



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 01/23/24 06:30 PM

Department: Township Clerk

Category: Amend

DOC ID: 8194

**ORDINANCE (ID # 8194)**

**Ordinance No. 44-2023 AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK TO MODERNIZE AND CLARIFY THE TOWNSHIP CHARTER/ADMINISTRATIVE CODE BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #44-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.**

AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK TO MODERNIZE AND CLARIFY THE TOWNSHIP CHARTER/ADMINISTRATIVE CODE

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #44-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

12/12/23	Township Council	TABLED	Next: 01/09/24
01/09/24	Township Council	INTRODUCED	

Prior to introduction, Deputy Mayor Gee shared various suggested additions to this ordinance upon introduction and listed them for Council.

'Personnel Subcommittee or designee' Addition - motion from Councilwoman Goldberg, seconded by Mayor Pagan.

Council agreed.

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Michael S Pagan, Councilman
<b>SECONDER:</b>	Hillary Goldberg, Councilwoman
<b>AYES:</b>	Schwartz, Orgen, Pagan, Belcher, Gee, Goldberg
<b>ABSENT:</b>	Elie Y. Katz

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 44-2023 AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK TO MODERNIZE AND CLARIFY THE TOWNSHIP CHARTER/ADMINISTRATIVE CODE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #44-2023 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

*see attached*

ATTEST:

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Doug Ruccione  
Township Clerk

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Michael Pagan, Mayor

**TOWNSHIP OF TEANECK  
TEANECK, NEW JERSEY**

**GENERAL ORDINANCE NO. 44-2023**

**AN ORDINANCE AMENDING THE TOWNSHIP CODE FOR  
THE TOWNSHIP OF TEANECK TO MODERNIZE AND CLARIFY  
THE TOWNSHIP CHARTER/ADMINISTRATIVE CODE**

**WHEREAS**, the Mayor and Township Council for the Township of Teaneck (the “Township”) wish to promote transparency and clarity in the governance of the Township; and

**WHEREAS**, certain sections of the Township Charter/Administrative Code use outdated language or have become, by and through various amendments, unwieldy or impractical; and

**WHEREAS**, the Township believes that to promote clarity in understanding municipal government’s role and responsibilities, it is necessary from time-to-time to update the language used in the Township Code, as well as the procedures used therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council that:

**SECTION I.** Chapter 2, “Charter/Administrative Code,” of the Township Code of the Township of Teaneck is hereby amended to read in full as follows:

**ARTICLE I**

**General Organization**

**Sec. 2-1. Short title.**

This chapter shall be known as the “Charter/Administrative Code ~~1988~~.”

**Sec. 2-2. Council; offices; departments; boards; and bodies.**

The Township government under the Council-Manager Plan shall consist of the Council and the offices, departments, boards, and bodies set forth below:

- (a) The Council, as provided for in Article II of the Charter.
- (b) Offices. The Council hereby continues and/or creates the following separate Offices of the Township, the head of each to be appointed by the Council pursuant to the Charter or by law. Each Office shall have those powers and duties as set forth in the Charter or by law:
  - (1) Office of the Township Manager, as provided for in Article III of the Charter.
  - (2) Office of the Township Clerk, as provided for in Article IV of the Charter.
  - (3) Office of the Township Attorney, as provided for in Article V of the Charter.

~~(4)~~ Office of the Municipal Court/Judge, as provided for in Article VI of the Charter.

~~(5)~~ Department of Assessments, as provided for in Article VII of the Charter.

- (c) Departments. The Council hereby continues and/or creates the following separate departments of the Township, the head of each to be appointed by the Manager pursuant to the Charter or by law. Each department shall have those powers and duties as set forth in the Charter or by law:

~~(1)~~ Department of Assessments, as provided for in Article VII of the Charter.

~~(2)~~(1) Department of Buildings, as provided for in Article VIII of the Charter.

~~(3)~~(2) Department of Engineering, as provided for in Article IX of the Charter.

~~(4)~~(3) Department of Finance, as provided for in Article X of the Charter.

~~(5)~~(4) Department of Fire Protection, as provided for in Article XI of the Charter.

~~(6)~~(5) Department of Health, as provided for in Article XII of the Charter.

~~(7)~~(6) Department of Police, as provided for in Article XIII of the Charter.

~~(8)~~(7) Department of Public Works, as provided for in Article XIV of the Charter.

~~(9)~~(8) Department of Recreation, as provided for in Article XV of the Charter.

~~(10)~~(9) Department of Purchasing, as provided for in Article XXIV of the Charter.

~~(11)~~(10) Department of Human Resources, as provided in Article XXII of the Charter.

- (d) Boards and bodies. The Council hereby continues and/or creates the following separate boards and bodies, the members of each to be appointed pursuant to the Charter or by law. Each such board or body shall have those powers, duties and responsibilities as set forth in the Charter or by law. Except as otherwise provided by law, all members of each of said boards and bodies shall either be residents of the Township or employed in the Township or have a business or economic interest in the Township and shall serve without compensation except as otherwise specifically provided in the Charter or by law:

(1) Planning Board, as provided for in Article XVI of the Charter.

(2) Zoning Board of Adjustment, as provided for in Article XVII of the Charter.

~~(3)~~ (Reserved)

~~(4)~~(3) Library Board, as provided for in Article XVIII of the Charter.

~~(5)~~ (Reserved)

~~(6)~~(4) Environmental Commission, as provided for in Article ~~XIX~~~~XI~~ of the Charter.

~~(7)~~ ~~(Reserved)~~

~~(8)~~ ~~(Reserved)~~

~~(9)~~ ~~(Reserved)~~

~~(10)~~(5) Site Plan Review Advisory Board, as provided for in Article ~~XXIV~~ of the Charter.

~~(11)~~(6) Local Emergency Planning Council, as provided for in Article ~~XXVII~~ of the Charter.

~~(12)~~(7) Youth Guidance Council, as provided for in Article ~~XXVI~~ of the Charter.

~~(13)~~(8) Historic Preservation Commission, as provided for in Article ~~XXVIII~~ of the Charter.

~~(14) Municipal Ethics Board, as provided for in Article XXIX of the Charter.~~

~~(15)~~(9) Various advisory boards, as provided for in Article ~~XXVI~~ of the Charter.

~~(16)~~(10) Civilian Complaint Review Board, as provided for in Article ~~XXVIII~~ of the Charter.

### **Sec. 2-3. Definitions.**

The definitions and other general provisions of all statutes of the State of New Jersey and its general laws, ordinances, rules or other regulations shall apply to this Charter. For the purpose of this chapter and in the interpretation of all other ordinances and resolutions heretofore or hereafter adopted by the Township, except where the context of said ordinance or resolution may specifically require, the following terms shall have the meanings indicated:

**BOARD OR BODY** — Any agency continued or created pursuant to the Charter, whether denominated as a “committee,” “Council,” “board,” “agency,” “task force” or other similar name.

**CHARTER** — The Council-Manager Plan of government law pursuant to N.J.S.A. 40:69A-81 et seq., together with the provisions of this Chapter 2, entitled “Charter/Administrative Code 1988.”

**CLERK** — The Township Clerk appointed pursuant to the Charter.

**CODE** — The provisions of the Code of the Township of Teaneck, New Jersey, including the provisions of this Chapter 2, entitled “Charter/Administrative Code 1988.”

**COUNCIL** — The elected Township Council created and constituted pursuant to the Charter.

DEPARTMENT — An organizational unit of the Township government, the head of which shall be appointed by the Manager, as established by the Charter.

MANAGER — The Township Manager appointed pursuant to the Charter.

OFFICE — An organizational unit of the Township government, the head of which shall be appointed by the Council, as established by the Charter.

TOWNSHIP — The Township of Teaneck, Bergen County, New Jersey, and shall be construed as if the words “of Teaneck” followed it.

**Sec. 2-4. Word usage.**

For the purpose of the Charter and Code and any ordinances heretofore or hereinafter adopted, except as the context shall specifically provide:

- (a) The present tense includes the past and future tenses.
- (b) The masculine gender shall be deemed to include the female and neuter genders.
- (c) The singular number shall include the plural and the plural the singular.

