

**BERNARDSVILLE BOROUGH  
ORDINANCE 2018-1777**

**AN ORDINANCE ESTABLISHING PROCEDURAL RULES FOR BOROUGH  
ADVISORY COMMITTEES AND SUPPLEMENTING AND AMENDING CHAPTER II  
OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**

**WHEREAS**, the governing body has determined that it should establish procedural rules for all Borough advisory committees;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, that Chapter II of the Borough Code Entitled "Administration" is hereby supplemented and amended as follows:

**Section 1.** Article V entitled "Board, Committees and Commission" is hereby supplemented and amended by adding a new section 2-46 entitled "Uniform Advisory Committee Procedural Rules," which reads as follows:

**"2-46 Uniform Advisory Committee Procedural Rules.**

**2-46.1 Applicability; Scope.**

Subject to any superceding State law, this section shall govern the procedural aspects pertaining to the conduct of hearings by advisory committees created by the governing body. In the event of conflict between this section and the individual sections of the Borough Code that created the various advisory committees, this chapter shall prevail. This section shall not apply to statutory boards or commissions.

**2-46.2 Definitions.**

The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

*Advisory Committee* means any committee created by local ordinance which is not specifically authorized by State statute. The term 'Advisory Committee' shall include, but not be limited to, the Shade Tree Committee, the Recreation Advisory Committee, the Historic Preservation Advisory Committee, the Housing Property Maintenance and Zoning Compliance Advisory Committee and any other similar advisory

committees created by ordinance, resolution or motion of the governing body.

*Statutory Board or Commission* means any Borough board or commission created either by State law or by local ordinance pursuant to State law. Statutory Boards or Commissions shall include, but not be limited to, the Planning Board, the Zoning Board of Adjustment, the Board of Health, the Environmental Commission, the Library Board of Trustees, the Shade Tree Commission and the Office of Emergency Management.

### **2-46.3 Organization of Advisory Committees.**

At its annual reorganization meeting, the Borough Council shall appoint a chair and vice-chair for each advisory committee covered by this section. Chairs and vice-chairs shall serve until the next annual Council reorganization meeting. In the case of a vacancy, the Council may appoint a chair or vice-chair to fill the unexpired term. The Chair, or in his or her absence or disability, the vice-chair shall preside at all meetings of the advisory committee.

### **2-46.4 Annual Training.**

The Borough shall provide mandatory, ~~annual~~ training for the chairs and vice-chairs of all advisory committees so that they are familiar with parliamentary procedures and the scope of authority of their advisory committees. Chairs and vice-chairs of all advisory committees shall be required to complete this mandatory training upon appointment as chair or vice-chair and every three years thereafter. Each training session shall be videotaped and shown to all members of the various committees.

### **2-46.5 Miscellaneous Rules and Regulations.**

- a. All advisory committee hearings shall be audiotaped or videotaped.
- b. Except when specifically authorized by the Open Public Meetings Act (N.J.S.A. 10:4-12), all advisory committee meetings shall be conducted in public. Members of the public, however, shall only be permitted to speak when the floor is open to them by the person chairing the meeting.
- c. The advisory committee shall act only within the scope of its duties as outlined in the applicable ordinance, resolution or motion creating the advisory committee.
- d. No individual member shall take any action on behalf of an advisory committee

- e. Advisory committees may not enter into contracts or expend any Borough funds.
- f. Borough employees shall not be permitted to attend advisory committee meetings, except in rare circumstances when the Council approves their attendance in advance.
- g. Neither advisory committees nor any or their individual members shall communicate directly with any Borough employees or officials. All such communications shall be directed through the Borough Administrator, except that the Borough Administrator may authorize the chair or vice-chair of an advisory committee to communicate directly with a Borough employee or official with a specific question or on a particular project.”

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST: COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

\_\_\_\_\_  
Anthony Suriano, Borough Clerk

By: \_\_\_\_\_  
Kevin Sooy, Mayor