



**MAYOR AND COUNCIL MINUTES**

Tuesday, June 27, 2006

8:00 P.M.

**BOROUGH HALL COUNCIL CHAMBERS**

Municipal Place

This meeting was called to order at 8:10 pm. Mrs. Hauser led the Salute to the Flag followed by a moment of silence.

Council President Todd 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 **June 27, 2006** was a re-scheduled meeting after publication of the Annual Meeting Notice. Notice of this meeting was faxed to the Bergen Record and Ridgewood News on March 15, 2006, posted on the bulletin board in the Municipal Building 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 Frank Milone, Jr.-Present  
 Councilwoman Carole Costantin-Present  
 Councilman Carlo Camporeale-Present (Arrived at 8:20 p.m.)  
 Councilman Christopher Heyer-Present  
 Council President Brian Todd-Present  
 Councilman Kenneth Hoffman-Present  
 Mayor Steven Setteducati-Absent

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

**VII. CORRESPONDENCE**

**Council President Todd announced that copies of the correspondence are on file in the Office of the Municipal Clerk.**

#06-54 letter dated 6/7/06, re: Council on Affordable Housing, R. Reiss  
 #06-55 letter dated 6/12/06, re: Three Year Community Development Agreement, J. Rutch  
 #06-56 letter dated 6/16/06, re: Report of Audit, Lerch, Vinci & Higgins  
 #06-57 letter dated 5/10/06, re: Hillman Park Improvements, G. Kohls  
 #06-58 letter dated 6/13/06, re: Improvement of Ackerman Avenue, Plans and Specifications

### VIII. PROCLAMATIONS AND PRESENTATIONS

Council President Todd read a proclamation urging that all citizens read the Voice of Safety International Reports and Standards as a means of promoting Autism Awareness.

### IX. APPOINTMENT AND PERSONNEL CHANGES

1. **Motion** to accept the resignation of Thomas J. Lombardi from the Board of Health effective April 21, 2006 was moved by Councilman Milone, seconded by Councilman Heyer and carried unanimously.
2. **Motion** to accept the resignation of Patricia Cannone as secretary from the Board of Health effective June 23, 2006 was moved by Councilman Milone, seconded by Councilwoman Costantin and carried unanimously.
3. **Motion** to accept the resignation of Patricia Cannone as secretary from the Recreation Commission effective June 23, 2006 was moved by Councilwoman Costantin, seconded by Councilman Heyer and carried unanimously.

### X. OLD BUSINESS

Tree Ordinance: The Council determined that sections 216-12A2 and 216-25A12 Enforcement should be amended to limit enforcement to overhanging objects in the public right of way and or sidewalks.

☞ **Motion** by Councilman Heyer, Seconded by Councilman Milone.

**RC: Council members**

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

### XI. ORDINANCES-FIRST READING

#### ORDINANCE NO. 1307-06

#### AN 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

☞ **Motion** to approve Ordinance No. 1307-06 on introduction was moved by Councilwoman Costantin, seconded by Councilman Milone and carried on roll call vote of 5-0.

**RC: Council members**

Milone-yes

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

Council President Todd announced that Ordinance No. 1307-06 was approved unanimously on first reading and would be further considered at a Public Hearing to be held on July 11, 2006 at 8:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the June 30, 2006 edition of the Ridgewood News. Ordinance No. 1307-06 is on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

#### ORDINANCE NO. 1308-06

The Borough Clerk read the number and title of the second ordinance.

No. 1308-06

**BOND ORDINANCE TO AUTHORIZE 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**

☞ **Motion** to approve Ordinance No. 1308-06 on introduction was moved by Councilman Camporeale, seconded by Councilman Hoffman and carried on roll call vote of 5-0.

**RC: Council members**

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

Mr. Scarpa explained that there is a \$220,000 grant that offsets this bond.

Council President Todd announced that Ordinance No. 1308-06 was approved unanimously on first reading and would be further considered at a Public Hearing to be held on July 11, 2006 at 8:00 p.m. in the Council Chambers of the Borough Hall, Municipal Pl., Emerson, N.J and published in the June 30, 2006 edition of the Ridgewood News. Ordinance No. 1308-06 is on file in the Clerk's Office and posted on the official bulletin board of the Municipal Building.

## XII. ORDINANCES-SECOND READING AND PUBLIC HEARING

None

## XIII. FINANCIAL ACTION

122-06 Introduction to Bond Ordinance No. 1308-06

☞ **Motion** to approve Resolution No. 122-06 was moved by Councilman Camporeale, seconded by Councilman Costantin and carried unanimously.

### **RC: Council members**

Milone-yes

Costantin-yes

Camporeale-yes

Heyer-yes

Todd-yes

Hoffman-yes

## XIV. NEW BUSINESS

None

## XV. REPORTS

### 1. Mayor and Council

Councilman Milone had no report to give.

Councilwoman Costantin had no report to give.

