

Ordinance No.: 1,437
Adopted: 3/15/10
Effective: 4/4/10

Ordinance 3-10

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 3, ADMINISTRATION OF GOVERNMENT,
OF THE ORDINANCES OF THE
BOROUGH OF LINCOLN PARK

WHEREAS, pursuant to N.J.S.A. 40:48-1, the Governing Body of a municipality may make, amend, repeal, and enforce Ordinances to manage, regulate and control the finances and property of the municipality; and

WHEREAS, the Borough of Lincoln Park desires to amend and supplement Chapter 3, Administration of Government, of the Ordinances of the Borough of Lincoln Park to update various Departments within the Borough;

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey, as follows:

SECTION ONE. Chapter 3, Administration of Government of the Ordinances of the Borough of Lincoln Park is hereby amended and supplemented and shall read as specifically provided in the Attached Exhibit A.

SECTION TWO. All Ordinances of the Borough of Lincoln Park which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon final passage approval and publication as provided by law.

ATTEST:

Annette Maida-Smith, R.M.C.
Borough Clerk

Louis J. Pepe, Council President

INTRODUCED:	February 16, 2010
PUBLISHED IN DAILY RECORD:	February 21, 2010
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EFFECTIVE DATE:	April 4, 2010

APPROVED _____ March 15, 2010
David A. Runfeldt, Mayor

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¹ 1 Amended in its entirety by Ordinance #1,437 Adopted 3/15/10 Effective 4/4/10

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ARTICLE 1

DEFINITIONS

3-1. TERMS DEFINED:

For the purpose of this Chapter, except as the context may otherwise direct, the following terms shall be deemed to convey the meanings herein set forth:

CHARTER: The provisions of the Optional Municipal Charter Law (P.L. 1950, c.210, as amended) governing Mayor-Council Plan F (Article 8).

CLERK: The Municipal Clerk duly appointed pursuant to the Charter Ordinance.

DEPARTMENT: A unit of the municipal government established or designated by this Chapter as a "Department."

DIRECTOR: The Administrative Head of a Department established by this Chapter also known as "Department Head."

GENERAL LAW: Any law or provision of law not inconsistent with the Optional Municipal Charter Law, P.L. 1950, c.210 as amended) theretofore or hereafter enacted which is by its terms, applicable or available to all municipalities and the following additional laws, whether or not such additional laws are so applicable or available to all municipalities; legislation relating to taxation, local courts, education, health, public authorities serving more than one (1) municipality and municipalities in unsound financial condition.

GOVERNING BODY: The Municipal Council of the Borough as constituted under this Charter.

ARTICLE II

BOROUGH COUNCIL

3-2. LEGISLATIVE POWER:

Pursuant to the Charter, the legislative power of the municipality will be exercised by the Council.

3-3. MEETINGS:

- A. The Council shall meet annually for organization on the first day of January, unless such meeting date is changed by the Council President. However, a new meeting date shall not be done more than one (1) week from the first day of January. The time of the Organization Meeting shall be established by the Council President. The meeting shall be held in the Council Chambers of the municipal building. At the Organization Meeting, the Council shall determine, by Resolution, the Regular Meeting schedule for the year. Such Resolution shall specify the time and place for all Regular Meetings to be held. There shall be a minimum of one (1) meeting each month of the year. Should the Regular Meeting of the Council fall on a legal holiday; then the Council likewise, by Resolution, shall set the time and place of the Regular Scheduled Meeting.
- B. The Mayor or Council President may and upon written request of a majority of the members of the Council, shall call a Special Meeting of the Council.

² 2 Added to chapter by Ordinance #1,299 Adopted on 3/17/03 Effective on 4/6/03

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1. The request and call for such a Special Meeting shall specify the purpose of the meeting.
2. No other business shall be considered at such meeting.
3. The call for a Special Meeting shall be filed with the Municipal Clerk, who shall notify the Mayor and each of the Councilmen at least forty-eight (48) hours prior to the meeting time. Notification shall be made either by telephone or by leaving a notice of the call at the respective Councilman's and Mayor's place of residence.
4. If forty-eight (48) hours' notice cannot be given, then the Special Meeting can only be held if the Mayor and each Councilman sign a waiver of the forty-eight (48) hours notice.

C. All Regular and Special Meetings of the Council shall be open to the public.

3-4. CONFERENCES:

The Council may meet at any time in informal conferences for the consideration of any Borough business or to meet with any Office or employee of the Borough or any other person on Borough business. No person other than those specifically invited by the Council to attend shall be authorized to be present at any such conference. Such conferences may be called for preliminary consideration of municipal business or to plan the Agenda of its future meetings.

3-5. ATTENDANCE OF MAYOR AT COUNCIL MEETINGS:

Pursuant to N.J.S.A. 40:69A-41(b), the Mayor may attend all meetings of the Council and may take part in discussion of the Council but shall have no vote, except in the case of a tie on the question of filling a vacancy on Council, in which case he may cast the deciding vote.

3-6. AGENDA CONFERENCE:

On the Monday preceding each Regular Meeting, the Council will hold an Agenda Conference at 7:30 pm prevailing time at the municipal building. All reports, communications, Ordinances, Resolutions, contract documents or other matters to be submitted to the Council shall be delivered to the Clerk no later than 12:00 noon on Thursday preceding the Agenda Conference, whereupon the Clerk shall immediately furnish a copy thereof to each member of the Council, the Mayor, the Business Administrator and the Borough Attorney as far in advance of the meeting as time for preparation shall permit. Except for emergency matters which may be added to the Agenda at any time with the approval of the President of the Council, the Agenda for each Regular Meeting of the Council shall include only such matter of Council business as have been presented or delivered to the Clerk by the Mayor or a Councilman not later than 12:00 noon as previously stated. As soon as the Agenda for each meeting has been prepared, the Clerk shall deliver a copy to each Councilman, the Mayor, the Business Administrator and Borough Attorney.

3-7. CLERK OF THE COUNCIL:

The Municipal Clerk shall serve as Clerk of the Council. The Clerk shall keep a journal of its proceedings and record the minutes of every meeting and shall have such other functions, powers and duties as are provided by this Code. The Municipal Clerk shall be appointed by the Council.

3-8. PRESIDENT:

The presiding officer of the Council shall be the President, who shall be chosen by the Council from among the members thereof at the annual organization meeting after each annual general election. Upon election as President, he shall assume the Chair immediately. In the absence of the President, the Council shall elect a temporary presiding officer.

3-9. POWERS AND DUTIES OF PRESIDENT:

- A. The President shall preserve strict order and decorum at all meetings of the Council.
- B. A majority vote of those Councilmen present shall govern and determine all questions of order not otherwise herein covered.
- C. The President shall vote on all questions, his name being called last.
- D. The president shall sign all Ordinances and Resolutions adopted by the Council during his presence.
- E. The President shall appoint, with the consent of the Council, all special committees of the Council.

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3-10. RULES OF ORDER:

Except as may be provided in this Chapter, questions of order, methods of organization and conduct of business of the Municipal Council shall be governed by Robert's Rules of Order.

3-11. CALL TO ORDER:

The President shall take the Chair for the meeting and shall immediately call the Council to order. In the absence of the President, a majority of the Council present shall elect an Acting Council President to serve during the absence of the President. Following such election, the Acting President shall call the Council to order.

3-12. ROLL CALL:

Before proceeding with the business of the Council, the Clerk shall take the Roll of members, and the names of those present shall be entered in the minutes. Whenever a Roll Call is necessary, the Council shall vote alphabetically, with the presiding officer voting last.

3-13. QUORUM:

A majority of the whole number of members of the Council shall constitute a quorum at any Regular or Special Meeting of the Council. No Ordinance shall be adopted by the Council without the affirmative vote of a majority of all the members of the Council. On all business other than adoption of Ordinances, a majority of Council present shall determine decision. If a quorum does not exist, the Clerk of his designee shall publicly declare no quorum exists after calling the meeting to order and taking Roll Call.

3-14. ORDER OF BUSINESS:

- A. The business of the Council at Regular Meetings and, so far as practicable, at Special Meetings shall be taken up for consideration and disposed of in the following order, after the Pledge of Allegiance to the Flag:
- (1) Roll Call taken by Clerk
 - (2) Acceptance of bids
 - (3) Approval of minutes of previous meetings
 - (4) Introduction or Final Adoption of Ordinances
 - (5) Resolutions, including Resolution on payment of bills
 - (6) Council Committee reports
 - (7) Report of Mayor (can be presented by Business Administrator or presented in writing).
 - (8) Report of Attorney, Engineer and Administrator
 - (9) Correspondence
 - (10) Public Hearing
 - (11) Miscellaneous
 - (12) Adjournment
- B. The Council may, by affirmative vote of a majority of its members, approve a Consent Agenda consisting of those items; which are considered routine by the Council President and marked with an asterisk. Prior to voting upon the Consent Agenda, the Council President shall entertain requests for removal of any item, and such items shall be removed, without necessity of second or vote, upon such request. Consent Agenda items shall not be subject to discussion or separate vote. The Consent Agenda shall be deemed to have been adopted upon the affirmative vote of a majority of all members of the Council, and those items approved under the Consent Agenda will appear in the Council Minutes in the complete text thereof.
- C. Ordinances, the budget Resolution or Resolutions appropriating money shall not be the subject of Consent Agenda action.
- D. The President of the Council may change the order of business as he deems necessary in order to expedite the completion of business to be considered.

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3-15. MINUTES:

Unless a reading of the minutes at a Council Meeting is requested by a majority of the Council, such minutes, when approved by the majority on Roll Call vote, will be considered approved without reading, provided that the Clerk shall have furnished to each member of the Council, a copy of the minutes to be acted upon at least forty-eight (48) hours prior to the meeting.

