



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
SPECIAL MEETING
NOVEMBER 18, 2011
5:00 P.M.



Borough Hall-Council Chambers
Emerson, NJ 07630

Mayor Colina called the meeting to order at 5:05 p.m. Mr. Ryan Shaw led the salute to the flag followed by a request by the Mayor for good thoughts that they continue to work hard and smart regarding the Hillman Field issue. He said that he hoped they would come out of the meeting with some proactive actions to be taken.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of November 18th, 2011 had been adequately noticed on November 16, 2011, was sent to The Record and Ridgewood News on November 16, 2011 as a 48 hour notice as required under the statute and was in compliance with the provisions of the Open Public Meetings Law; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630. 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.

PRESENT:

Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Councilman Rivers, Council President Shaw

ABSENT:

Councilman Browne

Also present were Deputy Clerk Jane Dietsche substituting for Borough Clerk Carol Dray, Borough Attorney Scott Mooney, and CFO/QPA Catherine Henderson.

III. UNFINISHED BUSINESS

- Hillman Field Improvements – Mayor Colina stated that since the last meeting they had left with certain expectations and things they expected to occur had not occurred. Council President Shaw recapped developments that had taken place since the last Special Meeting on November 3rd. He said the cost for borings was originally not to exceed \$3,000 but two bids were obtained; one totaled \$4,300 and the other was \$4,800. Both quotes surpassed the amount that the Governing Body had approved for expenditure. Consequently, the purpose of this meeting was to re-consider the matter and possibly exceed the former maximum amount limit by formal action of the Governing Body. He explained that the tight timeframe and desire to expedite the process led to the higher bids. Boswell Engineering's review of Tri-State Sports drill and fill technology required information about the fill material to allow them time to determine if it was recommended. There were additional discussions about other techniques to fix Hillman Field with Boswell Engineering and the results of the boring tests would assist in making the decision.

Council President Shaw noted that if they waited, the price for borings might go down, but would lead to delays. Councilman Lazar noted that the Hillman Field Committee had voted unanimously to do borings and move forward with the drill and fill and that was their recommendation to the Governing Body.

Councilman Shaw added that DPW Superintendent Joe Solimando had given his opinion and advice at the meeting and his decades of caring for the field and living in Emerson and agreed that it was a necessity to move forward.

Councilman Rivers noted that the results of the borings would help them decide how to move forward. If the tests indicated that the water table was high and drill and fill would not help the field, they would need to make a decision at that point as to whether they would wait another two years and spend potentially another \$200,000 on the field or spend \$35,000 for what everyone said would be the fix.

Councilwoman DiPaola remarked that others who had success with 'drill and fill' might have had different soil conditions. She was hesitant to proceed with anything unless Boswell Engineering approved the Tri-State material. She noted that she had a conversation with Steven Boswell and Mayor Colina where Mr. Boswell did not think that Pro-Choice would be the magic fix and suggested changing the pitch of the field. Councilman Rivers said that Boswell had no idea what the product was. If they were all in agreement, he suggested voting on the additional \$1,300 for the borings and then discuss about going forward.

The Governing Body discussed whether to move forward with Tri-State if Boswell did not endorse this step. Council President Shaw noted that the expectations for a \$35,000 fix would not be the same as for a \$200,000 fix and that they would have to make an economic decision for the benefit of the field and Emerson. He stated that he would not base his judgment on Mr. Boswell's 'yes or no' but would use every ounce of information to make his decision.

Mayor Colina noted that Mr. Boswell stated that the 'drill and fill' might work and that even sand might work but Mr. Boswell still did not know the composition of Tri-State's product. Given the references and experiences of Tri-State, and based on the information gained from the borings, they would be better informed and would have been remiss not to include Boswell in the process.

Councilman Rivers said that with additional information provided to Mr. Boswell, they expected him to come to the Governing Body with a 'yes or no' by the December 6th meeting. He also expected the RFP to have gone out by that point.

Councilwoman DiPaola said that she and Mr. Scarpa's impression from Mr. Boswell at their meeting was that Tri-State's product would not be the magic cure and that they would be spending \$35,000 now and every year to keep the field dry. Mr. Boswell had suggested spending \$150,000 to change the pitch of the field, the grading and some of the field's material composition by getting some clay out of it, resulting in fixing it forever instead of a \$35,000 Band-Aid every year.

Councilman Lazar responded by saying that Councilwoman DiPaola was badly misinformed by Mr. Boswell since he knew nothing about the product nor had he put any time in to find out about it. He explained that Mr. Boswell was under the assumption that it was a totally different product. Councilman Lazar added that Mr. Boswell's assumption when he spoke with Councilwoman Di Paola was based on the fact that he knew nothing about the product and assumed it was like kitty litter or clay. Mayor Colina agreed that Mr. Boswell thought the product was clay and explained that part of the frustration was that the engineer had not gotten together with Tri-State to get the actual content of the material. Councilwoman DiPaola said that Mr. Boswell's understanding was that a portion of the 'drill and fill' content was clay. Councilman Lazar noted that it was not really clay since it went through a process to change its characteristics and was not anything like Mr. Boswell thought it was.