**Sec. 2-5. Effect on ordinances; violations and penalties.**

- (a) All existing ordinances and parts of ordinances and amendments and supplements thereto shall, unless specifically repealed herein, be continued in full force and effect until repealed or modified pursuant to law, to the extent that such ordinances are not in conflict with the Charter or Code or the Council-Manager Plan of government law pursuant to N.J.S.A. 40:69A-81 et seq. To the extent that local ordinances vary from state statute, the state statute shall apply. To the extent that this Charter is at variance with any other provision of the Code or of any ordinance, this Charter shall apply and the sections of the Code or that ordinance at variance with the Charter shall be deemed as repealed. Each and every one of the provisions of Chapter 2, entitled “Administration,” in effect prior to July 1, 1988, are hereby repealed and replaced by the within Chapter 2, entitled “Charter/Administrative Code 1988.” All references in any prior ordinance to any board, body, department or office shall be taken and construed to mean such board, body, department, officer or office to which the respective functions, powers and duties are allocated and assigned by the Charter or the Code.
- (b) On the effective date of this chapter, all personnel and all records and property of the Township relating thereto, except as otherwise provided by the Charter, are transferred to the respective departments, offices and boards and bodies to which their functions, powers and duties are allocated and assigned by the Charter. All officers and employees who were in the classified service of the civil service on the effective date of the Charter are transferred to the appropriate department, office, board or body to which their respective functions, powers and duties are allocated and assigned by the Charter, and they shall not by such

transfer be adversely affected in seniority, promotion or salary rights, as provided by Title 11A (Civil Service) (N.J.S.A. 11A:4-16). Pursuant to N.J.S.A. 40:69A-207, all officers or employees whose positions are designated in this statute or who hold office by any tenure of office law, or who have tenure pursuant to Title 11A of the Revised Statutes (Civil Service), or any amendment thereto, as of 12:00 noon on July 1, 1988, shall retain and continue their tenure of office. All transfers herein shall be pursuant to N.J.S.A. 11A:4-16.

- (c) The repeal provided for above or below in this chapter shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing prior to the effective date of this chapter, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Township or authorizing the issue of any bonds of the Township or any evidence of the Township indebtedness or any contract or obligation assumed by the Township; nor shall it affect the annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Township on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries, pensions or other benefits of the Township officers or employees; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Township; nor shall it affect the Building Code, commonly called the "Book of Practice"; nor shall it affect any ordinance relating to zoning; nor shall it affect any ordinance adopted on final reading and passage after the effective date of this chapter.

~~(d) (Reserved)~~

~~(e) (Reserved)~~

~~(f)~~(d) It is hereby declared to be the intention of the Township Council that the sections, paragraphs, sentences, clauses and phrases of this chapter and the Charter hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this chapter or the Charter hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter or the Charter hereby adopted.

~~(g)~~(e) This chapter shall take effect after publication thereof after final passage, as provided by law.

~~(h) (Reserved)~~

## **Sec. 2-6. Township Seal.**

The Township Seal, as heretofore adopted and in use on the effective date of this chapter, shall continue to be the legal Seal of the Township.

## ARTICLE II

### Council

#### Sec. 2-7. Membership.

There shall be a Council elected in accordance with N.J.S.A. 40:69A-81 et seq., which shall be comprised of seven members, elected at-large, one of whom shall be elected by the Council as Mayor, as provided by law.

#### Sec. 2-8. Terms of office; vacancies.

- (a) Pursuant to N.J.S.A. 40:69A-83.3, ~~the Council members elected at the first regular municipal election following the adoption of the Council Manager Plan (who shall take office on July 1, 1988, pursuant to law) shall serve for the following terms: Three shall serve for four years and four for two years. The length of the respective term of each member of the first Council (taking office on July 1, 1988) shall be determined by lot at the organization of the Council on July 1, 1988. Thereafter,~~ the term of office of each Council member elected at a regular municipal-general election shall be for a term of four years, pursuant to N.J.S.A. 40:69A-83.
- (b) ~~The term of any person in office on November 2, 2021, the date of the adoption of an ordinance by initiative to hold regular municipal elections on the day of the general election, the Tuesday after the first Monday in November, shall be extended until 12:00 noon on January 1, 2023. Thereafter,~~ The term of each Council member elected at the next preceding a general election in November shall commence on January 1 at 12:00 noon next following the general election.
- (c) Commencing with the general election to be held on November 8, 2022, nonpartisan elections for Council shall be held at the general election in November pursuant to the Uniform Nonpartisan Elections Law (N.J.S.A. 40:45-5 et seq.).
- (d) Vacancies in office shall be determined pursuant to N.J.S.A. 40A:16-1 et seq., known as the "Municipal Vacancy Law."

#### Sec. 2-9. Powers and duties.

Pursuant to N.J.S.A. 40:69A-82, the Township shall be governed by an elected Council and an appointed Manager and such other officers and employees as may be duly appointed pursuant to law and pursuant to N.J.S.A. 40:69A-88, all powers of the Township and the determination of all matters of policy shall be vested in the Council, except as otherwise provided by the Optional Municipal Charter Law (N.J.S.A. 40:69A-1 to 69A-210) or by general law (as defined in N.J.S.A. 40:69A-28). Pursuant to N.J.S.A. 40:69A-90, the Council shall continue or create and determine and define the powers and duties of such executive and administrative departments, boards, and offices as it may deem necessary for the proper and efficient conduct of the affairs of the Township.



**Sec. 2-10. Fiscal and financial policy.**

The Council is responsible for the fiscal and financial policies of the Township and shall have the duty to raise the revenues required by the Township and to adopt an annual budget, which will include all appropriations required by state law.

**Sec. 2-11. Administrative policy.**

- (a) Within the framework of the policies established by the Council are the delegated duties of the Manager, his department heads and other appropriate officials and employees of the Township. The Council shall require the Manager to establish the organizational structure, duties, plans and responsibilities of those department heads and their major subordinates, reporting to the Manager within the framework of the general administrative policy set forth herein and to submit such written plans, organization and operational delineation of duties to the Council for concurrence and approval, within 30 days of the adoption of the Charter; thereafter, revisions and modifications shall be reviewed and submitted to the Council semiannually and at such other times as significant changes are necessary or as the Council may require. Included among the foregoing reports by the Manager to the Council shall be the following:
  - (1) A current personnel procedures manual.
  - (2) A current purchasing procedures manual.
  - (3) A current risk management procedures report.
  - (4) All current labor contracts of the Township.
  - (5) A current space allocation report, containing the number of square feet used by all departments and offices and a projection of future needs.
  - (6) The Manager's written opinion of each department and office of the Township, including, without limitation, whether or not each is operating at peak efficiency, is properly budgeted, is properly staffed and whether any new capital items or personnel transfers are requested for the next budget year.
  - (7) An inventory program for all Township property.
- (b) The Council shall establish such other and further procedures and goals for the Manager as it from time to time deems necessary.

**Sec. 2-12. Organization to elect and make appointments.**

The Council shall, on January 1 next following the general election, at 12:00 noon, or at some other hour on any day during the first week in January as fixed by resolution of the Council, assemble at a location designated by the Council ~~the usual place of meeting of the Council,~~ to organize itself and elect one of its number as Mayor, another as Deputy Mayor I, another as Deputy Mayor II, and

make such other appointments, perform such other functions and carry on such other business as is appropriate. Until the election of the Mayor occurs, the Clerk shall preside over the organizational meeting, but the Mayor shall preside once elected.

**Sec. 2-132. Appointments.**

The Council shall appoint, within the framework of appropriate ordinances and resolutions adopted by the Council and within the authority of all general laws and statutes of the State of New Jersey, including, without limitation, N.J.S.A. 40:69A-89, 40:69A-95, 40A:9-146 and 2B:12-4, the following personnel: Tax Assessor, Auditor, Attorney, all legal assistants specified in § 2-35 of this Township Code, Manager, Clerk, Judge of the Municipal Court, Class III and IV members of the Planning Board and two alternates, all members of the Zoning Board of Adjustment and two alternates, and such other officers, offices and boards as are permitted or required by law and/or as the Council may deem necessary for the proper and efficient conduct of the affairs of the Township.

