

# Waldwick



## Borough Council

Reference Manual

January 2023

# TABLE OF CONTENTS

	Page
Bylaws of the Mayor & Council 2023.....	3
Mayor.....	3
Council President.....	4
Borough Administrator.....	4, 5
Borough Clerk.....	5
Agendas.....	6
Meetings.....	6, 7
Committees.....	8-9
Duties of Standing Committees of the Council.....	9
Finance & Administrative Committee.....	9
Fire & Police Protection Committee.....	9
Public Safety Committee.....	10
Recreation & Health Committee.....	10
Public Works Committee.....	10
Buildings & Grounds Committee.....	10
Bills, Claims and Vouchers.....	11
Seal.....	11
Amendments.....	12
 Form of Government.....	 13
 Borough Administrator’s Weekly Newsletter & Citizen Inquiries.....	 13
 Attendance Policy.....	 13
 Robert’s Rules of Order and Parliamentary Procedures.....	 14
 What are Policy Votes, Resolutions and Ordinances?.....	 14
 OPMA.....	 15-20
 OPRA.....	 21
 2023 Council Meeting Schedule.....	 22
 Borough Budget.....	 23
 Municipal Departments.....	 24-26
 Boards & Commissions.....	 27, 28

# BYLAWS OF THE MAYOR & COUNCIL 2023

## ARTICLE I

When not in conflict with any statute, ordinance or provision of these Bylaws, the deliberations of the Council shall be governed by "Robert's Rules of Order".

## ARTICLE II

### Mayor

#### Section 1

The Mayor shall preside over the deliberations of the Council and shall conduct the meetings thereof. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by Statute.<sup>1</sup>

#### Section 2

The Mayor shall on all occasions preserve the strictest order and decorum, and shall cause the removal of all persons who interrupt the orderly proceedings of the Council.

#### Section 3

When two or more Council Members shall rise at the same time, the Mayor shall name the one entitled to the floor.

#### Section 4

The Mayor shall decide all questions of order without debate subject to an appeal to the Council; and the Mayor may call upon the Council for the opinion of the Council upon any question or order.

#### Section 5

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.

#### Section 6

The Mayor shall serve as the liaison between the governing body and all Boards, Committees or Agencies of Organization except as herein assigned to a specific Council Member or Committee for liaison purposes.

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<sup>1</sup> N.J.S.A. 40A:60-1 et. seq.

**ARTICLE III**  
**Council President**

**Section 1**

In the absence of the Mayor, or if the Mayor is unable to perform his/her duties, the Council President (or; in his/her inability to act, the Council Member having the longest continuous term as such) shall act as Mayor, as provided by Statute.<sup>2</sup>

**ARTICLE IV**  
**Borough Administrator**

**Section 1**

The Administrator shall perform the duties and functions required by ordinance and as may be directed by the Mayor and Council.

**Section 2**

The Administrator shall be the chief administrative officer of the Borough of Waldwick. The Administrator shall be responsible to the Mayor and Council as a whole for the proper and efficient administration of the business affairs of the Borough. The Administrator shall be responsible for the general management of all Borough business, except those duties and responsibilities conferred upon other Borough officials by State statute, other applicable laws, rules and regulations promulgated by the State and County agencies, decisional law or ordinance of the Borough of Waldwick.

**Section 3**

The Administrator shall supervise and direct business activities of all Borough departments, including the direction of central purchasing and recommend to the Mayor and Council the employment and replacement of personnel as may be required in said departments.

**Section 4**

The Administrator shall prepare and submit to the Mayor and Council before the close of the fiscal year, or on such alternate date as the Mayor and Council shall determine a proposed budget for the next fiscal year, and an explanatory budget message. The Administrator shall maintain a continuing review and analysis of the budget operations, work programs and costs of municipal services.

**Section 5**

The Administrator shall be the purchasing officer of the Borough. The Administrator shall issue rules and regulations governing the requisition and purchase of all municipal supplies and equipment, consistent with the provisions of this Ordinance. The Administrator shall keep an account of all purchases.

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<sup>2</sup> N.J.S.A. 40A:60-3

## **Section 6**

The Administrator shall supervise and continually review the Borough's insurance program and make periodic reports thereof to the Mayor and Council.

## **Section 7**

The Administrator shall submit to the Mayor and Council, as soon as possible after the close of the fiscal year, a complete written report on the administrative activities of the Borough for the preceding year.

# **ARTICLE V** **Borough Clerk**

## **Section 1**

Pursuant to N.J.S.A. 40A:9-133 there shall be a Municipal Clerk appointed by the Governing Body for a term of three (3) years. The Municipal Clerk shall receive such compensation as shall be provided by ordinance. No person shall be appointed or reappointed as Municipal Clerk unless that person shall have a Registered Municipal Clerk Certificate.

