

# **By-Laws of the Mayor and Council of the Borough of Manville**

Amended: ~~December 15,~~ December 15, 2014

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## ARTICLE I Rules of Order

### Section 1

Unless otherwise provided by law, ordinance, or these “By-Laws”, the deliberation of the Council shall be governed by “Robert’s Rules of Order”.

### Section 2

No question or motion shall be put unless seconded, except referring to a report or question put by the Mayor.

### Section 3

No member shall speak unless recognized by the Mayor and shall only speak on the pending subject matter or question. Every member, when speaking, shall address himself to the Mayor and shall not occupy more time than it is deemed necessary by the Mayor.

### Section 4

While a member of the public is speaking, no member shall entertain any private discourse or leave his or her seat.

### Section 5

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 request of a member of the Council if supported by the votes of a majority of the member of the Council present, except that, during the portion of a meeting which has been opened for remarks from the citizens all citizens of the Borough who conduct themselves with decorum shall be heard. The Mayor may limit each member of the audience to one question or comment. When all members of the audience requesting the right to speak have been heard on any given subject, then the Mayor may permit members of the audience who have previously been heard to be heard on additional subjects. Members of the public may speak on any matter relevant to Borough business and affairs but the Governing Body may decline to hear comments on matters that are pending before other municipal bodies. It shall be appropriate for the Mayor or members of the Council to respond directly to questions from the public as they are asked through the Mayor. Time as deemed reasonable by the Mayor shall be allocated for each question/statement from residents and responses from Council Members and the Mayor. Personal attacks by a member of the Governing Body or a member of the public shall not be permitted.

## ARTICLE II

### Mayor

### Section 1

The Mayor shall preside over the deliberations of the Council and shall conduct the meetings thereof. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by law.

Section 2

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

Section 3

When two or more members of the Council shall rise at the same time, the Mayor shall name the one entitle to the floor.

Section 4

The Mayor shall decide all questions of order without debate subject to an appeal to the Council. The Mayor 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.

Section 6

The Mayor shall serve as the liaison between the Governing Body and all Boards, Commissions, Committees, Agencies and Organizations except as otherwise herein assigned to a specific Council Committee.

**ARTICLE III**  
**Council President**

Section 1

In the absence of the Mayor, or if the Mayor is unable to perform the duties of such office, the Council President (or, in the Council President's inability to act, the Council member having the longest term as such) shall act as Mayor as provided by law.

Section 2

It shall be the responsibility of the Council President to keep all council members informed of all issues concerning council/borough business, particularly any council member absent from an agenda, council or closed session meeting.

Section 3

The Council President shall supervise the operation of the committee system, ensure regular meeting of all committees in accordance with the functions, responsibilities and duties of the respective committees as set forth in Article VII of these By-Laws. The Council President shall resolve any conflict between or among committees regarding jurisdiction over any matter of council business.

**ARTICLE IV**  
**Emergency Notification**

Section 1

In the event of a borough emergency, the Mayor and Council shall be notified of such event by the Borough Administrator, the Borough Clerk or the Police Chief.

## ARTICLE V Meetings

### Section 1

The Council shall hold an annual meeting within the first seven (7) days of each year as prescribed by law. The date and time of the annual meeting will be determined by resolution of the Council at a regular meeting to be held in December of the year preceding the annual meeting..

The Mayor shall, at the annual meeting, assign the seating arrangement for Council members which shall be retained throughout the year. The roll shall be called in random order except the Mayor's name is called last, and only when his or her vote will affect the result.

### Section 2

At the annual 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. All regularly scheduled meetings of the Mayor and Council shall be called to order at 6:30 PM.

### 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 the case of the Mayor's neglect or refusal, any four (4) members of the Council, at a public meeting of the Borough Council, may call a meeting as such time and place in the Borough as they may designate. In all cases of special meetings, reasonable advance notice, considered to be of forty-eight (48) hours (in accordance with the "Open Public Meetings Act"), except in case of emergency, shall be given in person to all members of the Council, or left at their places of residence.

### Section 5

Three (3) members of Council and the Mayor and in the absence of the Mayor, four (4) members of Council shall constitute a quorum.

### Section 6

If no quorum is present at any meeting, those assembled may set a new meeting date and/or adjourn.

