



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
May 20, 2014
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

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

II. ROLL CALL

Mayor Colina asked Ms. Dray to call the roll of the Governing Body.

Present: Mayor Colina, Councilwoman DiPaola, Councilman Knoller, Councilman Paino, Council President Rivers, Councilman Tripodi, Councilman Worthington

Also present were Borough Attorney Ron Gordon and Acting Administrator Les Shenkler.

III. APPOINTMENTS/RESIGNATIONS

- Appointment of Kevin G. May as a member of the Emerson Volunteer Fire Department
☞ **Motion** to appoint of Kevin G. May as a member of the Emerson Volunteer Fire Department was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried unanimously.

- Police Department – Permanent Appointments:

- Police Officer Christopher Bova
- Police Officer Glen Howard
- Police Officer Doug Kearns

☞ **Motion** to appoint Christopher Bova, Glen Howard and Doug Kearns as permanent members of the Emerson Police Department was **moved** by Councilman Paino, **seconded** by Council President Rivers and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

- Environmental Commission – Resignation of Emma Ryan as Alternate I effective May 31, 2014 for the term ending December 31, 2014

☞ **Motion** to accept the resignation of Environmental Commission Alternate I Emma Ryan effective May 31st, 2014 for the term ending December 31, 2014 was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried unanimously.

IV. CORRESPONDENCE

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

- Letter dated April 29th from Director of Rutgers Office of Public Health Practice; Re: OPHP Training
- Letter dated April 30, 2014 from Jewish Federation of Northern New Jersey; Re: Annual Legislative gathering
- Letter dated May 5, 2014 from Melanie Willoughby, Acting President, NJBIA; Re: 2014 Good Neighbor Awards Luncheon

- Letter dated May 6, 2014 from Diana Rosner, Valley Chabad; Re: Valley Chabad's Teen Leadership Initiative event
- Letter dated May 7, 2014 from Governor Chris Christie; Re: NJDOT 2014 Municipal Aid Program for Main Street-Linwood Avenue in amount of \$149,000.00

V. APPROVAL OF MINUTES

- Regular Meeting Minutes of May 6, 2014
☞ **Motion** to approve the Regular Meeting Minutes of May 6, 2014 with corrections was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 5-1.
RC: Council members:
YES: Tripodi, Paino, Rivers, Knoller, Worthington
NO: DiPaola

VI. UNFINISHED BUSINESS

- Administrative Code of Conduct for Ethical and Civil Work place Behavior – The Governing Body and Mr. Gordon engaged in a lengthy discussion about the proposed ordinance governing a code of conduct for ethical and civil work place behavior. Items discussed included the provisions and application of the Open Public Records Act, enforcement and whether it opened the Borough to potential litigation.

First Reading:

1484-14 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 73 ENTITLED PERSONNEL POLICIES BY ADDING A NEW ARTICLE III TO BE ENTITLED ADMINISTRATIVE CODE OF CONDUCT FOR THE ESTABLISHMENT OF RULES AND GUIDELINES FOR ETHICAL AND CIVIL BUSINESS AND SOCIAL BEHAVIOR FOR EMPLOYEES, BOROUGH OFFICIALS AND ASSOCIATES

- ☞ **Motion** to introduce Ordinance 1484-14 on first reading was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by a roll call vote of 4-1
RC: Council members:
YES: Paino, Rivers, Knoller, Worthington
NO: DiPaola
ABSTAIN: Tripodi

VII. NEW BUSINESS

- 55 Kinderkamack Road – Access to DPW property – The Governing Body and Mr. Gordon discussed a request by the owner of 55 Kinderkamack Road to access wells for purposes of testing on DPW property to make sure no leaching was taking place.
☞ **Motion** to grant access to the DPW Property was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0.
RC: Council members:
YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington
- Casa Maselli – Request for outdoor refreshment stand – The owner of a local pizza restaurant requested approval to set up an outdoor refreshment stand on his property. This item was postponed until the next agenda due to recusals from members of the Governing Body.

