



MAYOR AND COUNCIL MINUTES

Tuesday, October 3, 2006

8:00 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

Emerson, NJ 07630

This meeting was called to order at 8:07 pm. Rose Ligammari led the Salute to the Flag followed by a moment of silence for the victims of the recent rash of school shootings especially the Amish children in Lancaster Co., PA.

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

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

APPROVAL OF MINUTES

☛ **Motion** to approve the minutes of the Regular Meeting of August 15, 2006 with corrections by Mayor Setteducati was moved by Councilman Belli, seconded by Councilman Milone and carried unanimously.

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

7. CORRESPONDENCE

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

#06-90 letter dated 9/21/06, re: Collection of Deer Carcasses, County Executive D. McNerney

8. PROCLAMATIONS AND PRESENTATIONS

Presentation of Plaques for Length of Service Awards

Frank Magyer-Board of Health

Mayor Setteducati explained that he would personally deliver the plaque to Mr. Magyer as he had to Mr. Lombardi.

9. APPOINTMENT AND PERSONNEL CHANGES

A). Appointment

Planning Board- ☞ **Motion** to confirm the appointment by Mayor Setteducati of John De Thomasis for the unexpired term ending 12/31/06 was moved by Councilman Belli, seconded by Councilman Milone and carried by roll call vote.

RC: Council members:

Milone-yes

Belli-yes

Heyer-yes

Hoffman-abstain

10. ORDINANCES-FIRST READING

1312-06 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

Mr. Scarpa explained by request of Councilman Hoffman for the benefit of the audience that this ordinance pertained to the compensation for the extra day added to the schedule of the electrical sub-code official due to the magnitude of the currently active development projects in the borough.

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

RC: Council members

Milone-yes

Belli-yes

Heyer-yes

Hoffman-yes

Mayor Setteducati announced that Ordinance No. 1312-06 was approved 4-0 on first reading and would be further considered at a public hearing to be held on October 17, 2006 at 8:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J. Ordinance No. 1312-06 is on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

1313-06 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

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RESIDENTIAL ZONE, AND ADDING AS A PERMITTED USE IN THIS PORTION OF THE R-7.5 RESIDENTIAL ZONE A NURSING HOME USE

☞ **Motion** to approve Ordinance No. 1313-06 on introduction was moved by Councilman Heyer, seconded by Councilman Hoffman and carried on roll call vote of 4-0.

RC: Council members

Milone-yes

Belli-yes

Heyer-yes

Hoffman-yes

Mayor Setteducati announced that Ordinance No. 1313-06 was approved 4-0 on first reading and would be further considered at a public hearing to be held on October 17, 2006 at 8:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J. Ordinance No. 1313-06 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

NONE

12. OLD BUSINESS

Discussions:

- a) Proposed Block Party Ordinance

Mayor Setteducati stated that he and Councilman Hoffman agreed to postpone the discussion of this matter until after the closed session.

13. FINANCIAL ACTION

Resolution No. 185-06, re: Approve Emergency Appropriation-Police Overtime

The Borough Clerk read the resolution into the record included in full with these minutes. Councilman Hoffman commented that he would vote 'yes' on the resolution since it was an emergency situation; however, he believed the overtime was generated by the laying off a police officer. In his opinion, the lay off was to blame for the overtime problem adding that he was concerned about what had occurred.

Councilman Belli remarked that he did not see any effort by the police department to cut overtime and referenced how Westwood was able to control their overtime problem by directing their police chief to utilize his own budget for overtime purposes. Councilman Hoffman countered that the analogy may not be accurate.

Mayor Setteducati explained that the overtime problems were compounded by and the result of the police chief's independent decision to rearrange the 12 hour shift work schedule by utilizing three, 3 man squads and one, 4 man squad and by accommodating the two lieutenants by only scheduling them on day shifts. By doing so, the police chief created another supervisory position; "platoon leader", for supervisory duty during daytime shifts already heavy with brass. What lead to the overtime problem was twofold in Mayor Setteducati's opinion: the unilateral and arbitrary decision by the police chief to change the squads formation on January 1st scheduling the lieutenants only on days and the refusal to

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even out the squads after Mr. Kalyoussef was laid off. Mayor Setteducati maintained that the police committee; specifically, Councilmen Todd and Belli, had communicated several times with the police chief, both verbally and in writing, to reconsider the squad issue without cooperation. Mayor Setteducati pledged his commitment to the public to continue to respectfully influence the police chief to even out the squads and place the lieutenants back in the schedule as had been the understanding from the beginning.

Councilman Heyer commented that the bottom line was the borough was paying \$160,000 in overtime costs in contrast to the savings realized when the 12 hour shift was first implemented. He concluded that when Officer Kalyoussef was discharged, the 12 hour shift schedule did not work anymore adding that he wished that things had worked out differently.

