



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
December 6, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:36 p.m. and identified the emergency exits. Ms. Jill Dunican led the assembled in the salute to the flag. Mayor Colina asked that the assembled stay standing for a moment of good thought, silent prayer and meditation as they entered the holiday season for those homeless needing shelter, for those in need emotionally and physically and consider being more generous than they normally would be.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of December 6, 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 Bergen 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, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Council President Shaw

ABSENT:

Councilman Browne, Councilman Rivers

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney and Boswell Engineering representatives Dr. Steven Boswell, Jim Fordham and Berge Tombalakian. Borough Administrator Joseph Scarpa arrived at 7:40 p.m.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilwoman Garis for absence from Regular Meeting of November 22, 2011
• **Motion** to excuse Councilwoman Garis from the Regular Meeting of November 22nd, 2011 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried.

IV. PROCLAMATIONS & CITATIONS - None

V. FINANCIAL BUSINESS PRESENTATION

The Council chose to postpone discussing the below items until the arrival of Mr. Scarpa.

- Resolution No. 209-11 **Exigency**– “Pre-Halloween” Snow storm 10-29-11
- Resolution No. 210-11 **Emergency** - Pre-Halloween” Snowstorm 10-29-11

VI. UNFINISHED BUSINESS

- Hillman Field Update – Mayor Colina announced that they appreciated everyone’s patience and understood everybody’s frustration regarding this issue. He said that his goal was to come to some sort of conclusion based on the recommendation and information presented that evening and take positive action. He noted that Councilman Rivers was at another meeting and would like to wait for his return before they took action. Councilman Lazar asked Dr. Steven Boswell and Jim Fordham of Boswell Engineering to report on their findings. Dr. Boswell described field conditions and said it had a very good drainage bed. He added that the field was wet primarily due to compaction and grading. He said that they needed to get the surface water down through the top to the area where it would no longer be retained on the surface. Pretty good results could be obtained by the process presented by Tri-State with one disagreement. He agreed with pulling out pores which would allow water and air to get down and allow chemicals to move around as well as drill and fill a deep aeration of six inches to reach the sand layer. He then recommended top dressing and seeding. His only disagreement with Tri-State was the fill composition. Tri-State recommended a product called Pro’s Choice, composed of sand and clay. He said this material would hold water, which for the top dress was a good thing, but not for the drilled holes – those should not hold water. He pointed out that the fix was not perfect but would give them a vastly improved surface. His recommendation was they go ahead with Tri-State’s proposal with the only change being to use all sand in the drill and fill so as not to retain any water. He emphasized that it was not the ultimate fix; the ultimate fix was to put real drainage in the field which would involve ripping up the field at a cost of about \$150,000.

The Governing Body thanked Dr. Boswell for the evaluation and acknowledged that it was not the perfect fix; it was reasonable for them to moderate their expectations but be hopeful it would be an improvement – to what extent, they did not know – but it could be significant and was very cost effective.

Dr. Boswell also suggested restricting field use after big rain events as overuse in very bad weather conditions really ripped up fields. Mayor Colina said they needed to get the informal bids out due to weather related time issues.

Mayor Colina returned to the financial business presentation. Mr. Scarpa said both exigencies were related to the October snow storm - declaring an emergency and setting up the emergency funding. He noted it was in the range of \$75,000 including overtime for the Department of Public Works, private companies that came in to help clean up trees and chipping of branches.

Governing Body consensus was to postpone this discussion to the next meeting.

VII. NEW BUSINESS

- Cleaning Contract
- CFO – Hillsdale
- Court Administrator – Old Tappan

Mr. Scarpa noted that all three agreements expired on December 31st. Council President Shaw asked him to solicit bids for the cleaning contract. Mayor Colina said that he would like to read the CFO and Court Administrator shared agreements. Council President Shaw said that he would also like to read the agreement resolutions and speak to each employee to see how it worked.

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 December 20th, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in December 9th, 2011 edition of the Ridgewood News. He added that the 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.

