



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
October 18, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:34 p.m. and identified the emergency exits.

Councilman John Lazar led the flag salute. Mayor Colina asked for a moment of silence, prayer and good thought for friends and family who were suffering from breast cancer as October was National Breast Cancer Awareness Month.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of October 18th, 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 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 and Council President Shaw.

ABSENT:

Councilwoman Garis

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

III. PROCLAMATIONS & CITATIONS

BREAST CANCER AWARENESS MONTH – OCTOBER 2011

Mayor Colina said that for the past 25 years, October was the month when they remind everyone and ask all citizens to join in this worthwhile cause and to celebrate the successes and memorialize lost battles and urge all citizens to encourage everyone in their lives to get mammograms on a regular basis.

COMMUNITY PLANNING MONTH – OCTOBER 2011

Mayor Colina noted that Community Planning provided all residents with the opportunity to be involved in making choices that determine the future of their community and declared October as Community Planning Month 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 October 4, 2011 from Robert Craig; Re: Overstatement of Income
- Letter dated September 29, 2011 from Acting Executive Director Domingo Senande, Housing Authority of Bergen County; Re: Notice of Termination of Agreement for Administration of Affordable Housing Units (COAH)
- Letter dated October 5, 2011 from Governor Chris Christie; Re: NJ State Volunteer Recognition Ceremony

Mayor Colina noted that the last item of correspondence was an invitation from Governor Christie to recognize volunteers who were involved in Hurricane Irene. He noted the Borough was fortunate to have been very well prepared for the storm and offered kudos to OEM Director Mark Savino and all emergency services personnel including the Department of Public Works. While Emerson suffered some flooding and downed power lines and power outages, the Borough was not as afflicted as many neighboring towns, and would not be participating in the ceremony.

V. APPOINTMENTS/RESIGNATIONS

- Resignation of Shade Tree Member Anthony Szachacz effective immediately
☞ **Motion** to accept the resignation of Shade Tree Member Anthony Szachacz effective immediately was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried.
- Board of Health - Appointment of Gabrielle Whited as a Regular Member for the unexpired term ending 12/31/12
☞ **Motion** to appoint Gabrielle Whited as a regular member of the Board of Health for the unexpired term ending 12/31/12 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried.

VI. UNFINISHED BUSINESS

- Hillman Field - Councilman Lazar invited Ms. Jill Dunican to the podium to report on the Hillman Field Subcommittee.

Jill Dunican, 19 Kensington Avenue, said she had received information from Councilman Lazar on a company called Tri-State Athletic Field Services. She met with them at Hillman Field with DPW Superintendent Joe Solimando to discuss field conditions. The company representative, Bob Buono, made suggestions on how to remedy the water on the field using a process called drill and fill with absorbent clay as well as other techniques. Ms. Dunican said she spoke to officials from other towns and discussed Tri-State's credentials. Mr. Buono had extracted core samples of the dirt and found no signs of clay in the areas he sampled as far as 10 inches down. Ms. Dunican detailed the company's suggestions on mediating flooding.

Councilman Lazar stated the quality of the top soil presently on the field was very poor and included sand and pieces of glass. Tri-State also noticed the soil was very compacted and needed aeration. They also had suggestions on how to reduce field wear. He emphasized that this company was an expert on fields and worked with major corporations, the New York Yankees as well as local municipalities. All references contacted praised Tri-State on how much their fields were improved, even those with worse conditions than Hillman Field. He said that they did not want to move too quickly on this, but that it offered an alternative solution for a moderate cost. They would do more research to get hard facts and numbers together to present to the Governing Body.

Councilman Rivers said that they hoped to get the subcommittee together with the Engineer before the next Council meeting and present hard budget numbers so that they could bring Mr. Buono and his crew and the Engineer to the November 1st meeting and have a plan to move forward. He estimated that the cost would be under \$50,000. Council President Shaw said that if this was an even remotely viable option, they should do whatever they could to move forward. Ms. Dunican noted that the material used to absorb water was a mined natural element and would not be dangerous to children at all.

Mr. Scarpa said they had tried other methods to solve the problem but had been unsuccessful. He also noted that if the cost was \$50,000, they would have to get another price quote unless the company was totally unique and had a special product which the Engineer would have to certify. Mayor Colina thanked Ms. Dunican and the rest of the Hillman Field Subcommittee for all their hard work; he said that it sounded like good news and like they had a plan.