Councilman Hoffman considered the lay off of the nineteenth officer the impetus that changed everything and was curious as to why he had not seen any reports in regard to the police committee's effort to work with the police chief.

When it appeared that the matter would be debated ad nauseam, Mayor Setteducati concluded the discussion by thanking the members for their civility.

☛ **Motion** to approve Resolution 185-06 was moved by Councilman Milone, seconded by Councilman Belli and finally carried by a 4-0 vote when Councilman Hoffman voted 'yes' after originally abstaining during the first roll call. When it was explained to Councilman Hoffman that passage of the resolution required a 2/3rds majority of the full membership and that the payroll could not be met without the vote, he reconsidered the matter and voted affirmatively on the second roll call.

RC: COUNCIL MEMBERS

Milone-yes

Belli-yes

Heyer-yes

Hoffman-yes

14. NEW BUSINESS

a) Redevelopment Request for Proposals (RFP)

Mayor Setteducati explained the purpose and the procedure to effectuate the overall consistency of the redevelopment plan as set forth in the request for proposals. He explained the genesis of the redevelopment.

Councilman Heyer suggested advertising the RFP in several area newspapers including the NY Times for greater exposure.

Councilman Hoffman asked if the RFP had been sent to the County and Mayor Setteducati replied that he did not think that it had based on his supposition that there was no need until the plan was finally together and the RFP's were available. He further maintained that he had been on the phone several times with several representatives from the County, but not in the last two or three months.

The council discussed the important dates of the RFP and the amount of fees collected. Upon general consent, it was decided that:

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- Issue date: 10/4/2006
- Due date 1/5/2007
- Fees: entire redevelopment-\$3,000, \$1500 per acre and parts thereof; ½ acre \$750, 1.5 acre \$2250. Fees were intended to cover the professional fees and others to review the proposals
- Receipt of responses prevailing time: Friday, January 5, 2007
- Qualified Respondent Interview (at the option of Borough): February 2, 2007
- Notification of Selected Qualified Respondent: March 2, 2007

A discussion ensued in regard to the advertising of the RFP in various publicly circulated area newspapers for the most advantageous notice with the probable, estimated cost for doing so. When it was proposed that the RFP be advertised twice in two papers and once in the NY Times, for lack of information, Mr. Scarpa volunteered to research the cost assuming it would be pricey and that it was not been budgeted for and then subsequently publish the RFP .

☞ **Motion** to approve the RFP with the changes made that evening and further to advertise the notice of the proposal in the Sunday NY Times, Bergen Record and Star Ledger was moved by Councilman Belli, seconded by Council Milone and carried by a 4-0 vote.

RC: COUNCIL MEMBERS

Milone-yes

Belli-yes

Heyer-yes

Hoffman-yes

15. REPORTS

a) Office of the Borough Administrator

Mr. Scarpa:

- Submitted a grant application for a thermal imaging camera for the Fire department.
- Reported that leaf bags ad been delivered and would soon be distributed to the residents.
- Reported that work on Ackerman Avenue had begun.
- Stated that in his opinion, the only way to add the names to the Veterans Memorial plaque properly was to do the whole plaque all over again since he failed to find anyone who would do it any other way. Mayor Setteducati recommended that the council members see the plaque for themselves for further consideration with Mr. Scarpa.

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

c) Borough Attorney

Councilman Belli advised the council that at the last recreation committee meeting they had discussed hiring an outside landscaper to fertilize the fields. Mr. Smith had commented to him and Councilman Heyer concurred that Councilman Belli should advise the Recreation Board that they be aware that the materials used for fertilization must be safe and non-toxic so as not jeopardize the health of anyone using the fields and that the funds to do so be use from their own budget.

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 Belli and carried unanimously.

Danielle DePaolo, 93 Union St., was confused about the RFP document in some regards and concerned that the council was allocating spending for an expense that they did not know the cost of. Councilman Heyer explained why the project required public notice and Mr. Scarpa added that publication costs by the borough are obligatory and customary.

Beverly Dunn, 131 Grand Blvd., commented that there were cars parked in the vacant gas station lot on Kinderkamack Road. Regarding a previous complaint, Mayor Setteducati remarked that an ordinance would be drafted shortly to address port-a- johns.

