

**RESOLUTION OF THE BOROUGH OF OCEANPORT
ADOPTING THE BOROUGH BYLAWS FOR CY2020**

**Resolution #2020-3
01/1/20**

WHEREAS, the rules of procedure and of substance of the Mayor and Council of the Borough of Oceanport have been primarily dictated by Title 40 and 40A of the revised New Jersey Statutes and other requisite statutes; and

WHEREAS, the Mayor and Council of the Borough of Oceanport adopted By-Laws which provide a foundation for a delineation of practice and procedure as well as responsibilities and authority of the Mayor and Council of the Borough of Oceanport, both as mandated by the State law covering the operation of Boroughs (N.J.S.A. 40A:60-1, et seq.) and as local practice determines; and

WHEREAS, pursuant with Article 14, Section 2 of the Borough's ByLaws, the Council shall adopt ByLaws at its annual reorganization meeting,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport, Monmouth County, New Jersey that the By-Laws last amended February 21, 2019 as attached hereto be adopted for the year 2020.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Gallo, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik, Walker

I certify that the foregoing Resolution #2020-3 was adopted by the Oceanport Governing Body at the Regular Meeting held January 1, 2020



JEANNE SMITH, RMC
BOROUGH CLERK

BOROUGH OF OCEANPORT BY-LAWS FOR CY2019

ARTICLE I - RULES OF ORDER

The deliberations of the Council shall be governed by “Roberts Rules of Order”, except when the same are in conflict with the laws of the State of New Jersey or these By-laws, in which even said Roberts Rules of Order shall be inapplicable.

ARTICLE 2 – THE GOVERNING BODY

Section 1. The Mayor and six Council members shall constitute the Governing Body of the Borough of Oceanport, which Governing Body shall be known as “The Mayor and Council”.

ARTICLE 3 – THE MAYOR

Section 1. The Mayor shall be the chief executive officer of the Borough. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by statute.

Section 2. The Mayor shall see that the laws of the State of New Jersey and the ordinances of the Borough are faithfully executed and shall recommend to the Council such measures, as the Mayor may deem necessary or expedient for the welfare of the Borough.

Section 3. The Mayor shall use his or her authority to maintain peace and good order in the Borough and has the power to suppress all riots and tumultuous illegal assemblies in the Borough.

Section 4. The Mayor shall have the authority to execute contracts in behalf of the Borough, approved by the Council, and to sign checks and warrants or payments approved by the Council.

Section 5. The Mayor shall preside at all meetings of the Governing Body.

Section 6. The Mayor shall not vote except in the case of a tie among those Council Members voting.

Section 7. The Mayor shall on all occasions preserve the order and decorum at the deliberations of the Council. The Mayor shall cause the removal of any persons who interrupt the proceedings of the Governing Body.

Section 8. When two or more Council members arise or attempt to speak at the same time, the Mayor shall name the one entitled to the floor and recognition.

Section 9. The Mayor shall decide all questions of order without debate, subject to an appeal to the Council.

Section 10. In the absence of the Mayor or if the Mayor is unable to perform his or her duties, the Council President (or, in his or her inability to act, the Council member having the longest term of service) shall act as Mayor as provided by Statute.

Section 11. 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.

ARTICLE 4 – THE COUNCIL

Section 1. The Council shall be the legislative body of the municipality.

Section 2. The Council may, subject to general law and the provisions of this act:

- (1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
- (2) Control and regulate the finances of the municipality and raise money by borrowing or taxation;
- (3) Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Council. Other than the borough attorney, engineer, and building inspector, these officers shall be residents of the borough and shall serve at the pleasure of the Council, except the Clerk, who also shall be exempt from the borough residency requirement, the Tax Collector and Tax Assessor who shall serve for terms provided in Chapter 9 of Title 40A of the New Jersey Statutes. The Council may exempt officers from the residency requirements but only pursuant to the adoption of an ordinance to that effect;
- (4) Investigate any activity of the municipality;
- (5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and
- (6) Override a veto of the Mayor by a two-thirds majority of all the members of the Council.

Section 3. The Council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the Mayor.

Section 4. 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.

ARTICLE 5 – THE BOROUGH CLERK

Section 1. The Clerk shall perform the duties enjoined upon that office by the Revised Statute of New Jersey, these By-laws and such ordinances as the Council may, from time to time, enact.

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 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. The Clerk shall be the Borough employee responsible for responding to all lawful requests under the New Jersey Open Public Records Act.

ARTICLE 6 – BOROUGH ADMINISTRATOR

Section 1. The Borough Administrator shall perform such duties as are set forth in Chapter 5 and as set forth in other Chapters of the Code of the Borough of Oceanport as required by ordinance.

Section 2. The Borough Administrator need not reside in the Borough of Oceanport but must be a resident of New Jersey.

