



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
REORGANIZATION
JANUARY 7, 2014
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



SINE DIE

1. CALL TO ORDER

Mayor Colina called the meeting to order at 7:45 p.m. and identified the emergency exits.

2. SALUTE TO THE FLAG

3. MOMENT OF SILENCE

4. OPEN PUBLIC MEETINGS STATEMENT & EMERGENCY EXIT ROUTE

Mayor Colina read the Sunshine Statement announcing that the meeting of January 7th, 2014 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 Record and Ridgewood News on December 18th, 2013; 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.

5. ROLL CALL OF THE 2013 GOVERNING BODY

Mayor Colina asked Ms. Dray to call the roll of the 2013 Governing Body.

PRESENT: Mayor Colina, Councilwoman DiPaola, Councilwoman Garis, Councilman Knoller, Councilman Paino, Councilman Worthington

ABSENT: Council President Rivers

Also present were Attorney Ron Gordon sitting in for Borough Attorney Scott Mooney and Acting Borough Administrator Les Shenkler.

Mr. Gordon stated that Councilwoman DiPaola was joining the meeting by telephone in accordance with the provisions of the Open Public Meetings Act and was entitled to participate as long as she could hear them and they could hear her and all the other requirements for a valid meeting were satisfied.

6. PROCLAMATIONS AND PRESENTATION

- Human Trafficking Awareness Day – January 11, 2014 – Mayor Colina read a proclamation declaring January 11, 2014 as Human Trafficking Awareness Day in the Borough of Emerson.
- Appreciation of Services - Councilwoman Garis – Mayor Colina presented outgoing Councilwoman Garis with a plaque in appreciation of her services.

7. UNFINISHED BUSINESS FOR THE YEAR 2013 – There was no unfinished business for 2013.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

8. RESOLUTIONS – Consent Agenda No. 226-13

Councilwoman DiPaola made a Point of Order and requested that Resolution #227-13 be removed from the Consent Agenda. She did not feel that it was a matter of routine or non-controversial business and required discussion before payment of taxpayer money.

☛ **Motion** to approve Consent Agenda #226-12 without Ca 227-13 was **moved** by Councilman Knoller, **seconded** by Councilwoman Garis and carried by roll call vote of 5-0:

RC: Council members:

YES: Knoller, DiPaola, Worthington, Garis, Paino

- Ca 227-13 Reimbursement of Clerk Legal Fees-PULLED FOR SEPARATE VOTE
- Ca 228-13 Approve Bill List
- Ca 229-13 Transfer of Funds
- Ca 230-13 Cancel Grant Balances
- Ca 231-13 Tax Appeal Adjustments

☛ **Motion** to approve Resolution Ca 227-12 was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 3-1:

RC: Council members:

YES: Knoller, Worthington, Paino

NO: DiPaola

ABSTAIN: Garis

9. STANDING COMMITTEES YEAR END REPORTS

There were no standing committee year end reports for the year 2013.

10. SPECIAL SUB-COMMITTEE YEAR END REPORTS

There were no sub-committee year end reports for the year 2013.

11. **With no further business for the year 2013, Mayor Colina announced “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”.**

12. MOTION TO CLOSE SINE DIE

☛ **Motion** to close the Sine Die meeting was **moved** by Councilwoman DiPaola, **seconded** by Councilwoman Garis and carried unanimously.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

1. **CALL TO ORDER MAYOR COLINA**
2. **BOROUGH CLERK ANNOUNCES THE RECEIPT OF THE CERTIFICATION OF THE 2013 GENERAL ELECTION RESULTS**

Borough Clerk Carol Dray announced she had received the certified results of the 2013 General Election for the Borough of Emerson. They indicated that Councilwoman DiPaola, Councilman Paino and Councilman Griffin had been elected to serve in 2014.

3. **SWEARING-IN CEREMONY/OATH OF OFFICE**

Councilwoman Danielle DiPaola
Councilman Stephen Paino
Councilman Ronald Griffin

4. **ROLL CALL OF 2014 MAYOR AND COUNCIL**

Mayor Colina asked Ms. Dray to call the roll of the 2014 Governing Body.