**Sec. 2-14. Appointment of special committees and task forces.**

The Council may create or continue any special committees or task force as may be necessary from time to time and appoint as many members as may be necessary, but no more than three members of the Council, to accomplish the goals of such committee or task force.

**Sec. 2-153. Mayor and Deputy Mayors.**

The Mayor shall preside at all meetings of the Council and shall have a voice and a vote in its proceedings but shall not have the power of veto. The Mayor shall appoint the members of and fill vacancies in the Library Board and shall appoint the Class II member of the Planning Board and shall sit as the Class I member of the Planning Board. All bonds, notes, contracts, and written obligations of the Township shall be executed on its behalf by the Mayor or, in the event of the absence or disability of the Mayor, by the Deputy Mayor I or, in the event of the absence or disability of both the Mayor and Deputy Mayor I, by the Deputy Mayor II. The term of the Mayor, Deputy Mayor I and Deputy Mayor II shall be for two years and shall expire upon the election of a successor at the next organizational meeting of the Council. If a vacancy occurs in the office of Mayor, by reason of death, resignation, or otherwise, the Deputy Mayor I or, in the absence of the Deputy Mayor I, then the Deputy Mayor II shall become the acting Mayor, with all the powers and duties of the Mayor, until a successor Mayor is elected and qualified at the next reorganizational meeting.

**~~Sec. 2-14. Organization to elect and make appointments.~~**

~~Except as otherwise provided by law, commencing January 1, 2023, the Council shall, on January 1 next following the general election, at 12:00 noon, or at some other hour on any day during the first week in January as fixed by resolution of the Council, assemble at the usual place of meeting of the Council, to organize itself and elect one of its number as Mayor, another as Deputy Mayor I, another as Deputy Mayor II and make such other appointments, perform such other functions and carry on such other business as is appropriate.~~

## Sec. 2-165. Meetings.

- (a) Regular meetings. The Council shall hold regular meetings as set forth on the annual schedule of meetings or as determined by the Council by periodic resolution, beginning at 7:00 p.m. unless a different starting time is designated in the notice of meeting. The Council may by resolution dispense with one or more meetings otherwise scheduled. The Clerk shall post a copy of the agenda, copies of the full text of all ordinances (within 24 hours of the Council's affirmative vote to introduce an ordinance by title only) and copies of resolutions on the bulletin board, in the Municipal Building and shall provide sufficient copies of the same (when required) to the members of the public attending Council meetings or who request the same by mail.
- ~~(b) Organizational meetings. Commencing January 1, 2023, on January 1 next following the general election, at 12:00 noon, or at some other hour on any day during the first week in January as fixed by resolution of the Council, the Council shall hold an organizational meeting, at which time the Clerk shall preside over the meeting until a Mayor is elected. Following the election of a Mayor, who shall then preside over the meeting, a Deputy Mayor I shall be elected who shall preside in the absence of the Mayor. Following the election of Deputy Mayor I, a Deputy Mayor II shall be elected, who shall preside in the absence of both the Mayor and Deputy Mayor I.~~
- ~~(e)~~(b) Special meetings. Special meetings may be called at any time by the Mayor or upon written request of a majority of the full membership of the Council. The business of a special meeting shall be specified in the call for such meeting and no other business may be considered. The call for such special meeting shall be delivered to the Clerk, who shall forthwith deliver written notices of said special meeting to each member of the Council at his or her residence or at such place as shall have been previously designated by the Council for that purpose. All special meetings shall comply with the Open Public Meetings Act and may not be called on less than 48 hours' advance notice to the designated newspapers to receive notice under the Open Public Meetings Act and to the members of the Council, as set forth above, unless the Council declares that an emergency exists affecting the health, safety and welfare of the people, requiring a meeting in a shorter time and in compliance with the emergency provisions of the Open Public Meetings Act. In such event, the Clerk, on the filing of a call for an emergency special meeting, shall forthwith notify the members of the Council by telephone, ~~telegraph~~electronically, or such other means at the Clerk's disposal and in accordance with the Open Public Meetings Act. The Police Department shall cooperate with the Clerk in effecting the service of such notice. A special meeting may be held without prior notice, upon a written waiver of notice, executed by a quorum of all of the members of the Council and filed with the Clerk, provided such meeting complies with the Open Public Meetings Act.
- ~~(d)~~(c) Continued meetings. A continued meeting shall be a continuation of the last preceding meeting, business being resumed where it was left at the time of adjournment. A continued meeting shall complete the business of the last preceding meeting and shall not initiate new business.

~~(e)~~(d) Township officers or employees shall attend the regular or special meetings if required by the Manager.

~~(f)~~(e) Meeting agendas. Any member of the Council may add items to a regular meeting agenda, provided that said addition is given to the Clerk no later than Thursday 12:00 noon with respect to the meeting on the following Tuesday.

~~(g)~~(f) Closed session meetings. The Council may hold a closed session meeting in accordance with N.J.S.A. 10:4-6 et seq. (the Open Public Meetings Act) at any meeting as set forth on the annual schedule of meetings or as may otherwise be determined by the Council following the adoption of a resolution during the open portion of the meeting to enter into closed session in accordance with the provisions of the Open Public Meetings Act.

**Sec. 2-176. Order of business.**

(a) The business of the Council at regular meetings and, as applicable, at special meetings shall be taken up for consideration and disposed of in the following order, unless such order is changed by a majority vote of a quorum present of the Council:

(1) Mayor's announcement of Open Public Meetings Act~~10~~ statement.

(2) Roll call of Council members in attendance.

(3) Motion to go into closed session.

(4) Closed session discussion.

(5) Motion to return to open session.

(6) Pledge of allegiance.

(7) Mayor's announcement of Open Public Meetings Act statement.

(8) Roll call of Council members in attendance.

(9) Proclamations and presentations (if any).

(10) Work session items:

a. Miscellaneous.

b. Old business.

c. New business.

d. Communications.

e. Committee reports by Council liaisons.

- f. Council-listed items.
- g. Township Manager's report.
- h. Township Attorney's report (if any).

(11) Formal meeting items:

- a. Public hearings and adoption of ordinances.
- b. Meeting open to the public for good and welfare and public input on any matters on the agenda.
- c. Consent agenda (raffles) (minutes) (resolutions) (bill list).
- d. Introduction of ordinances.

(12) Adjournment.

- (b) Notwithstanding the foregoing, the Council may modify the order of business to accommodate the public or to deal with a matter of priority.
- (c) The public shall be allowed to comment for a period not to exceed three minutes per person on such matters for which the law requires a hearing to be conducted. Under the portion of the meeting open to the public for good and welfare or public input on any matters on the agenda, the public shall be allowed to comment for a period not to exceed three minutes per person on any matter in the nature of good and welfare, whether or not on the agenda, and on any matters on the agenda for a total period not to exceed one hour if needed to entertain public comments as permitted by this section. At the conclusion of the public comment portion of good and welfare, each Council member may respond for a time period not to exceed three minutes, and thereafter the agenda shall be resumed. During any time the public is allowed to speak, including good and welfare, the Mayor, as presiding officer, shall have discretion to cut off any repetitive, irrelevant, or excessive public comment in the interests of allowing members of the public time to speak and completing the public business within a reasonable period of time.
- (d) The close of a meeting shall be 11:00 p.m. in order to permit decisions to be made at a time that is conducive to thoughtful and alert participation by both the public and the Council, unless the Council votes to extend the time for such meeting.
- (e) Official action may be taken at both the formal session and the work session portion of any regular or special meeting.