VIII. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ms. Dray would read the following ordinance by title and it would be further considered at a Public Hearing to be held on June 17th, 2014 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the May 23rd, 2014 edition of the Ridgewood News by summary. He added that this 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.

1486-14 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 2014

☞ **Motion** to introduce Ordinance 1486-14 as amended on first reading was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by a roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

IX. ADOPTION OF ORDINANCES

Second Reading and Public Hearing:

1477-14 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 \$300,000 TO PAY THE COST THEREOF, 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 Bond Ordinance #1477-14 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

Kenneth Hoffman, 61 Emwood Drive asked for information about appropriations for public improvements.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public on Bond Ordinance #1477-14.

☞ **Motion** to close the meeting to comments from the public on Bond Ordinance #1477-14 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Bond Ordinance #1477-14 on second reading was moved by Councilman Worthington, seconded by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

Mayor Colina announced that the following zoning ordinances would be read together and voted on by one roll call vote.

1478-14 AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, IN ORDER TO CLARIFY EXISTING REGULATIONS AND FURTHER DETAIL REQUIREMENTS AS RECOMMENDED BY THE LAND USE BOARD

1479-14 AN ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF EMERSON TO REFLECT THE REZONING THAT WAS ADOPTED 2006 IN ACCORDANCE WITH THE BOROUGH'S 2006 CENTRAL BUSINESS DISTRICT PLAN.

1481-14 AN ORDINANCE AMENDING CHAPTER 290, ZONING, OF THE CODE OF THE BOROUGH OF EMERSON, IN ORDER TO REVISE LANGUAGE THROUGHOUT THE CHAPTER TO REFLECT CURRENT ZONE NAMES AS PREVIOUSLY ADOPTED BY COUNCIL AND RECOMMENDED BY THE LAND USE BOARD

1482-14 AN ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF EMERSON TO REZONE SEVERAL TAX LOTS IN ACCORDANCE WITH THE BOROUGH'S INCLUDE THE PROPERTIES DESCRIBED ON THE TAX MAP OF THE BOROUGH OF EMERSON AS ALL LOTS IN BLOCKS 1302 AND 1303 WHICH ARE PRESENTLY IN THE RESIDENTIAL R-22.5 ZONE DISTRICT, TO THE R-7.5 ZONE DISTRICT TO REFLECT THE EXISTING DEVELOPMENT PATTERN

1483-14 AN ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF EMERSON TO REZONE SEVERAL PROPERTIES OF THE BOROUGH OF EMERSON WHICH ARE PRESENTLY IN THE RESIDENTIAL R-7.5 ZONE DISTRICT AND THE IM INDUSTRIAL MANUFACTURING DISTRICT, TO THE RETAIL COMMERCIAL, RC DISTRICT

☞ **Motion** to open the meeting to comments from the public on Ordinances #1478-14, 1479-14, 1481-14, 1482-14 and 1483-14 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on ordinances #1478-14, 1479-14, 1481-14, 1482-14 and 1483-14.

☞ **Motion** to close the meeting to comments from the public on Ordinances #1478-14, 1479-14, 1481-14, 1482-14 and 1483-14 was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

☞ **Motion** to adopt Ordinances #1478-14, 1479-14, 1481-14, 1482-14 and 1483-14 on second reading was moved by Councilman Worthington, seconded by Council President Rivers and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

1485-14 AN ORDINANCE TO CREATE SECTION 61-12 et seq. OF CHAPTER 61 BOROUGH REGULATIONS, ENTITLED "AN ORDINANCE PROHIBITING SMOKING UPON PARKS, PLAYGROUNDS AND RECREATIONAL AREAS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance #1485-14 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried.

Harry Hamparian, 245 Forest Avenue supported the ordinance.

