

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 13-2014**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON**  
**AMENDING CHAPTER 3 OF THE CODE OF THE**  
**TOWNSHIP OF PEMBERTON, ALSO KNOWN AS THE**  
**PEMBERTON ADMINISTRATIVE CODE**

**IT IS HEREBY ORDAINED**, by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Chapter 3 (entitled “Administrative Code of the Township of Pemberton”) of the Township Code is hereby amended solely as set forth herein, as follows:

1. Section 3-3 is hereby amended in its entirety as follows:

**Section 3-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADMINISTRATOR**

The Township Business Administrator, duly appointed pursuant to N.J.S.A. 40:69A-31 et seq.

**ADVISORY BOARD OR COMMISSION**

A body created by the Council and/or the Mayor not required by state law which functions exclusively to make investigations and provide recommendations on matters of public interest based upon community input.

**APPOINTING AUTHORITY**

The Mayor unless otherwise prescribed under applicable state law.

**CLERK**

The Municipal Clerk, duly appointed pursuant to applicable state law.

**COUNCIL**

The local legislative body of the municipality, constituted and elected pursuant to applicable state law.

**DAY**

A calendar day, or any part of a calendar day.

**DEPARTMENT**

An organizational component of government established or designated in the Administrative Code as a “department” pursuant to the authority of N.J.S.A. 40:69A-31 et seq.

**DIRECTOR**

The administrative head of a department appointed by the Mayor with the advice and consent of the Township Council pursuant to the authority of N.J.S.A. 40:69A-31 et seq.

**GOVERNING BODY**

The municipal council, as constituted pursuant to the authority of N.J.S.A. 40:69A-31 et seq., in the Township of Pemberton and applicable state law.

**INDEPENDENT BOARD**

Any agency or instrumentality of the municipal government which is created pursuant to applicable state law by the Council by ordinance and is not allocated or assigned within a department.

**MAYOR**

The person directly elected by the voters of the Township to the position of Mayor.

**MONTH**

A calendar month, unless otherwise specifically provided.

**MOTION**

Any action of the governing body related to procedural or parliamentary matters not required to be reduced to writing by applicable law, which may be finally passed at the meeting at which it is introduced.

**MUNICIPALITY**

The Township of Pemberton in the County of Burlington and the State of New Jersey, or any corporate successor.

**ORDINANCE**

Any act or regulation as authorized by N.J.S.A. 40:69A-1 to 210 and other applicable law, heretofore or hereafter adopted by the governing body, required to be reduced to writing, read at more than one meeting thereof, published, and adopted subsequent to public notice and a public hearing thereon.

**PERSON**

A corporation, firm, partnership, association, organization or other entity, as well as an individual.

**PRESIDENT**

The person elected by the Council to serve as President of the Council.

**RESOLUTION**

Any act or regulation of the governing body as authorized by N.J.S.A. 40:69A-1 to 210 and other applicable law, required to be reducing to writing, but which may be finally passed at the meeting at which it is introduced.

**WRITING OR WRITTEN**

Includes any printing, typewriting, telefacsimile or any mode of communication set forth on paper or similar material which is in general use, and legible handwriting.

**YEAR**

A calendar year, unless otherwise specifically provided.

2. Section 3-5 is hereby amended in its entirety as follows:

**Section 3-5. Temporary Appointments.**

Temporary appointments to positions that require the advice and consent of the Council pursuant to applicable state law shall not be made without the express authorization of the Township Council except that the Mayor may designate a current Township employee to perform the duties of a vacant position unless applicable law precludes such designation.

3. Section 3-6 is hereby amended in its entirety as follows:

**Section 3-6. Removal of members of independent boards, agencies.**

The removal of members of independent boards or agencies shall be subject to controlling provisions of applicable state law including but not limited to N.J.S.A. 40A:9-12.1. It is not the intent of this section to prevent the Mayor from removing members of independent boards or agencies without the advice and consent of the Council if the appointment did not require the advice and consent of the Council.

4. Section 3-7 D (6) entitled 'Financial Control' is hereby amended in its entirety as follows:

(6) Financial control. Pursuant to N.J.S.A. 40A:4-1 et seq., N.J.S.A. 40A:5-1 et seq. and N.J.S.A. 40:69A-48, the Council shall exercise financial control over the affairs of the Township. The Council shall, by resolution, annually act on the budget in accordance with the procedures set forth under N.J.S.A. 40A:4-1 et seq., after it has been submitted by the Mayor. The Council shall, pursuant to N.J.S.A. 40A:5-17, and as provided in this Chapter, approve or disapprove all claims, which claims shall be recorded in the minutes of the Council meetings by attaching to said minutes a list of all claims approved at each meeting, as well as the vote of each Council member on the motion to approve said claims. Claims need not be approved individually, but may be approved in a group or groups. The Council shall be directly responsible for the fiscal affairs of the Township.

5. Section 3-11 is hereby amended in its entirety as follows:

**Section 3-11. Departments, boards, commissions and offices.**

A. There shall be the following departments created within the Township of Pemberton:

- (1) Department of Administration.
- (2) Department of Public Works.
- (3) Police Department.
- (4) Department of Community Development.
- (5) Fire and Emergency Services Department.
- (6) Department of Recreation and Senior Services.

