

Borough of Garwood

BY LAWS **OF THE MAYOR AND COUNCIL**

ARTICLE I - RULES OF ORDER

The deliberations of the Council shall be governed by "Robert's Rules of Order", except when the same are in conflict with the Laws of the State of New Jersey ordinances of the Borough, other existing law or these by-laws, in which event said "Robert's Rules of Order" shall be inapplicable.

ARTICLE II - MAYOR

- SECTION 1.** The Mayor shall preside over the deliberations of the Council and shall conduct the meetings thereof. He/she shall also participate in the determination of Borough affairs to the extent permitted by statute.
- SECTION 2.** The Mayor shall on all occasions preserve order and decorum, and he/she shall cause the removal of all persons who interrupt the orderly proceeding of the Council.
- SECTION 3.** When two or more Council members shall request recognition 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 he/she may call upon the Council for the opinion of the Council upon any question of order.
- SECTION 5.** The Mayor shall be an ex-official member of all committees, both standing and special, and shall be informed in advance of all meetings of such committees.
- SECTION 6.** The Council President shall serve as the liaison between the Council and all Boards, Committees, Agencies or Organizations except as herein assigned to a specific Council Committee for liaison purposes.
- SECTION 7.** In the absence of the Mayor, or if he/she is unable to perform his/her duties, the Council President, or in his/her inability to act, the Council Member having the longest term of service shall act as Mayor, as provided by Statute.

ARTICLE III - BOROUGH CLERK

- SECTION 1.** The Clerk shall perform the duties enjoined upon that office by the Revised Statutes of New Jersey and these by-laws.
- SECTION 2.** He/she 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 Council may require or 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.

ARTICLE IV - MEMBERS

- SECTION 1.** The Council shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as Council may by resolution direct.
- 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 by resolution adopted at a regular meeting.
- SECTION 3.** At the annual meeting, the Council will; elect one of its members as Council President to serve for one year and until the next annual meeting.
- SECTION 4.** The Mayor shall, when necessary, call special meetings of the Council; in case of his/her neglect or refusal, any four members of the Council may call such meeting at such time and place in the Borough as they may designate, and in all cases of special meetings reasonable advance notice, considered to be of forty-eight (48) hours, except in case of emergency, shall be given in person to all members of the Council, or left at their place of residence.
- SECTION 5.** Three Council members and the Mayor, and in the absence of the Mayor, four Council members shall constitute a quorum.
- 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:
- (1) Call to Order
 - (2) Moment of Silence and Salute
 - (3) Calling the Roll
 - (4) Proclamations, if any
 - (5) Approval of Minutes
 - (6) Presentation of Communications, petitions, etc.
 - (7) Ordinances, Adoption then Introduction
 - (8) Committee Reports
 - (9) Liaison Reports
 - (10) Special Committee Reports
 - (11) Officers Reports
 - (12) Invitation for Discussion by the Public
 - (13) Unfinished Business (Consent Agenda)
 - (14) New Business
 - (15) Payment of Claims
 - (16) Adjournment
- *Executive Sessions (Does not have a set location on the agenda)

*as needed

- 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 or by the Mayor with consent of Council.
- 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 or upon demand of one member of the Council, a roll call vote shall be taken and the ayes, nays, abstain or absent entered in the minutes of the meeting.

ARTICLE V - COMMITTEES

- SECTION 1.** The Mayor shall appoint all committee members.
- 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.
- (1) Finance and Personnel
 - ~~(2) Laws and Licenses~~
 - (3) Fire and OEM
 - (4) ~~Buildings and Facilities~~, Grounds and Shade Trees
 - (5) Streets and ~~Roads~~, Ecology and Sustainability
 - (6) Police, & Public ~~Health and~~ Safety
 - (7) Community Engagement- Recreation, Historical Committee, Celebrations Committee, and Seniors
- SECTION 3.** Each Council member shall be Chair of at least one of the Standing Committees named in this article, and a member of not less than one other.
- SECTION 4.** The 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 performed within the scope of authority.
- A.** A Standing Committee shall:
- 1. Meet when requested by the Chair, or a majority of the committee, and all members thereof shall participate actively in the committee deliberations, performance of duties, and the formulation of its recommendation to Council.
 - 2. Plan, study, direct, make commitments within budgetary limitations,

and carry on the routine activities for which it has primary responsibility.

