



**MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
REORGANIZATION
JANUARY 4, 2011**



7:30 P.M.

**Borough Hall-Council Chambers
Emerson, NJ 07630**

SINE DIE

Mayor Lamatina called the meeting to order at 7:40 pm. Sheriff Michael Saudino led the salute to the flag followed by a moment of silence at the request of Mayor Lamatina.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of January 4, 2011 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, that the meeting was included in the Annual Meeting Notice Resolution transmitted to the Bergen Record and Ridgewood News on December 22, 2010; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice was on file in the Office of the Municipal Clerk and had been available to the public since its approval by the governing body.

Roll Call of the 2010 Governing Body:

PRESENT:

Councilman Browne, Councilman Rivers, Councilwoman DiPaola, Councilman Lazar, Councilman Shaw, Mayor Louis J. Lamatina

ABSENT:

Councilman Hoffman

Also present were Borough Clerk Carol Dray, Business Administrator Joseph Scarpa, and CFO Catherine Henderson.

1. PROCLAMATIONS AND PRESENTATION

- a) In appreciation – Mayor Louis Lamatina – Council President John Lazar presented a plaque to outgoing Mayor Louis Lamatina in recognition of his years of service to the Borough of Emerson. He thanked the Mayor and wished him the best.
- b) In appreciation - Councilman Kenneth Hoffman – Council President John Lazar also announced that there was a plaque honoring outgoing Councilman Kenneth Hoffman in recognition of his years of service.

2. UNFINISHED BUSINESS FOR THE YEAR 2010

a) Extending the Administrator’s Contract through 2013

☞ **Motion** to extend Borough Administrator Joseph Scarpa’s contract through 2013 was **moved** by Councilman Rivers, **seconded** by Council President Lazar and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar, Shaw

3. RESOLUTIONS – Consent Agenda No. 242-10

☞ **Motion** to approve Consent Agenda No. 242-10 was **moved** by Council President Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar, Shaw

- Ca 243-10 Approve Bill List
- Ca 244-10 Tax Appeal Settlement – BRE Emerson LLC, 660 Old Hook Rd; 2009 - \$11,000; 2010 – 10,000; 2011 - \$9,500
- Ca 245-10 Cancellation of Veteran Exemption Taxes
- Ca 246-10 Tax Overpayments

4. STANDING COMMITTEES AND SPECIAL REPORTS – None

5. Mayor Lamatina announced “With no further business for the year 2010, “All standing committees and special committees’ are dissolved and all individual appointments are terminated and relieved of their offices and duties, and indeterminate appointments dissolved”.

6. MOTION TO CLOSE SINE DIE

☞ **Motion** to close the Sine Die meeting was **moved** by Councilwoman DiPaola, **seconded** by Council President Lazar and carried unanimously at 7:42 p.m.

Having completed his term, Mayor Lamatina left the dais to applause from the audience.

1. **CALL TO ORDER BY BOROUGH CLERK**
2. **BOROUGH CLERK ANNOUNCES THE RECEIPT OF CERTIFICATES OF ELECTION**

Borough Clerk Carol Dray announced that she had received the Receipt of Certificates from the County and invited the new Council members and their families to the dais to be sworn in.

3. **SWEARING-IN CEREMONY-OATH OF OFFICE OF MAYOR CARLOS COLINA AND COUNCILWOMAN ELIZABETH GARIS BY BERGEN COUNTY SHERIFF MICHAEL SAUDINO PERFORMING OATH OF OFFICE; HONORABLE SENATOR RALPH C. DEROSE PERFORMING SWEARING-IN CEREMONY-OATH OF OFFICE FOR COUNCILWOMAN DANIELLE DIPAOLO**

OFFICE OF THE MAYOR

Carlos Colina

COUNCIL

Danielle DiPaola

Elizabeth Garis

Bergen County Sheriff Michael Saudino swore in Mayor Colina and Councilwoman Elizabeth Garis in the presence of their families and friends. Honorable Senator Ralph C. DeRose swore in Councilwoman DiPaola in the presence of her family and friends. The ceremony concluded with applause.

4. **ROLL CALL OF 2011 MAYOR AND COUNCIL**

PRESENT:

Mayor Carlos Colina, Councilman Browne, Councilman Rivers, Councilwoman DiPaola, Councilman Shaw, Councilman Garis, Councilman Lazar

5. **Resolution No. 01-11 - ADOPTION OF GOVERNING BODY BY-LAWS HERETO ATTACHED SHALL BE THE BY-LAWS FOR THE CONDUCT OF BUSINESS OF THE MAYOR AND COUNCIL FOR THE BOROUGH OF EMERSON FOR THE YEAR BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011 WITH VOTING AND SEATING ORDER**

Mayor Colina stated that he would like to discuss changes to the by-laws at the next meeting, specifically the order of business of the agenda. He asked that it be placed on the next agenda for discussion.

