



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
Regular Meeting/Budget Workshop
February 7, 2012
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:35 p.m., and identified the emergency exits. Mr. Joseph Solimando led the assembled in the salute to the flag. Mayor Colina asked everyone to remain standing for a moment of silent prayer and good thought for a recently deceased lifetime member of the Fire Department, former Chief Rocco Brescia who passed away the previous week.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of February 7, 2012 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 21, 2011; 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.

Mayor Colina said that as a fan of the Giants, he wanted to publicly recognize their victory which captured the essence of teamwork, resiliency and some of the characteristics and attributes of the good team they were trying to establish in Emerson on a regular basis. He remarked 'Go Giants', great job and hoped everyone could emulate some of those characteristics.

ROLL CALL:

PRESENT:

Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Knoller, Councilman Rivers, Council President Shaw, Councilman Worthington

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney, and Borough Administrator Joseph Scarpa. CFO Catherine Henderson was planning to join the meeting while it was in progress.

III. APPROVAL OF MINUTES

- Resolution No. 54-12 Approve Regular Meetings of the Mayor and Council for October 4, 2011, October 18, 2011, November 1, 2011, November 22, 2011, and Special Meetings of November 3, 2011, November 18, 2011

Councilwoman DiPaola requested tabling approval of the November 22nd, 2011 meeting as she wanted to make some clarifications with Ms. Dray before approval.

☞ **Motion** to approve Resolution No. 54-12 Regular Meetings of the Mayor and Council for October 4, 2011, October 18, 2011, November 1, 2011, and Special Meetings of November 3, 2011, and November 18, 2011 except November 22, 2011 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried.

IV. APPOINTMENTS/RESIGNATIONS

- Police Officer Anthony Mazzo - Permanent Appointment
☞ **Motion** to appoint Police Officer Anthony Mazzo as a permanent member of the Emerson Police Department as recommended by Chief Rossi was **moved** by Council President Shaw, **seconded** by Councilwoman Garis and carried by roll call vote.
RC: Council members:
YES: Garis, Worthington, Shaw, Knoller, DiPaola
ABSTAIN: Rivers

V. UNFINISHED BUSINESS

- 2012 Municipal Budget Workshop:
 - a. Department of Municipal Services – DPW Superintendent Joe Solimando presented his budget for 2012. He discussed departmental needs related to streets and roads, repairs, an increase for street and traffic supplies, the sewer system, buildings and grounds and supplies. He discussed the Shade Tree budget as it related to stump removal and planting and reviewed vehicle maintenance and fuel costs. He spoke about capital improvement requests including a new dump truck and chipper for a total cost of approximately \$210,000 combined. He also discussed replacing an above ground fuel storage tank and the need for an additional employee.
 - b. Recreation Commission – Mr. Peter Weiss presented the 2012 Recreation Commission budget, discussed fundraising plans for the fireworks display, charity softball game plans, and possible plans for an environmental fair. He also discussed an allocation for field maintenance and reducing the fee for Hillman Field use for organizations that did field preparation before using the area. He proposed reducing the fee in that situation to \$35.00. Councilman Rivers said they would bring that up at the next meeting.
- Hillman Field – Councilman Rivers said the vendor had been on the field and planned to complete work later that week. They were performing drill and fill, deep tine aeration and top dressing with Pro’s Choice material and seemed very competent in their abilities. With a good spring, he anticipated that the field would be playable in April. He explained they were getting the field ready for the future and it was the right time to get it done. He committed to the Recreation Commission they would be provided a maintenance plan for the field and said they would work with the vendor to create that for them. Mr. Scarpa pointed out that this vendor was over \$20,000 less than the original estimate and was doing more work. Mayor Colina praised Councilman Rivers for his excellent work on this.
- Broadway - Councilman Rivers said that at the end of last year everyone was presented with a draft resolution and he wanted to move forward on this. He read the resolution into the record.

☞ **Motion** to approve adding the resolution preserving Broadway as open space was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried.

Councilman Rivers said he would ask the Environmental Commission to walk the property, identify what needed to be removed either by residents or nature to make it safe for a natural park and a safe way to walk from the fairways area into the surrounding neighborhood. He requested that the Environmental Commission report back and propose next steps for this project.

