



MINUTES
BOROUGH OF EMERSON
MAYOR AND COUNCIL
SINE DIE
JANUARY 2, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630



SINE DIE

1. CALL TO ORDER

Council President Knoller called the meeting to order at 7:32 p.m. and identified the emergency exits.

2. SALUTE TO THE FLAG

Council President Knoller read the Sunshine Statement announcing that the meeting of January 2nd, 2019 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, the meeting notice was transmitted to the Record and Ridgewood News on December 20th, 2017, posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and 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.

3. MOMENT OF SILENCE

4. OPEN PUBLIC MEETINGS STATEMENT & EMERGENCY EXIT ROUTE

5. ROLL CALL OF THE 2018 GOVERNING BODY

PRESENT: Councilwoman/Mayor DiPaola, Councilman Bayley, Councilman Downing, Councilman Falotico, Council President Knoller

ABSENT: Mayor Lamatina, Councilwoman Wolf

Also present were Councilman Gordon, Councilman Hoffman, Borough Administrator Robert Hoffmann, Borough Attorney Wendy Rubinstein and Borough Clerk Jane Dietsche.

6. PROCLAMATIONS AND PRESENTATIONS

- **Appreciation of Services**
 - a. Mayor Louis J. Lamatina
 - b. Councilman Brian Downing
 - c. Councilwoman Karen Wolf

7. UNFINISHED BUSINESS FOR THE YEAR 2018

- Excused absence of Councilman Falotico from the Regular Meeting of December 18, 2018

☞ **Motion** to excuse the absence of Councilman Falotico from the Regular Meeting of December 18, 2018 was **moved** by Councilman Bayley, **seconded** by Council President Knoller and carried unanimously.

- Volunteer Fire Department – Appointment of Ryan Felter as a Probationary Member effective immediately

☞ **Motion** to appoint Ryan Felter as a Probationary Member of the Emerson Volunteer Fire Department effective immediately was **moved** by Councilman Bayley, **seconded** by Councilman Falotico and carried unanimously.

- Resignation of Borough Administrator Robert S. Hoffmann effective January 25, 2019

☞ **Motion** to accept the resignation of Borough Administrator Robert S. Hoffmann effective January 25, 2019 was **moved** by Councilman Bayley with regrets, **seconded** by Councilman Falotico and carried unanimously.

8. FINANCIAL BUSINESS

- Resolution No. 306-18 - Transfer of Funds

☞ **Motion** to approve Resolution No. 306-18 was **moved** by Councilman Bayley, **seconded** by Councilman Falotico and carried unanimously.

- Resolution No. 307-18 - 4th Quarter 2018 Overpayment Resolution

☞ **Motion** to approve Resolution No. 307-18 was **moved** by Councilman Bayley, **seconded** by Councilman Falotico and carried by roll call vote:

RC: Council members:

YES: DiPaola, Bayley, Knoller, Falotico, Downing

9. MINUTES FOR APPROVAL

- Approval of Regular and Closed Session Meeting Minutes of December 18, 2018

☞ **Motion** to approve the Regular and Closed Session Meeting Minutes of December 18, 2018 was **moved** by Councilman Bayley, **seconded** by Councilman Downing and carried unanimously.

10. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Downing, **seconded** by Council President Knoller and carried at 7:36 p.m.

Seeing no hands, Council President Knoller asked for a motion to close the meeting to comments from the public.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman/Mayor DiPaola, **seconded** by Councilman Bayley and carried.

11. RESOLUTIONS

Council President Knoller said there were no resolutions on the agenda.

11. STANDING COMMITTEES YEAR END REPORTS

Councilman Downing gave a year end report about the Recreation Commission, noting that the last meeting went well and the members had discussed the coming year. He said it was bittersweet and that the members had complimented him for all he had done – it was the best sendoff. He thanked all the commissions and liaisons and thanked the Borough for the plaque as well as his family and all residents for their support.

12. SPECIAL SUB-COMMITTEE YEAR END REPORTS

There were no Special Sub-Committee year end reports.

13. WITH NO FURTHER BUSINESS FOR THE YEAR 2018, 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.

14. RESIGNATION OF DANIELLE DIPAOLA AS COUNCILWOMAN FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2019

☛ **Motion** to accept the resignation of Danielle DiPaola as Councilwoman for the unexpired term ending December 31, 2019 was **moved** by Councilman Falotico, **seconded** by Councilman Bayley and carried unanimously.