☞ **Motion** to approve the Rules and Bylaws for the conduct of business in 2011 with amended seating and voting order was **moved** by Councilman Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Lazar, Garis, Shaw

6. MAYOR'S ADDRESS TO THE ASSEMBLAGE

Mayor Colina addressed the assemblage for the first time. He wished everyone a Happy New Year and shared the fact that the Colina family moved to Emerson in 1990. He reminisced about seeing the sign in Emerson stating 'Welcome to the Family Town' and emphasized that Emerson was the family town whether there was a sign on Kinderkamack Road or not and always would be – for seniors, young people, empty nesters, people without children, they all chose to be part of the fabric of the town. He added that everyone in this family would draw strength from each other, help each other and accept that help as well.

The Mayor thanked Sheriff Saudino for coming to the meeting and being part of his special evening and congratulated him as well. He thanked his lovely wife Maryanne and said that he would serve as Mayor with a full commitment to the Borough of Emerson with a good heart and the best intentions. He thanked his mother-in-law Mary Mielke whose bible he was sworn in with, his close friends and neighbors who supported and encouraged him and meant the world to him. He also thanked his next door neighbors, Tom and Angie Miserindo who led by example and showed him how to be a good neighbor and Borough Administrator Joseph Scarpa, Borough Clerk Carol Dray and Deputy Clerk Jane Dietsche and all the Borough personnel who helped him get ready for that evening. Finally, he thanked the Governing Body and assured them that they had a lot of talent, dedication and commitment. He explained that the challenges were great, commented on the economy and the need to do more with less, but added that everyone would do the best they could. He said that he had become the official voice of Emerson and that he was the voice for residents and thanked everyone for their support. Finally he recognized Mayor Lamatina for graciously coming in to begin the evening's meeting and thanked him for his leadership and his support. He thanked Councilman Hoffman for his leadership as well.

He stated that he had adopted a personal credo – CIAO – which stood for Commitment, Integrity, Accountability and Ownership. He committed that to everyone and concluded by thanking everyone and stating "God bless you, God bless Emerson and God bless America". The assemblage applauded at the conclusion of his address.

7. NEW COUNCIL MEMBERS' ADDRESS TO THE ASSEMBLAGE

Councilwoman Elizabeth Garis

Councilwoman Garis said that she was extremely honored and graciously humbled to accept the responsibilities that were entrusted to her. She promised to do her best and work hard to prove herself. She added that she knew that 2011 would bring many challenges, a tightened budget, two percent cap and rising costs and that the position would entail hard work and long hours, but she knew that if they kept their minds open to new solutions with modest spending and all worked together, they could find workable solutions to any problem that arose. She noted that she felt very privileged to work along the entire council; all who she found cared deeply about their town. She thanked Sheriff Saudino for swearing her in and added that they would greatly miss him. She congratulated Chief Rossi and Police Officer Mazzo, adding that they would be great assets to Emerson. She closed by thanking her family and the gathered assemblage.

Councilwoman Danielle DiPaola

Councilwoman DiPaola thanked former Councilman Bair for his service to Emerson. She said that she was a lifelong resident of Emerson and thanked her godfather, Uncle Ralph, for swearing her in. She said that 2011 would be difficult but that as a Council they would work together and do what was best for Emerson. She mentioned her father and Uncle Danny who could not be there. She said that being elected was an honor and privilege and she would work to the best of her ability. She encouraged people to call or email her and let her know if she was doing a good job. She concluded by thanking the assemblage.

8. APPOINTMENTS, PROCLAMATIONS AND PRESENTATIONS

- a) Emerson Police Department, Chief of Police, Donald A. Rossi - Swearing-In Ceremony – Chief Rossi was sworn in by Mayor Colina in the presence of his family. The assembled gave him a round of applause.

Chief Rossi said that it was a privilege to stand before the assembled as Police Chief and commended the Council for their confidence and trust in him. He added that it was an honor and that he would not let them down. He reminisced about his years working with Sheriff Saudino and emphasized that it was an honor to serve under him as an officer in the Police Department for the last nine years while he was Chief. He acknowledged Lieutenant George Buono who he said had class, dignity, true character and true professionalism. He said that as a child he learned through the PAL – Police Athletic League – was the beginning of his foundation of what community service was all about. It showed him what people contributed and gave him the willingness to do it on his own. He noted that he moved to Emerson with that strong foundation. He said that he had dedication, loyalty, respect and perseverance and that was why he stood before everyone that evening.

