



# **BY-LAWS OF THE BOROUGH OF MENDHAM COUNCIL**

**January 1, 1976**

**Revised January 1, 1982**

**Revised May 21, 2001**

## **ARTICLE I**

**Section 1.** "Roberts Rules of Order" shall govern the deliberation of the Council.

## **ARTICLE II - MAYOR**

**Section 1.** The Mayor shall preside over the deliberations of the Council and shall conduct the meetings thereof. S/he shall also participate in the determination of Borough affairs to the extent permitted by Statute. (See R.S. 40A:60-1 et. seq.)

**Section 2.** The Mayor shall on all occasions preserve the strictest order and decorum, and shall cause the removal of all persons who interrupt the orderly proceedings of the Council.

**Section 3.** When two or more Council Members shall rise at the same time, the Mayor shall name the one entitled to the floor.

**Section 4.** The Mayor shall decide all questions of order without debate subject to an appeal to the Council and may call upon the Council for the opinion of the Council, upon any question of order.

**Section 5.** The Mayor shall be an ex-officio member of all committees, both standing and special, and shall be informed in advance of all meetings of such committees.

**Section 6.** The Mayor shall serve as the liaison between the Governing Body and all Boards, Committees, Agencies or Organizations except as herein assigned to a specific Council Committee for liaison purposes or subsequently assigned by the Mayor.

**Section 7.** In the absence of the Mayor, or if unable to perform the duties of the office, the Council President (or, in his inability to act, the Council Member having the longest term as such) shall act as Mayor, as provided by Statute. (See R.S. 40A:60-3c)

## **ARTICLE III - BOROUGH CLERK**

**Section 1.** The Borough Clerk shall perform the duties as outlined in State Statute and these By-Laws.

**Section 2.** The Borough Clerk shall keep the Minutes and Ordinance Books properly and fully indexed and shall perform all the duties usually devolving upon such officer; and in addition, such other duties or services as the Mayor or Council may direct.

**Section 3.** Upon the introduction of an Ordinance, the same shall be properly numbered and recorded at length by the Borough Clerk in the Ordinance Book. The assigned number shall appear in the advertisement of such Ordinance.

**Section 4.** The Deputy Clerk shall perform duties assigned by the Borough Clerk. In the absence of the Borough Clerk, the Deputy Clerk shall have the authority, responsibility and duties of the Borough Clerk.

#### **ARTICLE IV - MEETINGS**

**Section 1.** The Council shall hold an annual meeting on the first day of January at twelve o' clock noon, or during the first seven days of January in any year. (See R.S. 40A:60-3(a))

**Section 2.** That at the aforesaid meeting the Council shall fix the time and place for holding regular meetings during the ensuing year, which time and place shall not be changed except in accordance with the requirements of the Open Public Meetings Act.

**Section 3.** At the Annual Meeting, the Council will elect one of its members as Council President to serve for the calendar year. (See R.S. 40A:3(b))

**Section 4.** The Mayor shall, when necessary, call special meetings of the Council; in case of his neglect or refusal, any four members of the Council may call such meeting at such time and place in such Borough as they may designate, and in all cases of special meetings reasonable advance notice, considered to be of forty-eight hours, except in case of emergency, shall be given in person to all members of the Council, or left at their place of residence. (See R.S. 40A:60-3g)

**Section 5.** A quorum shall be as provided by the Revised Statutes of New Jersey, viz: three Council Members and the Mayor, and in the absence of the Mayor, four Council Members. (See R.S. 40A:60-3d)

**Section 6.** If no quorum be present at any meeting, those assembled shall have power and are hereby authorized to set a new meeting date, and then adjourn.

