

**BY- LAWS OF THE**  
**COUNCIL**  
**OF THE**  
**BOUROUGH OF MORRIS PLAINS**  
**COUNTY OF MORRIS**  
**STATE OF NEW JERSEY**

**INCORPORATED 1926**

**Revised through November 7, 2012**

## ARTICLE II

### Mayor

**Section 1.** The Mayor shall be the head of the municipal government and shall have all those powers designated by general law.<sup>2</sup>

**Section 2.** The Mayor shall preside at Meetings of the Council and may vote to break a tie. The Mayor shall also participate in the determination of the Borough affairs to the extent permitted by statute.

**Section 3.** The Mayor shall on all occasions preserve the strictest order and decorum, and he shall cause the removal of all persons who interrupt the orderly proceedings of the Council.

**Section 4.** When two or more Councilmembers wish to speak at the same time, the Mayor shall name one entitled to the floor.

**Section 5.** The Mayor shall decide all questions of order without debate subject to an appeal to the Council; and the Mayor may call upon the Council for the opinion of the Council upon any question of order.

**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 shall serve as the liaison between the Governing Body and all Boards, Committees, Subcommittees, Agencies or Organizations.

**Section 8.** The Mayor in case of intended absence for more than three days at any time should notify the Council President in writing, whereupon the Council President shall be and become Acting Mayor from the receipt of the notice until the Mayor's return.<sup>3</sup>

**Section 9.** In the absence of the Mayor, or if the Mayor is unable to perform the duties of the position, the Council President or, in the Council President's inability to act, the Councilmember having the longest term as such shall act as Mayor, as provided by Statute.<sup>4</sup>

**Section 10.** The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure. The Mayor shall make a nomination to any such office within thirty days of that office becoming vacant.<sup>5</sup>

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<sup>2</sup> N.J.S.A. 40A:60-5a & b

<sup>3</sup> N.J.S.A. 40A:60-3c

<sup>4</sup> N.J.S.A. 40A:60-3c

<sup>5</sup> N.J.S.A. 40A:60-5g

**ARTICLE II Cont'd**

**Mayor Cont'd**

**Section 11.** The Mayor shall see to it that the laws of the State and the ordinances and resolutions of the Borough are faithfully executed. The Mayor shall recommend to the Council such measures as may be deemed necessary or expedient for the welfare of the Borough. The Mayor shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough.<sup>6</sup>

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<sup>6</sup> N.J.S.A. 40A:60-5h

## **ARTICLE III**

### **Borough Clerk**

**Section 1.** The Clerk shall perform the duties required by the Revised Statutes of New Jersey and these By-Laws.

**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, such other duties or services as the Mayor and/or Council may direct.

**Section 3.** Upon the introduction of an ordinance the Clerk shall properly number and advertise such ordinance. Upon final passage of an ordinance the same shall be recorded at length in the Ordinance Book.

**Section 4.** The Clerk shall promptly notify the Council President on every occasion when the Mayor is out of town for twenty-four hours or longer.

**Section 5.** The Clerk shall be designated as the Records Custodian, the Borough Official responsible for responding to all lawful information requests under the New Jersey Open Public Records Act.

## ARTICLE IV

### Meetings

**Section 1.** Meetings of the Council shall be governed by Modern Rules of Order, formerly Cushings Manual of Parliamentary Practice.

**Section 2.** The Council shall hold the Annual Meeting on January First at 12:00 o'clock P.M., or such other time within the first seven days of the new year as shall be established by resolution of the Council.<sup>7</sup>

**Section 3.** 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 a resolution introduced at a regular meeting and acted upon at a subsequent regular meeting.

**Section 4.** At the Annual Meeting, the Council will elect one of its members as Council President to serve during the calendar year upon the recommendation of the Mayor.

**Section 5.** 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 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.<sup>8</sup>

**Section 6.** A quorum shall be as provided by the Revised Statutes of New Jersey, viz: three Councilmembers and the Mayor, and in the absence of the Mayor, four Councilmembers.<sup>9</sup>

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

- A. Conference meeting preceding the regular meeting
- B. Flag salute
- C. Notice of Meeting under N.J.S.A. 10:4-6, The Open Public Meetings Act
- D. Calling the role
- E. Approval of Consent Calendar
- F. Approval of Minutes
- G. Greeting the public and invitation for discussion
- H. Reports of committees and department heads
- I. Presentation of communications, petitions, etc.
- J. Introduction of Ordinances

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<sup>7</sup> N.J.S.A. 40A:60-3a

<sup>8</sup> N.J.S.A. 40A:60-3g

<sup>9</sup> N.J.S.A. 40A:60-3d

## ARTICLE IV Cont'd.

### Meetings Cont'd.

- K. Ordinances on second reading and final passage
- L. Resolutions
- M. Unfinished business
- N. New business
- O. Approval of vouchers
- P. Execution Session
- Q. 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. The Borough Council may meet in executive session as allowed by the Open Public Meetings Act to consider items of its agenda permitted to be discussed by said Act. The times, dates and circumstances under which executive session meetings may occur shall be as determined by a majority of those Borough Council members present.

