

CHAPTER 2

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ARTICLE 1. IN GENERAL.

Sec. 2.1-1. DEFINITIONS. - The following definitions shall apply to this Article:

- A. **"FULL TIME EMPLOYEES"** shall mean persons employed by the Township who work at least 35 hours per week.
- B. **"PART TIME EMPLOYEES"** shall mean persons employed by the Township who work less than 35 hours per week.
- C. **"SEASONAL EMPLOYEES"** shall mean persons employed by the Township to perform work related to the change of seasons such as cutting grass in the summer, painting curbs in the summer, picking up leaves in the fall, and other such activities, which employees shall be limited to a period of employment of not more than six months during any twelve-month period.
- D. **"ELECTED OFFICIALS"** shall mean those individuals who hold office as a result of the provisions of Title 19 of New Jersey Statutes.
- E. **"PROFESSIONAL SERVICES APPOINTEES OR EMPLOYEES"** shall mean those persons appointed in accordance with NJSA 40A:11- 5(1) (a) (i) (including but not limited to the Township Solicitor, the Township Engineer, the Township Municipal Court Judge, the Township Prosecutor, the Township Public Defender, Solicitors for any municipal board, and special counsel hired on an ad hoc basis).

Sec. 2.1-2. EMPLOYEES NOT COVERED BY THIS ARTICLE.

This Article shall not apply to professional services appointees or employees subject to the provisions of a collective bargaining agreement.

Sec. 2.1-3 ADOPTION OF A PERSONNEL POLICY MANUAL

The Township Committee may adopt a Personnel Policy Manual by Resolution, which manual thereafter may be amended, from time to time, by the Township Committee as they deem appropriate. In the event a conflict arises between the Ordinances and the Personnel Policy Manual, the Ordinance will prevail.

Sec. 2.1-4. VACATIONS - FULL TIME EMPLOYEES.

Full time employees of the Township shall be granted vacations with compensation based upon their time of service as follows:

- A. Full time employees with at least 1 year's service, but not more than 5 years' service, shall be granted a vacation of 2 weeks.
- B. Full time employees with at least 5 years' service, but not more than 10 years' service, shall be granted a vacation of 3 weeks.
- C. Full time employees with at least 10 years' service, but not more than 20 years' service, shall be granted a vacation of 4 weeks.
- D. Full time employees with at least 20 years' service, but not more than 25 years' service, shall be granted a vacation of 5 weeks.
- E. Full-time employees with more than 25 years' service shall be granted a vacation of 6 weeks.

Sec. 2.1-5. BENEFITS – PART-TIME OR SEASONAL EMPLOYEES.

Part time or seasonal employees of the Township shall not be entitled to any of the benefits set forth in this Chapter.

Sec. 2.1-6 VACATION SCHEDULE.

The vacations provided for in Sec. 2.1-4 shall be scheduled at the discretion of the person in charge of the department of such employees, and due regard shall be given to the number of persons upon vacation from such department at any particular time.

Sec. 2.1-7. RETIREMENT BENEFITS.

- A. **YEARLY BENEFIT FOR CONTINUOUS EMPLOYMENT:** Full-time employees having been employed by the Township for not less than 10 years, upon retirement from such employment, shall be entitled to receive a retirement benefit calculated in the sum of \$10.00 for each year of continuous employment.
- B. **UNCLAIMED SICK PAY:** In addition to the above benefit, such person shall be further entitled to receive up to thirty-five (35) days of unused or unclaimed sick pay benefit, such benefit to be calculated at the daily rate of pay in effect at the time of retirement. This benefit shall not be paid to any person hired by the Township of Pennsville subsequent to May 14, 1996, unless such benefit is specifically provided in a negotiated labor contract.
- C. **RETIREMENT BENEFITS:**
 - 1. Employees hired on or before April 5, 2000 – Employees having been employed by the Township at a primary and full time employment for not less than ten (10) years shall be entitled, upon retirement, to have maintained in their name a term life insurance policy and medical insurance coverage under the Township’s group health insurance policies maintained for other employees and covered in such limits as maintained by the Township as it, in its sole discretion, shall from time to time determine.
 - 2. Employees who are hired on or after April 6, 2000 – Employees who have retired on a disability pension, or have retired after twenty-five (25) years of service, and who have reached the age of 62 years, shall be entitled to term life insurance, health insurance and a dental plan under the Township’s group policies maintained for other Township employees, with the same or similar limits in coverages provided the retiree continues the same co-pay as may, from time to time, be paid by active employees at the same rate and frequency. The benefits enumerated in Section 2.1-7 A. through F. shall be retroactive to March 1, 2000. When a retiree becomes eligible for Medicare, he/she shall promptly notify the Township, at that time the Township health insurance shall become secondary. Years of service shall be determined in accordance with the provisions of NJSA 40A:10-23.
- D. **NOTICE:** To process such benefit, the person in charge of the department employee shall notify the Township Chief Financial Officer at least one month prior to the time of retirement and the Chief Financial Officer shall notify the Township Committee not later than two weeks prior to such retirement.
- E. Professional services appointees or employees shall not be entitled to the benefits as set forth in this section.

- F. Members of the Township of Pennsville Police Department upon retirement shall be permitted to retain possession of their service weapon upon presentation of proof that they have complied with State Law dealing with the transfer of such weapons.

Sec. 2.1-8 HEALTH INSURANCE COVERAGE – ELIGIBILITY – CONTRIBUTION TOWARD COST OF COVERAGE

- A. **Eligible Employees:** Full-time employees shall be entitled to receive health insurance coverage under a policy of insurance to be provided by the Township, subject to the provisions of Paragraph (D) below.
- B. **Part-Time Employees:** Persons performing part time services shall not be entitled to any benefits enumerated in this Ordinance unless such benefit is specifically approved by a Township Resolution.
- C. **Professional service appointees:** Professional service appointees or employees shall not be entitled to any benefits enumerated by this Ordinance unless such benefits are specifically approved by resolution of the Township Committee and made a part of their written contract.
- D. **Contribution Toward Coverage:**
 - 1. **Non-union Employees:** All non-union Township employees (employees not party to a collective bargaining agreement) shall contribute not less than 1.5%, as determined by the Township Committee from time to time, of their base salary toward the cost of their health care coverage provided to them by the Township of Pennsville commencing on June 1, 2010.
 - 2. **Union Employees:** Union employees shall contribute not less than 1.5% of their base salary toward the costs of their health care coverage provided to them by the Township of Pennsville effective not sooner than June 1, 2010, and not later than the expiration of their current contract.
- E. **Method of Payment:** The contribution required by Section D above shall be withheld from the employees' pay by the Township Chief Financial Officer.

Sec. 2.1-9 DEFINED CONTRIBUTION RETIREMENT PROGRAM

A. **Eligibility:** Pursuant to NJS 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

1. Township Committee Persons elected after July 1, 2007
2. Township Administrator

B. **Exemptions:** Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to NJS 43:15C-2:

1. Certified Health Officer
2. Tax Collector
3. Chief Financial Officer
4. Construction Code Official
5. Tax Assessor
6. Municipal Planner
7. Registered Municipal Clerk
8. Licensed Uniform Subcode Inspectors
9. Principal Public Works Manager

C. If an individual is appointed to one of the positions listed in Sec. A, and the individual is not serving in a position as described in Sec. B above, the Pension Certifying Officer of the Township may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual:

1. Was an active participant in the Public Employee Retirement System on July 1, 2007, and continuously since that time; or
2. Has been appointed pursuant to a valid promotional process; or
3. Is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification, and is in pursuit of the required certification; or

- 4. Meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits
- D. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (NJSA 43:15C-1, et seq) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

Sec. 2.1-10 LONGEVITY PAY

- A. Full-time employees hired prior to January 1, 1997 shall be entitled to receive longevity pay according to the following schedule:

Accrued service of 2-5 calendar years	2% of current base salary
Accrued service of 6-10 calendar years	3% of current base salary
Accrued service of 11 or more calendar years	3.5% of current base salary
- B. Any employee hired subsequent to January 1, 1997 but prior to January 1, 2011, shall receive longevity pay according to the following schedule:

Accrued service of 5 calendar years	2% of current base salary
Accrued service of 10 calendar years	2% of current base salary
Accrued service of 22 or more calendar years	2% of current base salary
- C. Any employee hired subsequent to January 1, 2011 shall not be entitled to longevity pay.
- D. Township Committee members holding office shall be entitled to receive one hundred (\$100.00) dollars for each calendar year of accumulated (including prior years) service as such Township Committee member.

Sec. 2.1-11. FREQUENCY OF PAYMENT DEDUCTION.

Payment under and in accordance with Section 2.1-10 A. shall be payable in November and annually thereafter, and be made subject to deduction for applicable taxes.

Payment under and in accordance with Section 2.1-10 B shall be payable on the anniversary date of hire, and then as provided in Subsection B aforesaid.

ARTICLE 2 **DEFENSE AND INDEMNIFICATION OF TOWNSHIP OFFICIALS,
OFFICERS AND EMPLOYEES.**

Sec. 2.2-1 **FINDINGS**

The Township Committee has determined that from time to time Township officers and/or employees are alleged to have infringed upon the rights of others. The Township will attempt to continue to provide insurance coverage for such claims. The Township Committee is aware that such insurance policies have high deductible amounts and/or that judgments could be returned in excess of policy limits; therefore it is the intention of the Township Committee to protect Township officers and employees who carry out their duties honestly and with due diligence. NJSA 59:10-1, et seq., authorizes a Township to provide for the defense and indemnification of municipal officials, officers and employees.

Sec. 2.2-2 **DEFINITIONS**

As used in this section:

- A. Employee shall mean any official, officer, member of a board, agency or Commission of the Township or employee who is authorized by the Township to perform any act or service. Independent contractors are specifically excluded from this definition.

Sec. 2.2-3 **DEFENSE AND INDEMNIFICATION**

- A. Provided by the Township. The Township shall provide a defense and indemnify their officials, officers and employees against those claims not covered by one (1) or more policies of insurance.
- B. Defense of Actions. The Township of Pennsville shall provide for the defense of any action brought against any employee on account of any action or omission performed within the scope of his or her employment. This obligation shall extend to all cross claims and counterclaims against such employee.
- C. Indemnification. In any case where the Township is required to provide defense under this section, the Township shall pay or shall reimburse the employee for:
 - 1. Any bona fide settlement agreement entered into on behalf of the employee;
 - 2. The amount of any judgment along with costs entered against the employee;
 - 3. Compensatory and punitive damages resulting from the employee's violation of State or Federal law if the Township Committee finds that the acts

committed by the employee upon which the damages are based did not constitute the commission of a crime, actual fraud, actual malice, willful misconduct or an intentional act.