15. MOTION TO CLOSE SINE DIE

With no other business to address, at the request of Council President Knoller, a motion to close the Sine Die portion of the meeting was **moved** by Councilman Falotico, **seconded** by Councilman Bayley and carried at 7:39 p.m.



**AGENDA
BOROUGH OF EMERSON
MAYOR AND COUNCIL
REORGANIZATION
JANUARY 2, 2019
7:30 P.M.
Borough Hall-Council Chambers
Emerson, NJ 07630**



1. CALL TO ORDER BY THE BOROUGH CLERK

Borough Clerk Jane Dietsche called the meeting to order at 7:42 p.m.

2. BOROUGH CLERK ANNOUNCES THE RECEIPT OF THE CERTIFICATION OF THE 2018 GENERAL ELECTION RESULTS

Ms. Dietsche said she was in receipt of the Certification of the Election and announced that on this historic occasion, the Honorable Mayor Danielle DiPaola would be sworn into office by the Honorable Mayor Carlos A. Rendo of Woodcliff Lake. She added that Mayor Rendo was a very well-respected Mayor in the Pascack Valley as well as a dear friend of Mayor DiPaola.

3. SWEARING-IN CEREMONY-OATH OF OFFICE:

**Swearing in of
MAYOR DANIELLE DIPAOLA
By Mayor Carlos A. Rendo**

Mayor Rendo swore Mayor DiPaola into office in the presence of her family and congratulated her to a round of applause. Mayor Rendo said it was a great honor to swear in Mayor DiPaola and that she had made history. He said she was an extraordinary woman who represented Emerson; she worked non-stop for the Borough. He had known her for years and she would do a great job as Mayor.

**Swearing in of
COUNCILMAN BRIAN GORDON
By Mayor Danielle DiPaola**

Mayor DiPaola swore in Councilman Brian Gordon in the presence of his family and offered her congratulations.

**Swearing in of
COUNCILMAN KENNETH HOFFMAN
By Mayor Danielle DiPaola**

Mayor DiPaola swore in Councilman Kenneth Hoffman in the presence of his family and offered her congratulations.

4. ROLL CALL OF CURRENT 2019 MAYOR AND COUNCIL

Mayor DiPaola asked Ms. Dietsche to call the roll of the current Governing Body.

PRESENT: Mayor DiPaola, Councilman Bayley, Councilman Falotico, Councilman Gordon, Councilman Hoffman, Councilman Knoller

5. APPOINTMENT TO FILL COUNCILMEMBER VACANCY

- o Nominations:
 1. Jill McGuire
 2. Don Pierro
 3. Michael Timmerman

Mayor DiPaola announced that the Borough Clerk had received an email from the Vice Chair of the Republican Committee which had presented the names of three individuals to fill the vacancy left by her resignation as Councilwoman. The three names were Jill McGuire, Don Pierro and Michael Timmerman.

☛ **Motion** to nominate Jill McGuire as Councilwoman to fill the vacancy for the unexpired term ending 12/31/19 was **moved** by Councilman Hoffman, and **seconded** by Councilman Gordon.

☛ **Motion** to postpone this appointment to the next meeting was moved by Councilman Knoller.

Councilman Hoffman called a Point of Order, stating that he had made the first motion which should therefore be the first acted upon. Ms. Rubinstein noted that a motion to postpone superseded a pending motion to appoint.

Mayor DiPaola stated she had a brief conversation with Councilman Knoller who had indicated that the 2019 Governing Body members were not prepared to nominate a new Governing Body member that evening. Councilman Knoller said he was not prepared to ask the nominees questions and was not sure who one of the candidates was. His hope was to postpone the appointment to the next meeting and have the opportunity to ask the nominees some questions and get to know them.

Councilman Hoffman said if that was the case, all appointments should be postponed to allow the full complement of councilmembers to vote on items such as choosing a Council President and Class III Land Use Board member. He added that it would be highly inappropriate to make those decisions and perhaps others without having the full Council present as the votes would not represent the entire Governing Body.

Mayor DiPaola said she was all about inclusiveness and open and honest government. She had spoken to each Councilmember about the standing committees and liaisons and would like to afford the opportunity to any new Governing Body member to also deliberate their thoughts on committee appointments as well as the Class III Land Use Board member. A vote on the Land Use Board Class III member should be conducted by the full 2019 Governing Body. Councilman Knoller agreed and said that it was an important decision that should be postponed.