VI. NEW BUSINESS

- 2012 Road Resurfacing Program Bonding – Mr. Scarpa said roads had been inspected and prioritized for resurfacing. He listed Sanford Avenue at a cost of \$177,000 and proposed two alternates – (inaudible) and part of Hillcrest. In addition the handicapped area of the Borough Hall parking lot and Fire House parking lots would be resurfaced. He had also received an estimate from the Borough Engineer for lining repair related to the sewer collapse on Hillcrest and planned to add that to the bond.
- AFLAC Flexible Spending Account – Mr. Scarpa’s comments are inaudible.

VII. 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 February 21st, 2012 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in the February 10th, 2012 edition of the Ridgewood News by summary. He added that the ordinance was 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:

1440-12 AN ORDINANCE TO AMEND THE CODE OF EMERSON, CHAPTER 106 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, TO CHANGE THE AMOUNT FOR ANNUAL PLENARY RETAIL DISTRIBUTION LICENSE FEES

☞ **Motion** to approve Ordinance #1440-12 on first reading was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Garis, Worthington, Rivers, Shaw, Knoller, DiPaola

Second Reading & Public Hearing:

1439-12 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 open the meeting to comments from the public on Ordinance #1439-12 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried.

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments from the public on this ordinance only.

☞ **Motion** to close the meeting to comments from the public on Ordinance #1439-12 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried.

☞ **Motion** to adopt Ordinance #1439-12 on second reading was **moved** by Councilman Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Garis, Worthington, Rivers, Shaw, Knoller, DiPaola

VIII. REPORTS

- Borough Administrator – Mr. Scarpa reported that CFO Catherine Henderson prepared specifications to solicit for banking services since the Borough's current bank could no longer cover payroll costs. He noted that Pascack Community Bank would provide courier services and pick up payroll costs. The Borough received a \$33,000 reimbursement for the senior center roof replacement through a redevelopment grant and was continuing its interlocal agreement with Park Ridge for its pistol range. The Borough received franchise fees back from its cable provider - over \$32,000 from Verizon FIOS and \$61,200 from Cablevision. Emerson also received over \$27,000 back from FEMA for Hurricane Irene and was slated to receive roughly \$100,000 for the October snowstorm. The PSE&G street light issue was still not resolved but he anticipated having an answer by the next meeting. The Lincoln Boulevard project, paid for with a \$150,000 DOT grant, had been completed.

Mayor Colina stated that Chief Rossi had recently come before the Governing Body to acknowledge the efforts of the Borough's OEM Coordinator and Deputy Coordinator with possible stipends for their efforts. He asked Mr. Scarpa to explore that topic for the next meeting. Mayor Colina said that OEM Coordinator Mark Savino was relentless in his diligence and commitment.

IX. 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 Garis and carried at 8:35 p.m.

Mr. George Howlin, 35 Furman Drive, a member and officer of the Emerson Volunteer Ambulance Corps, commented on issues related to the EVAC, specifically a letter sent to Mayor Colina in January requesting a liaison reassignment. He described interactions and background related to the liaison over the last few months to support their request. He said the situation had not worked for over a year, was getting worse, and it was not in the best interests of Councilwoman DiPaola, the EVAC, the Governing Body or the residents of Emerson to allow it to continue.

Mayor Colina said he met with the EVAC on January 26th with Councilwoman Garis and they continued to discuss this topic. He apologized that it had not yet come to a resolution but it was an important item they were trying to work through in terms of their request and thanked Mr. Howlin for his patience.

Councilwoman DiPaola stated she had not been prepared to speak on this but considering Mr. Howlin had come up during open session, she explained she was appointed as liaison her first act on behalf of the EVAC was very passionately to sway the Governing Body to get the money to get a new ambulance chassis. From that point on, any time she asked about the ambulance, she did not receive any information. She had a continual butting of heads

with former Captain Dave Mason, which came to a point where he referred to her by a derogatory term in an email to an outside vendor for the chassis. She said she had tried to help them over the year with fundraising, and thought they were an organization with very few funds, but had come to learn this was probably not true. She had asked whether anyone on the EVAC received any monies or stipends or gifts or monetary contributions to themselves. Mayor Colina said there was a meeting where certain financial aspects of the Corps were discussed and it was agreed by all participants that it would be kept confidential. Councilwoman DiPaola responded that there were no holds barred at this point. Mayor Colina said he tended to disagree as she had made a commitment along with the Council President and board officers to keep the information close and it was not appropriate to discuss at that point in time.