B. There shall be the following boards and commissions established pursuant to state law within the Township of Pemberton:

- (1) Planning Board.
- (2) Zoning Board of Adjustment.
- (3) Municipal Utilities Authority.
- (4) Board of Health.
- (5) Environmental Commission.
- (6) Board of Ethics

C. There shall be the following advisory bodies established within the Township of Pemberton:

- (1) Human Relations Commission.
- (2) Economic Development Council.
- (3) Senior Citizens Council.
- (4) Veterans Advisory Committee..

D. Miscellaneous offices. There shall be the following miscellaneous offices created within the Township of Pemberton. The offices set forth herein shall report to the Business Administrator for administrative, budgeting, and personnel purposes subject to applicable state law:

- (1) Office of the Township Clerk
- (2) Office of the Tax Assessor
- (3) Office of the Emergency Management Coordinator.
- (4) Municipal Tax Search Officer.
- (5) Office of the Registrar of Vital Statistics.
- (6) Pemberton Municipal Court.

E. Boards and commissions: membership; vacancy

- (1) Members of the Planning Board, the Zoning Board of Adjustment, the Municipal Utilities Authority, the Board of Ethics, the Environmental

Commission, and the Board of Health shall serve for the terms set forth in applicable state law and in this code.

F. Status of advisory board members. The members of the Human Relations Commission, Economic Development Council, Senior Citizens Council, and the Veterans Advisory Committee shall serve at the pleasure of the authority which created the advisory board. The appointed members of said advisory boards shall not be deemed to be officers, officials or employees of the Township. These organizations were created solely by Township ordinance or resolution or by declaration of the Mayor without specific state or federal legislation requiring such creation and the duties and functions of are purely advisory or recommendatory in nature.

6. Section 3-14 A is hereby amended in its entirety as follows:

**Section 3-14. Purchasing and cooperative pricing.**

A. Purchasing.

(1) The Business Administrator shall establish and administer a centralized purchasing system for the purchase of all materials, supplies and equipment, work and labor required by any department, office or agency of the Township under the direction and supervision of the Mayor. Purchases shall be authorized only after the amounts are encumbered by the Chief Financial Officer and shall be made at such times and in such form as the Business Administrator may prescribe or approve. Neither the Mayor nor the Mayor's designee shall approve any purchase or approve any bill, claim or voucher except as provided by state law, and by Code of the Township of Pemberton. The Business Administrator shall establish and enforce or, where authorized by law, shall direct the appropriate department head to establish and enforce suitable specifications and standards for all supplies, material and equipment to be purchased for the Township. The Business Administrator shall inspect or direct the appropriate department head to inspect deliveries to determine their quality, quantity and compliance with these specifications and standards and shall accept or reject the deliveries in accordance with the results of the inspection. The Business Administrator may make transfers of supplies, materials and equipment between departments and offices and, with the Council's authorization, sell surplus, obsolete, unused or waste supplies, materials and equipment. The Business Administrator shall ensure that all purchases comply with applicable laws and regulations. All bids shall include language that clearly informs prospective bidders that the award of a contract shall be subject to the availability of funds, and Council authorization. All bids submitted shall be deemed to be received by the Clerk conditionally pending full examination as to legal form and compliance of all requirements set forth in the applicable law and the specifications. After examination as to legal form and compliance as required hereby, all bids shall be reviewed by the Business Administrator, or his designee, who shall submit a written recommendation to the Council with the approval of the Mayor, as to which bidder, if any, should be awarded the contract pursuant to the Local Public Contracts Law.

(2) In the event that purchases are authorized as the result of quotations received by telephone, the Business Administrator or the appropriate department head receiving said quotations shall complete a form which indicates the nature of the materials, supplies, equipment, work and/or labor for which quotations were sought; the name, address and telephone number of each and every person or entity submitting quotations; and the prices, charges and/or fees quoted by said person or entity. Said form shall be signed by the Business Administrator and/or the department head receiving said quotations and then filed with the Township Clerk, Chief Financial Officer and Business Administrator.

7. Sections 3-15 and 3-16 are hereby amended in their entirety as follows:

**Section 3-15. Division of Finance.**

A. Division established. There shall be within the Department of Administration a Division of Finance, the head of which shall be the Chief Financial Officer who shall be appointed by the Township Council pursuant to N.J.S.A. 40A:9-140.1 et seq. The Chief Financial Officer shall supervise the work of the Division, be responsible for the accounting, pre-auditing and control of all revenues and expenditures and the custody, receipt and disbursement of Township funds, supervise and perform the work involved in the negotiation of loans and the sale of bonds and be responsible for the safety and investment of Township funds, the management of Township debt, the development of financial policies for recommendation to the Mayor, and the safeguarding of the Township's financial interest to the fullest extent.

