

BYLAWS OF THE COUNCIL OF THE BOROUGH OF ROCKY HILL, NEW JERSEY

ARTICLE 1

RULES OF ORDER

The deliberations of the Council shall be governed by “Roberts Rules of Order,” except when the same conflict with the laws of the State of New Jersey or these Bylaws, in which event said “Roberts 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. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by applicable law. The Mayor shall see that the laws of the State and the ordinances of the Borough are faithfully executed, and shall recommend to the Council such measures as he/she may deem necessary or expedient for the welfare of the Borough. He/she shall maintain peace and good order in the Borough.

Section 2. The Mayor shall on all occasions preserve 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 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, subject to an appeal to the Council, and may call upon the Borough Attorney for the opinion of the Borough Attorney upon any question of order.

Section 5.

- A. The Mayor shall nominate and, where provided by applicable law or ordinance and with the advice and consent of the Council, make all Borough appointments, including the filling of vacancies in all appointive offices which shall be for the unexpired term only. The Mayor shall make such nominations within thirty days after the office becomes vacant. If the Mayor fails to nominate within said thirty days, or the Council fails to confirm any nomination made by the Mayor, then after the expiration of said thirty days, the Council shall make said appointments. No appointment shall be made except by the vote of the majority of the members of the Council present at the meeting, three affirmative votes shall be required for such purpose. The Mayor shall have no vote thereon except in the case of a tie.

- B. The Mayor shall submit to the Council the names of all persons known to be proposed for appointment to any Board, Committee, Agency or Organization whose appointments require the Council's advice and consent for confirmation at least 5 days prior to the date of the meeting at which such nominations will be considered.

Section 6. 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 7. The Mayor or appointed representative may serve as the liaison between the Council and all Boards, Committees, Agencies or Organizations.

Section 8. In the absence of the Mayor, or if he/she is unable to perform the Mayor's duties, the Council President or, in his/her inability to act, the Council member having the longest term of consecutive years of service shall act as Mayor, as provided by applicable law.

Section 9. The powers and duties of the Mayor are those conferred herein and by applicable law, ordinances and regulations of the Borough.

Section 10. In the event of a civil emergency including a riot, natural disaster or act of war which creates an emergency situation which may cause or is causing danger of injury or damage to persons or property, the Emergency Management Coordinator shall, in consultation with the Mayor if possible, have the power to proclaim a state of emergency and may order the imposition of curfew, closing of business establishments, closing of public streets, and such other similar rules and regulations as may be necessary to implement and carry out operations and to protect the health, safety, and welfare of the residents of the Borough.

ARTICLE III

BOROUGH CLERK

Section 1. The Clerk shall attend all meetings of the Council, keep a correct record of its proceedings and perform such other duties as may be directed by applicable law or these Bylaws. The Clerk shall have the power and authority to take and administer oaths and affirmations in all Borough matters.

Section 2. The 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, shall perform such other duties or services as the Mayor or 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.

Section 4. Upon the appointment of a successor, the Clerk shall deliver to such successor all books, papers, and property of the Borough in the Clerk's possession.

ARTICLE IV

MEETINGS

Section 1. The Council shall hold an annual reorganization meeting within the first seven days of the New Year on a day determined at the prior year's reorganization meeting, said meeting to be held within the Borough and at such time and place as the Council may direct. In years when the Mayor will be sworn in, the reorganization meeting may be held on January 1st.

Section 2. At the annual reorganization meeting the Council shall fix the time and place for holding regular meetings during the ensuing year.

Section 3. At the annual reorganization meeting, the Council will elect one of its members as Council President to serve until the next Council President is elected or until his/her elected term ends, whichever comes first.

Section 4. The Mayor shall, when necessary, call special meetings of the Council; in case of the Mayor's neglect or refusal, any four members of the Council may call such a meeting at a time and place in the Borough as they may designate. Such meetings must be in accordance with applicable law.

