



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
July 12, 2011
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



Mayor Colina called the meeting to order at 7:39 p.m. Ms. Ida Ennis led the assembled in the salute to the flag. Mayor Colina asked for a moment of prayer, good thought and meditation for all our friends, family and neighbors faced with the horrible disease known as cancer.

O.P.M.A. Statement

Mayor Colina read the Sunshine Statement announcing that the meeting of July 12th, 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, Councilman Browne, Councilwoman DiPaola, Councilwoman Garis, Councilman Lazar, Councilman Rivers, Council President Shaw

Also present were Borough Clerk Carol Dray, Borough Attorney Scott Mooney, Borough Administrator Joseph Scarpa and Labor Attorney Ron Gordon.

III. EXCUSED ABSENCE OF GOVERNING BODY MEMBER

- Councilman Browne, Councilman Rivers, Councilman Shaw

☞ **Motion** to excuse the absence of Council President Shaw from the Special Meeting of June 30th, 2011 was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to excuse the absence of Councilman Rivers from the Special Meeting of June 30th, 2011 was **moved** by Council President Shaw, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to excuse the absence of Councilman Browne from the Special Meeting of June 30th, 2011 was **moved** by Council President Shaw, **seconded** by Councilwoman Garis and carried.

IV. PROCLAMATIONS & CITATIONS - None

V. APPOINTMENTS/RESIGNATIONS – None

Mayor Colina stated that the Governing Body would be switching liaisons as noted. Councilman Browne and Councilwoman DiPaola were being removed from their roles as DPW liaisons and being updated with Council President Shaw and Councilman Lazar.

- Resolution #131-11 Revised Council Liaison Appointments

☛ **Motion** to replace Councilman Browne and Councilwoman DiPaola with Council President Shaw and Councilman Lazar as DPW liaisons was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

VI. UNFINISHED BUSINESS

- Emerson Public Library – Councilwoman Garis said that they were still asking for the Director's employment contract which they had not yet received as of this date. They were also looking for the Library Personnel Manual that was identified as the source and guide for salaries and the Director's contract. She added that they did get a list of the projects and amounts allocated for certain things, but did not think it was detailed enough due to the fact that there were so many change orders. She said that she wanted to see a detailed list of exactly what the bid covered. In her opinion, some of the items on the change orders should have been included in the original bid. As an example, she referenced the removal of the circulation desk for \$847.00 and thought that seemed high. She questioned the overhead of 10% and profit of 10% added on to each change order and was not clear as to why it was on there and what it was since noting that they have not seen or have a signed contract.

Councilman Browne said that when this started three years ago, the price quote from the Library was \$839,000 but when the Council asked them to provide more detail, the quote came back smaller and the project was supposed to be completed in stages. He opined that what had apparently happened was that it was not staged, because they will be done with the building, but won't have a circulation desk which led him to question the competence of the management of the project. He also questioned whether the Library Director was just working for Emerson or whether she had outside employment or other conflicting interests because it was not known how many hours a week she worked. He had heard she worked from 4 to 20 hours a week and thought that the Borough was entitled to know if she held another position somewhere else.

Councilwoman Garis said that she had been at the Library renovation site three times in the last month, once when the Construction Official was there, but the other two times there was no supervision at all. She had gone with Councilwoman DiPaola that afternoon and found one person working alone. In her opinion, someone should be there pretty much constantly especially if they were going to charge 20% on top of cost. She had spoken to some of the contractors who said that before a project began, a contract between people involved should be executed and signed with a detailed list of what was included to limit the amount of change orders that occurred. It had come to her attention that change orders she was seeing were for a ridiculous amount of money. She said that one charge was to remove carpeting \$5400. She called three carpet places, one of which said that they would do it for \$1,200 in four hours, with three men on the job. The other quotes were also a lot less. She said that if she had received a change order to remove carpeting for \$5,400 she would have spent a few minutes calling a few places to see if the amount was in line with reality. In her opinion, it was not. She emphasized that she had extreme concern for the management of the project. Council President Shaw pointed out that this was also the item that could have been removed for free. Councilwoman Garis noted that the \$1,200 fee was from a professional carpet

company. Mayor Colina noted that this price was from the company that had installed the carpet so they had the exact information.