Sec. 2.2-4 APPLICABILITY OF THIS SECTION

- A. The act or omission was within the scope of the officer's or employee's Township duties;
- B. The act or omission was not a result of the commission of a crime, actual fraud, willful misconduct, or actual malice on the part of the employee;
- C. The act or omission does not involve any action brought about by the Township against one (1) of its employees.
- D. The defense of the action or proceeding is not provided for by an insurance policy or policies which may cover the incident or incidents in question;
- E. The employee gives notice to the Municipal Clerk within twenty (20) days of being serviced with legal process; and
- F. The employee cooperates fully with the Township in his or her defense.

Sec. 2.2-5 EXCEPTIONS

This section will not apply if the employee failed to give notice to the Municipal Clerk within twenty (20) days of being serviced with legal process.

Sec. 2.2-6 METHODS OF DEFENSE

The Township may provide any defense required of it under this section through the office of the Township Solicitor or by retaining independent counsel. The Township, through counsel, shall assume exclusive control over the representation of the employee, and such employee shall cooperate fully with designated attorney.

ARTICLE 3. **METHOD OF PAYMENT OF COMPENSATION FOR TOWNSHIP OFFICERS AND EMPLOYEES.**

Sec. 2.3-1. **MONTHLY VOUCHER PRESENTED BY CHIEF FINANCIAL OFFICER.**

The Chief Financial Officer of the Township shall present monthly to the Township Committee for its approval, a voucher drawn to the order of the Township of Pennsville Payroll Account, as follows:

- A. In advance for all employees whose salaries are on an annual or weekly basis when such salaries are due and payable prior to the next regular meeting of the Township Committee.

- B. In advance for all employees whose compensation is on an hourly basis when the compensation has been approved by some responsible, designated official and the Chairman of the appropriate committee and has been certified to the Township Chief Financial Officer.

Sec. 2.3-2. **DESIGNATION OF PAYROLL ACCOUNT.**

At the first meeting of the Township Committee in January of each year, there shall be approved an account to be designated the "Township of Pennsville Payroll Account", and from time to time the Chief Financial Officer, upon the receipt of an approved voucher for the amount due each payroll account, shall deposit the same to the credit of the payroll account, charging the appropriate budgetary accounts therewith.

Sec. 2.3-3. **WITHDRAWALS FROM PAYROLL ACCOUNT.**

The Chief Financial Officer shall thereafter draw checks on said payroll account to the employees entitled to payment therefrom.

Sec. 2.3-4. **SUBMISSION OF PAYROLLS.**

At each regular meeting of the Township Committee, the Township Chief Financial Officer shall submit for the approval or ratification, as the case may be, the necessary payrolls for the amount due the several officers and employees for compensation. The payroll shall be considered by the governing body in due course, and approved, if found to be correct.

Sec. 2.3-5. DUTY OF CHIEF FINANCIAL OFFICER TO CORRECT ERROR OR MAKE ADJUSTMENT.

In case of error or adjustment in the payroll, the Chief Financial Officer shall and it shall be his duty to see that such error or adjustment shall be properly corrected and appropriate record made thereof.

Sec. 2.3-6. AUTHORITY TO SIGN VOUCHERS; PROCEDURE.

Such officers as may be designated by the Township Committee are hereby authorized to sign vouchers drawn in favor of the payroll account upon due notice that the appropriate payrolls have been approved by the proper committee, and the proper certifying authorities, which certifying authorities and committee shall have been designated by resolution.

**For salary grades and ranges, wages, compensation, and fees of all officers and employees for the Township, see annual salary ordinance of the Township or the various bargaining unit contracts. Such contracts are not included in these Revised Ordinances, but are saved from repeal. The Current Salary Ordinance is included in the Miscellaneous Ordinances Chapter. Original copies of past, present and any amendments are on file in the Township Clerk's Office.*

ARTICLE 4 **TOWNSHIP COMMITTEE**

Sec. 2.4-1 **LEGISLATIVE POWER**

All legislative power of the Township, except in matters of health, shall be exercised by the Township Committee pursuant to law, and in matters of health by the Board of Health.

Sec. 2.4-2 **ORGANIZATION OF THE TOWNSHIP COMMITTEE**

The Township Committee shall organize annually during the first week in January, at which time it shall elect a Chairman from among its members with the title of Mayor. The Mayor shall preside at meetings of the Township Committee and perform such other duties as the Township Committee may prescribe. The Mayor shall have the right to debate and vote on all questions before the Township Committee. The Township Committee shall also elect a Vice Chairman of the Township Committee, who shall have all of the powers and duties of the Chairman in the latter's absence or disability and shall serve and be known as Acting Mayor.

Sec. 2.4-3 **POWERS OF THE MAYOR**

The Mayor shall sign and execute documents and agreements on behalf of the Township and shall have the power to make proclamations concerning holidays and events of interest to the Township. The Mayor shall exercise the ceremonial power of the Township and every other power usually exercised by Township Mayors as conferred by law.

Sec. 2.4-4 **MEETINGS OF THE TOWNSHIP COMMITTEE**

A. *Regular Meetings.* The Township Committee shall reorganize annually on the first day of January of each year. The Township Committee shall meet regularly thereafter four times each month, with two of the meetings being designated as workshops. The meetings will take place on the first and third Thursday, with the workshop meetings to take place on the preceding Tuesday. All meetings shall commence at 7 pm, with the exception of the second Tuesday workshop meeting which shall begin at 6:30pm. When any regular meeting of the Township Committee falls on a legal holiday as prescribed by law, such meetings shall be held at the call of the Chairman in conjunction with the notice requirements of the Open Public Meetings Act.

B. *Special Meetings.* A special meeting may be called at any time upon request to the Municipal Clerk of a majority of the members of the Township Committee or by the Mayor. The request and call for a special meeting shall specify the purpose of the meeting and no business shall be transacted at any special meeting other than that specified. The call for a special meeting shall be filed with the Municipal Clerk and shall be served upon each Township Committee member as hereinafter provided at least forty-eight (48) hours prior to the time for which the meeting is called, provided that the Mayor may determine that an emergency exists affecting the health or safety of the people which requires consideration by the Township Committee within a shorter time and, upon such determination which the Mayor shall set forth in the call, the call may be filed with the Clerk at any time prior to the time set for the meetings. Upon the filing of any call for a special meeting, subject to the requirement of the Sunshine Law, the Municipal Clerk shall forthwith give notice thereof by telephone and/or written notice to each Township Committee member. Upon waiver of notice by all members of the Township Committee, a special meeting may be held without prior notice notwithstanding the above provisions of this section.

Sec. 2.4-5 MEETINGS; RULES OF THE TOWNSHIP COMMITTEE

All regular and special meetings of the Township Committee shall be open to the public. The rules of procedure to be followed and rules for the consideration of nominations submitted by the Mayor and for the conduct of other business of the Township Committee shall be as provided by resolution. Robert's Rules of Order shall otherwise prevail.

Sec. 2.4-6 TOWNSHIP COMMITTEE EXECUTIVE SESSIONS

Subject to the provisions of "The Open Public Meeting Act," the Township Committee may meet at any time in executive session for the discussion of any Township Business or to meet with any officer or employee of the Township or any other person on Township business or to meet with any officer or employee of the Township or any other person on Township business. No persons other than those specifically invited by the Township Committee shall be authorized to participate in any such executive session. No official actions shall be taken during any executive session.

Sec. 2.4-7 QUORUM

A majority of the whole number of members of the Township Committee shall constitute a quorum. If a quorum is not present for any meeting, the Municipal Clerk may declare that a quorum does not exist for a meeting. A majority of a quorum can act except in specified instances under the statutes where a percentage of the entire Township Committee is required, i.e., to override the Planning Board or to pass a bond ordinance.

Sec. 2.4-8 ROLL CALL VOTES; MINUTES

The vote upon every ordinance, and upon every motion or resolution when requested, shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the Municipal Clerk.

Sec. 2.4-9 ORDINANCES

All ordinances shall be introduced, read, heard and enacted in the manner provided by general law.

Sec. 2.4-10 ORDINANCE BOOK

The ordinance book shall be signed by the Mayor and the Municipal Clerk.

ARTICLE 5. OFFICERS AND EMPLOYEES

Section 2.5-1 MUNICIPAL CLERK

Pursuant to NJSA 40A:9-133 et seq., the Township of Pennsville hereby creates the office of the Municipal Clerk.

- A. **Appointment; Term:** The Municipal Clerk is appointed by the Township Committee. The term of office of the Municipal Clerk shall be three (3) years except if the Clerk is tenured pursuant to N.J.S.A 40A:9-133.7.

- B. **Qualifications:** No person shall be appointed as Municipal Clerk unless he/she shall have a Registered Municipal Clerk Certificate, issued pursuant to NJSA 40A:9-133 et seq.

- C. **Compensation:** The Municipal Clerk shall receive compensation as established in the Salary Ordinance.

- D. **Powers and Duties:** The Municipal Clerk shall:
 - 1. Have such powers, duties and obligations as provided by statutes and the rules and regulations promulgated by the Township Committee. The Municipal Clerk shall report directly to the Township Mayor or his designated representative;

 - 2. Act as secretary of the municipal corporation and custodian of the municipal seal and of all minutes, books, deeds, bonds, contracts and archival records of the municipal corporation. The Township Committee may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record;

 - 3. Act as secretary to the Township Committee, prepare meeting agendas at the discretion of the Township Committee, be present at all meetings of the Committee, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances and resolutions, and record the minutes of every meeting;

 - 4. Serve as the chief administrative officer in all elections held in the Township, subject to the requirements of Title 19 of the New Jersey Statutes Annotated;

 - 5. Serve as chief registrar of voters in the Township, subject to the requirements of Title 19 of the New Jersey Statutes Annotated;

6. Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or ordinance has delegated that responsibility to some other Township officer;
7. Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the New Jersey Statutes Annotated;
8. Perform such other duties as are now or hereafter imposed by Statute, regulation or by ordinance or regulation.

Sec. 2.5-2 DEPUTY MUNICIPAL CLERK

In compliance with NJSA 40A:9-135, there is hereby created the office of Deputy Municipal Clerk.

- A. **Term of Office; Probationary Period; Appointment:** The term of office of the Deputy Municipal Clerk shall be a period not to exceed three (3) years which shall include an initial ninety (90) day probationary period.
- B. **Duties:** The duties and responsibilities of the Deputy Municipal Clerk shall be those set forth in NJSA 40A:9-135, together with any other duty assigned by the Municipal Clerk, Township Administrator or Township Committee as required by any ordinance of the Township and such rules and regulations as may be promulgated by the Township Committee.
- C. **Compensation:** The Deputy Municipal Clerk of the Township of Pennsville shall receive compensation as provided for, from time to time, by the Township salary ordinance.
- D. **Filling of Vacancies:** In the event that the Office of the Deputy Municipal Clerk shall become vacant during the term, the position shall be filled for the duration of the term by the appointment of the Township Committee.
- E. **Duties in the absence of Municipal Clerk:** During the absence or disability of the Municipal Clerk, the Deputy Municipal Clerk shall have all powers of the Municipal Clerk and shall perform the functions and duties of such office.

Sec. 2.5-3

TOWNSHIP ADMINISTRATOR

The position of Township Administrator is hereby created, and the employment of a person to fill the position on a temporary or permanent basis is hereby authorized.

