



MINUTES  
BOROUGH OF EMERSON  
SPECIAL MEETING  
OF THE  
MAYOR AND COUNCIL  
November 7, 2013  
5:00 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



---

I. CALL TO ORDER

Mayor Colina called the meeting to order at 5:08 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, Councilwoman Garis, Councilman Knoller, Councilman Paino, Council President Rivers, Councilman Worthington.

Also present was Borough Labor Attorney Ron Gordon.

**Absent:** Borough Administrator Joseph Scarpa

III. 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 to comments from the public was **moved** by Councilman Worthington, **seconded** by Council President Rivers and carried.

Ken Hoffman, 61 Emwood Drive questioned the purpose, pay and timeframe of appointing a temporary acting assistant administrator, when the Council would decide on the type of administrator, if a RFQ would be sent out for the replacement and why Mr. Scarpa's contract was not extended.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public at 5:15 p.m.

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

Councilwoman DiPaola made a Point of Order and requested an additional open public portion after Closed Session. Mr. Gordon said that it was the privilege of the chair to decide whether to alter the agenda based on ordinance and suggested no additional public comment. Mayor Colina stated that he did not choose to have another open public comment session.

IV. CLOSED EXECUTIVE SESSION - Resolution No. 188-13

Councilwoman DiPaola called for a Point of Order and questioned Mr. Gordon about related agenda documents she received including a proposal and resume. Mr. Gordon said that was on the agenda for reconvening after Closed Session. Councilwoman DiPaola and Mr. Gordon also discussed who would be included in the Closed Session.

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 188-13 was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-1.

**RC: Council members:**

**YES: Knoller, Worthington, Rivers, Garis, Paino**

**NO: DiPaola**

#13-11/7-28 Personnel –‘Rice’ Notice -Borough Administrator N.J.S.A. 10:4-12 (8)

V. RECONVENE

☞ **Motion** to reconvene was moved, seconded and carried.

- Resolution #189-13 Appoint a temporary Acting Assistant Administrator and Management Consultant

☞ **Motion** to approve Resolution #189-13 to appoint a temporary Acting Assistant Administrator and Management Consultant was **moved** by Council President Rivers, **seconded** by Councilman Knoller and carried by roll call vote of 5-1.

**RC: Council members:**

**YES: Knoller, Worthington, Rivers, Garis, Paino**

**NO: DiPaola**

Mr. Gordon explained that the Council had discussed this matter in Executive Session. He noted and announced that the current administrator Mr. Scarpa was given a ‘Rice’ Notice that the terms and conditions of his employment would be discussed in Executive Session. That ‘Rice’ Notice was acknowledged as received through correspondence from Mr. Scarpa’s attorney. The council discussed certain items in Executive Session. The resolution that was being presented to the Governing Body was his understanding of the actions that they wanted to take as a result of the discussions that were held in Executive Session on this topic.

☞ **Motion** to amend Resolution #190-13 to include in the ‘Whereas As’ clause which is at the top of the second page to add a sentence that the Borough Administrator is to remove his personal belongings from the Administrator’s office on or before Sunday, November 10<sup>th</sup> at 6 p.m. was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by roll call vote of 4-2.

**RC: Council members:**

**YES: Knoller, Worthington, Rivers, Paino**

**NO: DiPaola, Garis**

☞ **Motion** to accept and adopt the amended Resolution #190-13 was **moved** by Council President Rivers, **seconded** by Councilman Paino and carried by roll call vote of 4-2.

**RC: Council members:**

**YES: Knoller, Worthington, Rivers, Paino**

**NO: DiPaola, Garis**

Councilwoman DiPaola made a motion to open the meeting to the public but Mayor Colina stated there was no requirement to do so.

VI. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Knoller, **seconded** by Council President Rivers and carried by roll call vote of 5-1 at 6:13 p.m.

**RC: Council members:**

**YES: Knoller, Worthington, Rivers, Paino**

**NO: DiPaola, Garis**