Mayor Colina referenced the Special Meeting of June 30th when five members of the Library Board of Trustees showed up and said his respect for them had grown because of their attendance and participation in the meeting. He said that the questions raised were pertinent and that as a Governing Body, they were all united towards the goal of getting the answers to their questions and concerns. He emphasized that they were all pro-Library and wanted a great library for the community. He eagerly anticipated the attendance of the Library Board President and Library Director who were invited again that evening. He hoped that they would show up and answer some of those questions specifically. He asked that everyone remain positive in establishing the dialog that seemed a little bit disconnected at that point in time. He was hopeful that the Closed Session with Trustee Treasurer Ms. DeSalvo would enlighten them on some of their other concerns.

Councilwoman DiPaola asked how they were going to get the documents – the Personnel Manual, the Director’s contract, the signed construction contract with TQM and the financial breakdown of the project. She said that she wanted to see the documents before they proceeded any further. Mr. Scarpa said that they also needed to get the minutes from when Ms. Fulgione was hired and when the vote was taken on the renewal of her agreement. Councilwoman DiPaola said that the Library Director and Library Board President did not respond to communications and requests and they would not come in. She questioned where they would get this information.

Councilman Lazar stated that he thought they would have to seek a legal remedy through the Borough Attorney so as to secure the documents. Council President Shaw said that they had the beginnings of an opportunity. The fact that the Library retained counsel and had counsel come to a special meeting created an opportunity for discourse in a legal capacity between counsel – a valuable opportunity to find out specifically how they could get documents and if they were not going to be able to get them through simple requests what would be the basis for not giving them to the Governing Body. He said that the Mayor had done an amazing job, had been patient and persevered through the process. He added that everyone on the Council was pro-library and very pro-community; however, this had become a breakdown of the business transaction in the Borough of Emerson. He thought it would be best if Mr. Mooney, on behalf of the Borough, reached out to the leadership of the library and have a discourse. He remarked that the fundamental question was whether the Library Board thought they owed the Council these documents that were due to them and if not, what would be the legal basis for refusing.

Mr. Gordon said that he would be happy to work with Mr. Mooney to craft a letter to acquire those documents from the Library Board. He had a list of four documents that were agreed upon at the Special Meeting – the Library Director’s contract, the Personnel Manual, the signed contract with the contractor and the signed contract with the attorney. He said it was clear to him from the Special Meeting that those documents would be furnished. He said that he would draft the letter and share it with Mr. Mooney and hopefully a response would be forthcoming.

Councilman Browne requested they add project planning documents, any cost estimates, any documents related to changes and the scope of the project, and any communications related to that. He said this whole project had turned out to be an exercise in deception because they had made good faith efforts to get information and channeled their questions through the Borough Administrator as agreed, and it seemed to fall into an alternate universe. He emphasized that this was a half million dollar project in the midst of one of the worst economic downturns they had seen, they were trying to do their job and get a handle on what they were doing and they were not providing any information or any useful feedback.

Council President Shaw suggested that Mr. Gordon and Mr. Mooney craft a letter that could be reviewed by the Council so that if something was not encompassed, it might be included.

Mayor Colina said that was an opportunity to get it right, get it straight and partner effectively with the Library. He thought they were within their rights and shared his concerns regarding attorney fees and explained in this time of fiscal crunch it was difficult to bear that cost. He emphasized that they had to move quicker and would take responsibility for trying to be patient but said that the time for the patience demonstrated had been fair enough and it was time for proactive measures. They would do their best to proceed at a quick pace to come to certain conclusions and take appropriate action.

Councilwoman DiPaola said when she and Councilwoman Garis visited the renovation site, there was one man working on the half million dollar project. When asked where the rest of the crew was, the man responded that he had been working there alone. She emphasized that there was no supervision there at all.