☛ **Motion** to postpone the appointment of a new Councilmember to the January 15th meeting was **moved** by Councilman Knoller; **seconded** by Councilman Falotico and carried by roll call vote of 4-1:

YES: Knoller, Bayley, Falotico, Gordon

NO: Hoffman

6. ROLL CALL OF 2019 MAYOR AND COUNCIL

7. Resolution No. 01-19 - 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, 2019 AND ENDING DECEMBER 31, 2019 WITH VOTING AND SEATING ORDER

The Governing Body discussed whether the Mayor or Councilmembers determined the voting and seating order. Ms. Rubinstein confirmed that this was addressed in the by-laws. Mayor DiPaola said that in order to make decisions and make a smooth transition of the Governing Body, they needed the extra member at the dais with voting privileges. In previous years, the Mayor had made the nominations and the Council had either approved or denied the nominations made. She thought she was being blindsided and was looking for cooperation from her colleagues to her right. She preferred a nice mix of new and old Governing Body members for the seating order on the dais. Councilman Hoffman agreed and said this had been the practice when he had served as a Councilman previously. He believed they should follow the by-laws but, in this case, it would be nice to work cooperatively and determine a seating plan that would work for everyone.

Mayor DiPaola said she had planned the seating arrangement to be Councilman Falotico, Councilman Bayley, Councilman Hoffman, whoever the Council President would be, Councilman Knoller or the as yet to be determined Councilmember and Councilman Gordon.

Councilman Falotico called a Point of Order noting that the by-laws indicated the seating order is determined by the Council members and not the Mayor.

☞ **Motion** to adopt the voting and seating order as noted above was **moved** by Councilman Knoller; **seconded** by Councilman Gordon. No roll call was made as Ms. Dietsche asked about the seating arrangement order after the Council President was selected.

8. MAYOR'S ADDRESS TO THE ASSEMBLAGE

MAYOR DANIELLE DIPAOLA

Mayor DiPaola thanked everyone for coming that evening especially Assemblywoman Holly Schepisi, Councilman Hector Olmo from Cresskill, former Dumont Mayor Don Winant, Emerson Chief of Police Michael Mazzeo, and Mayor Carlos Rendo of Woodcliff Lake. She was looking forward to working with everyone in a bipartisan way. She said the election was over and they needed to move forward and recognize that new ideas needed to be brought to the table. She hoped that moving forward that they would do everything in the best interests of the Borough and not political parties. They needed to be open and transparent, and in her opinion should have immediately appointed a new member to the Governing Body so that Emerson would have had a complete Governing Body to make decisions moving forward. She had lived in Emerson her whole life and was sure everyone at the dais had one or two ideas about something they wanted to see happen in town. The future in Emerson was bright and she was determined to help the Borough become a place of opportunity for all people, whether a family of four, a single person or a senior citizen who had lived here a long time. They wanted to see economic opportunities and would do that by making sound fiscal decisions. She said good government was made up of good people and the good people in Emerson included the hard-working employees, administrative staff, emergency services personnel and dedicated volunteers. Volunteers were very important as they ran most of the Boards and Commissions in town and without them, they did not get things like Town Day. Without volunteers, there would be no ambulances or fire engines arriving for emergencies or shade trees taken down or decisions by the Environmental Commission. The Board of Health did a lot of very important things. She thanked all volunteers. She closed by saying that it was historic being the first female Mayor. She hoped that she would not be judged on her gender but rather on the basis of her ideas and abilities.

9. NEW COUNCILMEMBERS' ADDRESS TO THE ASSEMBLAGE

COUNCILMAN BRIAN GORDON

Councilman Gordon thanked everyone for electing him to the Council and said he would work hard for them. If anyone had any questions, he told them to feel free to ask and he would answer to the best of his abilities.

COUNCILMAN KENNETH HOFFMAN

Councilman Hoffman thanked everyone for supporting them in the recent election. The large turnout for both sides clearly showed that elections mattered and the people of Emerson deeply cared about what happened to their community. His philosophy about governing was and always had been pretty simple – that the job of elected officials was to serve the people. The members of the public were their bosses, not the other way around. At the national level the authority of the three branches of government was derived solely from the consent of the governed, as the crucial first three words of the Constitution ‘We the People’ made clear. The same was true at the local level. They served at the public’s behest. That was why answering their questions and listening to their concerns should be considered a top priority, not an unwanted annoyance. That was why the governing process should always be transparent, with discussions and decisions made in public. Elected officials should never forget that what they were doing was the public’s business. He expressed his sincere gratitude to the voters of Emerson and looked forward to working with the entire Governing Body to move Emerson in a positive direction and always according to the wishes of the people they served.