- A. **Appointment of the Township Administrator:** The Township Administrator shall be appointed by the Mayor with the advice and consent of the Township Committee.

- B. **Term of Office:** The term of office of the Township Administrator shall be at the pleasure of the Mayor and members of the Township Committee.

- C. **Removal of the Township Administrator:** The Township Administrator may be removed by a two-thirds vote of the Township Committee. The resolution of removal shall become effective three months after its adoption by the governing body. The governing body may provide that the resolution shall have immediate effect, provided however that the governing body shall cause to be paid to the Administrator forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the resolution.

- D. **Compensation of Township Administrator:** The Township Administrator shall be paid in accordance with the provisions of the Township's salary ordinance.

- E. **Full-Time Position / Holding of other Offices:** the Township Administrator shall devote full time to the duties of the office except that nothing herein shall prevent the Township Administrator from also holding other positions within the Township, or with other Municipalities, so long as the other positions do not interfere with the Administrator's duties as set forth herein below.

- F. **Qualifications:** The Township Administrator shall be chosen on a basis of executive and administrative abilities and qualifications with special regard given to education, training and experience in government affairs.

- G. **Duties and Responsibilities:** The Township Administrator shall act as the chief administrative officer of the Township. His [Note: As used herein, “his” or “he” shall also mean “her” or “she”.] duties shall include the development of rules and regulations for administrative procedures governing operation of all departments, and the personnel management and general coordination of departments, offices, boards and agencies of the Township, all for the purpose of increasing the effectiveness and efficiency of the Township government and of promoting its economic operation. All rules and regulations promulgated by the Township Administrator shall be subject to approval by a majority vote of the Township Committee. The Township Administrator shall perform the duties hereinafter enumerated and such other duties as may be assigned to him/her by the Mayor with the consent of the Township Committee.
1. He/she shall act as the chief administrator of the Township government and, as such, will supervise all salaried personnel of the Township, except the Township Clerk, through the respective department heads unless otherwise provided for by law or by this article.
 2. He/she shall coordinate the functions of all departments, boards, agencies, offices, officials and employees of the Township and maintain liaison with the Board of Education and the Township of Pennsville.
 3. He/she shall assure that the Chief Financial Officer shall collect all data and prepare a proposed budget for consideration by the Mayor and Committee, annually, on or before December 15 of each year, after obtaining requests for appropriations from all departments of the Township and consulting with the department heads. Said proposed budget shall be accompanied by the proper supplemental detail in support of the proposed budget appropriation, with a comparison of the prior year’s expenditure and an analysis of the proposed expenditures with recommendations regarding the feasibility thereof. Upon adoption of the budget, current accounts of the expenditures made shall be kept on a monthly basis, based upon the supplemental detail of the adopted budget.
 4. He/she shall require the various departments of the Township to furnish annually an adequate inventory of all equipment, materials and supplies in stock and to recommend the sale of any surplus, obsolete equipment, materials and supplies.

5. He/she shall cause to be prepared, and shall have custody of, all municipal records not required by law to be kept by another officer of the Township and shall establish and ensure the maintenance of a coordinated filing system for all Township Departments, offices, boards and agencies.
6. He/she shall keep the Mayor and Township Committee currently informed on all matters within his jurisdiction by submitting such reports as he/she deems advisable or as requested by the Mayor and Committee and shall prepare and present to the Mayor and Township Committee an annual report on Township matters and shall make such other reports as from time to time the Mayor and Township may require.
7. He/she shall advise the Mayor and Township Committee on all matters of administration, organization and personnel and shall assign office personnel to the performance of various departments. He/she shall study, recommend, implement and enforce personnel organization and policy of the Township and shall implement vacation policy as established by the Township Committee for all departments, except as otherwise provided by statute for the Police and Fire Departments.
8. He/she shall study, recommend, implement and enforce procedures and policy of the Township and its departments for receipt, dissemination and collation of, and responses to, communications and requests for information, after consultation with department heads,, and shall receive, distribute and follow up on requests for information and complaints from citizens and shall keep the Mayor and Committee informed on such matters.
9. He/she shall attend all meetings of the Mayor and Township Committee unless excused by that body.
10. He/she shall give advice to the Township Committee on background information in all matters it requests as an aid to the establishment of policy or legislation.
11. He/she shall follow up on matters of interest to the governing body and shall bring them to a conclusion under its direction.
12. He/she shall make recommendations to the governing body on legislation concerned with the health, safety and welfare of the community.

13. The Township Administrator shall be responsible to recommend to the governing body the selection, discipline or removal of department heads, as well as the recommendation of the employment of department heads; however, the Mayor and Township Committee shall make the final determination in these matters.
14. He/she shall investigate, at any time, the affairs of any department of the Township of Pennsville and shall report any and all finding to the Mayor and Township Committee.
15. He/she shall see that all terms and conditions imposed in favor of the Township or its inhabitants in any statute or public utility franchise or other contract are faithfully kept and performed and, upon knowledge of any violation, shall call the same to the attention of the Township Committee.
16. He/she shall study the governmental and administrative operations and needs of the Township government and shall prepare and recommend to the Township Committee, for adoption, such plans, programs and measures as he/she may deem necessary or expedient to meet any present and foreseeable needs.
17. He/she shall perform such other duties as may be required and prescribed from time to time by the Mayor and Township Committee.
18. He/she, with the Assistance of the Chief Financial Officer, shall oversee and file applications fro grants to obtain funding for maintaining and furthering the good and welfare of the Township.

Sec. 2.5-4 CHIEF FINANCIAL OFFICER

There is hereby established in the Township the position of Chief Financial Officer pursuant to the provisions of NJSA 40A:9-140.1 et seq.

1. **Qualification:** The person to be appointed to the position of Chief Financial Officer shall be a Certified Municipal Finance Officer as provided by law.
2. **Term:** The Chief Financial Officer shall be appointed by the Township Committee for a term of four (4) years from January 1 in the year of appointment until a successor has been appointed and has qualified.

3. Powers and Duties:

1. The Chief Financial Officer shall be:
 - (a) The custodian of financial records for the Township.
 - (b) Responsible for all accounting procedures.
 - (c) Responsible for accounts payable.
 - (d) Responsible for the preparation of the payroll.
 - (e) Responsible for such other duties as are associated with the office and as are prescribed by the applicable statutes, regulations and ordinances.
2. The Chief Financial Officer shall:
 - (a) Receive funds entrusted, received or under the control of any Township officer or employee or of any department and deposit all funds received by him or her in depositories authorized by the Township Committee by resolution.
 - (b) Have custody of all investments and invested funds of the Township or in possession of the Township in a fiduciary capacity except as otherwise provided by law, and keep such funds and all moneys of the Township not required for current operations safely invested or deposited in interest bearing accounts.
 - (c) Have the safekeeping of all bonds and notes of the Township and the receipt and delivery of the Township bonds and notes for transfer, registration or exchange.
 - (d) Keep a full account of all cash receipts and disbursements of the Township and at least once each month, or more if the Township Committee requires, furnish the Township Committee with a statement of all moneys received and expended by him or her.
4. **Compensation:** The Chief Financial Officer of the Township shall receive the compensation as shall be established in the Salary Ordinance.

5. Tenure of Office; Qualifications; Removal:

- A. Notwithstanding the provisions of any other law to the contrary, any person who has served as a Municipal Finance Officer of the Township for five (5) consecutive years and who is reappointed as the Township's Chief Financial Officer shall be granted tenure of office upon filing with the Township Clerk and with the Director of the Division of Local Government Services in the Department of Community Affairs a notification evidencing his/her compliance with this section.
- B. Thereafter, the person shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after a public hearing upon a written complaint setting forth the charge or charges against him/her pursuant to NJSA 40A:9-140.9 or upon expiration or revocation of certification by the Director pursuant to NJSA 40A:9-140.12

Sec. 2.5-5 TAX ASSESSOR

- A. **Tax Assessor; Appointment:** The Township Committee shall provide for the appointment of a Tax Assessor.

Qualifications and Duties: The Tax Assessor shall hold the Tax Assessor's Certificate provided for in NJSA 54:1-35.25, et seq. and shall have the duty of assessing property for the purpose of general taxation. Nothing in this section shall affect adversely the salary or tenure rights acquired pursuant to NJSA 54:1-35.31 or any other law. In accordance with the provisions of NJSA 54:3-16, the Assessor, when making assessments, shall be governed by directions by the Salem County Tax Administrator. These directions shall be pursuant to rules adopted by the Salem County Tax Board.

Compensation: The Township Committee shall determine the amount of compensation for the Tax Assessor in the Salary Ordinance.

Term of Office: The Tax Assessor shall hold office for a term of four (4) years. See NJSA 54:1-35.31 for provisions for tenure for the Tax Assessor. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term

Sec. 2.5-6 TAX COLLECTOR

Appointment: Pursuant to NJSA 40A:9-141, the Township Committee shall provide for the appointment of a Tax Collector.

Qualifications: No person shall be appointed or reappointed as Tax Collector unless that person shall hold a Tax Collector's Certificate issued pursuant to NJSA 40:9-145.3. A Tax Collector appointed pursuant to this section may obtain tenure pursuant to the provisions of NJSA 40A:9-144 or 40A:0-145. Any person who shall be reappointed Tax Collector subsequent to having received a Tax Collector's Certificate pursuant to NJSA 40A:9-144.3 and having served as a Tax Collector or who has performed the duties of Tax Collector for not less than four (4) consecutive years shall have acquired tenure and shall hold his or her office during good behavior and efficiency and shall be removed only for good cause shown and after a proper hearing before the Director of the Division of Taxation or his/her designee in accordance with the provisions of NJSA 40A:9-145.8.

Term of Office: The Tax Collector shall hold office for a term of four (4) years from January 1 next following his/her appointment. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

Duties: The Tax Collector shall perform such duties as are assigned by the Township Committee.

Compensation: The Township Committee shall determine the amount of compensation for the Tax Collector in the Salary Ordinance.

Office Hours: The Township Committee shall set the office hours of the Tax Collector by duly-adopted resolution, or amendments thereto from time to time as the Committee in their full discretion shall deem appropriate.

Sec. 2.5-7 TAX COLLECTOR TRAINEE

The Township of Pennsville hereby creates the position of Tax Collector Trainee.

Appointment and Qualifications: The Tax Collector Trainee as provided for herein shall be appointed by a duly adopted resolution of the Township Committee, and such person shall possess good communication and management skills, computer proficiency, and satisfy all of the provisions of the Township's Personnel Policy Manual.

Term of Office: The term of office of the Tax Collector Trainee shall be three years, commencing on the date of appointment and ending three years thereafter.

Duties: The duties of the Tax Collector Trainee shall be set by the Township's Tax Collector, and shall be designed to prepare the individual to be able to:

1. Prepare and distribute tax bills
2. Maintain cashbook with proper credit to taxpayer for amount paid, interest and any penalties charged.