VII. NEW BUSINESS

- Reducing Use of Facilities Fees for Professional courtesy – Mayor Colina said his understanding was that there was a fee of \$60.00 for the use of baseball fields, excluding Recreation, and the Borough had received a request from an individual who took care of the fields with his own equipment and was asking for a reduction in the fee to \$30.00 or \$35.00. Ms. Dray believed that this type of request had been made before and had been denied. Mayor Colina said that they would resume conversations on this topic at a later time after gathering more information.
- Broadway Discussion – Councilman Rivers said that based on the referendum written by Councilman Hoffman about two years ago and the outcome of that vote, he had taken the occasion to walk through the area to be sure that it was not the lot being discussed on Spruce Avenue and clarified that the area he was referring to is the rest of the paper street. He proposed making the area a natural park and designating it as open space to alleviate concerns of it being built on. He also proposed appointing a committee to determine what needed to be done, including residents from the Environmental and Shade Tree Commissions. He mentioned there were areas where people had encroached on this property and he had spoken to a few of these residents some of whom have offered to remove the items over time. He stated that it would be a great thing to do for a town and would help from a safety perspective by keeping people from walking on Ackerman Avenue where there were no sidewalks. He explained that he was not looking for an active park, but rather a park similar to Emerson Woods with a safe walkway and a cleaned up area. Some debris removal would also be required.

Mayor Colina thought the idea had merit and did not think that people who had encroached into that area should have the luxury of time to withdraw. Councilman Lazar said that any open space benefited the Borough and was in support of the preservation. Councilman Browne said that there may be opportunities for small grants depending on how the area is designated and recommended determining what the area should be called, i.e. park or greenway. The Governing Body discussed parking issues and accessibility.

☛ **Motion** to establish a seven member committee to explore issues related to turning a section of Broadway into a natural park was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Lazar

VIII. INTRODUCTION OF ORDINANCES

SECOND READING AND PUBLIC HEARING:

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 open the meeting to comments from the public on Ordinance #1436-11 was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried.

Ken Hoffman, 61 Emwood Drive asked for clarification on the opening hours for parks.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1436-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried.

☞ **Motion** to adopt Ordinance #1436-11 on second reading was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, 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 open the meeting to comments from the public on Ordinance #1437-11 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

Ken Hoffman, 61 Emwood Drive asked for clarification on this ordinance.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1437-11 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1437-11 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, Lazar

IX. REPORTS

- Mayor & Council

Councilman Browne reported on the **Environmental Commission** meeting and discussed the Armenian Home development. He said that Environmental Commission member Ken Hoffman did some research and discovered the stream by the Emerson Jr./Sr. High School was a C-1 waterway. He added that they needed to find out if the Armenian Home development application included this information. He explained that if the development was within 300 feet of a C-1 waterway, the development restrictions were much more stringent.

Mr. Scarpa said it would be best to forward that report to the Land Use Board and their attorney since they were considering the application. Mayor Colina said that the project was an active application still under consideration by the Land Use Board and the appropriate procedure must be followed.

Councilman Rivers reported that the **Fire Department** made changes to their bylaws. Mr. Mooney would review them and provide his comments. He said everyone should see it by the next meeting and hopefully vote on changes to the bylaws. He said that it was a great sign for them that they were able to do it. The Fire Department also had an Open House last week and planned to make changes next year due to low attendance. He said that at the November 1st meeting there would be a resolution for turn out gear with funding from the recently passed bond ordinance. Half would be purchased this year and half in 2012.

Councilwoman DiPaola reported that the **Ambulance Corps** was also revising bylaws. She said she hoped to get together with Mr. Mooney prior to the November 1st meeting so it could be voted on by the Governing Body. She gave the September reports of the **Ambulance Corps** and **Building Department**.

Councilman Lazar gave the September **Police Department** report. He said the **Shade Tree Commission** had removed quite a few diseased or dangerous trees. They had also sent out letters and inspected many other trees that concerned residents. The **Historic Preservation Commission** was working on an educational program on various buildings in the Borough and the history of Emerson which would be available to the public. The **Department of Public Works** was giving out leaf bags. Contract negotiations were scheduled to begin with the DPW the end of the week. A report on the soccer field was given to the **Soccer Commission**.

Council President Shaw had no report.