PRESENT: Mayor Colina, Councilwoman DiPaola, Councilman Griffin, Councilman Knoller, Councilman Paino, Councilman Worthington

ABSENT: Councilman Rivers

Also present were Attorney Ron Gordon sitting in for Borough Attorney Scott Mooney and Acting Borough Administrator Les Shenkler.

Mr. Gordon stated that Councilwoman DiPaola was joining the meeting by telephone in accordance with the provisions of the Open Public Meetings Act and was entitled to participate as long as she could hear them and they could hear her and all the other requirements for a valid meeting were satisfied.

5. **Resolution No. 01-14 - 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, 2014 AND ENDING DECEMBER 31, 2014 WITH VOTING AND SEATING ORDER**

☛ **Motion** to approve Resolution #01-14 Adoption of the Governing Body By-laws was **moved** by Councilman Knoller, **seconded** by Councilman Worthington and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

6. **NEW COUNCIL MEMBERS' ADDRESS TO THE ASSEMBLAGE**

Councilwoman Danielle DiPaola
Councilman Stephen Paino
Councilman Ronald Griffin

7. **MAYOR'S ADDRESS TO THE ASSEMBLAGE**

8. **Resolution No. 02-14 ELECTION OF PRESIDENT OF THE COUNCIL**

Mayor Colina asked for a motion to open the floor to nominations for President of the Council.

☛ **Motion** to open the floor to nominations for President of the Council was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried unanimously.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

Councilman Paino nominated Councilman Rivers for Council President for the year 2014. Councilman Knoller seconded that nomination.

☛ **Motion** to close the floor to nominations for President of the Council was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried unanimously.

☛ **Motion** to appoint Councilman Rivers as Council President for the term ending December 31, 2014 was **moved** by Councilman Paino, **seconded** by Councilman Knoller and carried unanimously.

9. **Resolution No. 03-14 BOROUGH PROFESSIONAL APPOINTMENTS - Pursuant to N.J.S.A 19:44A-20.4 et seq. "Fair and Open"**

Councilman Paino asked to move the appointment for Borough Engineer to a separate vote.

☛ **Motion** to approve Resolution #03-14 Borough Professional Appointments with the removal of Resolution No. 06-14 Borough Engineer was **moved** by Councilwoman DiPaola, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

PROFESSIONAL	TERM	NAME
04-14 Borough Attorney	1 Year	Ronald Gordon
04-14AO Labor Attorney	1 Year	Charles Shaw
05-14 Borough Auditor	1 Year	Gary Higgins
06-14 Borough Engineer	1 Year	Boswell Engineering
07-14 Bond Counsel	1 Year	Steve Rogut
08-14 Borough Prosecutor	1 Year	Marc Ramundo
09-14 Alternate Prosecutor	1 Year	Christopher Martin
10-14 Public Defender	1 Year	Vanessa Sinisi Falkenstern
11-14 Alt. Public Defender	1 Year	Jeffrey Carney
12-14 Risk Insurer	1 Year	The Vozza/Johl & Co.
13-14 Tax Appeal Attorney	1 Year	Robert Mancinelli
14-14 Municipal Appraiser	1 Year	Robert McNerney

☛ **Motion** to approve Resolution No. 06-14 appointing Boswell Engineering as Borough Engineer was **moved** by Councilman Knoller, **seconded** by Councilman Griffin and carried by roll call vote of 4-0.

RC: Council members:

YES: DiPaola, Griffin, Knoller, Worthington

ABSTAIN: Paino

10. **Resolution No. 15-14 STANDING COMMITTEE COUNCIL APPOINTMENTS WITH FIRST NAMED COMMITTEE MEMBER AS CHAIR:**

☛ **Motion** to approve Resolution #15-14 Standing Committee Council Appointments was **moved** by Councilman Griffin, **seconded** by Councilman Knoller and carried by roll call vote of 4-0.

