



MAYOR AND COUNCIL MINUTES

Tuesday, October 17, 2006

8:00 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

This meeting was called to order at 8:00 pm. Michael Cimino led the Salute to the Flag followed by a moment of silence.

Mayor Setteducati read the Open Public Meetings Statement announcing that the meeting was called pursuant to the provisions of the Open Public Meetings Law. This meeting of **October 17, 2006** was included in a list of meeting notices sent to the Bergen Record and Ridgewood News on December 15, 2005 and advertised in said newspapers on December 17th & December 23, 2005; respectively, posted on the bulletin board in the Municipal Building on December 17, 2005 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk of the Borough Hall.

ROLL CALL

- Councilman Robert Belli-Absent
- Councilwoman Carole Costantin-Absent
- Councilman Christopher Heyer-Present
- Councilman Kenneth Hoffman-Present
- Councilman Frank Milone, Jr.-Present
- Council President Brian Todd-Present
- Mayor Steven Setteducati-Present

Also present were Borough Administrator, Joseph Scarpa, Borough Clerk, Carol Dray and William Smith, Borough Attorney.

APPROVAL OF MINUTES

The meeting minutes of the Regular Meeting of September 19, 2006 were tabled by Mayor Setteducati with no objection.

7. CORRESPONDENCE

Mayor Setteducati announced that copies of the correspondence are on file in the Office of the Municipal Clerk.

- #06-91 letter received 10/6/06, re: School Funding, Assemblyman J.E. Rooney
- #06-92 Resolution of Fair Lawn, received 10/13/06; re: Fair Share of State Education Aid
- #06-93 Resolution of Fair Lawn, received 10/13/06; re: Reestablishment of the Education Mandate Review Study Commission in the Department of Education

8. PROCLAMATIONS AND PRESENTATIONS

Mayor Setteducati announced that Carly Williams was voted Athlete of the Week by the Bergen Record.

9. APPOINTMENT AND PERSONNEL CHANGES

None

10. ORDINANCES-FIRST READING

1314-06 AN ORDINANCE TO AMEND CHAPTER 160 OF THE ORDINANCES OF THE BOROUGH OF EMERSON; GAMES OF CHANCE; ESTABLISHING FEES

☞ **Motion** to approve Ordinance No. 1312-06 on introduction was moved by Councilman Hoffman, seconded by Councilman Heyer and carried on roll call vote of 4-0.

RC: Council members

- Councilman Robert Belli-Absent
- Councilwoman Carole Costantin-Absent
- Councilman Christopher Heyer-Present
- Councilman Kenneth Hoffman-Present
- Councilman Frank Milone, Jr.-Present
- Council President Brian Todd-Present
- Mayor Steven Setteducati-Present

Mayor Setteducati announced that Ordinance No. 1314-06 was approved 4-0 on first reading and would be further considered at a public hearing to be held on November 21, 2006 at 8:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, and published in the October 20, 2006 edition of The Ridgewood News. Ordinance No. 1314-06 is on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

11. ORDINANCES-SECOND READING AND PUBLIC HEARING

**1312-06 FIXING SALARIES, WAGES AND COMPENSATION FOR CERTAIN EMPLOYEES
AN AMENDMENT TO THE ORDINANCE TO FIX THE SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF CERTAIN EMPLOYEES OF THE BOROUGH OF EMERSON FOR THE CALENDAR YEAR 2006**

☞ Councilman President Todd **moved** to open the meeting for public comment on this ordinance only, seconded by Councilman Hoffman and carried.

☞ Seeing no hands, Councilman Hoffman **moved** to close the meeting for public comment, seconded by Councilman Milone and carried.

APPROVED 12/13/06

☛ **Motion** to adopt Ordinance #1312-06 was **moved** by Councilman Milone, seconded by Councilman Hoffman and carried by roll call vote.

RC: Council members:

Milone-yes

Belli- absent

Costantin-absent

Heyer-yes

Todd-yes

Hoffman-yes

Mayor Setteducati announced that Ordinance No. 1312-06 was duly adopted by a vote of 4-0.