- 9-11 Committee – The Mayor said they needed to have a follow-up conversation regarding the steel piece and the actual ceremony. He proposed naming Robin Griffin as a member and was considering asking a school teacher and perhaps a student who would be part of next year's graduating class. He said that they would nail everything down in the near term. Mr. Scarpa said that they were waiting to be told by the Port Authority when the steel would be available.

VII. NEW BUSINESS

- PNC Grant check presentation – Mr. Scarpa said that they were not present and since this was the third time they had not appeared, they were not going to do a public ceremony.
- 2011 Salary Ordinance – Mr. Scarpa stated that the budget included a 2% consideration within the new budget cap. The ordinance will be prepared for introduction. Councilman Rivers said that a 2% increase was in the budget and the budget was well within numbers that were acceptable for the year and proposed leaving it at 2%. Councilman Browne stated that there would be a payroll tax increase for health insurance. Council President Shaw was in agreement with Councilman Rivers.

☞ **Motion** to grant a 2% salary increase to all non-contractual employees was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried.

VIII. INTRODUCTION OF ORDINANCES

Mayor Colina announced that Ms. Dray would read the following ordinances by title and they would be further considered at a Public Hearing to be held on August 2nd, 2011 at 7:30 p.m. in the Council Chambers of the Borough Hall, Municipal Place, Emerson, N.J. and published in July 15th, 2011 edition of the Ridgewood News by summary. 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.

FIRST READING:

1428-11 AMENDING CHAPTER 132 ENTITLED CONSTRUCTION CODES; §132-2 ENTITLED FEES § 3.D WAIVER; EXEMPTION FROM FEES FOR DISABLED PERSONS

☞ **Motion** to approve Ordinance #1428-11 on first reading was **moved** by Council President Shaw, **seconded** by Councilwoman DiPaola and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

1429-11 AMENDING CHAPTER 73 ENTITLED PERSONNEL POLICIES OF THE CODE OF EMERSON ADDING ARTICLE III TITLED REMOVAL FOR CAUSE

☞ **Motion** to approve Ordinance #1429-11 on first reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

SECOND READING AND PUBLIC HEARING:

1427-11 AN ORDINANCE AMENDING CHAPTER 274 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED VEHICLES AND TRAFFIC ARTICLE VII, § 274-53 TITLED SCHEDULE XVII: TIME LIMIT PARKING

☞ **Motion** to open the meeting to comments from the public on Ordinance #1427-11 was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

Ken Hoffman, 61 Emwood Drive asked for explanation of the ordinance.

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

☞ **Motion** to close the meeting to comments from the public on Ordinance #1427-11 was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried.

☞ **Motion** to adopt Ordinance #1427-11 on second reading was **moved** by Councilwoman DiPaola, **seconded** by Councilman Rivers and carried by roll call vote:

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

IX. REPORTS

- Administrator – Mr. Scarpa discussed the fiscal obligations related to the Park Avenue sewer break. He added that they were using a camera to inspect the lines on Vivian Avenue, Nimando and Hillcrest because there was concern about those lines as well. The Senior Center roofing project had been completed with Community Development funds. The Borough had received a verbal okay from POSHA regarding the fire house inspections and did receive two letters that they were in compliance and were satisfied with the actions taken. The prisoners were working in town during the week but not at the library. The audit had been completed with four minor issues. He said that issues related to the Recreation Commission persisted due to the changeover of volunteers, leading to noncompliance with the 48 hour rule of making deposits of money. He said that Borough Auditor Gary Higgins would appear at the next meeting to discuss. During a storm on June 23rd there was damage done to a Police computer server. He had filed a claim with the insurance company for \$7,000.

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 Councilman Lazar, **seconded** by Councilwoman DiPaola and carried.