**Sec. 2-187. Approval of minutes.**

The minutes of previous meetings of the Council may be approved without reading if the Clerk has previously furnished each member of the Council with a copy thereof three working days preceding

the meeting at which the minutes are to be approved; however, any member of the Council may cause the minutes or any part thereof to be read prior to approval.

**Sec. 2-198. Quorum.**

A majority of the members elected to the Council shall constitute a quorum at a regular or special meeting. In the event that no quorum is present within 30 minutes following the appointed time for a meeting, the Clerk shall declare the meeting adjourned.

**Sec. 2-2019. Number of votes required.**

Except where a greater vote is otherwise required by law, the adoption of an ordinance shall require the affirmative vote of a majority of all the members of the Council, and all other matters may be passed by the affirmative vote of a majority of a quorum of the Council present.

~~**Sec. 2-20. Rules of procedure.**~~

~~The rules of procedure attached hereto as Appendix I are incorporated herein by reference as if fully set forth and are intended as the rules for the conduct of all meetings of the Council.~~  
**Sec. 2-21. Appointments by Council.**

(a) With respect to all appointments to all statutory and advisory boards, commissions, or agencies to be made by Council:

- (1) The Township Clerk shall, at all times, make available a list of all positions that are eligible to be filled by the Council, regardless of whether they are currently filled or vacant. This list shall be available in-person and electronically through the Township's website. It shall list all individuals who currently hold any such position as well as provide the date their term is set to expire.
- (2) The Township Clerk shall, at all times, make forms available to the public for application to such positions. These applications shall be available in-person and electronically through the Township's website. The Township Clerk shall keep a list of all applicants for all positions for the preceding two years.
- (3) At least three months prior to the filling of any vacancies due to the expiration of any term, the Clerk shall notify the public about the position to be filled. At least four weeks prior to the filling of any unexpected vacancies prior to the expiration of any term, the Clerk shall notify the public about the position to be filled. Upon notice to all applicants from the preceding two years, as described above, a personnel subcommittee of three members of the Council will meet to interview all such applicants who request an interview on a rolling basis.
- (4) The personnel subcommittee shall present the full Council with a list of as many recommended candidates as there are positions to be filled. The full Council shall be entitled to interview all recommended candidates during closed session prior to

voting on the nominations. Any member of the Council may interview any applicant outside of closed session, even if not included on the list of recommended candidates, so long as there are not sufficient Councilmembers present to trigger a quorum under the Open Public Meetings Act. Any member of the Council shall also be entitled to invite as many applicants as there are positions available to be interviewed by the full Council in closed session prior to voting on the nominations, even if not recommended by the personnel subcommittee.

- (5) Once the full Council has interviewed all recommended candidates in closed session, should they choose to do so, the Council may vote at a subsequent regular or special Council meeting to fill said positions. Any Councilmember may nominate any candidate who has applied for a position. Only individuals who have applied for a position may be nominated for said position.

### **Sec. 2-22. Rules of debate.**

- (a) The Mayor or other Chair may move, second, and debate from the Chair and shall not be deprived of any right to vote or of any other rights, powers, or duties of a Councilmember by virtue of occupying the Chair.
- (b) Every member of the Council has the right to debate or to discuss business that is introduced to the Council in the form of a main motion. Only a motion to limit debate or to close debate can take away or limit this right, and either motion must have a two-thirds vote.
- (c) A member of the Council shall be entitled to the floor only upon recognition by the Chair. Once a member has been recognized and taken the floor, they shall not be interrupted for any reason other than a call to order; and in such case, the Chair shall rule promptly on the point of order and the speaker shall be allowed to proceed if they are in order.
- (d) The Councilmember who has made a motion shall be entitled to the privilege of closing debate.
- (e) A motion to reconsider may be made by a Councilmember on the prevailing side, and such motion may be made only at the same meeting or at an adjournment thereof as which the action was taken.
- (f) A motion to adjourn shall always be in order and shall be decided without debate.

### **Sec. 2-23. Decorum.**

- (a) Any person who shall disturb the peace of the Council, make impertinent or slanderous remarks or conduct himself in a boisterous manner while addressing the Council shall be forthwith barred by the presiding officer from further audience before the Council, except that if the speaker shall submit to proper order under these rules, permission for him to continue may be granted by a majority vote of the Council.

(b) The Police Chief shall, upon request of the Chair, designate a member of the Department to serve as Sergeant-at-Arms at Council meetings. They shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum at such meeting.

**Sec. 2-24. Robert's Rules of Order.**

Except as may be provided in the Charter, questions of order, methods of organization and the conduct of business of the Council shall be governed by Robert's Rules of Order in all cases to which they are applicable and in which they are not inconsistent with the rules of procedure hereinafter set forth in this chapter.

**Sec. 2-251. Suspension of rules.**

The Council may, by unanimous consent, suspend the rules of procedure or the order of business at any meeting for an emergent or special purpose.

**Sec. 2-262. Sunshine Law.**

All meetings of the Council shall be held in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as now or hereafter amended.

**ARTICLE III**

**Office of Manager**

**Sec. 2-273. Appointment.**

There shall be a Manager appointed by the Council pursuant to N.J.S.A. 40:69A-89. The Manager shall be a person, other than a member of the Council, fully qualified to exercise the powers and perform the duties of that office as required by law and shall serve pursuant to N.J.S.A. 40:69A-93. Pursuant to N.J.S.A. 40:69A-95, the Manager shall be responsible to the Council for carrying out all policies established by it and for the proper administration of all affairs of the Township within the jurisdiction of the Council.

**Sec. 2-284. Duties.**

The Manager shall, pursuant to law and N.J.S.A. 40:69A-95:

- (a) Be the chief executive and administrative official of the Township.
- (b) Compile and submit to the Council the tentative annual budget pursuant to law.
- (c) Execute all laws and ordinances of the Township and of the State of New Jersey.
- (d) Appoint and remove a Deputy Manager and all department heads and all other officers, subordinates and assistants for whose selection or removal no other method is provided in



the Charter or otherwise. The Manager shall supervise and control his appointees and report all appointments or removals at the next meeting thereafter of the Council.

- (e) Review existing job classifications and salary ranges of all employees, at the request of the Council, but at least once each year, and present his recommendations for any additions, changes, or modifications therein to the Council, at the request of the Council, but at least at or before the second workshop meeting in the month of September of each year.
- (f) Negotiate, but not approve or execute, contracts for the Township, subject to the approval of the Council; make recommendations concerning the nature and location of Township improvements; and execute Township improvements as determined by the Council.
- (g) Report to the Council any violations of the terms or conditions of any statute, public utility franchise or other contract imposed in favor of the Township or its inhabitants.
- (h) Attend all meeting of the Council with a right to take part in the discussions but without the right to vote.
- (i) Recommend to the Council for adoption such measures as he may deem necessary or expedient.
- (j) Keep the Council advised of the financial condition of the Township by rendering a quarterly report within 30 days following the end of the preceding quarter or a monthly report if requested by the Council. The year-end report should be submitted together with the tentative budget and shall be for the benefit of the Council and the public.
- (k) Make an annual report of the Manager's work to the Council, in writing, at the second Council meeting of the month of April and, if no second meeting of the Council is scheduled in the month of April, then no later than May 1 of each year, except as the Council may otherwise determine. Such report shall include a detailed list of major capital improvements considered by the Manager to be necessary or desirable during the succeeding five years, for consideration by the Council in planning future undertakings.

~~(l) (Reserved)~~

~~(m)~~(l) Ensure that no contract be entered into or improvement undertaken until the necessary funds have been appropriated in the budget or by ordinance.

~~(n)~~(m) Consult with and work together with the Council and the Planning Board in maintaining the Master Plan and in establishing plans for the future development of the Township.

~~(o)~~(n) Investigate at any time the affairs of any officer or department of the Township.

