



**MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL**

September 18, 2012

7:30 P.M.

**Borough Hall-Council Chambers
Emerson, NJ 07630**



Mayor Colina called the meeting to order at 7:33 p.m., and identified the emergency exits. Mrs. Maureen Howlin led the assembled in the salute to the flag. The Mayor asked everyone to remain standing for a moment of good thought and prayer for 25 year old Emerson resident Daanish Khan who drowned at the Mahwah reservoir the previous Thursday. He said he was an extraordinary young man who had accomplished a lot in his short life and that it was a loss for the entire country and the planet because he was involved in Habitat for Humanity, Muslims against Hunger and other worthy organizations.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of September 18th, 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, Councilman Knoller, Councilman Rivers, Council President Shaw, Councilman Worthington

ABSENT:

Councilwoman Garis

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

III. PROCLAMATIONS & CITATIONS - None

IV. APPOINTMENTS/RESIGNATIONS

- Resignation of Shade Tree Commission member Lucy Solimando effective immediately
Mayor Colina announced that Ms. Lucy Solimando had resigned from the Shade Tree Commission effective immediately.

V. CORRESPONDENCE

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

- Letter dated August 10, 2012 from Governor Chris Christie; Re: Jersey Comeback
- Letter dated August 28, 2012 from Freeholder Maura DeNicola; Re: BC Division of Disability Services 'Access for All' Summit

VI. UNFINISHED BUSINESS

- Ackerman Park Crosswalks – Mr. Scarpa reported the Borough Engineer had solicited request for proposals and had received a letter on August 28th from Concrete Construction Corporation for \$12,345 which included curbing, sidewalks, striping and signage. It did not include the blinking sign that Councilwoman Garis had discussed. He said that signage would cost \$16,000, more than the whole project. He suggested using standardized signs instead. Mayor Colina asked how long the project would take after it was awarded. He said he would contact the company the next day. He noted there was some money in old bonds that could be used.
- Broadway-Berge Tombalakian, Borough Engineer – The Governing Body delayed the discussion of Broadway to await the arrival of the Borough Engineer.

VII. NEW BUSINESS

- Appoint Sandra Blau as the Volunteer Municipal Alliance Coordinator
☞ **Motion** to appoint Sandra Blau as the Volunteer Municipal Coordinator effective immediately was **moved** by Councilwoman DiPaola, **seconded** by Councilman Worthington and carried unanimously.

Mr. Scarpa asked for a motion to award the contract for the Concrete Construction Corporation of South Hackensack for their bid of \$12,345.

☞ **Motion** to award the contract for the Concrete Construction Corporation of South Hackensack for their bid of \$12,345. was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote of 5-0:

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

VIII. INTRODUCTION OF ORDINANCES

Ms. Dray said that Ordinance 1450-12 was being postponed.

1450-12 AN ORDINANCE TO AMEND CHAPTER 290 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED 'ZONING' TO ADD THE UNDEVELOPED LANDS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF EMERSON AS THE PAPER STREET BROADWAY, A PARCEL OF UNIMPROVED PROPERTY BETWEEN WOODSIDE AVENUE AND SPRUCE AVENUE, 60 FEET WIDE BY 1,596 FEET LONG AND IN CONJUNCTION WITH A PARALLEL AND CONTIGUOUS BOROUGH-OWNED LOT, BLOCK 515, LOT 1, ELEVEN (11) FEET WIDE BY 1,295 FEET LONG ALSO OWNED BY THE BOROUGH OF EMERSON ALL LOCATED BETWEEN THE NORTHERN PROPERTY LINE OF THE HACKENSACK GOLF CLUB TO THE OPEN SPACE CONSERVATION ZONE CONSISTENT TO § 290-22 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED OPEN SPACE CONSERVATION ZONE TO RESERVE AND DESIGNATE THOSE UNIMPROVED AREAS AND THEIR PRIMARY USAGE AS A PASSIVE PARK CONSISTENT WITH THE CODE OF EMERSON AND IN ACCORDANCE TO THE RECOMMENDATIONS SET FORTH IN THE MASTER PLAN OF THE BOROUGH OF EMERSON - TABLED

1451-12 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 1446-12 BY ADJUSTING THE ANNUAL SALARY OF CERTAIN EMPLOYEES"

Mayor Colina explained that this was associated with stipends associated with the OEM Director and OEM Deputy Director.

