



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
April 3, 2012
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:34 p.m., and identified the emergency exits. Mayor Colina introduced Mayor for the Day William Nienstedt who led the assembled in the salute to the flag. Mayor Colina asked everyone to remain standing for a moment of silence for a famous Emerson drummer Sonny Igoe, a local, national and international treasure who had recently passed away.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of April 3, 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 directed Mayor Nienstedt to call the roll of the Governing Body.

ROLL CALL:

PRESENT:

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

ABSENT:

Councilman Worthington

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney, Borough Administrator Joseph Scarpa, CFO Catherine Henderson and Borough Auditor Gary Higgins.

III. PROCLAMATIONS & CITATIONS

- Mayor for the Day – Memorial School Kindergarten Student William Nienstedt
Mayor Colina invited Mayor Nienstedt and his family to join him at the flag to read a proclamation naming April 3rd, 2012 Mayor Nienstedt day in the Borough of Emerson.
- Oral Cancer Awareness Week - April 22-28 – Mayor Colina proclaimed the week of April 22nd though April 28th Oral Cancer Awareness Week in the Borough of Emerson.
- Arbor Day – April 28, 2012 – Mayor Colina proclaimed April 28th, 2012 as Arbor Day in the Borough of Emerson.

- ‘Victims of Volume II’ Day – Wednesday, April 4th as part of National Distracted Driving Awareness Month – Mayor Colina invited Emerson Jr./Sr. High School teacher Ms. Ava Annese and her students to join him at the flag proclaim April 4th as ‘Victims of Volume II Day’ in the Borough of Emerson. He explained the students were involved in an important project in and urged everyone to take the pledge to not drive in a distracted manner.

IV. APPOINTMENTS/RESIGNATIONS

Environmental Commission:

Mayor Colina announced that he was filling the below positions on the Environmental Commission:

- Appointment of Margaret Boyce as a Regular member to fill unexpired term ending December 31, 2013 effective immediately.
- Appointment of Jean Sagredo as Alternate II member to fill unexpired term ending December 31, 2013 effective immediately.

V. CORRESPONDENCE

Mayor Colina announced that copies of the correspondence were available in the office of the Municipal Clerk.

- Letter dated March 22, 2012 from Senator Gerald Cardinale; Re: NJDOT funding of \$146,500 for the improvement of High Street
- Letter dated March 26, 2012 from Governor Chris Christie, Re: NJDOT funding of \$146,500 for the improvement of High Street
- Letter dated March 22, 2012 from Don Dickstein; Re: 13th Annual Andiamo Benefit Motorcycle Run
- Letter dated March 22, 2012 from Governor Chris Christie; Re: Impact of pension and health benefit reform on Emerson taxpayers
- Letter dated March 23, 2012 from Assemblyman Robert Schroeder; Re: NJDOT funding of \$146,500 for the improvement of High Street

VI. 2012 MUNICIPAL BUDGET ADOPTION

- Resolution #81-12 Self-examination of 2012 Budget
☞ **Motion** to approve Resolution #81-12 Self-Examination of 2012 Budget was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried by roll call vote.
RC: Council members:
YES: Garis, Rivers, Shaw, Knoller, DiPaola
- Resolution #82-12 Waiver to Reading the Budget in Full
☞ **Motion** to approve Resolution #82-12 Waiver to Reading the Budget in Full was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.
RC: Council members:
YES: Garis, Rivers, Shaw, Knoller, DiPaola
- Public Hearing - 2012 Municipal Budget
☞ **Motion** to open the meeting to comments on the adoption of the 2012 Municipal Budget was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

Seeing no hands, Mayor Colina asked for a motion to close the meeting to comments to the public on the adoption of the 2012 Municipal Budget.

☞ **Motion** to close the meeting to comments from the public on the adoption of the 2012 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried.

- Resolution #83-12 Adoption of the 2012 Municipal Budget
☞ **Motion** to approve Resolution #83-12 Adoption of the 2012 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.
RC: Council members:
YES: Garis, Rivers, Shaw, Knoller, DiPaola

Mr. Higgins said the approved budget provided for a very moderate increase and was brought in under both caps. It provided \$125,000 for tax appeals and \$80,000 for accumulated absences that might have to be paid out to retiring employees.

