



MAYOR AND COUNCIL MINUTES
Tuesday, May 2, 2006
8:00 P.M.
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place

This meeting was called to order at 8:12 pm. Rose Setteducati 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 **May 2, 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 Carlo Camporeale-Arrived at 8:15 p.m.
- Councilwoman Carole Costantin-Present
- 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 Joseph Scarpa, Borough Administrator, Borough Clerk, Carol Dray and Borough Attorney, William Smith.

I. Approval of Minutes

Councilwoman Costantin requested that the minutes of the Regular Meeting of March 7, 2006 be pulled due to a correction she wished to be made and Mayor Setteducati also requested that both the meeting minutes of February 21, 2006 and March 7, 2006 be postponed with a promise that he would be prepared to approve them at the next meeting.

VII. CORRESPONDENCE

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

- #06- 37 letter dated 4/5/06, re: Broken chairlift, Sharman Sabini
- #06-38 letter dated 4/5/06, re: Senate Bills S-1219 and S-366
- #06-39 letter dated 4/6/06, re: National Association of Women Insurance, D. Romaine
- #06-40 letter dated 4/10/06, re: Clean Communities grant, Sen. Dr. G. Cardinale
- #06-41 letter dated 4/13/06, re: Storm water Control Ordinances, Cty. Exec. D. McNerney

#06-42 letter dated 4/17/06, re: Improvement of Hillman Park, Job & Job

VIII. PROCLAMATIONS AND PRESENTATIONS

Mayor Setteducati read in to the record:

1. National Safe Kids Week Proclamation

IX. APPOINTMENT AND PERSONNEL CHANGES

X. OLD BUSINESS

1. Volunteer of the Year-Finalists

After a brief discussion, Mayor Setteducati nominated Jim Bayley and Francesca Ianora as the recipients of the Volunteers of the Year award by the general consent of the Council and their names would be submitted to the County for the award ceremony. Councilman Hoffman suggested that Pat Rizza, Recreation Commission Presiding Officer, be nominated next year and Mayor Setteducati concurred.

XI. ORDINANCES-FIRST READING

The Borough Clerk read the title and number of the following ordinance on first reading:

No. 1305-06 AN ORDINANCE AMENDING CHAPTER 290 OF THE CODE OF THE BOROUGH OF EMERSON TO IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE 2006 CBD REDEVELOPMENT PLAN

Councilman Hoffman questioned why the ordinance wasn't received prior to the meeting and Mayor Setteducati responded that he had it now and that the second reading would be scheduled in another month's time to alleviate everyone's concern. Mayor Setteducati added that he had been working vigorously with the Borough Planner and Attorney and suggested that the public hearing be scheduled for the first meeting in June instead of May 16th because of changes that may be made to the Plan. Mr. Smith believed that sixty days would be sufficient for adequate notice before the public hearing.

Mayor Setteducati quantified the Redevelopment as one of the most important products to come out of his administration promising that it would beautify the town and generate an inordinate amount of additional ratables to ease the tax burden on the tax payers. Mayor Setteducati added that after three years of work he continued to meet with business and property owners and was gratified at the reception the plan was now receiving.

Motion to approve Ordinance No. 1305-06 on introduction was moved by Councilman Camporeale, seconded by Councilman Heyer and carried on roll call vote of 5-0.

RC: Council members

Milone-yes

Costantin-yes

Camporeale-yes

Heyer-yes

Todd-yes

Hoffman-abstain

Mayor Setteducati announced that Ordinance No. 1305-06 was approved 5-0 on first reading and would be further considered at a Public Hearing to be held on June 13, 2006 at 8:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J. Ordinance No. 1305-06 is on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

Mayor Setteducati requested that the Council members study the ordinance to suitably deliberate it at the next Mayor and Council meeting.

XII. ORDINANCES-SECOND READING AND PUBLIC HEARING

1302-06 ORDINANCE TO EXCEED THE CAP

**BOROUGH OF EMERSON BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2006 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP
BANK (N.J.S.A. 40A-4-45.14)**

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

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

☞ **Motion** to adopt Ordinance #1301-06 was **moved** by Council President Todd, seconded by Councilwoman Costantin and carried by roll call vote.

RC: Council members:

- Milone-yes
- Costantin-yes
- Camporeale-yes
- Heyer-yes
- Todd-yes
- Hoffman-yes

Mayor Setteducati announced that Ordinance No. 1301-06 was duly adopted by a vote of 6-0.