**Section 9.** Except as otherwise required by the Statutes, or specifically provided in these By-Laws, all actions 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.

**Section 11.** No person including the Mayor and members of the Council shall speak more than five minutes on one subject without the consent of the members of the Council members present. No person shall speak more than twice on the same subject without the consent of the majority of the Council members present.

## ARTICLE V

### Committees

**Section 1.** The Mayor shall appoint all Committees, Subcommittees and their respective chairs with such appointments being subject to the advise and consent of a majority of the Council. The Mayor shall discuss his proposed appointments to Council Committees for the forthcoming year with the Council meeting to be held no later than two (2) weeks prior to the Annual Meeting referred to in Article IV, Section 1, above. The Council shall advise the Mayor as to its wishes for Committee assignments at the time. The Mayor shall notify the Council members of the proposed appointments to be made no later than forty-eight (48) hours before the Annual Meeting. Should a majority of the Council not occur in the appointment by the Mayor of any Council Member to any Committee, a majority of the members of said Council are hereby empowered to make such appointment. The Mayor shall be a member ex officio, of each Committee. In addition, he shall see that all matters referred to the Committees are acted upon and reported promptly.

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

- A. The Finance Committee
- B. The Public Safety Committee
- C. The Public Works Committee
- D. The Public Buildings and Grounds Committee
- E. The Public Health, Sanitation and Sewers Committee
- F. The Ordinance and Public Utilities Committee

**Section 3.** Each Councilmember shall be 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 its acts.

**ARTICLE V Cont'd.**

**Committees Cont'd.**

- A. A Standing Committee Shall:
1. Plan, study, direct, 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 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.** At the time of the appointment of any Committee, the Mayor shall name some member thereof as the Chair of such Committee, such appointment being subject to the concurrence of a majority of the Council. In the case of death, resignation or removal from office of a member of Council, the Mayor shall name the successor to any Chair, such appointment also being subject to the concurrence of a majority of the Council. The Mayor may change existing committee assignments and/or chairman, subject to the concurrence of a majority of the Council. Should a majority of the Council not concur in the appointment by the Mayor of any Committee Chair, or in the change of any existing committee assignments and/or Chair, a majority of the members of said Council are hereby empowered to make such appointments or to approve such changes.

**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 their Committee.



## ARTICLE VI

### Duties of the 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 same.
- B. The administrative, practices, procedures and records of the following:
  - 1. The Borough Clerk and her office.
  - 2. The Tax Collector and her office.
  - 3. The Borough Treasurer.
  - 4. The Tax Assessor and his/her office.
  - 5. The Borough Auditor.
  - 6. The Borough Attorney.
- C. The initiation 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 review, revision and all other matters pertaining to any insurance coverage of the Borough.
- F. It shall also serve as the liaison between the Council and Registered Municipal Accountants, and with any other body or Organization on Fiscal matters.
- G. It shall receive, review and present to the Council the proposed Budget of all Agencies of the Borough.
- H. Personnel
- I. Webmaster/Internet

ARTICLE VI Cont'd.

Duties of the Standing Committees of the Council Cont'd.

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

- A.     The administration, practices, procedures and records of the following.
  - 1. Police Department activities including School Guards.
  - 2. Fire Department, Fire Prevention Bureau, activities, including installation of hydrants.
  - 3. Granting of licenses.
  - 4. Highway Traffic and all parking matters, (except the construction and maintenance of municipal parking lots).
  - 5. Office of Emergency Management.
  
- B.     It shall also serve as the liaison between the Council, Traffic Committee, Dear Culling Committee, the Municipal Court; and all organizations or agencies concerned with public safety and juvenile delinquency.

**Section 3.**     The Public Works Committee shall have primary responsibility for the following described activities and matters:

- A.     The administration, practices, procedures and records of the following:
  - 1. Roads construction, improvement, maintenance and cleaning, including street openings.
  - 2. Construction and maintenance of sidewalks and curbs.
  - 3. The Borough Engineer and his office.
  - 4. Maintenance and operation of the Municipal Garage.
  - 5. Maintenance of vehicles and other mechanical equipment as assigned.
  - 6. Off-street parking lots; construction; improvement; maintenance and cleaning.
  - 7. Cutting of grass and weeds on roads and Municipal property.
  - 8. Leaf collection.
  - 9. Storm water collection, maintenance and disposal.
  - 10. Maintenance of Sanitary Sewers and facilities.
  