The Clerk shall perform the duties enjoined upon him/her by the Revised Statutes of New Jersey and these By-Laws.<sup>3</sup>

## **Section 2**

The Municipal Clerk shall:

- a. Act as secretary of the municipal corporation and custodian of municipal seal and of all minutes, books, deeds, bonds, contracts, and archival records of the municipal corporation. The Governing Body may, however, provide by ordinance that any other specific officer shall have custody of any special other class of record;
- b. Act as secretary to the governing body, prepare meeting agendas at the discretion of the governing body, be present at all meetings of the governing body, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances and resolutions and record the minutes of every meeting;
- c. Serve as chief administrative officer in all elections held in the municipality, subject to the requirements of Title 19 of the Revised Statutes;
- d. Serve as chief registrar of voters in the municipality, subject to the requirements of Title 19 of the Revised Statutes;
- e. Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or municipal ordinance has delegated that responsibility to some other municipal officer;
- f. Serve as the coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes;
- g. Perform other such duties as are now or hereafter imposed by statute, regulation or municipal ordinance or regulation;
- h. Perform other such duties as directed by the Mayor and Council.

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<sup>3</sup> *N.J.S.A. 40A:9-133*

**ARTICLE VI**  
**Agendas**

**Section 1**

All matters requiring the attention of the Mayor and Council at any regularly scheduled meeting per annual notice thereof shall be filed with the Borough Clerk no later than the Friday prior to the Regular Council meeting.

**Section 2**

The Borough Administrator shall prepare an agenda of all such matters to be brought before all Regular and Special meetings, including a list of all bills presented for payment, and a copy of the agenda and copies of all ordinances and resolutions to be acted upon shall be delivered by the Borough Clerk to each member of the Governing Body no later than twenty-four (24) hours prior to the Regular Council meeting.

**Section 3**

In the event that any Council Member complies with Section 1 of this Article, and through error or inadvertence said resolution or ordinance is omitted from the agenda, as prepared by the Borough Administrator, in accordance with the aforementioned sections of this Article then in that event the Council Member who filed said resolution or ordinance, in accordance with Section 1 of this Article, shall be at liberty to present the same at the meeting for which the agenda was prepared.

**ARTICLE VII**  
**Meetings**

**Section 1**

At the Annual Meeting, the Council shall fix the time and place for holding Regular meetings during the ensuing year, which time and place shall not be changed except by a resolution adopted at a Regular meeting.<sup>4</sup>

**Section 2**

At the Annual Meeting, the Council will elect one of its members as Council President to serve until the next Annual Meeting.<sup>5</sup>

**Section 3**

The Mayor shall when necessary, call special meetings of the Council; in case of his neglect or refusal, any four members of the Council may call such meeting at such time and place in the Borough as they may designate, and in all cases of special meetings advance notice in compliance with the "Sunshine Law" shall be given.

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<sup>4</sup> 40A:60-3 (f)

<sup>5</sup> See Footnote 2

#### **Section 4**

A quorum shall be as provided by the Revised Statutes of New Jersey, via: Three Council members and the Mayor, and in the absence of the Mayor, four Council Members.<sup>6</sup>

#### **Section 5**

If no quorum is present at any meeting, those assembled shall have power and are hereby authorized to set a new meeting date and then adjourn giving notice in compliance with the "Sunshine Law."

#### **Section 6**

At Regular meetings, the following order of business shall be observed:

1. Call to Order
2. Statement of Compliance
3. Roll Call
4. Pledge of Allegiance & Prayer
5. Proclamations & Presentations
6. Mayor's Report & Reports of Committees
7. Department Head Reports
8. Consent Agenda Resolutions
9. Public Hearing & Adoption of Ordinance(s)
10. Introduction of Ordinance(s)
11. Unfinished Business
12. New Business
13. Public Comment
14. Closed Session: Any matter permitted to be discussed in Closed Session pursuant to N.J.S.A. 10:4-2
15. Adjournment

#### **Section 7**

The aforesaid order of business at any meeting may be changed by a majority vote of those present.

#### **Section 8**

Except as otherwise required by the Statutes, or specifically provided in these Bylaws, all action of the Council shall be by a majority vote of the members of the Council present at the meeting.

#### **Section 9**

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 the "Ayes" and "Nays" entered in the minutes of the meeting.

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<sup>6</sup> 40A:60-3 (d)

**ARTICLE VIII**  
**Committees**

**Section 1**

The Mayor shall appoint all committees and shall be a member ex-officio, of each such committee. In addition, the Mayor shall see that all matters referred to the committees are acted upon and reported promptly. Should the Mayor's presence at a committee meeting thereby constitute a quorum of the Council, that committee meeting will, therefore, fall under the provisions of the "Sunshine Law."

**Section 2**

The following Standing Committees of the Council consisting of three Council members each (other than the Mayor, ex-officio) shall be appointed at the Annual Meeting:

1. Financial & Administrative Committee
2. Fire & Police Protection Committee
3. Public Safety Committee
4. Recreation & Health Committee
5. Public Works Committee
6. Buildings & Grounds Committee

**Section 3**

Each Council Member shall be chairperson of one of the six standing committees named in this Article and a member at least one other.

**Section 4**

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.

A Standing Committee shall:

1. Plan, study, direct, make commitments within budgetary limitations, and carry on the routine activities for which it has primary responsibility.
2. Establish policy, practice, and procedures for which it has primary responsibility.
3. Perform such acts as may be assigned to it by the Mayor and Council.
4. Report and make recommendations to the Mayor and Council regarding its responsibilities and activities.