Al Ferrera, Bergen County Dept. of Health Services commended the Emerson Board of Health and Health Officer Dan Levy for the adoption of this ordinance.

Tom Lahey, 9 South Dorchester Road supported the ordinance.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public on ordinance #1485-14.

☞ **Motion** to close the meeting to comments from the public on Ordinance 1485-14 was **moved** by Council President Rivers, **seconded** by Councilman Tripodi and carried.

☞ **Motion** to adopt Ordinance #1485-14 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

X. REPORTS

- Borough Attorney Ron Gordon had no report.
- Borough Clerk Carol Dray had no report.
- Borough Administrator Les Shenkler reported that PSEG lighting around Emerson Plaza East would be installed sometime that week. At Jefferson, Dyer and High, 19 incandescent lamps would be replaced with electric induction lamps. A test area of 3 LED lamps would be installed in that area. The high school would also be getting a lighting upgrade. The BC Dept. of Planning and Economic Development came out with new proposed grant information for parks and he asked the Council for proposals. The Borough would be responsible for 50% of the cost. Council President Rivers said he would like to work with Mr. Shenkler, Councilman Knoller and the Recreation Commission to come up with proposed projects and decide which would be the best for the Borough. Council President Rivers discussed options for an extension to fencing by Thomas Street. Mr. Shenkler said Environmental Commission Chairman Tom Browne had agreed to watch a webinar and submit an application to be eligible for Sustainable Jersey Certification. He detailed how to accumulate points in support of this goal.
- Mayor and Council

Councilwoman DiPaola said the **Shade Tree Commission** volunteers were working to take down trees on their emergent tree list. They were preparing to go out to bid. She was ecstatic that the **Board of Health's** recommendation that the smoke free park ordinance went through. **Historic Preservation Commission** Chair Bill Wassmann and Mr. Tony Basile were going to take the boards from the Centennial Celebration to the school to educate students. Mr. Wassmann would be interviewed and it would be on the access cable channel.

Councilman Tripodi had no report.

Councilman Paino gave the **Building Department** report for May. He said Mr. Shenkler found a grant for High Street, section 2. With Council permission, they planned to move forward to have the Borough Engineer prepare bidding documentation. There was a NJ State grant for \$126,000. They would need to award it by October and anticipated the project could be done by spring.

Councilman Worthington said the Joan Martin Memorial Garden had been completed by the **Environmental Commission**. A dedication ceremony was scheduled for June 1st at Centennial Park. The Annual Emerson Woods Cleanup was held on Sunday, April 27th. He was impressed by the turn out and the park had been cleaned up quite nicely. To commemorate the birthday of Rachel Carson, the **Emerson Public Library** would be showing the movie 'Call of Life' on May 29th at 7:00 p.m. He also gave the April **Volunteer Ambulance Corps** report.

Councilman Knoller said the **Recreation Commission** was getting ready for the 5th Annual Town Celebration on June 14th. Emerson Baseball would play games during the day. A concert would begin at 7 p.m. with fireworks at 9 p.m. He said it should be the biggest fireworks show ever. They had received a lot of donations from local businesses and families and there would be no cost to taxpayers.

Council President Rivers gave the April **Police Department** report. He said the fireworks show last year was amazing and looked forward to a bigger and better show this year. He explained to Mrs. Reilly the plans to address concerns about baseballs at Thomas Street. He said it was a safety issue for her and others and they were in discussion with all the right groups to make something happen.

Mayor Colina said he had received a call from the Knights of Columbus who were looking to participate in a cleanup activity and asked Councilman Worthington to help him line that up. He shared his concerns about accusations and newspaper articles and what he called false accusations and blatant lies. He quoted comments in the paper that said these accusations had insulted his family, Ms. Dray's family and the family town of Emerson. He said the accusations were false, insulting, a waste of taxpayer money and vicious lies.

XI. PUBLIC COMMENT

☛ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Rivers and carried at 9:15 p.m..

