



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
November 22nd, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:30 p.m. and identified the emergency exits.

Dr. Vincent Taffaro led the flag salute. Mayor Colina asked for a moment of meditation, prayer and good thought for educators, coaches, and leaders in the community to do right by all our children, our scholars and our athletes.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of November 22nd, 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. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Browne for absence from Special Meeting of November 3, 2011
- Councilman Rivers for absence from Special Meeting of November 3, 2011
- Councilman Browne for absence from Special Meeting of November 18, 2011

☞ **Motion** to excuse Councilman Browne for absence from Special Meetings of November 3, 2011 and November 18th, 2011 and Councilman Rivers from the Special Meeting of November 3rd, 2011 pursuant to Ordinance #1425-11 was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried.

IV. PROCLAMATIONS & CITATIONS

- Dr. Vincent Taffaro Day

Mayor Colina invited Dr. and Mrs. Taffaro, Emerson Board of Education President John DeNiro and Assistant Superintendent Dr. Nisonoff to join he and members of the Governing Body to read the special proclamation honoring Dr. Taffaro's years of service to the Emerson School District. Mayor Colina said that he was saddened Dr. Taffaro was leaving the school system as they had hit it off and worked well together in trying to address the needs of the schools and the town. He noted that Dr. Taffaro was a man that was where he needed to be, whether that was a baseball game, playoff or not, a football game, always was leading the school district and connecting with kids. Mayor Colina emphasized that it gave him great pleasure to read the proclamation honoring Dr. Taffaro and declaring it Dr. Vincent Taffaro Day in the Borough of Emerson.

V. CORRESPONDENCE

Mayor Colina stated that copies of the correspondence were available in the office of the Borough Clerk.

- Letter dated October 3, 2011 from Joseph Picciano, Deputy Director Preparedness, Office of Homeland Security; Re: Grant Information Recipient Report
- Letter dated October 11, 2011 from Judge Glenn Grant, NJ Courts; Re: Municipal courts, Implementation of Working Group of Report of Professionalism & Qualifications of Municipal Court Directors, Administrators & Deputy Administrators
- Letter dated October 26, 2011 from Marlene Verrastro, Bergen County Supervisor of Elections; Re: Determination Notice to Bergen County, NJ on Korean Language
- Letter dated November 9, 2011 from David Voza, President of Voza Agency; Re: Municipal Joint Insurance Fund and Municipal Excess Liability Joint Insurance dividend of \$5,631.00
- Letter dated November 14, 2011 from Phillip Kirschner, President of NJ Business Industry; Re: New Good Neighbor Awards

VI. APPOINTMENTS/RESIGNATIONS

- Land Use Board – Resignation of Louis Lamatina as Class IV member effective November 1, 2011
☛ **Motion** to accept the resignation of Louis Lamatina as a Class IV member of the Land Use Board effective November 1, 2011 was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried.

VII. UNFINISHED BUSINESS

- Hillman Field – Resolution No. 203-11 Award Contract to K. Wadeer Engineering, LLC of Flanders, NJ to perform Soil Borings/Geotechnical Report for \$4,300 unless authorized by the Governing Body of the Borough of Emerson

Councilman Lazar said that he asked Tri-State to give any information necessary to Boswell Engineering. He had also spoken with Mr. Boswell and was told that Pro's Choice had given them a lot of information to get up to speed but were waiting for additional responses to questions. Mayor Colina noted that they had approved the expenditure for field borings. Councilman Rivers said his expectation were that borings would be done in the next couple weeks. He said that before the next meeting, they should have bid specs ready to go. Mayor Colina asked Councilman Lazar to follow-up the following day to make sure Mr. Boswell was satisfied with the information he had received. Councilman Lazar said Mr. Boswell needed the results of the borings to analyze and offer his professional opinion as to whether the drill and fill product would work.