Section 5. Three Council members and the Mayor, and in the absence of the Mayor, four Council members shall constitute a quorum.

Section 6. The following order of business shall be observed:

1. Call to order - Salute to the Flag – Announcement of Notice of Meeting - Roll Call - Mayor's Comments
2. Approval of Minutes
3. Public Comment
4. New Jersey State Police Reports (First meeting of the month).
5. Engineer's Report (First meeting of the month)
6. Chief Financial Officer's Report (First meeting of the month).
7. Resolutions for Transfers of Funds (If necessary)
8. Approval of Vouchers to be paid
9. Department Reports (Second meeting, if two that month)
10. Committee Liaison Reports (Second meeting, if two that month)

11. Special business such as public hearings on all matters scheduled pursuant to public notice such as Ordinances and Introduction of Ordinances.
12. Unfinished business
13. New business.
14. Communications
15. Final Public Comment
16. Adjournment

Section 7. The aforesaid order of business at any regular meetings may be changed by a majority vote of the members of the Council present at such meeting or by the Mayor with consent of the Council.

Section 8. Except as otherwise required by the applicable law, or specifically provided in these Bylaws, all actions of the Council shall be by a majority vote. Unless there is an objection, the vote for adjournment of the Council Meeting will be a simple voice vote; otherwise, the adjournment vote shall be by majority roll call vote.

Section 9.

- A. The Mayor shall prepare an Agenda for all meetings of the Council. Any Council member may add items to the Agenda by requesting in writing or by e-mail to the Mayor and Clerk by 6:00 pm. on the Wednesday prior to the next Council meeting.
- B. The final Agenda should be issued to the Council by 6:00 PM on the Friday prior to the next Council meeting.
- C. Any item may be added to the Agenda of any regular session by vote of a majority of the Council members present during the session; however, the Borough Attorney should determine if discussion or action on the added item at that session would be in conflict with the noticing requirements of applicable law and the Council shall adhere to the Borough Attorney's determination.

Section 10. Council meetings, including any Executive Sessions that may be held, shall end by 10:45 p.m., unless the Mayor deems an extension of time necessary and a majority of the Council agrees.

Section 11. Regular meetings of the Mayor and Council of the Borough of Rocky Hill shall be held at 7:30 p.m. on the first and third Monday of each and every month excluding the months of July, August, and September during which there will be only one meeting on the third Monday of the month, at Borough Hall, except as otherwise specified and published.

Section 12. The following rules apply to members of the public attending meetings and will be posted in the Council chambers:

1. The public may not address the Council except during the Public comment periods of the meeting agenda.
2. Anyone wishing to speak during a Public Comment period will wait to be recognized, in turn, by the Mayor.
3. A person wishing to speak shall face the Council, give his or her name and street address and then address the Council. No remarks may be addressed directly to any member of Council or the Mayor but only to the Governing Body as a whole. A person addressing the Council shall not approach the dais unless requested to do so by the presiding officer. Further, any handouts or other materials to be considered by the Council must be given prior to the Council meeting to the Borough Clerk for distribution.

The Mayor, or members of the Council after being acknowledged by the presiding officer, may, if they wish, respond to any member of the public. If present and called upon by the presiding officer, a Borough employee may provide information in response to any inquiry from the public.
4. Once a member of the public is recognized he or she shall not be interrupted when speaking unless it is to be called to order. If a member is called to order, he or she shall cease speaking until the presiding officer determines the question of order, and if determined to be in order, he or she shall be permitted to proceed.
5. Any member of the public wishing to speak a second time or more will be recognized only after all members of the public wishing to be heard for a first time have been recognized.
6. Shouting, disrespectful and /or unruly behavior may be cause for expulsion from the meeting.
7. Members of the public, when recognized, are to limit their comments so as not to exceed 5 minutes. Council may adopt at any meeting a time limit on public comment in terms of a time limit for each member of the public and /or an hour at which public comment will be terminated.
8. Cell phones will be either turned off or kept in silent mode, with the exception of emergency communication devices. No cell phone conversations are allowed during the meetings.