The Chief thanked his wife Nancy and three daughters Nicole, Kimberlee and Michele for their support and sacrifice that allowed him to do what he did best – serve the community. He said that the message that would resonate downstairs for the rest of the Police Department was there was no room for the sick, the lame or the lazy. But if they had perseverance and worked hard, and were dedicated and loyal, they could achieve their dreams too. He thanked all Police Chiefs in attendance, his fellow officers, his fellow firemen, and family and friends for being there to share the evening with him.

Mayor Colina said that losing Chief Saudino to the Bergen County Sheriff's Office was a big loss, but that he was confident that Chief Rossi would do a great job for Emerson and everyone was looking forward to working with him.

- b) Emerson Police Department, Patrol Officer, Anthony Mazzo – Swearing-In Ceremony – Mayor Colina invited Mr. Anthony Mazzo and his family to the dais where he was sworn in as an Emerson Patrol Officer. Chief Rossi said that he had known Officer Mazzo since he was a little boy and that he had grown into a fine young man and welcomed him aboard. Officer Mazzo thanked the Mayor and Council, Sheriff Saudino, Chief Rossi for having faith in him, his parents Phil and Carolyn and his girlfriend Kathleen and friends and family for their support. He concluded by saying that he was looking forward to serving the Borough for a very long time.

9. Resolution No. 02-11 ELECTION OF PRESIDENT OF THE COUNCIL

☞ **Motion** to open the floor to nominations for President of the Council was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

- Councilman Rivers nominated Councilman Shaw for Council President for the year 2011.

☞ **Motion** to close the floor for nominations was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried.

☞ **Motion** to appoint Councilman Shaw as Council President for the term ending December 31, 2011 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

10. Resolution #03-11 BOROUGH PROFESSIONAL APPOINTMENTS - Pursuant to N.J.S.A 19:44A-20.4 et seq. "Fair and Open"

PROFESSIONAL	TERM	NAME
04-11 Borough Attorney	1 Year	Scott Mooney
05-11 Borough Auditor	1 Year	Gary Higgins
06-11 Borough Engineer	1 Year	Boswell Engineering
07-11 Bond Counsel	1 Year	Steve Rogut
08-11 Borough Prosecutor	1 Year	No Appointment
09-11 Alternate Prosecutor	1 Year	No Appointment
10-11 Public Defender	1 Year	No Appointment
11-11 Alt. Public Defender	1 Year	No Appointment
12-11 Borough Planner	1 Year	Joseph Burgis
13-11 Risk Managers	1 Year	Vozza/Johl
14-11 Borough Architect	1 Year	Bilow Group
15-11 IT Consultant	1 Year	DART Computer
16-11 Labor Attorney	1 Year	Douglas F. Doyle (DeCotiis)
17-11 Appraiser	1 Year	No Appointment
18-11 Tax Appeal Attorney	1 Year	Robert Mancinelli

☞ **Motion** to approve the above appointments was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Mayor Colina swore in Scott Mooney as Borough Attorney for the year 2011.

12 .Resolution No.19-11 STANDING COMMITTEE COUNCIL APPOINTMENTS WITH FIRST NAMED COMMITTEE MEMBER AS CHAIR:

- | | |
|--|----------------|
| a) Streets and Municipal Services | Browne/DiPaola |
| b) Finance, Tax & Revenue | Rivers/Shaw |
| c) Police, Auxiliary Police, Office of
Emergency Management & Courts: | Lazar/Rivers |
| d) Public Buildings, Grounds
Parks & Utilities | Shaw/Lazar |
| e) Real Estate Zoning and Planning | DiPaola/Browne |
| f) Fire Department | Rivers/Shaw |

☞ **Motion** to approve the above Standing Committee Council appointments was **moved** by Council President Shaw, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

Other Liaison List for the Calendar Year 2011

- | | |
|--------------------------------|---------|
| a) Board of Health | Garis |
| b) Environmental Commission | Browne |
| c) Chamber of Commerce | Colina |
| d) Shade Tree Commission | Lazar |
| e) Library Board of Trustees | Garis |
| f) Board of Education | Garis |
| g) Senior Citizens | Colina |
| h) Volunteer Ambulance | DiPaola |
| i) Recreation Commission | Shaw |
| j) Insurance Fund Commissioner | Rivers |
| k) Historic Preservation | Lazar |
| l) Municipal Land Use Board | DiPaola |

☞ **Motion** to approve the above other Liaison appointments was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

13. Resolution No 20-11 COUNCIL APPOINTMENT OF CLASS III PLANNING BOARD MEMBER

☞ **Motion** to open the floor to nominations was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried.

- Councilman Rivers nominated Councilwoman DiPaola for Class III Planning Board Member for the year 2011.

☞ **Motion** to close for nominations was **moved** by Councilman Rivers, **seconded** by Councilman Lazar and carried.