VII. UNFINISHED BUSINESS

- Recreation Use of Facilities Fees – Councilman Knoller remarked that the Recreation Commission and Baseball Board had brought up concerns with the lack of enforcement language in the Code of Conduct ordinance. He recommended moving forward with the suggested language. Mr. Mooney pointed out that no one was at the meeting to comment on the ordinance or had reached out to him. No formal action was taken and the Clerk was directed to table the matter until the next meeting.
- Broadway – Environmental Commission report – Councilman Rivers reported that the Commission had not met and; therefore, there was no report to give. He anticipated that the Commission would report after their next meeting.
- Hillman Field – Councilman Rivers stated that he expressed his disappointment to the vendor in the way the drill and fill was conducted. The vendor continued to assure him that the work was performed in a proper manner and had done as much of the sand through the chutes as possible before spreading it on top of the field, and from there dragged it. He and Mr. Scarpa had met with the engineer and they were waiting on final bills and materials from the vendor to make sure enough sand was used on the field. He discussed dethatching and ongoing maintenance that should be performed but would wait for the engineer before moving forward. He had inspected the field after a recent rain and there were no issues, commenting there was no question that they had a better field than they had started with. He emphasized that there should be no practices or drills on certain areas of the field for the rest of March and all of April. A centerfielder or leftfielder during games would not be an issue but the engineer's preference was to not have continuing practices out there or any other sport or drills on left field or center field until after April at a minimum, and he would prefer it to be May. Councilman Rivers stated it was still under discussion and could consider moving that timeframe back further.

VIII. NEW BUSINESS

- Ackerman Avenue Crosswalk – Mayor Colina introduced the issue of a very dangerous crossing that had been brought his attention by a resident several times. He explained that at the point on Ackerman Avenue where people crossed to enter the park area was a hot spot for ticketing speeders. Mr. Scarpa, DPW Superintendent Joe Solimando, the Borough Engineer and the Mayor had met to discuss solutions and the initial remedy was to place a cross walk at the middle or to the left of the Ackerman Park wooden sign.. He said crossing signs that were present were old and faded and proposed getting new signs. Mayor Colina also recommended rubber traffic bumps to slow traffic as well as painting a crosswalk in the road. Mr. Scarpa said the costs would be approximately \$2000 not including the cost of an engineering study. The Governing Body agreed to allow Mr. Scarpa to move forward with exploring the available options. Councilman Rivers said other areas of town – the top of Lincoln Boulevard and near Sunset Park - should be examined for the same reasons.
- EMS/Fuchs Agreement – Mr. Scarpa said he sent an email to the Ambulance Committee and the EVAC Captain as a culmination of some meetings that were held with the Corps. He explained that the Police Chief had brought up some concerns regarding daytime response and had discussions with a couple companies to address this issue. He added that Mr. Mooney was working on a draft contract with the company and had checked the references on Fuchs in the towns where they were working. No issues had come up. He said the Governing Body could consider it at the May 1st Council meeting.

Mr. Scarpa explained the service would cover the Borough from 7 a.m. to 7 p.m. Monday through Friday at no cost to the town. Residents with insurance would be billed for the cost of the transport. Mr. Mooney said they were checking the cooperative agreement with the rest of the Pascack Valley. The company would handle all the billing and if a resident did not have insurance, they would not have to pay.

Mayor Colina added that he had attended the first meeting with Fuchs and they had agreed that the EVAC would have ample input. He encouraged the EVAC to make sure they were all on the same page and encouraged them to share any suggestions or concerns. He wanted to make sure they were all in agreement that this was the best way to proceed and nothing was a surprise to anybody, especially the EVAC.

Councilman Knoller said the big concern was mutual aid which supplemented the EVAC service and wanted to make sure this remained in place. Mr. Scarpa said Chief Rossi would reach out to other chiefs to discuss this with their corps and that he would reach out to other administrators to let their governing bodies know. Mr. Mooney pointed out that by law Fuchs would have to go to another town even though they were a private ambulance corps.