ARTICLE V

COMMITTEES

Section 1. The Mayor shall appoint all committee members subject to the approval and concurrence of the majority of the members of the Council present. The Mayor shall have no vote in any such committee appointment except in the case of a tie vote and then only for the purpose of breaking such a tie vote. Should a majority of the quorum not concur in the appointment by the Mayor of any Council member to any committee, the Council members, by majority vote of the quorum, shall make such appointment.

Section 2. The following Standing Committees of the Council, consisting of two Council Members each (other than the Mayor, ex-officio) shall be appointed at the annual meeting:

1. Finance and Insurance.
2. Buildings and Grounds.
3. Streets and Roads.
4. Water, Sewer and Environment.
5. Public Safety and Emergency Services.
6. Administration, Records, Communications and Technology.

Section 3. Each Council member shall be Chairperson 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 Chairperson. 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 its 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 and/or Mayor.
3. Act in such a manner or make decisions, which set a precedent, or violate established Council policy.

Section 5. Special Committees 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 serve of any Committee Chairperson, the Mayor shall name the successor Chairperson subject to the concurrence of the majority of the members of the Council present. The Mayor and Council may change existing Committee assignments and/or Chairperson when it is in the best interest of the Borough to do so.

Section 7. The Chairperson of each Standing or Special Committee shall be prepared to report to the Mayor and Council at the designated Council meeting on principal activities and achievements of his/her Committee. Each Chairperson shall also prepare and submit in writing to the Mayor and Council at the first regular meeting in December of each year, an annual report of his/her Committee's activities. Such annual report shall be filed in the office of the Borough Clerk and be there assembled as a permanent annual document covering the activities of all Standing and Special Committees. These reports will be distributed to any new Chairs at the annual reorganization meeting.

ARTICLE VI

DUTIES OF STANDING COMMITTEES OF THE COUNCIL

Section 1. The FINANCE AND INSURANCE COMMITTEE shall have primary responsibility for administrative oversight of the following described activities and matters:

- A. The examination and review of all vouchers and cosigning of Borough checks.
- B. The administration, practices, procedures and records of the following:
 1. The Tax Collector and the Collector's Office.
 2. The Treasurer and the Treasurer's Office.
 3. Water and Sewer Billing and Collections.
 4. Insurance Coverage.
 5. Budget preparation.
 6. Audit.

- C. The coordination of departmental budgets; the preparation of budgetary figures relating to the activities of the above mentioned; the final preparation, explanation and continuing supervision of the entire Municipal Budget.
- D. The maintenance, review, revision and all other matters pertaining to any insurance coverage of the Borough.
- E. The review and revision of the accounting systems of the Borough.
- F. It shall also serve as the liaison between the Council and the Registered Municipal Accountant, the Montgomery Township Board of Education and with any other body or organization on fiscal matters.

Section 2. The BUILDING AND GROUNDS COMMITTEE shall have the primary responsibility for administrative oversight of the following described activities and matters:

- A. The administration, practices, procedures and records of the following:
 - 1. Maintenance of all Borough buildings and grounds not delegated to other Committees.
- B. It shall also serve as the liaison between the Council and such other agencies or associations, including the Van Horne Park Development Committee, concerned with property of the Borough.

Section 3. The STREETS AND ROADS COMMITTEE shall have the primary responsibility for administrative oversight of 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 openings as well as maintenance of regulatory signs.
 - 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 of roads.
 - 6. Street and other municipal lighting.
 - 7. Snow plowing.
 - 8. Borough Engineer.
- 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), PSE&G, phone and cable utilities.