☞ **Motion** to appoint Councilwoman DiPaola as Class III Planning Board member was **moved** by Councilman Lazar, **seconded** by Councilman Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

14. INTRODUCTION OF EMERGENCY SERVICES OFFICERS

a) **Emerson Volunteer Fire Department**

Fire Chief John Holter, Assistant Chief Joe Castrovillari, Senior Captain Dan O'Brien, Junior Captain Mark Brackenbury, Lieutenant Mike Budres, Junior Lieutenant Joe Solimando III

Mayor Colina performed the oath of office for the members of the Emerson Volunteer Fire Department. Mayor Colina congratulated them and thanked them for doing such a great job for the Borough every day of the year.

b) **Emerson Volunteer Ambulance Corps**

President George Howlin; Vice President, Chris Knoller; Treasurer, Mike Budres; Captain Dave Mason; 1st Lt. Alison Knoller, 2nd Lt. Janine Solimando and 3rd Lt. Mike Davis

Mayor Colina introduced the members of the Emerson Volunteer Ambulance Corps.

c) **Emerson Auxiliary Police-One Year**

Captain Lou Rizzo, Lieut. John Mahoney, Sgt. William Levine, Sgt. Elizabeth Reilly, Sgt. David Kogut, Ptl. Dan Clayton, Ptl. Turbit Zoeller III, Ptl. Nicholas Servedio, Ptl. Joseph Ellis

d) **Community Emergency Response Team (CERT)-One Year**

Mark Savino, Leslie Solimando, Fran Sottile, Bob Sottile, George Schomberg, Lucy Solimando, Kathy Buda, Brian Todd, Gladys DeMarco, Owen Peacock, Dan Peacock, Debbie Sansone, Loraine Vandervalk, Marinos Loukeris, Anthony Basile, Kristen Bensen

e) **School Crossing Guards-One Year**

Full time: Bonnie Kompel, Joe Cannone, Donna Block, Ed Helm, William Levine, Sue McDonald, Sheri Jaeger, John Mahoney, Tom Palladino
Reserve Guards: Joe Romanowicz, Dick Talley, Christine St. Angelo, Kevin Mulvenna, Maria Carpenter, Kathi Hoffman

Mayor Colina announced appointments to the Auxiliary Police Department, the Community Emergency Response Team and the School Crossing Guards for one year.

☞ **Motion** to approve the above appointments was **moved** by Councilman Lazar, **seconded** by Council President Rivers and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

15. Resolution No. 21-11 ANNUAL APPOINTMENT OF OFFICERS AND EMPLOYEES WITH COUNCIL CONFIRMATION

POSITION APPOINTEE	TERM	EXPIRES
a) Recycling Coordinator	One Year	Joseph Scarpa
b) Zoning Official/Sign Insp.	One Year	Michael Sartori
c) OEM Coordinator	Three Years	Mark Savino
d) Dep. OEM Coordinator	One Year	Joseph Solimando
e) Assessment Search Officer	One Year	Carol Dray
f) Public Agency Compliance Officer (PACO)	One Year	Joseph Scarpa
g) Fire Official	Four Years	Frank Boccio
h) Fire Inspector	Three Year	Rich Masiello

☞ **Motion** to approve the above other appointments of officers and employees was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

16. MAYOR'S NOMINATIONS TO BOARDS AND COMMISSIONS with advice and consent of Council.

a) Board of Health

Regular member for the term ending 12/31/13 - Nicole Argenzia

☞ **Motion** to appoint Nicole Argenzia was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

b) Library Board

- Regular member for the term ending 12/31/15 – Carol Costantin
- Regular member for the term ending 12/31/15 – Frances Ianora
- Mayor's alternate for the term ending 12/31/11 – Ida Ennis

☞ **Motion** to appoint Carol Costantin and Frances Ianora as regular members of the Library Board for the term ending December 31, 2015 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

MIN No. 1 APPROVED 2-15-11

Mayor Colina announced that he was appointing Ida Ennis as his alternate to the Library Board for the term ending December 31, 2011.

c). Recreation Commission

- Regular member for the term ending 12/31/15 – Marty Porcello
- Regular member for the term ending 12/31/15 – Steve Paino

☞ **Motion** to appoint Marty Porcello and Steve Paino as regular members of the Recreation Commission for the term ending December 31, 2015 was **moved** by Councilman Rivers, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

