



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL

May 6, 2014
7:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Colina called the meeting to order at 7:32 p.m. and identified the emergency exits.

II. ROLL CALL

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

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

Council President Rivers arrived at 7:45 p.m.

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

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilwoman DiPaola for absence of Regular Meeting/Budget Hearing of April 22, 2014
☞ **Motion** to excuse Councilwoman DiPaola for absence of Regular Meeting/Budget Hearing of April 22, 2014 was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried unanimously.

IV. APPROVAL OF MINUTES

- Regular Meeting of March 18, 2014
- Regular Meeting of April 1, 2014

☞ **Motion** to approve the Regular Meeting Minutes of March 18, 2014 and April 1st, 2014 was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried ~~unanimously~~ by a roll call vote of 5-0.

RC: Council members:

YES: Tripodi, Paino, Rivers, Knoller, Worthington

ABSTAIN: DiPaola

- Regular/Budget Meeting of April 22, 2014

Councilman Knoller asked for one correction to the minutes of April 22, 2014.

☞ **Motion** to approve the Regular/Budget Meeting Minutes of April 22, 2014 and April 1st, 2014 as amended was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried with an abstention by Councilwoman DiPaola.

V. FINANCIAL BUSINESS

- Public Hearing on Resolution No. 86-14 Amendment to 2014 Municipal Budget
☞ **Motion** to open the meeting to comments from the public on Resolution No. 86-14 Amendment to the 2014 Municipal Budget was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on Resolution No. 86-14.

☞ **Motion** to close the meeting to comments from the public on Resolution No. 86-16 was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried.

- Resolution No. 95-14 Adoption of 2014 Municipal Budget
☞ **Motion** to adopt Resolution No. 95-14 2014 Municipal Budget was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 4-0.

RC: Council members:

YES: Tripodi, Paino, Knoller, Worthington

ABSTAIN: DiPaola

ABSENT: Rivers

VI. UNFINISHED BUSINESS

- Linwood Avenue/Main Street Road repairs - Councilman Paino said that he and DPW Superintendent Joe Solimando had received a reasonable proposal from Steve Rich to repair four locations on Linwood Avenue/Main Street for \$3,200. He said that it needed to be done before further damage occurred.

☞ **Motion** to authorize repairs to Linwood Avenue/Main Street by Steve Rich for \$3,200 was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried by roll call vote of 4-1.

RC: Council members:

YES: Tripodi, Paino, Knoller, Worthington

No: DiPaola

ABSTAIN: Rivers

- Prohibiting smoking in recreational areas – Mr. Gordon detailed modifications he made to the model ordinance provided by GASP and said it would be consistent with pending legislation. The Governing Body discussed the definition of smoking, offenses and enforcement and concluded by agreeing to introduce the ordinance that evening.

VII. NEW BUSINESS

- Use of Facilities - Ackerman Park Activities Request – Mr. Gordon said that the Board of Health and Recreation Commission had received a request from a resident to use Ackerman Park for a private use for profit. He stated that the Borough Code was silent on this topic. He added that the code did state that an agency or entity using municipal facilities had to provide appropriate indemnification but interpreted it to include nonprofit groups such as leagues. He said the decision was up to the Governing Body.
☞ **Motion** to approve the use of facilities at Ackerman Park by individual who requested use contingent on the hours 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

VIII. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ms. Dietsche would read the following ordinances by title and they would be further considered at a Public Hearing to be held on May 20th, 2014 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the May 9th, 2014 edition of the Ridgewood News by summary. He added that these 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:

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 introduce Bond Ordinance No. 1477-14 on first reading was **moved** by Councilman Knoller, **seconded** by Council President Rivers 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.

~~**1480-14** AN ORDINANCE TO ADOPT AN OFFICIAL MAP SHOWING THE CORRECT ZONING OF ALL PROPERTIES WITHIN THE BOROUGH AND TO ADDRESS ALL REZONING ORDINANCES THAT HAVE BEEN ADOPTED SINCE THE LAST ZONING MAP WAS AMENDED IN OCTOBER 2008 – **PULLED**~~

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'NCLUDE 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 introduce ordinances 1478-14, 1479-14, 1481-14, 1482-14 and 1483-14 on first 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

1484-14 ESTABLISHING AN ADMINISTRATIVE CODE OF BASIC OFFICE CIVILITY AND PROTOCOL

☞ **Motion** to introduce ordinance 1484-14 on first reading was **moved** by Council President Rivers, **seconded** by Councilman Knoller.

The Governing Body participated in a lengthy discussion on different aspects of the proposed ordinance including whether it violated state law and was constitutional. Mr. Gordon opined that it was not unconstitutional and an ordinance that would establish civility in the workplace would not violate someone's civil rights. Mr. Gordon said that he would check on the issues Councilwoman DiPaola discussed and speak to her the next day. This item was tabled Council President Rivers. Mr. Gordon stated that it would be tabled for further discussion at the next meeting.

IX. ADOPTION OF ORDINANCES

Second Reading & Public Hearing:

1476-14 AN ORDINANCE AMENDING CHAPTER 264 ENTITLED TOWING OF THE REVISED GENERAL ORDINANCES OF THE CODE OF THE BOROUGH OF EMERSON

☞ **Motion** to open the meeting to comments from the public on Ordinance #1476-14 was **moved** by Council President Rivers, **seconded** by Councilwoman DiPaola and carried

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on Ordinance #1476-14.

☞ **Motion** to close the meeting to comments from the public on Resolution No. 86-16 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

☞ **Motion** to adopt Ordinance #1476-14 on second reading was moved by Council President Rivers, seconded by Councilman Worthington and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Tripodi, Rivers, Knoller, Worthington

ABSTAIN: Paino

X. REPORTS

- Acting Borough Administrator Les Shenkler said that he had attended a Bergen County Shared Service forum and prepared a White Paper outlining the topics covered. He said that the County now had equipment to give out to municipalities such as a pothole filler. He said that the Pascack Valley shared service road paving initiative had been made part of the Bergen County Shared Service program and would go out to bid the end of May. It should afford everyone better rates. He stated that Finance Assistant Cathy Kaplan had resigned. The Borough had hired Ms. Flo Mammolitti to be the part time Registrar. He said the electronic message board had been repaired and was up and running. He also outlined new state COAH regulations and said that it would require hiring someone on a part time basis.

XI. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

Ken Hoffman, 61 Emwood Drive asked about the new COAH regulations as well as for a financial breakdown on monies expended for Jersey Professional Management.

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 Councilwoman DiPaola, **seconded** by Council President Rivers and carried.

XII. RESOLUTIONS ON CONSENT AGENDA NO. 96-14

☞ **Motion** to approve Consent Agenda #96-14 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

- | | |
|----------|--|
| Ca 97-14 | Approve Emerson Cleaners Coin Operated Laundry License Renewal |
| Ca 98-14 | Approve Block Party Application – Residents of Eagle Drive between Daned Road and Hartland Avenue on Saturday, May 17 th from 3:00 p.m. – 8:00 p.m. |
| Ca 99-14 | Award a One Year Contract for Elevator Inspection Services to NJ Technical Services in the amount of \$3,801.75 |

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 100-14

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 100-14 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

#14-5/06-14 Staffing - DPW N.J.S.A. 10:4-8

#14-5/06-15 Litigation- Indemnification-Scarpa
v. Borough and Borough Clerk
Amended Complaint N.J.S.A. 10:4-7

XIV. RECONVENE

☞ **Motion** to reconvene was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried.

XV. ADJOURNMENT

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 9:00 p.m.

Jane Dietsche RMC, Deputy Borough Clerk