

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY
ORDINANCE #24-1

This ordinance published herewith was introduced and passed upon first reading at the Meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on February 27, 2024. It will be further considered for final passage after public hearing thereon, at a Regular Meeting of said Borough Council to be held in the Town Hall, in said Borough, on March 13, 2024 at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

LAURA J. LYONS, RMC
MUNICIPAL CLERK

BOROUGH OF ORADELL

ORDINANCE 24-1

**AN ORDINANCE TO REVISE THE ADMINISTRATIVE CODE
FOUND IN CHAPTER 2 OF THE CODE
OF THE BOROUGH OF ORADELL**

AN ORDINANCE TO revise chapter 2 of the Code of the Borough of Oradell, titled "Administrative Code."

BE IT ORDAINED by the Mayor and Council of the Borough of Oradell as follows:

Section 1. The Code of the Borough of Oradell is hereby amended by the revision of Chapter 2 titled "Administrative Code" to read as follows:

§2 – Administrative Code.

There shall be two meetings of the Mayor and Council to be held on the second and fourth Tuesdays of each month. Each public meeting consists of a work session where matters may be discussed and deliberated for future action by the governing body and a public portion for formal activity by the Mayor and Council. The governing body may opt to discuss and determine the sponsorship and co-sponsorship of various resolutions and ordinances to be considered at the public portion as well.

All public meetings shall be called to order at 7:30 pm with the work session followed by the public portion. All meetings of the Mayor and Council shall be adjourned no later than 10:00 pm. Meetings can be extended by vote after 10:00 PM The Mayor or a vote by a majority of the Governing Body can extend the meeting. All work sessions, special meetings, and public meetings shall be recorded by video recording in order to preserve a record of the proceeding. Special meetings shall be called by the Mayor or at the request of four (4) Councilpersons pursuant to N.J.S.A.§ 40:69A-120 and N.J.S.A.§ 40:69A-149.5. Notice shall be given for all special, work session, regular or rescheduled meetings pursuant to law. All notices shall comply with the "Open Public Meetings Act." The Clerk shall notify the Mayor and all Councilpersons of every meeting. Holidays and religious observances shall be taken into consideration in the scheduling of meetings. Closed session meetings shall be scheduled prior to public meetings ~~work sessions~~ or as needed, and pertinent information germane to the closed session matter(s) shall be distributed to the Governing Body at least 24 hours prior to the start of the closed session meeting, except where emergency circumstances do not permit.

2. At the hour appointed for the meeting, the members present shall be called to order by the Mayor or the President of the Council, or in their absence, by the most senior member of the Borough Council. He/She shall announce publicly and have entered in the minutes a statement that proper
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notice of the meeting was provided and the time, place and manner in which the notice was provided. The Borough Clerk shall immediately proceed to call the roll and note the absences.

3. The Mayor or the President of the Council shall preside at all meetings or, in their absence, the Senior Councilperson present shall preside. Seniority shall be determined by length of service on the Council. If two or more members have equal seniority, the determination shall be alphabetical.
4. If the Mayor is absent from the Borough, for any reason, is unable to act, the President of the Council shall perform all the duties of the Mayor during such absence or inability. The Mayor, in case of her/his intended absence from the Borough, shall notify the President of such intended absence whereupon the President shall be and become Acting Mayor from the beginning of such absence and continue to act until the Mayor's return. The Council President as Acting Mayor retains the right to vote on all matters brought before the Governing Body.
4. (a) If the Mayor or a Councilperson resigns or leaves office for any reason, the Borough will follow the procedure outlined by N.J.S.A. 40A:16 which deals with Vacancies in Certain Elected Municipal Offices.
5. The order of business for work sessions shall be as follows
 - a. Call to Order
 - b. Notification of Meeting
 - c. Pledge of Allegiance
 - d. Roll call
 - e. Presentations
 - f. Discussion items
 - g. Old Business
 - h. New Business – old and new business has always been on both agendas
 - i. Public Comment (each speaker shall have five minutes and one turn)

The order of business for public portion shall be as follows:

- a. Presentations
 - b. Public Comments (limited to agenda items only)
 - c. Approval of Minutes
 - d. Correspondence
 - e. Consent Agenda
 - f. Committee Reports (4th Tuesday Only)
 - g. Introduction/Adoption of Ordinances
 - h. Administrator's Report (4th Tuesday Only)
 - i. Borough Attorney's Report (4th Tuesday Only)
 - j. Adjournment
6. The Mayor, or in his/her absence, the presiding officer, shall preserve order and decorum and shall decide all questions of order, subject to appeal to the Council, which shall be aided by the Borough Attorney who shall act as Parliamentarian. The Mayor shall be the non-voting ex-officio member of all committees established hereunder, both standing and special. The Mayor shall vote on any and all committees to which he/she is a regular member.
7. During any time the public is allowed to speak, the Mayor, as presiding officer, shall have discretion to cut off any repetitive, irrelevant or excessive public comment in the interest of allowing members of the public time to speak and completing the public business within a reasonable period of time.

8. Each member of the Council, while speaking, must address the Chair.

Each Council member shall be recognized by the Chair before speaking. When two or more members shall address the Chair at the same time the Mayor, or in his/her absence, the presiding officer, shall name the member who is to speak first, recognizing them in order of their request to speak.

Members of the council shall not communicate with each other or any third party via electronic devices during a public meeting.

9. No member shall retire from the Council Chamber while the Council is in session, without permission of the Mayor or presiding officer.
 10. A member called to order shall cease speaking immediately unless permitted to explain. He/she may, if he/she wishes, appeal to the Council for permission to continue his/her remarks. If there is no appeal, the decision of the Chair shall stand and be final.
 11. A motion to lay on the table shall be decided without amendment or debate; and such motion, until it is decided, shall preclude all amendments or debate of the main question.
 12. A motion to adjourn shall be decided without debate and shall always be in order, except when the Council is voting or when a member is addressing the Council, or immediately after the question of adjournment has been decided in the negative.
 13. Any member who has voted with the majority on any question may move for reconsideration thereof at the same or the next meeting; but the consent of the majority of the Council must be obtained before the same question can be reconsidered.
 14. The yeas and nays may be called for by any member, in which case the names of the members voting shall be recorded on the minutes, and also the name of the Council member calling for yeas and nays.
 15. The Mayor and Council may hold a closed session meeting as set forth on the annual notice or as may otherwise be determined in accordance with NJSA 10:4-12 et seq. (Open Public Meetings Act) at any meeting following a resolution authorizing to do so. No member of the Mayor and Council shall breach the confidentiality of a meeting in which the public has been excluded pursuant to the OPMA until such time when the minutes of these discussions have been released.
 16. The Borough Clerk shall be responsible for drafting and maintaining minutes of Mayor and Council work sessions and public meetings. Minutes must be prepared for draft distribution no later than 30 days after the meeting. Minutes are to be distributed for Council review and approval at a minimum of two (2) weeks prior to the public meeting in which they are to be approved. If the Mayor or a member of the Council objects to any of the verbiage or content of the minutes (not withstanding basic proof reading), a majority of the Council is required to approve a re-write to reflect the changes.
 17. The Mayor and Council shall decide if a proposed ordinance shall be sent to any committee for discussion and recommendation. The Ordinance Committee shall submit a proposed ordinance for 1st Reading (Introduction). After the prescribed waiting period, the Ordinance will then be listed for 2nd Reading (Adoption). The effective date for a general ordinance is 20 days after adoption.
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The effective date for a bond ordinance is 20 days after the publication of the adoption notice.

18. The procedures for introducing and adopting Borough Ordinances shall be:
 - A. Upon the passage of an Ordinance, it shall be properly numbered and recorded in its entirety by the Borough Clerk in the Ordinance Book. The Ordinance so recorded shall then be compared with the original as passed at a regular meeting of the Council, whereupon the Mayor shall subscribe, and the Clerk shall attest and affix the corporate seal.
 - B. The original Ordinance shall be filed and preserved by the Clerk.
 - C. The titles or Ordinances and references to amendments and parts amended only shall be entered into the minutes.
 - D. An original ordinance shall be entitled as follows: An ordinance to supplement (or amend) an Ordinance (then add the title of the original to which it is a supplement or amendment)
 - E. The enacting clause of every ordinance shall be as follows: "Be It Ordained by the Mayor and Council of the Borough of Oradell."
19. Any member of the Council may submit items for discussion on the agenda pending approval by the Mayor. The Mayor will approve the final agenda for posting and distribution. Requests shall be made by noon the Thursday prior to each meeting. Once a matter has been submitted to the Clerk to be placed on the agenda in accordance with this paragraph, it shall appear on the agenda and shall not be removed without consulting the person who originally submitted it. Notwithstanding, any member of the Council may identify a matter during New Business. Requests and discussion items from the public shall be presented or delivered to the Borough Clerk no later than noon the Thursday prior to each Council meeting except for important or timely matters which may be added to the agenda at any time with the approval by the Mayor or a majority of the Governing Body.
20. No departure from the regular order of business or suspension of any rules shall be allowed except by vote of two-thirds of the members present. Any amendments to the Rules of Order must be discussed at a meeting prior to the implementation of same.
21. 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. He/she shall make the nomination to any such office within 30 days of that office becoming vacant. (NJSA Title 40A: 60-5(g)).