1313-06 AMENDING THE ZONING CODE OF THE BOROUGH OF EMERSON

AN ORDINANCE AMENDING THE ZONING CODE OF THE BOROUGH OF EMERSON TO CREATE AN OVERLAY ZONE ON BLOCK 702, LOTS 2,6, & 7 WHICH ARE PRESENTLY LOCATED IN THE R-7.5 RESIDENTIAL ZONE, AND ADDING AS A PERMITTED USE IN THIS PORTION OF THE R-7.5 RESIDENTIAL ZONE AS A NURSING HOME USE

The Borough Clerk informed the Mayor and Council that the 200' notices had just been mailed for this matter, and the Public hearing needs to be postponed until November 21, 2006.

12. OLD BUSINESS

Discussions:

a) Proposed Block Party Ordinance

Councilman Hoffman was approached regarding Block Party rules and regulations; he wanted to draft a new ordinance addressing the parking issue with people being notified that they must move their cars. He also would like to charge a fee of \$5.00. Mayor Setteducati wanted to minimize block parties as they also cause a strain on the services and he felt the liability issue may be greater if there is an ordinance in place. Consensus was Councilmen Heyer, Miloen and Hoffman in support and Council President Todd and Mayor Setteducati were leaning towards not supporting it.

13. FINANCIAL ACTION

None to be taken.

14. NEW BUSINESS

a) Campaign Signs on Borough Easement

Councilman Hoffman wanted some clarification from the Borough Attorney regarding signs on Borough easements since the code does not address this. Mayor Setteducati stated that he does not have a strong opinion either way feeling that they look terrible. Councilman Heyer questioned the visibility issue and asked that all signs be uniform in placement. Councilman

Milone asked that Michael Sartori, Construction Code Official be consulted with regarding this issue and any changes to the code regarding signs. Mr. Smith informed the Council that all non-commercial signs are treated the same with political signs being non-commercial signage. Mayor Setteducati asked the Borough Attorney to draft an ordinance for Council review.

b) Mayor Setteducati reported to the Council that the Emerson Music Sponsors is growing in Borough. Mayor Setteducati was approached regarding the erection of a sign advertising the next event that to be performed and asked for the Council opinion to which the Council ad no problem.

c) Councilman Hoffman questioned an item on the Ruderman and Glickman August bill, regarding an error on the bill. Per Council President Todd, the error has been noted and addressed.

d) Councilman Hoffman proposed that the Deputy Clerk manage the Borough Website. Mayor Setteducati suggested that Councilman Hoffman put his suggestions in writing.

15. REPORTS

Mayor and Council Reports

Councilman Milone spoke with the Board of Health Mr. Magyer will be coming home soon with a pacemaker and the Council would like to present Mr. Magyer with a plaque in recognition of his service.

Councilman Heyer gave the Building Department report for the month of September 2006 showing an increase in fee collection.

Council President Todd gave the Police Department Activity Report for the month of September 2006.

Councilman Hoffman advised the Council that the Environmental Commission has received the High School essay entries, and will review them at their next meeting. The Shade Tree Commission is in the process of reviewing the Tree Management Plan submitted for the PNC Bank project located on Old Hook Road.

a) Office of the Borough Administrator

Mr. Scarpa:

- Submitted two applications for Community Development Grants Barrier Free Project and one for the Senior Citizen Activities.

b) Office of the Municipal Clerk-The Municipal Clerk had nothing to report.

16. PUBLIC COMMENT

*In the interest of time, speakers are limited to **five (5) minutes**. Speakers with prepared statement should provide eight (8) copies for the Council*

Before opening the meeting for comments from the public, Mayor Setteducati 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 Setteducati 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 ejection from the council chambers.

☞ **Motion** to open to the public for comments was moved by Councilman Heyer, seconded by Councilman Hoffman and carried unanimously.

Jeff Bischoff, 86 Park Avenue, discussed the Record article of October 16, 2006 regarding redevelopment of Kinderkamack Road and the County Planning and Economic Development statements.