- Borough Clerk Carol Dray and Borough Attorney Scott Mooney had no reports.
- Administrator Joe Scarpa proposed renting out the snow melter to private vendors at night during the winter. He said the rate would be about \$250 per hour plus refueling. He said that with no objection, he would draw up a resolution for the next meeting. The leaf bags were obtained through a \$12,000 grant from Clean Communities. The Police Chief was asking for authorization to advertise for dispatchers to those who had resigned. The Bergen County Utilities Authority Annual Shredding Day occurred recently and was well attended. A Senior Activities grant application for Emerson senior citizens in the amount of \$5,000 was submitted to the Community Development Division of Bergen County. Mr. Scarpa, DPW Superintendent Joe Solimando and OEM Coordinator Mark Savino attended meetings at the County with FEMA following Hurricane Irene where they learned that there was mitigation money available to alleviate flooding. They discussed dredging the pond at the fairway which might alleviate flooding at several homes in that area and on Forest Avenue. Areas of Borough Hall were renovated to allow for more meeting space. He discussed an upcoming ordinance for revising the Police promotional process and planned to sit with the Borough Attorney to review it.

Mr. Scarpa stated that several weeks ago he had the Tax Assessor and representatives from the company that did the reassessment for Emerson prepare a report about the property taxes of a local business. They had reviewed it again and concluded that it appeared that the 2011 assessment was correct. In addition, he said that he did not hear and did not think anyone else heard that they were going to charge a \$2500 for the report. He noted that with no objection, he was going to write to them and say that it would have been appreciated if they would have told them that there would be a \$2500 fee to look at their numbers. He commented that they were reviewing what they did and did not see why they charged a full

fee. Councilman Browne concurred that they should have provided a statement of work before sending the borough a bill. Council President Shaw said the appraiser was instructed to go do that and at the time did not bring it up. Councilman Lazar said that in the appraisers' correspondence, he said that he was asked to do an in-depth evaluation. Mr. Scarpa and Councilman Lazar said they did not recall asking him to do anything in-depth; rather just to go back and look at their numbers and make sure everything was correct. Mayor Colina supported the idea to go back and challenge that invoice.

Mr. Scarpa also commented on a recent article about Emerson participated in a study of a regional dispatch center. He said the paper stated the Borough had received Council approval to do it. He added that this reporter had made other mistakes and there was no Council approval. Mr. Scarpa explained that because it was only a small amount of money, \$500.00, and was routine business and a routine budget item, he did not feel it was necessary to bring it before the Governing Body. He said it was simply a fact finding mission and he had no information to report at this time. The professional hired to do this study had done it in other areas and would look at any type of cost savings available and come back with a report. He added there was nothing secretive going on as was alluded to in the article.

Mayor Colina announced there would be a Public Hearing the next evening at 6 p.m. at Westwood High School on the Hackensack University Medical Center North application. He encouraged all residents to attend and noted it would be a battle to get the hospital reopened under Hackensack's banner. He said there would be shuttle service from Pascack Valley Hospital's parking lot to the high school.

He also reminded everyone that Election Day was November 8th and said the Borough Clerk's office was open that evening until 9 p.m. for late night voter registration. Absentee Ballots were available there as well.

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 Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

Ed Onorato, Pascack Road, Paramus discussed helping Paramus deny a project being considered on a 35 acre land off Soldier Hill Road.

Tom Sudano, 231 Pascack Road inquired about the library and its finances.

Ken Hoffman, 61 Emwood Drive inquired about whether any investigation was taking place related to the Library Director and the library's finances. He also asked questions about plans to resolve Hillman Field drainage issues and discussed issues related to the proposed Armenian Home project.

Police Chief Donald Rossi commented on the dispatcher article in the newspaper, stating it was misleading and misrepresented the Emerson Police Department and the Borough of Emerson. He added that there had been no closed door meetings and explained the steps leading up to exploring the option of arranging for a study to form a dispatch center.

Thomas Sudano, 231 Pascack commented on information related to an alleged incident concerning the Armenian Home.

☞ **Motion** to close the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

XI. RESOLUTIONS ON CONSENT AGENDA NO. 175-11

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 #175-11 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Lazar

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| Ca 176-11 | Approve Bill List |
| Ca 177-11 | Approve Mayor and Council Minutes: Regular Meeting of August 2, 2011 |
| Ca 178-11 | Confirm Endorsement of Community Development Project – Senior Citizen Activities for \$5000.00 |
| Ca 179-11 | RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 - \$41,335.00 - 2011
Community Development Block Grant for Senior Citizen Improvements |
| Ca 180-11 | RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 - \$4,469.00 - 2011
Community Development Block Grant for Senior Citizen Activities |
| Ca 181-11 | BC Tax Appeal Adjustments |
| Ca 182-11 | NJDOT – Recommendation of Award – State Aid Improvement Lincoln Blvd. (Section 3) – English Paving in the amount of \$126,689.11 |
| Ca 183-11 | Authorizing Disposal of Surplus Property |

XII. 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 Rivers and carried at 9:27 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 01/1/24/12)

October 27, 2011