

RESOLUTION

WHEREAS, the Township Council of the Township of West Windsor is desirous of establishing procedural guidelines to facilitate an appropriate and efficient handling of its business.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

1. The attached guidelines entitled "Chapter A205, Council Procedural Guidelines" of the Code of the Township of West Windsor are hereby adopted as amended for the period January 15, 2024 until January 14, 2025.
2. A copy of this document shall be distributed to all department heads and posted in the municipal building.

Adopted: January 16, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 16th day of January, 2024.

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Gay M. Huber  
Township Clerk  
West Windsor Township

Chapter A205. COUNCIL PROCEDURAL GUIDELINES

**GENERAL REFERENCES**

Administration of government — See Ch. 4.

§ A205-1 **Rule 1: Meetings.**

A. Regular business meetings.

(1) Regular business meetings will be held as noted below (generally on 2<sup>nd</sup> and 4<sup>th</sup> Monday's unless a Monday is a holiday):

January [9, 23] 16, 29  
February [13, 27] 12\*\*, 26  
March [13, 27] 4, 26\*  
April [10, 24] 8, 29  
May [8] 13\*\*, [22] 28\*  
June [12, 26] 10, 24

July [17] 15  
August [14] 12\*\*, [28] 26  
September [12\*, 26\*] 9, 23  
October [10\*, 24\*] 15\*, 28  
November [13\*\*, 27] 12\*, 8\*\*, 25  
December [11, 18] 9, 16

\* Meeting will be scheduled on a Tuesday due to Monday holiday.

\*\* Start time adjusted. Business session will begin immediately after the adjournment of the Board of Health meeting

(2) Unless otherwise noticed, all regular business meetings begin at 7:00 p.m. and will be held in the Council Meeting Room A of the West Windsor Township Municipal Building.

B. Work sessions. Work sessions will be scheduled as needed.

C. Special sessions. Special sessions will be scheduled as needed.

D. Budget work sessions: Budget work sessions will be scheduled as needed. [Unless otherwise noticed, all budget work session meetings begin at 7:00 p.m. and will be held in Council Meeting Room A of the West Windsor Township Municipal Building.]

E. Board of Health meetings: February [27] 12, May [8] 13, August [14] 12, November [13] 128. Unless otherwise noticed, all Board of Health meetings will begin at 7:00 p.m. before the start of the business session and will be held in the Council Meeting Room A of the West Windsor Township Municipal Building.

F. Closed sessions. For meetings where the public is excluded, provision will be made for

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public comment before or after the closed portion takes place. When a closed session is part of another meeting, a separate public comment session is not required.

[G. If a Council Member is attending a Council meeting via Zoom (or similar program) they must stay physically present on camera with active microphone and speakers during the entire meeting to comply with the Open Public Meetings Act. (If technical difficulties occur during a meeting, the Township Clerk (or designee) will make the decision as to whether the meeting continues or if a break will be necessary until the technical difficulties can be corrected. If difficulties cannot be resolved within a reasonable period of time, the Township Clerk (or designee) may deem that the Council Member has left the meeting and proceed.)]

§ A205-2 **Rule 2: Calling meetings to order.**

The Council President or Vice President shall preside at all meetings. In the absence of both the Council President and Vice President, the members of Council in attendance shall select one member to serve as presiding officer for that meeting. The meeting will be called to order at 7:00 p.m. No meeting shall be called to order unless there is a quorum.

§ A205-3 **Rule 3: Order of business.**

A. The order of business for regular business meetings shall be as follows:

- (1) Call to order.
- (2) Roll call.
- (3) Statement of adequate notice.
- (4) Salute to the flag.
- (5) Ceremonial matters or topic for priority consideration.
- (6) Public comment (thirty-minute comment period; three-minute limit per person).
- (7) Administration comments
- (8) Council member comments
- (9) Chair/Clerk comments.
- (10) Public hearings.
- (11) Consent agenda:

- (a) Resolutions.
- (b) Minutes.
- (c) Bills and claims.
- (12) Items removed from consent agenda.
- (13) Recommendations from Administration and Council/Clerk.
- (14) Introduction of ordinances.
- (15) Additional public comment (fifteen-minute comment period; three-minute limit per person).
- (16) Council reports/discussion/New Business
- (17) Administration updates.
- (18) Closed session (if needed).
- (19) Adjournment.