17. MAYOR'S APPOINTMENTS

a). Land Use Board

- Class IV member for the term ending 12/31/14 – Rich Worthington
- Class IV member for the term ending 12/31/14 – Lou Lamatina
- Class II member for the term ending 12/31/11 – Brian Todd
- Class I member for the term ending 12/31/11 – Carlos Colina
- Alternate II member for the term ending 12/31/12 - Gary Goursky

b). Environmental Commission

- Regular member for the term ending 12/31/15 – Peter Martin
- Regular member for the term ending 12/31/15 - Rich Worthington
- Regular member for the term ending 12/31/15 - Jessie Maxon
- Regular member for the unexpired term ending 12/31/11 – to be filled at a later date
- Regular member for the unexpired term ending 12/31/12– to be filled at a later date
- Alternate I member for the term ending 12/31/12 – to be filled at a later date
- Student member for the term ending 12/31/11 – to be filled at a later date

c). Shade Tree Commission

- Tree Inspector for the term ending 12/31/14 - Joe Solimando
- Regular member for the term ending 12/31/14 - Anthony Szachacz
- Alternate I member for the term ending 12/31/15 – Ken Hoffman
- Alternate II member for the term ending 12/31/14 – to be filled at a later date

d). Historic Preservation Commission

- Class C member for the term ending 12/31/14 – Bill Panza
- Class C member for the term unexpired term ending 12/31/11– to be filled at a later date
- Alternate I member for the period ending 12/31/12 - Ken Hoffman
- Alternate II member for the period ending 12/31/11– to be filled at a later date

Mayor Colina announced the above appointments and thanked everyone for their commitment to the Borough.

18. NEW BUSINESS:

- a) Resolution #22-11 Adoption of the Temporary 2011 Municipal Budget

☞ **Motion** to approve Resolution #22-11 Adoption of the Temporary 2011 Municipal Budget was **moved** by Councilman Rivers, **seconded** by Council President Shaw and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

19. PUBLIC COMMENT

Before opening the meeting for comments from the public, Mayor Colina 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 Colina 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 removal from the Council Chambers.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried.

Mr. Ken Hoffman, 61 Emwood Drive wished the new Mayor and Council the best of luck and congratulated Council President Shaw on being elected Council President. He also expressed his thanks for his appointments to two commissions.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Shaw and carried at 8:10 p.m.

20. Resolution No. 23-11 CONSENT AGENDA

☞ **Motion** to approve Consent Agenda Resolution #23-11 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote.

RC: Council members:

YES: Browne, Rivers, DiPaola, Shaw, Garis, Lazar

- Ca 24-11 Designate Official Newspapers – The Record and Ridgewood News
- Ca 25-11 Approve Cash Management Plan
- Ca 26-11 Approve Official Depositories
- Ca 27-11 Approve Authorized Signatories
- Ca 28-11 Approve Ratification of Public Official Bonds
- Ca 29-11 Establishing Rate of Interest for Delinquent Taxes at 8% of the first \$1,500.00 and 18% on any remaining balance
- Ca 30-11 Authorize Mayor Colina to execute agreement of Co-Risk Risk Managers Consultants - **PULLED**
- Ca 31-11 Approve Appointment of LOSAP Program Administrators Dan O'Brien for the Emerson Volunteer Fire Department and George Howlin for the Emerson Volunteer Ambulance Corps
- Ca-32-11 Approve Producers Agreement Bergen County Municipal Benefits Fund - **PULLED**

MIN No. 1 APPROVED 2-15-11

- Ca 33-11 Approve Fee of \$20.00 for Returned Checks for Insufficient Funds
- Ca 34-11 Approve Bond, Treasurer of Library Board of Trustees
- Ca 35-11 Re-establishment of Petty Cash Funds
- Ca 36-11 Approve No Cash Policy for Payment of Property Taxes
- Ca 37-11 Approve Volunteer Tuition Credit Program
- Ca 38-11 Appoint Joe Scarpa as Public Agency Compliance Officer for one year
- Ca 39-11 Execute option to extend the contract for Borough Building Cleaning and Maintenance service to Winnett's Cleaning Service for \$22,000 for the period of January 1, 2011 to December 31, 2011
- Ca 40-11 Authorize CFO to pay certain obligations as needed
- Ca 41-11 Approve Official Towers – Rich's Automotive, Bergen Brookside and Emerson Towing

21. ADJOURNMENT

With no other business to address, at the request of Mayor Colina, a motion to adjourn was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried at 8:55 p.m. Mayor Colina thanked everyone for attending and wished everyone a Happy New Year.

Carol Dray, RMC/CMC/CMR
(Proofed 02/08/11)

February 4, 2011

**BY-LAWS OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF EMERSON, NEW JERSEY**

January 4, 2011

ARTICLE I

Section 1 The Mayor shall take the Chair at the time appointed for meetings of the Council, and shall preside thereat.

Section 2 She/he shall be entitled to speak upon all questions, which are before the Council.

Section 3 She/he shall, on all occasions, preserve order and decorum and may cause the arrest or removal of all persons who interrupt or interfere with the orderly proceedings of the Council.