3-16. MOTIONS AND DEBATES:

- A. Participation by President: The President or such other member of the Council, as may be presiding may move, second and debate from the Chair, subject to such limitations of debate as are, by these rules, imposed upon all members and shall not be deprived or any of the rights and privileges of a Councilman by reason of his being the presiding officer.
- B. Debate: Every member desiring to speak shall address the presiding officer and, upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language. A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order as herein otherwise provided. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined by the presiding officer, and, if in order, he shall be permitted to proceed. Any member may appeal to the Council from the decision of the Chair upon a question of order when, without debate, the Chair shall submit to the Council the question, "**SHALL THE DECISION OF THE CHAIR BE SUSTAINED?**" and the Council shall decide by a majority vote.
- C. Closing Debate: The Councilman moving the adoption of an Ordinance or Resolution, shall have the privilege of Closing the Debate.
- D. Voting on Roll Call: Upon any roll Call, there shall be no discussion or explanation given by any member voting, and he shall vote **YES** or **NO**. A member of the Council may abstain from voting on any matter.
- E. Synopsis of Debate: The Clerk shall enter in the minutes a synopsis of the discussion on any question coming before the Council, provided that a transcript is available.
- F. Remarks of Council: A Councilman may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes, provided that a transcript is available.
- G. Adjourn and Recess: A motion to adjourn or recess shall always be in order and shall be decided without debate. A motion to adjourn or recess shall take precedence over any other motion.
- H. Table Motion: A motion to table any action on a question before the Council shall take precedence over all other motions, except the motion to adjourn or recess.
- I. Addressing the Council: Any person desiring to address the Council, shall first seek recognition by the presiding officer. Upon recognition by the Chair, the person shall give his name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he shall limit his statement to five (5) minutes. Statements shall be addresses to the Council as a body and not any member thereof. A Councilman shall not direct any question to a speaker addressing the Council, except through the presiding officer.
- J. Decorum: The Council President shall be responsible for maintaining order and decorum at Council Meetings.

3-17. NOMINATIONS:

Nominations to any office or position by the Mayor, shall be considered by the Council during the Mayor's report section of the Agenda. When taken up for action, the President shall put the question on each nomination as follows: "**WILL THE COUNCIL CONFIRM THE NOMINATION?**" On that motion, a vote shall be ordered, and if four (4) or more members vote to confirm, the President shall announce, "**THE NOMINATION IS CONFIRMED**". If less than four (4) members vote to confirm, the President shall announce, "**THE NOMINATION IS REJECTED**". Action of confirmation or rejection upon a nomination made by the Mayor shall not be postponed or delayed longer than for one (1) Regular Meeting. Within two (2) days after confirmation or rejection of nomination, the Clerk shall, in writing, notify the Mayor of the fact.

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3-18. ORDINANCES AND RESOLUTIONS:

- A. Preparation: All Ordinances and Resolutions shall be drafted by or receive the approval of the Borough Attorney as to form and legality. He shall prepare such Ordinances and Resolutions as the Council may request. A copy of each Ordinance; which shall be submitted to the Council for Introduction at a Regular or Special Meeting of the Council, shall be delivered to the Mayor and each Councilman on Monday prior to the time of the meeting or as soon thereafter as practicable; provided however, that the Council, by unanimous consent, may waive this requirement.
- B. Introduction: Any Councilman may Introduce a Resolution or Ordinance.
- C. Adoption of Ordinance:
 - (1) Procedure as required by general law. All Ordinance shall be Adopted and published in the manner required by general law, provided that any Ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever ten (10) copies of the regulations or code have been placed on file in the Office of the body or department charged with the enforcement of the Ordinance for the examination of the public so long as the Ordinance is in effect.
 - (2) Submission of Ordinance to Mayor. All Ordinances Adopted by the Council shall be submitted to the Mayor, and he shall, within ten (10) days after receiving any Ordinance, either approve the Ordinance by affixing his signature thereto or return it to the Council by delivering to the Municipal Clerk, together with a statement setting forth his objections thereto or to 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 ten (10) days after it has been presented to him, at which time the Ordinance shall be deemed approved, or unless the Council, upon reconsideration thereof on or after the third (3rd) day following its return by the Mayor, shall, by a vote of two-thirds (2/3) of the members, resolve to override the Mayor's veto.
 - (3) Effective date of Ordinance. No Ordinance other than the local budget Ordinance, which is governed by Local Budget Laws, shall take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, unless the Council overrides the Mayor's veto, then it takes effect twenty (20) days after the overriding action, unless the Council shall adopt a Resolution declaring an emergency and at least two-thirds (2/3) of the Council shall vote in favor of such Resolution, provided that nothing herein shall affect the provisions of the Local Bond Law with respect to the effective date of Ordinances passed pursuant thereto.
 - (4) Certification of passage of Ordinance over Mayor's veto. Whenever an Ordinance has been vetoed by the Mayor and is passed by the Council over such veto in the manner provided by law, the Clerk shall append to such Ordinance a certificate in substantially the following form:

"I hereby certify the above Ordinance was Adopted by the Council on day of 19... and was vetoed by the Mayor by his action whereby he returned said Ordinance to the Council by delivering it to the Municipal Clerk, together with a statement setting forth his objections thereto, and thereafter, on the day of 19..., the Council (did by a vote of two-thirds (2/3) of the members thereof resolve to override the Mayor's veto) or (sustained the Mayor's veto).

Dated..... Signed.....
 - (5) Ordinances not returned by the Mayor. Whenever an Ordinance shall take effect without the Mayor's signature by reason of his failure to return it to Council by filing it with the Clerk within ten (10) days after it has been presented to him, 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 19... and was presented to the Mayor duly Certified on the day of 19..., and upon failure to sign it or return and file it with the Clerk within ten (10) days thereafter, said Ordinance took effect in like manner as if the Mayor had signed it.

Dated..... Signed.....

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3-19. INVESTIGATION AND REMOVAL OF OFFICERS:

The Council, in addition to such other powers and duties as may be conferred upon it by the Code or otherwise by general law, may:

- A. Require any Municipal Officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, Office or agency of the Municipal Government.
- B. Remove, by at least two-thirds (2/3) vote of the whole number of the Council, any Municipal Officer, other than the Mayor or a member of Council, for cause, upon notice and an opportunity to be heard. The Council will consider a motion to remove an Officer for cause only after removal has been duly proposed and considered at an Agenda Conference.
- C. The hearing, required by Subparagraph B above, shall be held not less than ten (10) days nor more than fifteen (15) days after the date of such service and may be adjourned from time to time. Such hearing shall be open to the public, and the Officer charged shall be entitled to be represented by his own Counsel. Following the conclusion of the hearing, the Presiding Officer shall call for a vote on the motion, which shall be determined by a majority vote of the Council.
- D. Inquire into any act or problem of the administration of the municipality. Any Council member may, at any time, require a report on any aspect of the government of the municipality by making a written request to the Mayor. The Council may, by a majority vote of the whole number of its members, require the Mayor or his designee to appear before the Council sitting as a committee of the whole, and to bring before the Council those records and reports, and officials and employees of the municipality as the Council may determine necessary to ensure clarification of the matter under study. The Council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or his designee to study any matter and to report to the Council thereon. It is the intent of the Mayor-Council plan of government to confer upon the Council general legislative powers, and such investigative powers as are germane to the exercise of its legislative powers, but to retain for the Mayor full control over the municipal administration and over the administration of municipal services.
- E. The Council may, by majority vote, require any Borough Officer to prepare and submit sworn statements regarding his official duties in the performance thereof and otherwise to investigate the conduct of any department, Officer or agency of the Borough.

3-20. SALARIES AND COMPENSATION:

The compensation of the Mayor and Council members and Department Heads shall be fixed by the Council immediately after its organization.

3-21. VACANCIES IN ELECTIVE OFFICES:

In accordance with the provisions of **N.J.S.A. 40A:16-11 et seq.**

ARTICLE III

DEPARTMENTS AND OFFICERS

3-22. GENERAL ORGANIZATION:

The Borough Government shall consist of the Mayor, who shall be the Chief Executive Officer, and the Council and such appointive Officers and employees as are provided for by this Article or otherwise authorized pursuant to law, organized within departments, offices and agencies. The Business Administrator shall appoint subordinate Officers and employees, within the departments, except Directors of Departments, and may, with the approval of the Mayor, remove such Officers and employees, subject to applicable Civil Service Rules and Regulations. The organization of departments, Officers and agencies follows.

3-23. MAYOR:

The Mayor shall enforce the Charter and Ordinances of the municipality and all general laws applicable thereto. The Mayor shall annually report to the Council and the public on the work of the previous year and in the condition and requirements of the municipal government and shall from time to

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time make such recommendations for action by the Council as he may deem in the public interest. The Mayor shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as the Mayor may deem desirable:

A. Powers and Duties:

- (1) Enforce the Charter and Ordinances of the municipality and all general laws applicable thereto.
- (2) Report annually to the Council and to the public on the state of the municipality, and the work of the previous year, and also recommend to the Council whatever action or programs the Mayor deems necessary for the improvement of the municipality and the welfare of its residents. The Mayor may from time to time recommend any action or programs the Mayor deems necessary or desirable for the municipality to undertake.
- (3) Supervise, direct and control all departments of the municipal government and shall require each department to make an annual and such other reports on its work as the Mayor may deem desirable.
- (4) Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as the Mayor deems necessary.
- (5) Prepare and submit to the Council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process.
- (6) Supervise the care and custody of all municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the Governing Body.
- (7) Sign all contracts, bonds or other instruments requiring the consent of the municipality.
- (8) Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to the Council.
- (9) Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by Ordinance.
- (10) Negotiate contracts for the municipality, subject to Council approval.
- (11) Assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, franchise or other contract are faithfully kept and performed.
- (12) Serve as an ex officio, non-voting member of all appointive bodies in municipal government of which the Mayor is not an official voting member.

B. In addition to the powers and duties hereinabove provided, the Mayor or his designee shall perform the following additional duties and responsibilities.

- (1) Inquire into, survey and publicize the extent, advantages and utility of the vacant lands of the Borough, whether municipality owned or otherwise.

C. Acting Mayor. The Mayor shall designate the Business Administrator, and other Department Head or the Borough Clerk to act as Mayor whenever the Mayor shall be prevented, by the absence from the municipality, disability or other cause, from attending to the duties of his office. During such time, the person so designated by the Mayor shall possess all the rights, powers and duties of the Mayor. Whenever the Mayor shall have been unable to attend to the duties of his Office for a period of sixty (60) consecutive days for any of the above stated reasons, an Acting Mayor shall be appointed by the Council, who shall succeed to all the rights, powers and duties of the Mayor or then Acting Mayor.

