



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
September 20, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:40 p.m. and identified the emergency exits.

Emerson Police Captain George Buono led the flag salute and Mayor Colina asked for a moment of silence for those suffering with mental illness.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of September 20th, 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 and Council President Shaw.

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

III. PROCLAMATIONS & CITATIONS

Pascack Mental Health Center Week

Mayor Colina asked the assembled to join him in support of the Pascack mental health Center in Park Ridge, NJ and proclaimed the week of September 19th through September 25th as Pascack Mental Health Center Week in the Borough of Emerson.

IV. CORRESPONDENCE

Mayor Colina stated that copies of the correspondence were available in the office of the Borough Clerk.

- Letter dated August 18, 2011 from Bergen County Executive Kathleen Donovan; Re: 9/11 Remembrance Ceremony
- Letter dated August 16, 2011 from Jane Linter, BC Division of Senior Services; Re: Annual Bergen County Senior Picnic
- Letter dated August 17, 2011 from Kenneth Hoffman; Re: Request to honor former Councilmember and Class II Member of Land Use Board Steven Bair
- Letter dated August 28, 2011 from Silva & Alexander Avedis; Re: Armenian Home

- Letter dated September 2, 2011 from Bergen County Clerk Elizabeth Randall; Re: Bergen County veterans' Honorary Service Cards
- Letter dated September 6, 2011 from Christopher Obropta, Ph.D., P.E., Rutgers Agricultural Experiment Station; Re: Musquapsink Brook Watershed Restoration and Protection Plan
- Letter dated September 6, 2011 from Michael V. D'Errico, DPE Supervising Forester; Re: Shade Tree and Community forestry Assistance Act
- Letter dated September 6, 2011 from Sanford Herman, Chairman, Financial Service Center of America; Re: \$2,000 scholarship award to Emerson Jr./Sr. High School student Michael Stec
- Letter dated September 8, 2011 from Executive Director William Dressel, Jr.; Re: Property Tax in New Jersey
- Letter dated September 14, 2011 from Bergen County Executive Kathleen Donovan; Re: FEMA funding to Bergen County residents who lost their current jobs due to recent natural disasters

V. APPOINTMENTS/RESIGNATIONS

- Swearing in ceremony of Emerson Police Captain George Buono
Mayor Colina invited Captain Buono, his family, the Police Liaisons and Police Chief Rossi to join him by the flag and performed the swearing in ceremony. The Mayor said that it gave him great pleasure to participate in the ceremony. Chief Rossi added that Emerson had a good man ready to assume the mantle of Captain of the Emerson Police Department. Mayor Colina invited Mrs. Buono to hold the Bible while he swore Captain Buono into office. The assembled gave the new Captain a huge round of applause.

Chief Rossi declared that it was a great day for Emerson. He thanked the Governing Body for taking a bold step forward to solidify the Police Department that served the community and for promoting Captain Buono. He emphasized that teamwork was the essential component of success. He said that he could not ask for anyone better and that Captain Buono was a great right hand man; he was loyal to his profession and the community. He added that Captain Buono's integrity was second to none. He declared that he was a very lucky person to say that he had a man standing by his side like Captain Buono.

Captain Buono thanked Mayor Colina and the Governing Body, Mr. Mooney, and Mr. Scarpa for bestowing this honor on him. He said that he had never been so happy and would do everything he could to make them all proud. He said that Chief Rossi had been his friend and coworker for many years and looked forward to working with him in the years ahead to bring the Police Department to the next level and thanked him for all his support. He told Sheriff Saudino that he would not be standing there that night if it was not for the opportunities he had given him and thanked him very much. He thanked his wife Terry, his sons Joe and George adding that he would not be there without them and loved them and appreciated all their support. He thanked family and friends who had taken the time to be there with him that evening including coworkers and officers from other towns and couldn't say what it meant to him that they were sharing this special night with him. He gave a special thank you to Detective Sergeant John Devoe who always brightened his day. He asked all the Emerson Police Officers to join him and the gathered gave the group a round of applause. He said that he was the luckiest man in the world to come to a job that he loved in a community that he loved as well but he added that it was the people behind him who were the most dedicated and hardworking professionals they would ever see that make him wake up in the morning and come to work. He thanked everyone for being there for him. He noted that he was

proud to wear the badge as Captain of the Emerson Police Department and would do everything in his power to protect and serve the community, to honor the community and give it its due every single day he came to work.