Alice Reilly, 129 Thomas Street shared pictures of damage to her car by a baseball and stated it was the second time this had happened. The Governing Body discussed whether insurance protected a resident's personal property in similar situations. Mr. Gordon explained that each situation had to be investigated. He suggested that Ms. Reilly submit the bill to make sure it went to the right entity to determine whether or not it was a covered expense. She said it was a dangerous situation and Council President Rivers asked her to be careful until they could get it fixed.

Kenneth Hoffman, 61 Emwood Drive addressed the bidding process for tree removal for the Shade Tree Commission, outlined the recent increase in requests for tree removal and the tree inspection process. Discussion included adding a second paid tree inspector to work with Shade Tree Inspector Steve Frassa and having the commission move things around in the budget to maximize efficiency.

Thomas Lahey, 9 South Dorchester Road asked if the code of conduct ordinance would be published on line and discussed potholes on a road near the shopping center. Council President Rivers thought it was private property and said they would look into it.

Frank Sierra, Ringwood, NJ said he was looking in the area for a new home and asked about conflicts in town including lawsuits and allegations of wrongdoing. Mr. Gordon stated that in his opinion, the allegations were unfounded.

Kenneth Hoffman, 61 Emwood Drive asked if it was political when a candidate or candidates for office were introduced at a town recreational baseball opening day.

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

XII. RESOLUTIONS ON CONSENT AGENDA NO. 101-14

☞ **Motion** to approve Consent Agenda #101-14 with the pulling of Ca 102-14 Bill List for a separate vote was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

- Ca 102-14 Approve Bill List
- Ca 103-14 Release of Letter of Credit – 58 Kinderkamack Road
- Ca 104-14 Subject: Redeem Tax Sale Certificate –Fink, Wayne H
- Ca 105-14 Redeem Tax Sale Certificate – Daniele
- Ca 106-14 High Street Improvements

Councilwoman DiPaola requested that an item be removed from the Bill List- item #24384 Jersey Professional Management in the amount of \$4,815.

☞ **Motion** to approve Consent Agenda items #103-14, 104-14, 105-14 and 106-14, removing Ca #102-14 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

☞ **Motion** to amend the Bill List to exclude item #24384 Jersey Professional Management in the amount of \$4,815 was **moved** by Councilwoman DiPaola but this item was not seconded.

☞ **Motion** to approve Bill List Ca #102-14 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-1.

RC: Council members:

YES: Tripodi, Paino, Rivers, Knoller, Worthington

NO: DiPaola – Councilwoman DiPaola noted that she was voting YES to the Bill List but NO on item #24384 for Jersey Professional Management.

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 107-14

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 107-14 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

#14-5/20-16	Personnel – Acting Administrator	N.J.S.A. 10:4-8
#14-5/20-17	Personnel - Labor Attorney Contract	N.J.S.A. 10:4-8
#14-5/20-18	Personnel – Finance Assistant	N.J.S.A. 10:4-8
#14-5/20-19	Personnel – Police Department	N.J.S.A. 10:4-8

XIV. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried at 10:30 p.m.

XV. ADJOURNMENT

☞ **Motion** to extend the terms and conditions of Jersey Professional Management and Mr. Shenkler under the same terms and conditions as the existing contract through the period of July 31, 2014 was **moved** by Council President Rivers, **seconded** by Councilman Worthington and carried by roll call vote of 5-1.

RC: Council members:

YES: Tripodi, Paino, Rivers, Knoller, Worthington

NO: DiPaola

☞ **Motion** to approve the hiring of Ron Berg as the Finance Assistant was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

☞ **Motion** to accept the retirement of Sgt. Carol Leins effective early July 2014 was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by roll call vote of 6-0.

RC: Council members:

YES: DiPaola, Tripodi, Paino, Rivers, Knoller, Worthington

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried at 10:31 p.m.

Jane Dietsche, RMC, Deputy Borough Clerk