



MINUTES  
BOROUGH OF EMERSON  
MAYOR AND COUNCIL  
REORGANIZATION  
JANUARY 3, 2017  
7:30 P.M.  
Borough Hall-Council Chambers  
Emerson, NJ 07630



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SINE DIE

1. **CALL TO ORDER**

Mayor Lamatina called the meeting to order at 7:30 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 Lamatina read the Sunshine Statement announcing that the meeting of January 3rd, 2017 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 22nd, 2016, 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.

5. **ROLL CALL OF THE 2016 GOVERNING BODY**

**PRESENT:** Mayor Lamatina, Councilwoman DiPaola, Councilman Downing, Council President Knoller, Councilman Lazar, Councilman Tripodi, Councilman Worthington

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

6. **PROCLAMATIONS AND PRESENTATIONS**

- Councilman Vincent Tripodi – Appreciation of Services
- Micheline Perlman – Appreciation of Services
- Robert Pavese Jr. – Appreciation of Services
- Leonard Boros – Appreciation of Services

7. **UNFINISHED BUSINESS FOR THE YEAR 2016**

- Resignation of Gerald Falotico from the Recreation Commission effective 12/31/16

☞ **Motion** to accept the resignation of Gerald Falotico from the Recreation Commission effective 12/31/16 was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried unanimously.

**8. FINANCIAL BUSINESS**

Mayor Lamatina announced that there was no financial business that evening.

**9. MINUTES FOR APPROVAL**

- Regular Meeting Minutes of December 6, 2016

☞ **Motion** to approve the Regular Meeting Minutes of December 6, 2016 as amended was **moved** by Council President Knoller, **seconded** by Councilman Tripodi and carried unanimously.

- Special Meeting Minutes of December 20, 2016
- Closed Session Special Meeting Minutes of December 20, 2016

☞ **Motion** to approve the Special Meeting Minutes and Closed Session Special Meeting Minutes of December 20, 2016 was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried unanimously.

**10. RESOLUTIONS - Consent Agenda No. 298-16**

☞ **Motion** to approve Consent Agenda #298-16 was **moved** by Council President Knoller, **seconded** by Councilman Downing and carried by a roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Lazar, Downing, Knoller Tripodi, Worthington**

CA 299-16 Transfer of Funds

CA 300-16 Change Order #1 2016 Road Resurfacing Improvement

CA 301-16 Rescind Resolution #292-16 and Appoint Ryan Felter as Department of Public Works employee effective 1/3/17

CA 302-16 Reimburse resident for property damage in an amount not to exceed \$3,500

CA 303-16 Authorize Police Chief to post for Sergeant Position

**11. STANDING COMMITTEES YEAR END REPORTS**

There were no Standing Committee year end reports.

**12. SPECIAL SUB-COMMITTEE YEAR END REPORTS**

There were no Special Sub-Committee year end reports.

**13. WITH NO FURTHER BUSINESS FOR THE YEAR 2016, 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. MOTION TO CLOSE SINE DIE**

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

**1. CALL TO ORDER MAYOR LAMATINA**

Mayor Lamatina called the meeting to order at 7:40 p.m.

**2. BOROUGH CLERK ANNOUNCES THE RECEIPT OF THE CERTIFICATION OF THE 2016 GENERAL ELECTION RESULTS**

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

Swearing in of  
COUNCILWOMAN DANIELLE DIPAOLO  
By MAYOR JOSEPH P. BIANCHI, BOROUGH OF NORTH ARLINGTON

Swearing in of  
COUNCILMAN GERALD FALOTICO  
By BERGEN COUNTY SHERIFF MICHAEL SAUDINO

Swearing in of  
POLICE CHIEF MICHAEL MAZZEO  
By FORMER EMERSON POLICE CHIEF PETER MAZZEO

**4. ROLL CALL OF 2017 MAYOR AND COUNCIL**

**PRESENT:** Mayor Lamatina, Councilwoman DiPaola, Councilman Downing, Councilman Falotico, Councilman Knoller, Councilman Lazar, Councilman Worthington

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

**5. Resolution No. 01-17 - 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, 2017 AND ENDING DECEMBER 31, 2017 WITH VOTING AND SEATING ORDER**

Mayor Lamatina announced that the voting and seating order for 2017 would be as follows: Councilwoman DiPaola, Councilman Falotico, Councilman Lazar, Councilman Knoller, Councilman ~~Falotico~~ Downing and Councilman Worthington.

