



Resolution of the Township of Bernards

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Resolution #2024-0043

Establishing Rules and Procedures for the Conduct of Business
at Township Committee Meetings

WHEREAS, pursuant to N.J.S.A. 40A:63-6 the Township Committee is the legislative body of the municipality and may adopt any resolution for any purpose required for the government of the municipality and possesses all the executive responsibilities of the municipality; and

WHEREAS, pursuant to § 2-1.5. of the Revised General Ordinances of the Township of Bernards the rules of procedure to be followed for the conduct of business of the Township Committee shall be provided by resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following rules shall govern the rules of procedures at all Township Committee Meetings for the year 2024:

1. AGENDAS

- A. Matters to be listed on a Township Committee agenda, must be submitted to the Municipal Clerk in electronic and hardcopy format by the deadlines established by the Municipal Clerk and affixed to the annual meeting date Resolution adopted by the Township Committee.
- B. The Municipal Clerk may request but not require that agenda items include a "Recommendation for Township Committee Action" form to be submitted with the agenda item.
- C. The proposed agenda for each meeting shall be completed by the Municipal Clerk who shall consult with the Administrator, and with the Mayor as the presiding officer of the Township Committee. To the extent feasible or practical, the Municipal Clerk shall make the proposed agenda available to the public at least 48 hours in advance of the meeting and the agenda will posted to the Township website.
- D. The Committee may amend the agenda as the first item of business at the meeting upon the determination that a need to amend the agenda exists. A majority of committee members present, by formal vote, must agree that a need exists in order to add or remove an item for discussion.
- E. Under "Township Committee/Board Reports and Staff Comments" any member of the Committee, the Administrator, Municipal Clerk or Attorney may request additional matters be listed on an upcoming meeting agenda. If a majority of members of the committee, by formal vote, do not agree the items should be included in the agenda, the items shall not be listed.
- F. Executive Sessions may precede each meeting as required. Executive Sessions will commence one-half hour prior to the scheduled meeting time pursuant to Resolution

#2024-0002. Although each Executive Session will commence as an open public meeting, Executive Sessions will be used by the Township Committee solely for consideration of matters which will be discussed pursuant to N.J.S.A. 10:4-12B. The public will be excluded from these Executive Session discussions. If the need exists, the Executive Session may continue after the regular order of business is concluded.

- G. Public Work Sessions may be listed as an order of business during each meeting as determined by the Municipal Clerk after consultation with the Mayor. Public Work Sessions will be limited to discussion of public business. Formal action on the matter(s) discussed may be added to the same or subsequent agendas by majority vote of the committee.
- H. The agenda for all meetings shall be as follows:
 - 1. Call to Order
 - 2. Pledge of Allegiance
 - 3. Reading of the Open Public Meetings Statement
 - 4. Roll Call
 - 5. Executive Session (if required)
 - 6. Public Work Session (if required)
 - 7. Reports
 - 8. Correspondence
 - 9. Public Comment
 - 10. Township Committee/Liaison & Board Reports and Staff Comments
 - 11. Fire & Rescue Appointments
 - 12. Unfinished Business
 - 13. Consent Agenda (to include approval of minutes and payment of bills)
 - 14. New Business
 - 15. Executive Session (if required)
 - 16. Adjournment

2. CONDUCT AT MEETINGS

- A. The Mayor when present shall conduct all meetings.
- B. The Deputy Mayor shall conduct the meeting when the Mayor is absent.
- C. If the Mayor and Deputy Mayor are both absent, the Municipal Clerk shall call the meeting to order and conduct the nomination and election of a Temporary Chairperson. The Temporary Chairperson shall conduct the meeting, but shall have no powers beyond those necessary to conduct the meeting.
- D. A majority of the whole number of members of the Township Committee shall constitute a quorum, and no ordinance shall be adopted by the Township Committee without the affirmative vote of a majority of all the members of the Township Committee.
- E. If a Township Committee member fails to attend a meeting or attends but leaves prior to the conclusion of the meeting, the member can ask the Township Committee to excuse the absence at that meeting or at the immediate next meeting following. The Township Committee shall excuse the member if a majority of the members at the meeting determine that the absence was caused by legitimate illness, and may in its discretion excuse the member if the reason for the absences is for disqualification, or any other legitimate reason.
- F. If a quorum is not present 1/2 hour after the appointed time for any meeting, the presiding officer or the Municipal Clerk may declare the meeting adjourned.