### Section 7

The following agenda shall be observed at regular business meetings:

1. Call Meeting to Order
2. Sunshine Law Statement
3. Roll Call
4. Pledge to the Flag and a moment of silence
5. Introduction of Resolution for Closed Session (if necessary or requested)

6. Proclamations, if any
7. Approval of Minutes
8. Special Presentations (if any)
9. Ordinances on Second Reading, Public Hearing or Final Passage (5 minutes per person)
10. Introduction of New Ordinances
11. Public Comment on Resolutions (5 minutes per person)
12. Resolutions
13. Official Reports
14. Old Business
15. New Business
16. Presentation of Communications, Petitions, etc.
17. Committee Reports
18. Public Portion (5 minutes per person)

The Mayor will invite questions and comments from the public. Comments are limited to five minutes per speaker. Individuals wishing to speak must state their name and address. All statements and/or questions shall be directed to the presiding officer and no participant may address or question Council members individually. All speakers are requested to express themselves in a civil manner, with due respect for the dignity and privacy rights of others whose legal rights may be affected.

19. Comments by Mayor and Members of Council
20. Introduction of Resolution for Closed Session (if necessary or requested)
- 20a. In the event a public vote will be taken on a Closed Session item, then the meeting shall be open to the public for their comment prior to the vote.
21. Adjournment

### Section 8

The aforesaid agenda at any regular business meeting may be changed by a majority vote of the members of the Council present at such meeting or by the Mayor with the consent of Council.

### Section 9

Unless otherwise required by law, ordinances, or specifically provided in these By-Laws, all actions of the council shall be by a majority vote of those present. Abstentions shall not be regarded as a vote for the purpose of this section.

### Section 10

Upon demand of any member of the Council, order of by the Mayor, or directed by Law, a roll call vote shall be taken and the ayes and nays entered in the Minutes of the meeting.

### Section 11

Public debate on resolutions, ordinances and matters not on the agenda (public portion) shall be limited to five (5) minutes per person per category. An individual shall speak one time only, (per category) on any given resolution, ordinance or matter not on the agenda (public portion). The Council may, by a two-thirds vote (2/3) majority vote to extend an individual's time past five (5) minutes.



## Section 12

With the exception of items requested by the Mayor or a two-thirds (2/3) vote of the Council, no resolution or ordinance shall appear on an agenda without first being reviewed by the appropriate standing committee.

## Section 13

Communications shall be classified by the following three (3) categories:

1. For referral to the appropriate Committee
2. For action (approval/denial) by the Council
3. Informational material or general correspondence.

## Section 14

All 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 "Consent Resolution".

All resolutions listed on Consent Resolution 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.

Any Council member, for any reason whatsoever, (and said reason does not have to be disclosed), may remove any item(s) listed for consent at any time prior to the adoption of the Consent Resolution for separate discussion and vote.

The Consent Resolution shall not be utilized with respect to the adoption of ordinances, the awarding of contracts, and payment of vouchers or other matters as required by law.

## **ARTICLE VI** **Committees**

### Section 1

At the annual meeting or as soon as it is practical thereafter, the Mayor shall appoint the following standing Committees and each of the said Committees shall consist of three (3) members of the Borough Council. The first named on each Committee shall be the Chairperson of such Committee.

1. Finance
2. Policy, Planning and Personnel
3. Public Buildings and Grounds/Recreation
4. Public Safety -- Fire, Police, Rescue and Emergency Management
5. Public Works
6. Progress and Development

### Section 2

Each member of Council shall be the Chairperson of one of the six Standing Committees named in this Article and a member of two (2) other such Committees.



### Section 3

In the event an issue crosses multiple committees, a sub-committee shall be formed. If the issue crosses two (2) committees then the sub-committee shall be the chairpersons of the two (2) involved committees with the third member to be appointed by the Mayor. If the issue crosses 3 committees then the sub-committee shall be formed by the three (3) committee chairpersons. In the event the issue crosses more the three (3) committees, the Mayor shall appoint the sub committee.

### Section 4

Standing Committees are intended to expedite and facilitate the work of the Council, but only within statutory limits, as the entire Council is held responsible for any of its acts.

#### A. A Standing Committee shall:

1. Meet when requested by the Chairperson 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 recommendations to Council.
2. Perform such acts as may be assigned to it by the Mayor, Council President or Council.
3. Report and make recommendations to the Council regarding its responsibilities and activities.