Section 4. The WATER, SEWER AND ENVIRONMENT COMMITTEE shall have primary responsibility for administrative oversight of the following described activities and matters:

- A. The administration, practices, procedures and records of the following:
 - 1. Water and sewer utility in general, including construction, improvement and maintenance.
 - 2. Maintenance of vehicles and other mechanical equipment as assigned.
- B. It shall also serve as the liaison between the Council and the New Jersey Board of Public Utilities, the New Jersey Health Department, the Shade Tree Commission, and any other authority or organization concerned with water and sewer.
- C. Garbage and solid waste collection, recycling, leaf, and branch collection.

Section 5. The PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE shall have the primary responsibility for administrative oversight of the following described activities and matters:

- A. The administration, practices, procedures and records of the following:
 - 1. Police Services and activities, including all of its personnel such as members of the Police Services, Special Police, and Constables.
 - 2. Highway traffic safety and all matters relating to parking regulations, including on-street and off-street parking.
 - 3. Local Emergency Preparedness Committee and Office of Emergency Management.
 - 4. Regulatory signs directing the flow of traffic, including the location, design and specification thereof.
 - 5. The recommendation concerning granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.
 - 6. Fire Inspector.
- B. It shall also serve as the liaison between the Council and the Municipal Court, the Animal Control Officer, and all organizations or agencies dealing with public safety or juvenile delinquency, fire department activities, first aid squad activities and the Rocky Hill Board of Health.

Section 6. The ADMINISTRATION, RECORDS, COMMUNICATION AND TECHNOLOGY COMMITTEE shall have the primary responsibility for administrative oversight of the storage and preservation of the records of the Borough and committees and boards of Council and such other administrative functions as the Mayor and Council may direct as well as the following described activities and matters:

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

1. Borough Clerk.
2. Zoning Officer.
3. Building Code Official.
4. Communications including Borough websites and Council letters to residents. Communications does not include the regular issuance or receipt of correspondence or billings from appointed Borough Officers or Officials in the performance of their duties.
5. Technology: purchase and maintenance of Borough hardware and software.
6. Ordinances and Bylaws.

B. All Borough websites shall have appointed webmasters who are responsible for updating the content of his/her respective website/s and ensuring that the content is accurate, timely, complete, and appropriate for a governmental website. The Borough Clerk and the secretaries of the Board of Health and the Planning Board should forward to the Borough website webmaster all agenda and approved minutes for posting. Agendas should be posted no later than 48 hours prior to the respective meetings.

C. The Chair shall periodically review all Borough websites to ensure compliance with subsection B above and bring any content problems to the attention of the respective webmaster. Any persistent problems with Borough websites should be brought to the attention of the entire Borough Council for redress.

Section 7. In addition to the above named duties, all Committees shall perform such acts as may be assigned by the Council.

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 applicable law, and presented to the Borough Clerk on such forms as the Borough shall provide for that purpose. No bills or claims need be approved

by the Borough Council for final payment unless the same shall have been received in the office of the Borough Clerk by the 25th of the month preceding the first regular meeting of each month.

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 specification 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 therefore. 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 for approval.
- C. A member of the Finance Committee shall examine all vouchers previously approved by Council, and shall indicate the approval on each such voucher.
- D. All vouchers so approved shall be referred back to the Borough Clerk.

Section 3.

- A. Any rejected claim shall be referred to the Borough Clerk with such instructions as the Council may give at the time of disapproval.
- B. Authorization to draw the checks and pay the amount 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 inspections whenever requested.

Section 6. No Resolution spending money will be adopted unless the Chief Financial Officer has certified the funds.

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. The Mayor, or any member of the Council may propose amendments to these Bylaws, at any regular meeting or adjourned regular meeting. Voting on such proposed amendments shall take place at the next regular meeting.

Section 2. These Bylaws shall be altered or amended only by two-thirds vote of the Council.

ARTICLE X

ADOPTION AND TERM

Section 1. The By-laws shall be adopted by resolution requiring a simple majority vote of the Council.

Section 2. These Bylaws shall become effective immediately after adoption and shall remain in effect for not longer than the reorganization meeting for the year next following the year in which the bylaws were adopted.