B. Accounts and Control; Treasury. The Division of Finance shall be responsible for all functions and duties provided by applicable state law and this ordinance. The Division shall:

- (1) Develop, maintain and enforce the uniform system of accounts, including forms, standards and procedures for all departments of the Township government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Mayor, the determination of the cost of performance of each function program or activity measured in work units as may be appropriate thereof and such data, records and reports as may be prescribed or approved by the Business Administrator and the preparation and execution of a budget for the expenditure of public funds for capital purposes that give effect to the general improvement programs.
- (2) Maintain and operate the Township's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the New Jersey Division of Local Government Services and the Local Finance Board.
- (3) Shall keep and maintain books and financial records of all financial transactions of the Township in accordance with the standards and requirements of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.
- (4) Shall receive and collect revenue for all Township departments except the Municipal Court. Revenue shall include all license and permit fees, charges for use of Township property and all other sums due the Township.
- (5) Audit all receipts and disbursements of the Township government of each of its departments and pre-audit all bills, claims and demands against the Township, including payrolls, and require each department head to certify that any materials, supplies or equipment have been received and accepted as specified and that the services have been duly rendered.
- (6) Control all expenditures to ensure that the budget appropriations are not exceeded and maintain such books and records as may be required for the proper exercise of such budgetary control.
- (7) Shall have custody of all public moneys of the Township and make monthly reports to the Mayor of all receipts, expenditures, commitments and unexpended appropriations. All moneys received from any source by or on behalf of the Township or any department, board, office or agency thereof, except as otherwise provided by Township ordinance, shall be paid to the Chief Financial Officer who shall deposit said moneys within the time prescribed by state law to the credit of the Township in the authorized public depository of the Township to the credit of the proper account.
- (8) Shall have custody of all investments and invested funds of the Township or in its possession in a fiduciary capacity, except as otherwise provided by law, and have the safekeeping of all bonds and notes for transfer, registration

or exchange. The Chief Financial Officer shall invest all moneys not required for current operations in interest-bearing accounts.

(9) Review each proposed expenditure and commitment to be made on behalf of any department for conformity with state law, the Charter and the ordinances of the Township and authorize only such expenditures and commitments as conform to all requirements of this Administrative Code.

(10) Install, operate and maintain the central payroll system and all social security, pension and insurance records for personnel of all departments.

(11) Shall be the certifying agent for the Public Employees Retirement System of New Jersey, consolidated Police and Firemen's Pension Fund, Police and Firemen's Retirement System, Old Age Survivor's Insurance System of New Jersey and hospitalization, medical, surgical and major medical group insurance plans for employees and withholding taxes.

(12) Submit a monthly report of expenditures, encumbrances and account balances to the Mayor and Township Council, and at the direction of the Mayor provide such reports on the financial condition of the municipality to the Township Council.

(13) Under the direction of the Mayor, assist with the work in the negotiation of loans and the sale of bonds.

B. Presentation of claims. Any person claiming payment from the Township shall present a detailed bill of demand to the Chief Financial Officer, duly certified or, in the alternative, supported by an affidavit of the claimant, and such other information as may be required. It shall be the duty of the Chief Financial Officer to confirm that the signature of the officer or employee who has been duly assigned by the Mayor to certify that the materials have been received by or the services rendered to the Township appears on every claim.

C. Presentation of bill list for approval. The Chief Financial Officer shall prepare a bill list and submit it to the Township Council prior to its regular meeting for formal approval at a regular Council meeting. Claims shall be considered by the Council, which shall approve the same except that the Council may reject any claims presented to it, stating the reason for such rejection. Any disapproved claim shall be referred back to the Chief Financial Officer. The Township Clerk shall indicate in the official minutes that the Township Council has by formal action approved the bill list, with the appropriate record as to any claims disapproved or rejected. After certifying that the bill list has been approved the Township Clerk shall so advise the Chief Financial Officer who shall forthwith prepare the necessary check(s) for the payment thereof. Checks shall be signed by two of the following: the Chief Financial Officer, the Mayor, and/or the Township Clerk. After preparing checks for payment of claims, the Chief Financial Officer shall record the payments in proper books of account and, once signed, shall mail or otherwise distribute the checks to the claimants.

D. Certain claims approved by Chief Financial Officer. Notwithstanding the provisions set forth herein certain claims shall be deemed approved by the Township Council upon the payment of same by the Chief Financial Officer, and shall not require subsequent approval by the Township Council.

(1) All individual purchases up to and including the amount of \$2,000.

(2) All purchases of the following commodities without limitation unless otherwise indicated herein.

- (a) Gasoline & diesel fuel
- (b) Heating Oil
- (c) Natural gas
- (d) Telephone services

- (e) Water & Sewer services
- (f) Postage (claim not to exceed \$5,000)
- (g) Permit fees
- (h) Tipping fees (trash disposal)
- (i) Sodium Chloride
- (j) Sand for mixing
- (k) NJ Motor Vehicle Commission fees, permits and vehicle registration costs (claim not to exceed \$500)

E. Payroll account. There shall be an account to be designated the Township payroll account, and from time to time, the Chief Financial Officer, upon receipt of a warrant or an amount due such payroll account, shall deposit the same to the credit of the payroll account, charging the appropriate budgetary accounts therewith. Disbursement from the payroll account may be made by way of one (1) direct deposit requested by an employee or the payroll checks signed by the Chief Financial Officer, the Mayor, and/or the Township Clerk and, after certification of any variance from normal working hours, by the several department and office heads. In the case of reimbursement for pre-approved actual and necessary traveling expenses, itemized claims supported by receipts, where available, shall be presented within ten (10) days after completion of travel in order to obtain reimbursement for expenses incurred by Township officials who are authorized to travel by request of the Mayor. In the case of error or adjustment in the payroll, the Chief Financial Officer shall make proper corrections and an appropriate record of such corrections.

8. Section 3-17 is hereby amended in its entirety as follows:

#### **Section 3-17. Division of Tax Collection.**

Within the Department of Administration, there shall be a Division of Tax Collection, the head of which shall be the Tax Collector.