☛ **Motion** to award Contract to K. Wadeer Engineering, LLC of Flanders, NJ to perform Soil Borings/Geotechnical Report not to exceed \$4,300 unless authorized by the Governing Body of the Borough of Emerson was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Rivers, DiPaola, Shaw, Lazar

ABSTAIN: Browne

VIII. NEW BUSINESS

- Fire Department Bylaws – Councilman Rivers discussed two proposed changes to sections of the Fire Department Bylaws which were approved at a September meeting and noted the Borough Attorney had reviewed them. One change pertained to the bylaw stating any member with a less than 50% attendance record for a period of six consecutive months in any fiscal year shall be subject to disciplinary action pursuant to Article V. They proposed moving that down to 30% in a six month consecutive period within a fiscal year. He explained it was to try to get it to a number they could and would enforce. Councilman Rivers noted that the Fire Department members were volunteers and they respected everything they did, but pointed out there was a cost associated with having volunteers in there. If they were not attending the meetings or helping to fight fires, it was a cost they were incurring for little coming out of it. Councilman Rivers added that the Fire Department was not enforcing the 50% rule and if they were to enforce it, they might not have a Fire Department.

He explained that the second change concerned life membership. The current bylaw stated that life membership could be attained when a member had reached the age of 60 years and had 20 years of service in the department and had attained his/her exemption or had performed 60% of duty for seven years. The Fire Department proposal was to lower the age from 60 to 50 years old and increase the years of service from 20 to 25. The change would not impact those applying for life membership through December 31, 2011. He said a number of people had 25 years of service and did not want to continue on. Life membership would take away their voting privileges for officers but they could still come to the meetings.

He thought they were very good changes. He said that he needed legal guidance on another change involving age restriction on drivers and would address that separately. He said that he would like to approve the first two changes.

Mr. Scarpa recommended using the term 'calendar year' rather than 'fiscal year' because that was the term the department used. Councilman Rivers clarified questions asked by the Governing Body.

Councilwoman DiPaola requested that she be able to fully review the entire Fire Department By-Laws prior to making a decision since the EVAC By-laws were also under review and she might make additional recommendations to the Fire Department By-Laws. Councilman Rivers remarked that the two had substantial differences; each ran independently of each other and it was important that it be approved as soon as possible. Councilman Lazar concurred adding that the Fire Department had worked very hard on the changes for a long time in harmony with all the members and he felt very strongly that it be done that evening. Councilwoman DiPaola wondered if a change to one volunteer organization's by-laws should not be then considered for another. Council President Shaw explained that that they were two separate bodies and the activities were different. Councilwoman DiPaola was satisfied with that consensus.

☛ **Motion** to make proposed changes only to the Fire Department Bylaws Article 31, Section 7 and Article 20 Section 9 as proposed was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

- Chief Financial Officer/Qualified Purchasing Agent – Councilman Rivers said the CFO was now a QPA and this provided Ms. Henderson the opportunity to save the borough money. He added they were sharing some of her responsibility with Hillsdale; the Borough was getting paid for that. Hillsdale had increased her pay by \$2500 for the QPA. He noted that in other areas of the Borough, when people had received certain qualifications or certain certificates, there had been an increase in pay. The question proposed to the Governing Body was whether they would increase her pay by \$2500. He noted that this would increase the CFO's pay by \$5000 inclusive of Hillsdale. . He stated there was an opportunity to save money and would not be out of the ordinary to save that \$2500 easily within a year. He proposed starting in 2012 they budget for a \$2500 increase to the CFO pay and pay that once the Borough had recognized that \$2500 savings from the QPA while performing in the capacity of that.

Councilwoman DiPaola commented that they would then not have any savings - which it would just be flat because instead of making the savings for the Borough by having the QPA, they would then pay the CFO the money they would have been spending to not have a QP; it was a wash. Councilman Rivers said that he hoped the \$2500 was not the only thing they would save but rather a lot more. He said that for the first \$2500 would be wash, but anything above that would be a cost savings.

Councilwoman DiPaola questioned how much it cost to go out to bid. Ms. Dray said that it was all different depending on a number of factors and circumstances and was hard to quantify. Mayor Colina said that having a QPA was part of the best practices checklist and questioned the fairness of basing that money on her achieving that savings. If Ms. Henderson was the QPA, then that should be the regular course of business.

Mr. Scarpa explained that it was an unfunded mandate; the State set up the numbers which were arbitrary with big thresholds. He said that if the State was just concerned with saving money, why they didn't just raise the \$36,000 bid threshold to everyone. Councilman Rivers said he did not know how out of the ordinary or out of the realm of possibility it might look for this to be based on merit. He said that he was paid on commission and that a lot of people were paid on profit and that it seemed reasonable.