Mayor Colina clarified that Councilwoman DiPaola may not have given an EVAC report at the Reorganizational Meeting due to the fact he had requested that reports be brief in the interest of meeting efficiency.

Mayor Colina asked everyone to take a deep breath because the meeting would not degenerate into embarrassment for any individual or organization, much less the Borough. He said they had heard terms like butting heads so obviously there was an issue and he committed to the EVAC that they would work towards a resolution. He explained to Councilwoman DiPaola that he did not mean to cut her off and knew that she was passionate about it but strongly urged her not to go into any financial aspects. Councilwoman DiPaola asked if they should discuss the ordinance which was passed that their treasurer voted on as a Councilman in 2003. Councilman Knoller said that this discussion was not on the agenda. She responded that it was opened up during public comment adding it was not she who opened this can of worms. She added that she had removed EVAC as a topic from the agenda but Mr. Howlin made remarks in open session during public comment. Councilman Knoller corrected her remarking that Mr. Howlin had not referenced the ordinance in his comments.

Council President Shaw said Mr. Howlin addressed issues with regards to the liaison and had written a letter to the Mayor. The matter had been reviewed and there were meetings related to the production of financial information requested by Councilwoman DiPaola. There were also discussions and meetings attended by members of the Governing Body with regards to the request about the liaison. Issues with regards to requests for certain information by Councilwoman DiPaola were discussed as well and financial information and discussions would be ongoing. They were certainly not for that day and not for the open session. He brought up issues about the role of the liaison between the Governing Body and any specific organization within the confines of Emerson. He said he appreciated that they had an issue they wanted to bring to the attention of the Governing Body and appreciated they exercised restraint and abided by the recent meeting in the conference room. He emphasized the process was ongoing and was a matter of significant discussion and they were trying to understand their viewpoint. He did believe there was a recommendation put in place that there be a second to the liaison and other things that were potentially in line with an ordinance that preceded them that probably should have been conformed to and there should have been a second. He noted they were all individually considering what they had to say and invited them and Councilwoman DiPaola to come up and speak some more if they had anything else to say. He asked that part of what was discussed was done with restraint and abiding by the agreement between the Governing Body and the board.

Councilwoman DiPaola said her belief that the EVAC's request for a change of a liaison was in direct correlation to the fact she took interest in them and asked about their financials.

Mr. Howlin responded that he did not think it was the fact that interest was shown but how the interest was pursued. In response to Council President Shaw's comments, Mr. Howlin said he understood and agreed that meetings were going on, and was reiterating his concerns to make sure communications were taking place.

Mayor Colina commented that in response to the comment 'all bets are off', to please regard it as 'all bets were still on'.

Mr. Dave Mason, 63 Sanford Avenue remarked that he had never been involved in this much fighting; felt threatened and bullied and since something personal between he and Councilwoman DiPaola was brought up in open session, he thought it now had become a much bigger problem. He claimed that Councilwoman DiPaola's comments were unfair- he had previously apologized to her and they agreed to move on but now it was brought up again. He detailed EVAC statistics for 2011 and issues with Councilwoman DiPaola related to the building of the ambulance and running EVAC crews.

Councilwoman DiPaola responded she had no clue how to run a rig or crew and it was not factual that she had tried to interfere with their business of running the crew. She asked Mayor Colina to clarify that at the Sine Die/Reorganization meeting he asked her not to give a report which is why she did not do it. Mayor Colina acknowledged that he asked all liaisons, not only Councilwoman DiPaola, to keep their reports to highlights and special announcements and/or indicate they were on file in the Borough Clerk's office to keep meetings on point. He pointed out that he had made this statement five minutes earlier in her defense. Mayor Colina said he did not think it was an appropriate subject to bring up at that point in time and did not recall asking her not to give a report.

Mr. Mike Budres, 93 Pascack Avenue said he had been EVAC Treasurer for nine years and was Captain of the Fire Department and had been a councilmember in 2003. He referenced the 2003 ordinance and offered to explain the origins of that ordinance to anyone on the Governing Body if they were interested. He referenced personality issues he and the EVAC had working with Councilwoman DiPaola and asked the Governing Body to remove her as their liaison.