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

- Library Progress Report – Library Board of Trustee President William Panza and Treasurer Marcia DeSalvo presented a report on the Emerson public library renovation project. Mr. Panza covered the physical plant, staffing and financial matters. He said that all major interior renovations were scheduled to be completed by October 31st and were currently 70% done. They met every two weeks to gauge progress made since the last meeting. They hoped to open during the first week of January 2012. He reviewed design concepts and budget considerations as well as their emphasis on the children's' area. He said that River Vale resident Phyllis Palley had accepted the position of Interim Library Director from the following Monday through February, working 20 hours a week. He noted that she had over 35 years experience as a Librarian. They plan to start interviewing for a permanent Library Director in October. She would appear at the next Council meeting to introduce herself.

Ms. DeSalvo gave the Governing Body a financial picture of where they were and where they would be when the project was completed. She stated that they were trying to be as responsible as they could be financially and noted that several change orders had come up that were not originally anticipated. She said that they seemed to be done with change orders as they approved the end of the project. Mr. Panza added that the bottom line was that they were not over budget.

Mayor Colina remarked that he was very impressed by Mr. Panza and thanked him on behalf of the entire Borough. He said that he recognized how much time volunteers put in on a regular basis and appreciated their efforts. He appreciated the fact that the Governing Body was able to ask questions of the Library Board and get answers in a positive way and said that it was the right way to work together in a positive fashion. Mayor Colina said that the Governing Body did not want control of the Library. So to see the leadership and volunteerism and effort and commitment was very heartening.

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 October 18th, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the September 23rd, 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:

1436-11 AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON BY AMENDING CHAPTER 200 ENTITLED PARKS, PLAYGROUNDS AND RECREATION AREAS § 200-8 ENTITLED HOURS; PERMIT REQUIRED FOR ORGANIZED ACTIVITIES

☞ **Motion** to approve Ordinance 1436-11 on first reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

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

1437-11 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.

☞ **Motion** to approve Ordinance 1437-11 on first reading was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

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

SECOND READING AND PUBLIC HEARING:

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 open the meeting to comments from the public on Ordinance #1433-11 was **moved** by Councilman Lazar, **seconded** by Councilman Shaw and carried.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1433-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to adopt Ordinance #1433-11 on second reading was **moved** by Councilman Rivers, **seconded** by Councilman Shaw 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 open the meeting to comments from the public on Ordinance #1434-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

Ken Hoffman, 61 Emwood Drive asked if this was part of the new State mandate and whether it would incur any additional costs. Mr. Scarpa responded that it was possible that it would incur costs although it would most likely lead to savings due to raising the bid threshold. Mr. Hoffman asked if Ms. Henderson would receive any extra salary. Mr. Scarpa stated that at this point she would not.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1434-11 was **moved** by Councilman Rivers, **seconded** by Councilman Shaw and carried.

☞ **Motion** to adopt Ordinance #1434-11 on second reading was **moved** by Councilman Rivers, **seconded** by Councilman Shaw 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 open the meeting to comments from the public on Ordinance #1435-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1435-11 was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1435-11 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, Shaw, Garis, Lazar

IX. REPORTS

- Administrator – Mr. Scarpa reported that Police Chief Rossi had made a presentation regarding scoring of the Sergeant’s tests involving a fairer way to score the written and oral portions as it related to the promotional process. He said that the Appropriate Authority agreed with the Chief and so he thought that the ordinance should be amended. He intended to prepare a draft for the Governing Body’s review before the next meeting. He commented that it would make the whole process fairer; he said that the test would also be good for two years instead of one year. Bergen SWAN was able to get a \$450,000 grant to do repair work in Emerson Woods on the area washing out by Main Street. United Water would also be providing a grant to do a memorial park for Joan Martin. The grant application for the new ambulance and fire truck was ready to be signed off on. The engineer would start working on specs for the lift.
- Borough Administrator – Mr. Mooney had no report.
- Borough Clerk Carol Dray had no report.
- Mayor & Council:

Councilman Browne and Councilman Rivers had no report.

