



MAYOR AND COUNCIL MINUTES

Tuesday, July 11, 2006

8:00 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ

This meeting was called to order at 8:20 pm. Bernie Silverberg 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 **July 11, 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-Present
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, Carol Dray, Borough Clerk and William Smith, Borough Attorney.

I. Approval of Minutes:

None

VII. CORRESPONDENCE

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

#06-59 letter dated 6/26/06, re: KLD Properties, Hook, Smith & Meyer
#06-60 letter dated 6/25/06, re: Tree Ordinance, H. Comparetto
#06-61 letter dated 6/25/06, re: Building Contractors, H. Kim
#06-62 letter dated 6/30/06, re: Pascack Valley Shipping Center, C. Salbach

VIII. PROCLAMATIONS AND PRESENTATIONS

In Honor of Bernie Silverberg, Zoning Board of Adjustment Length of Service Award
Mayor Setteducati presented a proclamation in his honor to Bernie Silverberg in recognition of his long service to the Borough of Emerson as a member of the Zoning Board of Adjustment. Mayor Setteducati proclaimed Wednesday, July 12, 2006 as Bernard Silverberg Day in the Borough of Emerson. Mayor Setteducati, on behalf of the entire Governing Body, extended his best wishes to Mr. Silverberg.

IX. APPOINTMENT AND PERSONNEL CHANGES

1. Appointments

a) Environmental Commission

☞ **Motion** to confirm the Mayor's appointment of Paul Hurlbert to the Environmental Commission for an unexpired term ending 12/31/07 was moved by Councilman Hoffman, seconded by Councilwoman Costantin.

RC: Council members:

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

Mayor Setteducati announced that the motion was carried unanimously.

☞ **Motion** to confirm the Mayor's appointment of Richard Worthington to the Environmental Commission for an unexpired term ending 12/31/06 was moved by Councilman Hoffman, seconded by Councilwoman Costantin.

RC: Council members:

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

Mayor Setteducati announced that the motion was carried unanimously.

☞ **Motion** to accept resignation of Jean Turi from the Shade Tree Commission effective July 10, 2006, was moved by Councilman Camporeale, seconded by Councilman Hoffman.

RC: Council members:

Milone-yes

Approved 2/13/07

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

Mayor Setteducati announced that the motion was carried unanimously.

☞ **Motion** to confirm the Mayor's appointment of Steve Frassa to the Shade Tree Commission for an unexpired term was moved by Councilman Hoffman, seconded by Councilman Camporeale.

RC: Council members:

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

Mayor Setteducati announced that the motion was carried unanimously.

X. OLD BUSINESS

Discussions:

None

XI. ORDINANCES-FIRST READING

1309-06 AN ORDINANCE AMENDING SECTION 216 OF THE CODE OF THE BOROUGH OF EMERSON ENTITLED "RESIDENTIAL PROPERTY MAINTENANCE," AND SECTION 12 ENTITLED "EXTERIOR OF PREMISES"

Borough Administrator Joe Scarpa reminded the Mayor and Council of a minor change to be reflected in the ordinance.

☞ **Motion** to adopt Ordinance #1309-06 was **moved** by Councilman Camporeale, seconded by Council President Todd, and carried by roll call vote.

RC: Council members:

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

Approved 2/13/07

Mayor Setteducati announced that the motion was carried unanimously.

XII. ORDINANCES-SECOND READING AND PUBLIC HEARING

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 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 Milone and carried.

☞ **Motion** to adopt Ordinance #1305-06 was **moved** by Councilman Camporeale, seconded by Council President Todd, 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. 1305-06 was duly adopted by a vote of 6-0.

1308-06 AN ORDINANCE TO AUTHORIZE THE RESURFACING OF ACKERMAN AVENUE IN, BY AND FOR THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$300,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS 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

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

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

Approved 2/13/07

☞ **Motion** to adopt Ordinance #1308-06 was **moved** by Councilman Camporeale, 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. 1308-06 was duly adopted by a vote of 6-0.

XIII. FINANCIAL ACTION

None

XIV. NEW BUSINESS

1. Request to film at Hillman Field

There had been a request to film a commercial on Thursday, July 13, 2006. Without the benefit of a local ordinance regulating the request or a schedule of fees; the Borough Clerk had forwarded the request information to the Mayor and Council, the Borough Attorney, and the appropriate emergency services including the Emerson Police Department for their input. Ms. Dray was also informed that the recreation summer program uses Hillman Field and; as long as the directors of the Summer Program were made aware of the filming that day, they could relocate the children into another section of the park.