**No. 1303-06 AN ORDINANCE AMENDING CHAPTER 150 OF THE CODE
OF THE BOROUGH OF EMERSON ENTITLED "UNIFORM
FIRE CODE"**

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

☞ Seeing no other hands, Councilman Camporeale **moved** to close the meeting for public comment, seconded by Councilwoman Costantin and carried.

☞ **Motion** to adopt Ordinance #1303-06 was **moved** by Councilwoman Costantin, seconded by Councilman Heyer and carried by roll call vote.

RC: Council members:

- Milone-yes
- Costantin-yes
- Camporeale-yes

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Heyer-yes

Todd-yes

Hoffman-yes

Mayor Setteducati announced that Ordinance No. 1303-06 was duly adopted by a vote of 6-0.

No. 1304-06 AN ORDINANCE TO ESTABLISH STORM WATER MANAGEMENT CONTROLS TO ENSURE PROPER STORM WATER MANAGEMENT IN CONJUNCTION WITH CURRENT STATE AND FEDERAL REGULATIONS

☞ Councilman Camporeale **moved** to open the meeting for public comment on this ordinance only, seconded by Councilwoman Costantin and carried.

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

☞ **Motion** to adopt Ordinance #1304-06 was **moved** by Councilwoman Costantin, seconded by Councilman Heyer and carried by roll call vote.

RC: Council members:

Milone-yes

Costantin-yes

Camporeale-yes

Heyer-yes

Todd-yes

Hoffman-yes

Mayor Setteducati announced that Ordinance No. 1303-06 was duly adopted by a vote of 6-0.

XIII. FINANCIAL ACTION

None

XIV. NEW BUSINESS

1. Block Party Request

Councilman Milone began a discussion with the members in regard to a resident's request to close a public street from Park Ave. to Lincoln Blvd for a block party on May 29th. Mr. Scarpa added that the requestor used the term block party loosely; since it had been ascertained that it was not a traditional block party, in the sense of inviting everyone on the block, but a private party for the requestor's spouse and should be part of the Council's consideration. The Police and the DPW were copied on the letter but had not yet responded. Councilman Hoffman wondered if the approval could be granted contingent on the notification and comment of the emergency services, DPW and the necessity to observe the noise ordinance. Mayor Setteducati thought that it could and Mr. Smith agreed. Councilmen Hoffman and Camporeale were then concerned if granting the approval would set precedence but Mr. Smith advised that each block party request should be evaluated on a case-by-case basis. Pending input from the Police, DPW and the emergency services, it was generally agreed by the Council to grant the

approval as long as the emergency services did not have a problem with it. Mayor Setteducati directed the Borough Administrator to follow through with the Police, DPW and emergency services departments for their remarks and comments.

2. Community Policing Account

Councilman Todd recommended freezing the Community Police Account pending the outcome of the emergency audit being conducted by Mr. Higgins and the other investigation and Mayor Setteducati further recommended that the account become a 501C 3 Corporation which would put the funds outside of the purview of the borough. Mayor Setteducati added that the preliminary audit had revealed some improprieties and the Community Police trust account was under further scrutiny by the Borough Auditor. Councilman Todd anticipated the completion of the final audit stating that it should not take too much longer. Councilman Camporeale agreed with the recommendation to incorporate the account as a 501C3 but opined that he saw no reason to freeze the account as he and Councilman Todd were responsible for approving that account's vouchers, would flag any voucher that seemed inconsistent and felt there would be little activity in that account until the Police Department Open House in September. Councilman Camporeale added that the expenditure amounts were relatively small, the account was rarely utilized and the Finance Committee, as a whole, had no problem when it came to questioning an expenditure paid by municipal voucher. Mayor Setteducati commented that the records from the account had been subpoenaed by the US attorney's office demonstrating a huge red flag and yet another reason to handle the account in an appropriate manner relieving the borough of any responsibility of approving an expenditure in error. He was not comfortable with some of the expenditures. Mayor Setteducati was forced to call for order repeatedly at this point in the meeting warning Mr. Fagan to desist from disrupting the meeting.