**Section 7.** The following order of business shall be observed, viz:

1. Call to Order
2. Invocation and Flag Salute
3. Open Public Meetings Act Statement
4. Roll Call
5. Approval of Minutes
6. Actions to be Taken (Raffle License Approval, Park Use Requests, Etc.)
7. Correspondence
8. Discussion Items
9. Ordinances – First Reading and Introduction
10. Ordinances – Second Reading and Public Hearing
11. Resolutions

12. Administrator's Report
13. Council Reports, Old & New Business
14. Mayor's Items
15. Public Comment
16. Approval of Vouchers
17. Executive Session (if necessary)
18. Adjournment

**Section 8.** The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting.

**Section 9.** Except as otherwise required by the Statutes, or specifically provided in these By-Laws, all action of the Council shall be by a majority vote of those present.

**Section 10.** Upon demand of one member of the Council, or when ordered by the Mayor, or when directed by Statute, a roll call vote shall be taken and the yeas and nays entered in the Minutes of the meeting.

## **ARTICLE V - COMMITTEES**

**Section 1.** The Mayor shall appoint all committees and the Chair thereof, subject to the approval of the Council, and shall be a member ex-officio, of each such committee. In addition, he shall see that all matters referred to the committees are acted upon and reported promptly. (See R.S. 40A:60-3e)

**Section 2.** The following Standing Committees of the Council, consisting of three Council Members each (other than the Mayor, ex-officio) shall be appointed at the Annual Meeting, viz:

- Finance
- Public Safety
- Recreation & Parks
- Personnel
- Public Works & Utilities
- Land Use

**Section 3.** Each Council Member shall be the Chair of one of the six Standing Committees named in this article, and a Member of two others.

**Section 4.** Standing Committees are appointed to expedite and facilitate the work of the Council, but only within statutory limits, as the entire Council is held responsible for any or all of its acts.

**A.** A Standing Committee shall:

1. Plan, study, direct, make procurement recommendations within budgetary limitations, and carry on the routine activities for which it has primary responsibility.
2. Perform such acts as may be assigned to it by the Council.
3. Report and make recommendations to the Council regarding its responsibilities and activities.

**B.** Except as provided above a Standing Committee shall not:

1. Make promises or commitments to anyone, which directly or by inference, bind the Council.

2. Act in such a manner or make decisions, which set a precedent or violate established Council Policy.

**Section 5.** Special Committees may be appointed for purposes other than those included in the duties of the Standing Committees.

**Section 6.** In case of death, resignation, removal from office, or incapacity to serve of any Committee Chair, the Mayor shall name the successor Chair, subject to the approval of the Council. The Mayor may, with the approval of a majority of the Council, change existing Committee assignments and/or Chair when it is in the best interests of the Borough to do so.

**Section 7.** The Chair of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each regular meeting on the principal activities and achievements of his Committee. The Chair shall also prepare and submit in writing to the Mayor, not later than December 1 each year, a suitable annual report if so requested by the Mayor.

## **ARTICLE VI – DUTIES OF STANDING COMMITTEES OF THE COUNCIL**

**Section 1. The Finance Committee** shall have primary responsibility for the following described activities and matters:

**A.** The examination and review of all vouchers prior to their submission to the Council for authority to pay the same.

**B.** The development of practices and procedures for the following:

1. The Chief Financial Officer's office
2. The Tax Collector's office.
3. The Tax Assessor's office

**C.** It shall be the responsibility of the Finance Committee to review and make recommendations regarding the budgets of the departments and functions under its jurisdiction.

**D.** Recommend the initiation of foreclosure action, and subsequent recommendation for the disposition of property acquired by the Borough under foreclosure of Tax Title Liens.

**E.** With the assistance of the Borough Administrator and the Chief Financial Officer, the coordination of departmental budgets; the preparation of budgetary figures relating to the activities above mentioned; the final preparation, explanation and continuing supervision of the entire Municipal Budget.

**F.** The review, revision and all other matters pertaining to insurance coverage, not related to personnel benefits, of the Borough.

**G.** It shall also serve as the liaison between the Council and the Registered Municipal

Accountants, and with any other body or organization on fiscal matters.

**H.** With the assistance of the Borough Administrator and the Chief Financial Officer, coordinate the preparation of the Capital Budget and make appropriate reports to the Division of Local Finance in Trenton.

