

RESOLUTION
KENILWORTH, N.J.

BE IT HEREBY RESOLVED: That the annexed By-Laws shall constitute the By-Laws of the Governing Body for the year 2025 or until amended.

	MOVED	SECONDED	AYES	NAVS	ABSTAIN	ABSENT	
Councilman Patrick Boyle			X				
Councilman Joseph Finistrella			X				
Councilwoman Toni Giordano Picerno			X				
Councilman William Mauro	X	X					
Councilman Douglas Piper			X				
Councilman Savino Scorese		X	X				
Mayor Linda Karlovitch							
ON CONSENT AGENDA	Yes <u>X</u>	No <u>_</u>					

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on January 2, 2025.


 Laura Reinertsen, Borough Clerk

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**BOROUGH COUNCIL
BYLAWS**
Borough of Kenilworth
567 Boulevard
Kenilworth, New Jersey
07033

By-law: a law or regulation or rule of a local government adopted by the municipal corporation. The function of a by-law is to prescribe the rights and duties of the members with reference to the internal government of the municipal corporation, the management of its affairs, and the rights and duties existing between the members.

Adopted: 01/02/2025

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ARTICLE 1 – MEETINGS

SECTION 1 – ANNUAL RE-ORGANIZATION MEETING

The Annual Re-organization Meeting of the Mayor and Council shall be held within the first seven (7) days of January in the Council Chambers of the Kenilworth Municipal Building. The actual date and time of each meeting shall be determined by Council by resolution.

SECTION 2 – REGULAR MEETINGS

The Regular Meetings of the Mayor and Council shall be held within the Borough at such time and place as the Council may direct by resolution but no less frequently than once a month. Seating at the dais shall have the Mayor in the middle with the Borough Clerk to the immediate right and the Council President to be seated to the immediate left of the Mayor with the remaining members of Council to be seated in alphabetical order by last name left to right.

SECTION 3 – SPECIAL MEETINGS

Special Meetings may be called by the Mayor or any four (4) members of the Council. When any Special Meeting is called, it shall be the duty of the Borough Clerk to notify the Mayor and all members of Council in writing, notice can be satisfied by electronic means.

SECTION 4 – ORDER OF BUSINESS

Except at the Annual Reorganization Meeting and any Special Meeting, the order of business shall be as follows:

1. Open Public Meetings Act Notice
2. Salute to the Flag
3. Roll Call
4. Reading of unapproved minutes
5. Presentation/hearings/etc.
6. Report of Mayor and Committees
7. Payment of Bills and Resolutions
8. Introduction and passage of Ordinances
9. Meeting Open to the Public
10. General Business
11. Workshop Items for Future Business
12. Adjournment

SECTION 5 – RESOLUTIONS

Resolutions should be offered in writing and presented to the Mayor and Council for preliminary review prior to the start of the meeting.

SECTION 6 – GOVERNING OF MEETINGS

The meetings of the Mayor and Council shall be governed by Robert's Rules of Order, revised, except as otherwise provided herein. A copy of Robert's Rules of Order, Revised, shall be kept at each meeting by the Borough Attorney.

SECTION 7 – QUORUM

Three council members and the Mayor shall constitute a quorum. In the absence of the Mayor, four (4) council members shall constitute a quorum.

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SECTION 8 – MEETING AGENDAS

The Borough Clerk shall prepare meeting agendas at the discretion of the Governing Body as directed through the Council President, who shall also consider requests of the Mayor. Notwithstanding the same, the Mayor shall be entitled to place any item on the agenda for executive session, so long as it complies with N.J.S.A. 10:4-6. et seq. and shall be permitted to add other matters to the agenda that are related to the performance of his/her duties, as delineated in N.J.S.A. 40A:60-5 which are confirmed by the Borough Attorney.

With respect to the re-organization meeting only, both the Mayor and Council President shall jointly agree upon the agenda and direct the Borough Clerk to set same. To the extent of any disagreement, the Borough Attorney shall be consulted and provide a binding decision based upon the application of law, which shall be the basis of the Clerk's direction in setting the agenda.

At all times, the Borough Clerk shall have the ultimate responsibility to compile, prepare, and share the meeting agendas with the Council, Mayor, and such other persons entitled to receive same.

The Governing Body may, during a regular meeting, add an item to the agenda under "General Business" by motion, which shall require an affirmative vote of two-thirds of the present voting members.