**Motion** to approve Resolution #01-17 Adoption of the Governing Body By-laws was **moved** by Councilman Knoller, **seconded** by Councilman Lazar and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

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

COUNCILWOMAN DANIELLE DIPAOLO  
COUNCILMAN GERALD FALOTICO

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

**8. Resolution No. 02-17 ELECTION OF PRESIDENT OF THE COUNCIL**

Mayor Lamatina 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 Knoller, **seconded** by Councilman Lazar and carried unanimously.

Councilman Falotico nominated Councilman Knoller for Council President for the year 2017. Councilman Lazar seconded that nomination.

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

☞ **Motion** to approve Resolution #02-17 Adoption of the Election of Councilman Chris Knoller as Council President for 2017 was not approved unanimously. Mayor Lamatina asked for a roll call which was carried by 4-1.

**RC: Council members:**

**YES: Falotico, Lazar, Downing, Worthington**

**NO: DiPaola**

**ABSTAIN: Knoller**

**9. Resolution No. 03-17 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)**

☞ **Motion** to approve Resolution #03-17 Borough Professional Appointments was **moved** by Council President Knoller, **seconded** by Councilman Lazar and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

PROFESSIONAL	TERM	NAME
04-17 Borough Auditor	1 Year	Gary Higgins and Lerch, Vinci & Higgins, LLP
05-17 Bond Counsel	1 Year	Steve Rogut and Rogut, McCarthy LLP
06-17 Risk Insurer	1 Year	The Vozza Agency/Johl & Co.
07-17 Municipal Appraiser	1 Year	Robert McNerney and McNerney & Associates, Inc.

**10. Resolution No. 08-17 STANDING COMMITTEE COUNCIL APPOINTMENTS WITH FIRST NAMED COMMITTEE MEMBER AS CHAIR:**

☞ **Motion** to approve Resolution #8-17 Standing Committee Council Appointments was **moved** by Councilman Downing, **seconded** by Councilman Lazar and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

- |  |                     |
|--|---------------------|
| • Streets and Municipal Services                                       | Lazar/DiPaola       |
| • Finance, Tax & Revenue   | Worthington/Knoller |
| • Police, Auxiliary Police, Office of<br>Emergency Management & Courts | Knoller/Downing     |
| • Public Buildings, Grounds<br>Parks & Utilities                       | DiPaola/Falotico    |
| • Real Estate and Land Use   | Falotico/Lazar      |
| • Fire Department  | Downing/Worthington |
| • Personnel and Human Resources  | Downing/Falotico    |
| • Technology   | Knoller/Downing     |
| • EVAC   | Downing/Worthington |

**Other Liaison List for the Calendar Year 2017**

- |                               |                |
|-------------------------------|----------------|
| • Board of Health             | DiPaola        |
| • Environmental Commission    | Downing        |
| • Chamber of Commerce         | Lamatina       |
| • Library Board of Trustees   | DiPaola        |
| • Board of Education          | Lamatina       |
| • Senior Citizens             | Lamatina       |
| • Recreation Commission       | Downing        |
| • Insurance Fund Commissioner | Hoffmann/Lazar |
| • Municipal Land Use Board    |                |

Councilwoman DiPaola noted that the Library Board of Trustee monthly meetings and the Board of Health monthly meetings met on the same night every month. She requested that Mayor Lamatina remove her from one of these positions and place her elsewhere. She suggested that Mayor Lamatina switch one of his liaison appointments with her. Mayor Lamatina said this would be addressed at the January 17<sup>th</sup> meeting.