Mr. Ken Hoffman, 61 Emwood Drive said he hoped this situation could be worked out and referenced his experience as an EVAC liaison while a member of the Governing Body. He requested the Historic Preservation Commission budget be placed on the next agenda.

Ms. Maureen Howlin, 35 Furman Drive, an EVAC officer, commented on her experience working with different EVAC liaisons. She said Councilwoman DiPaola was micromanaging the group instead of being a messenger between the Corps and the Governing Body and requested Councilwoman DiPaola to step down and the Governing Body appoint a different liaison.

Mayor Colina asked Ms. Dray to add this item to the next agenda. Councilman Rivers clarified that because it was not on that night's meeting agenda, they could not vote legally. Ms. Dray said that to discuss something, it should be on the agenda. Councilwoman DiPaola said in the 2003 ordinance it said there was supposed to be an Ambulance Committee which would consist of a first, a second and the Mayor. She would welcome two other people to join her to work through this and explained that for continuity it was important she stay with them and see through what had begun.

Councilman Knoller said the Ambulance Corps would probably welcome an Ambulance Committee provided that Councilwoman DiPaola was not on it since as the members stated, it was not working for them. He reiterated President Howlin's comments that the Corps needed to be out there saving lives.

Mayor Colina said he would continue to try gain consensus among the Governing Body but it was his opinion that it should not have come to this point. But he assured the public that he would look to actively communicate with the Council members and try to come up with some sort of resolution. He was ready to put forth some suggestions however it had not moved as quickly as they wanted and understandably the Ambulance Corps perceived it as too long a period of time. He speculated that the Corps was present because there was an agenda item that had been removed earlier and he did not know if they had been aware of the removal. He thought that was why some members of the EVAC were present that evening assuming that there would be a discussion but the topic had since been pulled from the agenda. He indicated to the EVAC when he met with them with Councilwoman Garis that it was not solely his decision to appoint any liaison to their Corps. But his intent for the next meeting was to discuss it in open or perhaps have a resolution. He added that he was very disappointed that they were at that point that evening and it would be discussed internally.

Council President Shaw asked Mr. Howlin if board members would sit at the next meeting to discuss the issue. Mr. Howlin agreed.

Captain Janine Solimando, 17 Palisade Avenue said she had been approached by several members who were ready to walk away from the push back and frustration they were experiencing from their liaison and said they had had enough.

Mr. Joshua Urban, 21 Lakeview Drive said it was not a personal attack but the situation was not working.

Councilwoman DiPaola asked if this item would be on the agenda so she could give a complete rebuttal before any decision was made. Council President Shaw confirmed that it was. She said she would prepare an accurate and true lengthy, lengthy rebuttal for the discussion.

Councilman Rivers noted that it seemed that there would be items in Councilwoman DiPaola's rebuttal that they had said they were not going to talk about. Council President Shaw said the Governing Body appreciated and respected the Corps and they would all have their opportunity to vent their specific reasons why the liaison or format should be changed and whether the relationship was repairable or irreparable. He noted their honorable responsibility and duty and said the Governing Body had also assumed a duty to run the business operations of the business of Emerson. He commented that it was uncommon that a designated liaison of the Governing Body be requested to be removed. But he believed they had the opportunity and right to be heard and considered. He added though, that the process was important and decisions made in connection with Borough business was none of them anything they took lightly. He said he'd spend as much time as they wanted at the next session, adding he had questions on when, how and why the relationship broke down. He noted he had not heard rebuttal from Councilwoman DiPaola but that would also be heavily considered.

Mike Budres, 93 Pascack Avenue, said he wouldn't expect anyone to make a motion and vote on it then and there without discussing it but said they had had two meetings with members of the Governing Body. He said they did not want to rehash things since it was not a pleasant process and asked that it not be dragged out.

Council President Shaw reiterated that the process was important and they did not mean to drag things out. He emphasized that he was trying to be fair. He said there would be discussions before the next Council meeting and maybe a resolution would be broached before then.