Section 3. The Borough Administrator serves at the pleasure of the Mayor and Council and carries out the policies of the Mayor and Council.

Section 4. Nothing in this Article shall derogate from or authorize the Administrator to exercise powers of the elected officials of the municipality.

ARTICLE 7 – MEETINGS

Section 1. The Council shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as Council may by resolution direct.

Section 2. At the annual meeting of the Governing Body, the Council shall elect one of its members as Council President to serve for one year and until the next annual meeting and fix the time and place for holding regular and workshop meetings during the ensuing year, which time and place shall not be changed except by the action of the Borough Council taken at a regular meeting. Public notice of the aforesaid meetings schedule and any revision thereto shall be provided in accordance with the Open Public Meetings Act.

Section 3. The Mayor shall, when necessary, call special meetings of the Council. In case of the Mayor's neglect or refusal to do so, any four members of the Council may call such meeting at such time and place in the Borough as they may designate. Public notice of a special meeting shall be provided in accordance with the Open Public Meetings Act.

Section 4. A quorum of the Council shall be as provided by Statute, to wit: three Council Members and the Mayor, and, in the absence of the Mayor, four Council Members. However, a small number of the Governing Body may meet, discuss and adjourn from time to time, but in no event may they take any official action as a Governing Body in the absence of a quorum.

Section 5. The order of business at any meeting as set forth in Article 8 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 6. 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 yeas and nays entered in the Minutes of the meeting.

Section 7. If the Council at its annual meeting fails to elect a President of the Council, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary.

Section 8. The only business which can be transacted at a special meeting is that for which the special meeting is called.

Section 9. The Clerk shall notify the Council, in writing or by email through the Borough email addresses for each Council Member, of each special meeting, stating the subject, at least one day before the time fixed for holding same.

ARTICLE 8 – AGENDA

Section 1.

A. The following order of business shall be observed:

1. Meeting called to order
2. Statement of Compliance with Open Public Meetings Act

3. Flag Salute
4. Invocation
5. Roll Call
6. Administrator's Report
7. Clerk's report
Minutes, payment of bills, resolutions
8. Committee reports
9. Petitions from the public
10. Adjournment (or where appropriate Motion to go to
closed session)
11. Closed session where appropriate.
12. Adjournment

B. 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 or at the discretion of the Mayor.

Section 2. An agenda for each meeting of the Council shall be prepared by the Clerk in consultation with the Mayor and provide the specific order of business and action for that particular meeting. The Clerk will accept the agenda items only as submitted by appropriate Chairpersons of standing Council committees, the Mayor, the Council President, the Administrator, the Chief Financial Officer, Municipal Attorney or Municipal Engineer.

Section 3. Agenda items shall be submitted to the Clerk by the end of business on the seventh (7th) calendar day before a workshop or regular meeting and a printed agenda shall be provided to the Governing Body and be available to the general public by the close of business on the sixth (6th) calendar day before a workshop or regular meeting. (By way of example, if a meeting is scheduled for a Thursday, the agenda should be completed and distributed by the preceding Friday.) In the event that exigent circumstances prevent issuance of an agenda on the sixth (6th) calendar day before a meeting, it shall be issued as soon thereafter as possible. Any item may be added to the agenda of any meeting by vote of a majority of the Council members present during the meeting.

Section 4. The Council, by majority vote, may adopt at any meeting a time limitation of public comment in terms of a time limit for each member of the public and an hour at which public comment will be terminated.

Section 5. Any member of the public wishing to speak a second time or more will only be recognized after all members of the public wishing to be heard for a first time have been recognized.

Section 6. Prior to being allowed to address the Governing Body, a person addressing the Governing Body shall step up to the microphone, face the Governing Body and provide his or her name and address.

ARTICLE 9 – STANDING COMMITTEES

Section 1. The Mayor shall appoint all Standing Committee members subject to the approval and concurrence of the majority of the Council. 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 tie vote. Should a majority of the Council not concur in the appointment by the Mayor of any Council member to any committee, the Council members, by majority, shall make such appointment.

Section 2. The following Standing Committees of the Council shall be appointed at the annual meeting:

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| 1. FINANCE & ADMINISTRATION: | Finance, Administration, Capital Improvement, Insurance |
| 2. HEALTH & HUMAN SERVICES: | Health, Education, Coastal Drug Alliance, Water Watch, Environmental Commission |
| 3. PARKS & RECREATION: | Parks and Recreation, Shade Tree, Seniors, Public Information, Special Events |
| 4. PLANNING & DEVELOPMENT: | Planning Board, Economic Development, Ordinances, Utilities, Construction |
| 5. PUBLIC SAFETY: | Police, Fire, First Aid, OEM |
| 6. PUBLIC WORKS & ENGINEERING: | Buildings & Grounds, Public Works, Engineering, Sanitation, Recycling |

Section 3. Each Councilperson shall be the Chairperson of one Standing Committee and a member of two other Standing Committees named in this article.