Section 4 When two or more members of the Council shall request recognition at the same time, she/he shall name the one entitled to the floor.

Section 5 She/he shall decide all questions of order without debate, subject to an appeal to the Council when moved by a member and duly seconded, and she/he may call for the sense of the Council upon any question of order and decorum.

Section 6 In the absence of the Mayor, the President of the Council shall preside and while so doing, she/he shall have the same rights and powers as the Mayor and shall retain her/his Council vote when so doing. In the absence of the Mayor and President of the Council, the members present shall appoint a Chairman Pro Tem, who shall then have the same power, and shall retain her/his vote.

Section 7 The Mayor shall not vote except to give the deciding vote in case of a tie.

ARTICLE II

Section 1 The Council, at the annual organization meeting shall elect a President of the Council. The Council President shall hold office for one year and until the next organization meeting. The Council President shall have the right to debate and vote on all questions before the Council and shall retain all her/his rights as a member of the Council.

Section 2 If the Mayor is absent from the Borough for a period of three days or, for any reason, is unable to act, the President of the Council shall perform all the duties of the Mayor during such absence or inability. The Mayor, in case of her/his intended absence from the borough for more than three days at any one time, shall notify the President of such intended absence whereupon the President shall be and become Acting Mayor from the beginning of such absence and continue to act until the Mayor's return.

ARTICLE III

Section 1 The Borough Clerk shall perform such duties enjoined on her/him by the laws of the State of New Jersey, and by these by-laws and as may from time to time be directed by the Mayor and Council.

Section 2 She/he shall keep the Minutes and Ordinance books fully indexed and up-to-date, shall keep the Minutes of closed sessions in a secure location until such time as they are made public, shall periodically review the closed session Minutes and shall present them to the Council for vote at the appropriate time when they should be approved by the Council for content and again for release to the public and for inclusion in the Minute book, shall perform all the duties usually devolving upon such officer and such special services as the Mayor and Council may require.

She/he shall also keep the minutes of closed sessions with separate Minutes for each closed session topic.

Section 3 It shall not be necessary for the Borough Clerk to read Minutes of the previous meeting at length if the said Borough Clerk shall have submitted to each of the Council at least four days prior to the next Council meeting a copy of the official minutes.

ARTICLE IV

Section 1 Three members of the Council and the Mayor shall constitute a quorum for the transaction of business but a smaller number may meet and adjourn from time to time.

Section 2 In the absence of the Mayor, four members of the Council shall constitute a quorum.

ARTICLE V:

Meetings

Section 1 Types of Meetings. There shall be two types of meetings of the governing body as follows and as defined herein below:

Regular Meetings: Those meetings scheduled in the Annual Meeting Notice as required by law.

Special Meetings: Those meetings not listed in the Annual Notice and scheduled by the Governing Body as needed and noticed as required by law.

All meetings of the Mayor and Council shall be called to order at 7:30 p.m. and adjourned no later than 11:30 p.m.

Section 2 Reorganization. The date and time of the reorganization meeting shall generally be scheduled at the last meeting of the prior year in consultation with the members elect by vote of a majority of the Governing Body, those members whose terms will end December 31 shall not vote. The following business shall be conducted: swearing in of newly elected officials, adoption of by-laws, adoption of a schedule of meetings for the coming year, election of President of the Council, appointment of professionals, appointment or election of commissioners, standing committees, council liaisons, and, if necessary, special committees, appointment of members of boards and commissions of the borough, appointment and/or re-appointment of employees and other employment matters, the presentation of new business, speeches and ceremonies as allowed by the Mayor, and any other business appropriate to these by-laws and State Statutes.

Section 3 Regular Meetings. Regular Meetings shall generally be held on the first and third Tuesday of each month at the Municipal Building or such other location as published by the Mayor and Council. All Regular Meetings shall follow the agenda, which may be suspended by majority vote of the Council.

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence or prayer, led by the Mayor.
3. Open Public Meeting Statement, led by the Mayor.
4. Roll Call. The Borough Clerk shall call the roll.
5. Approval of Minutes
6. Presentation of correspondence, petitions, etc. and the reading thereof and referral thereof to the proper committee ordering same filed.
7. Unfinished business and vote on any questions before the Council
8. Ordinance Introduction and Adoption
9. Final passage of ordinances
10. Discussion of New Matters. Any matter may be placed on the agenda for discussion by any member of the Governing Body by presenting a request to the Borough Clerk not less than twenty-four (24) hours prior to the meeting. Notice to the Clerk is not required for matters relating to the reorganization of the Governing Body addressed at the Re-Organization Meeting. A vote on matters presented under New Business shall be conducted after the public comment portion of the meeting
11. Reports of Committees, Liaisons, Officials, Mayor, Clerk, Administrator and Attorney.
12. Opening of the Meeting for public comment for the good and welfare of the Borough.
13. Consent Calendar as defined in Article VI, Section 5 below.
14. Adjournment

Section 4 Sine Die. Generally, on the last Tuesday of the year, the Mayor and Council shall convene a Sine Die Meeting for the purpose of winding up old business, delivering final reports and conducting any additional business related to the reorganization of the Governing Body all in accordance with the law.