Mayor Setteducati and Councilman Camporeale felt that there should be some police supervision due to the close proximity to the Fire Department should a call come through for that department. Mayor Setteducati felt a fee should be charged for the use of the park for filming; thereby directing the Borough Attorney to contact the filming company regarding a performance bond and to negotiate any other terms that might be necessary.

☞ **Motion** to authorize William Smith Borough Attorney to negotiate with the film company on behalf of the Borough was **moved** by Councilman Hoffman, seconded by Councilman Heyer, and carried by roll call vote.

RC: Council members:

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

Approved 2/13/07

Todd-yes
Hoffman-yes

Mayor Setteducati announced that the motion was passed by a vote of 6-0.

2. Recommendations to Amend Code of Emerson; re: Signage

At the request of Michael Sartori, Construction Official the discussion on signage is postponed to the next meeting.

XV. REPORTS

1. Mayor and Council

2.

Tax Office Online Payment Program

It was reported by Mr. Scarpa that after the next collection period the online payment program would be implemented. Mayor Setteducati stated that this was a savings to the Borough in labor hours and a convenience for the people of Emerson. Mr. Scarpa offered that a press release would be issued to announce when the program was up and running and reminded the Mayor and Council that it was a debit card only program, as the Borough could not pay the fees that a credit card system would require.

Councilman Milone gave had no report to give.

Councilwoman Costantin had no report to give.

Councilman Camporeale had no report to give.

Councilman Heyer had no report to give.

3. Office of the Borough Administrator

Mr. Scarpa reported that:

- The grant application requesting \$66,000 to resurface the courts at the Ackerman Avenue Park had been submitted.
- Estimates had been received regarding the Emerson Library HVAC, ranging from \$89,000 to \$116,000 for a 360,000 BTU unit to give an idea of what the bids will come in at; however, there was a need for a temporary unit as the conditions at the library had become unbearable. The engineer suggested temporary cooling units totaling \$120,000 BTU's at \$9,000 to \$10,000 for each unit of 60,000 BTUs. Those units would be a stopgap measure, to cover the summer months, until the bid was prepared and published. In Mr. Scarpa's opinion, and which Mayor Setteducati concurred, it was more cost effective to purchase a couple of units rather than lease. Mayor Setteducati elaborated on the matter volunteering that he felt in the near future the library might become part of a larger municipal complex with a newer borough hall and police station among other things and that the present library might be

transformed into a children's recreation facility. Mayor Setteducati had been concerned about the cost of the new unit for just a two to three years purpose, with his idea for moving the library to a larger municipal complex. He also felt that purchasing the temporary units would allow their usage at any other borough facility should there be a short coming; or, in a sense, an investment. After speaking to the borough auditor; the funding for the HVAC units could come from next years surplus by an emergency appropriation so there would be no reason to bond out or borrow for the purchase of these units. Mayor Setteducati explained that the extra surplus in the Borough budget was for emergencies such as this one; and that was why the amount of surplus should never be low. He assured the assembly that the current amount of \$300,000 builds very quickly, commenting that you do not see the results of this until you look at the end of the year or the beginning of the following year for those numbers but remarked that they would be substantially higher by then. Councilwoman Costantin inquired if the temporary units were for air conditioning only, to which Mr. Scarpa replied: "Yes, they were not for heat". Mayor Setteducati explained that the building costs a lot to run, as it was totally archaic having been built in the early 70's and he described the building as terribly antiquated. The Mayor suggested appropriating \$20,000 for two temporary units and an emergency appropriation for \$120,000 for the replacement of the HVAC. Mayor Setteducati also reported that the library roof would not need to be replaced, instead, re-pitched. Mayor Setteducati recalled that when he first took office, every single borough owned roof in the municipality was repaired. Mayor Setteducati was very comfortable that there was enough extra surplus and money available for a rainy day and that within 6 or 8 months the surplus would grow into \$1,500,000 to \$2,000,000 range. Therefore, he continued, there was really no reason to bond; and would like to begin the emergency appropriation process that evening. Councilwoman Costantin suggested that perhaps the Borough should look into solar energy to alleviate some of the electrical costs. Mr. Scarpa would check to see if the library had any funds available in their budget to help out with the purchase of the temporary unit. Mayor Setteducati concurred adding that libraries were allocated a mandatory percentage of funding from the municipal budget and many received more than they could even use. Mayor Setteducati dreamt of a \$2,000,000 surplus next year, a mark he found realistic, and would like to use the surplus for some sort of tax relief.