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- D. Delegation of powers. The Mayor may delegate to the Business Administrator any functions, powers or duties conferred upon the Mayor, which are not required by Charter or general law to be performed or discharged personally by the Mayor.
- E. Compensation. The Compensation range for the Mayor shall be as set forth by Ordinance. The specific compensation of the Mayor for any given year shall be as set forth by Resolution of the Council to be paid as all other salaries are paid.
- F. In any municipality adopting the Mayor-Council plan of government, the municipal Council shall deal with employees of the Department of Administration and other administrative departments solely through the Mayor or the Mayor's designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal services shall be through the Mayor or the Mayor's designee, except as otherwise provided by law.

3-24. PART-TIME CONFIDENTIAL AIDE TO MAYOR:

- A. The part-time Confidential Aide to the Mayor shall, under direction, act as a personal aide and liaison between the Mayor and the public and/or various governmental agencies and shall assist him by performing varied responsible administrative duties, some of which may be of a confidential nature and/or involve elements of troubleshooting.
- B. Examples of work. The part-time Confidential Aide shall:
 - (1) Collect and analyze data needed as a basis for administrative decisions.
 - (2) Prepare correspondence, reports and recommendations for review and signature of the Mayor, some of which may be of a complex and confidential nature.
 - (3) Interview callers at the office.
 - (4) Act as liaison between the Mayor and public and provide information to those requesting it.
 - (5) Gather information for the Mayor.
 - (6) Maintain confidential, personal correspondence and other records and files.
- C. Requirements shall be as follows:
 - (1) Three (3) years of supervisory experience in planning, promoting, organizing and/or administering a comprehensive program in a public or private organization.
 - (2) The ability to organize assigned tasks; to prepare detailed correspondence; to prepare clear, sound, accurate and informative reports; and to maintain essential records and files.
 - (3) Good health and freedom from disabling physical and mental defects which would impair the proper performance of the required duties or which might endanger the health and safety of oneself or others.

3-25. CONFIDENTIAL SECRETARY:

- A. The position of Confidential Secretary to the Mayor and Business Administrator of the Borough of Lincoln Park is hereby created, and the employment of a person to fill such position on a temporary or permanent basis is hereby authorized.
- B. Appointment. The Confidential Secretary to the Mayor and Business Administrator shall be appointed by the Mayor.
- C. Term of Employment. The term of employment of the Confidential Secretary to the Mayor and Business Administrator shall be at the pleasure of the Mayor.
- D. Compensation. The compensation for the Confidential Secretary to the Mayor and Business Administrator shall be as set forth in the Mayor's Salary Memorandum.
- E. Job Description. The Confidential Secretary to the Mayor and Business Administrator shall be capable of taking dictation or using dictating or transcribing equipment; type all correspondence, reports and such financial data as may be required; perform telephone and office reception services; make appointments; keep files and account records as may

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be required; and assist the Mayor and Business Administrator in performing secretarial, clerical and stenographic services in carrying out their administrative functions and duties.

- F. Qualifications. The Confidential Secretary to the Mayor and Business Administrator shall be a high school graduate having at least five (5) years experience in stenographic and clerical work, including at least one (1) year as an executive secretary, and evidence considerable knowledge of office procedure. The Confidential Secretary shall be of good health and free from disabling physical and mental defects. It shall not be necessary that the Confidential Secretary to the Mayor and Business Administrator is a resident of the Borough of Lincoln Park.
- G. Duties of the Confidential Secretary. The Confidential Secretary to the Mayor and Business Administrator shall perform the secretarial, clerical and stenographic duties and responsibilities attendant to the operation of the office of the Mayor and Business Administrator and perform such other duties as may be assigned from time to time by the Mayor and Business Administrator.
- H. It is the intent of this Section that the position hereby created shall be in the unclassified service pursuant to the provisions of **N.J.S.A. 11:22-2m**.

3-26 BOROUGH ATTORNEY:

- A. Appointment; term of office. A Borough Attorney shall be appointed by the Mayor with the Advice and Consent of the Council, for the term of one year and until his successor as been appointed and qualified.
- B. Compensation. The Borough Attorney's compensation shall be set by the Council.
- C. Duties:
 - (1) The Borough Attorney shall:
 - a. Serve as legal advisor to the Mayor, Council, Business Administrator and Department Heads on all matters of Borough business.
 - b. Attend meetings of the Council, including Regular, Special and Conference meetings.
 - c. Examine and approve as to form and sufficiency all performance bonds, insurance certificates and maintenance bonds submitted by contractors as required by the Borough.
 - d. Draft or approve as to form and sufficiency all Resolutions and Ordinances, except Ordinances adopted pursuant to the Local Bond Law.
 - e. Review and approve all contracts, deeds, documents and instruments prior to acceptance by the Borough.
 - f. Prosecute and defend actions and proceedings by and against the municipality.
 - g. Conduct appeals from orders, decisions or judgments affecting any interest of the municipality as directed by the Mayor or the Council.
 - h. Have such other and different functions, powers and duties as may be provided by law.
 - i. Represent the Borough for matters tried in the local Municipal Court.
 - (2) The Borough Attorney may, with the approval of the Mayor and Council, be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the Borough.
- D. Special Counsel. The Borough Attorney is authorized, with approval of the Mayor, within the available appropriations, to employ additional Counsel to assist him in performing the services required of the Borough Attorney.

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³3-27. OFFICE OF THE MUNICIPAL PROSECUTOR:

- A. There shall be an Office of the Municipal Prosecutor, the head of which shall be designated as the "Municipal Prosecutor for the Borough of Lincoln Park", who shall be admitted to practice law in the State of New Jersey, and shall have the qualifications as required by law.
- B. The Municipal Prosecutor shall be appointed by the Mayor, and shall serve for a term of one (1) year and until his successor is appointed and qualified.
- C. The Municipal Prosecutor shall represent the State of New Jersey and the Borough of Lincoln Park, in all matters prosecuted by police officers and designated enforcement officials of the Borough of Lincoln Park, or other matters specifically assigned to the Municipal Prosecutor by order of the Judge of the Municipal Court or other Court of competent jurisdiction, within the jurisdiction of the Municipal Court of the Borough of Lincoln Park.
- D. The Municipal Prosecutor, with the consent of the Borough Attorney, shall represent the Borough of Lincoln Park in all appeals from the Lincoln Park Municipal Court relating to violations of Borough Ordinances only.
- E. Compensation. The compensation for the Municipal Prosecutor shall be as set forth in the Mayor's Salary Memorandum.

3-28. AUDITOR:

An Auditor shall be appointed by the Council for a term of one (1) year and until his successor has been appointed and qualified. The Auditor's compensation shall be set by Council. He shall be a Registered Municipal Accountant and shall make an annual audit of the books, accounts and financial transactions of the Borough in accordance with the provisions of the LOCAL FISCAL AFFAIRS LAW, N.J.S.A. 40A5-1 et seq. The Borough Auditor shall perform such other services as may be requested by the Mayor or Council.

3-29. BOROUGH CLERK:

The Borough Clerk shall be appointed by the Council. The compensation range for the Borough Clerk shall be as set forth by Ordinance. The specific compensation for the Borough Clerk for any given year shall be as set forth by Resolution for the Council. The Borough Clerk shall serve as Clerk of the Borough Council and shall keep a journal of the proceedings of the Council and shall engross all Ordinances and all Resolutions of a permanent character in books to be provided for that purpose. After each Ordinance, the Borough Clerk shall also engross and certify the proof of publication thereof as required by law. Each Ordinance and Resolution so engrossed shall be signed by the presiding officer of the Council and the Clerk, who shall attest that it was duly Adopted upon a date stated, to be public record of the Ordinance or Resolution. Any omission by the Clerk or presiding officer of the Council to engross, sign or certify as herein required shall not impair or affect the validity of any Ordinance which has been duly Adopted. At the close of each year, with the advice and the assistance of the Borough Attorney, the Clerk shall bind, compile or codify all the Ordinances and Resolutions or true copies thereof which then remain in force and effect. The Borough Clerk shall also properly index and record books, compilation or codification or Ordinances or Resolutions.

- A. Custodian of records. The Clerk shall have custody of and safely keep all the records, books and documents of the Borough, except such as shall be committed by Charter or Ordinance to any other office or be transferred thereto by Resolution of the Council. The Clerk shall, upon request and upon the payment of fees prescribed therefore, by Resolution of the Council, furnish a Certified copy of any such paper in his custody under the Corporate Seal of the Borough.
- B. Corporate Seal. The Borough Clerk shall cause the Corporate Seal of the Borough to be affixed to any instruments and writings when authorized to do so by any Ordinance or Resolution of the Council or when necessary to exemplify any document on record in his office or to certify any act on paper which, from the records of his office, shall appear to have been a public act of the Borough or a public document. The Clerk shall not affix the Seal or permit it to be affixed to any instrument or writing or other paper, except as in this Section.

³ 3 Added by Ordinance 1,238 Adopted on 3/20/00 Effective 4/10/00

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- C. Insurance surety bond and contracts. The Clerk shall be the depository and custodian of all official surety bonds furnished by or on account of any Borough Office, Officer, or employee, except his own bond, which shall be placed in the custody of the Borough Treasurer, who shall also be known as the Director of Finance, of all formal contracts for work, labor, services, supplies, equipment and materials to which the Borough may be a party. The Clerk shall also have custody of all easements of property for and have custody of all performance bonds running to the Borough as obligee and other forms of non-cash security given by any contractor, subdivision developer or other persons on account of work done or to be done in or for the Borough.
- D. Administration of certain laws and Ordinances. In addition to such other functions, powers and duties as may be prescribed by the Charter and Ordinances, the Borough Clerk shall:
 - (1) Perform all the functions required of Municipal Clerks by the **GENERAL ELECTION LAW, N.J.S.A. 19:1 et seq.** and any other law or Ordinance and receive the fees prescribed therefore.
 - (2) Issue such licenses as may be authorized by the Council pursuant to the **STATE ALCOHOLIC BEVERAGE CONTROL LAW, N.J.S.A. 33:1-1 et seq.** and the Ordinances.
 - (3) Perform such functions as are vested in the Municipal Clerk by state law and Ordinances relating to sign and raffle licensing.
 - (4) Issue certificates as to approval of land subdivision by the Borough Planning Board or the Council pursuant to the **STATE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-56.**
 - (5) Have such other and additional functions, powers and duties as may be prescribed by law or Ordinance.
- E. Notice to attend meetings of Council. The Borough Clerk shall issue notices to the respective members of the Council, the Mayor and to all other persons whose attendance may be required at any Regular Meeting of the Council. Such notice shall be in accordance with the schedule; which the Clerk shall prepare on the first day of January for the ensuing year. The Clerk shall, whenever a Special meeting of the Council is called in accordance with the law, issue and cause notices thereof to be served upon the Mayor and members of the Council and any other persons whose presence may be required.