Councilman Hoffman wondered if the Mayor had any new information claiming the matter was just an accusation and he was in the dark of what information had been told. Mr. Smith stated that no one could know what the federal prosecutor was looking in to from their point of view but the auditor had found improprieties, including inappropriate cash advances made to the Chief and vouchers not properly documented, and Mr. Smith suggested that, until the auditor had developed a new policy to insure that past problems do not reoccur, the account should remain inactive except for specific purposes.

Councilman Camporeale maintained that the auditor indicated that all of the advances were finally documented and he suggested that depending on when the auditor completed the audit, and the fact that no vouchers were presented for signatures that evening, the matter be considered again at the next meeting. Mr. Smith clarified then that no disbursements would take place from that account until the next meeting, and therefore, in effect, the account could be considered frozen. By general consent of the Council, no expenditures from that account would be approved until the next meeting. In the meantime, the borough auditor would be contacted.

XV. REPORTS

1. Office of the Borough Administrator

Mr. Scarpa reported that:

- He had informed the County of the borough's interest in regard to Ambulance Program services and had no information since the county was just attempting to amass interest at this point.
 - The three town joint purchase with the County is now a four town agreement to purchase a sewer jet. It would cost the borough nothing.
2. Office of the Municipal Clerk-The Municipal Clerk had no report.
 3. Borough Attorney had no report in open session.

XVI. 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 Camporeale, seconded by Councilwoman Costantin and carried unanimously.

Beverly Dunn, 131 Grand Blvd., commented that the community bulletin board was not up to date.

Pat Hauser, Palisade Ave., contacted the County for the definition of senior housing and considered the senior housing project sign in Emerson wrong and a better description of the project, in her opinion, would be adult housing. She was told that senior housing is government funded and debated semantics with Mr. Smith and Mayor Setteducati. She would not allow Mr. Smith to respond because she had already paid for the definition from an attorney Hackensack.

Tom Fagan, 177 Colonial Road, questioned if the Community Police report prepared by the borough auditor was an actual audit. Mayor Setteducati replied that the term 'audit' could be used for any financial comparison, or study or accounting of checks and balances and, in that respect, an audit of that account was performed.

Councilman Hoffman read from a statement in Mr. Higgins report that, in part, stated that it was not an audit.

Mr. Smith disagreed with Councilman Hoffman's interpretation of Mr. Higgins' statement and debated the issue with him to no avail.

Mr. Fagan continued with his questioning asking Mayor Setteducati if any actual money was missing or was it a procedural problem. Mayor Setteducati could not comment. Mr. Fagan

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understood that there were several improprieties in the Recreation Commission fund and questioned why that account was not frozen. Mayor Setteducati replied that those improprieties paled compared to the Police fund and the federal government did not subpoena the Recreation Commission fund. Mr. Fagan asked Mayor Setteducati to comment on the Kalyoussef decision but Mayor Setteducati was not aware of it.

Seeing no more hands, Councilman Camporeale **moved** to close the meeting to the public, seconded by Councilwoman Costantin and carried unanimously.

XVII. CONSENT AGENDA-Resolution No. 96-06

☞ **Motion** to approve the Consent Agenda without Resolution No. 96-06 was moved by Councilman Camporeale, seconded by Councilwoman Costantin and approved unanimously by roll call vote.

RC: Council members

Milone-yes

Costantin-yes

Camporeale-yes

Heyer-yes

Todd-yes

Hoffman-yes

Ca97-06 Approve Recycling Tonnage Grant Application

XVIII. CLOSED SESSION RESOLUTION No.98-06

Mayor Setteducati added a discussion of the Fire Department under personnel.

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 88-06 was moved by Councilman Camporeale, seconded by Councilman Heyer and carried unanimously

#06-5/02-16 Personnel-Fire Official

#06-5/02-17 Personnel-Ambulance Corps

#06-5/02-18 Litigation-Iozzia

#06-5/02-19 Personnel-Police Chief's Contract and request for a \$4,000 salary increase-potential litigation

XIX. RECONVENE

☞ **Motion** to reconvene was moved by Councilman Camporeale, seconded by Councilwoman Costantin and carried unanimously.

XX. CLOSED SESSION ACTIONS

None

XXI. ADJOURNMENT

☞ With no other business to address, **motion** to adjourn was moved by Councilman Camporeale, seconded by Councilwoman Costantin and carried unanimously at 9:55 p.m.

Carol Dray, RMC

August 9, 2006

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