3. Monthly report of collections; tax, trash stickers, dog and cat fees.
4. Annual report of statement of receipts for preceding year.
5. Annual list of delinquent taxes believed not collectible.
6. Report delinquent listing to state for homestead rebates.
7. Maintain correct interest and penalties on delinquent taxes.
8. Maintain levy for special assessments.
9. Maintain veteran deductions
10. Maintain senior citizen deductions
11. Maintain disabled persons deductions
12. Submit yearly report to county for veterans/senior citizen's deductions.
13. Handle appeal judgments
14. Maintain bankruptcies applying payments according to plan and conferring with Township Solicitor regarding cases.
15. Conducting yearly tax sale, this includes:
 - (a) Compiling listing with name of owner, block and lot, property location, taxes, assessments and other charges and interest to date of sale.
 - (b) Give public notice of time and place of sale including description and amount due.
 - (c) Mail notice to taxpayer
 - (d) Mail newspaper publication to taxpayer.
 - (e) Post notice in five public places.
 - (f) Update list prior to next publication removing properties as payment is received.

- (g) Conduct sale on date advertised with bidding beginning at 18% through 1% through highest premium bid.
 - (h) Collect monies from bidders
 - (i) Deliver certificates of sale to successfully bidders within ten days after sale.
 - (j) Record certificates struck off to Township with the county clerk.
16. Receive payment for lien redemptions and maintain lien redemption checkbook.
 17. Mail notification of redemption to owner of certificate.
 18. Mail check to owner of certificate after receiving cancelled certificate
 19. Mail certificate to taxpayer
 20. Prepare foreclosure list for Township Solicitor including all liens held by the Township after 6 months from the date of the tax sale.
 21. In addition to billing, reporting enforcement and collection, the Tax Collector is responsible for supervision and management of the tax collection office which includes:
 - (a) Overseeing security of tax office
 - (b) Overseeing the cash handled in office
 - (i) Collect water payments, tax payments
 - (ii) Dispense trash stickers
 - (iii) Issue dog and cat licenses
 - (iv) Issue receipt for paid taxes
 - (v) Open mail
 - (vi) Receipt payments
 - (vii) Balance validation receipts for tax, sticker and animal deposits
 - (viii) Create Deposits

- (ix) Reconcile bank statement for tax lien account
- (c) Overseeing deposits of receipts within 48 hours.
- (d) Assuring police escort provided to clerk for bank deposit when necessary.
- (e) Records and storage management including submitting retention and disposal report to Division of Local Government Services
- (f) Submitting resolutions to governing body as needed
- (g) Maintain computer backups

Compensation: The Tax Collector Trainee shall be paid in accordance with the Township's salary ordinance.

Sec. 2.5-8 MUNICIPAL SUPERINTENDENT OF PUBLIC WORKS

There is hereby created the position of Municipal Superintendent of Public Works pursuant to the provisions of NJSA 40A: 154.5 et seq.

Tenure: A person holding office, position of employment as full-time municipal superintendent of public works who has held the office, position or employment continuously for five years or more shall continue to hold the office, position or employment, notwithstanding that he/she is serving for a fixed term and shall be granted tenure of office and shall continue to hold the position during good behavior and efficiency.

Removal: Any person who shall attain tenure under this Ordinance shall not be removed from said position, except for good cause, upon a public, fair and impartial hearing in accordance with the provisions of N.J.S.A 40A:9-154.6.

Compensation: Any Compensation affixed for said position shall be made pursuant to the Salary Ordinance for the Township of Pennsville.

Sec. 2.5-9 GENERAL MAINTENANCE DEPARTMENT

Creation: There is hereby created a Department to be known as the General Maintenance Department. This Department shall supersede the operations which were previously conducted under the references of Highway Department, Highway & Maintenance Department or other similar terms without any formal creation.

Governing Body: The governing body of this Department shall be the Township Committee which shall have and maintain direct control and supervision of its function and personnel.

Purposes and Function: The purposes and function of the Department shall be for the following:

To conduct the collection and disposition of solid waste. This purpose shall be undertaken in cooperation with the Resource Recovery Council and without the intent to supersede the authority of the Township Board of Health or its regulations as expressed in co-existing ordinances or resolutions.

2. To conduct the maintenance of streets and other public ways.
3. To conduct the maintenance of drainage facilities.
4. To conduct the maintenance of vehicles, equipment and materials assigned to this Department.
5. To conduct the maintenance of lands, buildings and other structures assigned to this Department.
6. To perform such maintenance tasks necessary or incidental to the above purposes as required by the Committee.

Personnel -Duties: It shall be the sole responsibility of the Township Committee to determine the employment needs for this department.

In addition to the employees performing labor class services as members of a bargaining unit, the members of the Committee may, by resolution, from time to time, hire such individuals to perform supervisory roles within the department, and to fix the duties of such supervisors.

Any individual or individuals currently filling such positions shall be considered Township employees, and they shall be entitled to all of the rights and privileges as provided to such employees under Township ordinances and Township's Personnel Policy Manual.

Sec. 2.5-10 DEPARTMENT OF RECREATION

There is hereby created a Department to be known as the Department of Recreation.

Purposes and Functions: The purposes and function of the Department shall be for the following:

1. To conduct the recreation program of the Township and to maintain the facilities provided for recreation use.
2. To establish co-ordination of all employees engaged in recreation and the maintenance of the facilities placed under its jurisdiction by the Township Committee.

Connection to Recreation Council. The Recreation Council established under Chapter 2, Article 9 of this Code, shall be a part of this Department to continue hereunder according to the provisions of said Article 9, to be read consistent herewith.

Governing Body:

1. The governing body of this Department shall be the Township Committee which shall have and maintain direct control and supervision of its function and personnel.
2. The Township Committee shall determine the employment needed for this Department, and may delegate its authority to such officials as may be required in its judgment for the accomplishment of its purposes and function.

Recreation Director: A Recreation Director may be hired to assist in the operation of this Department. Compensation for this Position will be in accordance with the current Salary Ordinance.

Powers and Duties of Recreation Director: The Recreation Director shall perform the office in accordance with the following:

1. Subject to the direction and supervision of the Township Committee;
2. Co-ordinate and supervise the recreation staff and co-ordinate the recreation programs and use of the recreation and park areas;

3. Maintain liaison with the Chairman or other designated member of the Sub-Committee on Recreation.
4. Furnish reports of the activity to the office.
5. The Recreation Director shall be a consulting member of the Recreation Council and shall have power to vote with the regular members of the Council.

Sec. 2.5-11 TAX SEARCH OFFICER

Pursuant to NJSA 54:5-11, the governing body of each municipality shall from time to time by resolution, designate an official of the municipality to make examinations of its records as to unpaid municipal liens and to certify the result thereof. The official is so designated, and each new incumbent of the office, shall thereafter be vested with the power to make official certificates of searches for municipal liens until a new official has been designated for the purpose, and no other official than the one so designated shall make any such official certificate. No personal liability shall attach or be chargeable to the official so designated

ARTICLE 6

LAW DEPARTMENT

Sec. 2.6-1 SOLICITOR

The Township Solicitor shall be appointed by the Mayor and members of the Township Committee. The Township Solicitor shall be an attorney at law of the State of New Jersey and need not be a resident of the Township. The Township Solicitor may be an employee of the Township, with compensation authorized by this ordinance, or the Solicitor may be compensated in accordance with a professional services agreement. The term of the Township Solicitor shall be one year, commencing on January 1 and ending on December 31 of the year of appointment.

Sec. 2.6-2 POWERS AND DUTIES

- A. The Township Solicitor shall be the head of the Township of Pennsville Law Department. The Solicitor shall have all the powers and perform all the duties as are provided for as set forth herein and/or by general law or other ordinances of the Township. The Township Solicitor shall represent the Township in all judicial and administrative proceedings which the Township or any of its officers or agencies may be a part or have an interest. In furtherance of the general power and duties but without limitation thereto, the Township Solicitor shall provide legal assistance to the Mayor and members of the Township Committee and all other departments and prosecute and defend actions and proceedings by and against the Township.
- B. Attend all regular and special meetings of the Township Committee.
- C. Draft resolutions and ordinances and advise members of the Township Committee with regard to their form and sufficiency prior to passage.
- D. Review and approve all contracts, deeds, documents and instruments prior to execution thereof by or on behalf of the Township.
- E. Conduct appeals from orders, decisions or judgment effecting any interest in the Township as he/she may, in his discretion, determine to be necessary or desirable, or as directed by the Mayor and members of the Township Committee.
- F. Subject to the approval of the Mayor and members of the Township Committee have power to enter into an agreement, compromise or settlement of any litigation in which the Township is involved, provided that this section shall not operate to limit or abridge the discretion of the Solicitor handling any matter in regard to the proper conduct of any trial, action or proceeding, or to deprive him/her of the powers and privileges ordinarily exercised in judicial proceedings by counsel acting for private clients.

- G. Render opinions in writing upon any question of law submitted to him/her by the Mayor, the members of the Township Committee, the Township Administrator, or any department head with respect to their official powers and duties.
- H. Maintain all records of all actions, suits, proceedings and matters which relate to the Township's interest and report thereon from time to time as the Mayor and members of the Township Committee may require.

Sec. 2.6-3 PROSECUTOR

There is hereby created within the Division of Law for administrative purposes, but independent from the Division of Law, the office of Township Prosecutor. For the purposes of prosecuting violations of ordinances, the Township Prosecutor hereby designated as the Assistant Township Solicitor. The Township Prosecutor shall be an attorney at law of the State of New Jersey and need not be a resident of the Township. The Prosecutor may be an employee of the Township with the compensation as authorized by ordinance, or the Prosecutor may be compensated in accordance with a professional services agreement. The term of the Township Prosecutor shall be one year, commencing on January 1 and ending on December 31 of the year of appointment.

Sec. 2.6-4 POWERS AND DUTIES

The Township Prosecutor shall prosecute on behalf of the State of New Jersey or the Township any cases to be tried before the Township's municipal court whenever requested to do so by the Township's municipal court Judge, the Mayor, the Township Administrator, the Township Solicitor, the Township Chief of Police, and other appropriate Township officials, and shall assume any and all duties as may from time to time be assigned to the office of Township Prosecutor in accordance with the Administrative Code of the State of New Jersey, state ordinances, police power or rule or regulation.

Sec. 2.6-5 SUBSTITUTE PROSECUTOR

There is hereby created within the Division of Law for administrative purposes, but independent from the Division of Law, the position of Substitute Prosecutor who shall be appointed by the Mayor and the members of the Township Committee. The Substitute Prosecutor shall be an attorney at law of the State of New Jersey and need not be a resident of the Township. The term of Substitute Prosecutor shall be one year beginning January 1 and ending December 31 of the year of appointment, or for a lesser period as determined by the Township Committee.