~~(p)~~(o) Establish the organizational structure, duties, plans and responsibilities of all department heads and their major subordinates who report to the Manager, within the framework of the

general administrative policy set forth herein, and submit such written plans, organization and operational delineation of duties to the Council as hereinafter set forth. The Manager shall develop, update, and submit to the Council for its approval, prior to implementation, the following:

- (1) Employment policies, not otherwise covered by collective bargaining agreements and laws and regulations of the New Jersey Civil Service Commission, which shall be incorporated and ~~codified-written~~ in ~~Appendix V hereof,~~ a Personnel Policies and Procedures Manual, ~~and Appendix VI hereof, Personnel Policies and Procedures for Excluded Employees.~~ The Manager or his/her designee shall cause a copy of ~~Appendix IV, said~~ Personnel Policies and Procedures Manual, to be served on every employee of the Township and shall obtain a signed receipt from each employee acknowledging receipt thereof. The Manager shall arrange for training sessions on the Personnel Policies and Procedures Manual for all department heads who, in turn, shall provide training on the Personnel Policies and Procedures Manual to all employees within their respective departments.
- (2) Purchasing procedures.
- (3) Risk management procedures, including self-insurance policies and procedures.
- (4) Negotiating positions in collective bargaining with employee unions.
- (5) The status of formal employee grievances or claims, whether or not referred to labor counsel.
- (6) As part of preparing and recommending an annual budget, evaluations of each department and office of the Township, including staffing requirements and capital improvement needs.
- (7) A parts and supplies inventory oversight program.

~~(p)~~(p) Develop administrative and operational rules, policies and operating procedures, including but not limited to maintenance of records where appropriate, as required by the Charter, for the guidance of all departments and employees, in writing, to be reviewed by the Council, at least once annually, and filed with the Clerk and with each department head.

~~(q)~~(q) Demonstrate compliance with the goals set for him in the Charter and otherwise by the Council.

~~(r)~~(r) Provide adequate clerical and other staff support and adequate permanent office space for the Council and all of the members of the Council in the discharge of its or their official duties.

~~(s)~~(s) Perform such other duties as may be required of the Manager by ordinance or resolution of the Council.

**Sec. 2-~~295~~. Deputy Manager.**

During any temporary absence of the Manager or in the event of his disability, a properly qualified administrative officer of the Township shall be selected by the Manager to exercise the powers and perform the duties of that office. In the event of his failure to make such designation, the Council may by resolution appoint an officer of the Township to perform the duties of the Manager during such absence or disability until he shall return or his disability shall cease.

**Sec. 2-~~3026~~. Delegation of administrative duties.**

The Manager may, in his discretion, allocate, assign or delegate functions or powers to a department head for more efficient administration of the Township government, provided that any such delegation, allocation or assignment shall not relieve the Manager of any of his responsibilities under the Charter, Code or under law, nor shall it be inconsistent with any specific requirement of the Charter. Any such delegation shall be in writing and shall be promptly reported to the Council and recorded in its minutes.

**Sec. 2-~~3127~~. Powers and duties of department heads.**

- (a) Each department head, under the direction and supervision of the Manager, shall:
  - (1) Exercise and discharge such functions, powers and duties as may be allocated and assigned to the department by or pursuant to the Charter, Code or by law.
  - (2) Direct and supervise the work of his department.
  - (3) Organize the activities of his department and allocate and assign functions to its employees.
  - (4) Develop and administer employee safety programs.
  - (5) Perform such duties and functions assigned to him by law.
- (b) Except as otherwise specifically provided by law, no person may be the head of more than one department.

**Sec. 2-~~3228~~. Unassigned property; insurance.**

- (a) The Manager shall have custody, management and control of all Township property which is not otherwise allocated or assigned to a department or office by the Charter, Code, ordinance or by general law.
- (b) The Manager, with the approval of the Council, shall arrange for such insurance and suretyship coverage as may be required to protect the Township government against risks of loss from whatever cause. All insurance policies and surety bonds shall be filed for safekeeping with the Treasurer.

**Sec. 2-~~3329~~. Access to public information.**

~~The Manager shall, through his office, provide for reasonable assistance to citizens and other persons having business with the Township, promptly and in a courteous manner. He shall be available to discuss complaints and recommendations with citizens or groups of citizens. Pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Right to Know Law, N.J.S.A. 47:1A-1 et seq.,~~ the Manager shall make available for inspection and copying to the general public all documents and information that may be requested.

**ARTICLE IV**

**Office of Township Clerk**

**Sec. 2-~~340~~. Appointment.**

There shall be a Clerk appointed by the Council pursuant to N.J.S.A. 40:69A-89, who shall serve as provided by law. The Clerk shall, with the exception of those specific other duties set forth in the Charter and by law, act as the full-time secretary to the Council.

**Sec. 2-~~351~~. Powers and duties.**

The Clerk shall:

- (a) Keep and preserve safely the minutes and records of the proceedings of the Council and, with the approval of the Council, the minutes of any Township board or body. It shall be the duty of the Clerk to prepare reasonably comprehensive written minutes of all the Council's meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, the names of all persons participating in the same and a brief summary of the matters discussed and any other information required to be shown in the minutes by law and make them promptly available to the Council, within 30 days following the day on which such meeting took place or by the next regularly scheduled meeting, whichever is later. Upon approval by the Council, the minutes shall be made available to the public, subject to redaction of matters discussed in closed session meetings pursuant to N.J.S.A. 10:4-12. If, for any reason, the Council fails to approve the minutes of a meeting by its next regularly scheduled meeting occurring not less than 30 days following the day on which such meeting took place, the Clerk shall make the unapproved minutes of such meeting available to the public with a notation that such minutes are draft minutes and are subject to correction and approval by the Council.
- (b) Keep and preserve safely all Township records, including tape recordings and other verbatim transcript of Council meetings, as required by state law.
- (c) Preserve and compile all ordinances and resolutions and, at the close of each year, with the advice and assistance of the Township Attorney, compile, codify and bind all the ordinances

and resolutions then in effect in conformity with the plan and system of the Code. The Clerk shall clearly record at the top of each ordinance and resolution the names of the movant and seconder of each ordinance or resolution and the vote of each Council member. The Clerk shall, annually, index the record books, compilation and codification of ordinances and resolutions; provide for their publication; make the same available to the Council and the Manager; and, in conformity with the public's general right to know, pursuant to N.J.S.A. 47:1A-1 et seq., make all of the foregoing and all other items which the Clerk is required to keep and preserve fully available to the public for inspection and copying.

- (d) Have custody of the Township Seal and affix it to such books, papers and documents as may be specifically authorized pursuant to law or ordinance or, when necessary, to exemplify any document on record in his office or to certify any act or paper which, from the records in his office, shall appear to have been a public act or document of the Township.
- (e) Have and take custody of all official books, papers, and documents of the Township for which no other repository is provided by Charter, ordinance or other law and preserve and keep them safely.
- (f) Provide secretarial and clerical services for the Council and all Council members in the discharge of its or their official duties.
- (g) Prepare, arrange, keep, and amend the Council meeting agenda, pursuant to direction of the Council. As soon as possible, the Clerk shall furnish a copy of the agenda to each member of the Council, the Manager and the Attorney. The Clerk shall post a copy of the Council agenda and copies of the full text of all ordinances and resolutions thereon in the Municipal Building and shall provide sufficient copies of all of the same to the members of the public attending Council meetings.
- (h) Perform the functions required of Municipal Clerks by the General Election Law (Title 19 of the Revised Statutes) and any other state law or ordinance and receive for Township use the fees prescribed therefor.
- (i) Administer the licensing provisions of Township ordinances where no other provision is made for administration thereof and promptly remit to the Tax Collector all fees received in connection therewith.
- (j) Perform such functions as are vested in the Clerk by state law and ordinances relating to bingo and raffles licensing.
- (k) Have such other and different functions, powers and duties as may be prescribed by law or ordinance.
- (l) The Clerk shall issue certificates as to liability for assessment for municipal improvements in accordance with N.J.S.A. 54:5-18.1 et seq.
- (m) Coordinate activities between the Council and the various boards and bodies of the Township

and collect and distribute the minutes of the various boards and bodies of the Township.<sup>16</sup>

- (n) Report to the Council and work with the Township Manager, unless the Clerk's statutory duties require otherwise.