☛ **Motion** to announce by title the emergency appropriation for a replacement of the Emerson Public Library's HVAC of up to \$120,000 was **moved** by Councilwoman Costantin, seconded by Councilman Camporeale, seconded by and carried by roll call vote.

RC: Council members:

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

Approved 2/13/07

Hoffman-yes

Mayor Setteducati announced that the motion was passed by a vote of 6-0.

☞ **Motion** to appoint Boswell, McClave Engineering for the Library HVAC project with their fee being \$9,360.00 was **moved** by Council President Todd, seconded by Councilwoman Costantin, seconded by and carried by roll call vote.

RC: Council members:

Milone-yes

Costantin-yes

Camporeale-Abstain

Heyer-yes

Todd-yes

Hoffman-yes

Mayor Setteducati announced that the motion was passed by a vote of 6-0.

Mr. Silverberg wanted to know if in the Bid Specs there could be a section that would make whoever wins the bid buy the temporary units from the Borough.

3. Office of the Municipal Clerk-Ms. Dray had no report.
4. Borough Attorney had no report.

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 chamber.

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

Marcia DeSalvo 3 Valley Brook Drive remarked that she thought that a new HVAC unit was in the Library's budget request for this year. Mr. Scarpa understood that during the budget process the library said they could do without a new unit for another three years.

Elizabeth Garris, 174 Jordan Road, reported an incident that occurred at the Paramus Pool involving her (9) nine year old son and a forty year old man who pulled her sons pants down and yelled a descriptive comment across the pool. The purpose for Ms.

Garris coming before the Council was to inform the Council that the individual was not only a coach in Emerson but also had a position on the Recreation Board. Ms. Garris suggested that all coaches be required to be fingerprinted with a Federal Bureau of Investigation background check on all coaches. Councilman Camporeale and Mr. Scarpa agreed to look into the matter and Mayor Setteducati asked that the matter be placed on the next meeting agenda.

Beverly Dunn, 131 Grand Blvd., questioned when the portable toilet located on Grand Boulevard and Linwood Avenue would be removed. Ms. Dunn stated that; although, the construction had been completed; the portable toilet had been at the site for approximately two years. She also maintained that the adjacent lot required maintenance as it was an eyesore. Lastly, she commented that the workers for the reassessment company should be more conscientious when assessing homes.

Robert Belli, 57 Longview Drive informed the Council of the resignation of Joan Martin from the Environmental Commission. Mayor Setteducati asked that Mr. Belli forward a copy to the Clerk for distribution.

Jeff Bischoff, 86 Park Avenue, questioned the Council on the status of the police overtime budget. Mayor Setteducati informed Mr. Bischoff that the police overtime budget had been exceeded and the Council was working very diligently to try to abate that overtime and he was disappointed with the lack of cooperation in pursuit of that goal. There were some squad formations that, in his opinion, did not make sense, in fact, many issues in the police department that did not make sense that seemed to fly in the face of common sense. Mr. Bischoff wondered if any of the suggestions from the official report would be implemented. Mayor Setteducati replied that he thought they had tried to implement some of the ideas. Mr. Bischoff asked approximately how far over budget was the Police overtime opining that the overtime would be quite excessive by year's end. Mayor Setteducati hoped to have the overtime issue abated by the end of the year adding that there were several mitigating factors; but that it would be inappropriate to talk about the issue at the meeting. Mr. Bischoff asked if the Mayor had any idea as to what the tax savings would be once the redevelopment was complete. Mayor Setteducati answered that by conservative estimates, the existing ratables should triple from the redevelopment zone, perhaps even six or seven times the existing amounts. Mr. Bischoff asked for the amount in dollars that would cut the existing tax rate; but Mayor Setteducati responded that he could not give a dollar amount. Mr. Bischoff next asked if the social, economic and demographic studies were done regarding a redevelopment project of this size. Mayor Setteducati stated that these studies would be done and any artist's renderings were nothing more than renderings. Mayor Setteducati commented that the business owners were very receptive now as opposed to two years ago, when they were scared. Mr. Bischoff asked if there was any truth to the rumor he heard that the Stop and Shop pulling out of the project. Council President Todd stated that the rumor was absolutely not true, remarking that the Stop and Shop had not pulled out of the project. Mayor Setteducati added the statement that the rumor mongering in Emerson about the Stop and Shop pulling out was counterproductive and nonsense. Mr. Bischoff again asked Mayor Setteducati about the change in the sign regarding square footage available

at the shopping center. Mayor Setteducati stated the different steps that the developer had taken already. Mayor Setteducati assured Mr. Bischoff that Stop and Shop had not pulled out of the deal.