Sec. 2.6-6 POWERS AND DUTIES

The Substitute Prosecutor shall prosecute on behalf of the State or the Township when it would be a conflict of interest for the Township Prosecutor to prosecute such matters, or when the Township Prosecutor is not available. Such individual shall prosecute cases as designed by the Township Prosecutor and as approved by the Township Solicitor. The Township Substitute Prosecutor may be an employee of the Township with the compensation as authorized by ordinance, or the Substitute Prosecutor may be compensated in accordance with a professional services agreement.

Sec. 2.6-7 PUBLIC DEFENDER

There is hereby created within the Division of Law for administrative purposes, but independent from the Division of Law, the position of Public Defender who shall be appointed by the Mayor and the members of the Township Committee. The Public Defendant shall be an attorney at law of the State of New Jersey and need not be a resident of the Township. The term of the Public Defendant shall be one year beginning January 1 and ending December 31 of the year of appointment, or for a lesser period as determined by the Township Committee.

Sec. 2.6-8 POWERS AND DUTIES

The Pubic Defender shall represent those defendants appearing in Municipal Court who are determined by the court to be indigent and whose representation is assigned to the Township Public Defender by the court. The Public Defender may be an employee of the Township with the compensation as authorized by this ordinance, or the Public Defender may be compensated in accordance with a professional services agreement.

Sec. 2.6-9 SPECIAL COUNSEL

There is hereby created within the Division of Law for administrative purposes, but independent from the Division of Law, the position of Special Counsel who shall be appointed by the Mayor and the members of the Township Committee. The Special Counsel shall be an attorney at law of the State of New Jersey and need not be a resident of the Township. The term for Special Counsel shall be one year, commencing on January 1 and ending on December 31 of the year of appointment.

Sec. 2.6-10 POWERS AND DUTIES

The determined duties of Special Counsel shall be fixed by the Mayor and members of the Township Committee from time to time. (Special Counsel shall be used to prosecute commercial tax appeals, tax sale foreclosures, and any other matters considered by the Township Solicitor to be a specialty within the practice of law.) The Township Special Counsel shall be an employee of the Township with compensation as authorized by ordinance, or Special Counsel may be compensated in accordance with a professional services agreement.

Sec. 2.6-11 RECORD KEEPING

All papers, documents, memoranda, reports and other materials relating to the administration of the Township of Pennsville Law Department shall be and remain the property of the Township. Upon the termination of the service of the Township Solicitor or any member of the Law Department, such legal officer shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings pending to which the Township is a party. Successors may enter into agreements with their predecessors with regard to the storage of such property for a minimum term of seven years or otherwise provided by state law.

ARTICLE 7. ECONOMIC DEVELOPMENT COMMISSION

Sec. 2.7-1 ESTABLISHMENT

There is hereby established in the Township of Pennsville an Economic Development Commission to be known as "Pennsville Township Economic Development Commission".

Sec. 2.7-2 MEMBERSHIP

The Commission shall consist of seven members appointed by the Township Committee, none of who shall be members of that Committee. Each member shall be, for the last three years preceding his or her appointment, a citizen of the United States and a qualified voter of the State of New Jersey. Each member shall be chosen with a special view to his or her qualifications and fitness for service on the Commission and shall be subject to the limitations imposed by NJSA 40:55B-5. Each member shall be chosen with a special view to his/her qualifications and fitness for service on the Commission. Each member shall have had significant experience in industry, professional organizations, commercial enterprises and/or small business enterprises; and that person shall be conversant with the industrial and business needs and facilities of this Township, and that person shall be known for his/her devotion to public service. The members of the Commission shall annually choose from among its members a chairman and such other officers as it may deem necessary. The Township's Mayor shall act as liaison between the Commission and the Township Committee.

Sec. 2.7-3 TERMS

One member shall be appointed for one year, one member for two years, one member for three years, two members for four years and two members for five years. At the expiration of each of the above terms, a new member or members shall be appointed for a term of five years. Vacancies in the membership of the Commission, occurring for whatever cause, shall be promptly filled by appointment by the Township Committee for the unexpired term thereof. Members shall serve for their respective terms and until their successors are appointed and qualify. (Am. 08-07-08) (Explanatory Note: The last term set forth above, to wit: two members for five years, resulted from the August 7, 2008, amendment to this ordinance, expanding the Commission from five members to seven members.)

Sec. 2.7-4 POWERS AND DUTIES

To effectuate its purposes, the Pennsville Township Economic Development Commission shall have the following powers:

- A. To sue and be sued

- B. To adopt and use an official seal

- C. To adopt suitable bylaws from the management of its affairs

- D. To determine the qualifications and duties of its employees and to fix, subject to the foregoing provisions hereof, their compensation.

- E. To enter into contracts

Sec. 2-7.5 PURPOSE; FUNCTIONS

The Pennsville Township Economic Development Commission shall constitute the corporate instrumentally of the Township by which it is created from the following purposes:

- A. To inquire into, survey and publicize the extent, advantages and utility of the vacant lands of such Township, whether municipally owned or otherwise.

- B. To classify such vacant lands according to their adaptability for the settlement thereon of various types of industrial, professional, commercial and other business enterprises.

- C. To study and analyze the various industries, professional organizations and commercial and business enterprises of the nation and, to the extent it deems necessary for its purposes, the enterprises of other nations, with a view to ascertaining the opportunities for the economic expansion of the Township. In this connection, the reports, records, statistics, compendia and similar documents of existing federal, state, county, municipal and other governmental public agencies, as well as of responsible private institutions, boards, agencies and similar bodies interested in the compilation of the information relating to economic development, shall be resorted to wherever possible in order to avoid unnecessary original research and gathering of source material.

- D. To advertise the economic advantages and opportunities of the Township and the availability of real estate within the Township for economic development and to encourage and accomplish the settlement within the Township of beneficial industries, professional organizations and commercial and business enterprises.

- E. To solicit the several industries, professional organizations, and other commercial and business enterprises to purchase or lease the vacant lands and property of or in the Township.
- F. To accomplish the sale or lease of the Township's vacant lands to industries, professional organization and other commercial and business enterprises whose settlement thereon is best calculated in the judgment of the commission to advance the interests of the Township and of its citizens and inhabitants.
- G. To acquire title to vacant land owned by the Township for the purpose of resale or lease to industries, professional organization and other commercial and business enterprises whose presence within the Township will benefit in the judgment of the Commission its citizens and inhabitants.
- H. To make a study of the tax structure with a view to reducing the tax burden of the Township.

Sec. 2.7-6 REMOVAL OF MEMBERS

In the event a member misses two consecutive meetings or more than 30% of the annual number of meetings, the Chairman shall notify the Township Committee of that fact and request that the member be removed and a new member appointed in his/her place.

Sec. 2.7-7 LIMITATIONS ON POWERS

The Commission shall not:

- A. Have any power of condemnation or eminent domain
 - B. Have any power to pledge the credit of the Township or to create any debt or in any manner acts as the agent of the Township or of the State of New Jersey.
 - C. The Commission shall be additionally limited in its powers and functions as provided by NJSA 40:55B-10
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ARTICLE 8. PLANNING BOARD

Sec. 2.8-1. ESTABLISHMENT.

There is hereby established pursuant to C. 291, P. L. 1975, a Planning Board of nine (9) members, consisting of the following four (4) classes:

- A. **Class I.** The Mayor.
- B. **Class II.** One of the officials of the Township other than a member of the Township Committee to be appointed by the Mayor.
- C. **Class III.** A member of the governing body to be appointed by it.
- D. **Class IV.** Six (6) other citizens of the Township to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by NJSA 40:56A-1, shall be a Class IV Planning Board member.
- E. **Alternate Members.** Four (4) citizens of the Township shall be appointed by the Mayor as Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4. Such members shall have the same qualifications as Class 4 members. Alternate members may participate in the discussion of the Board proceedings but may not vote except in the absence or disqualification of a regular member or members of any Class. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first, then Alternates No. 2,3 and 4 shall vote thereafter as the absence or disqualification or regular members may dictate.

Sec. 2.8-2. TERMS.

The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III, shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.

The term of a Class IV member who is also a member of the Board of Education shall terminate whenever he/she is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.

All Class IV members shall be appointed for terms of four (4) years, except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

The term of an Alternate Member shall be for two (2) years except that the terms shall be such that the term of not more than two (2) alternate members shall expire in any one year;

Sec. 2.8-3. VACANCIES.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

Sec. 2.8-4. ORGANIZATION OF BOARD.

The Planning Board shall elect a chairman and vice-chairman from the members of Class IV and select a secretary who may be either a member of the Planning Board or a municipal employee designated by it.

Sec. 2.8-5. PLANNING BOARD ATTORNEY.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the municipal attorney.

Sec. 2.8-6. EXPERTS AND STAFF.

The Planning Board may also employ or contract for the services of experts and other staff and services, as it may deem necessary. The Board shall not however exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

Sec. 2.8-7. POWERS AND DUTIES GENERALLY.

A. The Planning Board shall have the following powers and duties:

1. To make and adopt, and from time to time, amend a master plan for the physical development of the Township, including any areas outside its boundaries, which, in the Board's judgment, bear essential relation to the planning of the Township, in accordance with the provisions of NJSA 40:55D-28.

2. To administer the provisions of all development regulations and the Municipal Land Use Law of 1975, NJSA 40:55D-28
3. To consider and make recommendations to the Township Committee within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of NJSA 40:55D-26(a), and also pass upon other matters specifically referred to the Planning Board by the Township Committee, pursuant to the provisions of NJSA 40:55D-26(b).
4. To assemble data on a continuing basis as part of a continuous planning process.
5. To annually prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and recommend same to the Township Committee
6. To participate in the preparation and review of programs or plans required by State or Federal law or regulations.
7. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustments:

Variances from lot area, lot dimensional set back, and yard requirements pursuant to NJSA 40:55D-70c.

Directives pursuant to NJSA 40:55D-34 for the issuance of permits for buildings or structures in the bed of a mapped street or public drainage way, flood control basis, or public area reserved pursuant to NJSA 40:55D-32.

Directive pursuant to NJSA 40:55D-36 for the issuance of permits for buildings or structures not related to a street.

*Whenever relief is requested under this subsection, the hearing notice on the development application shall include reference to the type of relief requested.

8. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Township Committee for the aid and assistance of the Township Committee or other agencies or officers.
9. The Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers of the Board of Adjustment but the Class I (Mayor) and Class III (Township Committee) members shall not participate in the consideration of applications for development which involve relief pursuant to NJSA 40:55D-70d.

- B. The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this Article.

Sec. 2.8-8 ANCILLARY POWERS

Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance the Planning Board shall grant or deny approval of the application within 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.

Sec. 2.8-9 SIMULTANEOUS REVIEW AND APPROVAL

The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board, or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board whether it be for subdivision, conditional use or site plan approval shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this section, notice of the hearing on the plat shall include reference to the request for such conditional use.

Sec. 2.8-10 EXCEPTION IN APPLICATION REGULATION

The Planning Board when acting upon application for a preliminary or minor subdivision approval or preliminary site plan approval shall have the power to grant such exceptions from the requirements for approval as may be reasonable and within the general purpose and intent of the provisions for review and approval of this Article, if the literal enforcement of one (1) or more provisions of this Article is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question, provided such exceptions and the reasons therefore shall be recorded in the minutes.