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, or a majority of the committee, and all members thereof shall participate actively in the committee deliberation, performance of duties and the formulation of its recommendations to Council.
2. Plan, study, direct, make commitments within budgetary limitation, and carry on the routine activities for which it has primary responsibility.
3. Perform such acts as may be assigned to it by 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.
3. Act in such a manner or make decisions, which set a precedent, or violate established Council policy.

Section 5. The Mayor or Council, or both, may appoint special Committees for purposes other than those included in the duties of the Standing Committees.

Section 6. The Mayor and Council may change existing Committee assignments and or Council liaison 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 each regular meeting on principal activities and achievements of his or her committee.

ARTICLE 10 – DUTIES OF STANDING COMMITTEES OF THE COUNCIL

A Standing Committee shall function as an advisory body to the Council as a whole in reviewing policy matters referred to them by the Council, and such other

matters as the Council, by simple majority vote, may direct. A Standing Committee, within its respective areas of responsibility, shall formulate recommendations to the Council regarding action proposed to be taken in general. The purpose of each Standing Committee shall be to review matters within the subject areas set forth below. Each Standing Committee shall have primary responsibility for the activities and matters listed under each committee heading which shall include the administration, practices, procedures and records.

Section 1. FINANCE AND ADMINISTRATION

The Finance and Administration Committee is generally charged with the duty of overseeing Finance, Administration, Capital Improvements and Insurance and, specifically shall:

- A. Examine, audit and report upon all bills and demands referred to them and render a report when requested by Council, on the financial condition of the Borough and approve all categories of bills for payments.
- B. Coordinate the annual fiscal budget (operational and capital) process as follows:
 - 1. Council names the Finance and Administration Committee at the Reorganization Meeting, which includes three (3) members of Council.
 - 2. Chief Financial Officer works with Department Heads to determine budgetary needs.
 - 3. Members of the Committee will coordinate the financial information with the Chief Financial Officer throughout the budget process.
 - 4. Committee and Chief Financial Officer finalize budget and share proposed budget with all Council members.
- C. Serve as liaison between the Council and the Registered Municipal Accountants.
- D. Maintain, review and, as necessary, revise all insurance coverage of the Borough.
- E. Investigate and review services that can be shared with other surrounding towns.
- F. Assist with obtaining grants in order to fund projects.

- G. Compile and review requests and information from all relevant Standing and/or other committees and recommend capital projects to Council.
- H. Participate in the negotiation and recommend for approval/denial all collectively negotiated bargaining agreements on behalf of the Borough.

Section 2. HEALTH AND HUMAN SERVICES

The Health and Human Services Committee is generally charged with the duty of overseeing matters pertaining to Health, Education, the Coastal Drug Alliance, the Water Watch Committee and the Environmental Commission and, specifically, shall:

- A. Serve as a liaison between the Council and the Oceanport Board of Education and Shore Regional Board of Education.
- B. Serve as liaison between the Council and the Coastal Drug Alliance and the Shore Regional Alliance.
- C. Serve as liaison between the Council and the Water Watch, Environmental Commission, Flood Mitigation Committee and/or with any other such agencies or associations concerned with the preservation and improvements of the waterways within and surrounding the Borough.
- D. Serve as liaison between the Council and the County Board of Health.
- E. Review documentation and make recommendations to the Council pertaining to technological advancements, information technologies and communication technologies to which the Borough should avail itself.
- F. Serve as liaison between the Oceanport Library Association, County Library and the Council.

Section 3. PARKS AND RECREATION

The Parks and Recreation Committee is generally charged with the duty of overseeing matters pertaining to Parks and Recreation, Shade Trees, Senior Citizens, Public Information and Special Events and, specifically, shall:

- A. Oversee and coordinate the maintenance, management and operation of all parks and playgrounds within the Borough.

- B. Serve as liaison to all Recognized Sports Organizations within the Borough.
- C. Oversee and coordinate recreation activities sponsored or conducted by the Borough including seasonal programs and Summer Action Camp.
- D. Serve as a liaison between the Council and such groups or associations serving Senior Citizens that may exist in the Borough.
- E. Oversee, plan and sponsor programs and activities designed to benefit all senior citizens residing in the Borough.
- F. Oversee and coordinate the purchase, removal and placement of trees in and along the public Right of Way and upon such other public property as Council may approve.
- G. Publish and distribute a bulletin containing current events and activities in the Borough and such items of interest or concern to the residents as well as the publication of the Borough Directory.
- H. Oversee, plan and coordinate Memorial Day, Veterans Day, End of Summer and other Borough events/activities.
- I. Review and make recommendations regarding the budgets of projects, programs, departments and functions under its jurisdiction.