Councilwoman DiPaola gave the **Building Department** and **Emerson Volunteer Ambulance** report for the months of July and August.

Councilman Lazar gave the August **Police Department** report. He said that the Hillman Field Subcommittee would be meeting with the Borough Engineer and would present a report on ways to remediate the field’s condition. They had other ideas for him to research as well. The **Shade Tree Commission** would perform an inventory on all trees under their authority. The **Historical Preservation Commission** was moving forward with working on designations of properties. He said that the **Department of Public Works** performance was outstanding during the recent storm emergencies. They had done a great job keeping the streets clear of debris and trees.

Mayor Colina said that the **Department of Public Works** were truly first responders the morning of Hurricane Irene. He gave kudos to Superintendent Joe Solimando and his crew.

Councilwoman Garis had no report. Mayor Colina thanked her for her efforts as Library Liaison and said that she was doing fabulous work there.

Council President Shaw had no report.

Mayor Colina reported that the 9-11 program of prayer, healing and patriotism had taken place the previous Sunday. He said that he thought that Emerson had a really unique program and that there was a positive feeling as everyone exited the auditorium. He was proud to be a part of it and thanked the entire committee who worked hard to do that. He said that the work was not done as they were waiting to acquire the piece of steel and get it dedicated. He appreciated everyone's efforts and positive spirit going forward.

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 for comments from the public was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

Richard Masiello, 156 Clinton Street asked about zoning requirements as they related to the Armenian Home land use application.

Teresa Cannata, 132 Clinton Street asked about the approval of ordinances relating to the Armenian Home application and its impact on a residential neighborhood.

Matt Ryan, 26 Main Street shared his concerns about the Armenian Home application before the Land Use Board.

Ken Hoffman, 61 Emwood Drive reviewed the history related to his voting to pass the original ordinance while he was a member of the Governing Body. He shared his concerns about the Armenian Home application.

Anthony Barattia, 92 Broad Street complimented the comments made by the Governing Body and asked questions about spot zoning.

Nicole Argenzia, 60 Broad Street discussed her concerns about the Armenian Home application before the Land Use Board.

Maryann Barattia, 92 Broad Street discussed her concerns about the Armenian Home application before the Land Use Board.

Mary Berberian, 41 Broad Street discussed her concerns about the Armenian Home application before the Armenian Home.

Richard Massiello, 156 Clinton Street mentioned two alleged violations that were recently issued to the Armenian Home by the Borough as well as the Armenian Home's nonprofit status.

Karen Browne, 114 Pine Drive discussed street safety on Main Street, anticipated increased traffic and the watershed.

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 Councilman Lazar and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 161-11

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 Resolution #161-11 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

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| Ca 162-11 | Approve Bill List |
| Ca 163-11 | Approve Mayor and Council Minutes: Special Meeting of June 30, Regular Meetings of July 12, August 2, August 16 |
| Ca 164-11 | Appoint Community Development Delegate Joe Scarpa and Alternate Delegate Danielle DiPaola for term July 1, 2011 through June 30, 2012 |
| Ca 165-11 | Approve revised Maintenance Bond Reduction Adjustment for Block 218, Lot 19.01 & 19.02 58 & 60 Orchard Ave. Kesilyas Project |
| Ca 166-11 | Authorize Police Car Lease |
| Ca 167-11 | Change Order #1 - Pascack Valley Cooperative Road Resurfacing Program for \$20,237.70 less the original contract amount |

XII. CLOSED EXECUTIVE SESSION - Resolution No 168-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 168-11 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

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

#11-9/20-42 Litigation-Recreation: Callagy N.J.S.A. 10: 10:4-7

XIII. RECONVENE

Motion to reconvene was moved, seconded and carried.

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 Councilwoman Garis and carried at 10:45 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 10/31/11)

October 20, 2011