§ A205-4 **Rule 4: Agenda.**

- A. The business meeting agenda shall be set by 12:00 noon on the Monday prior to the upcoming Monday business meeting. A Request For Council Action form must be submitted reflecting the nature of the action sought, and, if other than a business transaction, the nature of the item and the anticipated length of time necessary for consideration must be outlined.
- B. Council actions may be initiated by members of the Council, the Mayor, the department heads and the Clerk's office. All actions other than those initiated by the Council members and/or the Clerk must be approved by the Mayor or the Business Administrator prior to consideration by the Council President for placement on the agenda.
- C. The Council President shall review with the Clerk all items received and will determine the ultimate composition of the agenda. A draft agenda will be distributed to the Council President at the end of the workday Friday (after the previous business meeting), and a final agenda will be distributed to Council upon the President's approval.
- D. The Township Clerk shall be presented with any proposed ordinance, along with supporting documentation at least three weeks prior to the Council meeting that action is being requested. The Township Clerk will review with the Council President and the Council,

President will make the determination as to whether or not this ordinance needs to be discussed at a Council meeting under New Business prior to being presented for introduction or placed on the requested Council meeting for introduction.

- E. The final agenda and any supporting materials will be delivered to the Council no later than the Wednesday preceding the applicable business meeting. The final agenda shall be posted to the West Windsor website on the Thursday preceding the applicable business meeting.
- F. Any matter not submitted to the Clerk's office in a timely manner as set forth above may be considered and acted on by the Council members present, if they agree by majority vote to consider the matter.
- G. Special Business Session agendas as needed will be set by the Council President to include form and format.

§ A205-5 **Rule 5: Work sessions.**

- A. Work sessions will be utilized for the discussion of policy or similar matters and will be scheduled and/or retained as the Council sees fit. There will be a public comment period, the timing and duration of which shall be at the discretion of the Council; comments are limited to three minutes per person. Action may be taken if it is noticed to be considered.
- B. Scheduled work sessions may also be used for those matters that, of necessity, must be considered in closed sessions, and therefore provide for closed session meetings on other than regularly scheduled business session evenings.
- C. Order of Business for Work Sessions will be as follows:
  - (1) Call to order.
  - (2) Roll call.
  - (3) Statement of adequate notice.
  - (4) Salute to the flag.\*
  - (5) Public comment (thirty-minute comment period; three-minute limit per person).
  - (6) For discussion:
    - (a) Mayor/Administration.
    - (b) Council Member/Clerk.

- (7) Additional public comment (fifteen-minute comment period; three-minute limit per person).
- (8) Closed session (if needed).
- (9) Adjournment.

(\*If just a stand-alone work session)

**§ A205-6 Rule 6: Duties of presiding officer.**

The presiding officer shall have general supervision of the meeting. Members and others given the privilege of the floor shall address the presiding officer. If a Council Member and/or Mayor is specifically mentioned during public comment, the Presiding Officer will allow that Council Member and/or Mayor to address the comment immediately thereafter.

**§ A205-7 Rule 7: Introduction and passage of ordinances and resolutions.**

A. General provisions.

- (1) Every legislative act of the Council shall be by resolution or ordinance.
- (2) All proposed ordinances and resolutions shall be presented to the Council in fully prepared form. No ordinance, except general appropriation ordinances, shall be passed containing more than one subject, which shall be expressed in its title.
- (3) Resolutions and ordinances shall be numbered sequentially at the time of placement on the business agenda. Two separate numbering systems shall be used for the two forms of action.
- (4) A majority of the whole number of members of the Council shall constitute a quorum. Recusals are not to be counted towards a quorum, Abstentions are counted toward a quorum. No ordinance shall be adopted by the Council without the affirmative vote of a majority of the full membership of the Council (N.J.S.A. 40:69A-180). In the case of the adoption of a bond ordinance, the affirmative vote of 2/3 of the full governing body (generally four "yes" votes) is required. No resolution shall be adopted without the affirmative vote of a majority of the quorum.
- (5) All votes shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The presiding officer shall vote last on all questions.
- (6) Resolutions shall take effect after final passage by the Council. Ordinances shall take effect after final passage, publication and the conclusion (running) of any waiting periods as required by law.
- (7) The Township Clerk shall record all ordinances and resolutions adopted by the Council.