RC: Council members:

YES: Griffin, Knoller, Paino, Worthington

ABSTAIN: DiPaola

a) Streets and Municipal Services	Paino/Rivers
b) Finance, Tax & Revenue	Worthington/Knoller
c) Police, Auxiliary Police, Office of Emergency Management & Courts	Rivers/Worthington
d) Public Buildings, Grounds Parks & Utilities	Paino/Rivers
e) Real Estate and Land Use	Paino/Rivers
f) Fire Department	Rivers/Knoller

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

- | | |
|----------------------------------|----------------------------|
| g) Personnel and Human Resources | Knoller/Griffin |
| h) Technology | Colina/Knoller |
| i) EVAC | Worthington/Griffin/Colina |

Other Liaison List for the Calendar Year 2014

- | | |
|--------------------------------|-------------|
| j) Board of Health | DiPaola |
| k) Environmental Commission | Worthington |
| l) Chamber of Commerce | Colina |
| m) Shade Tree Commission | DiPaola |
| n) Library Board of Trustees | Griffin |
| o) Board of Education | Knoller |
| p) Senior Citizens | Colina |
| q) Recreation Commission | Knoller |
| r) Insurance Fund Commissioner | Griffin |
| s) Historic Preservation | DiPaola |

13. Resolution No 16-14 COUNCIL APPOINTMENT OF CLASS III LAND USE BOARD MEMBER

☛ **Motion** to open the floor to nominations for Class III Land Use Board member was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried unanimously.

Councilman Knoller nominated Councilman Worthington for Class III Land Use Board member.

☛ **Motion** to close the floor to nominations for Class II Land Use Board member was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried unanimously.

☛ **Motion** to appoint Councilman Worthington as Class III Land Use Board member carried unanimously.

14. INTRODUCTION OF EMERGENCY SERVICES OFFICERS

- a) **Emerson Volunteer Fire Department**
Fire Chief Dan O'Brien, Assistant Chief Mark Brackenbury, Senior Captain Michael Budres, Junior Captain Joseph Solimando III, Senior Lieutenant Anthony Sottile, & Junior Lieutenant Tom Carlos
- b) **Emerson Volunteer Ambulance Corps**
President Alison Knoller; Vice President Brian Giblin; Secretary George Howlin; Treasurer Mike Budres; Captain Dave Mason; 1st Lt. Mike Davis, 2nd Lt. Dan Ardalan and 3rd Lt. Matt Giardiello
- c) **Emerson Auxiliary Police-One Year**
Captain Lou Rizzo, Lieut. John Mahoney, Sgt. William Levine, Sgt. Elizabeth Reilly, Sgt. David Kogut, Sgt. Dan Clayton, Sgt. Joseph Ellis, Ptl. Turbitt Zoeller III, Ptl. Mark Bensen, Ptl. Brian Donaghy, Ptl. Brian Ciavaglia, Ptl. Carmin Cillo
- d) **Community Emergency Response Team (CERT)-One Year**
Alan Bernstein, Erik Wegner, Kathy Buda, Anthony Basile, Kristen Benson, George Schomberg, Lucy Solimando, Loraine Vandervalk, Fran Sottile, Bob Sottile
- e) **School Crossing Guards-One Year Year**
Full time: Bonnie Kompel, Joe Cannone, Donna Block, Ed Helm, William Levine, Sheri Jaeger, John Mahoney, Maria Carpenter, Kevin Mulvenna
Reserve Guards: Joe Romanowicz, Dick Talley, Kevin Felici

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

15. Resolution No. 17-14 ANNUAL APPOINTMENT OF OFFICERS AND EMPLOYEES WITH COUNCIL CONFIRMATION

☞ **Motion** to approve Resolution #17-14 Annual Appointment of Officers and Employees was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

	POSITION	TERM EXPIRES	NAME APPOINTEE
a)	Acting Administrator	T/B/D	L. Shenkler
b)	Qualified Purchasing Agent	12/2014	C. Henderson
c)	Recycling Coordinator	12/2014	J. Solimando
d)	Zoning Official/Sign Insp.	12/2014	M. Sartori
e)	Dep. OEM Coordinator	12/2014	J. Solimando
f)	Assessment Search Officer	12/2014	C. Dray
g)	Fire Inspector	12/2015	Richard Masiello
h)	Public Agency Compliance Officer	12/2014	No appointment made

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

- **Board of Health**

- a. Regular member for the term ending 12/31/16 Nicole Argenzia

☞ **Motion** to appoint Nicole Argenzia as a regular member to the Board of Health for the term ending 12/31/16 was **moved** by Councilwoman DiPaola, **seconded** by Councilman Paino and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

