



MAYOR AND COUNCIL AGENDA

Tuesday, April 11, 2006

8:00 P.M.

BOROUGH HALL COUNCIL CHAMBERS

Municipal Place

This meeting was called to order at 8:08 pm. Tony Sardanapoli 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 **April 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 has been available to the public and is on file in the Office of the Municipal Clerk of the Borough Hall.

I. ROLL CALL OF MAYOR AND COUNCIL

Councilman Carlo Camporeale-Arrived at 8:45 p.m.
Councilwoman Carole Costantin-Absent
Councilman Christopher Heyer-Present
Councilman Kenneth Hoffman-Present
Councilman Frank Milone-Present
Council President Brian Todd-Present
Mayor Steven Setteducati-Present

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

VI. Approval of Minutes-Regular Meeting of 3/07/06

Mayor Setteducati corrected the date of the minutes to be approved from 3/7/06 to the Regular Meeting held on 2/21/06. He then requested that the approval of those minutes be postponed as he had not had an opportunity to read them and the Council agreed by general consent to his request to **postpone the approval of minutes of the Regular Meeting held on 2/21/06 until the next meeting of the Mayor and Council.**

VII. CORRESPONDENCE

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

#06-28 letter dated 3/27/06, re: Ackerman Avenue Sections 3 & 4, Job & Job

#06-29 letter dated 3/31/06, re: Treatment Works Approval, Job & Job

APPROVED w/corrections 6/13/06

#06-30 letter dated 3/31/06, re: storm sewer situation- Sinha Residence, L. Scott Berkoben, P.A.

#06-31 letter dated 3/31/06, re: TWA-A & R Builders, Job & Job

#06-32-letter dated 4/3/06, re: Ackerman Avenue Combining Projects, DOT

#06-33 letter received 4/5/06, re: Recalculation of Connection fees, BCUA

#06-34 letter received 4/5/06, re: Walk to D'Feet ALS, K. Single

#06-35 letter dated 3/31/06, re: National Community Development Block Grant, D. McNerney

#06-36 letter dated 4/3/06, re: 2006 Clean Communities, L. Jackson

VIII. PROCLAMATIONS AND PRESENTATIONS

Mayor Setteducati announced the following proclamations.

1. Myasthenia Gravis Awareness month
2. Month of the Young Child

IX. APPOINTMENT AND PERSONNEL CHANGES

None

X. OLD BUSINESS

1. Request to remove newspaper article and editorial from Borough website

Mayor Setteducati remarked that the two articles had been removed as requested by Councilman Hoffman and assured Councilman Hoffman that the most recent article published in The Bergen Record would not be posted on the borough website.

XI. ORDINANCES-FIRST READING

None

XII. ORDINANCES-SECOND READING AND PUBLIC HEARING

None

XIII. FINANCIAL ACTION

None

XIV. NEW BUSINESS

1. EMT 3RD Party Billing

Mayor Setteducati was opposed to the feasibility of insurance companies billing for volunteer's time on behalf of the borough. Mr. Scarpa corrected the Mayor explaining the purpose of the County program was to offset the cost of hiring an employee for the

daytime shift because of the shortage of coverage during those hours. He suggested that if the Council was not in favor of the idea, then perhaps they would like to budget for it. The County was discussing a program and working with the area hospitals and required a response from municipalities who were interested in the concept. After a brief discussion, by general consent of the Council, Administrator Scarpa was directed to pursue the County initiative for more information.

2. Failure to notify Borough Council, re: investigation into Community policing fund

Councilman Hoffman wondered why, as a council member, he was not apprised of the Community Police Trust Fund investigation before it hit the papers. Mayor Setteducati explained that the 2005 audit revealed some questionable practices in regard to trust funds and the findings of a report by the auditor pointed specifically to the Community Police Trust Account. Subsequently, the governing body voted unanimously to pursue the matter by authorizing an audit of the Community Police Trust Fund. Councilman Hoffman concurred but claimed that he was not aware of the FBI investigation when he voted upon that matter and, furthermore, he had previously asked what was going on with the Community Police Trust fund and was told by Mayor Setteducati and Councilman Todd at that time that they could not tell him. He again questioned why he was not apprised of an investigation, and why he had been denied an answer to his question previously since he had oversight of the trust funds by virtue of his position as an elected official.