3-30. DEPUTY BOROUGH CLERK:

- A. Pursuant to the provisions of N.J.S.A. 40:46-2.1 there is hereby created the position of Deputy Borough Clerk, to be appointed by the Borough Council.
- B. The Deputy Borough Clerk shall assist the Borough Clerk in the performance of the duties of Borough Clerk. In the absence of the Borough Clerk, the Deputy Borough Clerk shall perform the duties of the Borough Clerk.
- C. Term of Office of the Deputy Borough Clerk shall be for a period of five (5) years. The term shall commence on January 1st of the year in which the appointment is made. The Deputy Borough Clerk shall hold office for the duration of the term thereof and until his successor shall have been appointed and qualified.
- D. The compensation range of the Deputy Borough Clerk shall be as set forth by Ordinance. The specific compensation of the Deputy Borough Clerk for any given year shall be as set forth by Resolution of the Council.

3-31. ENUMERATION OF DEPARTMENTS:

The departments shall be as follows:

- A. Department of Administration
- B. Department of Health
- C. Department of Finance
- D. Department of Public Works and Utilities
- E. Department of Police

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- F. Department of Fire
- G. Department of Parks and Recreation
- H. Department of Engineering and Development

3-32. OTHER AGENCIES AND BOARDS:

There shall be such other Agencies and Boards, Judicial, Legislative, Advisory and Independent Agencies and Offices of the Borough Government as are hereinafter established.

ARTICLE IV

DEPARTMENT OF ADMINISTRATION

3-33. ESTABLISHMENT; ADMINISTRATION:

- A. There shall be a Department of Administration, the head of which shall be the Business Administrator. He shall have the qualifications and shall be appointed in the manner prescribed by the Charter. The compensation range for the Business Administrator shall be as set forth by Ordinance. The specific compensation of the Business Administrator for any given year shall be as set forth by Resolution of the Council.
- B. All of the Administrative functions, powers and duties of the Borough, other than those vested in the offices of the Borough Clerk and the Borough Tax Assessor, shall be allocated and assigned among and within such departments.
- C. The Offices of the Borough Clerk and Municipal Court, shall be subject to such general administrative procedures and requirements as are departments of the Borough, including, but not limited to, the preparation and submission of an annual budget and of such periodic reports as are generally required of departments, and such accounting controls, central purchasing practices, personnel procedures and regulations, and central data processing services as are generally required of departments.
- D. Each Department shall be headed by a Director or Department Head, who shall be appointed by the Mayor with the Advice and Consent of the Council. Each Department Head shall serve during the term of office of the Mayor appointing him, and until the appointment and qualification of his successor.
- E. The Mayor may in his discretion, remove any Department Head after notice and an opportunity to be heard. Prior to removal, the Mayor shall first file written notice of his intention with the Council, and such removal shall become effective on the twentieth day after the filing of such notices unless the Council shall, prior thereto, have Adopted a Resolution by a two-thirds (2/3) vote of the whole number of the Council, disapproving the removal.
- F. The Business Administrator shall appoint subordinate officers and employees, except Directors of Departments and may, with the approval of the Mayor, remove such officers and employees, subject to the provisions of Title 1A of the New Jersey Statutes.
- G. The Mayor shall, subject to any pertinent Civil Service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget, fix the amount of salary, wages or other compensation to be paid to employees of the Administrative departments of the municipal government, except that the salary, wages or other compensation paid the Director of each Department shall be fixed by Council pursuant to subsection c of Section 17-31 of P.L. 1950, c.210 (c.40:69A-180), and except that salaries of officers which are required by law to be fixed by Ordinance shall be fixed by Ordinance.

3-34. COMPOSITION; POWERS AND DUTIES:

- A. The Department of Administration shall consist of the Divisions of Budget, Purchasing, Personnel and Public Properties and such other divisions as the Mayor shall establish from time to time and designate on the organization chart of the Borough. The Business Administrator shall act as liaison between the Mayor and all Departments, Agencies, Offices and Boards of the Borough. When authorized by the Mayor, he shall act as his representative before any Board, Agency or Department within the Borough or before any other political subdivision.

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- B. The business Administrator, under the direction and supervision of the Mayor, shall:
1. Assist the Mayor in the preparation of the Borough Budget.
 2. Develop and enforce sound purchasing and personnel practices and procedures for all departments, offices and agencies of the Borough.
 3. Supervise the management, planning and operations of all departments, provided that such supervision shall not extend to the exercise of the control functions in the management of the finances of the municipalities, which is required by an Officer of the municipality other than the Business Administrator.
 4. Prescribe Rules and Regulations for the efficient management of the municipal government not inconsistent with the Charter and Code.
 5. Coordinate the operations and administration of the various departments, divisions, offices and agencies of the municipal government.
 6. Have the power to assign and re-assign, transfer and re-transfer, from time to time, either temporarily or permanently, any property or personnel from one function to another or from one administration unit to another or from one department to another as the management of the Borough government may require, subject to the express requirements of the Charter and all other applicable general laws and Ordinances of the Borough.
 7. See that all terms and conditions imposed in favor of the Borough or its inhabitants in any statute or contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the Mayor and Council.
 8. Continually review and supervise the Borough's insurance program and maintain in his file all insurance policies upon or with respect to risks insured for the benefit of the Borough or to protect it against claim. He shall also administer the hospital insurance program for employees.
 9. Be responsible for the efficient management of his Department and have the general powers and duties of a Department Head as provided by Charter or by Ordinance and perform such other duties as the Council may prescribe.
- C. The Business Administrator may serve as Department Head of any Department established by this Chapter in the absence of appointment of Department Heads. Compensation for serving as another Department Head shall be established by Ordinance.

3-35. DIVISION OF THE BUDGET:

There shall be a Division of the Budget within the Department of Administration, the Head of which shall be the Business Administrator.

- A. Powers and Duties:
- (1) Organize and administer the work of the division.
 - (2) Prepare and prescribe uniform forms of budget requests for the use of all departments and all other spending agencies, together with appropriate instructions for such use.
 - (3) Review and analyze all budget requests for appropriations.
 - (4) Study the organization and operation of any and all departments and all other spending agencies for the purposes of budget analysis.
 - (5) Prescribe and require each department and other spending agencies for which Borough appropriations are made to maintain records and produce reports of their respective work loads and performance, expressed in appropriate work units which may be prescribed or approved for each of the departments and other spending agencies by the Business Administrator.
 - (6) Compile the budget document, with the assistance of the Auditor and Finance Director, in accordance with the policies established by the Mayor, for presentation by the Mayor to the Council in accordance with the Charter.

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- B. Budget operation. The Business Administrator shall supervise the administration of each annual budget. Immediately after the budget has been enacted and after consultation with the Heads of the Departments, he shall establish quarterly or such other periodic allotments of appropriation to each department as he and the Mayor shall approve. At the beginning of each allotment period, the amount specified shall become available to each department for obligation during that period. Such allotments for any department may be modified, upon request of the Head of the Department, by the Business Administrator by the direction of the Mayor. The Business Administrator shall file with the Department of Finance a copy of each allotment and modification thereof. An encumbrance system of accounts to control all expenditures shall be established within the limits of budget appropriations, and such allotments shall be maintained by the Department of Finance.
- C. Expenditure control. If, at any time during the budget year, the Business Administrator shall ascertain that the available revenue, plus balances for the year, will be less than the total appropriation, he shall reconsider the work programs and allotments of the several offices, departments and agencies. Upon such reconsideration and with the approval of the Mayor, he shall revise the allotments so as to forestall, so far as possible, the making of commitments and expenditures in excess of the revenue to be realized during the fiscal year.

3-36. DIVISION OF PURCHASING:

- A. Generally, there shall be a Division of Purchasing within the Department of Administration. The Head of the Division shall be the Business Administrator, who will be referred to as the "Purchasing Agent", and who shall:
 - 1. Purchase and approve all supplies, materials and equipment and contracts for all services required by any Department, office or agency of the Borough.
 - 2. Establish and enforce specifications with advice from using Department Heads with respect to such services, supplies, materials and equipment.
 - 3. Inspect or supervise the inspection of all deliveries of supplies, materials and equipment and also the rendition of contractual services in order to determine their qualities, quantities and conformance to specifications. The Purchasing Agent may authorize Department Heads to inspect and supervise deliveries of supplies and materials.
 - 4. Have complete charge of any central storerooms and warehouse, which may hereafter be established.
 - 5. Transfer to or between departments, offices and agencies and from or to central storerooms such supplies, materials and equipment as needs appear and also arrange for the sale of supplies or obsolete items therein.
- B. Purchasing Controls.
 - 1. The Purchasing Agent is the only Borough Official who can commit for the purchase of materials or services. A purchase order must be issued for all purchases. Purchase orders under the bid threshold may be awarded by the Purchasing Agent without Council approval.
 - 2. All purchases require a written requisition, which is forwarded by the Department head to the Purchasing Agent for his action.
 - a. The requesting department's budget will be charged. The certification of the Head of the Department of Finance or his designee is required in order to determine that a sufficient amount of unencumbered balance of appropriation is available for payment.
 - 3. No invoices will be honored for payment unless they are for materials or services ordered on a purchase order.
 - 4. Receiving.
 - a. All materials received can be signed for only by those people authorized by the Purchasing Agent.
 - b. After receipt, material should be moved to the proper site.
 - c. A delivery receipt shall be provided to the Borough upon delivery.

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3-36. DIVISION OF PERSONNEL:

There shall be a Division of Personnel within the Department of Administration. The Head of the Division shall be the Business Administrator. He shall:

- A. Recruit and interview qualified persons for any office or position in the Borough Government. In cooperation with respective Department Heads, he shall select the most qualified individuals for employment with the Borough.
- B. Prepare and recommend to the Mayor such rules as he may find necessary, appropriate or desirable to improve personnel administration within the government.
- C. Prepare, install and maintain a job classification plan based upon the duties, authority and responsibility of officers, employments and positions in the government.
- D. Prepare and maintain a pay plan based upon such job classifications.
- E. Establish and maintain a roster of all persons in the government, which shall set forth the significant facts relating to personnel administration.
- F. Establish and develop in-service training programs for persons in the Borough employ.
- G. Maintain a continuous study of the operation and effect of personnel methods and practices in the Borough, including hours and days of work, leaves of absence, sick leave, vacations and pensions and retirement provisions, and report his findings and recommendations to the Mayor.
- H. In accordance with N.J.A.C. 4A:1-1.3, the Mayor and Council shall act as the Appointing Authority for and shall have the authority to appoint and remove the Chief of Police and the Mayor shall act as the Appointing Authority for and shall have the authority to appoint and remove members of the Police Department. The Business Administrator shall act as the Appointing Authority for and shall have the authority to appoint and remove all other civil service employees of the Borough of Lincoln Park.