Section 4. PLANNING & DEVELOPMENT

The Planning & Development Committee is generally charged with the duty of overseeing matters pertaining to the Planning Board, Economic Development and Construction and, specifically, shall:

- A. Serve as liaison between the Planning Board and Council.
- B. Make recommendations to the Council for the preparation, enactment, updating and/or codification of ordinances and/or Borough procedures and/or policies pertaining to zoning and planning, development, subdivision control, site plan approval, building codes and construction.
- C. Keep the Council informed on matters affecting Zoning and Planning related to the Borough, adjacent municipalities and County and State governments.

- D. Serve as liaison to the Department of Community Affairs regarding the development and grants for community projects.
- E. Provide and encourage the development and expansion of local trade and industries.

Section 5. PUBLIC SAFETY

The Public Safety Committee is generally charged with the duty of overseeing matters pertaining to Police, Fire, First Aid and Office of Emergency Management and, specifically, shall:

- A. Oversee, coordinate and manage the purchase/lease and maintenance of Borough fire equipment and other property.
- B. Oversee, coordinate and manage the purchase/lease and maintenance of Borough first aid equipment and/or property.
- C. Review and make recommendations regarding the budgets of the Police Department, Volunteer Fire Department, Volunteer First Aid Squad and Office of Emergency Management.
- D. Serve as liaison between the Borough's Volunteer First Aid Squad and the Council.
- E. Serve as liaison between the Borough's Volunteer Fire Departments and the Council.
- F. Serve as the liaison between the Borough's Police Department and the Council.
- G. Serve as the liaison between the Council and the Municipal Court.
- H. Coordinate and oversee, in conjunction with the Chief of Police, the hiring of all Police Department personnel, including members of the Department, Special Police and School Crossing Guards.
- I. Coordinate and oversee, in conjunction with the Chief of Police, highway traffic and safety and all matters relating to parking regulations, including on-street and off-street parking.
- J. Coordinate and oversee, in conjunction with the Chief of Police and the Office of Emergency Management, all civil defense activities.
- K. Coordinate and oversee, in conjunction with the Chief of Police,

regulatory signs directing the flow of traffic, including the location, design and specification thereof.

- L. In conjunction with the Chief of Police, review and, when appropriate, recommend the granting of licenses and the inspection of licensed premises and persons as designated by the Council from time to time.

Section 6. PUBLIC WORKS:

The Public Works Committee is generally charged with the duty of overseeing matters pertaining to Buildings and Grounds, Public Works, Engineering, Sanitation and Recycling and, specifically, shall:

- A. Oversee, coordinate and manage the maintenance and upkeep of all public buildings.
- B. Oversee, coordinate and manage the construction, reconstruction, improvement, maintenance and cleaning of all roadways within the Borough.
- C. Oversee, coordinate and manage the maintenance of all Borough vehicles and other mechanical equipment.
- D. Oversee, coordinate, and manage storm debris collection and disposal.
- E. Oversee, coordinate and manage the cutting of grass, shrubs and weeds on Borough roadways and properties.
- F. Review contracts for solid waste and recycling collection.
- G. Serve as a liaison between the Governing Body and utility companies.

ARTICLE 11 – BILLS, CLAIMS AND VOUCHERS

Section 1. All bills, claims, invoices, purchase orders, vouchers, etc. shall be generated, processed, reviewed and paid consistent with the procedures set forth in the Borough of Oceanport's Purchasing Manual.

ARTICLE 12 – SEAL

Section 1. The seal of the Borough shall be as hereinafter impressed.

Section 2. The seal shall be in the custody of the Borough Clerk and shall be impressed on all appropriate documents or papers.

ARTICLE 13 – 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 meeting.
- B. The Mayor will then appoint a Special Committee comprised of three members of the Council to consider the proposed amendments. This Special Committee may submit other suggested changes, additions and/or deletions to the Council.

Section 2. Such Special Committee shall present its recommendation at a regular meeting or adjourned regular meeting of the Council within (30) thirty days of appointments of the Special Committee by the Mayor.

Section 3. These By-laws shall be altered and amended only by a majority vote of the entire Council, on a roll call taken at two (2) consecutive regular meetings of the Council.

ARTICLE 14 – ADOPTION AND TERM

Section 1. The By-laws shall be adopted by resolution of the Council concurred in by a majority of the Council.

Section 2. The By-laws shall become effective immediately after adoption and shall remain in effect until not longer than December 31st of the calendar year in which the By-laws, as amended, supplemented or otherwise modified, were adopted. As such, the By-laws and any amendments, supplement, and/or modifications thereto shall be adopted by the Council as part of its annual meeting.

Section 3. The By-laws of the Borough of Oceanport, as amended, supplemented or modified shall be posted on and made available to the general public on the Borough of Oceanport's website.