10. RESOLUTION No. 02-19 ELECTION OF PRESIDENT OF THE COUNCIL

- a. Motion to open the floor to nominations
- b. Nominations accepted
- c. Motion to close for nominations
- d. Motion to appoint
- e. Roll Call

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

☛ **Motion** to nominate Councilman Falotico as Council President was **moved** by Councilman Knoller, **seconded** by Councilman Bayley. Mayor DiPaola asked if there were any other nominations. There were none.

Mayor DiPaola asked for a roll call vote on the selection of Councilman Falotico as Council President.

Roll call:

YES: Knoller, Bayley, Hoffman, Falotico, Gordon

Mayor DiPaola announced that Councilman Gerry Falotico would be the Council President for the term ending 12/31/19 and congratulated him.

9. RESOLUTION No. 03-19 BOROUGH PROFESSIONAL APPOINTMENTS - Pursuant to N.J.S.A 19:44A-20.4 et seq. “Fair and Open” (Appointment by Mayor on Consent and Advice of Council)

Mayor DiPaola said the Borough had sent out Requests for Quotes for Professional Appointments prior to the election. After the election she had requested that they reopen the selection process. The Governing Body has not yet had the opportunity to review all the resumes. Further appointments would take place at their next meeting.

- Resolution No. 3-19 Award Professional Services Contract for A Three-Year Cycle Using The “Fair and Open Process” In Accordance with the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44a-20.4 Et Seq., For Municipal Judge for The Calendar Years January 1, 2019 Through December 31, 2021 – Judge Francis J. Leddy, Jr.

☛ **Motion** to adopt Resolution No. 3-19 Awarding Professional Services Contract for A Three-Year Cycle Using The “Fair and Open Process” In Accordance with the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44a-20.4 Et Seq., For Municipal Judge for The Calendar Years January 1, 2019 Through December 31, 2021 – Judge Francis J. Leddy, Jr. was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

Mayor DiPaola swore in Judge Leddy as Municipal Court Judge and announced that 2019 would be his 31st year serving the Borough of Emerson.

10. RESOLUTION No. 04-19 STANDING COMMITTEE COUNCIL APPOINTMENTS WITH FIRST NAMED COMMITTEE MEMBER AS CHAIR:

☛ **Motion** to adopt Resolution No. 4-19 Standing Committee Council Appointments with First Named Committee Member as Chair was **moved** by Councilman Hoffman, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

- | | |
|--|------------------|
| • Streets and Municipal Services | Gordon/Bayley |
| • Finance, Tax & Revenue | Knoller/Hoffman |
| • Police, Auxiliary Police, Office of
Emergency Management & Courts | Knoller/Gordon |
| • Public Buildings, Grounds
Parks & Utilities | Hoffman/Falotico |
| • Real Estate and Land Use | Hoffman/Falotico |
| • Fire Department | Bayley/TBD |
| • Personnel and Human Resources | TBD/Bayley |
| • Technology | Falotico/TBD |
| • EVAC | Falotico/Gordon |

Other Liaison List for the Calendar Year 2019

- | | |
|-----------------------------------|----------------------|
| • Board of Health | Knoller |
| • Environmental Commission | Hoffman |
| • Chamber of Commerce | Bayley |
| • Library Board of Trustees | Falotico |
| • Board of Education | Gordon |
| • Senior Citizens | DiPaola |
| • Recreation Commission | TBD |
| • Insurance Fund Commissioner | Administrator/Bayley |
| • Historic Preservation Committee | Gordon |
| • Municipal Land Use Board | TBD |

11. RESOLUTION No. 05-19 COUNCIL APPOINTMENT OF CLASS III LAND USE BOARD MEMBER

☞ **Motion** to postpone Resolution No. 5-19 Council Appointment of Class III Land Use Board Member. was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 5-0:

YES: Knoller, Bayley, Hoffman, Falotico, Gordon

12. INTRODUCTION OF EMERGENCY SERVICES OFFICERS

Mayor DiPaola introduced the Emergency Services Officers for 2019. Those present were sworn in.