3-37.1 ^{4,5}POSITIONS ELIGIBLE AND REQUIRED TO PARTICIPATE IN THE DEFINED CONTRIBUTION RETIREMENT PROGRAM:

Pursuant to N.J.A.C. 43:15C-2, and except as otherwise excepted pursuant to N.J.S.A. 43:15C-1 et seq. and the guidelines established by the Local Finance Board pursuant to N.J.S.A. 43:15C-2a(3), (see, for example, Local finance Notice 2008-10, April 28, 2008 attached to this Ordinance as Exhibit A), the following positions are deemed eligible for and shall participate in the Defined Contribution Retirement Program:

Business Administrator
Director of Parks and Recreation
Municipal Engineer
Municipal Prosecutor
Municipal Court Judge

3-37.2 ⁶POSITIONS EXEMPT FROM PARTICIPATION IN THE DEFINED CONTRIBUTION RETIREMENT PROGRAM:

Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:

Certified Health Officer
Tax Collector
Chief Financial Officer
Court Administrator
Qualified Purchasing Agent

⁴ Amended by Ordinance 1,401, Adopted July 21, 2008 Effective August 10, 2008, ADD Sec. 3.37.1 & 3.37.2

⁵ Amended by Ordinance 1,422 Adopted March 16, 2009 Effective April 5, 2009 DELETE Court Administrator

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⁶ Amended by Ordinance 1,422 Adopted March 16, 2009 Effective April 5, 2009 ADD Court Administrator

Tax Assessor
Registered Municipal Clerk
Licensed Uniform Sub-code Inspector
Director of Public Works and Utilities

3-38. DIVISION OF PUBLIC PROPERTIES:

There shall be a Division of Public Properties within the Department of Administration. The Head of the Division shall be the Business Administrator. His duties and functions shall be as follows:

- A. He shall operate and manage all Borough properties, all Borough buildings and other offices, quarters and any tax foreclosure properties.
- B. He shall employ and supervise custodial and janitorial services for public buildings.

^{7, 8, 9} 3-38.1 OFFICE OF THE MUNICIPAL PUBLIC DEFENDER:

- A. There shall be an Office of the Municipal Public Defender (Public Defender) within the Department of Administration. The Public Defender shall be appointed by the Council for a term of one (1) year to serve until his successor is appointed and qualifies.
- B. The Public Defender shall represent all Defendants in Municipal Court who are determined to be indigent and entitled to the assignment of Counsel by the Municipal Court Judge in cases involving violations of borough Ordinances and State Statutes, within the jurisdiction of the Lincoln Park Municipal court.

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- C. A defendant in the Municipal Court applying for representation shall be required to pay an application fee in the sum of Two Hundred (\$200.00) Dollars. In the discretion of the Municipal Judge, the fee may be payable over a period of four (4) months, or may be waived, if the court determines that the fee will pose an undue financial burden upon the defendant.
- D. Compensation. The compensation for the Public Defender shall be as set forth in the Mayor's Salary memorandum.
- E. All fees collected in accordance with this Section shall be placed into a dedicated fund, under the supervision and control of the Municipal Court, and shall be utilized to compensate the Public Defender and to defray all costs incurred for necessary services and facilities of representation by the Public Defender.

ARTICLE V

DEPARTMENT OF HEALTH

3-38. ESTABLISHMENT; ADMINISTRATION:

There shall be a Department of Health, the head of which shall be the Director of the Department of Health. The Mayor or Business Administrator may serve as Director of the Department of Health without additional compensation. The Director shall be appointed by the Mayor, with the advice and consent of the Council. The compensation range for the Director shall be as set forth by Ordinance. The specific compensation of the Director for any given year shall be as set forth by Resolution of the Council.

3-40. JOINT HEALTH SERVICES AUTHORIZED:

The Mayor may, with the advice and consent of the Council, join with another community or communities or contract with another community or communities for joint health services.

⁷ 7 ADDED by Ordinance 1,057 Adopted September 14, 1992 Effective October 5, 1992

⁸ 8 Amended by Ordinance 1,108 Adopted May 2, 1994 Effective May 23, 1994

⁹ 9 Amended by Ordinance 1,204 Adopted on February 17, 1998 Effective March 9, 1998

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3-41. POWERS AND DUTIES:

The Department of Health shall:

- A. Administer general laws and Borough Ordinances conferring functions, powers and duties upon a bureau, the Department of Health or a local Health Officer.
- B. Enforce laws and Ordinances providing for the prevention and control of disease and conduct related inspections.
- C. Administer general laws and Borough Ordinances relating to vital statistics.
- D. Administer a public health nursing service and health educational programs.
- E. Operate public health clinics as authorized by Borough Ordinances and general law.
- F. Maintain the rabies control program and licensing of dogs.
- G. Maintain the dog pound and, with the use of the Dog Warden, remove stray and dead animals from Borough streets.

ARTICLE VI

DEPARTMENT OF FINANCE

3-42. ESTABLISHMENT; ADMINISTRATION:

There shall be a Department of Finance, the Head of which shall be the Director, of Finance, who shall be appointed by the Mayor, with the advice and consent of the Council, for the term of the Mayor appointing him. The compensation range for the Director shall be as set forth by Ordinance. The specific compensation of the Director for any given year shall be as set forth by Resolution of the Council. The Department of Finance, under the supervision and direction of the Director, shall be organized into three (3) Divisions: The Division of Treasury, the Division of Assessment and the Division of Revenue Collection.

3-43. CHIEF FINANCIAL OFFICER:

Pursuant to N.J.S.A. 40A:9-141.10, there shall be a Chief Financial Officer, who shall be appointed by the Council for a four year term. The compensation range for the Chief Financial Officer shall be as set forth by Ordinance. The specific compensation of the Chief Financial Officer for any given year shall be as set forth by Resolution of the Council. The Chief Financial Officer shall be responsible for the general supervision of all financial activities and functions for which responsibility is vested in the Borough Treasurer, as hereinafter set forth, or the Business Administrator. The Chief Financial Officer shall be responsible for the development of fiscal policies for recommendation to the Mayor and for safeguarding the Borough's financial interest to the fullest extent. The Chief Financial Officer shall furnish a corporate surety bond, at the expense of the Borough, for the faithful performance of the Chief Financial Officer's duties.

3-44. DIVISION OF TREASURY:

The Division of Treasury shall be headed by the Borough Treasurer, who shall be appointed by the Director of Finance, pursuant to the provisions of **N.J.S.A. 40:69A-43(d)**. The Borough Treasurer shall, subject to the general supervision and authority of the Director of Finance, be responsible for all financial activities and functions of the Borough Government. The Treasurer shall furnish a corporate surety bond, at the expense of the Borough, for the faithful performance of the Treasurer's duties, in such penal sum and in such form as shall be approved by Resolution of the Council. Under the oversight of the Director of Finance, the Treasurer shall administer all the functions, powers and duties relating to revenue and finance to the extent that such functions, powers and duties are not vested in the Department of Administration. The Treasurer shall be responsible for the accounting, pre-auditing and control of all Borough revenues and expenditures, for the custody, receipt and disbursement of all Borough funds, for the safety and investment of the Borough's accounts and for the management of the Borough debt. The Treasurer shall further be responsible for the following:

- A. Maintaining the central books of accounts of the Borough according to such forms, standards and procedures as shall be prescribed or approved by the Business Administrator. Any and all Borough Officials shall, upon request of the Treasurer, place at the Treasurer's disposal all records, books, bonds, documents and papers which the Treasurer may deem necessary to aid in keeping such accounts.
- B. Enforcing a uniform system of accounts for all departments of the Borough.

- C. Pre-auditing all payrolls, claims and demands against the Borough upon certification by a Department Head that the amount is due and unpaid according to the records and information of his department.

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- D. Requiring reports of receipts and disbursements from each Department of the Borough to be made daily or at such intervals as will most efficiently protect the Borough's interest.
- E. Maintaining a central payroll system and all social security, pension and pertinent data for the same.
- F. Controlling all expenditures to assure that budget appropriations are not exceeded and passed upon each proposed expenditure in conformity with the Charter and Ordinances of the Borough, and, unless the Division Head shall certify that there is an unencumbered balance of appropriation available, no appropriation shall be encumbered and no commitment or expenditure shall be made.
- G. Controlling all expenditures to assure that budget appropriations are not exceeded and passed upon each proposed expenditure in conformity with the Charter and Ordinances of the Borough, and, unless the Division Head shall certify that there is an unencumbered balance of appropriation available, no appropriation shall be encumbered and no commitment or expenditure shall be made.
- H. Keeping records and books of accounts for the exercise of the foregoing financial budgetary control over each department of the Borough and keeping such accounts as will show the amount of each appropriation, the accumulative amount paid therefrom and the unpaid obligations and unencumbered balance thereof.
- I. Preparing such statistical studies and reports as may be required by other departments and divisions, with the approval of the Mayor.
- J. Depositing all funds received by the Division in such depositories as may be designated by Resolution of the Council. All moneys of the Borough not required for current operation shall be invested pursuant to law or shall be deposited in interest accounts. All such interest shall be accounted for in the Borough books of account.
- K. Having custody of all investments and invested funds of the Borough or in its possession in a fiduciary capacity, except as otherwise provided by law, and having the safekeeping of all bonds and notes for transfer, registration or exchange.
- L. Receiving and safely keeping and disbursing money received and raised for public schools and keeping separate accounts thereof.
- M. Keeping a full and systematic account of all cash receipts and disbursements in proper books. The Treasurer shall, at least every month, and more often if the Council requires, furnish the Council, through the Mayor, with a statement of all money received and expended by the Treasurer, including school money, subsequent to the Treasurer's last report. The Treasurer shall annually, during the month of January, make a full report to the Council of receipts and expenditures during the preceding year and shall, whenever required, lay before the Council for examination or audit all books, papers and vouchers pertaining to the Treasurer's Office.