(8) Resolutions and ordinances shall each be maintained in separate ledgers that are kept on an annual basis and that are permanent records of the West Windsor Township.

B. Procedure for ordinances:

- (1) An ordinance may be presented at any regular meeting, and also at special meetings, when such special call is for general business or such ordinance is mentioned in the call for a special meeting.
- (2) The action of the Council on ordinances shall be noted in the minutes.
- (3) All ordinances shall be prepared, adopted and published in the manner required by law. Following the second reading and public hearing, an ordinance passed by the Council shall, within three days, be delivered by the Clerk to the Mayor for approval or veto, and the Mayor shall, within 10 days after receiving any ordinance, either approve the ordinance by signing it or return it to the Council by delivering it to the Clerk, together with a statement setting forth the Mayor's objections thereto or to any part thereof. Pursuant to N.J.S.A. 40:69A-41, no ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return an ordinance to the Council within 10 days after it has been presented to the Mayor or unless the Council, upon reconsideration thereof on or after the third day following its return by the Mayor, shall, by a vote of 2/3 of the members, resolve to override the Mayor's veto.
- (4) Passage over veto. Whenever an ordinance has been reconsidered by the Council following a veto by the Mayor, the Clerk shall append to such ordinance a certification of the action of the Council upon such reconsideration in substantially the following form:

I HEREBY CERTIFY that the above ordinance adopted by the Council on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, was delivered to the Mayor on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_ and was returned to me on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, together with the Mayor's statement of the reasons for which the Mayor was constrained to withhold approval of such ordinance, item or part thereof. On reconsideration thereof on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, (the Council duly resolved by the affirmative vote of 2/3 of its members to enact such ordinance, item or part thereof notwithstanding the Mayor's veto.) or (the Mayor's veto was sustained.)

Clerk

Dated:

- (5) Ordinances not returned by Mayor. Whenever an ordinance shall take effect without the Mayor's signature by reason of the Mayor's failure to return it to the Council by filing it with the Clerk within 10 days after it has been presented to the Mayor, the Clerk shall append to such ordinance a certificate in substantially the following form:

I HEREBY CERTIFY that the above ordinance was adopted by the Council on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, and was presented to the Mayor duly certified on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, and upon the Mayor's failure to sign it or return and file it with the Clerk within 10 days thereafter, said ordinance took effect in like manner as if the Mayor had signed it.

Clerk

Dated:

(6) All ordinances shall be sent to the codifier for inclusion in the codification.

C. Effective date. No rule or regulation made by a department, officer, agency or authority of the Township, except such as relates to the organization or internal management of the government or a part thereof, shall take effect until it is filed either with the Township Clerk or in such other manner as may be provided by ordinance.

**§ A205-8 Rule 8: Disclosure of interest.**

A member who has a personal or private interest in any question or measure proposed or pending before the Council which might constitute a conflict contrary to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, shall disclose such interest and either refrain from voting or shall request a ruling from the Attorney as to whether a member should vote thereon or take any part in the discussion of the same.