The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within 30 days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. NJSA Title 40A: 60-6 (d).

No appointment shall be made except by the vote of a majority of the members of the Council present at such meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in case of a tie.

The tenure of such committee member shall be for a term ending on December 31st of the calendar year in which appointment was made or until a successor is appointed.

22. The standing committees shall consist of three members each and shall be defined as follows:

Administration: The committee shall work directly with the Borough Administrator regarding day to day operations of Borough Hall, Mayor and Council and employee process and procedures and department head evaluation. The committee is also involved in the hiring of Borough employees.

Communications and Technology: The committee shall be responsible for all communications or means of communication by the Borough. This includes but not limited to: yearly calendar, message boards, Borough website, Borough press releases to the public and as well work with OPTV as it pertains to such areas as programming and Borough communications. The committee shall be responsible for all Borough technology equipment and updates, including: telephones, computer servers and software. The committee shall work with the Borough's appointed Information/Technology expert for day to day maintenance and updates.

Department of Public Works: The committee shall oversee special and long range projects to be conducted by the department. The Committee shall be responsible for reporting back to the Mayor and Council regarding: large equipment and tool malfunctions and purchases, seasonal work progress and employee matters. The Committee Chair will be a member of the Public Safety Committee.

Emergency Management: The committee shall work with the appointed Office of Emergency Management Coordinator on Borough plans and activities. During emergencies within the Borough, the committee chair shall assist the Coordinator with communication and updates on progress to the residents of the Borough.

Finance: The committee shall be responsible for working with the Borough's Administrator, Chief Financial Officer, and Department Heads to create and introduce an annual budget. The committee shall work with the CFO to maintain accurate record keeping processes and provide quarterly updates of Borough and Department Finances.

Negotiations: The composition of this committee shall be dependent on the collective negotiations agreement that is being negotiated. When the PBA collective negotiations agreement is being negotiated, the committee shall be comprised of the members of the Public Safety Committee. When the UPSEU collective negotiations agreement is being negotiated, committee shall be comprised of the chairperson of the DPW Committee, the chairperson of the Administrative Committee, and Finance Chair. The negotiations committee shall report back to the Mayor and Council after each negotiations session with an update as to the status of the negotiations.

Ordinance: The committee shall be responsible for considering, drafting or reviewing all Borough Ordinances. The committee chair shall introduce any new or amended ordinances at Borough Public Meetings.

Public Safety: This committee will consist of three members, the Fire Commissioner, the Police Commissioner and the Department of Public Works committee chair. This committee shall function in accordance with the Borough code specifically in managing the resources of the Borough in time of emergency. The committee will also be responsible participating in the hiring of patrol officers, officer promotions and discipline of officers as required.

A. The Chair of each committee has the responsibility to call meetings in order to move forward agendas and goals set forth by the Mayor and Council. A committee meeting shall be held at least once a month or as deemed to be necessary by the Chair.

B. Committee meetings can only be held with a majority of committee members present.

C. The purpose, authority, and duties of the Standing Committees are as follows:

1. Standing Committees are appointed to expedite and facilitate the work of the Council by supervising and overseeing the area of their purview; however, standing are not intended to supplant the authority of the full Council which is responsible for all operations of the Borough government.
2. A standing committee shall:
 - a. Plan, study, direct and make recommendations for areas which it has responsibilities.
 - b. Perform such acts as may be assigned to it by the Council.
 - c. Review budgetary expenditures for the committee which it has responsibility.
3. All standing committees shall only report to the Mayor and Council on the principal activities and achievements of the committee at the Public Meeting. Reports shall be concise and include the progress of the committee since the previous progress.