- **Emerson Volunteer Fire Department**
Fire Chief Tom Carlos, Assistant Chief Anthony Sottile, Senior Captain Joe D. Mara., Junior Captain Richard Solimando, Senior Lieutenant – Ryan Doughty; Junior Lieutenant – James McDermott; President Joseph Solimando, Jr., Vice President Joseph D. Mara, Treasurer Ron Berg, Secretary Jim McDermott
- **Emerson Volunteer Ambulance Corps**
President Janine Davis; Vice President Danielle Strathman; Treasurer Maureen Howlin; Secretary George Howlin; Captain Dave Mason; 1st Lt. Dan Ardalan, 2nd Lt. Tim Cariddi and 3rd Lt. Mike Davis
- **Emerson Auxiliary Police-One Year**
Captain Daniel Clayton, Lieut. John Mahoney, Sgt. William Levine, Sgt. David Kogut, Sgt. Mark Bensen, Ptl. William Cileo, Ptl. Alan Bernstein, Ptl. Joseph Kalachian, Ptl. Alex Toroslar, Ptl. William Frank, Ptl. Kristin Malakas
- **School Crossing Guards- One Year**
Bonnie Kompel, Joseph Cannone, Donna Block, William Levine, Sheri Jaeger, Maria Acosta-Carpenter, Kevin Mulvenna, Kevin Felici, Gail Kovacs-Felici, Leo Conwell, Victoria Potter

13. RESOLUTION No. 06-19 ANNUAL APPOINTMENT OF OFFICERS AND EMPLOYEES WITH COUNCIL CONFIRMATION

☞ **Motion** to approve Resolution No. 6-19 Annual Appointment of Officers and Employees with Council Confirmation was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:

YES: Knoller, Bayley, Hoffman, Falotico, Gordon

POSITION	TERM EXPIRES	NAME
• Recycling Coordinator	12/2019	Liz Morris
• Deputy Recycling Coordinator	12/2019	Perry Solimando
• Sewer Operator	12/2019	Keith Durie
• Zoning Official	12/2019	Nelson Fullam
• Dep. OEM Coordinator	12/2019	Perry Solimando
• Assessment Search Officer	12/2019	Jane Dietsche
• Public Agency Compliance Officer (PACO)	12/2019	Borough Administrator

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

- **Library Board**

- Mayor's Representative for term ending 12/31/19 Ida Ennis
- Board of Education Representative for term ending 12/31/19 Kristen Vitale

☞ **Motion** to appoint Ida Ennis as the Mayor's Representative for the term ending 12/31/19 and Kristen Vitale as the Board of Education Representative for the term ending 12/31/19 was **moved** by Councilman Bayley, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

- **Recreation Commission**

- Regular member for the term ending 12/31/23 Anthony Gismondi

☞ **Motion** to appoint Anthony Gismondi as a Regular Member for the term ending 12/31/23 was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

Those members who were present were sworn into office.

COUNCIL APPOINTMENTS:

- **Board of Health**

- Regular member for the term ending 12/31/21 Cindy Bischoff
- Regular member for the term ending 12/31/21 Susan Gibbons
- Regular member for the unexpired term ending 12/31/20 VACANT

☞ **Motion** to appoint Cindy Bischoff and Susan Gibbons as Regular Members for the terms ending 12/31/21 was **moved** by Councilman Hoffman, **seconded** by Councilman Bayley and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

16. MAYOR'S APPOINTMENTS

Mayor DiPaola announced the following appointments and swore in those who were present.

- **Land Use Board**

- Class II member for the term ending 12/31/19 Jill McGuire
- Class IV member for the term ending 12/31/22 Jeff Bischoff
- Class IV member for the term ending 12/31/22 Don Pierro
- Alternate II member for the term ending 12/31/20 Mike Myers
- Alternate III member for the term ending 12/31/20 Bill Loschiavo

- **Environmental Commission**

- Chairperson/Regular member for the term ending 12/31/19 Stephanie Clark
- Regular member for the term ending 12/31/19 Steve Frassa
- Regular member for the term ending 12/31/21 Kevin Leeds
- Regular member for the term ending 12/31/21 Michael Casey
- Alternate I member for the term ending 12/31/20 Michael Guarriello
- Student member for the term ending 12/31/19 Katherine Haight