**11. Resolution No 09-17 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 Lazar, **seconded** by Council President Knoller and carried unanimously.

Council President Knoller nominated Councilman Falotico for Class III Land Use Board member.

☞ **Motion** to close the floor to nominations for Class III Land Use Board member was **moved** by Councilman Lazar, **seconded** by Councilman Falotico and carried unanimously.

☞ **Motion** to appoint Councilman Falotico as Class III Land Use Board member was carried unanimously.

**12. INTRODUCTION OF EMERGENCY SERVICES OFFICERS**

Mayor Lamatina announced the Emergency Services Officers for 2017.

- **Emerson Volunteer Fire Department**  
Fire Chief Mark Brackenbury, Assistant Chief Tom Carlos, Senior Captain Mark Savino Sr., Junior Captain Anthony Sottile, Senior Lieutenant Joseph D. Marra; President Joseph Solimando, Jr., Vice President Joseph D. Mara, Treasurer Ron Berg, Secretary Kim McKersie
- **Emerson Volunteer Ambulance Corps**  
President Janine Davis; Vice President Cindy Giardiello; Treasurer Maureen Howlin; Secretary George Howlin; Captain Dave Mason; 1<sup>st</sup> Lt. Dan Ardalan, 2<sup>nd</sup> Lt. Brian Giblin and 3<sup>rd</sup> Lt. Mike Davis
- **Emerson Auxiliary Police-One Year**  
Captain Daniel Clayton, Lieut. John Mahoney, Sgt. William Levine, Sgt. Elizabeth Reilly, Sgt. David Kogut, Sgt. Joseph Ellis, Sgt. Mark Bensen, Ptl. Brian Ciavaglia, Ptl. William Cillo, Ptl. Joseph Kalachian, Ptl. Alex Toroslar, Ptl. William Frank
- **Community Emergency Response Team (CERT)-One Year**  
Christine Malokas, Alan Bernstein, Marc Carlo
- **School Crossing Guards-One Year Year**  
Bonnie Kompel, Joseph Cannone, Donna Block, William Levine, Sheri Jaeger, John Mahoney, Maria Acosta-Carpenter, Kevin Mulvenna, Jackie Sloat, Kevin Felici, Gail Kovacs-Felici, Leo Conwell

**13. Resolution No. 10-17 ANNUAL APPOINTMENT OF OFFICERS AND EMPLOYEES WITH COUNCIL CONFIRMATION**

☞ **Motion** to approve Resolution #10-17 Annual Appointment of Officers and Employees with Council Confirmation was **moved** by Councilwoman DiPaola, **seconded** by Councilman Lazar and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

<b>POSITION EXPIRES</b>	<b>TERM</b>	<b>NAME APPOINTEE</b>
• Qualified Purchasing Agent	12/2017	Robert S. Hoffmann
• Acting Recycling Coordinator	12/2017	Perry Solimando
• Sewer Operator	12/2017	Keith Durie
• Zoning Official	12/2017	Nelson Fullam
• OEM Coordinator	12/2019	Mark Savino
• Dep. OEM Coordinator	12/2017	Perry Solimando
• Assessment Search Officer	12/2017	Jane Dietsche

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

- **Board of Health**

- Regular member for the term ending 12/31/19 Nicole Argenzia

☞ **Motion** to reappoint Nicole Argenzia as a regular member of the Board of Health for the term ending 12/31/19 was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

- **Library Board**

- Regular member for the term ending 12/31/21 Sally Leara
- Mayor's Representative for term ending 12/31/17 Ida Ennis
- BOE Representative for term ending 12/31/17 Brian Gatens

☞ **Motion** to reappoint Sally Leara as a regular member of the Library Board of Trustees for the term ending 12/31/21, reappoint Ida Ennis as the Mayor's Representative for the term ending 12/31/17 and reappoint Brian Gatens as the BOE Representative for the term ending 12/31/17 was **moved** by Councilman Falotico, **seconded** by Councilwoman DiPaola and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