Sec. 2.8-11 DURATION OF APPROVALS; RESCISSION

Unless specified to the contrary herein, the time limit of any approval granted hereunder or renewal granted thereon shall be that as specified in the Municipal Land Use Act in each case based upon the nature of the approval and the circumstances pertaining thereto.

In the event an applicant decides that he/she does not intend to fulfill the requirements of an approval, the approval may be rescinded by the Board granting same upon notice and hearing upon such refusal to comply with the requirements thereon.

Sec. 2.8-12 PLANNING BOARD TO EXERCISE POWERS OF THE ZONING BOARD OF ADJUSTMENT

- A. Pursuant to NJSA 40:55D-25C, the Planning Board shall exercise all powers of the Board of Adjustment; but Class I (Mayor) and Class III (Township Committee) members shall not participate in the consideration of applications for development which involve relief pursuant to NJSA 40:55D-70d.
- B. Any application for development, appeal or other matter properly submitted to the Board of Adjustment pursuant to lawful authority before the effective date of this ordinance creating a single Planning Board/Zoning Board of Adjustment within the Township of Pennsville may be continued at the option of the applicant, and pursuant to the provisions of NJSA 40:55D-72.1, the Board of Adjustment shall have every power which it possessed before the effective date of said ordinance in regard to any such application. Once the processing of the last such application has been completed by the Board of Adjustment, the Board shall disband, be terminated, and shall cease to exist, and at that time for all its records shall be delivered to the custody of the Secretary of the Planning Board.
- C. Powers: The Planning Board shall have the following powers as granted by law:
 - 1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all powers of the administrative officer from whom the appeal was taken.
 - 2. Hear and decide requests for interpretation of the zoning map or ordinance or for decisions on other special questions upon which the Board is authorized to pass by the Land Development Ordinances.
 - 3. (a) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional situation or

condition of such piece of property, the strict application of hardship upon the developer of such property, to grant, upon an application or an appeal relating to such property, a variance from strict application, so as to relieve such difficulties or hardship.

(b) Where in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh and detriment, grant a variance to allow departure from regulations pursuant to the zoning ordinance, provided however, that no variance from those departures enumerated in paragraph 4 below of this subsection shall be granted under this subsection; and provided further that the proposed development does not require the approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has power to review a request for a variance pursuant to NJSA 40:55D-60.

4. In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to the zoning ordinance to permit:
 - (a) A use or principal structure in a district restricted against such use or principal structure.
 - (b) An expansion of a nonconforming use.
 - (c) Deviation from a specification or standard pursuant to Section 54 of PL 1975, C. 291 (NJSA 40:55D-67) pertaining solely to a conditional use.
 - (d) An increase in the permitted floor area ratio as defined in Section 3.1 of PL 1975, C. 291 (NJSA 40:55D-4)
 - (e) An increase in the permitted density as defined in Section 3.1 of PL 1975, C. 291 (NJSA 40:55D-4), except as applied to the required lot area for a lot or lots for detached one (1) or two (2) dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members.
5. Direct issuance of a permit pursuant to NJSA 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public are reserved on the official map, but only by the affirmative vote of a majority of the full authorized membership of the Board.
6. Direct issuance of a permit for a building or structure on a lot not abutting a street as required by NJSA 40:55D-35 where the enforcement of this

requirement would entail practical difficulty or unnecessary hardship or where the circumstances do not require the building or structure to be related to a street pursuant to NJSA 40:55D-36.

7. The Planning Board shall have the power to grant subdivision, site plan or conditional use approval whenever the Board is reviewing an application for approval of a variance pursuant to paragraph 4 of this section in accordance with NJSA 40:55D-76. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required subdivision, site plan or conditional use. The separate approval of this variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.
8. No variance or other relief may be granted under the provision of this section unless such a variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. In respect of any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983," PL 1983 c.260 (NJSA 6:1-80 et seq.), no variance or other relief may be granted under the terms of this section permitting the creation or establishment of a nonconforming use which would be prohibited under the standards promulgated pursuant to that Act, except upon issuance of a permit by the Commissioner of Transportation. Any application under any subsection of this section may referred to any appropriate person or agency, for its report provided that such reference shall not extend the period of time in which the Planning Board shall act.
9. The Planning Board shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its finding on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Planning Board shall send copies of the report and resolution to the Governing Body.

Sec. 2.8-13**APPEALS AND APPLICATIONS**

- A. Appeals to the Planning Board may be taken by any interested party affected by any decision of an administrative officer of the Township based on or made in the enforcement of the zoning Ordinance or official map. Each appeal shall be taken within the twenty (20) days prescribed by the statute by filing a notice of appeal with the officer from who the appeal was taken, together with three (3) copies of the notice with the Secretary of the Planning Board. The notice of appeal shall specify the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. Applications may be made to the Planning Board under any of its powers prior application to an administrative officer. All applications shall include the items and information required by the Land Development Ordinances and its checklists. Twelve (12) copies of a completed application form, twelve (12) copies of all plats and plans along with all required accompanying documents and fees shall be filed with the Planning Board Secretary at least ten (10) days prior to the date set for the hearing. The applicant shall obtain all necessary forms from the Administrative Officer. The Administrative Officer shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board. Applications for subdivision or site plan approval to the Planning Board shall comply with and be governed by this chapter and the Land Development Ordinance.
- C. An appeal stays all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whose action the appeal is taken shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases proceeding shall be stayed other than by an order of the Superior Court of New Jersey upon notice to the officer from whom the appeal is taken and on due cause shown.
- D. *Time for Decision.* The Planning Board shall render its decision not later than one hundred twenty (120) days after (1) an appeal is taken of an administrative officer or (2) the submission of a complete application for development, whenever simultaneous review of a variance application and a subdivision, site plan, or conditional use application is requested, the Planning Board shall grant or deny the application within the one hundred twenty (120) day period. In the event that the developer elects to submit separate consecutive applications pursuant to NJSA 40:55D-76b, the Planning board shall grant or deny the variance application within the above prescribed period and grant or deny any subsequent development review application within the time periods otherwise specified in the chapter. Failure of the Board to render a decision within the specified time period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.

- E. *Expiration of Variance.* Any variance from the terms of the chapter hereafter granted by the Planning Board permitting the erection or alteration of any structures shall expire by limitations unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within one year from the date of publication of the notice of determination of the Planning Board; provided that a longer period of time before such expiration may be granted by the Planning Board as a term and condition of variance where the Board finds such an extended time period reasonably necessary and appropriate due to circumstances clearly demonstrated by the applicant at the hearing except however, that the running of the period of limitation herein provided shall be suspended from the date of filing of an appeal from the decision of the Planning Board to the Township Committee to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

Sec. 2.8-14 Appeal to Township Committee

Any interested party may appeal to the Township Committee any final decision of the Planning Board approving an application for development pursuant to NJSA 40:55D-70d provided that such appeal shall be taken within then (10) days of the date of publication of the Board's final decision. Such appeal shall be taken in accordance with NJSA 40:55D-17.

Sec. 2.8-15 Meetings

- A. The Planning Board shall meet at least twice a month. The Planning Board Chairman, or his designated representative, may cancel a meeting or meetings in the even there are no applications to process.
- B. Special meetings may be provided for at the discretion of the Chairman, or at the request of any two (2) Board members, with notice to be given of such meetings to all members and the public in accordance with law.
- C. No action shall be taken in any meeting without a quorum being present.
- D. All actions shall be taken a majority vote of the members present except as otherwise provided in the Municipal Land Use Law (NJSA 40:55D-1 et seq.) or the Open Public Meeting Law.

Sec. 2.8-16 Minutes

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board, and of the persons appearing by attorney, any action taken by the Board, and the findings, conclusions and reasons for any action taken if said finding, conclusions and reasons are required by law. If the finding, conclusions and reasons are reduced to a formal resolution, the minutes may incorporate the resolution by reference in discharging this obligation to record. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Planning Board Secretary. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for use as provided for in the rules of the Board.

Sec. 2.8-17 Notice Requirements for Hearings

- A. Whenever a hearing is required on an application for development pursuant to the provisions of this section, the applicant shall give notice thereof as follows:
1. Public notice shall be given by publication in the official newspaper of the Township at least ten (10) days prior to the date of the hearing.
 2. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the Township in which applicant's land is located. Such notice shall be given by serving copy thereof on the owner as shown on the current tax duplicate or his agent in charge of the property; or mailing a copy thereof by certified mail to the property owner at his/her address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
 3. Notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to paragraph A 2. above to the owners of land in such adjoining municipality which are located within two hundred (200) feet of a municipal boundary.

4. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary.
 5. Notice shall be given by personal service or certified mail to the Commission of Transportation of a hearing on an application for development of property adjacent to a State highway.
 6. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceed one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to NJSA 40:55D-10.
- B. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for the hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing for the development application. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with NJSA 40:55D-14.
- C. *Form of Notice.* All notices required to be given pursuant to the terms of this section shall state the date, time and place of the hearing, the nature of the matters to be considered, and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.
- D. *List of Property Owners Furnished.* Pursuant to the provisions of NJSA 40:55D-12c, the Township Tax Assessor shall within seven (7) days after a receipt of a request therefore and upon receipt of payment of a fee of twenty-five (\$0.25) cents per name or ten (\$10.00) dollars, whichever is greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice.

Sec. 2.8-18 Hearing

- A. *Rules.* The Planning Board shall make rules governing the conduct of hearings, which rules shall not be inconsistent with the provisions of NJSA 40:55D-1 et seq. or of this article.
- B. *Oaths.* The officer presiding at the hearing or such person as he/she may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law" (NJSA 2A:67A-1 et seq.) shall apply.
- C. *Testimony.* The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. *Records.* The Planning board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his/her expense.

Sec. 2.8-19 Decisions

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions thereon.
- B. The Board may provide such written decision and findings and conclusions either on the date of the meeting at which a decision is made, or within forty-five (45) days of such meeting by the adoption of a resolution of memorialization pursuant to NJSA 40:55D-10g. Such resolution shall be adopted by a vote of the members who voted for the action previously taken and no other member shall vote thereon. The vote on such a resolution shall be deemed a memorialization of an action of the Board and not to be an action of the Board, and it shall not be construed to alter the applicable time period for rendering a decision of a development application. Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications required by paragraphs C and D.

- C. A copy of the decision shall be mailed by the board within ten (10) days of the date of decision to the applicant, or if represented then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service.
- D. *Publication of Decision.* A brief notice of every final decision shall be published in the official newspaper of the Township. Such publication shall be arranged by the Secretary of the Planning Board without separate charge to the applicant. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

Sec. 2.8-20 Conflict of Interest

No member of the Planning Board shall act on any matter in which he/she has directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself/herself from acting on a particular matter, he/she shall not continue to sit with the Board on the Hearing of such matter, nor participate in further discussions or decisions relating thereto.