- **Historic Preservation Committee**
 - Class C Member for the term ending 12/31/22 Anthony Basile
 - Class C member for the term ending 12/31/22 Aldrin Cruz
 - Class C member for the unexpired term ending 12/31/20 TBD
 - Alternate I member for the term ending 12/31/20 Chris Wamsley
 - Alternate II member for the term ending 12/31/19 TBD

16. NEW BUSINESS:

- Resolution #07-19 Adoption of the Temporary 2019 Municipal Budget

☞ **Motion** to approve Resolution No. 7-19 Adoption of the Temporary 2019 Municipal Budget was **moved** by Councilman Knoller, **seconded** by Council President Falotico and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

17. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilman Hoffman, **seconded** by Councilman Bayley and carried at 8:52 p.m.

Assemblywoman Holly Schepisi said she had come to congratulate Mayor DiPaola, Councilman Gordon and Councilman Hoffmann and said their win was well deserved. They had worked exceptionally hard to be elected. The win showed that voters didn't care about Democrats or Republicans but that their concerns be listened to and their voices heard. She offered her office's assistance to everyone. She stated that Emerson would be losing an asset when Borough Administrator Bob Hoffmann departed and congratulated him on his new position in Chatham. She announced that her office would be holding an "Office on the Road" on Thursday, February 14th in the Borough and invited anyone who needed help to visit.

Jeff Bischoff, 86 Park Avenue thanked the outgoing Councilmembers for their time and service, stating that he knew it was a difficult job and took up much time and effort. He congratulated Mayor DiPaola, Councilman Gordon and Councilman Hoffman on their win and said he looked forward to working on the Land Use Board.

Gary Schwinder, 99 Linden Avenue wished everyone good luck and congratulated Mayor DiPaola and the new members of the Council. He thanked the outgoing members of the Governing Body for their service over the past years and looked forward to a great 2019.

Bill Price, 9 Emwood Drive said it was a wonderful experience and that he had been going through hell over projects in the Borough. He said that voters had saved the Emerson Woods and voted out the old Council; it was starting to happen again. He congratulated Mr. Hoffmann, wished him good luck in his new position and said he had done a good job.

Seeing no more hands, Mayor DiPaola asked for a motion to close the floor to comments from the public.

☞ **Motion** to close the meeting to comments from the public was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried at 8:58 p.m.

18. RESOLUTION No. 08-19 CONSENT AGENDA

Council President Falotico requested that two resolutions be pulled for discussion and a separate vote: CA 42-19 Award Contract Extension for Information Technology Services for Ninety Day Period to DART Computer Services and CA 43-19 Authorize Public WIFI Access In Borough Hall

☛ **Motion** to approve Consent Agenda Resolution No. 8-19 excluding CA 42-19 and CA 43-19 was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

Council President Falotico requested that CA 42-19 Award Contract Extension for Information Technology Services for Ninety Day Period to DART Computer Services be reduced to a 45 Day Period and inquired about security protocols for WIFI access.

☛ **Motion** to approve Consent Agenda Resolution items CA 42-19 and CA 43-19 only was **moved** by Council President Falotico, **seconded** by Councilman Knoller and carried by a roll call vote of 5-0:
YES: Knoller, Bayley, Hoffman, Falotico, Gordon