~~Sec. 2-32. (Reserved)~~

## ARTICLE V

### Office of Township Attorney

**Sec. 2-363. Appointment.**

There shall be an Office of the Township Attorney, the head of which shall be the Township Attorney. He shall be appointed by the Council and shall serve for a term of two years, concurrent with the two-year term of the Council making the appointment, receiving therefor remuneration as established by the municipal budget. Notwithstanding the conferral of a two-year term, the Township Attorney shall serve at the pleasure of the Council and may be removed by the Council, with or without cause, at any time. If the Township Attorney is salaried, said salary shall terminate 30 days after the vote of removal. The Township Attorney may be an individual attorney or a member of a law firm; however, the appointee shall be admitted to practice as an attorney at law in the State of New Jersey for a period of five years or more.

**Sec. 2-374. Duties.**

The Township Attorney shall:

- (a) Be the chief legal advisor to the Council and Manager and shall give all the necessary legal advice and counsel, as required by the Council and Manager, and which pertain to the affairs of the Township.
- (b) Prepare or supervise the preparation of all ordinances, regulations, resolutions, contracts and other legal documents and papers pertaining to the Township.
- (c) Appear as attorney-of-record for the Township in all actions or proceedings in any court or before any board in which the Township is a party in interest or in which it may be or become involved, or where the public interest of the Township may be served, and in all actions and proceedings for the enforcement of the Code or other Township ordinances and regulations.
- (d) Attend all regular, workshop, and special meetings of the Council.
- (e) Supervise the administration of the Office of the Township Attorney and allocate duties and responsibilities to Office personnel.
- (f) Promptly report the outcome of any litigation in which the Township is a party in interest.
- (g) Report to the Council the status of all pending litigation wherein the Township is a party in

interest.

- (h) Have the power to enter into any agreement, compromise, or settlement of any litigation in which the Township is involved, subject to the approval of the Council.

**Sec. 2-385. Legal assistants.**

The legal assistants shall be assistant to the Township Attorney and, subject to the Charter, under the supervision of the Township Attorney. The Township Attorney shall be authorized to assign legal work as needed to said legal assistants. Said legal assistants shall be attorneys at law of the State of New Jersey, admitted to practice in this state for not less than one year. A legal assistant shall hold office for a term of one year and until his successor is appointed, and shall either receive a salary as established by the Salary Ordinance or a professional services contract as set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. Said legal assistants shall be independent of the Township Attorney in the performance of their legal duties; however, administratively, they are deemed legal assistants for the purpose of submitting vouchers, and they shall submit all vouchers, if any, for review and approval by the Township Attorney prior to payment by the Township; for all administrative assistance, budgetary allowances and planning; and they shall maintain in the Municipal Building or the office of their respective boards all permanent files, including litigation files, and all such files shall be the sole property of the Township. The legal assistants shall consist of and be appointed from time to time as follows:

- (a) The legal assistant to the Planning Board, who shall be appointed by the Planning Board.
- (b) The legal assistant to the Zoning Board of Adjustment, who shall be appointed by the Zoning Board of Adjustment.

~~(c) (Reserved)~~

~~(d)~~(c) Prosecutors, who shall be appointed by the Township Council in accordance with N.J.S.A. 2B:25-4; the Council may appoint or contract with one or more municipal prosecutors for a period not exceeding one year from the time of appointment or award. Notwithstanding the foregoing, municipal prosecutors serve at the pleasure of the Council and may be removed at any time with or without cause.

~~(e)~~(d) The Public Defender, who shall be appointed by the Council.

~~(f)~~(e) The legal assistant to the Civilian Complaint Review Board, who shall be the Public Defender, except as otherwise set forth by law or this Code.

~~(g)~~(f) The legal assistant for labor matters, who shall be appointed by the Council.

~~(h) (Reserved)~~

~~(i)~~(g) The legal assistant to the Historic Preservation Commission, who shall be appointed by the Council.

~~(j) The legal assistant to the Ethics Board, who shall be appointed by the Ethics Board.~~

The Council is authorized to appoint such other legal assistants as they deem appropriate and shall not be restricted to the positions listed herein.

**Sec. 2-396. Duties of legal assistants.**

The legal assistants shall perform such duties as may be required by the respective board or body to which they are assigned and, subject to the Charter, as may be assigned to them by the Township Attorney to assist him in the operation of the office in any litigation by or against the Township or any of its departments, boards or bodies or employees, agents, officers, officials or servants arising in the course of and in the scope of their employment; prepare ordinances, contracts, resolutions or other legal documents and review such documents; and provide research, correspondence and maintain proper files, records and office procedures.

- (a) Duties of legal assistant to Zoning Board Adjustment. The duties of the legal assistant to the Zoning Board of Adjustment shall be as follows:
  - (1) He shall attend all meetings of the Zoning Board of Adjustment. He shall furnish legal opinions to and prepare for said Board all resolutions and necessary legal documents.
  - (2) He shall assist the Township Attorney in trial and reference work when requested.
  - (3) In matters pertaining to policy and opinions of the Zoning Board of Adjustment, the legal assistant shall have the status of independent counsel for the Board. In all litigation in which the Zoning Board of Adjustment is made a party-defendant, the legal assistant shall defend the suit on the Board's behalf, unless the Township or any official or employee thereof is also made a party defendant, in which event the Township Attorney shall designate defense counsel. To the extent permitted by the rules of professional conduct governing attorneys, one attorney shall represent all Township defendants, but such determination will be left to the discretion of the Township Attorney.
  
- (b) Duties of legal assistant to Planning Board. The duties of the legal assistant to the Planning Board shall be as follows:
  - (1) He shall attend all meetings of the Planning Board. He shall furnish legal opinions to and prepare for said Board all resolutions and necessary legal documents.
  - (2) He shall assist the Township Attorney in trial and reference work when requested.
  - (3) In matters pertaining to policy and opinions of the Planning Board, the legal assistant shall have the status of independent counsel for the Board. In all litigation in which the Planning Board is made a party-defendant, the legal assistant shall defend the suit on the Board's behalf, unless the Township or any official or employee thereof is also made a party defendant, in which event the Township Attorney shall designate defense counsel. To the extent permitted by the rules of professional conduct governing



attorneys, one attorney shall represent all Township defendants, but such determination will be left to the discretion of the Township Attorney.

(c) Duties of Prosecutor. The duties of the Municipal Court Prosecutor shall be as follows:

- (1) The Prosecutor shall attend all sessions of the Township Municipal Court and prosecute all motor vehicle cases, disorderly person offenses, preliminary hearings, and other cases in which the Township is a party in interest.
- (2) The Prosecutor shall defend all appeals from convictions and other matters adjudicated in the Municipal Court.
- (3) The Prosecutor shall instruct members of the Police Department in court procedure and assist personnel of the Municipal Court in the matter of preparation of legal papers pertaining to the business of such court.
- (4) The Prosecutor shall have all of the duties conferred by state statute.

(d) Public Defender. The duties of the Public Defender shall be:

- (1) The Public Defender shall attend all sessions of the Municipal Court at which his/her cases are scheduled and shall serve as legal counsel to those defendants unable to afford counsel and who are charged with such violation of the Penal Code as shall entitle them to assigned counsel, pursuant to any law or court-mandated rule. The determination of whether counsel should be assigned shall be made by the Municipal Court Judge, based upon uniform, nondiscriminatory criteria established by the administrative office of the courts or, in default thereof, by the Municipal Court Judge, and liberally construed in favor of that right. As a precondition of assignment of the Public Defender without charge to the defendant, the defendant shall certify his or her financial means, under oath.
- (2) The Public Defender is also assigned to the Civilian Complaint Review Board (CCRB) established under § 2-158 et seq. of this Code, to assist the CCRB in the formulation of its rules of procedure and assist in the conduct of its meetings, its investigatory function and the preparation of its reports. Despite said assignment, the Manager may retain independent counsel separate and apart from the Public Defender if requested by the CCRB, if it serves its legitimate purposes and if said retainer is within the limits of funds appropriated by the Township Council by annual or emergency appropriations for such a purpose. For legal services to the CCRB, the Public Defender or Special Counsel, as the case may be, shall be paid on an hourly basis at rate established by the Manager in consultation with the CCRB.
- (3) Each individual applying for representation by the Public Defender shall be required to pay an application fee of not more than \$200. The Municipal Court Judge may waive any such required application fee, in whole or in part, if the Judge determines, in his discretion, that the application fee represents an unreasonable burden on the individual

seeking representation.