### Section 5

Special Committees may be appointed for purposes other than those included in the duties of the Standing Committees. At no time shall a special committee be appointed to perform a function that is the responsibility of a standing committee. In the event a standing committee is working on a project that is near completion, and a new standing committee is appointed at the Annual Meeting, the Mayor with 2/3 vote of the new standing committee, may elect to allow the old standing committee (now referred to as a special committee) to complete the project.

### Section 6

In case of death, resignation, removal from office or incapacity of a Councilperson to serve as any committee Chairperson, the Mayor shall name the successor Chairperson subject to the concurrent of the majority of the Council.

### Section 7

The Chairperson of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each regular business meeting on principal activities and achievements of his/her Committee.

### Section 8

The Chairperson shall attend the meetings of such boards, commissions, or committees for which the Chairperson serves as liaison. In the event the Chairperson is unable to attend any particular meeting, he or she shall notify the Vice Chairperson, who shall attend the meeting. In the event that the Chairperson and the Vice Chairperson are

unable to attend any particular meeting, the Chairperson shall notify the Alternate member, who shall attend such meeting.

### Section 9

A Councilperson may name another Councilperson in the event they are unable to attend a Committee meeting.

## ARTICLE VII

### Duties of Standing Committees of the Council

#### Section 1

The FINANCE COMMITTEE shall have primary responsibility for the following described activities and matters:

A. Recommend policy governing the administration, practices, procedures and records of the following:

1. The Borough Administrator /Clerk and the Administrator / 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 (excluding Health, Death and Worker's Compensation)
7. Budget preparation.
8. Audit
9. Employee contract negotiations

B. Review foreclosure action, and subsequent administration and disposition of property acquired by the Borough under foreclosure of Tax Title Liens.

C. 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.

D. Maintenance, review, revision and all other matters pertaining to General Liability / Blanket Insurance coverage of the Borough.

E. Review and revision of the accounting system of the Borough, including procedures relating to the purchasing and receiving of supplies and services.

F. Serving as the liaison between the Council and the Registered Municipal Accountant and with any other body or organization on fiscal matters.

#### Section 2

The POLICY, PLANNING AND PERSONNEL COMMITTEE shall have primary responsibility for the following described activities and matters:

- A. Except for Mayoral appointments authorized by law, recommend hiring (with the exception of Police) within the Borough of Manville. To review all resumes submitted for every job opening. It may, at its discretion, interview candidates. The committee shall consider the recommendations of the Administrator and/or Department Head, and present its findings and recommendations to Council for approval.
- B. Creation of a flexible hiring practice, policy, and procedure relating to the needs of a particular vacancy.
- C. In the event of an opening for the Administrator's position, if the Mayor's appointment is not confirmed, responsibility to search, interview, and recommend candidates. Final candidates may be interviewed by full council.
- D. Recommend setting policy governing the administration, practices, procedures and records of all employees of the Borough, except the Police Department, including the maintenance of the Policies and Procedures / Personnel Handbook.
- E. It shall also serve as the liaison between the Council and various governmental agencies. It shall serve as liaison with Borough Department Heads and/or union representatives of Borough employees pertaining to personnel matters, except in matters which are the primary responsibility of the PUBLIC SAFETY COMMITTEE.
- F. Specific areas of responsibility are identified below:
  - 1. Review and recommend non-contract employee salaries.
  - 2. Working Conditions
  - 3. Employee benefits, including but not limited to:
    - a. Hospitalization
    - b. Pension Rights
    - c. Sick Time
    - d. Vacation and Vacation Pay
    - e. Overtime
    - f. Insurance (excluding general liability/blanket policies)
    - g. Grievances
  - 4. Coordination and policy making of all administration between Borough Departments.

G. RECREATION:

Recommend policy governing the administration, practices, procedures, and records of the following:

- 1. The Recreation Director and duly appointed officers of the Borough Recreation Committee.

2. The staffing of all parks and playgrounds and recommendations for the maintenance and improvements to such parks and playgrounds.
3. Recreation activities sponsored or conducted by the Borough, including seasonal programs.
4. The committee shall appoint a committee member to serve as liaison and attend the meetings of the Recreation Committee.