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 manner or make decisions, which set a precedent, or violate established Council policy.
4. Direct the operations of any Borough department of staff.
5. Establish policy, practice, or procedures otherwise set by statute.



## **Section 5**

Special Committees may be appointed by the Mayor for purposes other than those included in the duties of the Standing Committees.

## **Section 6**

At the time of the appointment of any committee, the Mayor shall name some member thereof as the Chair of such committee and shall name a Vice-Chair who shall be the successor to any such Chair in case of death, resignation or removal from office while serving in such capacity. The Mayor may, with the concurrence of a majority of the Council, change existing Committee assignment and/or the Chair when it is in the best interest of the Borough to do so.

## **Section 7**

The Chair of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each Regular meeting on the principal activities and achievements of such Committee.

# **ARTICLE IX**

## **Duties of Standing Committees of the Council**

### **Section 1**

The Financial & Administrative Committee shall have primary responsibility for:

1. The examination, review and approval of all vouchers prior to their submission to the Council for authority to pay the same.
2. The Collector-Treasurer and staff
3. The Assessor and staff
4. The initiation of foreclosure action, and subsequent administration of property acquired by the Borough under foreclosure of Tax Title Liens.
5. All insurance matters, including coverage and claims.
6. The preparation and supervision of the entire Municipal Budget.
7. The maintenance, review and revision of the Borough Cost System.

It shall also serve as the Council's liaison for any other body or organization on fiscal matters.

### **Section 2**

Fire & Police Protection Committee shall have primary responsibility for:

1. Fire Department & Police Department activities
2. Fire Prevention Bureau
3. Highway Traffic
4. Municipal Court
5. Emergency Management

It shall also serve as the Council's liaison for the Fire Chief, Animal Control Agency, the Municipal Judge, Emergency "911" Coordinator and all organizations or agencies concerned with juvenile delinquency.

### **Section 3**

The Public Safety Committee shall have primary responsibility for:

1. Granting of Licenses and Inspection of Licensed Premises and Persons as designated by the Council.
2. The Borough Clerk
3. Maintains the Borough's interest in all matters with non-Borough operated public utility corporations.

It shall also serve as the Council's liaison the Waldwick Volunteer Ambulance Corps.

### **Section 4**

The Recreation & Health Committee shall have primary responsibility for:

1. Pool operation
2. Recreation activities conducted at Borough expense
3. Projects or proposals, the object of which is to provide the means or method of handling matters involving the general welfare of the Youth and /or Senior Citizens of the Borough.
4. Health Services

It shall also serve as the Council's liaison for the Board of Health and organizations or agencies concerned with public health.

### **Section 5**

The Public Works Committee shall have primary responsibility for:

1. Road Department
2. Water Department
3. Sewer Maintenance
4. Leaf Collection
5. Waste Management
6. Recycling

It shall also serve as the Council's liaison for the State and County Highway Department.

### **Section 6**

The Buildings & Grounds Committee shall have primary responsibility for:

1. The maintenance, improvement and repair of all municipal buildings and grounds.
2. The Department of the Building Inspections

**ARTICLE X**  
**Bills, Claims and Vouchers**

**Section 1**

All bills or claims against the Borough shall be in writing, fully itemized, and on such forms, as the Borough shall provide for that purpose. As required by statute, they shall be sworn to by the claimant before submission for approval and payment.

**Section 2**

1. All bills and claims must be supported by a certificate or the receipt of the goods, or the satisfactory rendering of the Borough, and who may be held accountable therefor.
2. All checked vouchers with supporting papers attached would then be presented to the Council Committee having primary interest in the matter. Each such voucher will be reviewed, and if approved the committee having jurisdiction over the activity or matter for which the expenditure was incurred, it will then be referred to the Financial Administrative Committee.
3. Following review and recommendation by the Borough Administrator, the Financial and Administrative Committee shall examine all vouchers previously approved by the appropriate committee or committees, and will indicate its approval on each such voucher prior to submitting it to the Council for authorization to pay the same.

**Section 3**

1. All vouchers recommended for payment shall be presented to the Council by the Borough Clerk at a Regular meeting or an adjourned Regular meeting.
2. Authorization to draw the checks and pay the amount of the approved vouchers shall be by resolution of the Council.

**Section 4**

The corresponding vouchers and all checks drawn in payment thereof shall agree when the said checks are presented to the Mayor and Collector-Treasurer for signature.

**Section 5**

All bills, vouchers and paid checks shall be filed in a safe place and be made available for public inspection whenever requested.

**ARTICLE XI**  
**Seal**

**Section 1**

The seal of the Borough shall be circular in form and shall contain the following: "The Borough of Waldwick, Waldwick, New Jersey".

**Section 2**

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

**ARTICLE XII**  
**Amendments**

**Section 1**

1. The Mayor or any member of the Council may propose amendments to these Bylaws, at any Regular meeting or adjourned, Regular meeting.
2. The Mayor will then appoint a Special Committee of three members of the Council to consider the proposed amendment and in addition may submit other suggested changes.

**Section 2**

The Special Committee will present its recommendation at a Regular meeting or adjourned Regular meeting of the Council.