A. Appointment and qualifications. The Tax Collector shall be appointed by the Mayor with the advice and consent of the Township Council for a term of four years from the first day of January next following the appointment, as provided by law. An appointment to a vacancy other than due to the expiration of a term shall be for the unexpired term. The Tax Collector shall hold a tax collector certificate as required by applicable state law and regulations.

B. Duties. The Tax Collector shall have, perform and exercise all functions, powers and duties as are provided by general law and ordinance, including but not limited to the following:

(1) Maintain full and complete records and accounts of all sums collected and received under the supervision of the Chief Financial Officer and Township auditor.

(2) Keep a current record of all tax title liens and advise the Mayor promptly as such liens become subject to foreclosure under the law.

(3) Enforce the payment of delinquent taxes by the means provided by law as soon as they become delinquent.

(4) Serve as tax searcher and perform such duties as are prescribed by general law and municipal ordinance, if appointed by the Mayor.

(5) Keep the Chief Financial Officer, Business Administrator, Mayor and Council informed as to all sums due on all taxes and other revenue to which the Township is entitled.

(6) Operate the cashier's booth within the municipal complex, and post, and deposit monies collected, whether they be taxes, water bills, dog licenses fees, or any other sums due and payable to, and/or collected on behalf of, the Township.

9. Section 3-19 D is hereby deleted in its entirety.

10. Section 3-20 is hereby amended in its entirety, as follows:

**Section 3-20. Division of Engineering.**

Division of Engineering. There is hereby established within the Department of Administration a Division of Engineering which shall be headed by the Township Engineer.

A. Appointment, qualifications and compensation. The Township Engineer shall be appointed by the Mayor, with the advice and consent of the Township Council, and shall serve for a term of three years as required by applicable law. The Township Engineer shall be a licensed engineer in the State of New Jersey and possess such other qualifications of ability and experience which the Mayor and Township Council shall deem necessary to perform the duties of the office. The Township Engineer shall receive reasonable fees and charges for engineering services as are provided for by an annual professional services contract with the Township, which shall be approved by resolution of the Township Council.

B. Duties. The Township Engineer shall be the engineering advisor to the Mayor and Council, and shall perform all normal engineering services required on behalf of the Township in every department, except as may be otherwise provided for by law or this chapter. In furtherance of these powers and without limitation thereto, the Township Engineer shall:

- (1) Act as an independent contractor and employ at engineer's expense such persons as are deemed necessary to carry on the duties prescribed for the office.
- (2) Perform administrative and engineering work in the investigation, design, construction and maintenance of all public works projects, except such projects as may be awarded to another engineer by way of Council resolution.
- (3) Supervise the preparation of such surveys of either topographical property line or construction nature as may be required.
- (4) Prepare and supervise the preparation of such plans, sketches and blueprints as may be required.
- (5) Supervise the compilation and maintenance of the Water and Sewer Maps, as well as the Official Map, Zoning Maps, Tax Maps, road maps, and such other maps of the Township of Pemberton as may be required.
- (6) Perform all duties as may be required by a Municipal Engineer by state law.
- (7) Attend all regular, special and adjourned meetings of the Township Council as may be required.
- (8) Supervise and provide the engineering calculations, specifications and expertise required for the purchase of materials and equipment as may be required.
- (9) Perform such professional engineering services as may be required in connection with any capital improvement program.
- (10) Be responsible for normal work in connection with the construction, reconstruction and repair of all Township roads as may be required.
- (11) Be responsible for general administration of contracts with third parties performing work for the Township in such instances as may be required.
- (12) Coordinate all official activities with and through the Business Administrator and the Mayor.

(13) Perform related duties as may be requested.

C. Nothing herein contained shall limit the Township's right to solicit proposals from, and to award contracts to, other engineering firms.

11. Section 3-21 is hereby amended in its entirety, and re-designated as Section 3-25 D, below.

12. Section 3-22, under Article VII. Department of Public Works is hereby amended in its entirety, as follows:

**Section 3-22. Establishment; duties.**

A. Department established; Director of Public Works. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. The Director of Public Works shall be appointed by the Mayor with the advice and consent of the Township Council in accordance with N.J.S.A. 40:69A-43. In the event that the Township employs a tenured Superintendent of Public Works, the Mayor may appoint the Superintendent of Public Works as Director of Public Works.

B. Powers and duties. The Director of Public Works shall be responsible for and devote full time and attention to the proper and efficient conduct of all public works functions of the municipal government and, under the direction and supervision of the Mayor, shall direct and supervise the work of the Public Works Department. The Director shall:

- (1) Perform or cause to be performed all of the duties and responsibilities of the Department of Public Works, and its component divisions, as set forth in this Ordinance.
- (2) Perform such other functions and services as may be directed by the Mayor.
- (3) Prepare and maintain work schedules of all projects.
- (4) Provide a weekly update to the Mayor on the status of projects and such other reports as may be required.

13. Sections 3-22, 3-23, and 3-24, under Article VII. Department of Public Works, are hereby amended in their entirety, as follows:

**Section 3-23. Public Works Divisions.**

Within the Department of Public Works there shall be four (4) divisions: the Division of Streets and Roads, the Division of Buildings and Grounds, the Fleet Division and the Water Division.