Mr. Pfister, 31 Franklin Court had comments and questions about the Library. He questioned if the Library Director was paid by the taxpayers of Emerson. He commented that it was ridiculous that the Library Director was paid \$80,000 yet no one knew how many hours she actually worked. He said it was ridiculous that she could work a couple hours in Emerson and from home emphasizing that it was an extreme case of disobedience and arrogance. There was only one answer – he said that if he ran a business, she would be gone. He said if they were talking about opening lines of communications, they were making themselves a laughing joke. He accused the Council of not having the guts to fire her. He added that she knew they were talking about the Library and did not show up, she did not need to show up or call and say she was not coming. He said that if they did not have the guts to get rid of the Director quickly, they became a laughing stock of the community and taxpayers. He said that for \$80,000 she should do some work and show respect to her employer and if she did not do that, get rid of her. He advised them not to write letters, just stop her paycheck, and then she would come. He noted that is what was done in business, so why should they be nice to her and ask and see if she would come and see if she had a conflict and how many hours she worked. He repeated to get rid of her.

Councilman Rivers responded that there were legal issues covering what Mr. Pfister said but he did not think that anyone on the podium would disagree with his comments. He explained it was not as simple as that because it was a Library which had state statutes that barred that action. Mr. Pfister said that she was disobedient and did not follow the orders of the people that paid her.

Mayor Colina said that Mr. Pfister used strong words that he would probably agree with 100 percent. He concurred with Councilman Rivers and said they were working through legal issues.

Ms. Wilson, Vice President, Board of Trustees of the Emerson Public Library, 53 George Road, said five change orders on a renovation were not a great amount if you checked with other libraries that had renovated. She said that Ms. Fulgione was doing a monumental job. They had waited all this time to do the renovation and without her tremendous effort and attention to detail and financial knowledge, they could never have done it – it would have been impossible. To minimize legal expenses, she read an excerpt of a letter from their attorney. She also noted that the carpet was very difficult to get up because they used some kind of adhesive. She also said that they had arranged and paid for additional supervision over the basic architect's plan. She claimed that the project was on budget and that the project was not over budget on change orders. She said that the Library Director was not a Borough employee; she was employed by the Board of Trustees. The Trustees had the right to hire the Director and her salary came out of the amount that was legally apportioned to the Library.

Mayor Colina thanked Ms. Wilson for her comments. He responded by saying that when he attended the last Library Board meeting and issues were brought up about the Rice Notices, he had pointed out that the Council had invited them the week before and they had respectfully declined. The Library Director and the Board were invited and Ms. Fulgione chose not to come and this was why she was issued a Rice Notice. He could not comment on the legality of it. But there was no threat there; it was a matter of trying to gain information they had been discussing for weeks, if not months.

He referenced Ms. Wilson's suggestion that the Mayor and Council attend the Board of Trustees meetings, reminding her of a meeting that he attended three or four weeks ago where she had given him a copy of the reasons the inmates were not used. He said that the reasons were reasonable and made sense. However, he wanted to go through each of them. After the first one and as he proceeded to the second one, the Library President cut him off by saying that they would not spend time in their meeting going through them. The Mayor said that he personally had not attained any satisfaction or understanding of how that decision was made not to use the inmates without any cost to remove the carpeting. The decision was made so quickly without any feedback to the Administrator who had made the suggestion; it appeared to be pushed through. He said that this was concerning to him because of the way it evolved very quickly. He added that when questioned the Board President had explained to him that it was the Board's right to do those kinds of things. He thought that they all agreed with the Board members who had been there that the project manager for the Borough of Emerson up to this point had been the Library Director. Ms. Wilson agreed but said the Director was the project manager along with Mr. Bierman. Mayor Colina remarked that he found it baffling that the leader of the Library, Bill Bierman, attended most if not all Council meetings except for the ones he was invited to.

He added that Mr. Pfister brought up some very good points and he did not want to be a laughingstock. He wanted to be fair and he thought that they had been fair. Mayor Colina disagreed with Ms. Wilson's opinion about Ms. Fulgione's salary. He corrected her perception by stating that the funding for the library was provided by taxpayer's money pursuant to a State mandated the formula. The taxpayers foot that particular cost. Ms. Wilson alleged that the Library Director had doubled the Library's circulation over a few years and she had done phenomenal things with her programs. Ms. Wilson said that Ms. Fulgione's salary was commensurate with Library regulations and they had simply brought

her up from a Children's Librarian to a salary commensurate with her stature as Director. She noted that they could give him figures on that if he wanted them.