Section 5 Meetings or portions thereof shall not be video recorded except in specific instances when approved by a majority vote of the full governing body.

ARTICLE VI

Order of Business and Definitions

Section 1 Definitions.

“New Business”: Discussion of new matters to be placed on the Agenda for consideration or vote at a future meeting by a member of the governing body.

Unfinished Business”: Discussion of matters placed on the Agenda at prior meetings and carried to a subsequent meeting.

“Public Hearing” is that portion of the meeting during which the Mayor and Council accept comments from the public and also including the voting on any matters previously agreed to be presented to the Council for vote.

Section 2 All communications received for the Mayor or any Councilperson that should be properly addressed by the Mayor and Council shall be forwarded to the Mayor and all members of the Council by the Borough Clerk, and handled as official correspondence and listed on the Agenda following receipt of the correspondence.

Section 3 The regular order of business may be suspended at any time by a majority vote of the Council. In case of a tie vote, the Mayor shall cast the tie-breaking vote.

Section 4 Rules of Order.

(a) No question or motion shall be put unless seconded, except referring to a report or a question put by the Mayor.

(b) Every Council member or member of the public, when speaking, shall address the Chair and shall not occupy more time than is deemed necessary by the Mayor.

(c) While a member of the public is speaking, no member shall entertain any private discourse or leave his/her seat.

(d) No person not a member of the governing body shall be given the privileges of the floor except by permission of the Mayor or upon the demand of a member of the Council if supported by the votes of a majority of the members of the Council present, except, during the portion of a meeting which has been opened for remarks from the citizens, at which time all members of the public who conduct themselves with decorum shall be heard. Members of the public may speak on any matter relevant to the Borough or other matters. Any individual addressing the Mayor and Council shall be limited to five (5) minutes unless this time is extended by approval of a majority of those members of the Governing Body, including the Mayor, present at the meeting.

Section 5 A majority vote of those present and voting shall carry all questions, except when by any statutory provision a larger vote is required.

Section 6 All routine and non-controversial resolutions previously sent to Council Members prior to the meeting at which a vote on said resolution is anticipated and upon which no discussion is anticipated shall be included in a single resolution entitled, "Resolutions by Consent."

(a) All resolutions listed on "Resolutions by Consent" shall be adopted by a single roll call vote and no discussion thereon shall be entertained at the time the Resolution by Consent is moved for adoption.

(b) Any Council Member may remove any items listed for consent at any time prior to the adoption of the Resolution by Consent.

(c) In order to provide an orderly method of preparing the Resolution by Consent, Council Members should notify the Borough Clerk by 3:00 p.m. on the day prior to the Council meeting at which the Resolution by Consent is to be adopted, of the matter to be removed from the Consent Calendar.

(d) The Resolution by Consent shall not be utilized with respect to the adoption of ordinances, the awarding of contracts, the adoption of resolutions for Closed Sessions, or other matters as required by law.

ARTICLE VII

Standing Committees

Section 1 By majority vote, the Council shall elect two members of the Council to each of the following Standing Committees. The first named Council Member shall be the Chair of the committee.

- (1) Streets and Municipal Services
- (2) Finance, Tax and Revenue
- (3) Police, Auxiliary Police, Office of Emergency Management and Courts
- (4) Public Buildings, Grounds, Parks and Utilities
- (5) Real Estate, Zoning and Planning
- (6) Fire
- (7) Ambulance

Section 2 Purpose, Authority and Duties of Standing Committees:

Standing committees are appointed to expedite and facilitate the work of the Council by supervising and overseeing the area of their purview; however, standing committees are not intended to supplant the authority of the full Council which is responsible for all operations of the borough government.

A standing committee shall:

1. Act as a liaison to its respective department or commission, attend various meetings and review all areas under the purview of each department or board.
2. Have no policy-making authority.
3. Perform such acts as may be assigned to it by the Council.
4. Report and make recommendations to the full Council for its consideration.

Reports. All standing committees shall report to the Mayor and Council on the principal activities and achievements of the committee. The Committee shall also report at the Sine Die meeting a summary of the activities of the previous year.

Section 4 - Other Liaisons to Boards and Commissions

The Mayor may appoint members of the Council to act as liaison to other permanent Boards, Organizations, and Commissions of the Borough, such as the Senior Citizens Center, the Board of Education, etc. Such appointments shall be subject to confirmation by a majority of the Council. The members of the Council must receive the names of those being proposed for appointment forty-eight hours before the meeting when the vote will take place.