Councilman Camporeale gave the **Finance and Revenue** report for the month ending May 31, 2006. The **Recreation Commission** is continuing its discussion on the requirements for use of borough owned fields by different sports groups and different club sports.

Councilman Heyer gave the **Emerson Volunteer Ambulance Corps** and **Emerson Volunteer Fire Department** activity report for the month of May.

Councilman Hoffman reported that **Environmental Commission** Chair Belli had received a reponse from Emerson High School and the annual essay contest began over the summer with entries being submitted in the fall. Councilman Hoffman also reported on the installation of the kiosk at Emerson Woods and would like to thank the following individuals: Peter Welfel of River Vale, Kuiken Brothers and Mark Becker and Laurie Charkey of Bergen Swan.

Council President Todd gave the **Emerson Police Activity** report for the month ending May 31, 2006. Detective Sergeant Buono was named Officer of the Year from the Emerson Nights of Columbus.

2. Office of the Borough Administrator

Mr. Scarpa:

- Informed the Council that the Community Development Representatives must be named prior to July 1, 2006.
  - Regarding the field turf grant, a decision should be made as to whether or not this project would go forward or to postpone the project for another year. Councilman Camporeale stated that he was trying to set up a meeting to get total cost and he should have a report at the end of July. A suggestion was made to consider improvements to the school tennis courts next year.
  - A grant would be applied for to resurface the Ackerman Courts the estimated cost is \$42,000.00.
  - The monuments over by the Villano School were in the process of being updated, with the addition of names.
  - Montvale, Woodcliff Lake, Park Ridge and Emerson would be able to utilize a sewer jet on loan from the County.
  - A bond ordinance would have to be prepared in regard to the replacement of the HVAC system and roof at the Emerson Public Library.
3. Office of the Municipal Clerk-Ms. Dray had no report.
4. Borough Attorney had no report for 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, Council President Todd 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. Council President Todd 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.

Councilman Camporeale **moved** to open the meeting for comments from the public, seconded by Councilman Milone and carried unanimously.

**RC: Council members**

Milone-yes

Costantin-yes

Camporeale-yes

Heyer-yes

Todd-yes

Hoffman-yes

Michael Budres, 93 Pascack Avenue, a 10 year resident and active volunteer had recently received a subpoena; upon further investigation he found that approximately seven other people were also subpoenaed. The majority of the people who were subpoenaed are active volunteers with numerous boards. Mr. Budres wanted to know how many lawsuits Mr. Fagan has against the Borough. Councilman Heyer stated that he believed it to be two lawsuits and he felt that the lawsuits were a waste of money to the residents of Emerson. Councilman Heyer, in response to Mr. Budres question regarding campaign contributions, replied that, yes, he accepted a contribution from Mr. Fagan but still felt that the lawsuits were not good for Emerson.

Pat Hauser, Palisade Avenue, stated that the Council followed parliamentary procedure and perhaps the public was unaware of those guidelines. She felt that there had been a complete disregard for the rules and this was leading to total mayhem. Ms. Hauser suggested that perhaps in September parliamentary procedure could be explained to the public.

Tom Fagan, 177 Colonial, admitted to contributing to Councilman Heyer's campaign, which was duly reported. He further stated that he had only filed one lawsuit and he dropped it after discussions with the Mayor. Mr. Fagan explained that he had filed a lawsuit against Mayor Setteducati personally, not the Borough of Emerson. A notice of claim was filed against the Borough to inform them that in the future an action would be filed against the borough and Mayor Setteducati for an alleged violation of his civil rights. Mr. Fagan would like to know when the criminal charges would be brought against him since it was his opinion that it would be malicious prosecution and proceeded to explain the conditions for his ejection from the Council meeting. Mr. Fagan informed the Council that he would be bringing an action against the three Councilmembers who voted to press charges against him and he would sue them personally.

Bob Belli, 57 Longview Drive, informed the Council that Joan Martin had resigned a month ago from the Environmental Commission. Mr. Belli asked if the Council had received any correspondence regarding her resignation.

Mike Budres, 93 Pascack Avenue, wanted to confirm that his previous question was how many lawsuits was Mr. Fagan the plaintiff.

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

#### **XVII. CONSENT AGENDA-Resolution No. 123-06**

☞ **Motion** to approve the Consent Agenda was moved by Councilman Hoffman, 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

- Ca124-06 Approve Investments
- Ca125-06 Approve FAA Resolution
- Ca126-06 Approve Community Development Delegates
- Ca127-06 Approve Open Space Trust Funds for Hillman Park Improvements

**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 Heyer, seconded by Councilman Camporeale and carried unanimously

#06-6/27-24 Personnel-Police

**XIX. RECONVENE**

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

**XX. CLOSED SESSION ACTIONS**

**1. Personnel-Police-AO12-06**

☞ No action was taken at this time.

**XXI. ADJOURNMENT**

☞ With no more business to discuss, **motion** to close was moved by Councilwoman Costantin, seconded by Councilman Camporeale, and carried unanimously at 10:15 p.m.

Carol Dray, RMC

November 2, 2006