### Section 3

The PUBLIC BUILDINGS AND GROUNDS COMMITTEE shall have primary responsibility for the following described activities and matters:

- A. Recommend setting policy governing the administration, practices, procedures and records regarding the supervision of the construction, maintenance, and repair of all municipally owned buildings and grounds, including street and other municipal lighting.
- B. Review the Office of Code Enforcement and the Officials thereof. Appointment of a committee member as liaison to said office.
- C. Serving as ~~the liaison between the liaison between the Council and such other agencies or associations concerned with the property of the Borough.~~ the Council and such other agencies or associations concerned with the current property or future acquisitions of property the Borough via any buyout program offered by the government at the local, state or federal level.
- D. Providing for the supervision and control of all existing parking lots including entrances and exits; regulate the traffic flow in said lots, control the maintenance of all existing parking lots including their lighting and posting of proper signs; conduct studies and submit recommendations regarding the control and improvement of all lots and for the acquisition of any additional parking lots.

### Section 4

The PUBLIC SAFETY COMMITTEE shall have primary responsibility for the following described activities and matters:

- A. Recommend policy governing the administration, practices, procedures and records of Police, Fire, First Aid and Emergency Management.

#### Police

1. The Police Department and its activities, including all of its personnel, such as members of the Department, Special Police, Constables, and School Crossing Guards.
2. Highway traffic and 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. Recommendations concerning the granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.
5. Serving as the liaison between the Council and the Municipal Court, Somerset Regional Animal Shelter and all organizations or agencies dealing with public safety or juvenile delinquency.
6. Responsibility for the enforcement of all local ordinances and police regulations.

### Fire

1. Recommend setting policy governing the administration, practices, procedures, and records of the Borough Volunteer Fire Departments in conjunction and in cooperation with the Fire Chief, his Assistant Chiefs and the Fire Board of Engineers regarding fire activities.
2. Supervision of all equipment used for the fighting of fires.
3. Responsibility for the enforcement of all rules and ordinances governing the Fire Department.
4. Serves as liaison between Council and the Fire Department.
5. Appointment of a committee member to serve as liaison and attend the meetings of the Board of Engineers.

### First Aid

1. Serving as liaison between the Council and the volunteer First Aid and Rescue Squad to address the needs of the Borough on a day-to-day basis, as well as in times of emergencies.
2. Recommend of all equipment to be purchased by the Borough for use by volunteer First Aid and Rescue Squad.

### Office of Emergency Management

1. Serving as liaison between the Council and the Office of Emergency Management agency of the Borough to address the needs of the Borough on a day-to-day basis, as well as in times of emergencies.

2. Review all equipment purchased by the Borough for use by volunteer Office of Emergency Management.
3. Coordination of the above in conjunction and cooperation with the duly appointed Borough Director of the Office of Emergency Management.
4. Oversight review of the Civilian Emergency Response Team (CERT).

## Section 5

The PUBLIC WORKS COMMITTEE shall have primary responsibility for the following described activities and matters:

- A. Recommend policy governing the administration, practices, procedures, and records of the Department of Public Works, and Borough Engineer.

### Street Department

1. Road construction, reconstruction, improvement, maintenance, cleaning and street openings.
2. Construction and maintenance of sidewalks and curbs.
3. Maintenance of vehicles and other mechanical equipment as assigned.
4. Storm water collection and regulations.
5. Cutting of grass and weeds on roads or municipal property as assigned.
6. Garbage and solid waste collection.
7. Director of Public Works and his staff.
8. The planting, removal and/or replacement of shade trees within the municipality.
9. Serving as the liaison between the Council and the State and County Departments pertaining to streets and roads (except in traffic matters).

### Sewer Utility

1. Construction and maintenance of sanitary sewers, pump stations, force mains and manholes.
2. Maintenance of vehicles and other mechanical equipment as assigned to the Sewer Utility.

### Borough Engineer

- A. Review and recommend the activities of the Borough Engineer.