Councilman Rivers said that they had to be sure to protect the people of Emerson and that was why this agreement with Fuchs had transpired. Mr. Scarpa noted that this arrangement was temporary through the end of the year. Councilwoman Garis requested that the EVAC be invited to attend any meetings or agreements that went on with Fuchs, including dispatching meetings. If they did not need to attend, they could say that, but at least the invitation would be out there. Mr. Scarpa said that he did not set up the meeting, the Police Chief did, but had spoken to the Captain of the EVAC afterwards and perhaps during the meeting as well. He said that the Chief did not feel that the EVAC needed to be there for the dispatch issues, but obviously the EVAC felt differently. He said he would tell Chief Rossi to incorporate them into that.

- Employee Handbook – Mr. Colina said this was part of the new standing committee established at the beginning of the year. He emphasized the importance of the committee and the policy because it was painstaking to go through. He credited Councilwoman DiPaola for being the catalyst of the Human Resources Committee since they had conversations throughout 2011 concerning policy surrounding attendance, record keeping, and other matters. He added that she had declined to lead this committee but Councilman Knoller and Councilwoman Garis were an excellent fit. He said the policy needed updating as it contained a lot of inconsistencies.

Mayor Colina added that a JIF workshop emphasized the need for job evaluations and position descriptions as the Borough was vulnerable in terms of managing personnel and protecting the Borough in terms of lawsuits from disgruntled employees. Record keeping and documentation were critical. He mentioned discussions on how a work week was defined – was it 35 or 40 hours, was the lunch hour considered a work hour? Compensation, sick and overtime sections needed further discussion. His initial recommendation was to adhere to JIF recommendations of position descriptions, performance reviews and ensuring that employee folders with the appropriate documentation were in place. He was interested in putting together a spreadsheet as JIF guidelines dictated to make sure each and every employee was adhering to the sexual harassment policy and awareness of the employee personnel policy. He noted that this was going to be a long term and ongoing effort.

Councilman Knoller said that he and Councilwoman Garis had spent quite a lot of time working on this. They reviewed the personnel handbook several times and made some changes. He added that due to the time constraint to approve the JIF recommendations, they focused on specific areas of the handbook to reflect those changes. He said he understood that this was a long and ongoing process and they would need time for reviewing changes, dialog, comment and feedback. He added that he had sent out an email highlighting additional changes to the JIF recommendations. Mayor Colina stated that he welcomed the Governing Body's input and it had to be a collective effort as they were the authority and had a tremendous responsibility to get it right. He said that people were their most important asset and wanted to treat Borough employees fairly and consistently as best they could.

Councilwoman Garis said this was just the beginning and there would be additional changes but due to the JIF deadline, they were going to put through some changes now and spend more time looking into it in greater detail and making additional changes towards the end of the year. Mr. Scarpa explained the JIF requirements, including ADA requirements, family leave and updates on electronic messaging.

Councilwoman DiPaola mentioned bereavement leave and distinguishing between immediate family, noting that if she had a niece or nephew, she thought just as much of her time would be expected during the bereavement process as if it was her immediate family. She did not know if they should delineate who was important to the employee. Mr. Scarpa said this was a change the committee had made. Councilman Knoller said there was a distinction in most companies and an individual could use vacation time if additional time was necessary and believed there was a distinction that had to be made. Mayor Colina said he might suggest some additional language to allow for some flexibility. Councilman Knoller said this was why he had sent out an email and hoped for some feedback prior to the evening's meeting so they would have already been able to have those discussions. Mayor Colina said they would leave that out and specifically target the JIF changes. Councilwoman Garis said that she saw Councilwoman DiPaola's point because as a teacher she saw children raised by aunts and uncles and suggested putting something in the wording to reflect a modern day family unit. Mr. Scarpa said

there was no other way to word it. Councilman Knoller said the template they used was from several corporate handbooks and was not something they came up with out of the blue.