Mr. Smith responded that the investigation in the newspaper was not authorized by the Mayor and Council and no one would have known if the FBI was going to do an investigation prior to the announcement in the papers. Councilman Hoffman maintained that apparently certain members knew and did not notify the others. Mr. Smith explained that the Attorney General's office made the decision based on information they had received. Someone may have provided documents or information to the US prosecutor which they determined required further investigation but no one was under the obligation to advise Councilman Hoffman prior to going to the prosecutor, if they even had. Councilman Todd maintained that when asked previously by Councilman Hoffman if anything was going on he did acknowledge that they were looking into some information but did not know what was coming on.

XV. REPORTS

1. Mayor and Council Committee Reports

Councilman Milone announced that the **School Board Election** would be held April 18th. Councilman Heyer gave the **Emerson Volunteer Fire Department** Activity Report and added that the grant application for \$550,000 to be applied towards a new rescue pumper truck had been received and a letter had been forwarded to Senator Garret for his assistance. Mayor Setteducati requested that Councilman Heyer pursue a LOSAP issue with Ms. Saidel. Councilman Heyer stated that he had spoken to Ms. Saidel several times and the administrators of the LOSAP program who told him that the matter had previously been given all their attention that it deserved. Mr. Scarpa added that a letter

had been sent to Ms. Saidel relaying the determination that her only recourse was to take it up again with the **Ambulance Corps LOSAP** administrator. Mayor Setteducati renewed his concern that Ms. Saidel's request be given the proper attention.

Council President Todd had nothing to report.

Councilman Hoffman reported that the Borough of Emerson had been approved for **Tree City Status** and would be recognized officially at ceremony on April 28th in Paramus.

Mayor Setteducati reported a dramatic increase in revenues in the **Building Department** headed by the new Code Enforcement Official, Michael Sartori. Mayor Setteducati was pleased with Mr. Sartori's working knowledge of the code enforcement statutes and borough ordinances and the effort between he and the Fire Inspector, Mr. Boccio, who was working tirelessly day and night to correct past deficiencies in fire inspections. The coordinated effort of the **Building Department** and the **Tax Assessor's Office** had realized approximately \$360,000 in tax relief for the borough.

The **Redevelopment Ordinance** should be ready for the next Mayor and Council meeting and many of the property owners and business owners had indicated their willingness to invest in their properties. Councilman Hoffman questioned the County's participation in the plan and Mayor Setteducati replied that the Borough Planner spoke regularly to the County but did not know to what extent. The Pascack Valley Shopping Center was scheduled to begin demolition by the end of the month. The Senior Housing project had been held up for a tree management issue that was still pending.

2. Office of the Borough Administrator

Mr. Scarpa:

- Received approval from the governing body by general consent to resurface Lincoln and Hartland as part of the State Aid Program
- Received authorization from the Council to hire up to three full time seasonal DPW employees on a **motion** made by Councilman Milone, seconded by Council President Todd and carried unanimously.
- Announced another round of grant application for the use of park improvements grant extension if granted for field turf at Hillman Field or, if denied, use the funding to resurface basketball courts at Ackerman Park in anticipation of the new basketball summer league. Mayor Setteducati added that he anticipated additional surprise revenue to help funding for the turf project.
- Received Safety Award from the JIF on behalf of the Borough of Emerson
- Had submitted a \$550,000 grant application for the rescue truck
- Had received a \$5,900 for Clean Communities from the DEP

3. The **Municipal Clerk** had no report.

4. The **Borough Attorney** had nothing to report in open session

Mayor Setteducati remarked that there was a tremendous amount of new ratables on the horizon to further enhance the pay down of the debt over the next year or two and the projected expected ratables from those projects were not even included in this year's tax freeze of zero percent. While the projects progressed they would be periodically assessed to the point that when they were finally completed and fully assessed it would further abate the need for tax increases. He added that the information he just spoke of was for

the municipal side of the budget; the school side had increased 10 points. However, he predicted that the expected ratables from the Redevelopment would offset school tax points in the future.

