandate and that was a big advantage. Mr. Scarpa said that they would look into it. Mr. Hoffman also commented on the Library and the Library Board and the hours the Director worked on site and at home for the Library. He asked if the Board had required any reports from her and that the taxpayers needed to see that. Councilwoman DiPaola commented that she thought a lot of the Library Trustee members were not aware that the Director was not working at the library and wondered if they received the services they were paying for. Mayor Colina explained that the Director had been sent a 'Rice' notice and a Special Meeting of the Library Board of Trustees was scheduled for August 11th to discuss her employment.

Karen Browne, 114 Pine Drive asked about the pedestrian crossing signs.

Thomas Sudano, 231 Pascack Avenue asked questions about the beautification committee and discussed upkeep of town-wide properties.

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 Councilman Rivers, **seconded** by Councilman Lazar and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 132-11

☛ **Motion** to approve Consent Agenda Resolution #132-11 was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar

- Ca 133-11 Authorizing Mayor Colina to execute contract between 'Borough' and MBI-GluckShaw for grant writing services not to exceed \$2,500
- Ca 134-11 Bill List – carried from July 19th meeting
- Ca 135-11 Certification of Governing Body of Annual Audit – Group Affidavit
- Ca 136-11 Award 2009 Ambulance Chassis Contract
- Ca 137-11 Award of Contract for Pascack Valley Cooperative Pricing System (#) – 2011 Road Repaving Program
- Ca 138-11 Exigency authorizing the expenditure of services for a Professional Property Tax Appraiser to effectuate a property appraisal report in response to a tax appeal filed by Urstadt Biddle Property Inc., Blk. 1301 Lots 1.01 and 1.02 495 Old Hook Road and 411 Old Hook Road; respectively scheduled for hearing in Tax Court
- Ca 139-11 Corrective Action Plan – 2010 Audit
- Ca 140-11 Approve Cancellation of Capital Balance

XII. CLOSED EXECUTIVE SESSION - Resolution No. 141-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 141-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Browne and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar

#11-8/02-35 Litigation – A. Solimando - SM N.J.S.A. 10:4-7

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 Rivers and carried at 9:25 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 10/13/11)

August 22, 2011