☛ **Motion** to approve Ordinance 1451-12 on first reading was **moved** by Councilman Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-0:

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

Mayor Colina announced that Ordinance 1451-12 would be further considered at a Public Hearing to be held on October 2nd, 2012 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the September 21st, 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.

IX. REPORTS

- Borough Administrator – Mr. Scarpa reported said that a new water fountain was ordered for Ackerman Park. He said they were going to address stains on the courts in the spring. On September 4th, there was a preconstruction meeting for the sewer relining project on Vivian and Hillcrest Avenues. That work should start in early October. They received confirmation on the Senior Citizens activity grant for \$3,638 for their club from Community Development. The Finance Committee, CFO and he reviewed the Best Practices checklist and they ended up with a score of 47 out of 50 so the Borough would get the full amount of state aid. Mayor Colina asked for an update on the Senior Center kitchen. Mr. Scarpa said a preconstruction meeting would take place the next day.
- Borough Attorney Scott Mooney had no report.
- Borough Clerk Carol Dray had no report.
- Mayor and Council
- Councilman Worthington gave the August **Emerson Volunteer Ambulance Corps** report. He announced that the EVAC would be holding their annual food drive on October 7th from 10-2 p.m. at Shop Rite.
- Councilman Rivers gave the August **Police Department** report. He said the Sergeant's promotion was moving forward; they were doing the written testing on the 23rd of September and the in-house interviews on October 9th. A special meeting would take place on October 23rd at 6:30 p.m. He discussed power equipment damaged during a recent power failure; the insurance cost was \$5000 and the Police Chief was appealing it – it would be half if it was due to lightning. They collected 51 resumes for the patrolman position. He walked the Broadway paper street with Councilman Worthington and Mr. Mooney to make sure they had addressed everything to the correct encroaching homeowners. He had spoken to two of the property owners since then and progress was still being made. The Borough Engineer would be able to provide more information on what needed to be done to make that a park. He said they needed to change an ordinance prior to this going to the **Land Use Board** for them to report back to the Governing Body.
- Councilwoman DiPaola gave the August **Building Department** report.

- Councilman Knoller had no report.

Mr. Scarpa said he solicited price quotes for the leaf bags from three companies; two responded. He asked to award the purchase of this item to the same company as last year as it was the lowest bid.

☛ **Motion** to approve purchase of leaf bags to Pabco Industries LLC was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote of 5-0:

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

- Mayor Colina said he had recently attended the seniors citizen's meeting and they were very interested in the American Legion property which would be discussed in Closed Session. He visited the Stone Ridge complex and had been successful signing more residents up for Swiftreach notifications.

Councilwoman DiPaola inquired if there was any follow-up about the 9/11 Committee. The Mayor said he had reached out to the members and they were amenable to coming and wanted to move forward to determine the design and appropriate amount of money to spend. He said he would coordinate that with Mr. Scarpa

Borough Engineer Berge Tombalakian arrived and discussed converting the paper street Broadway into a passive park or nature trail. He provided procedural insight on next steps. He asked for confirmation that the Borough wanted to do so and add it to the Open Space Inventory. Councilman Rivers said that it was and that they had all agreed to make it a passive park or trail and a safe passage. Mr. Tombalakian said that once it went on the inventory, it could not come off unless they offered an equal or better property to Green Acres. Councilman Rivers said that was an interesting point because there was not much other land. He did not think they could make a decision at that point for eternity; he did not want to set something in stone that could not be changed should things change. He said he did not think anyone today wanted to see these spaces built on with houses. But if something changed in the future, and there were more open spaces, they might want to build on it because there were other open spaces in town.

Mr. Tombalakian said if the Borough ever wanted to sell the property, since it was not currently a tax lot, but a right of way intended for a street, the Borough could not sell it as he understood the law, but rather vacate the right of way and all the land would revert back to the adjoining property owners. He said the land was given as part of a filed map to create a road by the developer whenever the lots were created. Councilman Rivers responded that was not the report they were given and they had sold part of it.

Mr. Mooney said that when they did the search last year, they searched to make sure there were no particular owners. He thought the previous Borough Attorney was the one who went back and forth about possibly selling it. The only thing they ever searched was whether or not anyone else had ever had any ownership of the property which went back to the Aetna tax map and it had always been a right of way. Mr. Tombalakian said the Borough could also build a path in the right of way without designating it as open space. He said that since part of Broadway was paved, any ordinance the Borough created zoning on would have to carve out that section where the paving currently sat, possibly passing an ordinance changing the name of that section of it from Broadway to make more sense of it. He said

that since there was paving in an open space, Green Acres would want to know why that was there.