Mayor Setteducati added that the borough had invested heavily in the infrastructure and still had been able to provide a zero tax increase.

XVI. PUBLIC COMMENT

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.

☞ Councilman Milone **moved** to open the meeting for comments from the public, seconded by Council President Todd and carried unanimously.

Speaker: Tom Fagan, 171 Colonial Rd.

Subject: Read from a statement addressing allegations reported in The Bergen Record in regard to two subpoenas served upon him by the FBI related to his business practices with the Emerson Police Department; questioned how the information became known to the newspaper.

Response: Mayor Setteducati denied several of the claims Mr. Fagan made and debated with him how the matter became known to the newspaper. They agreed to make date for lunch.

Mr. Fagan presented his written statement to the Municipal Clerk which is on file in the Office of the Municipal Clerk.

Mayor Setteducati presented a copy of an email from the Bergen Record reporter which stated that the reporter called the Mayor rather than that the Mayor called the reporter as Mr. Fagan falsely represented by an email posted on realemersonnews.com. Mayor Setteducati handed out a copy of the email at the end of the meeting.

Speaker: Jerry Paladoro, 77 Piermont Ave., Norwood, NJ

Subject: Redevelopment, owner of 200 Kinderkamack Rd.

Response: Mayor Setteducati advised Mr. Paladoro that any improvement to his property may be premature pending the adoption of the Redevelopment Plan and that he should consider waiting until that time.

Speaker: Bob Belli, 157 Longview Dr.

Subject: Third Party Billing for the Ambulance Corps

Response: Mayor Setteducati took Mr. Belli's concerns and suggestions under advisement.

Speaker: Scott Rivers, 17 Prospect Ave.

Subject: Angry and afraid that his property value would decrease as a result of the public conflict within the borough; wondered why subpoenas had to have been served and publicized in The Bergen Record.

Response: Mr. Smith explained that a crime may have been committed and that was the reason why an investigation was begun and that people should be less concerned with who may have brought improprieties the federal prosecutors are more concerned with whether or not crimes had been committed.

Speaker: Michael Galasso, 1 Daned Rd.

Subject: Volunteer Ambulance Corps and 3rd party billing practices, questioned the Mayor's non-response to an appeal for a journal ad; questioned where the information came from that initiated the Attorney General investigation of two Emerson businesspeople and the Community Police Trust Fund

Response: Mayor Setteducati apologized for not contributing to the journal ads the citing that he did not see the appeal for the donation. However, he had donated \$800 to the Emerson Volunteer Ambulance Corps two years in a row.

Speaker: Chief Michael Saudino, Emerson Police Department

Subject: Defended Mr. Fagan's character and recalled his philanthropic donations, questioned Mr. Scarpa's involvement in acquiring information in regard to the Community Policing Account; requested guidance of the handling of a councilmember's motor vehicle violation in fear of retaliation.

Response: Mr. Smith advised Chief Saudino to do what he knew he should do.

In objection to Mayor Setteducati's announcement that only one more speaker would be recognized due to time already spent, Councilman Hoffman requested that public comment be expanded to allow all who wished to speak be given the opportunity to do so. By general consent, the Council agreed to extend the time to only two more people.

Speaker: Gary Schwinder, 99 Linden Ave.

Subject: Corrected the pronunciation of his name, applauded the decision to remove the articles from the website; articulated his humiliation at becoming a target of an investigation upon his non-political public cautioning of posting newspaper articles on the borough website; recounted his experience upon being served with a subpoena by an FBI agent and how the subsequent article in The Bergen Record stunned he, his family and business associates; questioned why Emerson was investigated by the federal government for an issue that could have been resolved by a phone call.