Councilwoman DiPaola said that she thought having a QPA was a perk for the Borough and they would obtain a savings for it, not that they would have to reimburse her for doing it. We would not have to go out to bid on some projects. Mr. Scarpa said that there had been no discussion about compensation when she became QPA. Council President Shaw asked if there was an expectation by her or by the Governing Body that there would ultimately be some level of compensation. Mr. Scarpa said that obviously there was an expectation on her behalf since she wrote a memo asking for \$2500.

Councilman Lazar asked if this qualification allowed the Borough to do things that would have cost money if they had someone else do it in the past. Mr. Scarpa explained that the Library was able to get their carpeting without a bid proposal but he did not know what the cost would have been to prepare it or what the savings would have been because it was tough to quantify. He added that on an issue by issue basis, it was difficult to say what the cost would be as it varied for each project. He added that in some cases there were State contracts that did not even require drawing up bid specifications. Council President Shaw asked if other towns were compensating their QPAs and what the level of compensation was or whether the QPA was built into their CFO tasks. Mr. Scarpa said that he would not compensate anyone just because something was on the Best Practices Checklist since the list changed from year to year. Councilwoman DiPaola asked for the CFO's salary and whether she worked extra hours in order to be the QPA or if it was still within the regular workday. Mr. Scarpa said that it would still be within the regular workday. Mayor Colina noted that it was an additional function. Mr. Scarpa said that Continuing Education Credits would be required for this certification and the Borough would pay the associated expenses.

Councilwoman DiPaola requested they find out how many times the Borough had to go out to bid in the last two years and to perform an analysis of how much money they spent versus how much paying someone \$2500 to do it would provide in savings. Mr. Scarpa said that on large projects, they would have to go out to bid anyway. He mentioned road projects that would have to go out to bid, whether they had a QPA or not, also emergencies, the purchase of the fire truck. He said that he could do an analysis for things they did not have to go out to bid for. Councilwoman DiPaola said that this way they could see if there was a significant savings that would allow for money to compensate Ms. Henderson.

She asked the Governing Body if they thought a cost analysis was a good idea, or whether they wanted to randomly give out \$2500 without any kind of numbers. Councilman Rivers said that no one was trying to randomly give out money and they would do an analysis. Mayor Colina commented that he did not understand the function of the QPA and needed to be better educated about it and Mr. Scarpa would do the analysis. Councilman Lazar asked that they hold off on a recommendation until they get more information. Mayor Colina reiterated that an analysis would be done to find out more about the topic.

Councilwoman DiPaola asked for Ms. Henderson's current salary. Mayor Colina stated that he did not think it was relevant since they were debating her added duty as a QPA. Councilwoman DiPaola said the reason she was asking was because if they increased Ms. Henderson's salary by \$2500, that was a big bump up for being a QPA than the 2% annual salary increase. Mayor Colina said that Ms. Henderson could turn around and say: "Thank you very much and I will continue to do my CFO responsibilities." And considered the point was irrelevant. Councilwoman DiPaola said that she thought that everyone should be happy to be gainfully employed right now. Mayor Colina asked Mr. Scarpa to lead the research on this matter.

- BPU/United Water Rate Increase – Mr. Scarpa explained there was a resolution on the agenda concerning another 20% request on residential rates which could be a significant amount of money again on top of the 14% raise they got two years ago and the 4% raise they got last year where they originally requested 20%. Because of the turnout from Bergen County at the last BPU hearing, the rate request decreased from 20% to 4%, still over the 2% cap. They had scheduled the hearing during the NJ State League of Municipality convention and opined they did that on purpose. He said they should have another meeting. He asked for permission to write a letter to BPU asking them to reschedule their meeting or have another meeting in the area. He also said the BPU rate increases should be capped at 2% since the large rate increases were unsustainable. The Governing Body directed Mr. Scarpa to write to the BPU.

IX. INTRODUCTION OF ORDINANCES - None

X. REPORTS

- Borough Attorney Scott Mooney had no report.
- Borough Clerk Carol Dray had no report.
- Administrator Joe Scarpa congratulated Dr. Taffaro saying it had been good working with him for the last seven years and wished him well on his retirement. He said that a meeting was set up with the Library Director and Board President on Monday as there was a problem with the contractor completing the architect's punch list. This was delaying the rug installation. An initial meeting had taken place with Councilman Lazar, Council President Shaw and the DPW union representatives regarding contract negotiations. A follow-up meeting was scheduled for early December. The 9-11 Committee was scheduled to meet on December 6th and they would begin discussing the location and design of the memorial. The 2012 recycling calendar was being prepared and would be mailed in December. He had met with the County and NJ Transit about a broken drainage pipe and a dispute about who was responsible. They were trying to work out a compromise, with a \$5000 cost to the Borough for repair to the pipe. The Christmas tree lighting was set for December 4th at 7 p.m. Repaving of Kinderkamack Road had begun from Hartland Avenue to Lincoln Boulevard. He wished everyone a Happy Thanksgiving.
- Mayor & Council

Councilman Browne had no report.