3. Perform such acts as may be assigned to it by the Council.
4. Report and make recommendations to the Council regarding the responsibilities and activities.

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

1. Exceed its budgetary appropriations without prior approval of the Council.
2. Make promises or commitments to anyone, which directly, or by inference bind the Council.
3. Act in such a manner or make decisions, which set a precedent, or violate established Council Policy.

SECTION 5. Special Committees or other committees or liaisons to departments may be appointed by the Mayor 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 service, of any committee Chair, the Mayor shall name the successor Chair. The Mayor may change existing Committee assignments and/or Chair when it is in the best interest of the Borough to do so.

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, review, and approval of all vouchers prior to their submission to the Council for authority to pay the same.~~

B. The administration, practices, procedures, and records of the following:

1. The Borough Clerk and Clerk's Office.
2. The Tax Collector and the Collector's Office.
3. The Treasurer and the Treasurer's Office.
4. The Tax Assessor and the Assessor's Office.

5. Water and Sewer Billing and Collections.
 6. Insurance Coverage.
 7. Budget Preparation.
 8. Audit.
- C. The request of foreclosure action, and subsequent administration and disposition of property acquired by the Borough under foreclosure of Tax Title Liens.
 - D. 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.
 - E. The maintenance review, revision and all other matters pertaining to any insurance coverage of the Borough.
 - F. The review and revision of the accounting system of the Borough, including procedures relating to the purchasing and receiving of supplies and service.
 - 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.

SECTION — 2. ~~The **LAWS AND LICENSE COMMITTEE** shall have primary responsibility for the following described activities and matters:~~

- ~~A. — The administration, practices, procedures and records of the following:
 1. — The recommendations concerning granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.~~
- ~~B. — It shall also serve as the liaison between the Council and other Departments or agencies relating to Laws, Licenses, and Ordinances.~~

SECTION 3. The **FIRE COMMITTEE** and **Office of Emergency Management** shall have the primary responsibility for the following described activities and matters.

- A. The administration, practices, procedures and records of the following:
 1. Fire Activities.
- B. It shall also serve as the liaison between the Council and the Fire

Department

- C. Serve as a Liaison between the Office of Emergency Management and the Council

SECTION 4. The **BUILDINGS AND GROUNDS COMMITTEE** shall have the primary responsibility for the following prescribed activities and matters:

- A. The administration, practices, procedures and records of the following:
1. Maintenance of all public buildings.
 2. All parks and playgrounds.
 3. Park and grounds maintenance & improvement.
 4. **Shade Tree Maintenance**
- B. It shall also serve as the liaison between the Council and such other agencies or associations concerned with property of the Borough.

SECTION 5. The **STREETS AND ROADS, ECOLOGY AND SUSTAINABILITY COMMITTEE** shall have primary responsibility for the following described activities and matters.

- A. The administration, practices, procedures and records of the following:
1. Road construction, reconstruction, improvement, maintenance, cleaning and street opening.
 2. Construction and maintenance of sidewalks and curbs.
 3. Maintenance of vehicles and other mechanical equipment as assigned.
 4. Storm water collection and disposal.
 5. Cutting of grass and weeds on roads or municipal property as assigned.
 6. Garbage and solid waste collection.
 7. Snow removal.
 8. Sewer Utility in general, including construction, improvement, and maintenance.
 9. The Borough Engineer and his office.

10. The Superintendent of Public Works and his office.
11. The Borough Recycling Program.
12. Any program involving the environment or pollution control.
13. **Green Team**

- B. It shall also serve as the liaison between the Council and the State and County Departments pertaining to streets and roads (except in traffic matters).
- C. It shall also serve as the liaison between the Council and N.J. Public Utilities Commission and any other authority or organization concerned with water and sewer.
- D. It shall also serve as the liaison between the Council, the State Environmental Protection Agency, and any organization involved with those activities.