ARTICLE II – MAYOR

SECTION 8 – DUTIES OF MAYOR AND PRESIDENT DURING MEETINGS

The Mayor shall preside at meetings of the council and may vote to break a tie. In the absence of the Mayor, the Council President shall preside. In the absence of both the Mayor and President, the member of the Council with the most seniority at that particular meeting shall act in their absence. The person duly presiding over the meeting shall maintain order and decorum, may speak on points of order, subject to the appeal of any member of the Council. When a meeting is opened to the Public each speaker shall be limited to three (3) minutes.

SECTION 9 – GENERAL POWERS AND DUTIES

The Mayor shall be the head of the municipal government and shall have all those powers specifically designated under N.J.S.A 40A:60-5.

The Mayor shall see that the laws of the State and the Ordinances of the Borough are faithfully executed and shall recommend to the Council such measures deemed necessary or expedient for the welfare of the Borough. He/She shall maintain peace and good order and shall have the power to suppress all riots and tumultuous assemblies in the Borough.

SECTION 10 – PRECEDENCE OF SPEAKERS

When two or more Council members seek recognition at the same time, the Mayor or presiding person shall name the one entitled to the floor.

SECTION 11 – 40A:60-5 APPROVAL OR VETO OF ORDINANCES

No ordinance shall be passed, or appointment of any subordinate officer of the Borough be confirmed, except by a vote of a majority of the members of the council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in the case of a tie. Every ordinance passed by the Council shall within five (5) days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk. The Mayor shall, within (10) days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his/her signature thereto or return it to the council by delivering it to the Borough Clerk together with a statement setting forth the objections thereto or any item part of thereof. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return the ordinance to the council, as prescribed

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above, or unless the council, upon consideration of the ordinance following its return shall, by a vote of two-thirds of all members of council, resolve the override of the veto.

If any ordinance contains more than one distinct section, clause or item, the mayor may approve one or more thereof and veto the rest.

ARTICLE III – COUNCIL PRESIDENT

SECTION 12 – ELECTION OF COUNCIL PRESIDENT

A President of the Borough Council shall be elected by a Majority vote of the Members of the Council at the annual reorganization meeting. If the Council fails to elect a president at the annual reorganization meeting, the Mayor shall appoint the President from the council and, in that case, no confirmation by the Council shall be necessary.

SECTION 13 – TERM OF COUNCIL PRESIDENT

The term of the President of the Council shall be for a period of one year without limit to the number of years that may be served.

SECTION 14 – DUTIES

In addition to the regular committee assignments the Council President shall preside at regular meetings of the Mayor and Council in the event of the Mayor's absence. The Council President shall have the right to debate and vote on all questions before the council. Where the absence of the Mayor is intended, the Council President shall become the acting mayor until the mayor's return. If the Council President is unable to perform the duties of the acting mayor, then the member of the council with the longest term of service may act temporarily for the president of the council as Acting Mayor until the Mayor or Council President shall return.

SECTION 15 – MATTERS REQUIRING COMMITTEE CONSIDERATION

All matters requiring consideration by a committee shall upon instruction, be referred by the Council President to the appropriate committee subject to the right of the Council to make any other reference or disposition of the same which they deem best.

SECTION 16 – FILLING OF VACANCIES/APPOINTMENTS

The Council President shall fill all vacancies in all committees, departments and offices with the advice and consent of the Council, except as otherwise provided by Statute or ordinance, not including subordinate officers of the Borough which shall be appointed in the manner described below.

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 shall make his nomination to any such office within thirty days of that office becoming vacant.

ARTICLE IV – BOROUGH CLERK

SECTION 17 – DUTIES

In addition to the duties imposed upon her by law, the Borough clerk shall record the proceedings of the Mayor and Council, furnishing the Mayor and each member of the Council and the Borough Attorney, a copy of the minutes of each session. One copy of all such minutes shall be retained by the Borough Clerk as the Official Record of the Mayor and Council and at the end of the calendar year shall be bound and permanently retained with the Borough Records.

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The Borough Clerk shall also keep an Ordinance Book containing the signed copy of all ordinances, an appointment book containing a record of all appointments to the office, the term of which each is appointed. She shall collect fees at her office as may be required and to submit a monthly report on all licenses issued by her.

The Borough Clerk shall send one copy of the official minutes of all meetings of the Mayor and Council to the Kenilworth Free Public Library for permanent retention and for use and access by the residents of Kenilworth.

SECTION 18 – CUSTODY OF SEAL

The Borough Clerk shall have the custody of the Official Seal of the Borough of Kenilworth.