3-45. COMMITMENTS AND DISBURSEMENTS:

- A. No department, office or agency of the Borough shall expend or commit any funds of the Borough, unless the Treasurer or Treasurer's duly authorized agent shall first certify that there is an unencumbered balance of appropriation and funds available for the purpose.
- B. Prior to the payment of any bill, claim or demand against the Borough, a Department Head shall certify that the materials, supplies or equipment has been received according to a purchase order system or that the work, labor or services shall have been rendered to order or contract.
- C. Disbursements in the payment of bills, claims or demands shall be made by the Treasurer upon pre-audit and warrant and approved by the Treasurer. Every warrant shall be payable to the order of the person entitled to receive it and signed by the Mayor or, in his absence, the Business Administrator, and countersigned by the Treasurer or, in the Treasurer's absence, the Deputy Treasurer. The Business Administrator or the Deputy Treasurer shall co-sign only upon approval of the Mayor and Treasurer respectively.
- D. Disbursements for payroll from salary and wage accounts shall require the signature of the Treasurer or, in the Treasurer's absence, the Deputy Treasurer. Certification of

payroll shall be made by the Treasurer or, in the Treasurer's absence, the Deputy Treasurer. The Deputy Treasurer shall co-sign only upon approval of the Treasurer.

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- E. Salaries shall be paid every two (2) weeks, with the exception of the following officials and employees who shall be paid monthly: The Mayor and Council, the Magistrate, the Local Assistance Director, the Shade Tree Committee Clerk, the Recreation Department Clerk-typist, the Registrar of Vital Statistics, the school guards, the Court Clerk and the Plumbing Inspector.
- (1) Individual salaries, their methods of payment and their effective dates shall be determined by a Resolution of the Council, in accordance with the moneys allowed in the annual budget.
 - (2) The Borough Treasurer shall be the sole disbursing officer and shall be authorized to draw checks on the payroll account to the Order of the employees entitled to receive payment therefrom. The total monthly payroll shall be considered by the Borough council in due course and approve if found to be correct. The Borough Treasurer, upon receipt of a warrant for the sum of the payroll, shall deposit same to the credit of the payroll account, charging the appropriate budget accounts therewith.
- F. An employee shall be reimbursed for all work-related expenses incurred, such as for travel, lodging, meals, courses and seminars, as authorized by the Department Head and Business Administrator on an appropriate voucher for reimbursement at the end of each month, but in no event later than sixty (60) days after incurring such expense.

3-46. DIVISION OF REVENUE COLLECTION:

- A. Tax Collector. The Head of the Division of Revenue Collection shall be the Tax Collector. The Tax Collector shall be appointed by the Mayor with the advice and consent of the Council. The compensation range for the Tax Collector shall be as set forth by Ordinance. The specific compensation of the Tax Collector for any given year shall be as set forth by Resolution of the Council.
1. Functions. The Division of Revenue Collection shall:
 - a. Receive and collect all current and delinquent real and personal property taxes and charges, receive penalties and interest pursuant to law and account for all collections in such form and manner and at such time as may be prescribed by the Treasurer.
 - b. Make or cause to be made and certify searches for taxes and other liens on real property in the Borough as may be authorized by law and charge and collect for the use of the Borough the fee required for any such search pursuant to law.
 - c. Perform the functions of a Collector of Taxes under general law, including, without limitations thereto, the preparation and mailing of tax bills and the maintenance of tax accounting records in such manner as may be prescribed or approved by the Treasurer; and assist the Division of Assessments in the preparation of the annual tax list and duplicate.
 - d. Deposit daily to the credit of the Borough all money received in one (1) or more depositories selected by the Council, maintain full and complete records and accounts of all sums collected and received according to such procedure and systems as may be prescribed or approved by the Treasurer and make such monthly reports and accounting of the funds of the Borough collected, received and deposited as may be required, which reports and accounts shall be filed as a public record and accounts shall be filed as a public record with the Borough Clerk.
 - e. Compute and record sewer charges, if any, as required by Ordinance.
 - f. Maintain books and records to record all charges, payments, credits and delinquencies in sewer and miscellaneous accounts.

3-47. DIVISION OF ASSESSMENT:

Within the Department of Finance, there shall be a Division of Assessment, the head of which shall be the Assessor. The Mayor shall, with the Advice and Consent of the Council, appoint the Borough Assessor. The compensation range for the Assessor shall be as set forth by

Ordinance. The specific compensation of the Assessor for any given year shall be as set forth by Resolution of the Council. The Division shall be responsible to:

Ordinance 1,437 continued

- A. Have, perform and discharge all the functions, powers and duties prescribed by law for a Municipal Assessor.
- B. Make assessments for benefits for local improvements and, for that purpose, have and exercise the powers and duties of a Board of Assessment for local improvement as provided by law.
- C. Prepare the tax lists and duplicates as required by law and maintain adequate assessment records of each and every parcel of real property assessed or exempted.
- D. Have custody of and maintain an up-to-date Borough Tax Map and provide for the recording thereon of all changes in ownership or character of property assessed.
- E. Make appraisals of property for any Borough purpose upon the direction of the Treasurer.
- F. Perform such other duties as prescribed by the Treasurer, Mayor or Business Administrator.

3-48. BOARD OF ASSESSMENTS FOR LOCAL IMPROVEMENTS:

There shall be a Board of Assessments for local improvements when necessary for the assessment of local improvements, and such Board, when so constituted, shall serve within the Division of Assessments. The Board shall consist of three (3) members and shall be appointed by the Mayor and Council pursuant to Chapter 56 of Title 40 of the Revised Statutes, when necessary. The Board, as constituted, shall have the functions, powers and duties and shall follow the procedures prescribed by that Chapter of the Revised Statutes.

ARTICLE VII

DEPARTMENT OF PUBLIC WORKS AND UTILITIES

3-49. ESTABLISHMENT; ADMINISTRATION:

There shall be a Department of Public Works and Utilities, the head of which shall be the Superintendent. The Department of Public Works and Utilities shall be organized into three (3) divisions: the Division of Roads, the Division of Water and the Division of Sewers.

3-50: SUPERINTENDENT OF PUBLIC WORKS AND UTILITIES:

- A. In the Department of Public Works and Utilities, there shall be a Superintendent who shall serve under the Director and who shall be responsible for the daily supervision of the work activities of all Divisions within the Department. The Superintendent shall be appointed by the Mayor, with the advice and consent of the Council, for the term of the Mayor appointing him. The Superintendent of Public Works and Utilities shall have overall responsibilities for the management of the Department. He shall serve on a part-time basis at no compensation and he shall be certified by Civil Service.
- B. The Superintendent of Public Works and Utilities shall:
 - 1. Plan, administer and control the construction, improvement and maintenance of all road, water and sewer facilities, with the assistance of the Borough Engineer.
 - 2. Direct the installation and administration of departmental records and financial, budgetary, payroll and inventory operations.
 - 3. Supervise the daily construction, operation and maintenance of the following public works improvements, facilities and services relating thereto:
 - a. Water supply and distribution
 - b. Sanitary and storm sewers and drains
 - c. Streets, roads and sidewalks
 - d. Streams and flood damage control and reduction

- e. Parks and public recreational structures

Ordinance 1,437 continued

- 4. Provide mechanical services required by any department, office or agency of the Borough as directed by the Mayor or Business Administrator.
- 5. Coordinate and schedule all construction and improvements as planned by the Borough Engineer.
- 6. Review and amend, as necessary, work plans submitted by division heads.
- 7. Supervise and inspect divisional operations.
- 8. Be responsible for the operational condition and maintain specifications of all equipment of the Department and shall be privileged to delegate this authority to the heads of the various Divisions herein enumerated.

3-51. DIVISION OF ROADS:

The Head of the Division of roads shall be the Road Supervisory. The compensation for the Road Supervisor shall be as set forth in the Mayor's Salary memorandum. The Division of Roads, under the Road Foreman, shall:

- A. Provide for maintenance and repair of all public roads within the Borough.
- B. Provide for maintenance, alteration and repair of sidewalks controlled by the Borough, curbs, gutters, and encroachments by objects and structures above and below such streets and sidewalks in accordance with the Ordinances of the Borough.
- C. Provide for and regulate snow removal and sanding or salting operations.
- D. Recommend to the Police Department the posting of "Emergency No Parking" signs.
- E. Maintain storm drain systems.
- F. Construct and improve playgrounds and parks as directed by the Mayor and Council.
- G. Maintain all public streets in clean and safe condition and free of obstructions and hazards.
- H. Install, repair and maintain street traffic signs, lines and markers.
- I. Undertake new road construction projects and road re-surfacing projects which are to be performed by the Department.

3-52. DIVISION OF WATER:

The Head of the Division of Water shall be the Water Supervisor. The compensation for the Water Supervisor shall be as set forth in the Mayor's Salary Memorandum. The Division shall manage, administer, operate, maintain and make minor extensions of the water storage facilities, aqueducts, distribution mains, hydrants, valves and other structures, facilities and appurtenances of the water works operated by the Borough for supplying its customers within and, if necessary, without the limits of the Borough.

3-53. DIVISION OF SEWERS:

The Head of the Division of Sewers shall be the Sewer Supervisor. The compensation for the Sewer Supervisor shall be as set forth in the Mayor's Salary memorandum. The Division shall maintain sanitary sewer mains, metering stations, pumping stations and all appurtenances forming a part of the sewer system of the Borough.

ARTICLE VIII

DEPARTMENT OF POLICE

3-54. ESTABLISHMENT; ADMINISTRATION:

There shall be a Department of Police, the Head of which shall be the Chief of Police. The Chief of Police shall be appointed by the Appropriate Authority as designated in Section 38-3 below and shall serve at no compensation. The Police Department shall be maintained at such strength, within such grades and position and under such officers as authorized by Ordinance.

The regulations as heretofore duly Adopted shall remain in force until such time as the same are amended.

Ordinance 1,437 continued

ARTICLE IX

DEPARTMENT OF FIRE

3-55. ESTABLISHMENT; ADMINISTRATION:

There shall be a Department of Fire, the Head of which shall be the Director, who shall receive no compensation for the position. The Director shall be appointed by the Mayor with Advice and Consent of the Council. The Mayor may act as Director of the Department of Fire. The Fire Department shall consist of volunteers and shall promulgate its own Rules and Regulations.