Councilwoman DiPaola commented that everything she did was from her heart and everything she asked about was because she had a genuine interest in how the Corps was run. She appreciated having her questions answered during their meetings and took her oath very seriously. She said she was elected to represent the entire Borough of Emerson and she took that so seriously. If the Corp thought she meant any harm to them they were mistaken because she did everything she did with all of the goodness in her heart in order to help them and make them a better organization and work with them; not to micromanage them in the least. She apologized if it came out that way. She said Mr. Howlin's comments included a whole new list of items beyond their original letter. She had always had good rapport with most of the people in the EVAC until this year and honestly did not understand how they came to this point. She did not understand how she and Councilman Knoller had come to this after all the time they spent together. She said no one in the Corps ever reached out to her that she could recall who said she was being too inquisitive or to ease up. Every time she asked a question in a Corps meeting she was bombarded and yelled at. She thought that perhaps everyone came to the meeting that evening because she made another request that day. She had been unable to attend their meeting the previous evening and she requested to hear the tape so she could catch up on what they were doing for the year. She said maybe it was too intrusive that she wanted to listen to a tape they made at their meetings. But from what she understood as a Governing Body member, she didn't think there was anything done in any branches of the Borough, except for probably the Police Department if it was a Police investigation, that a member of the Governing Body was not privy to. Mr. Mooney concurred by and large with her understanding of those expectations when Councilwoman DiPaola asked him for his opinion.

Mayor Colina thanked the EVAC for coming and said they presented the information in a very professional and positive manner. He said that Councilwoman DiPaola was a very passionate individual and was one of the more active members of the Council and he gave her great credit for doing that. He reiterated that Council President Shaw indicated that they hoped to have some deep productive discussions prior to the next meeting. He added that he could not make any promises, but thanked them for their patience.

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

X. RESOLUTIONS ON CONSENT AGENDA NO. 55-12

Matters listed below are considered routine and will be enacted by one motion to the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

Councilwoman DiPaola asked to pull Ca #58-12 off the Consent Agenda until the former EVAC Captain was available to answer questions about the ambulance chassis. She asked about oxygen lines that were supposed to have been replaced but were not included in the change order. Mr. Mason explained that the change orders totaled \$9,000 which had included some additions and the EVAC had picked up anything over the \$5,000 they had asked the Borough to pay. He also confirmed that the oxygen lines had been replaced. Councilwoman DiPaola permitted the resolution to put back on the consent agenda when satisfied with the explanation.

☛ **Motion** to approve Consent Agenda Resolution #55-12 was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Garis, Worthington, Rivers, Shaw, Knoller, DiPaola

- Ca 56-12 Approve Amending 2012 Mayor and Council Bylaws – Sine Die Meeting
- Ca 57-12 Authorize Tax Appeal Adjustment to Block 616 Lot 6 55 Emerson East for a total assessed value reduction of \$262,083 or \$6,103.94 in taxes
- Ca 58-12 Approve Change Order # 1 - Class I Type III Ambulance Remount for \$5,000 increasing total project cost to \$99,340.00
- Ca 59-12 Approve Mutual Aid – Pascack Valley Fire Departments
- Ca 60-12 Authorize Mayor Colina to execute 2012 Pistol Range Agreement with Borough of Park Ridge for the Calendar Year 2012 for \$3,500
- Ca 61-12 Authorize AFLAC Flexible Spending Account
- Ca 62-12 Authorize Transfer of Funds
- Ca 63-12 Award Banking Services Contract to Pascack Community Bank
- Ca 64-12AO Supporting the Preservation of Broadway as Open Space

XI. CLOSED EXECUTIVE SESSION - Resolution No. 64-12

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 64-12 was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Garis, Worthington, Rivers, Shaw, Knoller, DiPaola

- #12-2/07-03 Borough Tax Appeals – Robert Mancinelli N.J.S.A. 10:4-7
- #12-2/07-04 Litigation – A. Solimando N.J.S.A. 10:4-7

XII. RECONVENE

☛ **Motion** to reconvene was moved by Councilwoman DiPaola, seconded by Council President Shaw and carried at 10:10 p.m.

Councilwoman DiPaola asked to abstain on the following motion because she was upset and shortly thereafter she exited the council chambers.

☛ **Motion** to authorize Robert Mancinelli as the Tax Appeal Attorney to file an appeal for the year 2012 on behalf of the Borough of Emerson was **moved** by Councilman Worthington, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Garis, Worthington, Rivers, Shaw, Knoller

ABSENT: DiPaola

Ms. Dray announced that Councilwoman DiPaola had left the Council Chambers and had not returned by the time the roll call vote commenced.

XIII. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried at 10:09 p.m.

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

February 10, 2012