**§ A205-9 Rule 9: Appointments.**

A. Appointments to citizens' groups, boards, committees and other. According to the Administrative Code, responsibility for the appointment of various boards, committees and commissions shall be as noted below:

<b>Board, Committee or Commission</b>	<b>Appointing Authority</b>
Affordable Housing Committee	Mayor, with advice and consent of Township Council
Township Council member	Township Council
Agricultural Advisory Committee	Mayor, with advice and consent of Township Council
Board of Recreation Commissioners Alternate 1 and 2	Mayor Mayor, with advice and consent of Township Council
Township Council Liaison	Township Council
Emergency Management Council Township Council Member	Mayor Township Council
Environmental Commission Township Council Liaison	Mayor Township Council



Board, Committee or Commission	Appointing Authority
Human Relations Council	Mayor, with advice and consent of Township Council
Township Council Liaison	Township Council
Parking Authority	Township Council
Township Council Liaison	Township Council
Planning Board	Mayor
Planning Board Class III member	Township Council
Shade Tree Commission	Mayor, with advice and consent of Township Council
Township Council Liaison	Township Council
Stony Brook Regional Sewerage Authority representative	Mayor, with advice and consent of Township Council
Zoning Board of Adjustment	Township Council

§ A205-10 **Rule 10: Minutes of meetings.**

- A. Written minutes. Written minutes approved by Council shall be the official record of all meetings of the Council.
- B. Draft minutes. Minutes which have been prepared but which have not been approved by the Council shall be considered draft minutes, subject to correction by the Council. The draft minutes of each meeting shall be submitted to the Council for approval.
- C. Open session minutes. Once open session minutes have been approved by the Council, they shall be signed by the Clerk and presiding officer at such meeting (N.J.S.A. 40:69A-180), and certified duplicate copies of the same shall be available to the public at the rates fixed by law.
- D. Closed session minutes. Closed session minutes shall be made available at such time as the issues discussed therein are resolved and their disclosure would not subvert any particular exception for convening a closed session.

§ A205-11 **Rule 11: Broadcasting; recording; tapes.**

- A. All open public meetings of the Township Council shall be broadcast for public view as noted on the Township Council Agenda page on the Township web-site | [The Township Council will continue to use Zoom for public interaction at Council Meetings in 2023. This is for the convenience of the public and is not a legal requirement under the Open Public

Meetings Act at this time. If technical difficulties occur during a meeting the Township Clerk (or designee) will make the decision as to whether the meeting will continue on Zoom. If it is decided that Zoom must be discontinued this will not affect the Council meeting from continuing under the Open Public Meetings Act because the use of Zoom is for the convenience of the public and not a legal requirement.] and will continue to be live streamed on YouTube. Public comment is not available through broadcast on the Township website, Zoom and/or YouTube. The use of YouTube is not a legal requirement under the Open Public Meetings Act and will not constitute the need to stop the Township Council meeting if technical difficulties occur.

Commented [ 1]: Deleting this correct?

Commented [GH2R1]: Yes

- B. All open public meetings of the Township Council shall be recorded.
- C. Recordings of meetings. The recordings of open meetings of the Township Council are maintained for 10 years in the Clerk's Office.
- D. Public use of digital recordings, tapes or CDs of open meetings will be in accordance with the Open Public Records Act.
- E. Reproduction of open meeting recordings. Reproduction of digital recordings, tapes or CDs of open sessions may be arranged, with the requesting party paying a fee for this service.

Commented [3]: Editor's Note: See N.J.S.A. 47:1-1 et seq.

§ A205-12 **Rule 12: Robert's Rules of Order Newly Revised.**

Robert's Rules of Order shall be the prevailing authority in matters of parliamentary procedure, except to the extent of anything herein to the contrary.

§ A205-13 **Rule 13: Appointments to vacant positions of Mayor and Council.**

- A. If the vacancy occurs in the office of Mayor or Council after September 1 of the next-to-the-last year and up to the expiration of the term of the officer whose office has become vacant, the office may be filled for its unexpired term by a vote of the governing body as hereinafter provided.
- B. If the vacancy in the office of Mayor or Council occurs at any other time, the vacancy shall be filled for its unexpired term at the next general election, to be held not less than 60 days following the occurrence of the vacancy. The Township Council may fill the vacancy in the interim until such general election, by appointment as hereinafter provided.
- C. If the Mayor or a Council member is elected to another position that would preclude them from finishing their term as either Mayor or a Council Member in the November General Election and their term does not expire at the end of that year, the process shall be as follows: applications for the position shall be submitted no later than 30 days from the date of the election of that year and each candidate may be interviewed in the same process as for any other vacancy at the first Business Meeting held in January of the next year, or at

another meeting within 30 days of the office becoming vacant.