**I.** It shall be the responsibility of the Finance Committee to review and make recommendations to the Borough Council regarding personnel under its jurisdiction, including hiring and salaries.

**Section 2. The Public Safety Committee** shall have primary responsibility for the following described activities and matters:

**A.** The development of practices and procedures for the following:

1. Police activities
2. Fire activities
3. Granting of licenses, and the inspection of licensed premises and persons as designated by the Council.
4. Highway, traffic, all matters relating to existing or proposed street and off-street parking and the regulation thereof, except the construction and maintenance of municipal parking lots.
5. Review grievances and personnel matters with the Police and Fire Departments and recommend disposition of same to the Borough Council.

**B.** It shall be the responsibility of the Public Safety Committee to review and make recommendations to the Borough Council regarding personnel under its jurisdiction, including hiring and salaries.

**C.** It shall be the responsibility of the Public Safety Committee to review and make recommendations regarding the budgets of the departments and functions under its jurisdiction.

**D.** It shall also serve as the liaison between the Council and Board of Health; the Municipal Court; the Animal Control authority and all organizations or agencies concerned with public juvenile delinquency.

**Section 3. The Recreation & Parks Committee** shall have primary responsibility for the following described activities and matters:

**A.** The development of practices and procedures for the following:

1. Parks/fields maintenance and improvements.
2. Recreation activities conducted at Borough expense or coordinated by the Recreation Committee.
3. Coordinate parks/fields use and establish schedules in cooperation with the various organizations within the community for the use of these facilities.

**B.** It shall be the responsibility of the Recreation & Parks Committee to review and make recommendations to the Borough Council regarding personnel under its jurisdiction, including hiring and salaries.

**C.** It shall be the responsibility of the Recreation and Parks Committee to review and make recommendations regarding the budgets of the departments and functions under its jurisdiction.

**D.** It shall also serve as the liaison between the Borough Council and the following:

1. Groups that use the Garabrant Center and Carriage House.
2. Groups that organize Borough celebrations, financed wholly or in part by public funds.

**Section 4. The Public Works & Utilities Committee** shall have primary responsibility for the following described activities and matters:

**A.** The development of practices and procedures for the following:

1. Road construction, improvement, maintenance and cleaning, including street openings.
2. Construction and maintenance of sidewalks and curbs.

3. Maintenance of the Phoenix House, Bowers Building, Fire House and all other public buildings, not assigned elsewhere.
4. Maintenance and operation of the Municipal Garage.
5. Maintenance of vehicles and other mechanical equipment as assigned.
6. Maintenance, cleaning, improvement and construction of all municipal parking lots.
7. Act as Liaison to Regional and Local Boards of Education in regards to maintenance activities performed by the Public Works Department on behalf of the Boards of Education.
8. Shade tree matters, including leaf and brush collection.
9. Cutting of grass and weeds on roads and on municipal property as assigned.
10. Professional staff and consultants who assist with roads, wastewater treatment and related matters.
11. The Water Reclamation Facility.

**B.** It shall be the responsibility of the Public Works and Utilities Committee to review and make recommendations to the Borough Council regarding personnel under its jurisdiction, including hiring and salaries.

**C.** It shall be the responsibility of the Public Works and Utilities Committee to review and make recommendations regarding the budgets of the Departments and functions under its jurisdiction.

**D.** It shall also serve as the liaison between the Council and the State and County Highway Departments, except in traffic matters, which are under the jurisdiction of the Public Safety Committee.

**E.** It shall also serve as the liaison between the Council and the various utility corporations operating within the Borough except in matters which are the primary responsibility of other Committees.

**Section 5. The Personnel Committee** shall have primary responsibility for the following described activities and matters:

**A.** Recommendations to the Borough Council on development, review and amendments to the Borough's Personnel Policy and pertinent sections of the Borough's Administrative Code dealing with personnel issues.

**B.** Recommendations to the Borough Council regarding employee benefits, including but not limited to, hospital insurance, pension and disability plans.