Mayor Colina suggested voting on JIF approvals and pulling bereavement leave so it could be rewritten and encouraged all the Council to give their feedback to Councilman Knoller and Councilwoman Garis with the intention of implementing more changes as the Human Resources made recommendations as the year evolved.

Mayor Colina requested a motion to approve the changes to the personnel Manual as noted except the section on bereavement leave to satisfy the JIF requirements. Councilman Shaw made the motion and Councilwoman Garis seconded it but before the vote was taken Mr. Scarpa interjected and reiterated that there were other changes in the document other than the JIF changes that the Council would be now voting on noting: changes in holidays, bereavement leave and all the other underlined sections that was sent from them to the Council. Councilwoman DiPaola concurred with the all changes in holidays and considered them wonderful adding that had she headed up the HR Committee she would have made the same recommendation except for the bereavement issue but otherwise she considered all the other changes were fantastic.

In regard to Bereavement, Mr. Scarpa noted that language had to be added to address civil union partners and recommended making only that change for now to the Bereavement Leave.

☞ **Motion** to approve all proposed changes to the Personnel Policy except the proposed bereavement leave changes under discussion but adding the mandatory change acknowledging civil union partners to the Bereavement Policy currently in place was **moved** by Council President Shaw, seconded by Councilwoman Garis and carried by roll call vote:

RC: Council members:

YES: Garis, Rivers, Shaw, Knoller, DiPaola

IX. INTRODUCTION OF ORDINANCES

FIRST READING:

1444-12 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$525,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

☞ **Motion** to approve Bond Ordinance #1444-12 on first reading was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Garis, Rivers, Shaw, Knoller, DiPaola

SECOND READING & PUBLIC HEARING:

1443-12 AN ORDINANCE AMENDING CHAPTER 200 PARKS, PLAYGROUNDS AND RECREATION AREAS

☞ **Motion** to open the meeting to comments from the public on Ordinance #1443-12 was **moved** by Councilwoman DiPaola, **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 #1443-12 was **moved** by Councilman Knoller, **seconded** by Councilwoman DiPaola and carried.

☞ **Motion** to adopt Ordinance #1443-12 on second reading was **moved** by Councilman Knoller, seconded by Council President Shaw and carried by roll call vote:

RC: Council members:

YES: Garis, Rivers, Shaw, Knoller, DiPaola

X. REPORTS

- Borough Attorney Scott Mooney had no report.
- Borough Clerk Carol Dray had no report.
- Borough Administrator Joe Scarpa reported that bids would be going out on the Pascack Valley Cooperative Road Program on April 3rd with the bid date of April 24th. The road resurfacing program was scheduled to start by early July. A company the Borough had an agreement with for disposal of vegetative waste had lost their license. He had received prices from two other companies and Environmental Renewal was on the Consent Agenda to take over. He reviewed Bergen County Utilities Authority hazardous waste drop off dates. The Borough had received approval for a \$146,500 grant from the Department of Transportation for road resurfacing for High Street as part of the State Aid Road Program.
- Mayor and Council

Councilwoman Garis gave the March report of the **Emerson Volunteer Ambulance Corps**.

Councilman Rivers said they had met with the appropriate authority for the **Police Department** regarding the promotion process. He explained that the Police Chief suggested that promotion process could proceed budget and cost neutral for the calendar year and would not require any changes to scheduling of current tours within the department. Council President Shaw said they were very optimistic that based on the Chief's comments; there could be a workable manner in which promotions could move forward at a budget neutral result to the Borough. Councilman Rivers said he would like to get the letter out to the bargaining unit to start negotiations on the contract which would be up at the end of 2012 as well. Mr. Scarpa said the letter would be sent out the next day.

Councilwoman DiPaola remarked that a local hero had made the ultimate sacrifice, United States Marine Staff Sergeant Joseph D'Augustine of Waldwick.

Councilman Knoller had no report.

Council President Shaw had no report.

Mayor Colina said the Chamber of Commerce puppet show had been a success. He said there would be a 9-11 meeting the next day with architect Conrad Roncati, and they would be looking at possible locations.