The Mayor emphasized his respect and admiration for the Library Board of Trustees and said that they were in this together - this was the primary thing he wanted to make clear to everyone. It was Emerson's Library – for the young, the old; it was the living room of the community. He said that Mr. Phister's apparent frustration permeated the dais.

Councilman Rivers said thank you to Ms. Wilson for coming in to talk with them because he thought it was the most interaction they had had with the Library Board of Trustees. Ms. Wilson maintained that she had personally made copies of all financial records and printed everything at every meeting. She had brought things in for the Clerk herself since Ms. Fulgione was at the annual luncheon with her staff and her staff had been working very hard. She did not want Ms. Fulgione to miss the luncheon so she made the copies. Councilman Rivers asked Ms. Wilson if she did not feel that the residents of the Borough who were funding the Library had the right to know what was going on. Ms. Wilson agreed. Councilman Rivers said that the Council members represented the Borough and had a right to ask for information and that information had been cut off from them. He added they had to repair that and at some point figure out whom ultimately had the authority over the area and fix it. He referenced questions that if answered would make anyone in the town or at the dais more comfortable with what was going on. Ms. Wilson did not know what all the questions were because they just wanted them in writing.

Council President Shaw agreed with Councilman Rivers and said that her presence was their first real interaction with anyone from the Library aside from the recent Special Meeting. He emphasized that there had been a large volume of exchanged emails about specific documents and requests that had been going on for weeks. He addressed their attorney's comments and remarked that Ms. Whitmarsh was living in a vacuum – he said it was so simple to break down a transaction when someone had a legal background and she was missing a year and a half of history. He continued that her opinion did not foster resolution or a working relationship. If she wanted to break out a rulebook, he gave her an A. If she wanted to get along with people and run a community, she got an F.

Council President Shaw said the requests had been in writing, over and over, and Ms. Fulgione was at the forefront and Mr. Bierman had gone underground. He said he did not think their lawyer or Ms. Fulgione got it and did not think the Board fully understood the magnitude of the requests that had been in writing. He noted that when the Board said it was not taxpayer money, it did come from taxpayers and was a pool of money that was allocated and chopped up. Statute required that that money went to them. He said that maybe the change orders were appropriate but the issue was the cost of the change orders, not the number of them.

He commented that he did not think Mr. Pfister was alone in his feelings. It was a public facility and the perception was something that Ms. Fulgione should be aware of – that the people of Emerson came to Council meetings voicing their displeasure about what was happening and her leadership. He said that Mr. Bierman and Ms. Fulgione broke down the Council's ability to have discourse. That was when the voluminous emails began. He broke it down and explained why it was not their project. He said that Councilman Browne had said that the Library previously asked for \$800,000 plus dollars. Then the project went to \$500,000. It was the Borough's project because with the \$400,000 to \$500,000, they would not finish a library. They would come in and ask for additional funds. He referenced a budget meeting where the Library asked for certain monies. Some Council members including him asked what the funds would be spent on. He said that if they were never going

to ask Emerson for any money, then maybe it would be their project. But it was not their project. The Board would be back year in and year out for money. It was the Council's project also. He remarked that if the Board and Library Director, who remarkably was planning a luncheon, would come and understand that point, they would not have a problem. She did not get it and the reason that they did not come to the Council meetings was because they felt like they were interrogated when really it was a community operation they were answerable to. But the problem was that they did not get it. He emphasized that they were living in the real world. Mr. Pfister was in part a voice of the people. Ms. Fulgione should hear that and then let her talk to the Council.

Ms. Wilson responded that they had done a PowerPoint presentation in the beginning to show the Council exactly what they were going to spend on the project. When they found out the Council would not appropriate any funds for the repair of the building which the Borough owned, such as a lighting system with only 25% of the lights left, and could no longer be repaired, and there were no thermo pane windows making it cold in the Library, they had to use the funds they had for that. They looked at the project and showed Councilman Lazar that they were doing it in portions. So they started with the ceiling and windows and were only doing what they could accomplish with the funds they had.