- CA 09-19 Designate Official Newspapers – The Record and Ridgewood News
- CA 10-19 Approve Cash Management Plan
- CA 11-19 Approve Official Depositories
- CA 12-19 Approve Authorized Signatories
- CA 13-19 Approve Ratification of Public Official Bonds
- CA 14-19 Establishing Rate of Interest for Delinquent Taxes at 8% of the first \$1,500.00 and 18% on any remaining balance
- CA 15-19 Approve Appointment of LOSAP Program Administrators Joseph D. Mara for the Emerson Volunteer Fire Department and George Howlin for the Emerson Volunteer Ambulance Corps
- CA 16-19 Approve Fee of \$20.00 for Returned Checks for Insufficient Funds
- CA 17-19 Approve Bond, Treasurer of Library Board of Trustees
- CA 18-19 Re-establishment of Petty Cash Funds
- CA 19-19 Approve Volunteer Tuition Credit Program
- CA 20-19 Authorize CFO to pay certain obligations as needed
- CA 21-19 Mutual Aid – Pascack Valley Fire Departments
- CA 22-19 Approve Official Towers for the Borough of Emerson-Rich’s Automotive, Bergen Brookside and Emerson Towing
- CA 23-19 Resolution Approving the Cancellation of Small Balances
- CA 24-19 Reimburse Residents for Property Damage Caused by Municipal Work
- CA 25-19 Approve BMED Fund Commissioner
- CA 26-19 Approve JIF Fund Commissioner
- CA 27-19 Appoint Liz Morris as Borough Recycling Coordinator and Perry Solimando as the Deputy Borough Recycling Coordinator
- CA 28-19 Appoint Keith Durie as Borough Sewer System Operator
- CA 29-19 Board, Commission & Committee Secretary Responsibilities
- CA 30-19 Authorize Shared Service Arrangement with the Borough of Glen Rock for Acting Municipal Court Administrator
- CA 31-19 Authorize Deputy Borough Clerk Coverage
- CA 32-19 Interlocal Services Agreement – Mutual Aid Plan & Rapid Deployment Force
- CA 33-19 Authorizing A Duplicate Coverage Opt Out Disbursement for Nonaffiliated Employees Who Voluntarily Decline to Participate in the Borough’s Medical Benefits Coverage
- CA 34-19 Appoint Borough Administrator as a Municipal Housing Liaison
- CA 35-19 Authorize the Appointment a Records Custodian in the Emerson Police Department, Building Department and Board of Health for the Purposes of Open Public Records Requests
- CA 36-19 Appointment of Justin Schwarz as a Probationary Police Officer effective January 2, 2019
- CA 37-19 Appoint Kasey Ciborowski as successor to Narita Maraj Inc. for Records Management Services
- CA 38-19 Approve Open Space Delegate & Alternate Representative for the period January 1, 2019 through June 30, 2019

- CA 39-19 Approve Community Development Delegate & Alternate for the period January 1, 2019 through June 30, 2019
- CA 40-19 Award Ninety (90) Day Extension Municipal Building Cleaning Contract to Tropical Cleaning Through March 31, 2019
- CA 41-19 Extension of Ace Tree Surgeons Contract for 90 days
- CA 42-19 Award Contract Extension for Information Technology Services for ~~Ninety (90)~~ Forty-five (45) Day Period to DART Computer Services
- CA 43-19 Authorize Public WIFI Access In Borough Hall

Councilman Knoller called a Point of Order and congratulated Mayor DiPaola on her first meeting as Mayor. He looked forward to working with Councilman Gordon and Councilman Hoffman as well. He said there would be times they would agree or disagree but would always do so respectfully.

Council President Falotico congratulated Mayor DiPaola, Councilman Gordon and Councilman Hoffman and said he looked forward to working together with everyone. Mayor DiPaola concurred. Councilman Hoffman said he looked forward to working with the entire Governing Body and that Councilman Knoller was correct - they would agree or disagree but do so respectfully. He thanked the public for coming out that evening. He said they were there because of the public. Councilman Bayley wished everyone a Happy New Year, thanked them for coming and wished the newly elected officials all the best in this year and the years to come and looked forward to working for the people. Mr. Hoffmann wished everyone a Happy New Year and congratulated Mayor DiPaola, Councilman Gordon and Councilman Hoffman and wished them a good 2019.

Mayor DiPaola said that on a personal level, there were three people missing from the room – her father, her Uncle Danny and her Uncle Ralph but she knew they were watching her and were proud of her. She wished they were present but the rest of her family was there and together, united. They did a lot together and loved each other and were very close. She thanked everyone for coming, especially her family.

21. ADJOURNMENT

With no other business to address, at the request of Mayor DiPaola, a motion to adjourn was moved by Councilman Knoller, seconded by Council President Falotico and carried at 9:04 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk

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

January 2, 2019

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 11:00 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. Excused Absence of Governing Body member
6. Proclamations and Citations
7. Appointments/Resignations
8. Approval of Minutes
9. Presentation of correspondence, petitions, etc. and the reading thereof and referral thereof to the proper committee ordering same filed.
10. Financial Business
11. Unfinished business and vote on any questions before the Council
12. Ordinance Introduction and Adoption
13. Final passage of ordinances
14. 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 by 4:00 p.m. on the Thursday prior to the regularly scheduled 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
15. Reports of Committees, Liaisons, Officials, Mayor, Clerk, Administrator and Attorney.
16. 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. Immediately preceding the Reorganization Meeting, 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.

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 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

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	Council Person	Council Person	Mayor DiPaola	Council Person	Council Person	Council Person
1	2	3		4	5	6