- **Library Board**

- a. Regular member for the term ending 12/31/15 Marcia DeSalvo
- b. Regular member for the term ending 12/31/15 Owen Cassidy
- c. Regular member for the term ending 12/31/16 Sally Leara
- d. Mayor's Representative for the term ending 12/31/14 Ida Ennis
- e. BOE Representative for term ending 12/31/14 No appointment

☞ **Motion** to appoint to the Library Board Marcia DeSalvo as Regular member for the term ending 12/31/15, Owen Cassidy as a Regular member for the term ending 12/31/15, Sally Leara as a Regular member for the term ending 12/31/16, Ida Ennis as the Mayor's Representative for the term ending 12/31/14 was **moved** by Councilman Griffin, **seconded** by Councilman Paino and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

- **Recreation Commission**

- a. Regular member for the term ending 12/31/18 Len Fabiano

☞ **Motion** to appoint Len Fabiano as a regular member to the Recreation Commission for the term ending 12/31/18 was **moved** by Councilman Knoller, **seconded** by Councilman Paino and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

17. MAYOR'S APPOINTMENTS

- **Land Use Board**
 - a. Class II member for the term ending 12/31/14 Tom Browne
 - b. Class IV member for the term ending 12/31/17 Germaine Ortiz
 - c. Alternate I member for the term ending 12/31/15 No appointment

- **Environmental Commission**
 - a. Regular member for the term ending 12/31/16 Tom Browne
 - b. Regular member for the term ending 12/31/16 Margaret Boyce
 - c. Alternate II member for the term ending 12/31/15 No appointment
 - d. Student member for the term ending 12/31/14 No appointment
 - e. Chairman for the term ending 12/31/14

- **Shade Tree Commission**
 - a. Regular member for the term ending 12/31/18 No appointment

- **Historic Preservation Commission**
 - a. Class A member for the term ending 12/31/17 No appointment
 - b. Class B member for the term ending 12/31/17 Bill Wassmann
 - c. Alternate II member for the term ending 12/31/15 Marie Castrovillari

18. NEW BUSINESS:

- a) Resolution #18-14 Adoption of the Temporary 2014 Municipal Budget

- b) **Motion** to adopt Resolution #18-14 Adoption of the Temporary 2014 Municipal Budget was **moved** by Councilman Worthington, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

19. PUBLIC COMMENT

Members of the public are welcome to speak on any topic by coming to the table and stating your name and address for the record. In the interest of time, speakers are limited to five (5) minutes. In consideration of all who may wish to speak, please keep your comments brief and concise.

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

Ken Hoffman, 61 Emwood Drive thanked Councilwoman Garis for her excellent service to the Borough.

Police Chief Donald Rossi discussed the recent parking ordinance and noted that 14 residents had signed up for the program. Two non-residents were also on file. Signs were posted by the Department of Public Works allowing the Police Department to enforce it. He said the ordinance did not reference fines or violations and asked if any decisions had been made. He also stated that an additional School Crossing Guards had been hired that was omitted. He asked if Lisa Smith's name could be added as a Reserve Guard. The Mayor said they would add Ms. Smith as a Crossing Guard.

Mr. Gordon said that on the issue of the parking enforcement ordinance, unless there was a specific provision included in the ordinance limited the amount of the fines, the statutory fines for ordinance violations could apply up to a maximum of \$2000 and/or 90 days in prison in the discretion of the Municipal Court Judge. If they wanted to limit that, they would need to take some legislative action.

Councilman Paino asked if they could currently enforce the ordinance. Mr. Gordon confirmed that it was enforceable and the fines to be imposed would be the standard fines in the discretion of the Municipal Court Judge unless they took some of that discretion away. The Governing Body agreed to place it on the next agenda for discussion.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

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

20. Resolution No. 19-14 CONSENT AGENDA

Councilwoman DiPaola made a Point of Order regarding Ca 45-14. She asked that it be removed and placed on the next agenda for discussion. The Mayor agreed to pull it.

Mr. Gordon explained that the resolution said that you have a Personnel Policy and every Joint Insurance Fund that he had been involved with wanted them to ratify and confirm that they had an existing Personnel Policy in place. If they did not, they would significantly raise rates. He said he could not speak to prior year actions of the Governing Body but said that in his experience, because it was a resolution and resolutions had a life and died at the end of the Council that adopted them, it should be readopted every year. He said ordinances lived until changed. Resolutions died at the end of the year. He said it would be a matter for a future discussion.

