



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
September 6, 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 asked for a moment of silence for all our friends and neighbors who have been affected by the recent hurricane and also for the victims who still suffer to this day from September 11<sup>th</sup>, 2001.

**O.P.M.A. Statement**

Mayor Colina read the Sunshine Statement announcing that the meeting of September 6, 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.

Mayor Colina congratulated the Mooney family who welcomed baby Jack Mooney on September 1<sup>st</sup>, 2011.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER - None

IV. PROCLAMATIONS & CITATIONS

***National Assisted Living Week – Forever Proud***

Mayor Colina read a proclamation declaring September 11<sup>th</sup> – 17<sup>th</sup> as National Assisted Living Week.

***National Day of Service and Remembrance  
Recognizing and Expressing Support for the 10<sup>th</sup> Anniversary of 9/11***

Mayor Colina advised all in attendance that the National Day of Service and Remembrance Proclamation for the 10<sup>th</sup> anniversary of 9/11 was posted on the website and was left out for all to view. He also invited everyone to the Borough's service and program on Sunday, September 11<sup>th</sup> at 1:30 at the Emerson High School auditorium. He said it would be a program of prayer, healing and patriotism. Community and spiritual leaders from Emerson, residents and keynote speaker retired NYPD Lt. Steve Mona. The high school chorus would lead the assembled in patriotic tunes. Emerson resident Jim Ross, a trumpet player for the New York Philharmonic and Metropolitan Opera was scheduled to perform a beautiful solo. He hoped that everyone would attend.

V. APPOINTMENTS/RESIGNATIONS - None

VI. UNFINISHED BUSINESS

- Spruce Avenue & Palisade Avenue – Mr. Mooney said that a resolution was on the agenda for that evening to vote to sell Spruce and had just received confirmation that Emerson owned the property. However, he asked to postpone the resolution (ordinance) to sell the property for two weeks. He referenced a 1940 map that indicated that the Borough had owned it all along. There was nothing to vacate even if it was not sold. Once he received the paperwork from the title agency the property could be put out for bid.
- Best Practices – Mr. Scarpa said that the CFO forwarded the final version of the Best Practices checklist to the State. The Borough scored a 96% and will receive all the aid they were supposed to be getting.

VII. NEW BUSINESS

- Reassessment – Mr. Scarpa referenced questions at the last meeting and a newspaper article regarding the recent reassessment. He invited Borough Tax Assessor Claire Psota, Neil Rubenstein of Realty Appraisal, the firm that performed the reassessment, and Borough Tax Appeal Expert Bob McNerney to answer their questions. Mayor Colina said that Council members had talked to some businesses in Emerson and had some questions. Councilman Rivers discussed a business owner on Chestnut Street who owned four properties; on one of them the taxes increased by 50%. He asked why that had happened. Mr. Rubenstein explained that in general terms the overall assessments were lowered for the entire municipality. The earlier reassessment had been done during the peak of the market. With the reassessment, the values were re-adjusted for today's market value. He pointed out that there was fluctuation within the overall average. He stated that the commercial properties were reviewed by Mr. McNerney because he was the expert on these properties for many years. He said that overall residential properties were lowered more than the commercial properties; that was a byproduct of the real estate market – they went up faster and fell faster. Residential properties were lowered overall by about 16%; class four's went down 3%. Therefore residential properties benefited more than commercial properties. Councilman Rivers apologized for not giving them the specific address to look up prior to the meeting but said that a 50% increase was way outside the norm and it seemed like a huge discrepancy especially for a property in a very commercial area.

Mr. Rubenstein said that their first assumption was that the prior assessment was correct. He asked what if that assessment was too low and was subject to an adjustment anyway. He noted that each case had to be examined on a case by case basis in order to answer the question intelligently and tell them what exactly happened. He said that they needed to look further into this particular assessment to figure out what happened and report back to them. Councilman Rivers agreed and asked for a report back and invited anyone else to come to the Mayor and Council with their concerns. Ms. Psota said that this particular commercial business was one of the few where the assessed value increased. Mr. McNerney said that property values just did not go up 50% for no unknown reason unless there was an addition or renovation. He said that this property appeared to be an auto repair facility and if they were given an opportunity to look into it, they would provide some answers. Councilman Rivers said that they wanted this figured out so that they could go back and tell the story to the business owner because he deserved a reasonable response given the economic times we were in. Mr. McNerney said that he was sure he could get an explanation to everyone.

Ms. Psota, Mr. McNerney and Mr. Rubenstein answered questions from the Governing Body about tax appeals and how residential and commercial valuations were calculated.

