

**BOROUGH OF WATCHUNG
ORDINANCE NO: 24/07**

**ORDINANCE AMENDING APPENDIX A OF THE BOROUGH CODE TO
UPDATE AND AMEND THE RULES OF THE COUNCIL WITH REGARD
TO COUNCIL MEETINGS.**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

Section 1. Appendix A entitled "Rules of Council, Ordinances" of the Code of the Borough of Watchung, is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in ~~double strikethrough~~]

Appendix A. Rules of the Council, Ordinances

Part I. Rules of Order of the Mayor and Council

Rule 1. Location and Time of Annual and Regular Meetings.

Pursuant to N.J.S.A. 40:45A-1, the date and time of the annual organization or reorganization meeting is scheduled for any day during the first week in January. The date of the annual organization or reorganization meeting shall be set by Resolution of the Mayor and Council during the prior December and notice of that meeting shall be given pursuant to applicable law.

Regular meetings, with the exception of the months of July and August, shall be held on the first and third Thursday, and there shall be one (1) meeting during July and August as scheduled in the Annual Meeting Notice. All meetings shall commence at 7:30 p.m. at the Council chambers unless another time or place is fixed by Resolution of the Mayor and Council or in the call for the meeting. When the first or third Thursday falls on a holiday, the regular meeting for that month shall be held on the Monday before or the Monday following.

Rule 2. Annual Meeting: Adoption of Rules of Order; Election of President of the Council.

At the annual reorganization meeting of the Council, the Council shall elect, by majority vote of all its members, one (1) of its members to act as President of the Council for the ensuing year. The President of the Council shall, in the absence of the Mayor from the Borough and in accordance with law, perform the duties of the Mayor. If the President of the Council is unable to perform the duties of the Acting Mayor, then the member of Council with the longest term of service may act temporarily for the President of the Council.

Rule 3. Call to Order.

The Council shall be called to order by the Mayor or, in his absence, by the President of the Council or, in the absence of both, by the member of the Council with the longest term of service.

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Rule 4. Quorum.

A quorum shall consist of three (3) Councilmembers and the Mayor or, in the absence of the Mayor, four (4) Councilmembers shall constitute a quorum for transacting business.

Rule 5. Order of Business.

The regular order of business shall be as follows:

- a. Salute to the flag and a moment of silence for our service men and women serving at home and abroad.
- b. Roll call by the Clerk.
- c. Special presentations, if any.
- d. Reports of standing committees as follows:
 1. Administration and Finance
 2. Police
 3. Public Works/Buildings and Grounds
 4. Public Affairs
 - i. Environmental
 - ii. Recreation
 - iii. Historical
 - iv. Board of Health
 5. Fire
 6. Laws/Ordinances
- e. Reports of Borough officers and special committees
- f. Public portion, Agenda items only
- g. Unfinished Business
- h. New Business, Consent Agenda, Correspondence
- i. Consent Agenda Resolutions
- j. Non-Consent Agenda Items
- k. Public portion, general discussion
- l. Executive Session, if necessary
- m. Adjournment

Notwithstanding the foregoing, the Mayor or presiding officer may amend the Order of Business at a Council meeting to preserve order and decorum or to provide an accommodation to a Borough official or member of the public.

Rule 6. Calls for Special Meetings.

The Mayor shall, when necessary or advisable, call special meetings of the Council. In case of his neglect or refusal, any four (4) members of the Council may call such meeting by notice in writing addressed and delivered to the Borough Clerk. In all cases of special meetings, the call shall state the purpose for which such special meeting shall be called, and the time, which shall be not less than three (3) days after delivery to the Borough Clerk, and the place at which it shall be held. The

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Clerk shall give written notice of such special meeting to each member of the Council, specifying the time, place and purpose of such special meeting, and such notice shall be addressed and delivered to each member personally, or left at his/her residence at least two (2) days before the time fixed for such meeting, or provide same by way of e-mail. Presence of any member at such meeting without compliance with the requirements of this Rule as to notice shall constitute a waiver by such member of said requirements.

Rule 7. Standing Committees.

- a. The standing committees of the Council shall consist of three (3) members each, appointed by the Mayor, and the members shall serve at the discretion of the Mayor. The standing committees shall be as follows:
 1. Administration and Finance
 2. Police
 3. Public Works/Buildings and Grounds
 4. Public Affairs
 5. Fire
 6. Laws/Ordinances
- b. Members of any committee shall rank in the order which they are named by the Mayor, and, in the absence of the Chairman, the ranking member present shall act as Chairman of the committee.
- c. The duties of the above committees shall in general be as follows:
 1. Administration and Finance:
 - (a) Council
 - (b) Administrator
 - (c) Clerk
 - (d) Tax Collector
 - (e) Tax Assessor
 - (f) Library
 - (g) Welfare
 - (h) Finance
 - (i) Budget
 - (j) Audit
 - (k) Insurance
 - (l) Employees' bonds
 - (m) Contributions
 - (n) Miscellaneous clerical salaries
 2. Police:
 - (a) Police Department
 - (b) Municipal Court
 - (c) Court Administrator
 - (d) Police salaries
 - (e) Pension fund
 - (f) Police equipment
 - (g) Recommendation of Rules and regulations of Police Department
 - (h) Traffic and Beautification Committee