A. Division of Streets and Roads. Under the direction and supervision of the Director of Public Works, and the Supervisor of Public Works, the Division shall:

- (1) Maintain, and repair and reconstruct all Township streets, roads, and rights-of-way.
- (2) Maintain all Township streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice there from as required.
- (3) Provide for and carry out snow removal and sanding or salting operations on municipal roads, and all municipal property.

- (4) Provide routine maintenance and repair of all municipal storm drainage systems.
- (5) Perform other functions and services as may be directed by the Mayor.

B. Division of Buildings and Grounds. Under the direction and supervision of the Director of Public Works, the Supervisor of Public Works, and the Supervisor of Buildings and Grounds, the Division shall:

- (1) Repair municipal buildings and facilities, including leased buildings and facilities, in compliance with all applicable rules, regulations and codes.
- (2) Maintain all Township buildings and grounds in a clean and safe condition, free of obstructions and hazards, and remove snow and ice therefrom as required.
- (3) Maintain and repair municipal playgrounds, play fields, outdoor recreational facilities, public parks and grounds.
- (4) Perform other functions and services as may be required.

C. Fleet Division. Under the direction and supervision of the Director of Public Works, the Supervisor of Public Works, and the Supervising Mechanic, the Division shall:

- (1) Maintain and repair all municipal vehicles and other equipment.
- (2) Maintain the municipal vehicle garage facility in a clean and safe condition, free of obstructions and hazards.
- (3) Perform other functions and services as may required.

D. Water Division. Under the direction and supervision of the Director of Public Works, the Supervisor of Public Works, and the Water Supervisor, the Division shall:

- (1) Operate the municipal water system.
- (2) Maintain and repair the water wells and all water infrastructure.
- (3) Perform all duties set forth in Chapter 186 of the Code of the Township of Pemberton regulating the Township water system.
- (4) Perform other functions and services as may be required.

14. Section 3-25, under Article VIII. Other Departments, is hereby amended in its entirety, as follows:

**Section 3-25. Department of Community Development.**

A. Department established; Director.

- (1) There shall be a Department of Community Development, the head of which shall be the Director of Community Development. The Director shall be appointed by the Mayor with the advice and consent of the Township Council in accordance with N.J.S.A. 40:69A-43. The Director shall serve during the term of office of the Mayor appointing the Director, and until the appointment and qualification of his or her successor. In the absence of a Director of Community Development, the Business Administrator or his or her designee may serve as the Director.
- (2) Duties of the Director. Under the general direction of the Mayor and

Business Administrator, the Director is responsible for organizing, directing and coordinating activities of the divisions assigned within the Department of Community Development. The Director's responsibilities include, but are not limited to, the following:

- a. Plans, develops, implements, and evaluates the Department's goals, objectives, policies, procedures, and programs;
- b. Interprets laws and regulations;
- c. Ensures that the Department's activities are in compliance with all laws, policies and regulations;
- d. Monitors and directs the Department's operations; evaluates issues, and recommends solutions; prioritizes and assigns projects; identifies and communicates strategies, goals and objectives; assures a productive work environment; assures that effective communications occurs; assures project deadlines and performance standards are met.
- e. Effectively manages the Department's personnel by evaluating and analyzing Department issues, and recommending and implementing solutions;
- f. Participates in the hiring and training of new employees; develops staff skills; listens and responds to employee problems, concerns, and complaints and suggests solutions that may rectify the situation; prepares employee performance evaluations, discusses performance with assigned staff, and counsels employees concerning performance improvements; disciplines employees when necessary;
- g. Provides leadership, direction and guidance in financial and technical strategies and priorities for Department of Community Development operations, budget preparation and execution, purchasing, personnel, reports, and correspondence in administration of projects involving State and Federal funds; evaluates needs and determines resource requirements and objectives for the Department;
- h. Functions as an advisor to the Mayor and Business Administrator in matters concerning community development;
- i. Keeps the Mayor and Business Administrator and appropriate management staff members informed of important developments which may affect the administration of the Township government;
- j. Maintains current knowledge of innovative ideas and developments and recommends changes in current operations and practices where applicable;
- k. Attends meetings of boards and commissions when requested;
- l. Prepares an annual Department budget request, with appropriate justifications and aids in the development of the proposed annual Township budget;
- m. Administers the Department's budget;
- n. Makes public presentations and deals with the public on an individual basis;
- o. Gives presentations to civic and governmental organizations when requested;
- p. Answers citizen calls and complaints;
- q. Administers applicable union contracts and personnel policies and procedures;
- r. In absence of the Zoning Officer may serve as the Zoning Officer;
- s. In the absence of a Township Planner may serve as Township Planner.
- t. In the absence of the Urban Enterprise Zone Coordinator may serve as the Coordinator;

(3) Compensation. Compensation of the Director shall be set within the range established by the Township's salary ordinance.

B. Division of Construction Code Enforcement.

(1) Establishment. Within the Department of Community Development there shall be a Division of Construction Code Enforcement, the head of which shall be the Construction Official.

(2) Composition; duties. Within the Division of Construction Code Enforcement, the following positions shall be created: Construction Official, Building Subcode Official, Plumbing Subcode Official, Fire Protection Subcode Official, Electrical Subcode Official, Mechanical Subcode Official, Elevator Subcode Official, and Technical Assistant to the Construction Official. All of said positions shall be governed by the provisions of the Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and any and all rules and regulations promulgated thereunder. In addition, the Construction Official shall be responsible for enforcing such municipal ordinances as may be directed by ordinance, including but not limited to, the Township's ordinance regulating and licensing building contractors within the Township and Township ordinances regulating and providing for construction code fees as authorized by the State Uniform Construction Code Act.