- G. While the Township Committee is in session, the members thereof shall preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Township Committee nor disturb any member while speaking, or refuse to obey the order of the Township Committee or its presiding officer.
- H. The Chief of Police or such member of the Police Department as he may designate, may be designated as the Sergeant-at-Arms of Township Committee meetings. He shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Township Committee Meetings.
- I. The Township Attorney shall be the Parliamentarian.
- J. Meetings shall be conducted in accordance with these Regulations and Robert's Rules of Order for items not covered in these Regulations.
- K. The Municipal Clerk shall read all Ordinances, by title only, before introduction and adoption.
- L. The items listed within the consent agenda portion of the meeting will have been previously referred to the Township Committee for reading and study, and a copy placed on the bulletin board on the township website. These items are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by Township Committee action and placed under New Business.
- M. No New Business shall be entertained after 10:30 P.M. without an affirmative vote of a majority of the members present, for all meetings.
- N. No meeting shall continue beyond 11:30 P.M. without the affirmative vote of the majority of members present.
- O. Any member of the public desiring to address the Committee shall first seek recognition by the Mayor or presiding officer and upon recognition, shall proceed to the floor and give his or her name and address. Statements shall be limited to five minutes. This rule may be waived by the mayor. Persons making public comment may not yield their time to another speaker, and each individual is limited to speaking once during a particular public comment period.
- P. Remarks shall be confined to the order of business prescribed by this section:
 - 1) Ordinances. Pursuant to NJSA 40:49-2b, any Township resident and all persons interested shall be given an opportunity to be heard concerning the ordinance during that public hearing. The opportunity to be heard shall include the right to ask pertinent questions concerning the ordinance by any resident of the municipality or any other person directly affected by the ordinance.
 - 2) Under the heading of "Public Comment" only a resident may address the Committee on any matter over which the Committee has jurisdiction. Non-residents may only address the Committee on any matter directly impacting that non-resident.
- Q. Any person(s) making personal, defamatory or profane remarks or who willfully utters loud, threatening or abusive language or engages in any disorderly conduct which disturbs or disrupts the orderly conduct of any meeting shall be called to order by the presiding officer. If such conduct continues, the presiding officer of the Township Committee, at his discretion, may order such person removed from that meeting and/or arrested.

3. VOTING

- A. Once a quorum of the Township Committee is present (which is at least three members), an affirmative vote of the majority of members present is required to approve all actions,

except for approval of minutes which shall require a majority of the eligible members present, ordinances as further defined in 2.D above, or where otherwise provided by law.

- B. Given that a governing body member has a public duty to vote unless there exists a conflict of interest or other disqualifying event, a governing body member who abstains without providing a reason for the abstention, shall have his vote counted with the majority. If a township committee member is not qualified to vote because of a conflict of interest or other disqualifying event, that committee member shall not abstain from the vote, but, rather, that committee member shall not be eligible to vote, shall leave the meeting room during the discussion of the matter and his vote shall not count with the majority vote.
- C. If the committee is evenly split in a decision, no majority exists with whom an abstaining member can be said to vote and accordingly, abstentions shall not be assigned to either voting block. A tie vote shall be deemed a defeated motion.
- D. All motions shall require a second. In the absence of a second, the motion shall be deemed defeated.

4. MINUTES

- A. The minutes of each meeting shall be taken by the Municipal Clerk.
- B. The Municipal Clerk shall preserve approved minutes as a permanent record and the official authoritative record of the committee proceedings. Approved open session minutes will also be posted on the Township Website.
- C. The Municipal Clerk shall have available a draft copy of the executive and open session minutes, three days after the meeting.
- D. Open Session minutes shall be listed for approval and released by the Township Committee at the next subsequent meeting
- E. Executive Session minutes shall be approved in open session; provided, however, that any discussion concerning the contents of the minutes, prior to approval, shall be conducted in executive session.
 - 1) The Municipal Clerk shall forward copies of all executive session minutes still held in confidentiality to the Township Attorney during the months of June and December of each year. The Township Attorney shall review these minutes, determining which, if any can be released to the public in whole or in part without jeopardizing the need for confidentiality, and advise the Municipal Clerk. The Municipal Clerk shall present a resolution to the Township Committee for adoption releasing the executive session minutes, in whole or in part, as approved for release by the Township Attorney. Those executive session minutes to be released shall be designated by subject matter. Upon adoption of the resolution, those minutes or portions of minutes approved for release shall be placed in the minute books of the Township Committee and available for public inspection.
 - 2) If a member of the public requests from the Municipal Clerk access to executive session minutes not yet released to the public as set forth above, the requestor shall submit an Open Public Records Request (OPRA) to the Municipal Clerk. The Municipal Clerk shall consult with the Township Attorney on the subject matter as requested. The Township Attorney shall advise the Municipal Clerk if the minutes, or portion of the minutes, can be released. If approved for release by the Township Attorney, a resolution memorializing the release of said minutes, or portion of minutes, shall be presented to the Township Committee for adoption at their next regularly scheduled meeting.

5. VIDEO STREAMING AND PUBLIC BROADCASTING

- A. All meetings, other than executive session, shall be recorded and video-streamed live on the township website and broadcasted on local PEG Channels. The Municipal Clerk, Director of Technology, and the person conducting the meeting shall authenticate recordings to the extent possible. Failure to do so does not invalidate any actions by the governing body.
- B. Archived video-streaming of the meetings will be available approximately 48 hours after the meeting over the township website.
- C. Recordings of the meeting will be maintained in accordance with the State of NJ Department of the Treasury Records Manual and associated retention schedules.

6. VIDEOTAPING OF MEETINGS

The Township Committee recognizes the right of persons to videotape meetings provided that the persons videotaping the meetings do so in a manner that is respectful, unobtrusive and not disruptive to the meeting and those attending the meeting. The Township Clerk will thus designate a fixed and defined area that is suitable to persons that desire to videotape meetings.

Agenda and Date Voted: 01/02/2024

CERTIFICATION
I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 01/02/2024.

Christine V. Kieffer, Municipal Clerk