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- (i) Community Service
- 3. Public Works Buildings and Grounds:
 - (a) Maintenance of roads
 - (b) Snow removal
 - (c) Streetlights
 - (d) Sewer operation
 - (e) Engineering Department
 - (f) State aid roads
 - (g) Road Department salaries
 - (h) Road equipment
 - (i) Roads
 - (j) Recreation areas
 - (k) Sewers
 - (l) Buildings and grounds
 - (m) Solid Waste
- 4. Public Affairs:
 - (a) Board of Health
 - (b) Zoning Official
 - (c) Board of Adjustment
 - (d) Environmental Commission
 - (e) Recreation Commission
 - (f) Historical Committee
- 5. Fire:
 - (a) Fire hydrants
 - (b) Fire Department
 - (c) Fire equipment
 - (d) Fire inspection
 - (e) Fire Safety Official
 - (f) Construction Official
 - (g) Office of Emergency Management
- 6. Laws/Ordinances:
 - (a) Legal
 - (b) Planning Board

Rule 8. Nonstanding and Special Committees.

The Mayor shall appoint such other nonstanding committees or special committees, comprised of members and/or citizens as he shall deem advisable; and all members of all committees shall be appointed by the Mayor, or, in his absence, by the presiding officer for the time being. The Council may also establish a nonstanding committee or special committee by way of ordinance, with the term of membership and appointments to be set forth in said ordinance.

Rule 9. Preservation of Order and Decorum; Questions of Order.

The Mayor or presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council.

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Rule 10. Method of Speaking.

Every member shall address the Chair while speaking.

Rule 11 Divisions of the Question.

Any member may call for a division of the questions if two (2) or more distinct propositions be therein involved, either of which may stand on its own merits.

Rule 12. Motions When a Question is Under Consideration.

When a question is under consideration, no motion shall be entertained, except to adjourn, to lay on the table the previous question, to postpone indefinitely, to postpone to a stated time, to recommit, to refer to a committee or to amend, which motions shall have precedence in the order in which they are mentioned.

Rule 13. Reconsideration of a Question.

Any member having voted with the majority on any question may move for a reconsideration thereof at the same or any regular meeting; but no motion for a reconsideration shall be taken a second time on the same question, except by unanimous consent.

Rule 14. Speaking More Than Once on the Same Question.

No member shall speak more than twice on the same question without leave of the Mayor or Council, nor more than once until every member desiring to speak shall have spoken.

Rule 15. Introduction or Withdrawal of Motions and Resolutions.

All Resolutions, if required by the Mayor or presiding officer or a member, shall be reduced to writing. Oral motions shall be permitted provided the oral motion is reduced to writing and presented to the Council for memorialization at its next regularly scheduled meeting. All motions, 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.

Rule 16. Amendments Restricted to Subject Under Consideration.

No matter foreign to the subject under consideration shall be received under cover of an amendment of the same.

Rule 17. Members Present Required to Vote Unless Excused.

Every member who shall be present when the question is put shall vote for or against the same. Any member who desires to abstain must, prior to any discussion on the measure, seek to be

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excused from the vote by a vote of the Council. If the Council excuses that member, then the member shall step down and not participate in the discussion or vote.

Rule 18. Recording of Votes.

The yeas and nays may be called for by the Mayor or presiding officer or any member, in which case the names of the members voting shall be recorded on the minutes. On every Resolution appropriating money, the Resolution may be placed on the Consent Agenda and the yeas and nays on the Consent Agenda shall be called and recorded on the minutes.

Rule 19. Calling of Members to Order.

A member called to order shall immediately comply, unless permitted to explain, and the Council, if appealed to, shall decide on the case. If there be no appeal, the decision of the Chair shall be binding.

Rule 20. Departure From Regular Order of Business; Suspension of Rules.

No departure from the regular order of business and no suspension of any Rule shall be allowed, except at the discretion of the presiding officer.

Rule 21. Substitution When Presiding Officer Leaves the Chair.

Whenever the presiding officer may wish to leave the Chair, the presiding officer shall have power to substitute a member as the presiding officer, but no such substitution shall continue beyond the meeting at which it is made.

Rule 22. Recognition of Members for Speaking.

Whenever two (2) or more members wish to be recognized, the presiding officer shall name the member who is first to speak.

Rule 23. Committee Reports.

Committees appointed to report on any subject referred to them by the Mayor or the Council shall report the facts in writing or verbally, as directed by the Mayor, in relation to the subject referred, and shall attach to said report all resolutions, petitions, remonstrances and other papers relative to the subject of the report. A minority of any committee may submit a report. The Council standing committees may report to the Mayor and Council in writing or orally, at the discretion of the Committee Chair.