(3) The subcode positions created hereunder may be filled through third party contracts in accordance with the NJ Uniform Construction Code Act and the NJ Administrative Code.

C. Division of Property Inspections.

(1) Establishment. Within the Department of Community Development there shall be a Division of Property Inspections.

(2) Composition; duties. Code Enforcement Officers shall have responsibility for the administration and enforcement of codes and ordinances and shall have all the powers, functions and duties prescribed by general law and ordinances. Code Enforcement Officers shall be under the direct supervision of the Director.

D. Division of Planning.

There is hereby established within the Department of Community Development a Division of Planning which shall be headed by the Director of Community Development or a Township Planner appointed by the Mayor through an annual professional services contract approved by the Township Council.

A. Township Planner: qualifications and compensation. The Township Planner shall hold a master's degree in planning and shall have three years' experience in a city or regional planning or a B.A. degree in planning or a related field and five years' experience in city or regional planning. He shall be compensated in accordance with the terms of a contract approved by the Township Council by resolution.

B. Powers and duties. The Township Planner, under the direct supervision of the Director of Community Development, the Business Administrator, and the Mayor, shall:

(1) Serve as technical planning advisor to the Mayor and the Township Council, the Planning Board and Zoning Board, conducting such studies as requested.

(2) Receive plans of proposed subdivisions of land within the Township. The Planner shall check such plans for conformity to sound planning principles recommend redesign of subdivisions and make studies of land subdivision in an attempt to integrate subdivisions with overall plans of the Township.

(3) Receive plans of proposed development within the Township and, along with the appropriate land use engineer, review site plans for site design and coordination of surrounding properties and, along with the appropriate land use board engineer, recommend redesign of site plans.

(4) Study and analyze matters such as but not limited to transportation, land use, natural and human resources, housing and capital improvements, and prepare and submit finding and recommendations to the Mayor and Township Council, Planning Board and Zoning Board.

(5) Recommend and assist in the writing of amendments to zoning ordinances, subdivisions ordinances, the Township's Master plan and other development, conservation and planning regulations and ordinances.

(6) Review and analyze the ordinances and plans of surrounding municipalities, counties, and the state. The Planner shall analyze and report on the proposed development in adjacent municipalities as it may affect the Township

E. Division of Zoning Enforcement.

(1) Establishment. Within the Department of Community Development there shall be a Division of Zoning Enforcement, the head of which shall be the Zoning Officer.

(2) Composition; duties. The Zoning Officer shall be responsible for enforcing the provisions of the Township's land use ordinances and other applicable ordinances as may be assigned by the Director. The Zoning Officer shall issue or deny applications for zoning permits pursuant to N.J.S.A 40:55D-70a and b and is the official who shall be authorized to issue nonconforming use and structure certifications pursuant to N.J.S.A. 40:55D-68. Additionally, the Zoning Officer shall be responsible for inspecting properties within the municipality for violations or, upon being advised of the existence of a violation, shall issue orders to the owners of the property to cease and desist from such violations or, where other means fail, file a complaint in the Municipal Court for a violation of the ordinance. Code Enforcement Officers may be assigned to perform zoning inspections and to perform such zoning enforcement duties as may be prescribed by the Director of Community Development.

F. Urban Enterprise Zone Office; Zone Coordinator.

(1) Creation of position. There is hereby established within the Department of Community Development the position of Urban Enterprise Zone Coordinator. The Director of Community Development may be designated to serve as Urban Enterprise Zone Coordinator.

(2) The Urban Enterprise Zone Coordinator, in accordance with the Zone Development Plan submitted by the Township to the Urban Enterprise Zone Authority, shall report and be responsible to the Mayor.

(3) Responsibilities; duties. The Urban Enterprise Zone Coordinator (hereinafter "Coordinator") shall administer, promote and implement the Pemberton Township-Browns Mills Town Center Urban Enterprise Zone Development Plan as outlined in the Enterprise Zone application filed by the Township with the New Jersey Urban Enterprise Zone Authority. The Coordinator shall be responsible for both promotional and public relations initiatives. The Coordinator will provide coordination and technical assistance to zone businesses and any other activities warranted in furtherance of zone development, employment creation objectives and Township redevelopment activities. The Coordinator will implement the strategies and policies set forth in the Enterprise Zone Development Plan and by the Township Council, acting in its capacity as the Enterprise Zone Development Corporation. The specific duties and responsibilities of the Coordinator will include, but not necessarily be limited to, the following:

(a) Zone business technical assistance.

- (i) Promote and assist new business and jobs creation, existing business expansion and retention in the Enterprise Zone.
- (ii) Provide technical assistance and information regarding zone benefits.
- (iii) Help advance economic development, job creation and retention objectives to the extent achievable.
- (iv) Act as liaison between the Township Council, acting as Enterprise Zone Development Corporation, and zone businesses in evaluating individual needs and eligibility to receive available local, state and federal financing and tax incentives for jobs creation and retention and business creation, improvement, expansion and retention.
- (v) To the extent achievable, encourage participation of all zone businesses and qualified businesses for the benefits available in the Enterprise Zone Program.
- (vi) Encourage coordinated efforts and zone area activities, including public and private initiatives, between and among Enterprise Zone residents, businesses, community organizations, church and civic groups, local, state and federal agencies towards achieving the highest level of participation of all interests in the Enterprise Zone Program.
- (vii) Maintain a list of minority contractors and assist developers and expanding businesses in securing bid proposals from minority contractors and complying with equal employment opportunity requirements.