Councilman Rivers said he was disappointed because they had been discussing this for three years and everyone had a different thought on what should happen or what the truth was. He apologized to Mr. Tombalakian that he had only heard about it last week, because he was supposed to be told he thought in July. Someone had a plan that he was supposed to do a survey of that area to protect the Borough. He said he was tired of going around and around and hearing something new every time; he said that when it was presented last time, they owned it and could sell it and had proved they owned it. Mr. Mooney said they did own it. Councilman Rivers said they said they did not want to sell it or vacate it; they wanted to preserve the land to be able to have a passive walkway or trail and protect the land. Mr. Mooney said they could still do all that.

Mr. Tombalakian suggested taking a look at it to see what was feasible as a path and develop a concept plan. Then the Council could consider the procedural approach - whether it was rezoning, leaving it in its current legal status as a right of way and build a path that accomplished the goals of the Borough but keep its status as a paper street or right of way. That would give the Borough some flexibility in avoiding any encumbrances.

Councilman Rivers said he wanted to walk the path as soon as possible with Mr. Tombalakian so he would have time to come back with a plan. He asked him to come to the October 2nd meeting and present it so they could vote on it that night. Mr. Tombalakian said he would do further research on the regulations and confirm his understanding working with the Borough Attorney as well as develop a concept plan.

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 Council President Shaw and carried.

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

XI. RESOLUTIONS ON CONSENT AGENDA NO. 163-12

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.

Councilwoman DiPaola asked to remove Resolution #168-12 from the Consent Agenda as she had some corrections to the language and she wanted to go over it with Ms. Dray before approval.

☞ **Motion** to approve Consent Agenda #163-12 with the removal of #168-12 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote of 5-0:

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

- Ca 164-12 Approve Bill List
- Ca 165-12 Approve Block Party Application – Residents of Crest Road on Saturday, September 29th from 1 – 9 p.m. (Rain date Saturday, October 6th)
- Ca 166-12 Approve Renewal of Plenary Retail License # 0214-33-005-001
- Ca 167-12 Opposing PSE&G Rate Increase to Subsidize Solar Programs
- Ca 168-12 Approve Mayor and Council meeting minutes: Regular Meetings of August 7th, 21st - **PULLED**
- Ca 169-12 Authorize the submission of the S.A.G.E. Grant application for the 2013 Calendar Year in recognition of the Governor’s Council on Alcoholism and Drug Abuse
- Ca 170-12 Approve Tax Appeal Adjustment Block 611 Lot 204, 10 Wortendyke Ave
- Ca 171-12 Approve the appointment of the engineering oversight of the PVCPS 2012 NJDOT Road Resurfacing Program to Azzolina & Feury for \$59,000

XII. CLOSED EXECUTIVE SESSION - Resolution No. 172-12

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 172-12 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

- #12-9/18-20 Real Estate – Tax Appeals N.J.S.A. 10:4-5
- #12-9/18-21 Real Estate – Purchase, Lease, Acquisition of Property N.J.S.A. 10:4-5

XIII. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried.

☞ **Motion** to authorize the Tax Appeal attorney, Mr. Mancinelli,, to agree to withdraw all appeals on behalf of the Borough of Emerson in regard to Urstadt Biddle (Shoprite Shopping Center, Block 1301 Lot 1.01 495 Old Hook Road) in exchange for the town to dismiss its counter claim to increase the assessment and authorizing the offer of assessment of \$2,238,200 for the office building at Block 1301, Lot 1.02, 411 Old Hook Road for the property owner/tax payer to withdraw the 2009 appeal, to reduce the 2010 assessment to \$2,100,000, (a \$2,755 refund), reduce 2011 assessment to \$2 million, (a \$5,543) refund and in 2012 reduce to \$2 million, (a \$5,685 refund) for a total refund amount of \$13,983 was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote of 5-0.

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

☞ **Motion** to re-execute the stipulations approved by the 2011 Council concerning the United Water property was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote of 5-0.

RC: Council members:

YES: Worthington, Rivers, Shaw, Knoller, DiPaola

XIV. 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 Knoller and carried at 9:02 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed xx/xx/12)

September 28, 2012