- D. If the governing body elects to fill a vacancy in the office of Mayor or Council, the vacancy shall be filled by Council within 30 calendar days following its occurrence, without regard to political party. If the vacancy is not filled within 30 days, then the office shall remain vacant for the remainder of the term or until the election and qualification of a successor, as the case may be.
- E. While a member of the governing body is free to advocate the candidacy of an applicant to fill a vacancy, that member must disclose any affiliation with that applicant and must treat all other applicants in a fair, equal and ethical manner. Township Council members will consider all applications for a vacant position and will be free to talk to all applicants about their candidacy on an individual basis. No third-party investigation of an applicant shall be conducted without the knowledge of every member of Council and the applicant and with the approval of the majority of the Council, in which case the inquiry shall be conducted by the Township Clerk.
- F. Determination of eligibility and application process.
  - (1) Any citizen of the United States who is 18 years of age or older and who has been a resident of the Township for at least one year and has not been convicted of a crime of the third degree, or touching upon a public office or an indictable offense involving dishonesty, as provided by N.J.S.A. 2C:51-2, and who desires to be considered for appointment to the vacancy, shall be provided an informational package, copies of which can be obtained at the Township Clerk's office, and shall complete an application provided therein.
  - (2) All potential applicants must submit an application to the Clerk's Office within 10 days following the date on which the vacancy occurs.
  - (3) The application and any supporting documents that are furnished by an applicant will be considered a public record and available for public inspection.
- G. Selection of a replacement for a vacancy not caused by an election.
  - (1) At a public meeting, which shall occur between 10 and 30 days after the vacancy, each candidate will be permitted to provide a public presentation for up to five minutes and respond to any questions by members of Council.
  - (2) Public comment period. Public comments will be permitted at this public meeting only after the applicants have made their presentations and answered questions from Council. The public comment period conducted at this public meeting shall be limited to three minutes per person.

(3) After public presentations are provided by the candidates, but within 30 calendar days following the occurrence of the vacancy, each remaining member of Council will be permitted to nominate one of the candidates. No second is necessary for any nomination. After the nominations are made, then the Council will be free to deliberate about the nominees. After deliberations in public are concluded, then each remaining member of Council may submit a ballot to the Clerk selecting one of the nominees to fill the vacant position.

H. Appointment process.

(1) To fill a vacancy in the office of Mayor shall be by a majority vote of the entire membership of the Council.

(2) An appointment to fill a vacancy on Council shall be by a majority vote of the remaining members of Council. In the case of a tie vote, the Mayor may vote to break the tie.

I. Tie votes. A tie vote will occur when there are two votes for each of two separate candidates. If there are fewer than four remaining members of Council, a tie vote will occur when there is one vote for each of two separate candidates. Following a tie vote, Council may further deliberate and revote. In the event a tie vote still exists, the Mayor may exercise the right to vote to fill a vacancy, without further voting. An abstention shall not count as a vote either for or against any particular candidate.

J. The candidate appointed by Council to fill a vacancy pursuant to this procedure shall be sworn in and be seated after the vote is taken but within 30 days following the occurrence of the vacancy.

§ A205-14 **Rule 14: Township e-mail.**

Council members should use only Township-issued e-mail addresses for Township business.

§ A205-15 **Rule 15: Training.**

Council members are required to attend on an annual basis at least one instructional course covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology, etc.) through a course approved for continuing education credit by the New Jersey Division of Local Government Services, or an in-house education provided by a professional, vendor, or staff member (provided they have significant expertise in their profession and routinely prepare public presentations). A copy of the certificate received for any class attended should be provided to the Township Clerk as proof of attendance.

*If a Council Member is unable to attend a conference or training they must notify the Clerk so a refund or credit can be requested.*

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