(b) Enterprise Zone Development Plan (EZDP) administration.

- (i) Implement and administer the Enterprise Zone Development mission and Zone Development Plan in close cooperation with the Mayor and Township Council.
- (ii) Make recommendations to the Mayor and Township Council regarding participation of zone businesses in zone programs based on business eligibility and needs.
- (iii) Execute the policy and directives of the Township Council, acting as Zone Development Corporation, in the provision of assistance to qualified businesses in the zone.
- (iv) Prepare periodic reports and provide supporting documentation to state agencies as may be required by the New Jersey Enterprise Zone Authority.
- (v) Maximize the implementation of zone plans and zone benefits for the duration of the zone designation.
- (vi) Convene meetings of the Township Council, in its capacity as Enterprise Zone Development Corporation, and report to it on all areas of operation and activities engaged in by the Coordinator.

(c) Regulatory advocacy and assistance to businesses.

- (i) Assist Enterprise Zone qualified businesses in the processing of planning and zoning applications as may be required to implement the zone development plan and effectuate Urban Enterprise Zone (UEZ) goals and objectives.
- (ii) Work with the Planning Board and Zoning Board of Adjustment in the evaluation of zone development regulations and identification of

procedures and areas of concern requiring modification, where possible, which serve as barriers to investment and job creation.

(d) Jobs Bulletin EZDP Referral Service Employment Program/on-the-job training employee education and outreach.

(i) Maintain jobs referral lists and help coordinate the placement of underemployed, unemployed and persons receiving public assistance in qualified zone businesses.

(ii) Coordinate job training and worker education resources of various agencies and foster linkage of the resources to existing and potential employment situations and opportunities in the Enterprise Zone.

(e) Public relations long-range planning.

(i) Conduct public relations and outreach activities and other EZDP efforts to attract and secure public and private investment for business and job creation in the Enterprise Zone.

(ii) Coordinate the needs of the business community, Enterprise Zone Neighborhood Association, municipal services, etc., in conjunction with the Enterprise Zone Development Plan objectives.

(4) Compensation. The Urban Enterprise Zone Coordinator shall be paid within the range established by the Township's salary ordinance.

G. Regional Contribution Agreement (RCA) Program.

The RCA Program shall be assigned within the Department of Community Development. The Director of Community Development shall serve as Municipal Housing Liaison (MHL)/Regional Contribution Agreement (RCA) Administrator and shall be the employee responsible for oversight and administration of the affordable housing program for the Township of Pemberton and any RCA it enters into, and shall have such further duties as prescribed by general law and ordinance.

H. Coordination; Liaisons.

The Director of the Department of Community Development shall coordinate with the Planning Board, Zoning Board of Adjustment, and the Environmental Commission. In addition, the Director may be assigned to serve as a liaison to the Citizens Advisory Board for the Enforcement of the Property Maintenance Code.

15. Section 3-26, under Article VIII. Other Departments, is hereby amended in its entirety, as follows:

**Section 3-26. Police Department.**

A. Department established. There shall be established within the Township of Pemberton a Police Department created pursuant to the provisions of N.J.S.A. 40:69A-31 et seq., N.J.S.A. 40A:14-118 et seq., and as set forth in Chapter 41 of the Code of the Township of Pemberton and any amendments thereto.

16. Section 3-32 entitled 'Local Assistance Board' is hereby repealed and deleted in its entirety.

17. Section 3-34 is hereby amended as follows:

**Section 3-34. Department of Recreation and Senior Services.**

A. Department established; Director. There shall be a Department of Recreation and Senior Services, the head of which shall be the Director of Recreation and Senior Services. The Director of Recreation and Senior Services shall be appointed by the Mayor with the advice and consent of the Township Council.

B. Powers and duties. The Director of Recreation and Senior Services shall be responsible for, and shall devote full time and attention to the proper and efficient conduct of all recreation and senior service programs and activities in the municipal government, and under the direction and supervision of the Mayor, shall direct and supervise the work of the department. The Director shall:

- (1) Plan, promote and implement comprehensive recreation programs including the public relations and advertising needs of the Department.
- (2) Plan, organize and direct all park and recreation programs, services and facilities and develop organizational structures for all seasonal staff and volunteers, including planning, developing and promoting programs and activities designed for participation by senior citizens and other special interest groups.
- (3) Develop, recommend, and oversee the Department's annual operating budget; request the expenditure of same, and maintain records and reports relating to all expenditures.
- (4) Develop a working relationship with the Superintendent of Public Works and Supervisor of Buildings and Grounds to coordinate short- and long-term planning for the maintenance and operation of all Township parks, recreational facilities and equipment.
- (5) Develop a working relationship with the Chief of Police to ensure the protection of all township recreational facilities.
- (6) Encourage and maintain cooperative planning and working relationships with local community groups, businesses and governmental agencies.
- (7) Assess the performance of the Department; evaluate the performance of personnel; recommend policies and procedures to improve the effectiveness and efficiency of the recreation and senior services provided to the residents of Pemberton Township.
- (8) Identify, research and write grant applications relating to the Township's Recreation and Senior Services Program.
- (9) Provide the Administration with a monthly report of all Recreation and Senior Services in Pemberton Township.