**C.** The Personnel Committee shall have the right to review and make recommendations to the Borough Council regarding personnel not under the jurisdiction of any other Standing Committee, including hiring and salaries.

These positions include the Borough Administrator, the Borough Clerk, The Construction Code Official and subcode officials and inspectors, the Public Assistance Director, Municipal Court Personnel including the Judge, the Borough Attorney and Engineer.

**D.** The Personnel Committee shall be responsible for the overall review of all salary recommendations made by the other Standing Committees to insure uniformity and consistency.

**Section 6. The Land Use Committee** shall have primary responsibility for the following described activities and matters:

**A.** Review and updating of all Borough regulations relating to zoning,

subdivision control, site plan approval and building codes.

**B.** The Chair of the Land Use Committee shall serve as the representative of the Borough

Council to the Borough Planning Board and act as liaison between that Board and the Council.

**C.** Keep the Borough Council informed on matters affecting Zoning and Planning relating to the Borough, adjacent municipalities and the County and State governments.

**D.** It shall be the responsibility of the Land Use Committee to review and make recommendations to the Borough Council regarding personnel under its jurisdiction, including hiring and salaries.

**E.** It shall be the responsibility of the Land Use Committee to review and make recommendations regarding the budgets of the departments and functions under its jurisdiction.

**F.** It shall also serve as the liaison between the Council and the Construction Code Official, the Zoning Officer, the Open Space Advisory Committee and the Environmental Commission, and any Borough agency or group dealing with historic preservation.

## **ARTICLE VII - BILLS, CLAIMS AND VOUCHERS**

**Section 1.** All bills or claims against the Borough shall be in writing, fully itemized, and on such forms as the Borough shall provide for that purpose. As required by Statute, they shall be sworn to by the claimant before submission for approval and payment.

### **Section 2.**

**A.** All bills and claims must be supported by a certification of the receipt of the goods or the satisfactory rendering of the services by the responsible person accepting the same on behalf of the Borough, and who may be held accountable therefore. Each such bill or claim shall then be carefully reviewed and checked by, or under the direction of the Borough Official who accomplishes the "Administrative Certificate" on the voucher form.

**B.** The Finance Committee shall examine all vouchers previously reviewed and approved by the appropriate Committee or Committees prior to submitting them to the Council for authorization to pay the same.

### **Section 3.**

**A.** All vouchers recommended for payment shall be presented to the Council by the Borough Clerk at a Regular Meeting unless of an emergency nature, which can be approved at a Special Meeting.

**B.** Authorization to draw the checks and pay the accounts of the approved vouchers shall be by motion of the Council

**Section 4.** The corresponding vouchers shall accompany all checks drawn in payment thereof, when the said checks are presented to the Mayor, the Chief Financial Officer or Deputy Treasurer and to the Borough Clerk, for signature.

**Section 5.** All bills, vouchers and paid checks shall be filed in a safe place and be made available for public inspection whenever requested.

## **ARTICLE VIII - SEAL**

**Section 1.** The seal of the Borough shall be circular in form and shall contain the following: "The Borough of Mendham, Mendham, N. J. Incorporated, May 15, 1906"

**Section 2.** The seal shall be in the custody of the Clerk and shall be impressed on all appropriate documents or papers.

## **ARTICLE IX - AMENDMENTS**

### **Section 1.**

**A.** The Mayor or any member of the Council may propose amendments to these By-Laws, at any Regular or Special Meeting.

**B.** The Mayor will then appoint a Special Committee of three members of the Council to consider the proposed amendments.

**Section 2.** The Special Committee will present its recommendations at a subsequent Regular or Special Meeting of the Council.

**Section 3.** These By-Laws shall only be altered or amended by a two-thirds vote on a roll call, taken at two successive Regular Meetings or Special Meetings of the Council.

## **ARTICLE X - ADOPTION AND TERM**

**Section 1.** The By-Laws shall be adopted by a resolution of the Council concurred in by a majority of the members of the Council. The By-Laws shall become effective immediately after adoption and shall remain in effect for not longer than December 31st of the calendar year in which the By-Laws were adopted.