Mr. Mooney explained he had removed some contradictory language and brought some language back that had been taken out inadvertently in 2009. The main change was in relation to the sergeant promotion suggested by the Chief of Police. Chief Rossi noted that in review of the present promotional ordinance, he had made several recommendations primarily with the sergeant's section of the promotional process. He added there were five categories in the overall process, including written and oral testing, each worth 20% of the overall score. He proposed to take the scores of 60 through 100, and for every two points, apply a 1% overall score to it for more balance. His second recommendation was for those two categories to qualify for two years rather than one. His last recommendation was a clarification of language related to seniority.

Mr. Mooney said the Chief also requested an extension of the probationary period for new hires. Currently probation was for one year but at the Chief's discretion it could be extended for an additional six months. He said that at the end of the twelve or eighteen months, the Chief should come back before the Governing Body to make his recommendation on the officer who was hired. At that point the Governing Body would make the determination on whether or not to retain the officer. Chief Rossi said that a permanent appointment entitled the officer to a career for life and it was his opinion that no one deserved that after a one year period. He stated that the longer the evaluation, the more credible the decision process would be.

1438-11 AN ORDINANCE AMENDING CHAPTER 77 OF THE CODE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "POLICE DEPARTMENT"

☞ **Motion** to introduce Ordinance #1438-11 on first reading was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: DiPaola, Shaw, Garis, Lazar

IX. REPORTS

- Administrator Joseph Scarpa reported that the recycling/garbage calendar had been printed and would be mailed the following week. He said the Deputy Clerk suggested eliminating the separate mailing for the leaf bag distribution by incorporating it into the newsletter. The Borough had put in paperwork to get money back from Community Development, received a grant for the senior citizens' group and will receive \$30,000 back. The 2012 municipal budget process was beginning. The sign for Jim Wagner Park had been designed and ordered. He had contacted federal and state legislators regarding the FEMA oversight of not including Bergen County as one of the counties eligible to receive reimbursement for the October snow storm. They were in the process of getting back the 75% from FEMA for the August storm. The Borough had received some values from JIF regarding a proposal to surcharge every municipality on top of the 2% increases in their liability insurance premium. Emerson's premium was slated to be \$333,000 but will see an additional \$83,000 surcharge. He asked the insurance people to come in to discuss this sometime during budget discussions.

X. 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 Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried at 8:26 p.m.

Ms. Jill Dunican, 19 Kensington Avenue asked questions and commented regarding improvements to Hillman Field and drainage issues.

Mr. Ken Hoffman, 61 Emwood Drive asked questions regarding the Armenian Home and drainage proposals related to an easement.

Ms. Teresa Cannata, 132 Clinton Street stated that she had filed a complaint regarding an incident between herself and another individual and discussed the Armenian Home application.

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

XI. RESOLUTIONS ON CONSENT AGENDA NO. 204-11

☞ **Motion** to approve Consent Agenda Resolution #204-11 was **moved** by Council President Shaw, **seconded** by Councilwoman Garis and carried by roll call vote.

RC: Council members:

YES: DiPaola, Shaw, Garis, Lazar

- Ca 205-11 Authorize Drug & Alcohol Testing Agreement for 2012
- Ca 206-11 Approve Transfer of Funds for the Budget Calendar Year 2011
- Ca 207-11 Approve Tax Overpayment for \$2,396.83 for Block. 207, Lot 4, 187 Hasbrouck Avenue
- Ca 208-11 Authorize Redemption of Tax Sale Certificate # 11-00001 – 12 Marianna Place

XII. CLOSED EXECUTIVE SESSION - Resolution No. 211-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 211-11 was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: DiPaola, Shaw, Garis, Lazar

- #11-12/06-46 Maser Engineering N.J.S.A. 10:4-7
- #11-12/06-47 DPW Contract Negotiations N.J.S.A. 10:4-7

XIII. RECONVENE

☛ **Motion** to reconvene was moved by Councilwoman DiPaola, seconded by Councilwoman Garis and carried at 9:50 p.m.

XII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 9:51 p.m. Mayor Colina wished everyone a happy holiday.

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

December 21, 2011