Response: Mayor Setteducati agreed with some of his concerns. Mr. Smith explained that Mayor Setteducati knew exact figures by results of the audit by the Borough Auditor reminding Mr. Schwinder that he had not been accused of anything. Mr. Smith further responded that Mr. Schwinder should contact The Bergen Record to find out how the

story came to be reported in the newspaper adding that the borough had no control how the newspaper reports Mr. Schwinder getting a subpoena.

Speaker: Michelle Supper, 3 Dawn Dr.

Subject: Was torn between the Police Department and the governing body; felt the article in The Bergen Record was vindictive and damaging to all mentioned; questioned when the Redevelopment and construction projects would be completed adding that she did not want to live in the best downtown in Bergen County; otherwise, she would have moved to Ridgewood.

Response: Mayor Setteducati commented on some misinformation in regard to Redevelopment. Councilman Hoffman quoted a comment made by the Mayor Setteducati in regard to businesses that do not invest in their properties for the purpose of Redevelopment.

☞ Seeing no more hands, Councilman Milone **moved** to end the comments from the public, seconded by Councilman Heyer and carried unanimously.

XVII. CONSENT AGENDA-Resolution No. 89 -06

☞ **Motion** to approve Resolution No.89-06, Consent Agenda, was moved by Councilman Camporeale, seconded by Councilwoman Costantin and carried by roll call vote.

RC: Council members

Milone-yes

Costantin-absent

Camporeale-yes

Heyer-yes

Todd-yes

Hoffman-yes

Ca90-06 Approve Bill List

Ca91-06 Approve Emergency Appropriations to the Temporary Budget

Ca92-06 Approve 50/50 Raffle License #489-06 for IEA Boosters Club to be held on August 7, 2006 at 9:00 p.m. at the Hackensack Golf Club

Ca93-06 Approve engineering contract for update to Storm Water Management Plan with PMK Group for \$5,300.

Ca94-06 Approve contract with Burgis Associates, Inc. for \$20,000 to prepare 2006 Master Plan Re-examination Report

Ca95-06 Authorize Sewer Extension Application for the project of A & R Builders, LLC

XVIII. CLOSED SESSION RESOLUTION No. 97 -06

Mayor Setteducati requested that two matters be added to Resolution No.97-06 as items exempt from discussion in open session.

#06-4/11-14 Personnel-Rooney

#06-4/11-15 Litigation-Police Chief's Contract

Councilman Camporeale was concerned that the regeneration of the surplus was too dependent on the two construction projects, Senior Housing and the Pascack Valley Shopping Center, and it appeared unlikely that those improvements would be assessed by the October 1st deadline since both projects had not yet started. He also warned that the demolition at the Pascack Valley Shopping Center could take place leaving no value on improvements to be assessed by October. Councilman Camporeale calculated that \$1.5 million must be regenerated for next year and cautioned that the borough might be relying too heavily on those two projects making the suggestion to the Council to consider bonding for some projected capital expenditures.

Mayor Setteducati felt comfortable that both projects would be ready to go within forty to sixty days and was confident that with the 10 point school tax deferment, along with approximately another \$100,000 contribution from each project, the borough would achieve that goal and still maintain zero percent tax increase while working down the borough's debt by not bonding. Mayor Setteducati remarked that bonding was borrowing, and; although the surplus might not regenerate completely, it should be between \$800,000 and \$900,000 with the possibility of more revenue generated from other sources. Mayor Setteducati recommended discussing the matter further at the next meeting.

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 96-06 was moved by Councilman Camporeale, seconded by Councilman Heyer and carried unanimously.

XIX. RECONVENE

☞ **Motion** to resume the open session was moved by Councilman Camporeale, seconded by Councilman Milone and carried unanimously.

XX. CLOSED SESSION ACTIONS

Mr. Scarpa reported that the \$54,000 appropriated for the sewer pump truck may not have to be used after all. A cooperative joint agreement with the County would provide for storage of the vehicle in the borough but the County would own and insure it.

XXI. ADJOURNMENT

☞ With no more business to discuss, **motion** to adjourn was moved by Councilman Camporeale, seconded by Councilman Heyer and carried unanimously at 10:50 p.m.

Carol Dray

May 26, 2006