#### 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 September 20th, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in September 9th, 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:**

##### **1433-11 AN ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2011**

☞ **Motion** to approve Ordinance 1433-11 on first reading as amended was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried by roll call vote:

**RC: Council members:**

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

##### **1434-11 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING THE POSITION OF PURCHASING AGENT AND ESTABLISHING CHAPTER 57 ARTICLE XIII SECTIONS 39-41.**

☞ **Motion** to approve Ordinance 1434-11 on first reading as amended was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried by roll call vote:

**RC: Council members:**

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

**1435-11 AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN MUNICIPAL PROPERTY (BLOCK 715, LOT 2 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF EMERSON), OWNED BY THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.**

☞ **Motion** to approve Ordinance 1435-11 on first reading as amended was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried by roll call vote:

**RC: Council members:**

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

**1436-11 AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN MUNICIPAL PROPERTY (A PORTION OF BROADWAY AVENUE WHICH IS A PAPER STREET LOCATED ON THE WEST SIDE OF SPRUCE STREET BETWEEN BLOCK 509 & 515 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF EMERSON), OWNED BY THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ. – PULLED**

**Postponed until further notice.**

**SECOND READING AND PUBLIC HEARING:**

**1432-11 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$475,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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 #1432-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1432-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to adopt Ordinance #1432-11 on second reading was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote:

**RC: Council members:**

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

**IX. REPORTS**

- Administrator – Mr. Scarpa said that the 2<sup>nd</sup> Annual Shredding Day would take place on Friday, October 14<sup>th</sup> from 9 – 1 p.m. at Borough Hall and would be free of charge. He had received price quotes for leaf bags, with the lowest quote from Dano. These bags would be supplied free of charge to residents and would be purchased with a grant from the Clean Communities Fund. The grant company the Governing Body hired was completing the grant application for the fire truck and ambulance. A FEMA meeting would take place on Monday to go over the necessary paperwork to get reimbursed for Hurricane Irene. He had met Maser Engineer Berge Tombalakian and his field representative to go over options for Hillman Field repair. They proposed either redoing

the whole field for \$250,000 to \$300,000 or putting turf down for about \$1,000,000. He discussed installing additional drainage systems instead.

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 Lazar and carried.

Richard Masiello, 156 Clinton Street commented on ordinance 1313-06 and the Armenian Home application before the Land Use Board. The Governing Body agreed that the Borough Attorney should move forward with investigating any issues that were brought to their attention.

Donald Picano, 68 Broad Street claimed that Union Street had continued through the Armenian Home property many years ago and wanted a title search performed for this street. Mayor Colina said that this issue was being duly noted for their investigation.

Brian Todd, 207 Palisade Avenue said that as a member of the Land Use Board, they had to follow the ordinances currently in place and act accordingly. Since the Armenian Home application was currently before them, unless the applicant wanted to extend time for them to render their decision, the Land Use Board had to follow what their attorney told them and their hands would be tied. He also inquired about the property on Palisade Avenue.

Richard Masiello, 156 Clinton Street said that he had submitted a map to the Land Use Board indicating street runoff and potential flooding issues in the area of the Armenian Home.

John Tumino, 169 Jordan Road discussed flooding issues in the area of his home and requested a resolution to this problem. Mayor Colina said that they would follow up on Mr. Tumino's concerns.

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 Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 155-11

☛ **Motion** to approve Consent Agenda Resolution #155-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

**RC: Council members:**

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

Ca 156-11 Approve Tax appeal Settlement for Block 611, Lot 2.04, 10 Wortendyke Avenue Chandwani to \$665,000 for the 2010

Ca 157-11 Approve Reduction in Bond for Block 218, Lots 19.01 and 19.02 58 & 60 Orchard Avenue for \$4,800.00

Ca 158-11 Approve Cancellation of Grant Balances for \$1,015.00

Ca 159-11 Appoint Robert McNerney as the Borough Appraiser to provide appraisal services not to exceed \$100.00 per hour with a Fee Schedule relative to pending Added Assessments

XII. CLOSED EXECUTIVE SESSION - Resolution No. 160-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 160-11 was **moved** by Councilman Browne, **seconded** by Councilman Rivers and carried by roll call vote.

**RC: Council members:**

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

#11-9/06-40 Personnel-Library N.J.S.A. 10:4-8

#11-9/06-41 Protection of Privacy-Property Maintenance N.J.S.A. 10:4-3

XIII. RECONVENE

☛ **Motion** to reconvene was moved by Councilwoman DiPaola, 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 Council President Shaw, **seconded** by Councilwoman DiPaola and carried at 9:38 p.m.

Carol Dray, RMC/CMC/CMR  
(Proofed 09/19/11)

September 14, 2011