Mayor Colina said that Ms. Wilson's passion and commitment to the Library was obvious and the Library Director's and Library Board President's absence was even very obvious. For Ms. Wilson to have to come there and talk for them, Ms. Fulgione and Mr. Bierman's absence spoke louder than any of their voices could go. Ms. Wilson said that she volunteered because she believed in the Library and the renovation and they were going to have a great Library. The Mayor said as they spoke to the five members of the Board who came to the Special Meeting, they asked questions and got contradictory answers. He said when they asked about a signed contract, some members did not think there was one but Ms. Wilson inferred there was one and the attorney said there was one. When he asked if they knew if there was a budget line for legal fees, they did not know. For them to start to throw questions at her was highly inappropriate. He said back to the absence of leadership, to him that was the crux of them being stuck and he being the laughingstock. That was what they were going to find out how to get the answers to their questions. He believed that anything they heard that evening demonstrated a commitment to the community. In closing, the Mayor thanked Mr. Pfister.

Brian Todd, 207 Palisade Avenue asked about the 2% salary increase and said that it was fair given inflation in the last year. He asked if any employees were receiving longevity increases as well and if so, how it fell under the 2% cap. Mr. Scarpa said that was an issue and there were employees getting longevity such as the Police. He said members of the Police Department were getting step increases also and those issues would have to be addressed in contract negotiations with the DPW this year. Mr. Scarpa added they would have to work within the confines of the entire budget since the issue affected the entire town. Councilman Lazar pointed out that the Library Director also got longevity.

Ken Hoffman, 61 Emwood Drive said he was hearing the same type of comments as Mr. Pfister. He stated his general impression was the Library Director and the Board President did not serve themselves well by not attending these meetings because the public perception was not positive for the Library and the Board. He added that this was not his personal feeling. He understood that Ms. Fulgione could not attend due to a medical appointment. However he said that Mr. Bierman was not adverse to answering questions or coming to meetings and speaking his mind and could deal with any questions the Mayor and Council would ask. He said that it made no sense and Mr. Bierman was hurting himself, shooting himself and the Library Board in the foot by taking that position.

Mr. Hoffman asked for confirmation that Ms. Fulgione was only appearing eight hours a week at the Library. Mayor Colina replied that a couple of Council members were told that by library staff members. That was certainly the kind of question they would ask Ms. Fulgione directly given the opportunity. Mr. Hoffman said he thought one of the main responsibilities of the Library Director was to manage the staff and did not know how someone could do that if they were working at home. He said it would be a serious concern and a concern that the Library Board should have so he did not understand. If they were not on top of it, they should be. Councilman Browne commented that this was why he had asked if Ms. Fulgione had another job.

Councilwoman Garis said that she had been at the Library several times and Ms. Fulgione had not been there during the day. On a Thursday, she asked the staff where the Director was and they said that she did not work on Thursday. When she said that she would come back tomorrow and asked what time she came in, she was told that she did not come in on Friday either. One of the employees had told her that Ms. Fulgione's regular hours were Monday and Wednesday evening from 5:30 to 9:30 p.m. or eight hours a week on site and the rest of the time she spent at home. Ms. Garis said that she had gone back for several days and checked to see if Ms. Fulgione was there and she was not there. She had gone that day with Councilwoman DiPaola and she was not there. She commented that she would judge that the eight hours was a fair and correct assessment of the on site time that she spent at the Library. Mr. Mooney stated that he also contacted the library and received the same answers from the library staff. Councilwoman DiPaola said the Council would not permit it and the arrangement was unbeknownst to the Library Board Trustees as well.

Mr. Hoffman said his understanding was that the Board had the final say and were the ones who hired the Director. He understood Mr. Pfister's frustration but it was not fair to direct it at the Mayor and Council because they did not hire her - the Library Board had the final say in that matter. He added that the Board determined her salary, they receive the mandated amount per State Statute and it was up to them to decide the conditions of her employment.