☛ **Motion** to adopt Consent Agenda No. 19-14 with the removal of Ca 45-14 was **moved** by Councilman Griffin, **seconded** by Councilman Knoller and carried by roll call vote of 5-0.

RC: Council members:

YES: DiPaola, Griffin, Paino, Knoller, Worthington

Ca 20-14	Designate Official Newspapers – The Record and Ridgewood News
Ca 21-14	Approve Cash Management Plan
Ca 22-14	Approve Official Depositories
Ca 23-14	Approve Authorized Signatories
Ca 24-14	Approve Ratification of Public Official Bonds
Ca 25-14	Establishing Rate of Interest for Delinquent Taxes at 8% of the first \$1,500.00 and 18% on any remaining balance
Ca 26-14	Authorize Mayor Colina to execute agreement of Co-Risk Risk Managers Consultants
Ca 27-14	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 28-14	Approve Producers Agreement Bergen County Municipal Benefits Fund
Ca 29-14	Approve Fee of \$20.00 for Returned Checks for Insufficient Funds
Ca 30-14	Approve Bond, Treasurer of Library Board of Trustees
Ca 31-14	Re-establishment of Petty Cash Funds
Ca 32-14	Change of Custodian of Petty Cash Fund
Ca 33-14	Approve No Cash Policy for Payment of Property Taxes
Ca 34-14	Approve Volunteer Tuition Credit Program
Ca 36-14	Authorize CFO to pay certain obligations as needed
Ca 38-14	Approve the appointment of Catherine Henderson as the Qualified Purchasing Agent for the term of January 2014 to December 31, 2014
Ca 39-14	Mutual Aid – Pascack Valley Fire Departments
Ca 40-14	Authorize 2014-2015 Borough of Emerson Health Services Shared Services Contract with the County of Bergen
Ca 41-14	Award the Contract for Information Technology Services to DART Computers for CY 2014
Ca 42-14	Confirm Endorsement of Community Development Grant of \$30,000.00 for Barrier Free Improvements at the Emerson Fire House and in and around the Central Business District
Ca 43-14	Endorse BCCD Housing Authority Grant for \$337,000 for Emerson American Site Work and Historic Preservation
Ca 44-14	Municipal Alliance Grant for Drug & Alcohol Abuse Prevention
Ca 45-14	Ratification of Personnel Policy - PULLED

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

21. Resolution #37-14 Approve Official Towers

- Resolution #37-14 Approve Official Towers for the Borough of Emerson-Rich's Automotive, Bergen Brookside and Emerson Towing

☛ **Motion** to adopt Resolution #37-14 Approve Official Towers for the Borough of Emerson-Rich's Automotive, Bergen Brookside and Emerson Towing was **moved** by Councilwoman DiPaola, **seconded** by Councilman Griffin and carried by roll call vote of 3-0.

RC: Council members:

YES: DiPaola, Griffin, Worthington

ABSTAIN: Paino, Knoller

22. **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 Paino and carried at 8:50 p.m.

Carol Dray, RMC/CMC/CMR

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

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

January 7, 2014

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.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

Section 3It 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 1Three 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 2In the absence of the Mayor, four members of the Council shall constitute a quorum.

ARTICLE V:

Meetings

Section 1Types 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 2Reorganization. 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 3Regular 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.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

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.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

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 and Land Use
- (6) Fire
- (7) Ambulance
- (8) Human Resources/Personnel
- (9) Technology

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

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

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.

MIN No. 1 APPROVED FOR RELEASE AND CONTENT

ARTICLE X

Borough Seal

Section 1The 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 2The 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 1The 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 2All 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 3Any 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 4Any 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 5These 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 6Whenever 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 7The 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 DiPaola	Council Person Griffin	Council Person Knoller	Mayor Carlos Colina	Council Person Rivers	Council Person Knoller	Council Person Worthington
------------------------------	------------------------------	------------------------------	---------------------------	-----------------------------	------------------------------	----------------------------------

1

2

3

4

5

6