Sec. 2.8-21 Payment of Taxes

Pursuant to the provisions of NJSA 40:55D-39 and NJSA 40:55D-65, every application for development submitted to the Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by the Board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provision for the payment thereof in such manner that the Township will be adequately protected.

Sec. 2.8-22 Fees

Fees for applications or for the rendering of any service by the Planning Board shall be established by separate ordinance.



ARTICLE 9. RECREATION COUNCIL

Sec. 2.9-1. CREATION; OFFICIAL TITLE.

There shall be and is hereby created a Recreation Council to be known as "The Community Recreation Council of the Township of Pennsville".

Sec. 2.9-2 MEMBERSHIP; APPOINTMENT.

The Recreation Council shall consist of eight voting members and one nonvoting member, all of whom, with the exception of the ex-officio member as set forth in Section 2.5-3B(2) below, shall be appointed by the Township Committee.

Sec. 2.9-3 QUALIFICATIONS.

The members of the council shall be citizens and residents of the Township of Pennsville and shall consist of the following:

- A. Nonvoting Members: A member of the Township Committee who shall act as liaison between the council and said committee.

- B. Voting Members:
 - 1. Six members are neither elected nor appointed officials of said Township.
 - 2. The recreation director of the Recreation council shall be an ex-officio member.
 - 3. A member of the Township Board of Education who shall act as liaison between the council and said board.

Sec. 2.9-4 TERM OF OFFICE; VACANCIES.

- A. The member specified in Sec. 2.9-3 A. shall be appointed to serve a term consistent with his or her official tenure in such other offices.

- B. Members specified in Section 2.9-3 B., with the exception of the ex-officio member and the school board member shall be appointed for a term of five years, with all terms commencing January 1. Vacancies shall be filled for the unexpired term. The ex-officio member shall serve during his period of employment. And the school board member shall serve a term consistent with his or her tenure. {Legislative note: prior to this amendment this section read: "Members specified in Sec. 2.9-3(1)

and (2) shall be appointed to serve a term consistent with their official tenures in such other offices. Members specified in Section 2.9-3(3) shall first be appointed for one, two, three and five years, respectively, said terms ending on December 31 of the last year of appointment. Thereafter, such members shall be appointed for a term of five years, vacancies shall be filled for the unexpired term.” The February 18, 1999, amendment provides that the Township Committee member shall be a nonvoting member, adds one new member at large, and provides that the Recreation Director of the Recreation Council shall be an ex-officio member, thus creating a Council of eight voting members and one nonvoting member, all of whom shall serve the terms as set forth in Section 2.9-4(b) above

Sec. 2.9-5. COMPENSATION.

All members of the council shall serve without compensation for their services. The Township Committee may allow compensation for expenses deemed by the Committee to be necessary.

Sec. 2.9-6. OFFICERS; VACANCIES.

The members of the council shall annually organize in January and elect from its membership a chairman and a vice-chairman. Vacancies arising in said offices shall be filled at the next regular meeting after such vacancy occurs.

Sec. 2.9-7. SECRETARY.

A secretary shall be provided to the council by appointment by the Township Committee at such compensation as the Township Committee shall determine. The secretary shall not be a member of the council nor have any voting power.

Sec. 2.9-8. VOTING QUORUM.

Each member specified in Sec. 2.9-3 shall have one vote. A quorum to conduct business shall consist of at least four voting members of the council and decisions of the council shall be determined by a majority of the voting members present.

Sec. 2.9-9. POWER AND DUTIES; LIMITATIONS.

The council shall be an agency of the Township Committee with limited authority. The council shall plan, promote and manage programs of recreation and public entertainment within the Township subject to the approval of the Township Committee.

The council may recommend to the Township Committee from time to time, individuals whom they believe should perform services for the Recreation Department.

The council shall have no power to acquire land or property, real or personal, nor to enter into any independent agreements or contracts of any nature without the express written consent of the Township.

The council shall have the right to adopt such by-laws necessary to effect its powers and duties consistent herewith. Such by-laws and amendments thereto shall be approved by the Township Committee.

ARTICLE 10. FAIR AND OPEN PROCESS

Sec. 2.10-1 FAIR AND OPEN PROCESS

- A. Any professional services contract having an anticipated value in excess of \$17,500.00 to be entered into by the Township subsequent to January 1, 2006, shall be advertised on the Township's web site at least ten days prior to the date of award. All applications submitted shall be publicly opened and announced.
- B. The web site notice shall be as set forth in Exhibit A which is available for review in the Office of the Township Clerk.
- C. The Township Committee shall not authorize a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the Township's Chief Financial Officer, if during the preceding one-year period that professional entity or person has made a contribution that is reportable by the recipient under P.L. 1973, Chapter 83 (see 19:44A-1, et seq) to any municipal committee from a political party in the Township if a member of that political party is serving in an elective public office of the Township when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that Township when the contract is awarded, unless the "fair and open process" as set forth above is complied with.
- D. Notwithstanding the above, the Township Committee reserves the right to award contracts to business entities or individuals that have not submitted proposals or qualifications pursuant to this notice, provided that such business entities or individuals have not made any reportable contributions as defined by NJS 19:44A-1, et seq, with no time limit.



ARTICLE 11. FEEES AND METHODS OF PAYMENT

Sec. 2.11-1. DUPLICATION OF RECORD FEES.

- A. Paper Copies: The Township Clerk shall collect the actual cost of duplicating the records which cost shall include materials and supplies, and which costs shall not include labor or overhead. That cost shall be determined by the Township Committee by duly adopted resolution from time to time. (Am. 04-01-10)

- B. Non-Paper Copies: The Township Clerk shall collect the actual cost of duplicating the record, which cost shall include materials and supplies, but shall not include labor or overhead.

- C. Special Service Charge: When the Clerk determines that the actual cost for duplication of a government record exceeds the foregoing rates, and/or when an extraordinary amount of time and effort is required to duplicate the record, the Clerk shall be permitted to charge the actual cost of duplication, including labor.
 - 1. Audio Tapes: The cost of duplicating audio tapes shall be \$17.00 per tape.

 - 2. Other than paper copies and audio tapes: If the Clerk determines that the request for duplication falls under this category, she shall estimate the cost of such charge and advise the requestor of the estimated cost prior to honoring the request. This section specifically authorizes the Clerk to collect the estimated charge prior to duplicating the record, with any excess charge to be refunded to the requestor.

- D. All moneys collected hereunder shall be accompanied by a copy of a receipt, the original having been given to the person requesting the copy, and which moneys and receipts shall be turned over to the Township's Chief Financial Officer as soon as reasonably possible after collection.

Sec. 2.11-2 TAX COLLECTOR FEES

- A. Fee for calculation of Redemption of liens - The Tax Collector shall charge a fee of \$50 for a third or subsequent request within a calendar year to calculate the amount required for redemption of properties subject to an outstanding tax lien certificate, mortgagee or occupant of land sold for municipal taxes, assessment for benefits pursuant to NJS 54:5-7, or other municipal charges.

- B. Fee for Duplicate Tax Bill – The Township's Tax Collector shall be authorized to charge a fee of five (\$5.00) dollars for the first duplicate copy of a tax bill and twenty-five (\$25.00) dollars for each subsequent duplicate of the same tax bill in the same fiscal year.

Sec. 2.11-3 METHODS OF PAYMENT OF AMOUNTS OWED TO THE TOWNSHIP

Payments of debts owed to this Township shall be made in cash, check or money order and in the case of cash not more than \$10.00 in coins (i.e. every three months)

Sec. 2.11-4 SERVICE CHARGE FOR CHECKS RETURNED TO THE TOWNSHIP FOR INSUFFICIENT FUNDS

A. Service Charge – The service charge for a check or other written instrument returned for insufficient funds shall be \$20 per check or other written instrument. The service charge, along with the bill which generated the check which was returned for insufficient funds, is to be paid in cash or by certified or cashier’s check.

B. Lien – Whenever an account/bill owed to the Township is for a tax or special assessment, the service charge authorized by this section shall be included on the list of delinquent accounts prepared for the enforcement of Township liens.

ARTICLE 12 PENNSVILLE TOWNSHIP SEWERAGE AUTHORITY

Sec. 2.12-1 CREATION.

There is hereby created and established a Sewerage Authority for the Township of Pennsville, in the County of Salem and State of New Jersey, under the corporate name and title of "Pennsville Township Sewerage Authority"

Sec. 2.12-2. PURPOSE OF CREATION.

It is deemed advisable and in the best interests of the inhabitants of the Township to create and establish a Sewerage Authority for the Township for the purposes of the relief of the waters in and bordering the State from pollution arising from causes within the Township, and the consequent improvement of conditions affecting the public health in the Township.

Sec. 2.12-3. POWERS.

The Pennsville Township Sewerage Authority shall have and exercise all the powers conferred by NJSA 40:14A-1, et. seq., as amended and supplemented together with any other powers which may hereafter be conferred by law upon Sewerage Authorities within the territorial boundaries of the Township.

Sec. 2.12-4. MEMBERSHIP; APPOINTMENT.

There shall be five (5) members of said Pennsville Township Sewerage Authority who shall be appointed by resolution of the Township Committee to serve for five (5) year terms expiring on the first day of February. In addition, there shall be two (2) alternate members who shall be designed as "Alternate No. 1" and "Alternate No. 2", and who shall also be appointed by Resolution of the Township Committee to serve, in the case of "Alternate No. 1", for a term of four (4) years and in the case of "Alternate No. 2" for a term of five (5) years.

Sec. 2.12-5. TERM - REGULAR AND ALTERNATE MEMBERS - DUTIES AND FUNCTIONS OF ALTERNATES - ORDER IN WHICH ALTERNATES SHALL SERVE.

- A. Regular Members: During the month of January in each year, one (1) person shall be appointed as a member of the Sewerage Authority to serve for a term commencing on the first day of February in such year and expiring on the first day of February in the fifth year after such year in accordance with the provisions of NJSA 40:14A-4(b).

- B. Alternate Members: The term of the alternate members shall commence on the date of his or her appointment and shall expire, in the case of "Alternate No. 1", on the fourth January 31st next ensuing after the date of appointment, and in the case of "Alternate No. 2," on the fifth January 31 next ensuing after the date of appointment, all in accordance with the provisions of NJSA 40:14A-4(n).

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. When a regular member is absent, "Alternate No. 1" shall participate in discussions and vote if he or she is present; however, in the absence of "Alternate No. 1", then "Alternate No. 2" shall participate in discussions and vote if he or she is present.

Sec. 2.12-6. VACANCY; APPOINTMENT FOR UNEXPIRED TERM.

In the event of a vacancy in the membership of the Sewerage Authority occurring during an unexpired term of office, a person shall be appointed as a member of the Sewerage Authority to serve for such unexpired term.

Sec. 2.12-7. COMPENSATION OF MEMBERS.