Tom DeScisciolo, 69 Dyer Avenue, inquired as to whether or not Emerson had an ordinance to stop the building of “McMansions.” Mr. DeScisciolo asked if an ordinance could be drawn up addressing maximum lot coverage. Mayor Setteducati stated that previously the planning board had rejected an ordinance that would have made 90% of the existing homes require a variance for any additions. The Zoning setbacks have been changed to alleviate any one house looking so overpowering in the neighborhood. Mr. DeScisciolo congratulated Carol Dray on receiving a new certification.

Tom Fagan, 177 Colonial Road, recommended that PSE & G be contacted for possible rental units in regard library’s need for temporary units. Mr. Scarpa was directed to contact PSE & G regarding any programs that they might have to lease or rent the temporary generators. Mr. Fagan stated that there were numerous investigations going on in Emerson; one of which was he by the United States Attorney General. He also understood that he was being investigated by the New Jersey State Election Commission, the Securities Commission and just about every commission or agency in the State of New Jersey that anyone could think of. Mr. Fagan wondered that with all of the investigations that occur in Emerson, why no one suggested that someone at some level look into the allegation of inappropriate behavior by a coach. Councilman Camporeale stated that he would be investigating it and would not allow it to die. Mayor Setteducati informed Mr. Fagan that a report was filed and was in the able hands of the Emerson Police Department adding that he did not feel that any of the Council members here had taken the allegations lightly. Mr. Fagan was gratified to see that Mayor Setteducati was concerned for the safety of the children in town and Mayor Setteducati maintained that he did not take the allegation lightly, but the allegation must be investigated for the safety of the children. Mr. Fagan remarked that everyone in the Borough that disagreed with someone was being investigated by the United States Attorney, the Securities Commission and Election Commission. According to Mr. Fagan, Emerson had more investigations going on then Homeland Security. Mr. Fagan concluded his comments by questioning the governing body’s intention to file the criminal complaint against him as they had voted to do so and when that action would take place. Mayor Setteducati replied that he did not think they had an answer for him but his suspicion was that the charges would be filed shortly.

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

XVII. CONSENT AGENDA-Resolution No. 129-06

☞ **Motion** to approve the Consent Agenda without Resolution No. 129-06 was moved by

Approved 2/13/07

Councilman Milone seconded by Councilman Camporeale and approved unanimously by roll call vote.

RC: Council members

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

Ca130-06 Approve Municipal Representative for Open Space Committee
Ca131-06 Bergen County Open Space Trust Fund Endorsing Resolution
Ca132-06 Approve Group Affidavit

XVIII. CLOSED SESSION RESOLUTION No. 128-06

☛ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 128-06 was moved by Councilman Camporeale, seconded by Councilman Heyer and carried unanimously

#06-7/11-28 Personnel - Building Construction Tech
#06-7/11-27 Personnel-Conference with Labor Attorney Regarding Police

XIX. RECONVENE

☛ **Motion** to reconvene was moved, seconded and carried by council members.

XX. ACTIONS TAKEN AS A RESULT OF CLOSED SESSION DISCUSSIONS

1. Police Disciplinary Charges against Chief Saudino

☛ **Motion** to authorize Ellen Horn to prepare and present disciplinary charges against Police Chief Saudino as described in her letter presented this evening dated July 11, 2006 and to authorize the hiring of Robert Czech as a hearing officer at the hourly rate of \$125.00 to conduct a hearing and make a recommendation to the Mayor and Council.

Councilman Hoffman requested that the vote be postponed until the next meeting to review case law. Mayor Setteducati informed Councilman Hoffman that: "We are out of time and cannot wait".

Councilman Milone moved on the motion above and was seconded by Council President Todd.

RC: Council members

Milone-yes
Costantin-yes
Camporeale-no

Approved 2/13/07

Heyer-no

Todd-yes

Hoffman-no

With a result of a tie vote, Mayor Setteducati announced that he would cast the tiebreaking vote.

Mayor Setteducati-yes

Mayor Setteducati announced that the motion carried by a vote of 4-3.

Mayor Setteducati then instructed Ms. Horn to immediately prepare and present the charges and to get in touch with Mr. Czech in order to pursue the matter and into an independent arbitrator or independent hearing officers hands.

XXI. ADJOURNMENT

With no other business to discuss, Councilman Camporeale moved to adjourn the meeting, seconded by Councilman Milone at 11:20 p.m.

Carol Dray, RMC

March 1, 2007