Mr. Mooney said it was the Governing Body's opinion that the Library Board was semi-autonomous, not fully autonomous as their legal counsel made them out to be - State statutes state that they were semi-autonomous. Mr. Hoffman also asked which other documents the Council had not yet received from the Board. Mr. Gordon listed the following: a copy of the Library Director's contract, the Library's Personnel Manual, the executed contract with the contractor who was performing the project and the professional services contract with the attorney hired allegedly by the Library Board. Mr. Gordon said that these items were asked for and agreed to on the record at the June 30th Special Meeting by the Library's attorney and the Library Board. Mr. Hoffman asked if they had been contacted and if they had responded. He was informed that they had not responded. When he asked why, Councilwoman DiPaola stated that she felt very badly for Ms. Wilson because it was all coming on her and it was completely unfair of the Library Director and Board President to put the burden on Ms. Wilson. She added that Ms. Wilson wholeheartedly believed in the Library and that she was doing the best thing and believed that Ms. Fulgione was doing the best for the Library. She opined that she did not understand why Ms. Wilson was not frustrated with Ms. Fulgione and Mr. Bierman for not showing up to answer these questions and putting the burden on Ms. Wilson. Mr. Hoffman agreed and said that he should not put the burden on the members that were there that night because they had the courage to come to the meeting when other members had not.

Mr. Hoffman also inquired about the sign at the Library that said that they were closed at 7:30 to the public the second Thursday of each month; however he hoped that they were aware that their meeting had to be open to the public. If they were closed, they were violating the Open Public Meetings Act. Councilman Garis noted that at their last meeting, the doors were locked and they brought it to the Board's attention that they could not lock the doors during the meeting.

Ron Griffin, 87 Ackerman Avenue asked if there was a mandate for the 9-11 memorial. He asked what they wanted to accomplish and who it would be focused towards. Mayor Colina explained their objectives were twofold: first they had requested steel from the World Trade Center and would erect a monument for the 9-11 tragedy in an appropriate place. Council President Shaw had a friend who was an architect who would donate their design talents. The 9-11 Committee would help to reach a consensus on the appropriate design. As they came up to tenth anniversary of 9-11-2001, he felt there should be a ceremony which the committee would also help organize.

Tom Sudano, 231 Pascack Avenue said he had attended every meeting since March and had seen request after request from the Council to the Library. He stated that Ms. Wilson and the entire Library Board had the right idea and wanted to do the proper thing, but they did not have the leadership there and made things very questionable. He said that a library belonged to the children and community, not to a Board, not to Mr. Bierman and not to Ms. Fulgione. He said if they had made a request of him, he would have put on track shoes and run up to the Council.

George Stathakis, 55 Dyer Avenue thanked the Governing Body for following up on the Library issue. He had attended the Special Meeting on June 30th and was very disappointed to hear the contentiousness. He said the fiscal responsibility of the Library Board and Director had not been met from what he could see. He said if they had originally asked for \$800,000 and only had \$500,000, they needed to change the plan to match what they were allocated. They could not run the same project at \$500,000 as when they expected \$800,000 - it was mismanagement. It was total mismanagement when they said at the June 30th meeting they could not even put furniture in the Library based on the current budget. He said the Board of Trustees was to blame for letting the Director pretty much run amuck.

Seeing no more hands, Mayor Colina asked for a motion to close the meeting to comments from the public.

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

XI. RESOLUTIONS ON CONSENT AGENDA NO. 128-11

☛ **Motion** to approve Consent Agenda Resolution #128-11 was **moved** by Councilman Lazar, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Ca 129-11 Approve Block Party Application – Residents of Union Street, July 30, 2011

XII. CLOSED EXECUTIVE SESSION - Resolution No. 130-11

☛ **Motion** to go into an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 130-11 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

#11-7/12-32	Personnel –Police Dept. – Ogden	N.J.S.A. 10:4-8
#11-7/12-33	Personnel –Library Staff Member and Library Board of Trustees	N.J.S.A. 10:4-8
#11-7/12-34	Personnel - Police Promotions	N.J.S.A. 10:4-8

XIII. 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 Browne and carried at 11:50 p.m.

Carol Dray, RMC/CMC/CMR
(Proofed 09/15/11)

July 22, 2011