Councilman Rivers remarked that it was not clay, but rather a mined material and that Mr. Boswell was wrong and admitted that day that he knew nothing about the product and they needed to know more. Councilwoman DiPaola said that she was all in favor of fixing the field; even if they had to spend more money, she thought they could find it somewhere if this was not the cure all fix. She did want to hear back from the Borough Engineer and go with his recommendation on how to fix the field; that was why they had an engineer – not to listen to someone's sales pitch about their product and telling the Governing Body how their product would fix Emerson's field.

Councilman Lazar responded that Tri-State was a field expert and that was all they did. He added that the Hillman Field Subcommittee spent three months researching the product and following up on different jobs that Tri-State had done in New Jersey. People had visited those sites and spoken to the people involved in those towns that had their fields fixed and they had nothing but rave reviews. He had asked Mr. Boswell if he knew of any town anywhere that had anything negative to say about Tri-State which had been in business for sixteen years and specialized in just fixing field and Mr. Boswell had responded no. The product had been used on ten major league fields and it was praised by a field expert. He commented that they could not try to say that Boswell was more qualified to discuss the remediation of a field than an expert was since he was not. He only knew what he knew and so far had not proven to him that he knew very much about the product.

Mayor Colina remarked that Councilwoman DiPaola had made very good points and agreed with them. He explained this was why they had a process and they should wait for the findings from the borings. They were trying to expedite the process; there was a clock ticking against them. The Subcommittee had done a tremendous amount of work and they would make the decisions as they received the findings.

Councilwoman Garis said she was bothered that Mr. Boswell did not have any problem drawing up a price charging them more money to do the paperwork than to do the borings and while he knew how serious they were about getting the field fixed, the engineer had not taken the time or done any research to find out anything positive or negative about the product. She said that he was ill prepared.

Councilman Rivers responded that Mr. Boswell was CEO of the company, not the Borough Engineer, so it had now gone to the highest level of the organization and he thought that showed tremendous dedication to Emerson and to the Governing Body. He added that they now had Boswell's full attention and that any issues Councilwoman Garis had mentioned had been corrected and they were doing what it took.

Mayor Colina said that he knew they were frustrated and he wanted to show the Borough that they had really tried to do their due diligence to make the best and most economical decision as they moved forward.

☛ **Motion** to approve the bid of \$4,300 for boring expenditures associated with borings was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Rivers, DiPaola, Shaw, Garis

Councilman Rivers said they needed Boswell to learn more about the product because once the bid specifications came back through Ms. Henderson, they needed the information about the product so that it could say that or 'equivalent'. He noted that they were not aware of anything equivalent in the market place today but if there was, they should be aware of it. Once they have that information before the first December meeting, they should be ready to do the bid specs. He said that they could probably do it at the same time and bring it to the meeting with their findings. He hoped to put that out right after the meeting with a ten day turn around and have everything ready before their second meeting and do the vote then.

Mayor Colina asked Ms. Henderson if there was anything they could do to expedite the bid process as aggressively as possible. He asked if as the QPA whether Ms. Henderson could take over the process. Ms. Henderson stated that until that meeting she did not know anything about the issue so for her to try to work on a set of specifications, she would need some time to gather the knowledge. She said that due to the ten day rule, there was not much they could do to expedite the process. She said that it could be advertised in the paper but also put on the website to start the ten day clock instead of the advertisement. She noted that once the ad was put out, the specs had to be ready to be distributed.

Mayor Colina said he wanted a clear understanding of who had what as a follow up. He noted that Councilman Lazar had talked to Boswell and had given them the information. Councilman Lazar said he had asked Tri-State to reach out to Boswell and give them anything they needed. Mayor Colina asked Councilman Lazar to follow up to make sure they made that connection. He remarked that too often items were falling by the wayside and it appeared to be the case again.

The Mayor asked for next steps. Councilman Rivers said he had asked Boswell to do things concurrently – once they had the information, they wanted them to go ahead and prepare the bid specs that were already approved at the last meeting. He said that bid specs should be ready for the first December meeting. Mayor Colina said that he would rely on Council President Shaw and Councilman Rivers to check in with Councilman Lazar and keep pushing. He appreciated everyone's patience.

Councilwoman DiPaola said that she understood Councilman Lazar's passion and did not want to negate all the hard work of the Hillman Field Subcommittee. Councilman Lazar said that he was upset that she was given misinformation and wanted her to understand that the committee worked on this for three months and did all the research and for someone to come along who did no research whatsoever and comment on it was unprofessional. He said that he would be following up that day and continuously until it was done. Councilwoman DiPaola said that she was anxious to see Boswell's report when it was complete.

IV. 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 Council President Shaw, **seconded** by Councilwoman DiPaola and carried.

Jill Dunican, 19 Kensington Avenue commented on Hillman Field and the extended timeline to find a fix as it related to the weather. The Governing Body explained that they were trying to expedite the process with a tight timeline.

Brian Todd, 207 Palisade Avenue commented on Hillman Field.

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

V. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried at 6:02 p.m.

Jane Dietsche, RMC

December 6, 2011