

Chapter 51
Township Committee, *Organization, Meetings*

[HISTORY: Adopted by the Township Committee of the Township of Wall 11-8-1978 as Sec. 2-1 of the Revised General Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative offices — See Ch. 2.

§ 51-1 **Definitions-**

- A. **“Public Body”** - means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or legal relations of any person, or collectively authorized to spend public funds including the Legislature. - (Exclusions as cited in *N.J.S.A. 10:4-8 (a)*.)
- B. **“Meeting”** - means and includes any gathering whether corporeal or by means of communications equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.
- C. **“Public Business”** - means and includes all matters which relate in any way, directly or indirectly to the performance of the public body's functions or the conduct of its business.
- D. **“Official Newspapers”** - means paid, published and circulated in the municipality, and if there be no such newspaper, then in at least one published in the county in which the municipality is located and said newspaper is circulated. The official newspapers which are designated at the reorganizational meeting annually.
- E. **“Agenda”** – a list of items to be discussed at a formal meeting which gives participants a clear outline of what should happen in the meeting.
- F. **“Vacancy”** - Whenever the mayor, when required by law to attend meetings of the Governing Body, or a member of the Governing Body, fails to attend and participate in any meetings of the Governing Body for a period of eight (8) consecutive weeks:
- unless excused from attendance by a majority of the members of the Governing Body, at the conclusion of such period;
 - however, that the Governing Body may refuse to excuse only with respect to those members whose failure to attend and participate which are not due to legitimate

illness;

51.1-51.2 Legislative power.

All legislative power of the Township, except in matters of health, shall be exercised by the Township Committee pursuant to law, and in matters of health by the Board of Health.

§ 51-3 Organization of Township Committee.

The Township Committee shall organize annually during the first week in January, at which time it shall elect a Mayor and Deputy Mayor for a one-year term respectively, from among its members.

The Township Committee shall evenly distribute the sub-committees amongst the members of the Governing Body. Each member shall be designated as a chairman and vice chairman of at least one sub-committee. The Township Committee will appoint professionals and fill the vacancies of statutory boards, commissions and other municipally created authorities, commissions or advisory boards. For the purpose of this section, "Sub-Committees" shall be divided into the following 5 major categories:

- Administration & Finance,
- Public Safety,
- Public Works,
- Construction & Land Use, and
- Recreation.

§ 51-4 Powers of Mayor.

The Mayor shall have the power to appoint subcommittees of the Township Committee with the consent of the Township Committee. He shall sign and execute documents and agreements on behalf of the Township when authorized to do so by the Township Committee. He shall have the power to make proclamations concerning holidays and events of interest to the Township. He shall exercise the ceremonial power of the Township and every other power usually exercised by Township mayors or conferred upon him by law.

The Mayor shall preside at meetings of the Township Committee and perform such other duties as the Township Committee or state law may prescribe. In the absence or disability of the Mayor, the Deputy Mayor shall perform all of the duties and functions of the Mayor. In the absence or disability of the Deputy Mayor the most senior member shall perform all the duties and functions of the Deputy Mayor. For the purpose of this section, the senior member shall be defined as the member with the most consecutive years of service on the governing body.

§ 51-5 Meetings of the Township Committee.

- A. The Committee shall establish a schedule of workshop and business meetings by resolution adopted by the Township Committee at its annual organizational meeting or as may be modified from time to time pursuant to law. To all extent possible the

Township Committee shall meet twice monthly with routine dates and times for the convenience of the public. These meetings shall be divided into a workshop meeting and a business meeting

- a. Workshop Meeting:
The workshop meeting shall be held for the primary purpose of holding detailed discussions of all matters of Township business and interest. The Agenda shall provide for the opportunity for each Township Committee Sub-Committee Chair to provide a verbal report on the activities within their sub-committee. In the event of absence of the Chair, the Vice-Chair of the sub-committee shall provide the report.
- b. Business Meeting: The business meeting shall be conducted for the primary purpose of conducting Township Business including the taking of action on items necessary for the operations and needs of the Township and its residents. This shall include the introduction and adoption of ordinances and the associated public hearings.
- c. Special meetings- Special meetings of the Township Committee shall be held as the need therefor arises and shall be held in compliance with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).
- d. “Emergency Meeting” - Upon the affirmative vote of three quarters of the members present, a public body may hold a meeting notwithstanding the failure to provide adequate notice if:
 - i. Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and
 - ii. The meeting is limited to discussion of and acting with respect to such matters of urgency and importance, and

§ 51-6 Open meetings; private sessions; rules of procedure.

All regular and special meetings of the Township Committee shall be open to the public, except for those portions of such meetings which the Committee determines to hold in private session pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.). The rules of procedure to be followed and rules for the consideration of nominations submitted by the Mayor and for the conduct of other business of the Committee shall be provided by resolution.