**Section 3**

These Bylaws shall only be altered or amended by a majority vote of the full membership concurring taken a Regular meeting or adjourned Regular meeting of the Council.

## **FORM OF GOVERNMENT**

The Borough form (N.J.S.A.40A:60-1) remains the single most popular form of local government in New Jersey. This form dates back to the Borough Act of 1878 and was revised in 1897 and by the Borough Act of 1987. The Borough mayor is elected at-large to a four-year term. Six council members are elected at-large to staggered three-year terms.

The Borough form is often referred to as a “weak mayor-strong council” form. The mayor retains all general law authority, presides over council meetings and can vote in the case of a tie. The mayor appoints, with the advice and consent of council, all subordinate officers of the municipality. The council is the legislative body of the Borough. All executive responsibilities not placed in the office of the Mayor by general law or the Borough law remains with the Council.

The Council acts as the Legislative body of the municipality. The Council can override a Mayor's veto by 2/3 majority of all members. They confirm the Mayor's appointments and gain appointment power upon failure to confirm Mayor's appointee or after office vacant for 30 days. The Council has all executive responsibility not placed in office of Mayor. Like the other traditional forms, a Borough may appoint an Administrator and delegate all or a portion of the executive responsibilities to him/her. The Council may also adopt an administrative code, prescribing how the Council shall perform it duties.

## **BOROUGH ADMINISTRATOR'S WEEKLY NEWSLETTER & CITIZEN INQUIRIES**

At the end of each week, the Borough Administrator will distribute a weekly confidential newsletter covering all current and future operations and function of the Borough.

When a citizen comes to elected or appointed officials with a problem, it is their responsibility to direct them to Administration. From there it is the job of Administration to assist the citizen with their issue. This is done to protect, not prohibit your ability to serve the public at large.

## **ATTENDANCE POLICY**

As per State statute, a vacancy in office may occur 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. An absence may be excused for the following reasons: work emergencies, sickness or death. If a member is seeking excusal, they must inform the Mayor, Administrator and Clerk prior to the meeting. Excused absences will be documented in the meeting minutes.

## **ROBERT’S RULES OF ORDER AND PARLIAMENTARY PROCEDURES**

Robert's Rules of Order is the short title of a book, written by Henry Martyn Robert that is intended to be a guide for conducting meetings and making decisions as a group.

Motions are proposals to commit the organization to action. It is a motion that stands alone and does not apply to another motion. There can be only one main motion on the floor at a time.

Seconding a motion reflects that you are in agreement with the main motion as stated.

Voting in the Borough of Waldwick is done by a “Roll Call Vote” which means that the roll is called in alphabetical order with the Mayor’s vote being required only in the event of a tie. Voters may respond with the following “Ayes or Yes” “Nays or No” “Abstain” or “Pass”. Abstain means that you are not voting while pass simply means that you are not ready to vote and will be called again at the end of the call of the roll.

Council Members should give their undivided attention to the public and other members of the council, and refrain from using their cell phones and having sidebar conversations during the meeting.

### **WHAT ARE POLICY VOTES, RESOLUTIONS AND ORDINANCES?**

**Policy Vote:** The term “policy vote” means and includes any act or regulation of the Governing Body of any municipality that is not required to be reduced to writing or read at more than one meeting and published in order to be passed.

*Example:* A request for permission from an outside organization to hold an event at Borough Park would be considered a policy vote.

**Resolution:** 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.

*Example:* The approval of a one-year contract that is awarded to a vendor to complete a project for the Borough.

**Ordinance:** The term “ordinance” 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 and published.

*Example:* Parking regulations throughout the Borough would need to have an ordinance adopted or amended to become a “local law.”

An ordinance has a first and second reading. The first reading is considered the “Introduction of Ordinance(s)”. Once an ordinance is introduced, it is advertised in the local newspaper stating the date and time of the public hearing. The second reading is considered the “Public Hearing & Adoption of Ordinance(s)” where the public hearing is held after which the Council votes on the ordinance.

## **OPMA – “Open Public Meetings Act”**

### **N.J.S.A. 10:4-6. "Senator Byron M. Baer Open Public Meetings Act."**

This act shall be known and may be cited as the “Senator Byron M. Baer Open Public Meetings Act.”

### **N.J.S.A. 10:4-7. Legislative findings and declaration**

The Legislature finds and declares that the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs undermines the faith of the public in government and the public’s effectiveness in fulfilling its role in a democratic society, and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

The Legislature further declares it to be the public policy of this State to insure that the aforesaid rights are implemented pursuant to the provisions of this act so that no confusion, misconstructions or misinterpretations may thwart the purposes hereof.

The Legislature, therefore, declares that it is the understanding and the intention of the Legislature that in order to be covered by the provisions of this act a public body must be organized by law and be collectively empowered as a multi-member voting body to spend public funds or affect persons’ rights; that, therefore, informal or purely advisory bodies with no effective authority are not covered, nor are groupings composed of a public official with subordinates or advisors, who are not empowered to act by vote such as a mayor or the Governor meeting with department heads or cabinet members, that specific exemptions are provided for the Judiciary, parole bodies, the State Commission of Investigation, the Apportionment Commission and political party organization; that to be covered by the provisions of this act a meeting must be open to all the public body’s members, and the members present must intend to discuss or act on the public body’s business; and therefore, typical partisan caucus meetings and chance encounters of members of public bodies are neither covered by the provisions of this act, nor are they intended to be so covered.