Rule 24. Mayor Ex Officio Member of Committees.

The Mayor shall be ex officio a member of all committees, but a majority of the members of such committee, exclusive of the Mayor, shall be sufficient to agree upon a report.

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Rule 25. Purchase Orders for Claims.

Purchase orders for claims against the Council shall be provided by and furnished to claimants on application at the office of the Chief Financial Officer, and no claims shall be received by the Council unless the same be made out on the appropriate purchase orders and verified under oath.

Rule 26. Robert's Rules of Order to Govern.

Robert's Rules of Order may provide guidance to the Council on all points not provided for herein.

Rule 27. Amendment of Rules; Breaking of Tied Votes.

These Rules shall not be altered, amended, repealed or added to except at a meeting of the Council and by a majority vote of the entire Council, except that if the entire Council shall divide evenly on the question of alteration, amendment, repeal or addition, the Mayor shall have a vote to break the tie.

Rule 28. Repeal of Previous Rules.

All and every previous Rule or Rules at any time heretofore adopted by this Council are hereby abrogated, and the Rules hereby adopted shall, until changed by subsequent action, be the only Rules of this Council.

Rule 29. Time Limit for Items for Agenda.

No communication, report, petition or matter of any nature may be considered by the Mayor and Council at its next regular meeting unless it was received by the Borough Clerk no later than noon (12:00 p.m.) of the Friday prior to the meeting, if it be a regular meeting date, unless such matter is of an emergent nature that requires immediate Council consideration, which emergent status shall be determined by the Mayor. Nothing herein shall prohibit a member of the Council from raising a discussion item or from making a motion on the dais during a meeting.

Rule 30. Filing Minutes and Reports of Boards and Committees.

The minutes and reports of all Borough boards, committees and officers are to be incorporated in the Borough Council minutes by reference thereto and are to be filed and indexed by the Borough Clerk for future reference.

Rule 31. Public Portion; Public Comment.

The public shall be provided an opportunity to address the Mayor and Council during public portions of all Borough Council meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. The Mayor or presiding officer shall determine the method and order for public comment during each public portion of the agenda. During each public portion, members of the public shall be provided three (3) minutes to speak, with attorneys

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representing individual(s) or group(s) being provided five (5) minutes, unless otherwise extended by the Mayor or presiding officer. No member of the public shall speak more than twice during each public portion, nor more than once until every other member of the public desiring to speak had an opportunity to have spoken, unless otherwise permitted by leave of the Mayor or presiding officer. Members of the public are not permitted to yield their time to speak to any other person(s).

Part II. Procedures for Adoption of an Ordinance.

The adoption of all ordinances shall comply with the procedural requirements of N.J.S.A. 40:49-1, *et seq.*, and N.J.S.A. 40A:60-1, *et seq.*, including all additional requirements that may be applicable pursuant to New Jersey law, including, without limitation, the required Planning Board review and notice requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.* The general procedures for the adoption of an ordinance shall be as follows:

First Reading.	
Councilmember:	Mayor, I move the adoption of an ordinance concerning [subject matter or title of ordinance] on first reading and authorize and direct the Clerk to advertise a public hearing ⁵ in accordance with law.
	(Roll call on ordinance.)

Final Adoption.	
Councilmember:	Under Unfinished Business: Mayor, I call up for second reading an ordinance concerning [subject matter or title of ordinance] and move to open the public hearing on the ordinance.
	(Public hearing is held.)
	(Public hearing is closed.)
Councilmember:	Mayor, I move the public hearing be closed, this ordinance be adopted on second reading, and to authorize and direct the Clerk to advertise the adoption in accordance with law.
	(Roll call vote on ordinance.)

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

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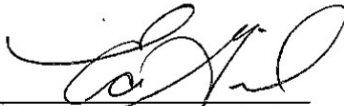
BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

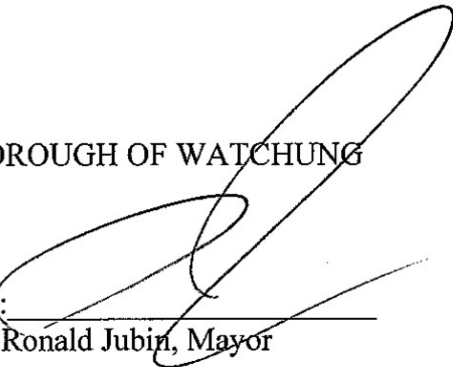
INTRODUCED BY: DAHL
PASSED: APRIL 18, 2024
PUBLISHED: APRIL 25, 2024
ADOPTED: MAY 2, 2024
CC: CODE,

ATTEST:



Edith G. Gil, Borough Clerk

BOROUGH OF WATCHUNG

By: 

Ronald Jubin, Mayor