SECTION 6. The **POLICE, PUBLIC HEALTH AND SAFETY COMMITTEE** shall have the primary responsibility for the following, described activities and matters.

- A. The administration, practices, procedures and records of the following:
 1. Police Department and its activities, including all of its personnel, such as members of the Department, Civilian Police Dispatchers, Police Matrons, and School Crossing Guards.
 2. Highway traffic, safety, and all matters relating to parking regulations, including on street and off street parking.
 3. Regulatory signs directing the flow of traffic, including the location, design, and specification thereof.
 4. **Pedestrian Safety**
- B. It shall also serve as the liaison between the Council and the Municipal Court, Dog Warden, ~~Board of Health~~ and all organizations or agencies dealing with public safety, health, or juvenile delinquency.

ARTICLE VII - BILLS, CLAIMS, AND VOUCHERS

SECTION 1. All bills or claims against the Borough shall be in writing, fully itemized, sworn to as required by statute, and presented to the Borough Clerk on such forms as the

Borough shall provide for that purpose. No bills or claims shall be approved by the Borough Council for final payments unless the same shall have been received in the office of ~~the Borough Clerk-Finance~~ at least ~~six (6) four (4)~~ days prior to the regular meeting at which payment is approved.

- SECTION 2.**
- A.** All bills and claims must be supported by a certification that the goods were received in good order, or that the services were satisfactorily rendered, and that the same are in accordance with the agreed specifications and price. Such certification shall be made by the responsible person accepting the same on behalf of the Borough, and who may be held accountable therefor. Each such bill or claim shall then be carefully reviewed, checked and approved for budget charge and classification by or under the direction of the Borough official or department head responsible for the budget item affected.
 - B.** All checked vouchers with supporting papers attached shall then be presented to the Council Committee having primary interest in the matter. Each such voucher shall be reviewed, and if approved in writing by the Chair or a majority of the Committee having jurisdiction over the activity or matter for which the expenditure was incurred, it shall then be referred to the Finance Committee.
 - C.** The Finance Committee shall examine all vouchers previously approved by the appropriate committee or committees, and shall indicate its approval on each such voucher prior to submitting it to the Council for authorization to pay the same.
 - D.** All vouchers so approved shall be referred back to the Borough Clerk.

- SECTION 3.**
- A.** All vouchers recommended for payment shall be presented to the Council by the Borough Clerk at a regular meeting or an adjourned regular meeting.
 - B.** Vouchers shall be considered by the Council, which shall approve the same, except that said Council may reject any claim presented to it stating the reason for such rejection. Any rejected claim shall be referred back to the Borough Clerk with such instructions as the Council may give at the time of disapproval.
 - C.** With regard to payroll, the appropriate department head or such other officer or employee as may be designated by resolution of the Council shall prepare the necessary payroll for all employees which payroll shall be duly certified by the person authorized to certify that the services have been rendered and the amount specified is in fact due and owing to the employee. Said payroll, after approval by the department head responsible

therefore, shall be presented to the Council for approval and after approval, shall be paid in due course.

- D.** Authorization to draw the checks and pay the amounts of the approved Vouchers shall be by resolution 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 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 as hereinafter impressed.

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 meeting or adjourned regular meeting.

B. The Mayor will then appoint a Special Committee of three members of the Council to consider the proposed amendments, and in addition may submit other suggested changes.

SECTION 2. Such Special Committee shall present its recommendations at a regular meeting or adjourned regular meeting of the Council within thirty (30) days of appointment of the Committee by the Mayor.

SECTION 3. These By-Laws shall be altered or amended only by a majority vote of the entire Council, on a roll-call taken at two successive regular meetings of the Council.

ARTICLE X - ADOPTION AND TERM

SECTION 1. The By-Laws shall be adopted by resolution of the Council concurred in by a majority of the Council.

SECTION 2. The By-Laws shall become effective immediately after adoption and shall remain in effect until the Council or a succeeding Council shall amend, supplement, or otherwise modify the same.