In accordance with the provisions of NJSA 40:14A-5, members of the Sewerage Authority may be paid for their services in an amount that they, the members, by resolution, from time to time shall determine, however, subject to the approval of the Township Committee, which approval shall not be unreasonably withheld. In the event the Township Committee, by resolution, does not approve or disapprove of any salary increase within thirty days by duly-adopted resolution, then they shall be deemed to have approved the increase.

Sec. 2.12-8 CONTRACT WITH SEWERAGE AUTHORITY

- A. Purpose: The Township of Pennsville, in the County of Salem, New Jersey, does hereby determine that it will be economical and otherwise advantageous to it, to the Pennsville Township Sewerage Authority and to the residents and property owners of the Township, for the Township and said Authority to enter into a contract providing for and relating to the treatment and disposal of sewerage and other wastes originating in the Township by means of a sanitary sewerage system constructed by said Authority, and the cost and expense of such treatment and disposal, which contract among other things, shall obligate said Authority to proceed promptly with the design, construction and placing in operation of said sewerage system and obligate the Township to pay to said Authority such sum or sums of money as may be necessary to provide for deficits expected to result from failure or disability of said Authority to derive adequate revenues from the operation of its properties, all substantially on the terms of the contract authorized by this Article.

- B. Authority to enter into contract: The Township shall enter into a contract with the Pennsville Township Sewerage Authority providing for and relating to the treatment and disposal of sewerage and other wastes and the cost and expense of such treatment and disposal, on the terms and conditions set forth in this Article, and the Mayor shall be and he/she hereby is authorized and directed on behalf of the Township to execute said contract under the corporate seal of the Township, which shall be affixed and attested by the Township Clerk and to deliver the same.

Sec. 2.12-9 DEFINITIONS

As used in this Article, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

- A. **BUILDING** means any building or structure heretofore or hereafter constructed and designed or used for dwelling or commercial purposes that has a toilet installed therein.
- B. **SEWER** means any publicly owned sewer or main designed for collection or disposal of sanitary sewage and located in any public street in the confines of the Township.
- C. **CONNECTION DATE** means with respect to any building as defined hereinabove, the 61st day after the latter of two (2) following dates, namely, (a) the date of completion of construction or date of initial occupancy of such building, whichever of said dates shall be the earlier in point of time, and (b) the date of initial operation as part of any publicly owned sewage treatment and disposal system in the Township, of a sewer in the street upon which such building is located.

Sec. 2.12-10 INSTALLATION OF TOILET; CONNECTION TO SYSTEM

The owner of any building located upon any street in the Township in which a sewer is now constructed or shall be hereafter constructed shall, prior to the connection date, with respect to such building:

- A. Install a toilet in such building unless a toilet is installed therein.
- B. Connect such building and the toilet therein with such sewer.

ARTICLE 13 **SELF INSURANCE FUND**

Sec. 2.13-1 **ESTABLISHMENT OF PLAN AND FUND**

There is hereby established a partially self-funded health insurance plan for Township employees to be known as the “Pennsville Township Self-Funded Health Plan” (the Plan). there is further established in accordance with the provision so NJSA 40A:10-6, et seq, an insurance fund to be known as the “Pennsville Township Self-Insurance Fund” (the Fund). The Plan and the Fund shall be operated and maintained in accordance with the terms of this Ordinance, NJSA 40A:10-6, et seq, and the rules and regulations promulgated thereunder by the Department of Community Affairs.

Sec. 2.13-2 **ESTABLISHMENT OF FUND COMMISSION**

There is hereby established in accordance with the requirements of NJSA 40A:10-8 a Fund Commission (the Commission) consisting of three officials of the Township together with a Secretary of the Commission to be appointed by the Township Committee. The Commissioners shall hold office for two (2) years or for the remainder of their term as officials, whichever is less, and until their successors shall have been duly appointed and qualified. The secretary shall serve at the pleasure of the Commission. The Commissioners shall serve without compensation. The compensation of the secretary, if any, shall be established and authorized by the Township Committee. Vacancies occurring on the Commission shall be filled for the unexpired term. After the appointment the Commissioners shall forthwith organize for the ensuing year by electing a Chairman from among their membership.

Sec. 2.13-3 **POWERS AND AUTHORITY OF COMMISSION**

In order to maintain the efficient, professional and actuarially sound operation of the Fund, the Township will contract with a qualified Third Party Administrator (the TPA) to assist the Township and the Commission in the proper design and administration of the Plan. Subject to consultation and review by the Township Committee, the Commissioners shall have the power and duty to oversee the TPA, adopt rules and regulations for the control and investment of the Fund, assure that the Fund has sufficient funds for the payment of losses and claims, invest assets of the Fund in accordance with the Township’s established investment policy, and assure the proper operation of the Plan and the Fund consistent with their purpose.

Sec. 2.13-4 **PURPOSE OF THE FUND**

The purpose of the Fund is to hold, manage and distribute, in accordance with the Plan documents and sound fiscal management, money necessary to pay the valid claims of Township employees as required to fulfill the obligations of the Township pursuant to the Plan and its health insurance obligations to its employees. The Fund exists to pay health care claims and related expenses covered by the Plan, and the Fund shall not be used for any other purposes.

Sec. 2.13-5 RESERVE FOR CLAIMS

The Commissioners and the TPA shall cause the Fund to achieve a reasonable reserve of up to six (6) months of claim payments to assure that sufficient assets are available to continue to pay all claims and expenses in a high claim year.

Sec. 2.13-6 PLAN REQUIREMENTS – ADMINISTRATION OF CLAIMS

Claims shall be administered and paid, after review, by the TPA in accordance with the TPA administration contract. the TPA shall assure that all Township employees covered by the Plan are fully informed as to the proper procedure for submitting claims and that all notices required by law with respect to the Plan are promptly provided to the Plan participants.

Sec. 2.13-7 PLAN REQUIREMENTS – ADDITIONAL AND EXCESS COVERAGE

The Township, directly or through the TPA, shall arrange for the purchase of “Stop Loss” or “Excess” coverage in order to provide ascertainable limits to the liability of the Fund. Such coverage shall include, but need not be limited to, coverage for catastrophic illness for Plan participants, aggregate coverage (below catastrophic coverage) to assure that the Plan’s risk level is capped at a maximum amount as established by the Township in consultation with the Commissioners and the TPA, and run-out coverage (also referred to as a 12/15 contract) to allow claims incurred during the plan year to be paid out for a period of three months after the end of the plan year. The Plan shall also include a requirement that the Township shall, directly or through the TPA, contract for ERISA Liability Insurance which shall include responsibility for handling all second level appeals.

Sec. 2.13-8 APPEALS

Appeals from denial of claims shall, in the first instance, be reviewed by the TPA. In considering appeals, any relevant supplemental information provided by the Plan participant or the service provider shall be considered. Second level appeals shall be handled by a third party retained to review appeals on an independent basis according to the Plan documents. In order to assure that the Plan is consistently, fairly and equitable administered, no member of the Township Committee shall be involved in the approval or denial of claims which in all cases shall be determined by the terms of the Plan.

Sec. 2.13-9 ANNUAL REVIEW; OPEN ENROLLMENT PERIOD

The Commission shall annually, in consultation with the Township Committee and coordination with its TPA and other professional consultants, review and evaluate the Plan and shall evaluate the Plan in comparison to plan designs offered by the New Jersey State Health Benefit Plan. The base plan option of the Township’s Plan shall be modified to mirror the design of the base plan option offered by the State Health Benefit Plan. This

review shall occur at the same time as the annual open enrollment period. At no time will the Township be required to offer base plan benefits greater than those offered by the State Health Benefit Plan.

Sec. 2.13-10 CONTINUATION OF FUND; TERMINATION

The Fund shall continue from year to year without lapse until the self-fund insurance plan is terminated by action of the Township Committee. In the event of such a termination, after payment of all claims and expenses of the Plan, any fund balance remaining shall revert to the Township's general fund.

ARTICLE 14 **DEPUTY TAX COLLECTOR**

Sec. 2.14-1 **PREAMBLE**

The Township of Pennsville hereby creates the position of Deputy Tax Collector.

Sec. 2.14-2 **APPOINTMENT AND QUALIFICATIONS**

The Deputy Tax Collector as provided for herein shall be appointed by duly adopted resolution of the Township Committee, and such person shall possess a State of New Jersey Tax Collector Certificate as provided for by NJS 40A:9-145.2.

Sec. 2.14-3 **TERM OF OFFICE**

The term of office of the Deputy Tax Collector shall be three years, commencing on the date of appointment and ending three years thereafter.

Sec. 2.14-4 **DUTIES**

The duties of the Deputy Tax Collector shall be set by the Township's Tax Collector, and shall include the following:

Preparation and distribution of tax bills.

Maintaining cashbook with proper credit to taxpayer for amount paid, interest and any penalties charged.

Monthly report of collections: tax, trash stickers, dog and cat fees.

Annual report of statement of receipts for preceding year.

Annual list of delinquent taxes believed not collectible.

Reporting delinquent listing to state for homestead rebates.

Maintaining correct interest and penalties on delinquent taxes.

Maintaining levy for special assessments.

Maintaining veteran deductions.

Maintaining senior citizen deductions.

Maintaining disabled person deductions.

Submitting yearly report to county for veterans/senior citizen's deductions.

Handling appeal judgments.

Maintaining bankruptcies, applying payments according to plan and conferring with Township Solicitor regarding cases.

Conducting yearly tax sale, which includes:

Compiling listing with name of owner, block and lot, property location, taxes, assessments and other charges and interest to date of sale.

Giving public notice of time and place of sale including description and amount due.

Mailing notice to taxpayer.

Mailing newspaper publication to tax payer.

Posting notice in five public places

Updating list prior to next publication, removing properties as payment is received.

Conducting sale on date advertised with bidding beginning at 18% through 1% through highest premium bid.

Collecting monies from bidders.

Delivering certificates of sale to successful bidders within ten days after sale.

Recording certificates struck off to municipality with the county clerk.

Receiving payment for lien redemptions and maintaining lien redemption checkbook.

Mailing notification of redemption to owner of certificate.

Mailing check to owner of certificate after receiving cancelled certificate.

Mailing certificate to taxpayer.

Preparing foreclosure list for Township Solicitor including all liens held by the Township after 6 months from the date of the tax sale.

In addition to billing, reporting enforcement and collection, the Tax Collector is responsible for supervision and management of the tax collection office which includes:

Overseeing security of tax office

Overseeing the cash handled in office:

- Collecting tax payments
- Dispensing trash stickers
- Issuing dog and cat licenses
- Issuing receipt for paid taxes
- Opening mail
- Receipting payments
- Balancing validation receipts for tax, sticker and animal deposits
- Creating deposits
- Reconciling bank statement for tax lien account

Overseeing deposits of receipts within 48 hours.

Assuring police escort provided to clerk for bank deposit when necessary

Records and storage management including submitting retention and disposal.

Report to Division of Local Government Services.

Submitting resolutions to governing body as needed.

Maintaining computer backups.

Sec. 2.14-5 COMPENSATION

The Deputy Tax Collector shall be paid in accordance with the Township's salary ordinance.