XI. 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 Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

Mr. Stan Woods, 56 Maepaul Drive discussed property issues he and a neighbor had with Academy Electric.

Mr. Jerry Winters, 64 Maepaul Drive described issues with neighboring property owner Academy Electric.

Mr. Scarpa said he had spoken with Mr. Winters that day and had assured him the Borough would look into these issues. He added they would have to check testimony and see what was approved by the Land Use Board.

Mrs. Esterlis Ackerman Avenue discussed playground safety, surface materials and dogs in the park.

Ms. Maureen Howlin, 35 Furman Drive asked Councilwoman DiPaola about her statement that 85% of their donations went towards clothing stipend allowances and inquired how she came up with that calculation. She said the 85% figure was way too high and had calculated it to be 56% of expenditures in 2010, 57% in 2009 and 51% in 2008.

Councilwoman DiPaola recited a list of EVAC expenses for 2008 indicating \$13,800 was spent on clothing allowances and \$8,073 on special events, totaling 82% of the monies spent. Ms. Howlin said the newspaper quote was that they spent 85% of their donations on clothing allowances but the special event was an annual dinner which most of the council members had attended. Ms. Howlin added they were currently having a fund drive and the 85% figure did not make them look good and was not true. Councilwoman DiPaola said she would send Ms. Howlin a copy of the email she sent to a member of the media because what was in the email was not exactly what was in print.

Council President Shaw said that as far as he was concerned the review was concluded and they would like to move on without minimizing Ms. Howlin's question or Councilwoman DiPaola's comments. He said the Borough and the Governing Body valued the EVAC; their service was an integral and valuable part of the community. He also commented on the duties and responsibilities of the Governing Body, noting that the recent review had been meant to get to the bottom line and was all for a good cause and a good reason. He suggested that Ms. Howlin not be tied up in the intricate details of what was or not said; ultimately it worked out and the EVAC should move on.

Ms. Howlin said the figures were so off, she knew the right answer and had said her peace and would move on.

Mayor Colina said that he echoed Council President Shaw's comments to residents to be as generous as possible in their donations to the EVAC. If anyone had questions regarding their finances, the EVAC was more than willing to be open with them and share that information. He thanked them for what they did.

Mr. Michael Davis, said the EVAC was not against the concept of having an agreement with an outside ambulance service as they recognized there were deficiencies during the daytime in Emerson and surrounding towns. They wanted to ensure that their concerns regarding mutual aid were addressed in any contract that was drafted with another service.

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

XII. RESOLUTIONS ON CONSENT AGENDA NO. 84-12

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.

☞ **Motion** to approve Consent Agenda #84-12 was **moved** by Councilman Rivers, seconded by Council President Shaw and carried by roll call vote:

RC: Council members:

YES: Garis, Rivers, Shaw, Knoller, DiPaola

- | | |
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| Ca 85-12 | Approve Bill List |
| Ca 86-12 | Approve new location for disposal of vegetative waste – Environmental
Renewal for \$30.00 per ton |
| Ca 87-12 | Authorizing Disposal of Surplus Property |
| Ca 88-12 | Transfer within the 2011 Budget |

XIII. CLOSED EXECUTIVE SESSION - Resolution No. 89-12

☞ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 89-12 was **moved** by Councilman Rivers, **seconded** by Councilwoman Garis and carried by roll call vote.

RC: Council members:

YES: Garis, Rivers, Shaw, Knoller, DiPaola

☞ **Motion** to approve Consent Agenda #84-12 was **moved** by Councilman Rivers, seconded by Council President Shaw and carried by roll call vote:

RC: Council members:

YES: Garis, Rivers, Shaw, Knoller, DiPaola

- | | | |
|-------------|------------------------|-----------------|
| #12-4/03-07 | Real Estate – COAH | N.J.S.A. 10:4-5 |
| #12-4/03-08 | Litigation - Solimando | N.J.S.A. 10:4-7 |
| #12-4/03-9 | Litigation - Callagy | N.J.S.A. 10:4-7 |

XIV. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried.

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 Rivers and carried at 10:03 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 060812)

April 12, 2012