## Section 6

The PROGRESS AND DEVELOPMENT COMMITTEE shall have primary responsibility for the following described activities and matters:

- A. Contact Committee for redevelopment, review and handle requests for all new businesses wishing to come to Manville.
- B. Public Relations -- Assist these businesses with whom to contact for zoning and planning approval and where to get applications. Relay any pertinent requests to the Mayor and Council pertaining to the new establishment.
- C. Transportation -- Attend any meetings, both inside and outside the Borough, in order to enhance public transportation stops in Manville.
- D. MBPA -- Liaison to the Manville Business and Professional Association. The Committee shall appoint a committee member to serve as liaison and attend the meetings of the MBPA.
- E. Environmental -- Liaison to the Environmental Commission and also assume responsibility for any environmental hazards pertaining to the Borough. The Committee shall appoint a committee member to serve as liaison and attend the meetings of the Environmental Commission.
- F. Responsible for assisting in all grants, including Community Block Grants.
- G. Re-evaluations.
- H. Review and make recommendations regarding newly drafted land development and land use ordinances (Zoning).

## **ARTICLE VIII**

### **Vacancies/Removal from Governing Body**

Any vacancy occurring in the office of Mayor or in the Council shall be filled in accordance with the provisions of N.J.S.A. 40A:16-1, et seq.

## **ARTICLE IX**

### **Bills, Claims and Vouchers**

## Section 1

Any bills or claims against the Borough shall be in writing, fully itemized and on such forms as the Borough shall provide for that purpose. No bills or claims shall be approved by the Council for final payment unless the same shall have been received in the office of the Borough Clerk at least seven (7) working days prior to the regular business meeting at which payment is approved. Emergencies will be considered and may be approved by the Department Head and the Finance Committee and then approved on the next voucher listing.

## 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.

B. All vouchers recommended for payment shall be presented to the Council by the Borough Clerk at a regular business meeting or an adjourned regular business meeting.

C. All vouchers with supporting papers attached will then be presented to the Council Committee having primary interest in and responsibility for the matter. Each such voucher will be reviewed and approved by the Committee having jurisdiction over the activity or matter for which the expenditure was incurred.

D. 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 Administrator with such instructions as the Council may give at the time of disapproval.

E. Approval for payment shall be deemed complete if, on the fact of the subject voucher, the following signatures are present:

1. Department Head
2. Administrator / Clerk
3. Two (2) members of the responsible committee

F. All vouchers so approved shall be referred back to the Finance Office for payment.

G. Authorization to draw the checks and pay the amounts of the approved vouchers shall be by resolution the Council.

H. Mayor and Council shall review the Voucher Listing before each Regular Business Meeting.

I. The Finance Officer may review all vouchers of any committee when said committee deems it appropriate.

## Section 3

The corresponding vouchers shall accompany all checks drawn in payment thereof when the said checks are presented to the Mayor, Borough Administrator for signature.

## Section 4

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

## Section 5



Payment of HUD vouchers for HUD Section 8 Housing Grants shall be authorized by the HUD Administrator, and/or Borough Administrator.

**ARTICLE X**  
**Seal and Flag**

**Section 1**

The seal of the Borough shall be circular in form and shall contain the following:

In the center, circumscribed by the wording “The Borough of Manville - Manville, NJ - Incorporated April 1, 1929” -- 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.

Section 3

The Flag of the Borough of Manville shall be in the custody of the Clerk.

**ARTICLE XI**  
**Amendments**

Section 1

A. The Mayor, or any member of the Council, may propose amendments to these By-Laws, at any regular meeting by resolution..

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

**ARTICLE XII**  
**Press Releases**

Section 1

Official Borough press releases shall be approved by the Mayor or by a majority of the Council and issued through the Borough Administrator's office. Press releases other than official Borough press releases shall not be prepared on Borough letterhead.

Section 2

Any request from the public or the media that goes beyond simple factual statements (e.g., "What is Manville's policy on open space?" vs. Why is Main Street close today? - because it's being repaved.") should be referred to the Mayor and/or the Council member(s) serving as liaison to those activities.

Section 3

All press releases shall be reviewed with the appropriate Council member(s) and the Mayor prior to being distributed. If it is not necessary to contact the Mayor and appropriate Council member(s) prior to answering questions or issuing statements (for simple factual statements), the Borough Administrator shall provide the information to them immediately afterward by e-mail, fax, or phone.

**ARTICLE XIII**  
**Adoption and Term**

Section 1

The bylaws shall be adopted by a resolution of the Borough Council concurred in by a majority of the members. The bylaws shall become effective immediately after adoption and shall remain in effect until such time as new bylaws are adopted.