- **Recreation Commission**

- Regular member for the term ending 12/31/21 Dave Rector
- Regular member for the unexpired term ending 12/31/19 Mike Graham
- Alternate I member for the unexpired term ending 12/31/20 Paul Coombes
- Alternate II member for the unexpired term ending 12/31/19 Bob Quinones

☞ **Motion** to reappoint Dave Rector as a regular member of the Recreation Commission for the term ending 12/31/21, appoint Mike Graham as a regular member for the unexpired term ending 12/31/19; appoint Paul Coombes as Alternate I member for the unexpired term ending 12/31/20 and appoint Bob Quinones as the Alternate II member for the unexpired term ending 12/31/19 was **moved** by Councilman Lazar, **seconded** by Councilwoman DiPaola and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

## 15. MAYOR'S APPOINTMENTS

Mayor Lamatina announced the following appointments:

- **Land Use Board**

- Class IV member for the term ending 12/31/20 Gary Schwinder
- Class IV member for the term ending 12/31/20 Tom Callagee
- Alternate II member for the term ending 12/31/18 Doug McKendry
- Alternate III for the term ending 12/31/18 Evan Kutzin

- **Environmental Commission**

- Regular/Chair member for the term ending 12/31/19 Tom Browne
- Regular/Co-Chair member for the term ending 12/31/19 Margaret Boyce
- Regular member for the term ending 12/31/19 Jeanine Lamatina
- Alternate I member for the term ending 12/31/18 Michael Griggs
- Alternate II member for the term ending 12/31/17 Walter Romanski
- Student member for the term ending 12/31/17 Josh Salles

## 16. NEW BUSINESS:

- Resolution #11-17 Adoption of the Temporary 2017 Municipal Budget

☞ **Motion** to approve Resolution #11-17 Adoption of the Temporary 2017 Municipal Budget was **moved** by Councilman Lazar, **seconded** by Councilman Downing and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

## 17. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 8:38 p.m.

Jim Sabino, 23 Pavonia Avenue asked for follow up information and remediation plans to resolve flooding issues at his property.

Jill McGuire, 154 Linwood Avenue discussed research she had done on the history of Borough Hall and WPA projects. She asked that New Deal architecture be preserved. She also requested that a Special Meeting be held on the topic of PILOTS to address the concerns of residents.

Todd Bradbury, 24 Chestnut Street stated he was following up on his comments and questions from the previous meeting. He explained that he had received a letter in 2008 from the former Borough Clerk which indicated that his property was not included in the Redevelopment zone. However he had received a letter in November of 2016 which indicated that his property was in the zone. Ms. Rubinstein said she would follow up with Borough Planner Brigitte Bogart.

Seeing no more hands, Mayor Lamatina 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 Councilman Lazar, **seconded** by Councilman Downing and carried.

**18. Resolution No. 12-17 CONSENT AGENDA**

☛ **Motion** to approve Resolution #12-17 Consent Agenda was **moved** by Councilman Falotico, **seconded** by Council President Knoller and carried by roll call vote of 6-0.