☞ Seeing no other hands, **motion** to close the meeting for comments from the public was moved by Councilman Milone, seconded by Councilman Hoffman and carried unanimously.

Mayor Setteducati chastised Mr. Fagan for his behavior at the Council Meetings. The Mayor then read a statement that he had prepared regarding the redevelopment efforts. Mayor Setteducati explained that Emerson had included and met with County staff on a number of occasions. He further maintained that there had been numerous telephone conversations with the County and meetings with the County and the Borough planning consultant. Mayor Setteducati found it disingenuous on the part of the County Director of Planning and Economic Development to make the statement that it was not his place to reach out to Emerson regarding the redevelopment efforts. Emerson had reached out to the County scheduling a meeting to discuss redevelopment. In Mayor Setteducati's opinion, if the individuals from the County were not the proper people they should have referred the Emerson representatives to the proper people. Mr. Ortiz began to heckle Mayor Setteducati, at which point the Mayor requested that the audience come to order. Councilman Hoffman mentioned that he had attended a meeting in Oradell last year and they had informed him that they were not aware of what was going on in Emerson with the exception of a short phone call from Joseph Burgis, Planner. Councilman Hoffman also stressed that he did not receive any reports from those meetings. Mayor Setteducati, upon hearing the comments that Emerson had not notified the County, contacted Mr. Eric Timsack at County Planning who acknowledged the meetings. Councilman Hoffman is concerned about the impact it might have on the residents and businesses along Kinderkamack Road. Councilman Hoffman stated that if the County were part of the plan they would pay for engineering and construction costs, however, they would not pay for purchase of any land. Mayor Setteducati asked Mr. Scarpa to provide Councilman Hoffman with minutes from the meeting between the County and Ken Job. Mr. Smith stated that very often the developer pays for improvements, in this case, the possible road expansion. Councilman Heyer stated that he felt that there was a failure to communicate properly between all the necessary entities, that redevelopment is a lengthy process, and there were hurdles to overcome.

17. CONSENT AGENDA-Resolution No. 190-06

☞ **Motion** to approve Resolution No. 34-06, Consent Agenda, was moved by Councilman Milone, seconded by Councilman Heyer and carried by roll call vote.

RC: Council members

APPROVED 12/13/06

Milone-yes
Costantin-absent
Belli-absent
Heyer-yes
Todd-yes
Hoffman-yes

Ca191-06 Approve Bill List
Ca192-06 Approve Investments
Ca193-06 Approve Recycling Tonnage Grant
Ca194-06 Approve Change Fund for Licensing/Registrar Office
Ca197-06 Confirm Endorsement of a Community Development Block Grant for Barrier Free Curbs
Ca198-06 Confirm Endorsement of a Community Development Block Grant for Senior Citizen Activities
Ca200-06 Amended Application of Bingo License 86-06 (Church of the Assumption)

18. CLOSED SESSION RESOLUTION No. 201-06

☛ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 201-06 was moved by Councilman Hoffman, seconded by Councilman Heyer and carried unanimously.

#06-10/3-39 Personnel-Court Administrator
#06-10/3-40 Litigation-Snow Melter

19. RECONVENE

☛ **Motion** to reconvene to the open meeting was moved by Councilman Heyer, seconded by Councilman Hoffman and carried unanimously.

20. ACTIONS TAKEN AS A RESULT OF CLOSED SESSION DISCUSSION

☛ **Motion** to award bid for snow melter to Aero Snow Removal, 30 Sagamore Hill Drive, Port Washington, L.I., NY was moved by Council President Todd, seconded by Councilman Heyer and carried unanimously.

RC: Council members

Milone-yes
Costantin-absent
Belli-absent
Heyer-yes
Todd-yes
Hoffman-yes

21. ADJOURNMENT

APPROVED 12/13/06

ADJOURNMENT

☞ With no more business to discuss, **motion** to adjourn was moved by Councilman Heyer, seconded by Council President Todd and carried unanimously at 9:25 p.m.

Carol Dray, RMC

November 7, 2006