ARTICLE X

DEPARTMENT OF PARKS AND RECREATION

3-56. ESTABLISHMENT; ADMINISTRATION:

The Head of this Department shall be the Superintendent of Parks and Recreation, who shall have the administrative authority and duties prescribed herein relating to all playgrounds, recreational lands and structures and recreational functions. The Superintendent of Recreation shall be appointed by the Mayor, with the Advice and Consent of the Council for the term of the Mayor. The compensation range for the Superintendent of Parks and Recreation shall be as set forth by Ordinance. The specific compensation of the Superintendent for any given year shall be as set forth by Resolution of the Council.

3-57. POWERS AND DUTIES OF SUPERINTENDENT:

The Superintendent shall have the following powers and duties:

- A. He shall supervise and maintain any and all park facilities as may be hereafter established.
- B. He shall explore and recommend locations and areas suitable for development of park sites.
- C. He shall plan, promote and administer public recreation facilities and recreational programs and activities for children and adults.
- D. He shall administer and operate community centers, social centers and recreational functions and activities relating thereto.
- E. He shall use and operate public school property to the extent it may be adaptable and available for recreational programs and purposes.
- F. He shall be responsible for the operation of the community lake.
- G. He shall adopt suitable rules and regulations for the conduct of all persons using public playgrounds and recreational facilities.

3-58. RESERVED

ARTICLE XI

DEPARTMENT OF ENGINEERING AND DEVELOPMENT

3-59. ESTABLISHMENT; ADMINISTRATION; ORGANIZATION:

There shall be a Department of Engineering and Development, the Head of which shall be the Director. The Director of Engineering and Development shall be appointed by the Mayor, with the Advice and Consent of the Council and shall serve for the term of the Mayor. The compensation range for the Director of Engineering and Development shall be as set forth by ordinance. The specific compensation of the Director for any given year shall be as set forth by Resolution of the Council. The Director, shall act as Zoning Officer and shall be responsible for all administrative and legal enforcement of the Borough Zoning Ordinance. Such person shall also attend all meetings of the Planning Board and such other municipal Boards and Bodies as may be required. The Department of Engineering Development, under the supervision of the

Director, shall be organized into three (3) divisions: A Division of Planning, a Division of Building and Zoning and a Division of Engineering.

Ordinance 1,437 continued

3-60. DIVISION OF PLANNING:

The Division of Planning shall be under the administrative direction of the Director of Engineering and Development. Professional planning duties and responsibilities shall be performed by the Director, if such person shall be a duly licensed New Jersey Planner, and, if not so licensed, then such activities shall be performed by the Director, under the review of a licensed New Jersey Planner. Subject to the foregoing, the Director shall have the following responsibilities:

- A. To prepare agenda and reports for Planning Board meetings.
- B. To provide the Borough with guidance in planning within the framework of the Master Plan.
- C. To investigate and prepare reports and recommendations on subdivision applications and site plans and all other assignments, as requested by the Planning Board, Board of Adjustment or any other municipal body.
- D. To make recommendations regarding subdivision, zoning and other land use development Ordinances within the Borough.
- E. To review and make recommendations regarding the Master Plan.
- F. To enforce all zoning regulations.

3-61. DIVISION OF BUILDING AND ZONING:

There shall be a Division of Building and Zoning within the Department of Engineering and Development. The Head of the Division of Building and Zoning shall be the Building Inspector appointed by the Mayor for the term of the Mayor. The compensation for the Building Inspector shall be as set forth in the Mayor's Salary memorandum. He shall have, exercise and discharge the functions, powers and duties of the Building Inspector as provided by general law and the Ordinances of the Borough.

3-62. DIVISION OF ENGINEERING:

There shall be a Department of engineering, the Head of which shall be the Borough Engineer, who shall be appointed by the Mayor with the Advice and Consent of the Council for the term of the Mayor and until his successor has been appointed and qualified. The borough Engineer's compensation shall be set by the Council.

- A. **Qualifications:** The Borough Engineer shall, prior to his appointment, hold a Professional Degree in engineering, be a licensed Professional Engineer in the State of New Jersey and hold all licenses required by the New Jersey Department of Health for operation of water systems and sewer systems.
- B. **Supervision and Organization.** The Borough Engineer shall supervise and direct the work of this Department. He shall be in charge of engineering plans and shall do such other engineering work as provided elsewhere in this Code. He shall further organize the Department into such other and different divisions and/or bureaus as will facilitate the most efficient performance of its function, according to the needs of the Borough of Lincoln Park.
- C. **Overlapping Responsibilities.** The Engineering and Public Works and Utilities Departments shall cooperate in the planning and implementation of public works projects where responsibilities of the two (2) Departments overlap.
- D. **Powers and Duties.** Subject to the supervision of the Mayor, the Borough Engineer shall:
 - 1. Assist the Director of Public Works and Utilities with coordinating and planning the expansion and orderly growth of the sewer and water utilities and the roads of the Borough. The Engineer shall also assist with the preparation of annual reports on the progress and status of sewer and water utilities and roads.
 - 2. Assist and advise other departments as may be authorized by the Mayor and Council.

3. Maintain and index as-built plans and drawings of all Borough construction, including water and sewer systems, showing exact locations of all connections and other details.

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4. maintain a chart of the sewer and water contracts entered into between the borough and developers and report any delay or breach thereof to the Department of Administration.
 5. Assist the Borough Attorney in procuring easements from the property owners as may be required in connection with the sewer and water expansion program and in connection with the County or Borough road programs.
 6. Maintain the Borough's Official Map.
 7. Attend all meetings of the Planning Board, Council and other Boards or Agencies as may be required.
 8. Perform all engineering assignments and services as required by the Mayor.
 9. Determine the accuracy of all vouchers submitted for labor and material supplied by contract or otherwise within the scope of engineering.
 10. Review and recommend approval or rejection of the installation of all required improvements in land, subdivision and developments and submit reports in connections therewith to the Planning Board.
 11. Prepare proposals, instructions and advertisements for bidding, assist the Borough Attorney in the preparation of contracts in connection therewith and obtain adequate bonds to be approved by the Borough Attorney as to legality.
 12. Surrender, upon expiration of his term of office, resignation or removal, any or all Borough property, including records, plans, specifications, contracts, supplies and equipment, as well as all work products and all things necessary for the uninterrupted continuation of the office and duties of the Borough Engineer.
 13. At the discretion of the Mayor, review development proposals and exhibits act as a consultant to the Planning Board and Board of Adjustment.
- E. Disposition of Collected Fees. Any fees collected by the Borough Engineer or the Division of Engineering shall be accounted for and paid to the Borough Treasurer when received.

ARTICLE XII

BOARDS AND COMMITTEES

3-63. GENERAL PROVISIONS:

The Borough Government shall include such statutory, legislative, judicial, advisory and independent agencies of local government as are provided in this Article. For purposes of Administration, except as otherwise provided by this Chapter, general law or Ordinance of the Borough, such agencies shall be under the supervision of the Mayor.

3-64. BOARD OF ADJUSTMENT:

A Zoning Board of Adjustment is hereby established pursuant to **N.J.S.A. 40:55D-69 et seq.**, consisting of seven (7) Regular members and two (2) Alternate members appointed by the Governing Body to serve for terms provided for in Article III, Section 17-30, in the Development Review Ordinance.

3-65. LOCAL ASSISTANCE BOARD:

- A. The Local Assistance Board shall consist of five (5) members, at least one (1) of whom shall be a woman, appointed by the Mayor, with the approval of the Council, and shall serve without compensation.
- B. The term of one (1) member shall be for one (1) year, and such member only may be appointed from among the members of the Council; the terms of the other four (4)

members shall be four (4) years, except the first Board shall consist of one (1) member appointed for one (1) year, one (1) member appointed for two (2) years, one (1) member appointed for three (3) years and one (1) member appointed for four (4) years.

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- C. The Local Assistance Board shall select a Chairman and a Secretary and shall appoint a Director of Welfare who shall be the Executive and Administrative Officer of the Board and shall perform the duties specified in Title 44 of the New Jersey Statutes Annotated and other provisions of general law and the Borough Ordinance.
- D. The Director of Welfare shall hold office for a term of five (5) years from the date of appointment and shall be compensated as provided by Ordinance.
- E. The Division of Welfare shall:
 - (1) Administer programs of assistance to needy persons in cooperation with federal, state, county and municipal agencies.
 - (2) Participate in general community welfare interest, such as local unemployment, child care and prevention of delinquency.
 - (3) Maintain complete social case records, comply with state regulations and make such reports and analysis of welfare problems and grants as are necessary or desirable.
- F. The Mayor shall annually appoint an Assistant to the Director of Welfare, who shall assist the Director in the administration of public assistance. The Assistant to the Director of Welfare shall be compensated for by Ordinance.

¹⁰3-66. OFFICE OF EMERGENCY MANAGEMENT:

The Civil Defense and Disaster Control Council as heretofore established and empowered pursuant to law, **LAWS OF 1953, CHAPTER 438, N.J.S.A. App. A:9-40 et seq.**, has been re-designated as the "Office of Emergency Management", pursuant to Executive Order No. 101, dated December 17, 1980, providing that all duties, functions and powers of the Municipal Civil Defense Coordinator shall be exercised by the Municipal Coordinator of Emergency Management, who shall be appointed by the Mayor for a term of three (3) years.

3-67. PLANNING BOARD:

A Planning Board is hereby established pursuant to **N.J.S.A. 40:55D-23 et seq.**, of nine (9) Regular members and two (2) Alternate members consisting of certain classes and serving for the terms as otherwise provided for in Article II, Section 17-10 of the Development Review Ordinance.

3-68. PARKS AND RECREATION ADVISORY BOARD:

- A. There shall be appointed a Parks and Recreation Advisory Board, which shall consist of nine (9) members to be appointed by the Mayor and confirmed by the Council.
- B. All members shall serve for terms of three (3) years, except that, of those first appointed, three (3) shall be appointed for terms of one (1) year, expiring December 31, 1985, three (3) for terms of two (2) years, expiring December 31, 1986, and three (3) for terms of (3) years expiring December 31, 1987.
- C. The Advisory Board shall organize annually, adopt by-laws for the conduct of its affairs and select its Chairman and other officers to serve in accordance with such by-laws.
- D. The Advisory Board shall:
 - (1) Consult and advise with the Director and/or Director's representatives at least once each month with respect to public recreation, policies, programs and activities within the Borough.
 - (2) Assist the Director in reviewing and evaluating the public recreation needs and resources of the Borough.