### **N.J.S.A. 10:4-8. Definitions**

As used in this act:

- 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 other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation, the Apportionment Commission established under Article IV, Section III, of the Constitution, or any political party committee organized under Title 19 of the Revised Statutes.

- b. “Meeting” means and includes any gathering whether corporeal or by means of communication 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. “Adequate notice” means written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegrammed, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body and (3) filed with the clerk of the municipality when the public body’s geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body’s geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. For any other public body the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body. Where annual notice or revisions thereof in compliance with [N.J.S.A 10:4-18] set forth the location of any meeting, no further notice shall be required for such meeting.

**N.J.S.A. 10:4-9. Meeting of public body; adequate notice to public; necessity; exceptions**

- a. Except as provided by subsection b. of this section, or for any meeting limited only to consideration of items listed in [N.J.S.A 10:4-12b], no public body shall hold a meeting unless adequate notice thereof has been provided to the public.



- b. 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:
  - (1) 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
  - (2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and
  - (3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in [N.J.S.A. 10:4-8d] above, and also by notifying the two newspapers described in [N.J.S.A. 10:4-8d] by telephone, telegram, or by delivering a written notice of same to such newspapers; and
  - (4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

#### **N.J.S.A. 10:4-9.1. Electronic notice of meeting of public body; terms defined**

In addition to the notice requirements of the “Open Public Meetings Act,” P.L.1975, c. 231 (N.J.S.A. 10:4-6 et seq.), a public body may provide electronic notice of any meeting of the public body through the Internet.

As used in this section, “electronic notice” means advance notice available to the public via electronic transmission of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken at such meeting.

As used in this section, “Internet” means the international computer network of both federal and non-federal interoperable packet switched data networks.

#### **N.J.S.A. 10:4-9.2. Construction of act**

Nothing in this act shall be construed as affecting or superseding the adequate notice requirements that are imposed by the “Open Public Meetings Act,” P.L.1975, c. 231 (N.J.S.A. 10:4-6 et seq.) and no electronic notice issued pursuant to this act shall be deemed to substitute for, or be considered in lieu of, such adequate notice.

#### **N.J.S.A. 10:4-10. Statement in minutes of meeting on adequate notice**

At the commencement of every meeting of a public body the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect:

- a. that adequate notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided; or
- b. that adequate notice was not provided, in which case such announcement shall state (1) the nature of the urgency and importance referred to in subsection [N.J.S.A. 10:4-9.b] and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting; (2) that the meeting will be limited to discussion of and acting with respect to such matters of urgency and importance; (3) the time, place, and manner in which notice of the meeting was provided; and (4) either (a) that the need for such meeting could not reasonably have been foreseen at a time when adequate

notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or (b) that such need could reasonably have been foreseen at a time when adequate notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice was not provided.

#### **N.J.S.A. 10:4-11. Failure to invite portion of members to circumvent provisions of act; prohibition**

No person or public body shall fail to invite a portion of its members to a meeting for the purpose of circumventing the provisions of this act.

#### **N.J.S.A. 10:4-12. Meetings open to public; exceptions**

- a. Except as provided by subsection b. of this section all meetings of public bodies shall be open to the public at all times. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit, or regulate the active participation of the public at any meeting, except that a municipal governing body and a board of education shall be required to set aside a portion of every meeting of the municipal governing body or board of education, the length of the portion to be determined by the municipal governing body or board of education, for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district.
- b. A public body may exclude the public only from that portion of a meeting at which the public body discusses any:
  - (1) matter which, by express provision of federal law, State statute, or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section;
  - (2) matter in which the release of information would impair a right to receive funds from the Government of the United States;
  - (3) material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by an institution or program, including but not limited to, information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress, or condition of any individual, unless the individual concerned (or, in the case of a minor or an incapacitated individual, the individual's guardian) shall request in writing that the material be disclosed publicly;
  - (4) collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body;
  - (5) matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or investment of public funds, if it could adversely affect the public interest if discussion of the matters were disclosed;
  - (6) tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair that protection, or investigations of violations or possible violations of the law;
  - (7) pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;
  - (8) matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific

prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting;  
or

- (9) deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

#### **N.J.S.A. 10:4-13. Exclusion of public; resolution; adoption; contents**

No public body shall exclude the public from any meeting to discuss any matter described in [N.J.S.A. 10:4-12b] until the public body shall first adopt a resolution, at a meeting to which the public shall be admitted:

- a. Stating the general nature of the subject to be discussed; and
- b. Stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

#### **N.J.S.A. 10:4-14. Minutes of meetings; availability to public**

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 [N.J.S.A. 10:4-12].

#### **N.J.S.A. 10:4-15. Proceeding in lieu of prerogative writ to void action at nonconforming meeting; parties; limitation; corrective or remedial action**

- a. Any action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court, which proceeding may be brought by any person within 45 days after the action sought to be voided has been made public; provided, however, that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law regarding any action which may otherwise be voidable pursuant to this section; and provided further that any action for which advance published notice of at least 48 hours is provided as required by law shall not be voidable solely for failure to conform with any notice required in this act.
- b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any action taken by a public body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the action was taken at a meeting which does not conform to the provisions of this act, the court shall declare such action void.