C. Qualifications. The qualifications necessary for a person to be appointed to the position of Director of Recreation and Senior Services shall be as follows:

(1) Education:

(a) Graduation from an accredited college or university with a bachelor's degree.

(b) Applicants who do not meet the educational requirement may substitute additional work experience as described below, on the basis of one year of such experience being equal to 30 semester hour credits.

(2) Experience:

(a) Two years of experience in recreation work involving the planning, promotion, development, and supervision of recreation programs;

(b) A specific bachelor's degree in recreation or in park and recreation management from an accredited college or university may be substituted for one year of experience.

© Possession of a master's degree in recreation or in parks and recreation management from an accredited college or university may be substituted for one year of the above-required work experience.

18. Section 3-35 is hereby amended as follows:

**Section 3-35. Office established.**

There is hereby created within the Township of Pemberton the position of "Township Public Defender" pursuant to N.J.S.A.2B:24-1 et seq. The Council shall appoint an attorney licensed to practice law in the State of New Jersey to serve as Public Defender for the Township of Pemberton for a one-year term and/or until his or her successor is appointed and qualified. Said appointment shall be made pursuant to a professional services contract as set forth in section 3-38 below. The Township Public Defender shall represent those individuals who apply and qualify for representation and are determined by the Municipal Court Judge to be entitled to representation by the Public Defender.

19. Section 3-36 is hereby amended as follows:

**Section 3-36. Application fee.**

Any person applying for representation by the Township's Public Defender shall first pay an application fee of \$200 for said representation. The Municipal Judge may, in the Judge's discretion, and based upon evidence submitted to the Municipal Judge, waive said application fee, in full or in part, if the Judge determines that the application fee represents an unreasonable burden on the person seeking such representation.

20. Section 3-38 is hereby amended as follows:

**Section 3-38. Process for award of professional services contracts.**

No professional services contracts, as that term is used in the Local Public Contracts Law, shall be awarded after the date of the adoption of this article, unless the following competitive, quality-based, fair and open process is followed:

A. Professional services shall be awarded by virtue of a combined publicly advertised request for qualifications ("RFQ") and request for proposals ("RFP") which will be issued as one document for those appointments which are made on an annual basis, such as, but not limited to, the positions of: Township Attorney, Special Counsel for Labor Law, Special Counsel for Worker's Compensation Law, Special Counsel for Tax Appeals, Special Counsel for specific litigation matters, Township Engineer, Township Auditor, Prosecutor/Alternate Prosecutor, Public Defender/Alternate Public Defender, Conflicts Municipal Court Judge, Special Projects Engineer, Township Planner, Risk Management Consultant, and such similar statutory and/or ordinance public positions.

B. For said positions, no contract shall be awarded unless and until the positions are:

(1) Advertised on the official Township Website in sufficient time to give notice in advance of the solicitation for the contracts;

(2) Awarded under a process that provides for public solicitation of proposals and qualifications;

(3) Awarded and disclosed under criteria established in writing by the Township of Pemberton prior to the solicitation of proposals or qualifications; and

(4) Publicly announced when awarded; and as to those RFQs and RFPs which do not receive response, the Municipal Clerk shall retain a copy of same on file for a period of not less than 60 days.

C. For contracts which arise on an occasional basis, such as appraisals needed for the acquisition of farmland and/or open space, as well as title searches, surveying and similar work associated with same, and similar projects of this type, professional services shall be awarded only after receipt of publicly advertised RFQs, and after which a limited number of the best qualified vendors would be identified, and the proposals would then be solicited there from and the contract awarded in accordance with the process set forth above.

D. Emergency contracts. Notwithstanding the foregoing, any contract may be negotiated or awarded without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services provided that the contract is made pursuant to the requirements set forth in the Local Public Contracts Law at N.J.S.A. 40A:11-6 and rules and regulation promulgated by the Division of Local Government Services of the NJ Department of Community Affairs.

21. Section 3-39 is hereby repealed and deleted in its entirety.

22. Section 3-40 is hereby repealed and deleted in its entirety.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

**PEMBERTON TOWNSHIP COUNCIL**

**TOWNSHIP OF PEMBERTON  
ORDINANCE NO. 13 –2014**

**NOTICE OF PUBLIC HEARING**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
AMENDING CHAPTER 3 OF THE CODE OF THE  
TOWNSHIP OF PEMBERTON, ALSO KNOWN AS THE  
PEMBERTON ADMINISTRATIVE CODE**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on October 15, 2014 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on November 5, 2014 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST: *Amy P. Cosnoski*  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 13 – 2014**

**NOTICE OF FINAL PASSAGE**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
AMENDING CHAPTER 3 OF THE CODE OF THE  
TOWNSHIP OF PEMBERTON, ALSO KNOWN AS THE  
PEMBERTON ADMINISTRATIVE CODE**

Notice is hereby given that Ordinance No. 13 – 2014 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on November 5, 2014. Said Ordinance shall take effect in accordance with law.

ATTEST: *Amy P. Cosnoski*  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR *David A. Patriarca*  
David A. Patriarca

DATE: October 6, 2014

ATTEST: *Amy P. Cosnoski*  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