ARTICLE V – COMMITTEES

SECTION 19 - APPOINTMENT AND COMPOSITION OF STANDING COMMITTEES: PRESENTATION OF REPORTS

The Council shall appoint six Standing Committees, each known as a "DEPARTMENT" and each Committee shall consist of three members of the Council, with the Chairman designated by the Council. Each of the Committees may elect one of its members as Secretary and said Committees shall submit their reports at the meetings of the Mayor and Council. A refusal by a member of the governing body to serve on any committee or act as Chairman, after being duly appointed, shall be deemed as creating a vacancy of that office pursuant to N.J.S.A. 40A:16-3(d). A refusal may be either by act or omission and includes, but is not limited to, failure to attend and participate in any meetings of the committees, as committeeman, or Chairman, to which the member of the governing body is appointed for a period of five (5) consecutive meetings without excuse due to legitimate illness.

SECTION 20 – ENUMERATION OF STANDING COMMITTEES: DUTIES

A. DEPARTMENT OF FINANCE

- 1) It shall be the duty of this Committee to prepare the Annual Budget and also the Annual Borough Report. This Committee shall have general charge of all matters relating to the financial affairs of the Borough. All claims and bills Against the Borough shall be referred to this Committee. It shall not be required to approve for payment at Regular Meetings any invoice not in its hands by the preceding Monday. This Committee shall recommend to the Mayor and Council the depositories for the Borough monies and the proportion allotted each depository, but the Governing Body, as such, shall decide upon the depositories and the amounts of deposit.
- 2) This Committee shall be responsible for the recommendation to Council for the Terms and conditions of employment for all employees of the borough of Kenilworth not represented by a Collective Bargaining Agreement.
- 3) This Committee shall exercise a general charge and supervision of the ordering of all printed materials and supplies of the Borough of Kenilworth.
- 4) This Committee shall exercise general supervision of all personnel in the Finance Office, Office of the Clerk and the Administrative Officer of the Borough of Kenilworth unless otherwise preempted by Ordinance or Statute.
- 5) This Committee shall exercise general supervision of all personnel of the Borough of Kenilworth not otherwise delegated to any other committee.
- 6) This Committee shall ensure that personnel policies, employee manuals, job descriptions and employee policies are created, followed and enforced.
- 7) It shall be the duty of the Chairperson of this Committee to chair all meetings relating to the budget of the Borough of Kenilworth.

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- 8) The Chairperson of the Department of Finance shall call for the first meeting of the Budget with all members of the Governing Body during December, except where changes in Council composition, or changes in State Law and requirements, which directly affect budget deliberations, preclude such actions.

B. DEPARTMENT OF PUBLIC WORKS

- 1) This Committee shall have a general charge of all matters relating to streets, highways, sidewalks, sewers, drainage problems and all public utilities (excepting water and street lighting) and all matters and applications relating to same, their improvement, maintenance, alteration or use.
- 2) This Committee shall have charge of the cleaning of the streets and shall supervise the method adopted by the Mayor and Council for the removal of leaves, snow, debris, grass, garbage and recycling. This Committee shall also constitute the committee on streets and sewers or as contemplated by all ordinances or as contemplated by all ordinances supplemental thereto. This Committee shall also supervise the removal and planting of all shade trees in the Borough of Kenilworth.
- 3) This Committee shall have charge of the maintenance of all public equipment pertaining to work of the Public Works.
- 4) This Committee shall exercise general supervision of all personnel in the Department of Public Works of the Borough of Kenilworth unless otherwise preempted by Ordinance or Statute.

C. DEPARTMENT OF PUBLIC SAFETY

- 1) This Committee shall constitute the Board of Police Commissioners and it shall have general charge of all matters relating to the Police Department or as contemplated by all ordinances or parts of ordinances supplemental, thereto. They shall examine the report on the qualifications of all applications for membership in the Police Department.
- 2) This Committee shall constitute the Committee of the Office of Emergency Management and shall have general supervision of all matters relating to the Office of Emergency Management.
- 3) This Committee shall have charge of the maintenance of all public equipment pertaining to Police and Office of Emergency Management.
- 4) This Committee shall have general charge of all street lighting in the Borough of Kenilworth

D. DEPARTMENT OF PLANNING, ZONING AND ORDINANCES

- 1) This Committee shall constitute the Committee with respect to all buildings contemplated to be built or maintained by all ordinances of the Borough of Kenilworth.
- 2) This Committee shall have general charge of the Building Inspector, the building codes and all matters pertaining to the operation of the Building Department.
- 3) This Committee shall have general charge and supervision of all matters pertaining to the Land Use and Zoning Ordinances of the Borough of Kenilworth in connection with all matters concerning zoning and shall have general supervision over the Zoning Enforcement Officer.
- 4) The Chairman of this Committee shall be a member of the Planning Board of the Borough of Kenilworth.