**RC: Council members:**

**YES: DiPaola, Falotico, Lazar, Knoller, Downing, Worthington**

- Ca 13-17 Designate Official Newspapers – The Record and Ridgewood News
- Ca 14-17 Approve Cash Management Plan
- Ca 15-17 Approve Official Depositories
- Ca 16-17 Approve Authorized Signatories
- Ca 17-17 Approve Ratification of Public Official Bonds
- Ca 18-17 Establishing Rate of Interest for Delinquent Taxes at 8% of the first \$1,500.00 and 18% on any remaining balance
- Ca 19-17 Authorize Mayor Lamatina to execute agreement of Co-Risk Risk Managers Consultants
- Ca 20-17 Approve Appointment of LOSAP Program Administrators Mark Savino for the Emerson Volunteer Fire Department and George Howlin for the Emerson Volunteer Ambulance Corps
- Ca 21-17 Approve Producers Agreement Bergen County Municipal Benefits Fund
- Ca 22-17 Approve Fee of \$20.00 for Returned Checks for Insufficient Funds
- Ca 23-17 Approve Bond, Treasurer of Library Board of Trustees
- Ca 24-17 Re-establishment of Petty Cash Funds
- Ca 25-17 Change of Custodians of Petty Cash Fund
- Ca 26-17 Approve Volunteer Tuition Credit Program
- Ca 27-17 Authorize CFO to pay certain obligations as needed
- Ca 28-17 Mutual Aid – Pascack Valley Fire Departments
- Ca 29-17 Designate Borough Administrator Robert S. Hoffmann as Public Agency Compliance Officer
- Ca 30-17 Authorize Deputy Borough Clerk Coverage
- Ca 31-17 Approve Official Towers for the Borough of Emerson-Rich’s Automotive, Bergen Brookside and Emerson Towing
- Ca 32-17 Resolution Approving the Cancellation of Small Balances
- Ca 33-17 Awarding Professional Service Contract/Records Management Services/Narita Maraj, LLC
- Ca 32-17 Authorize Temporary Advertising Signs during Kinderkamack Road Construction
- Ca 35-17 Reimburse Residents for Property Damage Caused by Municipal Work
- Ca 36-17 Amend Cash Management Plan – Fixed Asset Threshold
- Ca 37-17 Award a One Year Contract for Elevator Inspection Services to NJ Technical Services in the amount of \$5,276.00
- Ca 38-17 Approve BMED Fund Commissioner
- Ca 39-17 Approve JIF Fund Commissioner
- Ca 40-17 Appoint Perry Solimando as Acting Borough Recycling Coordinator
- Ca 41-17 Appoint Keith Durie as Borough Sewer System Operator
- Ca 42-17 Board, Commission & Committee Secretary Responsibilities
- Ca 43-17 Appoint Tom Carlos as Foreman of the Department of Public Works
- Ca 44-17 Authorize Shared Service Arrangement with the Borough of Glen Rock for Acting Municipal Court Administrator
- Ca 45-17 Approve the appointment of Robert S. Hoffmann as the Qualified Purchasing Agent for the term of January 2017 to December 31, 2017
- Ca 46-17 Transfer of Funds to Cover Just Pups Litigation
- Ca 47-17 Interlocal Services Agreement – Mutual Aid Plan & Rapid Deployment Force

A request was made from the audience to reopen the meeting to public comment.

☛ **Motion** to reopen the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Downing and carried at 9:04 p.m.

William Price, 9 Emwood Drive expressed his opposition to redevelopment and expressed concerns related to traffic and congestion.

Mayor Bianchi of North Arlington noted that the problems in Emerson were similar to every other town and wished everyone a Happy New Year.

Mike Myers, 38 Alison Way asked about parking patterns and the potential for traffic congestion in the downtown area with redevelopment.

Ernest Van Den Heuvel, 32 Lake Road, Congers, NY thanked Councilwoman DiPaola for her sincere and heartfelt speech. He said he was happy to see the approval of public official bonds on the Consent Agenda and said that everyone had to comply with the law. Ms. DiPaola clarified that the bonds were for the Court personnel and CFO. He asked if the Borough had a business plan. He said that he is not a federal agent – that this was a fabrication. He said he was a federal officer. He discussed an incident at the Land Use Board meeting of December 8<sup>th</sup> where he was approached by three Emerson police officers and said he would be filing an OPRA request to find out who had called in a disturbance. He said it was a serious violation of his civil rights. He said that laws must be followed and taxpayers would demand that their rights were no longer infringed upon.

## 21. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was moved by Council President Knoller, seconded by Councilman Worthington and carried at 9:22 p.m.

Respectfully submitted,

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Jane Dietsche, RMC  
Borough Clerk

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

January 3, 2017

**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. 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 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
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. 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.

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 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**

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Council Person DiPaola 1	Council Person Falotico 2	Council Person Lazar 3	Mayor Louis Lamatina	Council President Knoller 4	Council Person Downing 5	Council Person Worthington 6
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