#### **N.J.S.A. 10:4-16. Injunctive orders or other remedies to insure compliance**

Any person, including a member of the public, may apply to the Superior Court for injunctive orders or other remedies to insure compliance with the provisions of this act, and the court shall issue such orders and provide such remedies as shall be necessary to insure compliance with the provisions of this act.

### **N.J.S.A. 10:4-17. Penalty; enforcement**

Any person who knowingly violates any of the foregoing sections of this act shall be fined \$100.00 for the first offense and no less than \$100.00 nor more than \$500.00 for any subsequent offense, recoverable by the State by a summary proceeding under “the penalty enforcement law” (N.J.S.A. 2A:58-1 et seq.). The Superior Court shall have jurisdiction to enforce said penalty upon complaint of the Attorney General or the county prosecutor.

Whenever a member of a public body believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which shall be recorded in the minutes of that meeting. Whenever such a member’s objections to the holding of such meeting are overruled by the majority of those present, such a member may continue to participate at such meeting without penalty provided he has complied with the duties imposed upon him by this section.

### **N.J.S.A. 10:4-18. Schedule of regular meetings of public body; publicity; revision; procedure**

At least once each year, within 7 days following the annual organization or reorganization meeting of a public body, or if there be no such organization or reorganization meeting in the year, then by not later than January 10 of such year, every public body shall post and maintain posted throughout the year in the place described in [N.J.S.A. 10:4-8(d)(1)], mail to the newspapers described in [N.J.S.A. 10:4-8(d)(2)], submit to the persons described in [N.J.S.A. 10:4-8(d)(3)], for the purpose of public inspection a schedule of the regular meetings of the public body to be held during the succeeding year. Such schedule shall contain the location of each meeting to the extent it is known, and the time and date of each meeting. In the event that such schedule is thereafter revised, the public body, within 7 days following such revision, shall post, mail and submit such revision in the manner described above.

### **N.J.S.A. 10:4-19. Requests for notices of meetings; annual renewal**

Any person may request that a public body mail to him copies of any regular meeting schedule or revision described in [N.J.S.A. 10:4-18] and any advance written notice described in [N.J.S.A. 10:4-8.d] of any regular, special or rescheduled meeting of such body, and upon prepayment by such person of a reasonable sum, if any has been fixed by resolution of the public body to cover the costs of providing such notice, the public body shall mail to such person written advance notice of all of its meetings within the time prescribed by [N.J.S.A. 10:4-8.d], subject only to the exceptions set forth in [N.J.S.A. 10:4-9.b] herein. Such resolution may provide that notice requested by the news media shall be mailed to such news media free of charge. All requests for notices made under this section shall terminate at midnight on December 31 of each year, but shall be subject to renewal upon a new request to the public body.

### **N.J.S.A. 10:4-20. Severability**

If any section, subsection, clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act.

### **N.J.S.A. 10:4-21. Liberal construction**

This act shall be liberally construed in order to accomplish its purpose and the public policy of this State as set forth in [N.J.S.A. 10:4-7].

# OPRA – “Open Public Records Act”

## Summary

OPRA provides public access to government records. Generally, under this law, documents made, maintained, kept on file, or received in the course of Borough of Waldwick’s business may be government records subject to inspection and/or copying. There are numerous exceptions for various categories of documents that are not considered government records under the law or are exempt from disclosure under other applicable federal or state laws, regulations, or orders. It is important to note that the law provides for access to existing records; it does not provide access to information or require the Borough of Waldwick to create documents for the purpose of responding to a request.

## Time Frame

The law provides for a short time frame in which to respond to a request for a record. A response will typically be made to the request within seven (7) business days of a written request. If it is determined that the requestor seeks access to a readily available government record, then, if practicable, it will be provided within seven business days. If the government record is temporarily unavailable, the requestor will be notified within that seven-day period as to when the record is expected. If the Custodian of Records determines that the requestor has sought access to documents that are not government records, then the requestor will be notified of this.

## Disputes

If there is a dispute as to whether public access to a document has been denied incorrectly, the requestor may file a complaint with the [Government Records Council](#) in the New Jersey Department of Community Affairs or file a lawsuit in Superior Court. The Government Records Council offers mediation as a means to resolve these disputes and, if mediation fails, is authorized by law to determine whether access should be granted to the record sought.

## 2023 COUNCIL MEETING SCHEDULE

The Mayor and Council of the Borough of Waldwick will hold the following Regular Meetings in 2023 to be held on the **second and fourth Tuesdays of each month at 7:30 pm** in the Administrative Building, Council Chambers, 63 Franklin Turnpike, Waldwick, NJ, unless otherwise notes with an asterisk (\*) as follows:

<u>Date</u>	<u>Meeting</u>
January 10, 2023	Regular
January 24, 2023	Regular
February 14, 2023	Regular
February 28, 2023	Regular
March 14, 2023	Regular
March 28, 2023	Regular
April 11, 2023	Regular
April 25, 2023	Regular
May 9, 2023	Regular
May 23, 2023	Regular
*June 20, 2023	Regular
*July 18, 2023	Regular
*August 15, 2023	Regular
September 12, 2023	Regular
September 26, 2023	Regular
October 10, 2023	Regular
October 24, 2023	Regular
November 21, 2023	Regular
December 12, 2023	Regular

FORMAL ACTION MAY BE TAKEN AT ANY OF THE ABOVE SCHEDULED MEETINGS.

