



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 4, 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 Emerson residents who were suffering from any kind of illness.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of October 4, 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. UNFINISHED BUSINESS

- Introduction of Interim Library Director Phyllis Palley – Library Board President William Panza introduced the new Interim Library Director Phyllis Palley. He said that although she had only been with the Emerson Public Library a very short time, she had already identified areas to help the library become more efficient and bring it into the 21st century. He anticipated that the Library would reopen at its permanent location in January 2012. He noted that he and the Board of Trustees believe they hired the best of the best as a temporary librarian. Ms. Palley said that she appreciated the warm welcome that she had received from Borough officials, the Library Board and staff. She continued by stating that she was so impressed by the dedication and hard work of the staff who had been working under less than optimal conditions. She appreciated the opportunity to improve the communication and cooperation between the Governing Body and Library. She shared her professional background including significant construction experience. She explained that her goals in Emerson were to coordinate the various elements in the building project and help bring it to fruition. She said that she looked forward to working with the Governing Body, the Board of Trustees and meeting everyone in town who was a library user. Mayor Colina stated that he was very heartened by the activity taken place in recent months under the leadership of Mr. Panza and the Trustees and the amount of progress that had been made. He added that he was a proponent and advocate of the Library and he would not waiver from that. He welcomed Ms. Palley on behalf of the borough, and looked forward to the great progress they anticipated in the coming months.

- Report of Findings; re: Armenian Home Expansion Project - Citizen's Concerns – Mayor Colina announced that the Governing Body had spent a good deal of time at their last meeting listening to the concerns of resident including flooding, traffic, safety, garbage, economic impact on property values, spot zoning legality and quality of life. He said he spoke for the entire Governing Body when he said they had heard their concerns loud and clear. He explained there would be a Public Comment portion of the meeting but requested that they not beat horses to death and reminded the assembled that the application stood before the Land Use Board which would have a meeting on Thursday which he would attend. He invited them to attend where there would also be a public portion.

Mr. Mooney followed up on the issues that he had been asked to research by the Governing Body - the legality of the two ordinances that were passed in 2006 and 2007. He referenced a statute that detailed time limits on challenges, explaining there was a two year limit to challenge a municipal zoning ordinance. He explained that in this particular case, the time had significantly lapsed. He also had been asked whether it fit with the Master Plan and noted that the ordinance did say that it was reviewed by the Borough Planner and the Planning Board Attorney and the Borough Engineer who all said it conformed to the Master Plan. He noted that he and Council President Shaw had researched spot zoning. Based on the case law he had seen and that the Armenian Home was on one of the largest parcels of land in town, in his opinion it did not fit the terms of violating spot zoning.

Council President Shaw said he and the Mayor planned to reach out to the community members who wanted to speak to them to address their concerns directly at some point after the meeting. He asked them to choose a member of the community as a representative to facilitate the meeting. He did agree with Mr. Mooney's conclusions that the ordinance was not spot zoning and explained by citing case law. He thought that even if it could be challenged, it would be unsuccessful. He did comment on the community members' concerns and noted that they would continue meeting with them to address their issues.

Mayor Colina said they had listened in earnest and cared and wanted to do the right thing but there were constraints including the protocol of the Land Use Board. He said they would do their best to be truthful within the law and be a good Governing Body.

Mr. Scarpa cautioned Mayor Colina about meeting privately with residents because he was on the Land Use Board and was hearing the testimony on an active application. Mayor Colina stated that he hoped that the public and residents were getting a sense of their commitment to the residents, their willingness to be open as well as their attention to the law.

- CDBG Endorsing Resolution Discussion – Mr. Scarpa explained that the municipality, nonprofits and the schools were allowed to apply for money through the Community Development Block Grant, federal money available for certain projects. He said the Armenian Home had two applications in and would have to come to the Governing Body for an endorsing resolution. He said it was due Friday and that was why it was on the agenda for their discussion and consideration. He said the grants were related to the project - \$40,000 for therapeutic equipment and \$400,000 for architectural fees. He explained it was not town money or property tax money. He said if they voted no, it would probably be a hindrance to their application. Councilman Browne said there were still not a set of plans before the Land Use Board to vote on so it would look like an

endorsement of a yet undefined plan and should not be considered as an endorsement to move forward. Mr. Scarpa suggested they wait. Mayor Colina said the timing was poor given the community discussions they hoped to have but wanted to make it perfectly clear it did not mean that he was against the Armenian Home. The Governing Body was in agreement to wait, noting it did not reflect anything except their awareness of the issue in front of the Land Use Board and that the timing was a little bit on the poor side. Mr. Scarpa said that he would let them know on Thursday.

IV. NEW BUSINESS - None

V. REPORTS

- Administrator – Mr. Scarpa said shredding day was scheduled for October 14th. The Borough had received a \$75,000 Secure Our Schools grant from the US Department of Justice which had been done by the Police Department to cover school security. A preliminary report on Hillman Field had been done by the Borough Engineer. He provided three options to correct the problem with prices ranging from \$45,000 to \$150,000 to \$1,100,000 and said that it would be discussed at the next Hillman Field meeting. They were proceeding on landscape and signage improvements to Wagner Park. The Borough would be getting a new leased police vehicle to replace one totaled during Hurricane Irene. A preconstruction meeting for the Lincoln Boulevard project would be taking place the next day – it was being done with a \$150,000 grant for road resurfacing.

VI. 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.

Steve Paino, 51 Colonial Road commented on field use scheduling and conditions as it related to soccer and football. Mayor Colina said they would discuss the issue with DPW Superintendent Joe Solimando.

Ken Hoffman, 61 Emwood Drive said he appreciated the Governing Body's decision to withhold approving the Armenian Home grant resolution. He also discussed CDBG grants and the requirement of citizen participation in the process as well as the Armenian Home application and issues related to C-1 waterway restrictions.

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 Rivers and carried.

VII. RESOLUTIONS ON CONSENT AGENDA NO. 169-11

☛ **Motion** to approve Consent Agenda Resolution #169-11 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 170-11 Authorize entering into a Grant Agreement for the 2011-2012 CDBG Senior Center Improvements with the County of Bergen for \$41,335.00
- Ca 171-11 Approve Cancellation of Grant Balances
- Ca 172-11 Authorizing the award of the Contract of the 2011 Pascack Valley Cooperative Road Improvements Program (DOT Funded)
- Ca 173-11 Authorize Mayor Colina to enter into a Grant Agreement CDBG for \$4,469.00 for Senior Citizens Activities

VIII. CLOSED EXECUTIVE SESSION - Resolution No. 174-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 174-11 was **moved** by Council President Shaw, **seconded** by Councilwoman Garis and carried by roll call vote.

RC: Council members:

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

#11-10/04-43 Personnel - Police Department N.J.S.A. 10:4-8

IX. RECONVENE

☛ **Motion** to reconvene was moved by Councilwoman DiPaola, seconded by Councilman Rivers and carried.

X. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Browne, **seconded** by Councilman Lazar and carried at 9:02 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 01/23/12)

October 24, 2011