**Sec. 2-~~4037~~. Documents to remain property of Township.**

All papers and documents pertaining to Township legal matters shall remain the property of the Township, and when any member of the Legal Department ceases to be such a member, he shall return all such papers and documents to the Township.

**Sec. 2-~~4138~~. Extra compensation for Township Attorney and legal assistants.**

The Council may authorize by resolution the payment of extra compensation to the Township Attorney and legal assistants in the handling of any case pending in any court or before any board or agency or which requires an extraordinary amount of time. Any such extra compensation shall be paid at an hourly rate and not, if the Attorney is salaried, as an addition to base salary. The rate of hourly compensation shall be established at the time the Attorney's services are authorized, by resolution of the Council.

**Sec. 2-~~4238.1~~. Mode of basic compensation.**

At the time of appointment, the appointing authority shall determine whether the Township Attorney and/or any legal assistant shall be compensated as an independent contractor or as a salaried employee.

**Sec. 2-~~4339~~. Reimbursement of travel and legal duty expenses.**

When any Township legal duty of a member of the Legal Department shall require his presence outside of the Township, his reasonable traveling expenses shall be paid. He shall also be reimbursed for all filing fees and other disbursements necessary in the handling of the Township's legal affairs.

**Sec. 2-~~440~~. Employment of expert witnesses and special counsel.**

The Township Attorney may, with the consent of the ~~Council~~ Manager, engage the services of expert witnesses and special counsel when, in his opinion, such action is necessary in connection with the handling of any legal business of the Township. Reasonable fees for such witnesses and special counsel shall be paid at a rate established at the time of authorization and by resolution of the Council.

**Sec. 2-~~451~~. Attorney as member of law firm.**

In the event that the Township Attorney and/or any legal assistant is a member of a law firm, the name of the firm may appear as attorney of record for the Township in all actions or proceedings. In a specific case, and without regularity, any member of the firm may appear on behalf of the Township Attorney or a legal assistant; however, no additional compensation will be paid relative to such appearances.

**Sec. 2-462. Disqualification; appointment of independent attorney.**

Temporary absence or disqualification; appointment of independent attorney and compensation therefor.

- (a) In the event that any attorney employed by the Township can-not perform legal services because of a disabling accident or illness or because of a conflict of interest, the Township Attorney shall recommend to the appropriate appointing authority, and that authority shall appoint, an independent attorney, except as follows:
  - (1) The legal assistant to the Zoning Board of Adjustment shall substitute for the legal assistant to the Planning Board, and the legal assistant to the Planning Board shall substitute for the legal assistant to the Zoning Board of Adjustment. Such substitution shall be uncompensated if it does not involve extended proceedings, as hereinafter defined.
  - (2) The Township Attorney shall substitute for the Municipal Court Prosecutor. Such substitution shall be uncompensated if it does not involve extended proceedings, as hereinafter defined.
- (b) Notwithstanding the foregoing, if the substitution involves extended proceedings, the substituted attorney shall be compensated at the hourly rate established for such services and to the extent compensation is either budgeted for or subsequently provided by the Township Council.

**ARTICLE VI**

**Office of Municipal Court/Judge**

**Sec. 2-473. Establishment of Court; appointment of Judge.**

Pursuant to N.J.S.A. 2B:12-1, there is hereby established a Municipal Court for the Township which shall be known as the "Municipal Court of the Township of Teaneck in the County of Bergen." There shall be a Judge of the Municipal Court appointed by the Council for a term of three years and, except for justifiable cause, may not be removed. The Judge of the Municipal Court shall be an attorney-at-law of the State of New Jersey and shall be paid an annual salary as established by the Salary Ordinance. The Judge of the Municipal Court shall be admitted to practice in this state for a period of no less than five years.

**Sec. 2-484. Substitution for Judge of Municipal Court; compensation.**

For the purposes only of health, normal vacations and any necessary personal disqualifications, the Judge of the Municipal Court may request any duly admitted attorney-at-law of the State of New Jersey to sit and substitute for him, subject, however, to other laws and of directives of the Administrative Office of the Court. Compensation for such substitute service shall be determined by the Council pursuant to the then-current Township budget.

**Sec. 2-495. Court Clerk.**

There is hereby created the office of the Municipal Court Administrator. The Manager shall appoint the Municipal Court Administrator and such additional personnel as required, who shall serve according to law as the Municipal Court staff.

**Sec. 2-5046. Completion of term of Judge.**

On reorganization of the Council, at first organization or following municipal elections, the Judge of the Municipal Court then in office shall complete the term for which he was appointed.

**ARTICLE VII**

**Department of Assessments**

**Sec. 2-5147. Appointment of Assessor.**

There shall be a Department of Assessments, the head of which shall be the Assessor, who shall be qualified as required by law. He shall be appointed by the Council and shall serve for such term and with such tenure of office as is provided by law.

**Sec. 2-5248. Powers and duties of Assessor.**

The Assessor shall have, perform, and discharge all the functions, powers and duties prescribed for assessors by law. The Assessor shall:

- (a) Supervise and carry out the duties relative to the appraisal of all real and personal property for taxation in conformity with existing statutes, rules and regulations that are issued by agencies responsible for tax assessment administration.
- (b) Prepare all assessment and tax rolls as required by law.
- (c) Check all property transfers and maintain such records as will indicate current ownership status.
- (d) Prepare and maintain all records pertaining to the assessing function, including records for exemptions and deductions.
- (e) Perform other related duties of a statistical nature as may be required by the Tax Court and/or County Board of Taxation.
- (f) Represent the Township in tax appeals before the Tax Court and/or County Board of Taxation and, where necessary, before the courts or in other proceedings.

**Sec. 2-5349. Assistant Tax Assessor.**

There may be an Assistant Tax Assessor, who shall generally assist the Tax Assessor in the proper

performance of his duties. The Assistant Tax Assessor shall, upon designation by the Manager, exercise the powers and perform all of the duties vested in the Tax Assessor at such times as he shall be absent from the Township or be unable to serve by reason of disability or otherwise.

## ARTICLE VIII

### Department of Buildings

#### **Sec. 2-540. Appointment of Construction Official; term.**

There shall be a Department of Buildings, the head of which shall be the Construction Official, who shall be qualified as required by law. He shall be appointed by the Manager and shall serve for such term and with such tenure as is provided by law. The Construction Official/Zoning Officer shall also exercise the powers and perform the duties vested in the Zoning Officer at such times as the Zoning Officer shall be absent from the Township or shall be unable to serve by reason of disability or otherwise.

#### **Sec. 2-551. Powers and duties.**

The Department of Buildings shall have such powers and duties as are set forth in Chapter 11 of the Code, and in accordance with N.J.S.A. 52:27D-126, the Construction Official and the Department shall have the following specific powers and duties:

- (a) The administration of the State Uniform Construction Code Act<sup>24</sup> and all local ordinances and state regulations appertaining thereto, including the issuance of building permits and certificates of occupancy.
- (b) The enforcement and administration of the Township Zoning Ordinances subject to the provisions of the state enabling act.
- (c) The supervision and ensurance of the making of such other inspections as may be required to administer and enforce the provisions of any Township Heating Code, Housing Code, Building Code and the Property Maintenance Code, for which there shall be such officers and employees as may be authorized by the Salary Ordinance.
- (d) The conduct and administration of such other inspections and enforcement proceedings as are authorized by the ordinances and laws under his administration or as may be allocated and assigned to him by the Manager. He shall, so far as practicable, consolidate and coordinate all regulatory inspections relating to the construction, maintenance, use and occupancy of buildings and structures, which are not vested in any other Department by the Code, including, without limitation, those powers and duties specified in Chapter 11 of the Code.