# **BOROUGH BUDGET**

## **General Budget**

The General or Annual Budget means the Official Budget required to be adopted by the Local Budget Law, and which for purposes of this subchapter includes a separate section known as the Capital Budget and Capital Improvement Program.

## **Capital Budget**

The Capital Budget is a plan for all capital expenditures for the current fiscal year. A Capital Improvement Program is the multi-year plan and schedule for capital projects which includes prospective financing sources and when pertinent, first year operating costs and savings. A project can be any of the following, with an expected useful life of five years or more and a prospective individual or (when added to the cost of other such items as are listed below) cumulative cost in any year of \$25,000 or more, regardless of the financing sources:

1. Acquisition and/or development of land;
2. Acquisition of major equipment, furniture, or other personal property;
3. Acquisition, construction, improvement and/or renovation of buildings, roads, utilities, structures, improvements or public works;
4. Any other matter described in N.J.S.A. 40A:2-22

## **Water Utility**

Water Utility Fees are a self-liquidating function of the Borough of Waldwick. This means that all costs associated with providing water to Borough Residents will pay for itself through the Water Utility Fees. The significance of this utility to the overall budget lies with the State Mandated 2% cap on municipal budgets. Water Utility Fees do not count toward the 2%.

## MUNICIPAL DEPARTMENTS

### **Administrator**

Patrick Wherry, MPA/QPA

[pwherry@waldwicknj.org](mailto:pwherry@waldwicknj.org)

201-652-5300 ext. 227

### **Assistant Administrator**

Matthew Guildler, MPA

[mguildler@waldwicknj.org](mailto:mguildler@waldwicknj.org)

201-652-5300 ext. 228

The Borough Administrator is nominated by the Mayor and appointed with the advice and consent of the Council. The Borough Administrator shall be the Chief Administrative Officer of the Borough of Waldwick, and be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough. The Borough Administrator administers personnel regulations, works on the budget with the CFO, functions as purchasing officer, handles citizen inquires, and performs other such administrative duties and special projects in connection with the Mayor and Council.

### **Borough Clerk**

Kelley Halewicz, RMC/CMC

[khalewicz@waldwicknj.org](mailto:khalewicz@waldwicknj.org)

201-652-5300 ext. 236

The Borough Clerk serves as secretary to the governing body and is responsible for issuing licenses, overseeing municipal elections, and maintaining the archives of official Borough documents. The Clerk serves as custodian of the municipal seal, affixing it to all papers and documents according to law.

As secretary to the governing body the Clerk assists in the preparation of the agenda, records the minutes of all Council Meetings and preserves all documentation of the Borough Council's actions. Ordinances and resolutions enacted by the governing body are permanently archived by the Borough Clerk.

Serving as registrar of voters, the Borough Clerk is responsible for conducting municipal, primary and general elections within the Borough.

### **CFO/Tax Collector**

Colleen Ennis

[cennis@waldwicknj.org](mailto:cennis@waldwicknj.org)

201-652-5300 ext. 244

The Finance Department is responsible for the proper and efficient administration of the financial affairs of the Borough. The duties and responsibilities relate to general management of all Borough finances.



**Tax Assessor**

Angela Mattiace

[amattiace@waldwicknj.org](mailto:amattiace@waldwicknj.org)

201-652-5300 ext. 225

The Tax Assessor's Office is responsible for accurately identifying, listing and valuing all real property within the Borough. This requires the collecting and maintenance of data from numerous other programs provided by New Jersey Statutes, including senior citizens, disabled persons, veterans tax deductions, farmland assessment, tax exemptions to eligible non-profit organizations, sales ratio and annual assessment notifications.

**Building**

Joe Mysliwicz

[jmysliwicz@waldwicknj.org](mailto:jmysliwicz@waldwicknj.org)

201-652-5300 ext. 233

Processes all Building, Electrical & Plumbing permits for the Borough of Waldwick.

Building Inspections

Monday thru Friday: 10:00 am - 12:00 pm

Electrical Inspections

Tuesdays & Thursdays: 3:30 pm - 6:30 pm

Plumbing Inspections

Tuesdays & Thursdays: 3:30 pm to 6:30 pm

**Fire Prevention**

James O'Connell

[joconnell@waldwicknj.org](mailto:joconnell@waldwicknj.org)

201-652-5300 ext. 249

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Waldwick.

The local enforcement agency, the Bureau of Fire Prevention, shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Waldwick, other than those structures which are owner occupied one-and two-family dwellings. The Bureau of Fire Prevention shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

The Bureau of Fire Prevention shall be responsible for carrying out all inspections and collecting all permit and inspection fees established by the Uniform Fire Code.