23. Members of the Council will be appointed Liaisons at the start of each year various Borough boards and committees including but not limited to:

Beautification
Environmental
Boards of Education (Oradell & River Dell. St. Joseph and Bergen Catholic)
Board of Health
Building Department
Drug Alliance
Economic Development
Fire Department (Commissioner)
Historical
Insurance
Library (Mayor's designee)
OPTV
Outreach
Planning Board (Mayor's designee)
Police Department_(Commissioner)
Recreation
Senior Citizens Advisory Committee

Shared Services
Special Events
Zoning Board of Adjustment

- A. The liaison designated to each committee shall serve solely as a liaison to each of the committees, boards and departments included therein and may attend any meetings thereof, but shall not vote unless otherwise provided by ordinance.
 - B. The liaison shall report and advise to the Mayor and Council on such matters as the liaison shall deem appropriate and advise the council on any matters requiring governing body action.
24. The Mayor can create Ad Hoc Committees as needed to address specific needs of the community.
25. In the event the Borough Administrator calls a meeting with a department head or employee for the purpose of discussing personnel matters, the Committee Chair/Liaison shall be notified to attend the meeting. In the case of any meeting that requires discussions of termination of employment, the Borough Attorney shall also be notified to be in attendance.
26. Notwithstanding any committee or liaison assignments, the Borough Council as a whole and together with the Mayor operates as a collective entity.
- Giving specific direction or the specific tasking to the Borough Administrator or paid professional is the prerogative of the Governing Body as a whole. The Borough Administrator reports directly to the Mayor and Council. The Governing Body shall set yearly goals and objectives for the Administrator to be measured by an annual performance evaluation.
- It is also recognized that the notion of a chain of command is important for the effective and harmonious undertaking of all operations and activity. The Mayor and Council shall therefore convey direction or specific tasks that are to be undertaken by a department or a single employee, through the Borough Administrator, or in her/his absence, through those duly selected by the Mayor and Council and the Borough Administrator to act in such capacity on such occasion except as otherwise provided by State Statute or Municipal Ordinance.
- If the Mayor or any member of the Council wishes to meet with any Borough employee regarding official Borough business, they must do so within normal business hours unless otherwise mutually agreed upon prior to said planned meeting.
27. Except as otherwise provided in these rules, Roberts Rules of Order shall govern the deliberation of the Council.
28. All members of the Governing Body are responsible to attend yearly Ethics and Employment Liability Practice training. Dates for training shall be provided to the governing body by the Borough Administrator in a timely manner.
29. The Borough Administrator and/or Borough Clerk shall transmit all materials needed for the work sessions/public meetings to the Governing Body no later than the Friday prior to the meeting. In
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the event materials cannot be transmitted, notification and approval must be received by the Mayor or Council President. Upon approval, notice shall be sent to the Governing Body with date the materials will be received.

30. The Mayor, Council President, Administrator, Clerk, and as needed, Borough Attorney, shall hold an agenda meeting prior to the Friday deadline for packet distribution to review and schedule matters for consideration by the Governing Body to ensure the efficient and orderly operations of all meetings of the Governing Body.
31. All members of the Mayor and Council shall be responsible for all Borough materials assigned to them. This will include electronic equipment, keys, codebooks, etc. Upon the expiration of the term of office all materials must be returned to the Borough Administrator and/or Clerk prior to the Borough's annually scheduled Reorganization Meeting. Any items lost or stolen must be reported to the Borough Administrator as soon as possible
32. All official Borough communications shall be conducted using the provided Borough e-Mail. Only the Borough Administrator, Clerk or Attorney may send or reply to all sitting Council Members or Council Elect.
33. The use of text messaging for official Borough business is prohibited and will not qualify as official business. Any technology issued by the Borough will be used for the sole purpose of conducting official Borough business.
34. Use and proper keeping of the Borough Seal:
 - A. The Seal of the Borough shall be the seal adopted at the time of incorporation of the Borough, and shall be circular in form and shall contain beside a special device the following: "The Borough of Oradell" 1894
 - B. The Seal shall be in the custody of the Borough Clerk, and shall be affixed upon instruments by her/him only, when ordered by resolution, ordinance, legal document or as required by law.
 - C. Usage of the Borough Seal logo shall be only permitted through authorization by the Mayor and Council. This includes letterhead, printed materials, business cards and all correspondence produced by Borough departments, Boards and Committees.