

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 015-2016

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee of the Township of Upper, in order to provide for the orderly and efficient administration of Township business, has determined that it is appropriate to amend Chapter II (Administration) of the Code of Upper Township to create the office of Township Administrator and identify the various departments within the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:9-136 the governing body of any municipality, by ordinance, may create the office of Township Administrator and delegate to such person all or a portion of the executive responsibilities of the municipality; and

WHEREAS, the Township Committee of the Township of Upper has determined to create the position of Township Administrator and delegate to such person a portion of the executive responsibilities of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. Chapter II of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Section 2-2.4 is hereby replaced in its entirety with the following:

2-2.4 Township Administrator.

- a. **Creation of Position.** The office of Township Administrator is hereby created in and for the Township of Upper pursuant to the provisions of N.J.S.A. 40A:9-36 et seq.
- b. **Appointment and Term.** The Township Administrator shall be appointed by the majority vote of the Township Committee and the term of office of the Township Administrator shall be at the pleasure of the Township Committee.

- c. **Compensation.** Compensation to perform the duties and responsibilities of Township Administrator shall be determined and established by the Township Committee according to law.
- d. **Qualifications.** The Township Administrator shall possess knowledge and experience in local government for the appointment as Township Administrator.
- e. **Powers and duties.** The Township Administrator, under the supervision and control of the Township Committee, and to the extent not prohibited by law, shall:
 - 1. Be the chief executive and administrative official of the Township of Upper with respect to the following departments: Department of Public Works, Department of Public Safety, Department of Emergency Management, Department of Personnel and Division of Emergency Medical Services (EMS). The Township Administrator shall perform such duties in each department under the general supervision of the member of the Township Committee appointed by the Township Committee as the head of such department.
 - 2. Act as liaison between the Township Committee, the Township Committee department heads, all committees, officers and employees within each department over which the Township Administrator has supervision.
 - 3. Be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to personnel, hiring, organization and policies of the Township and any of the departments of the Township over which the Township Administrator has supervision after consultation with the Township Committee and the department head of each such department.
 - 4. Assist in the preparation of the budget, assist the Township Committee in obtaining the necessary data for the preparation of the municipal budget with respect to each department over which the Township Administrator has supervision.
 - 5. Investigate all complaints regarding Township services with respect to the departments over which the Township Administrator has supervision and, after consultation with the department head of the services involved, to answer same and report the disposition thereof to the Township Committee.
 - 6. Coordinate for the Township Committee the general affairs of the Township with respect to the departments over which the Township Administrator has supervision, including recommendations with respect to purchasing, administration and enforcement of contracts, leases and franchises.

7. Attend all meetings as directed and authorized by the Township Committee.
 8. Perform such other duties as may from time to time be specifically assigned to the Township Administrator by the Township Committee.
- f. **Relationship to Other Officials or Bodies.** Nothing herein contained shall derogate from the powers and duties of the elective, appointive or other officials of the Township of Upper or the boards and commissions thereof established pursuant to law, nor shall the rights and tenure of any elected official be affected.

Section 2-3.1 is hereby amended as follows:

Section 2-3.1 Department of Public Works.

- a. Unchanged.
- b. Management of Department. The day-to-day operations of the Department of Public Works shall be managed and directed by a Superintendent of Public Works, provided that the Township Committee fills this position, and certain subordinate officers consisting of a Road Repairer Supervisor and the Road Repairer 3 under the general supervision of a member of the Township Committee as appointed by the Township Committee and the Township Administrator, if appointed to do so by the Township Committee. There shall also be working foreman/assistant supervisors, including but not limited to Supervising Equipment Operator, Supervising Carpenter, Supervising Maintenance Repairer, Maintenance Worker 3 and Supervisor Recreation Maintenance, who will be responsible for supervising work crew(s) as assigned by the Road Repairer Supervisor and/or Road Repairer 3. Officers and employees shall be appointed by the Township Committee as it deems appropriate and who shall constitute the management of the Department and shall be considered management employees.
- c. Qualifications and Duties of Superintendent.
 1. Unchanged.
 2. Duties. If this position is filled by the Township Committee, the Superintendent of the Department of Public Works shall take an active role in the supervision of the Department and any Division thereof. The Superintendent shall perform such other duties as the Township Committee may prescribe.
- d. Unchanged.
- e. Unchanged.

Section 2-3.2 is hereby replaced in its entirety with the following:

2-3.2 Emergency Management. There shall be a Township Emergency Management Coordinator appointed and serving pursuant to N.J.S.A. App. A:9-40.1. The Township hereby establishes the Department of Emergency Management to be headed by said Township Emergency Management Coordinator subject to the supervision of the Township Administrator, if appointed to do so by the Township Committee, and subject to the overall supervision of the Township Committee member appointed by the Township Committee to supervise and direct this department. The Township also hereby creates, pursuant to and in accordance with N.J.S.A. App. A:9-41, a local emergency management council.

Section 2-3.4 is hereby amended as follows:

Section 2-3.4 Department of Sports and Recreational Programs.

- a. Unchanged.
- b. Supervision and Management of Programs. The Sports and Recreational Programs shall be generally supervised and directed by one (1) or more members of the Township Committee who shall be appointed by the Township Committee.
- c. Qualifications and Duties of Supervisory Personnel.
 1. Qualifications. The Director of the Department shall be a member of the Township Committee duly appointed by the Township Committee. The member(s) of the Township Committee so appointed shall also serve as liaison between the Township Committee and the Township Sports and Recreational Advisory Board, an advisory body created and appointed by the Township Committee.
 2. Duties. The member of the Township Committee serving as Director of the Department of Sports and Recreational Programs shall take an active role in the supervision and direction of the Department. The Recreational Program Coordinator, if the position is filled by the Township Committee, shall supervise and work with those employees as may be assigned to the Department and engaged in performing the necessary tasks for the efficient operation and utilization of the Township's recreational and sports programs.
- d. Unchanged.

e. Unchanged.

Section 2-3.5 is hereby added as follows:

Section 2-3.5 Establishment of Other Township Departments. The following departments are hereby established by the Township of Upper and each such department shall have a member or members of the Township Committee appointed by the Township Committee to serve as director and head of such department: Public Safety, Buildings and Grounds, Revenue and Finance, Municipal Court, Animal Control, Personnel, Lifeguards, Division of Emergency Medical Services (EMS), Housing, Engineering, Clerk's Office, Zoning and Planning, and Construction Code.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 2 of the Upper Township Code.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 21st DAY OF NOVEMBER, 2016 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 19th DAY OF DECEMBER, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: November 21, 2016

Publication: November 28, 2016

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: December 19, 2016

Final Adoption: December 19, 2016

Final Publication Date: December 22, 2016

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on December 19, 2016 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on December 22, 2016.


BARBARA L. YOUNG, Township Clerk