Section 5 Special Council Committees

Definition: Special Committees are subcommittees of the Council not to exceed three in number, which are created to perform special duties which may overlap the duties of two or more standing committees or to perform a special or limited purpose other than those embraced in the duties of the standing committees. Special Committees that include citizens shall be considered Advisory Committees. All Special and Advisory Committees shall be established with the consent of the Council.

Creation: The Mayor may create Special Committees as needed. All Special and Advisory Committees shall be established with the consent of the Council. The purpose, duration, size and duties of each Special Committee shall be deemed and set forth on the record at the time of its creation and shall be reviewed periodically. Each Special Committee shall automatically be dissolved at the end of the calendar year in which it was created unless said Committee is created by Ordinance which specifies a longer duration.

All Special Committees shall keep reasonable records of their activities and shall report their progress to the Council upon request and shall make all records available to the public under the Freedom of Information Act. No Special Committee shall be permitted to exclude members of the public from a meeting, which is held on public grounds.

ARTICLE VIII

Ordinances

Section 1 All ordinances shall be submitted in writing in proper legal form, at a meeting of the Council. The procedure for the passage of all ordinances shall conform to the procedure set forth under the laws of the State of New Jersey. After final passage or adoption of any ordinance, it shall be published as provided by law, together with date of passage or approval or both.

Section 2 No ordinance shall be read at any Council meeting until a copy thereof in its final form shall be delivered to the Mayor and each member of the Council prior to the first reading except for emergent matters.

ARTICLE IX

Bills or Demands

Section 1 All bills for payments are to be submitted on forms provided for by the Chief Financial Officer/Treasurer and all bills for payment shall be fully itemized, and all bills being submitted shall be sworn to by the claimant.

Section 2 Only those bills will be considered which shall have been presented in due form no later than the Friday preceding such Regular Meeting.

Section 3 All bills shall be reviewed by the Chief Financial Officer/Treasurer, submitted to the Commissioner and/or Committee person and then to the Finance Chair and/or Committee for approval, unless by unanimous consent they are considered by the Council without reference to be paid within a reasonable period of time.

ARTICLE X

Borough Seal

Section 1 The Seal of the Borough shall be the seal adopted at the time of incorporation of the Borough, and shall be circular in form and shall contain beside a special device the following:

“The Borough of Emerson, New Jersey,
Incorporated April 8, 1903”

Section 2 The Seal shall be in the custody of the Borough Clerk, and shall be affixed upon instruments by her/him only, when ordered by the resolution of the Council, or as required by law.

ARTICLE XI

Rules of Procedures

Section 1 The yeas, nays and abstentions shall be taken and recorded upon the final passage of all ordinances, upon all resolutions and upon all questions involving expenditures of money.

Section 2 All motions and resolutions shall, when requested by the Mayor, be reduced to writing. If required by a member, and when seconded and stated from the chair shall be open for discussion. No motion or resolution can be withdrawn after it shall have been amended or decided, and no matter foreign to the subject under consideration shall be received under color of an amendment.

Section 3 Any member may call for a division of a question if two or more distinct propositions be involved therein either of which may be voted upon its own merits.

Section 4 Any motion to adjourn shall not be in order until all items on the agenda for the meeting have been discussed except that, if the meeting is unduly protracted wherein Section 1 of Article V shall prevail, it may be necessary to recess the meeting for a period not exceeding one week to finish the uncompleted items on the agenda. The Mayor may, without the consent of Council, adjourn the meeting if it becomes disorderly or tumultuous. However, a motion to recess, duly seconded, and carried by a majority of Council shall always be in order.

Section 5 These rules may be altered, amended or added to, at any Regular Meeting of the Council, by a majority vote of the entire Council provided, however, that a copy of the proposed amendment be submitted to each member of the governing body at the previous meeting.

Section 6 Whenever a question or order not covered in these by-laws shall arise, Roberts Rules of Order shall be the guide for determining all parliamentary questions not herein specifically provided for, a copy of which shall be kept by the Borough Clerk so as to be available for determining all disputed questions.

Section 7 The Council shall, at the Reorganization Meeting, assign the seating arrangement for respective Council Members, which shall be retained throughout the year. The seating arrangement shall establish the voting procedure at said Reorganization Meeting.

SEATING AND VOTING SEQUENCE

Council Person John Lazar 1	Council Person Elizabeth Garis 2	Council Person Charles Shaw 3	Mayor Carlos Colina	Council Person Danielle DiPaola 4	Council Person Scott Rivers 5	Council Person Thomas Browne 6
---	--	---	---------------------------	---	---	--