Fire Inspections

Tuesdays & Thursdays: 3:30 pm to 6:30 pm

## **Municipal Court**

Christine Oravetz

[coravetz@waldwicknj.org](mailto:coravetz@waldwicknj.org)

201-652-5300 ext. 221

The Municipal Courts are considered courts of limited jurisdiction, and have responsibility for adjudicating motor vehicle offenses, parking offenses, some criminal offenses (bad check charges, simple assault, and certain harassment offenses), municipal ordinance violations, and certain other offenses, such as weights and measures violations, as well as fish and game violations. Municipal Courts usually only have jurisdiction over cases that occur within the boundaries of the municipality they occurred in.

Waldwick Municipal Court holds Court the 2nd and 4th Thursdays at 5:00 p.m. The Court also schedules special sessions as necessary to meet the administrative needs of the court.

**Further information can be found at [www.waldwicknj.org](http://www.waldwicknj.org)**

## BOARDS & COMMISSIONS

<b>Board of Health</b>	<b>Library Board</b>
<p><b>President</b> Kathy Hillringhouse</p> <p><b>Vice President</b> Donna Palladino</p> <p><b>Member</b> Greg Hazley Robert Rose Donna Guy Keri Tone Marion Giordano</p> <p><b>Alternate #1</b> Anthony Paradiso</p> <p><b>Alternate #2</b> Allison Larro</p> <p><b>Borough Nurse</b> Kirsteen Diaz-Pinto</p> <p><b>Council Liaison</b> Theresa Sherman</p>	<p><b>President</b> Dave Marino</p> <p><b>Vice-President</b> Rick Vander Wende</p> <p><b>Treasurer</b> Bill Smithuysen</p> <p><b>Recording Secretary/Mayor's Alternate</b> Don Sciolaro</p> <p><b>Corresponding Secretary</b> Jo Ann Mitchell</p> <p><b>Superintendent's Alternate</b> Heather Del Piano</p> <p><b>Trustee</b> Anita Bozzo Dave Fytelson Ron Porto</p>
<b>Planning Board</b>	<b>Zoning Board</b>
<p><b>Members</b> Tom Giordano - Class I, Mayor Paul Schatz - Class III Joseph Mysliwicz - Class II Frank Walsh - Class IV, Chair Mark Ramundo - Class IV, Vice Chair Paul Posillico - Class IV Joseph Oravetz - Class IV Adele Badalamenti - Class IV Dan Wagnes - Class IV</p> <p><b>Alternate #1</b> Stan Kowalski</p> <p><b>Alternate #2</b> John Vervoort</p> <p><b>Secretary</b> Joyce Sinclair</p> <p><b>Attorney</b> Clifford Singer</p> <p><b>Engineer</b> Boswell Engineering</p> <p><b>Planner</b> Paul Phillips &amp; Paul Grygiel</p>	<p><b>Chairman</b> Jesus Mones</p> <p><b>Vice-Chairman</b> Brian Walsh</p> <p><b>Member</b> Ken Gurian Stan Wekarski Nadia Luppino Ted Sanzo Marty Nieman</p> <p><b>Alternate #1</b> Richard Cericola</p> <p><b>Alternate #2</b> Phil Centineo</p> <p><b>Secretary</b> Joyce Sinclair</p> <p><b>Attorney</b> John D'Anton</p>

<p style="text-align: center;"><b>Stigma Free Committee</b></p> <p><b>Mayor</b> Thomas Giordano</p> <p><b>Council Liaison</b> Thomas Giordano</p> <p><b>Members</b> Lt. Thomas Dowling Gabriella Fink Pete Flatten Andrea Hused Brian Mackey Tami Moses Pastor Cha Keri Tone Dana White</p>	<p style="text-align: center;"><b>Access for All Committee</b></p> <p><b>Chairperson</b> Deborah Dellavechia</p> <p><b>Members</b> Daniel Spreen Karen Macleod Regina Flanagan Detective T.J. Palaia (Liaison PD)</p> <p><b>Members</b> – exp December 31, 2024 Mary Beth Nappi (Liaison WBOE) Thomas Lavin</p> <p><b>Members</b> – exp December 31, 2025 Jim Laughlin Angela Smith Cristina Colacci, Secretary</p> <p><b>Council Liaison</b> Theresa Sherman</p>
<p style="text-align: center;"><b>Environmental Advisory Committee</b></p> <p><b>Executive Director</b> Mark Ramundo</p> <p><b>Members</b> Dr. Raina Parvanov-Dawson Mohammad Quamrul Ahsan David Isaacs David Zilkowski Joe Oravetz Dan Montella</p> <p><b>Council Liaison</b> Paul Schatz</p>	<p style="text-align: center;"><b>Green Team – Subcommittee of Environmental Advisory Committee</b></p> <p>Mark Ramundo, Executive Director Paul Schatz, Council Liaison Debbie Burke Katie Cericola Cassie Hartmann Helga Hauksdottir Wendy Klein Stanley M. Kowalski Louis Manuppelli Bianca Marosi Anthony Paradiso Paul Posillico Michael Ritchie John Vervoort Michele Weber Brian Ix Lean Ix Daniel T. Montella Dr. George Reskakis</p>