- B.     It shall also serve as liaison to the Beautification Committee.

**ARTICLE VI Cont'd.**

**Duties of the Standing Committees of the Council Cont'd.**

**Section 4.** The Public Building and Grounds Committee shall have primary responsibility for the following described activities and matters:

- A. The administration, practices, procedures and records of the following:
  - 1. Operation and maintenance of the Municipal Buildings and Grounds. Cutting grass, trimming and snow removal to be done by members of the Public Works Department.
  - 2. Public Parks
  - 3. Borough owned land.
  
- C. It shall also serve as the liaison between the Council and the following:
  - 1. The Recreation Commission
  - 2. The Roberts Garden Commission
  - 3. The Shade Tree Commission
  - 4. Patriotic Celebration financed wholly or in part by public funds.

**Section 5.** The Public Health, Sanitation and Sewers Committee shall have primary responsibility for the following described activities and matters.

- A. The administration, practices and procedures and records of the following:
  - 1. Local public welfare activities.
  - 2. Sanitation and health activities including animal control.
  - 3. Garbage collection and disposal.
  - 4. Recycling Center, recycling collection, disposal and sales
  - 5. Sewer contracts and construction
  
- B. It shall also serve as the liaison between the Council, the Board of Health, the Recycling Committee, Teen Center and Municipal Alliance and other organizations or agencies concerned with public health and welfare.

**ARTICLE VI Cont'd.**

**Duties of the Standing Committees of the Council Cont'd.**

**Section 6.** The Ordinance and Public Utilities Committee shall have the primary responsibility for the following described activities and matters.

- A. The administration, practices, procedures and records of the following:
  - 1. The Electric Utility.
  - 2. The Water Utility.
  - 3. The Telephone Utility.
  - 4. The Planning Board.
  - 5. The Construction Official and his office.
  - 6. The Building Sub-Code Official.
  - 7. The Fire Sub-Code Official.
  - 8. The Plumbing Sub-Code Official.
  - 9. The Electric Sub-Code Official.
  - 10. The Zoning Officer.
  - 11. The Zoning Board of Adjustment.
  - 12. Cable T.V.
  - 13. Municipal Ordinances.
  
- B. It shall also serve as the liaison between the Council and the utility corporations operating within the Borough, except in matters which are the primary responsibility of other committees.

**Section 7.** The Borough Council may create such advisory councils to the Borough as it may choose.<sup>10</sup>

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<sup>10</sup> N.J.S.A. 40A:60-7

## 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. After certification as required by statute, payment may be made. The Council, by resolution, may require an affidavit in lieu of certification when such action is necessary.

#### **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 Treasurer who accomplishes the "Administrative Certificate" on the voucher form.
- B. All checked vouchers with supporting papers attached will then be presented to the Council Committee having primary interest in the matter. Each such voucher will be reviewed and if approved by the Committee having jurisdiction over the activity of matter for which the expenditure was incurred.
- C. The Finance Committee shall examine all vouchers previously approved by the appropriate Committee or Committees, and will indicate its approval on each such voucher prior to submitting it to the Council for authorization to pay same.

#### **Section 3.**

- A. All vouchers recommended for payment shall be presented to the Council by the Finance Committee at the regular meeting or an adjourned regular meeting.
- B. The Finance Committee Chair, on at least a monthly basis, shall read the total amount of the individual vouchers approved by each Committee and subsequently recommended for payment by the Finance Committee.
- C. Authorization to draw the checks and pay the amounts of the approved vouchers shall be by motion of the Council.

**ARTICLE VII Cont'd.**

**Bills, Claims and Vouchers Cont'd**

**Section 4.** The corresponding vouchers shall accompany all checks drawn in payment thereof. Checks in amounts not exceeding seven thousand five hundred (\$7,500.00) shall be signed by the Borough Treasurer and thereafter countersigned by any one (1) of the other six (6) designated signatories of the Borough of Morris Plains; the Mayor, the Council President, the Borough Clerk, the Deputy Borough Clerk, the Tax Collector or the Council Finance Committee Chairman. Checks in the amounts exceeding seven thousand five hundred dollars (\$7,500.00) shall be signed by the Treasurer, the Mayor and one (1) of the remaining five (5) designated signatories of the Borough of Morris Plains. In the event that the Treasurer is unavailable to sign checks exceeding \$7,500.00, then the Mayor and two (2) of the designated signatories shall sign.

**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: In the center the words "Incorporated 1926" circumscribed by the wording "Borough of Morris Plains, Morris Co. N.J."

**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.

**Section 2.** The special committee will present its recommendations at the next regular or adjourned 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 adjourned regular meetings of the Council.



## ARTICLE X

### Adoption and Terms

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