- A. Private session or “executive session” portion of the meeting of the Township Committee excludes the public to discuss specific topics including: As permitted by express provision of Federal law, State statute or rule of court, Information the release of which would impair a right to receive funds from the federal government, Material the disclosure of which constitutes an unwarranted invasion of individual privacy, A collective bargaining agreement, The purchase, lease or acquisition of real property, the setting of bank rates or investment of public funds, Tactics and techniques utilized in protecting safety and property or any investigations of violations or possible violations of the law, Pending or anticipated litigation or contract negotiation in which Township is or may become a party

or any matters falling within the attorney-client privilege, The employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current employee, Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit:

- a For the convenience of the public, private session will be at the end of the meeting of the Township Committee unless the item(s) discussed will require action during the public portion of the meeting.

B. Public comment portion of the meeting(s) is to allow the public to bring to the Committee's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a), the Committee asks the public to limit their comments to five minutes or less. The Committee will respect the public's time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that the public comment portion of the meeting is not structured as a question and answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the Township Administrator's office during regular business hours. The attorney will regulate the time during the comment portion of our meeting.

- a Remote Meetings

Members of the public wishing to make a comment during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.

Members of the public may also submit written comments to the Township Committee, through the Township Clerk, by either e-mail to publiccomment@townshipofwall.com or written letter to the Township Clerk, Township of Wall, 2700 Allaire Road, Wall, NJ 07719. Written comments must be received by 9:00am the day of the meeting in order to be included the public comment portion.

Public comments shall be read into the record during the appropriate designated time during the portion of the meeting devoted to public comment.

In accordance with N.J.A.C. 5:39-1.4(h), the Township Committee reserves the right to summarize duplicative written comments; however, each commenter shall be noted for the record with the content summarized.

A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comment.

Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If a member of the public becomes disruptive

during the meeting, the individual chairing the meeting or designee shall mute the microphone of the disruptive member and warn that any continued disruption may result in that person being prevented from speaking during the meeting or being removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behavior such as shouting, interruption, and the use of profanity

§ 51-7 Inclusion of routine items on consent agenda.

- A. Items of business, excluding ordinances and as otherwise provided by law, which the Township Committee at its workshop meeting has determined to be routine and which do not require discussions shall be included under a single section of the agenda known as the "consent agenda. Such items may be adopted or approved collectively as the case may be, upon a single motion and roll call vote of a majority of the Township Committee voting affirmatively.
- B. The consent agenda section of the agenda shall be preceded by an explanatory note in substantially the following form: "All matters listed on the consent agenda are considered routine by the Township Committee and will be adopted or approved collectively by a single motion or roll call vote of a majority of the Township Committee. All items **are** available for **public** inspection at **this** meeting and in the office of the Township Clerk. There will be no separate discussion of these items. If discussion is desired on any item, that item will be considered separately."
- C. Resolutions” - A resolution is any act or regulation of the Governing Body that is required to be reduced to writing but which may be finally passed at the meeting at which it is introduced. (N.J.S.A. 40:49-1)

§ 51-8 Quorum.

A majority of the full membership of the Township Committee shall constitute a quorum; provided, however, that no ordinance shall be adopted by the Township Committee without the affirmative vote of a majority of the full membership of the Committee. If a quorum is not present at the appointed time for any meeting, the presiding officer or the Clerk may declare the meeting adjourned.

§ 51-9 Roll call votes; minutes.

The vote upon every ordinance and upon resolutions shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be maintained and signed by the Township Clerk.

- A. **“Minutes”** - Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown

in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with the purposes of the Open Public Meetings Act. Minutes as outlined above pertain to all meetings: Regular, Special, Emergency and Closed Sessions. Note - “Reasonably comprehensible” does not mean “comprehensive.” **Minutes are not transcripts.** The minutes should reflect the actions taken and the discussion at a meeting so that a member of the public could understand what occurred. The minutes are not intended to be a **verbatim recitation of a public meeting.**

§ 51-10 **Adoption of ordinances.**

All ordinances shall be introduced, read, heard and enacted in the manner provided by general law.

A. **Ordinances**” -An ordinance adopted by a municipal Governing Body are essentially permanent laws of the municipality, unless they expire pursuant to the terms of the ordinance. Ordinances will continue in effect until they expire, are repealed by subsequent ordinance, or obviated by State or federal law. Ordinances are required by statute in a number of circumstances. The procedural requirements for the adoption of ordinances are established by statute. An ordinance may never be amended or repealed by resolution. Generally, ordinances of a municipal Governing Body may be adopted by an affirmative vote of the majority of the membership of the Governing Body participating at a meeting for which a quorum is present. Bond ordinances, for example, may only be adopted with the affirmative vote of 2/3 of the authorized membership of a Governing Body. The term "ordinance" when used in this subtitle means and includes any act or regulation of the governing body of any municipality required to be reduced to writing and read at more than one meeting thereof and published.

§ 51-11 **Basic courses in local government.**

[Added 2-26-2014 by Ord. No. 1-2014]

The Mayor and members of the Township Committee shall, within each of their terms of office, attend one or more basic training courses on their responsibilities and obligations as local government officials. Such courses should include the subjects of budgeting, policy setting, local government contracting, risk management, and the Open Public Records Act and may be coordinated through Rutgers University, county government, the New Jersey State League of Municipalities, the New Jersey Association of Counties, the New Jersey Council of Mayors, a local Mayors Association, joint insurance fund, or other qualified instructional provider.

***Disclaimer** - All referenced statues shall change in accordance with State Regulations*