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E. DEPARTMENT OF EDUCATION, HEALTH & HUMAN SERVICES

- 1) This Committee shall have general charge of all matters pertaining to the Health Department and the Board of Health, the operation of an efficient Dog Control Program, and shall work in conjunction with the Board of Health, in the relief of any and all matters detrimental to the health and well-being of the Borough of Kenilworth. The Chairman of the Committee shall be the Representative of the Mayor and Council at meetings of the Board of Health.
- 2) The Chairman of this Committee shall serve as the Representative of the Council at meetings of the Kenilworth Library Board of Trustees, and this Committee shall act in conjunction with the Library Board of Trustees in matters under the jurisdiction of the Library Board of Trustees.
- 3) This Committee shall have general charge of all matters pertaining to the poor and indigent in the Borough of Kenilworth. The Chairman of this Committee shall be a member of the Local Assistance Board of the Borough of Kenilworth. It also shall cooperate with the Director of Social Services, subject to the laws of the State of New Jersey and ordinances of the Borough of Kenilworth.
- 4) This Committee shall exercise general supervision of all personnel in the Senior Center and Health Department of the Borough of Kenilworth unless otherwise preempted by Ordinance or Statute.
- 5) The Chairperson of this committee shall serve as the Representative of the Mayor and Council at meetings of the Kenilworth Board of Education.

F. DEPARTMENT OF FIRE AND RECREATION

- 1) This Committee shall have general charge of the operation and supervision of the Recreation Committee and shall work with the Recreation Committee in establishing a recreation program for the Borough of Kenilworth.
- 2) This Committee shall have general charge of all Public Buildings and equipment pertaining to recreational use, the public parks, playgrounds and other recreational facilities.
- 3) The Chairman of this Committee shall serve as the Representative of the Mayor and Council at the meetings of the Recreation Committee of the Borough of Kenilworth.
- 4) This Committee shall constitute the Board of Fire Commissioners and it shall have general charge of all matters relating to the Fire Department or as contemplated by all ordinances or parts of ordinances supplemental, thereto. They shall examine the report on the qualifications of all applications for membership in the Fire Department.
- 5) This Committee shall have charge of the maintenance of all fire department equipment pertaining to Fire use.
- 6) This Committee shall exercise general supervision of all personnel in the Recreation Department of the Borough of Kenilworth unless otherwise preempted by Ordinance or Statute.

ARTICLE V- NEGOTIATIONS COMMITTEE

SECTION 21 – APPOINTMENT OF NEGOTIATIONS COMMITTEE

- 1) At the Annual Reorganization Meeting in any year during which a Collective Bargaining Agreement shall be subject to negotiation, the Council President shall appoint a Negotiations Committee. The Members of such Committee shall include one (1) Member of the Finance Committee and (1) member of the Committee

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overseeing the department comprising the Collective Bargaining Unit, i.e. Police Department, Department of Public Works, etc. In the event that the Collective Bargaining Agreements of two (2) units shall be subject to negotiation in any one (1) calendar year the Council President shall appoint as the third member of the Negotiations Committee a member of the Committee overseeing the Bargaining Agreement.

- 2) This Committee shall have responsibility for negotiating the Collective Bargaining Agreements for all employees of the Borough subject to a Collective Bargaining Agreement.

ARTICLE VI – ROLL CALL

SECTION 22 – PROCEDURE

Roll Call of members of the Council shall be in Alphabetical order and no member of the Council shall be excused from voting on any question submitted to it except because of a personal interest in the matter involved. Failure to vote or refusal to vote should be taken as a vote in the negative.

A member of the Council may pass on a vote and upon completion of the roll call shall be asked for their vote on the question. Any member who abstains must state their reason for such abstention.

ARTICLE VII – AMENDMENTS

SECTION 23 – PROCEDURE

After the By-Laws of the Governing Body of the Borough of Kenilworth have been adopted each year, these By-Laws may be altered or amended provided the alteration or amendment be proposed at a Regular Meeting and considered and adopted by a majority of the Council members at the next succeeding Regular Meeting: but any of them may be suspended temporarily with the concurrence of four members of the Council, or with the concurrence of members, in case of a tie-vote, with the Mayor casting the affirmative vote to suspend same.

Incumbent and new members of the Borough Council, if any, shall meet and discuss the By-Laws for the next year at least once before the annual re-organization meeting; to make changes if warranted and to select the Council President and Council Committees for the following year. A copy of the By-Laws shall be provided to all members of the Governing Body and should be available to the public upon request.