Councilman Rivers said the **Fire Department** was working on electronic reporting. Their regular December meeting would include elections and approving their Bylaws and was supposed to be presided over by the Fire Commissioner. They asked him to do that which led to a conflict with their first December meeting. He asked for an excused absence based on presiding over these elections.

Councilwoman DiPaola gave the October **Building Department** and **Volunteer Ambulance Corps** reports. She said the Ambulance Corps was in the process of revising their Bylaws adding that she, Mr. Scarpa and the borough attorney had asked the EVAC to redo and clarify a couple items in their by-laws to protect the borough. She was unable to report on the ambulance because she not spoken to the Captain who was to supply the information. She wished everyone a Happy Thanksgiving.

Councilman Lazar gave the **Police Department** report for October. He said the **Historical Preservation Commission** was working with the Library to set up a display and give lectures on the history of Emerson. The **Shade Tree Commission** was dealing with all the damage done by the October snow storm. They were moving forward with looking at trees that had been damaged. They were also working with residents on their own properties giving them advice on the condition of their trees. He congratulated the **Department of Public Works** on a job well done. They were out working practically from sunup to sundown and afterwards to get the mess cleaned up. He said that in some other towns, there was still debris all over the streets. In Emerson, everything he had seen had been cleaned up. He said they deserved a lot of credit because they were hard working.

Council President Shaw said the 9-11 Committee would be meeting December 6th. He had met with a contractor who built the 9-11 memorial in East Rutherford which he heard was magnificent and would be going to look at it. He had an architect's brochure that would give them some ideas for a location and design to appropriately represent the importance and magnitude of that event.

Mayor Colina stated they had a Veteran's Day observance in front of Borough Hall last Friday. About 35 people attended. He thought it paid the proper respect to the men and women who served for us. They would do it again next year bigger and better and it was a nice thing to do for the Family Town. He noted that the certificate of need for Hackensack University Medical Center North/Pascack Valley Hospital was recommended to the State Planning Board by the Health Commission. He informed the group that a public hearing would take place the following Tuesday in the Trenton area. HUMC was providing bus service and encouraged anyone who wanted to go down and speak to attend. He wished Dr. Taffaro well in his upcoming retirement. He wished everyone a Happy Thanksgiving.

XI. FINANCE BUSINESS

196-11 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF EMERSON AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,116,650 BOND ANTICIPATION NOTE, DATED NOVEMBER 10, 2011 AND PAYABLE NOVEMBER 9, 2012, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

☞ **Motion** to approve Resolution #196-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Lazar

XII. 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 Councilman Rivers, **seconded** by Council President Shaw and carried.

Jeff Bischoff, 86 Park Avenue complimented the Borough on the Veteran’s Day ceremony and said that it was a nice tribute. He also had questions related to his property taxes. Mayor Colina said that they would look at it and come back with some hard answers. He said that he had helped build the 9-11 memorial in Fair Lawn and would be happy to help out the Borough with their design. In addition, he commented on the Hillman Field project.

Ken Hoffman, 61 Emwood Drive commented on the increase in water rates and the Fire Department Bylaws. He also commented on a resolution that was tabled regarding environmental development.

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

XIII. RESOLUTIONS ON CONSENT AGENDA NO. 197-11

☞ **Motion** to approve Consent Agenda Resolution #197-11 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

- Ca 198-11 Approve Bill List
- Ca 199-11 Approve 2012 Bergen County Department of Health Services Shared Services Contract with the County of Bergen for Public Health Services
- Ca 200-11 Minutes for Approval – Mayor & Council Regular Meetings of September 20, 2011
- Ca 201-11 Approve Tax Redemption – 12 Marianna Place
- Ca 202-11 Opposing United Water Rate Increase

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 Council President Shaw and carried at 9:06 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 03/12/12)

December 16, 2011