Tom Fagan, 171 Colonial Rd., requested an update of the council filing a criminal complaint against him and Mayor Setteducati responded that he would not comment. Mayor Setteducati also chose not to comment when Mr. Fagan queried for the reason for the emergency appropriation since it was previously explained explicitly. Mr. Fagan suggested that Dr. Fischer come to the next meeting for the purpose of a question and answer session for the public. Mayor Setteducati thanked Mr. Fagan for the suggestion and replied that he would consider it with input from the other members with Councilman Hoffman interjecting his support of the suggestion. Mr. Fagan also asked if the council knew what the advertising costs would be for the RFP and Councilman Heyer responded by admitting that; although, he did not know exactly how much it would cost, his suggestion to advertise in the NY Times was based on his belief that it was important to broaden the scope of opportunity as wide as possible to attract the very best this project had to offer. He added that if Mr. Scarpa should find the cost prohibitive and that it would exceed the budget then an emergency meeting should take place. Mayor Setteducati was inclined to believe that the money would be well-spent so as not to shortchange the project in light of what had already been laid out.

Mayor Setteducati commented that the entire RFP did not require advertising just the notice of the availability of the RFP and the cost would be considerably less and concluded the matter mute. Furthermore, he commented that the fees for submission of a proposal would cover some of the cost of the advertising of it.

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Mr. Fagan was opposed to advertising the RFP without capping the amount to spend and found the timing of the advertising suspect in terms of the upcoming election. Mayor Setteducati countered that he had spent thousands of hours on the redevelopment project and it had been his expectation that the RFP would have been ready two meetings ago.

Michael Budres, 93 Pascack Ave., questioned Councilmen Heyer and Hoffman whether they still stood behind their vote on the issue of advertising the RFP and both councilmen answered in the affirmative. Mr. Budres predicted that the redevelopment project would guarantee millions of dollars worth of added positive taxable income for the borough and found the negative comments made by some of the public that evening absurd.

Tom DeScisciolo, 64 Dyer Ave., read a statement in support of greater security at local schools since the recent school shooting events. Mayor Setteducati volunteered to forward his concerns to the police chief and the school superintendent.

Gary Schwinder, 99 Linden Ave., recommended hand delivering the RFPs for advanced notice to all the business and land owners as a courtesy gesture to those who are included in the redevelopment zone. Mayor Setteducati hoped that the local reporters would include the information in their stories and was not opposed to his suggestion. Mr. Schwinder suggested that the council choose a system that could be updated when considering replacing the veteran memorial plaque.

Marcia DeSalvo, 3 Valley Brook Dr., stated that as a member of the Planning Board she was disheartened that the cost of advertising the RFP given the amount of effort that went into the redevelopment project had become the focus instead of the ultimate goal of receiving action on the project. Ms. DeSalvo was in support of advertising the RFP as soon as possible commenting that sometimes you are required to spend money in order to make money. Mayor Setteducati reminded the public that advertising fees were a normal course of borough business, and in his opinion; the fee was nominal in comparison to the scope of the project.

Mr. Scarpa referenced prior comments made by Mr. Schwinder in regard to updating the veteran's memorial plaque noting the bronze plaque would include all the wars except the Iraq War for lack of space; and that the Iraq war would require another kind of monument or plaque.

☛ **Motion** to close the meeting for comments from the public was moved by Councilman Belli, seconded by Councilman Hoffman and carried unanimously.

Mr. Scarpa interjected that it would not be necessary to move into a closed session after taking action on the consent agenda since the two items listed need not be addressed that evening. He explained that no recommendations had been made on the police dispatcher position and he and Mr. Sartori had not had the opportunity to interview any prospective candidates for Property Maintenance position.

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17. CONSENT AGENDA-Resolution No. 186-06

☞ **Motion** to approve the Consent Agenda without Resolution No. 186-06 was moved by Councilman Heyer seconded by Councilman Milone and approved unanimously by roll call vote.

RC: Council members

Milone-yes

Belli-yes

Heyer-yes

Hoffman-yes

Ca187-06 Approve “A Night at the Races” Raffle License #495-06 for the Church of the Assumption to be held on November 11, 2006 between the hours of 7:00 p.m. to 11:00 p.m. at the Assumption Church Parish Center.

Ca188-06 Approve 50/50 Raffle License #496-06 for the Congregation B’Nai Israel to be held on November 18, 2006 between the hours of 8:00 p.m. to 11:30 p.m. at the Congregation B’Nai Israel.

Ca189-06 Approve Appointment of Deputy Municipal Clerk

Mayor Setteducati added that Councilman Hoffman also agreed to postpone his previously mentioned discussion under Old Business.

18. CLOSED SESSION RESOLUTION No. 190-06

The closed session was tabled for lack of any substantial information at the suggestion of the Borough Administrator.

#06-10/3-39 Personnel-Dispatchers

#06-10/3-40 Personnel-Property Maintenance

19. RECONVENE

Not applicable

20. ACTIONS TAKEN AS A RESULT OF CLOSED SESSION DISCUSSION

Not applicable

21. ADJOURNMENT

With no other business to discuss, Councilman Belli moved to adjourn the meeting, seconded by Councilman Hoffman at 9:45 p.m.

Carol Dray, RMC

December 6, 2006