¹⁰ Amended by Ord. 1,289 Adopted on November 18, 2002 Effective December 8, 2002

- (3) Advise the Director with respect to the acquisition, establishment, improvement, maintenance and administration of proposed and existing public parks, areas, playgrounds and places of recreation and recreational facilities within the Borough.

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- (4) Assist the Director in preparing a long-range planning report outlining Parks and Recreation capital and programming needs over a six (6) year period. This report shall be updated from time to time, but not less than once every six (6) years.
 - (5) Submit to the Director, on November 1 of each year an annual report on programs and park development for the preceding year and an annual budget for recommendation the following year, including operating and capital needs.
- E. It is understood that, in fulfilling the aforesaid duties, the Advisory Board will act merely in an advisory capacity to the Director and shall not have the power to bind the Borough in any manner.
- F. The Advisory Board may remove any member of the Advisory Board, for just cause, on written charges served upon the member and after a hearing thereupon at which the member shall be entitled to be heard in person or by Counsel.

3-69. MUNICIPAL HOUSING LIAISON:

- A. Purpose. The purpose of this Section is to create the administrative mechanisms needed for the execution of the Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

- B. Definitions. As used in this Section, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON: The employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the Borough.

ADMINISTRATIVE AGENT: The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low and moderate income households.

- C. Establishment of Municipal Housing Liaison position.

1. There shall be the position of Municipal Housing Liaison in the Borough.
2. Subject to the approval of the Council on Affordable Housing ("COAH"), the Municipal Housing Liaison shall be appointed by the Council and may be a full or part time Borough employee.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out, exclusive of item (f), which may be contracted out:
 - a. Serving as the Borough's primary point of contact for all inquiries from the State, Affordable housing providers, Administrative Agents, and interested households;
 - b. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - c. Compiling, verifying and submitting annual reports as required by COAH;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;

- f. If applicable, serving as the Administrative Agent for some or all of the restricted units in the Borough as described in paragraph E below.

Ordinance 1,437 continued

- 4. Subject to approval by COAH, the Borough may contract with or authorize a consultant, authority, government or any agency charged by the Council, which entity shall have the responsibility of administering the Affordable Housing Program of the Borough, except for those responsibilities which may not be contracted out pursuant to paragraph 3 above. If the Borough contracts with another entity to administer all or any part of the Affordable Housing Program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- D. Compensation. The Compensation for the Municipal Housing Liaison shall be as set forth in the Mayor's Salary memorandum.
- E. Administrative powers and duties assigned to the Municipal Housing Liaison:
- 1. Affirmative Marketing.
 - a. Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.15; and
 - b. Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements and landlord/tenant law.
 - 2. Housing Certification.
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;
 - c. providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5L80-26.1 et seq;
 - e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - f. Employing the random selection process as provided in the Affirmative Marketing Plan of the Borough when referring households for certification to affordable units.
 - 3. Affordability Controls.
 - a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly files with the appropriate county's register of deeds or County

Clerk's Office after the termination of the affordability controls for each restricted unit;

- d. Communicating with lenders regarding foreclosures; and
- e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10;

Ordinance 1,437 continued

- 4. Resale and Rental.
 - a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - b. Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or re-rental.
- 5. Processing Request From Unit Owners.
 - a. Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - c. Processing requests and making determination on requests by owners of restricted units for hardship waivers.
- 6. Enforcement.
 - a. Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent.
 - c. The position annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - d. Sending annual mailings to all owners of affordable housing units, reminding them of the notices and requirements outlines in N.J.A.C. 5:80-26.18(d)4;
 - e. Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - f. Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls;
 - g. Providing annual reports to COAH as required.
- 7. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Ordinance 1,437 continued

¹¹3-70. OPEN SPACE RECREATION AND CONSERVATION TRUST FUND:

A. ESTABLISHMENT

There is hereby established an account which shall be known as the Borough of Lincoln Park Open Space Recreation and Conservation Trust Fund for the purpose of raising revenue for the acquisition, development and/or maintenance of lands for recreation and conservation purposes, which amount raised shall be deposited into a trust fund, to be created by the Borough of Lincoln Park, in accordance with N.J.S.A. 40:12-15.7 et seq., to be designated as follows:

- (1) Up to \$.01 per \$100.00 of assessed valuation solely for the purpose of acquisition of lands for recreation and conservation purposes within the Borough of Lincoln Park (N.J.S.A. 40:12-15.7.a.(1)(a)) and
- (2) Up to \$.01 per \$100.00 of assessed valuation solely for the purpose of development and maintenance of lands acquired for recreation and conservation purposes within the Borough of Lincoln Park (N.J.S.A. 40:12-15.7.a.(1)(b) & (c)).

B. FUNDING

The Borough of Lincoln Park Open Space Recreation and Conservation Trust Fund shall be funded through the dedication of an amount to be determined annually by the Governing Body not to exceed \$.02 per \$100.00 of assessed valuation for each annual tax levy commencing with the year 2003. The Fund shall also be permitted to accept donations and testamentary bequests.

The Funds accumulated within the Trust Fund may be utilized only for the maintenance and acquisition of land or development rights in land for active and passive recreation, including appraisals and other items of expense permitted by law in connection with the acquisition or as a down payment for the issuance of bonds for the same purpose at the discretion of the Governing Body.

The Governing Body is to determine the properties or development rights to be acquired by gifts, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1, et seq. within the financial constraints it establishes.

C. PURPOSE

The Borough of Lincoln Park Open Space Recreation and Conservation Trust Fund shall be utilized for the direct and indirect costs of acquisition of property for recreation and conservation purposes, for the payment of debt service on indebtedness issued or incurred by the Borough for this purpose and maintenance of such existing or acquired properties/facilities.

The funds will be held in trust, will complement bonding, and be used exclusively for the purchase of property or easements for the development or maintenance of said property purchased within the Borough of Lincoln Park.

D. USE OF LAND ACQUIRED

Lands acquired by the Borough of Lincoln Park through the Borough of Lincoln Park Open Space Recreation and Conservation Trust Fund shall be held in trust and shall be used exclusively for the purposes authorized under N.J.S.A. 40:12-15.1 et seq. No property acquired with these Funds from the Open Space Recreation and Conservation Trust Fund shall be leased or sold, until the sale or lease of same has been approved by the voters at a Referendum.

¹²E. ESTABLISHMENT OF ADVISORY COMMITTEE

There is hereby established an Open Space Advisory Committee for the Borough of Lincoln Park which shall consist of six (6) members; consisting of a Standing Committee and the Public Citizen Members. All members, except the Chief Financial Officer and Borough Planner/Director of Development shall be residents of the Borough. The Open Space Advisory Committee shall advise the Governing Body concerning open space issues. The Council President shall appoint the "Council Members" of the Open

¹¹ ADDED by Ordinance 1,299 Adopted March 17, 2003 Effective April 6, 2003

¹² Amended by Ordinance 1,316 Adopted on December 15, 2004, Effective January 4, 2004

Space Advisory Committee. The Standing Committee shall select the Public Citizen Members. The overall Open Space Advisory Committee for the Borough of Lincoln Park shall consist of:

Ordinance 1,437 Ordinance

Standing Committee:

Two (2) members of the Borough Council.
The Mayor
The Chief Financial Officer*
The Borough Planner/Director of Development

*non-voting Member

Public Citizen Member:

One (1) citizen of the Borough of Lincoln Park

The "Public Citizen Member" of the Open Space Advisory Committee shall be appointed annually. All other members (i.e.: The Standing Committee) shall be appointed for one (1) year terms. All members of the Open Space Advisory Committee shall serve without compensation. The Open Space Advisory Committee shall be provided with a part-time secretary to handle clerical tasks.

E. POWERS AND FUNCTIONS

1. The Open Space Advisory Committee shall advise the Borough Council concerning open space acquisition issues. The Open Space Advisory Committee shall make an annual determination, via a written report to the Governing Body, of which parcels of land are recommended for acquisition with funds from the Open space Recreation and Conservation Trust Fund and the recommended method of acquisition, including but not limited to the following:
 - By the acquisition of developmental rights.
 - By outright purchases in fee simple
 - By donations
 - By the acquisition of conservation easements
 - By the acquisition of scenic easements
 - Through the use of Trust funds as a down payment for the issuance of bonds to acquire open space.
 - By long-term lease
 - By other methods for the same purposes, at the discretion of the Governing Body
2. The Committee shall submit to the Governing body a prioritized list of properties to be acquired and/or properties for which development rights should be acquired. The Governing Body, utilizing the prioritized list submitted by the Committee, shall determine annually which parcels shall be acquired and the amount to be appropriated annually for the open space purposes.
3. The Committee shall investigate and report to the Governing Body additional funding sources to supplement the Borough of Lincoln Park Open Space Recreation and Conservation Trust Fund.
4. The Committee shall prepare or assist in the preparation of grant proposals to obtain additional funding.
5. The Committee shall develop, in cooperation with the Planning Board, an Open Space Plan for use in the "Open Space Element" of the Borough's Master Plan.
6. The Committee shall advise the Governing Body and Mayor on any issues relating to use and acquisition of open space.

7. The Committee shall submit a budget request for operating expenses to the Mayor during November of each year to be included in the subsequent year's Municipal Budget.

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8. The Committee may employ and/or contract for professional services by appraisers, legal counsel, or other professional staff as it may deem necessary, subject to appropriations and the Governing Body's passage of professional service Resolutions establishing the rates of compensation to be paid.
9. The Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act and the Committee shall give appropriate notification of said meetings.
10. The Committee shall hold no fewer than ten (10) regular meetings annually and the dates and times of such meetings shall be determined and established at the first regular meeting.
11. The Committee shall elect from among its members a Chairperson to preside over the meeting and business of the Committee, a Vice-Chairperson to serve as the presiding officer in the absence of the Chairperson. Further the Standing Committee may select/appoint a Secretary (not from the Committee and being a non-voting member) to maintain agendas and minutes of the Committee meetings, and otherwise be responsible for the records and correspondence of the Committee.
12. The Committee may Adopt such Bylaws or Rules of Procedures as it may deem appropriate to govern the conduct of its affairs.