#### **Sec. 2-561.1. Assistant Construction Official.**

There may be an Assistant Construction Official, who shall generally assist the Construction

Official in the proper performance of his/her duties. The Assistant Construction Official shall, upon designation by the Manager, exercise the powers and perform all of the duties vested in the Construction Official at such times as the Construction Official shall be absent from the Township or be unable to serve by reason of disability or otherwise. In the absence of the Construction Official, the Assistant Construction Official shall act as the head of the Department of Buildings. The acting Construction Official shall be subject to the following regulations:

- (a) The position of Construction Official will, at all times, remain a temporary position to the acting Officials, unless the Manager officially appoints the acting Official to permanent status in accordance with law.
- (b) A written record shall be kept by the Department of Buildings as to each day that the Assistant Construction Official acts as the Construction Official.
- (c) The Assistant Construction Official must be properly licensed as a Construction Official in accordance with the rules of the State of New Jersey in order to act as the Construction Official.

**Sec. 2-571.2. Zoning Officer.**

There shall be a position of Zoning Officer, who shall be appointed by the Manager. The Zoning Officer shall be responsible for the administration and enforcement of the Township Zoning Ordinances. The annual salary for the position of Zoning Officer in the Township of Teaneck shall be determined from time to time by the Township Council and shall be paid in accordance with the provisions of the Salary Ordinance of the Township of Teaneck.

**ARTICLE IX**

**Department of Engineering**

**Sec. 2-582. General provisions.**

There shall be a Department of Engineering, the head of which shall be the Township Engineer (also known as the “Municipal Engineer”), who shall be appointed by the Manager and shall serve for such term and with such tenure as provided by law. The Engineer shall be licensed as a professional engineer by the State of New Jersey. The Engineer shall not have an interest (other than in his official capacity), directly or indirectly, in any work, project or proposal requiring any Township approval, permit or appropriation. Within the Department there may be separate divisions for the functions set forth in this article. All references herein to “Engineer” shall be deemed to mean the Township Engineer.

**Sec. 2-593. Functions and duties.**

The Department of Engineering shall have the following functions and duties:

- (a) To advise and assist the Department of Public Works with respect to all engineering matters.

- (b) To prepare or cause to be prepared plans and specifications for all public works and improvements undertaken by the Township.
- (c) To supervise the performance of contracts for public works, and certify the amounts due and payable thereunder.
- (d) To provide and maintain surveys, maps, plans, specifications and operating standards with respect to public works and facilities owned or operated by the Township, and provide and maintain location maps of public utility pipes, lines, wires and appurtenances in, on or above the public streets.
- (e) To maintain the Township Tax Map in a fully correct and current condition.
- (f) To provide technical and engineering advice and assistance to other departments and boards as needed.
- (g) To certify as to approval of subdivisions of land in accordance with N.J.S.A. 40:55D-56, when a land subdivision has been approved in accordance with the Subdivision Ordinance of the Township. Prior to the issuance of such certificate, he shall secure from the Secretary of the Planning Board his countersignature, which shall indicate that, according to the records of the Board and his knowledge, information and belief, the certificate is correct.
- (h) To have such other powers and duties as may be assigned him by the Manager pursuant to N.J.S.A. 40:55D-1 et seq., or by other law.
- (i) To maintain and repair all Township streets, bridges, culverts and drains.
- (j) To undertake and administer road construction projects and road surfacing and resurfacing projects which are to be performed by the Department.
- (k) To receive applications for and issue street opening permits and administer the ordinances relating to street openings.
- (l) To administer and enforce the Township's ordinances regulating the use of public and private sewers and the discharge of waters and waste into the public sewerage system.

~~Sec. 2-54. (Reserved)~~

## ARTICLE X

### Department of Finance

#### Sec. 2-~~60~~55. Treasurer/Chief Financial Officer.

There shall be a Department of Finance, the head which shall be the Treasurer/Chief Financial Officer (as “~~e~~Chief ~~f~~Financial ~~e~~Officer” is defined in N.J.S.A. 40A:9-140.1 et seq.), who shall be appointed by the Township Council for a term of four years, which shall run from January 1 in the

year in which the Chief Financial Officer is appointed, who shall be directly responsible to the Township Council as custodian and disbursing officer of Township funds and for the collection of taxes and whose salary shall be separately set forth in the Salary Ordinance. Whenever the term "Treasurer" is used in this article, such term shall be construed to mean "Treasurer/Chief Financial Officer," and the Township Council hereby establishes the position of Chief Financial Officer and designates said Chief Financial Officer as the Chief Financial Officer of the Township.

**Sec. 2-~~6156~~. Powers and duties.**

Subject to the supervision and direction of the Township Council, the Department and the Treasurer shall:

- (a) Maintain the central books of account and ledgers relating the financial transactions of all Township departments.
- (b) Operate and maintain the books, records and procedures required for an encumbrance system of budget controls.
- (c) Install and supervise such fiscal and management procedures, reports and controls as shall be approved by the Township Council or the Manager.
- (d) Maintain and preserve pertinent personnel information relating to each employee, including civil service actions and certifications, in permanent Township records.
- (e) Assist the Manager as required in the maintenance of management controls, preparation of the budget and otherwise as directed by the Township Council or the Manager.
- (f) Serve as the Township's Chief Financial Officer.
- (g) Advise and assist the Manager and the Council with respect to financial matters.
- (h) Preaudit and control all claims and demands against the Township.
- (i) Have custody of the funds of the Township and pay and disburse therefrom upon approved vouchers and warrants of the Manager, subject to the requirements of the Code or other law.
- (j) Make reports to the Manager and Council at least quarterly, or monthly if requested by the Council, on all current funds, all receipts, expenditures, commitments and unexpended appropriations.
- (k) Have custody of all investments and invested funds of the Township or in its possession in a fiduciary capacity, except as otherwise provided by law, and keep such investments and invested funds safely invested subject to procedures adopted by the Council by resolution.
- (l) Deposit all Township moneys received by him in depositories authorized by the Council.
- (m) Have such other powers and duties as are specified in Chapter 15, Finance and Taxation, of



the Code.

**Sec. 2-~~6257~~. Central payroll.**

The Treasurer shall prepare and administer a central payroll for all officers and employees paid out of Township funds pursuant to the provisions of § 2-155(j) of this ~~e~~Chapter.

**Sec. 2-~~6358~~. Access to safes and depositories.**

The Treasurer shall install, maintain, and enforce procedures to control access safes, depositories and safe deposit facilities used by any department. The signatures of the Treasurer and Mayor and/or Deputy Mayor shall be required for entry into any safe deposit facility used for safekeeping by the Township.

**Sec. 2-~~6459~~. Bonds.**

- (a) Pursuant to the Local Bond Law, the Council will, by resolution, designate the Treasurer to sell and award bonds in accordance with the advertised terms of public sale. He shall report, in writing, to the Council at the next meeting thereof as to the principal amount, interest rate and maturities of the bonds sold and the price obtained and the name of the purchaser.
- (b) The Treasurer shall supervise the administration of municipal debt and the receipt and delivery of bonds and notes for transfer, registration, or exchange, subject to the provisions of the Local Bond Law.

**Sec. 2-~~659~~. Division of Taxation; Tax Collector.**

Within the Finance Department, there shall be a Division of Taxation and a Tax Collector, whose duty shall be to collect all the taxes of the Township as provided by law. The Tax Collector shall serve for such term and with such tenure of office as is provided by law.

**Sec. 2-~~661~~. Powers and duties of Tax Collector.**

Subject to the direction and supervision of the Manager, the Tax Collector shall:

- (a) Have, perform, and exercise all the functions, powers and duties as are provided by the Charter, Chapter 15 of the Code, Township ordinances and other laws relating to Municipal Tax Collectors.
- (b) Receive and collect all moneys assess or raised by taxation or assessment for any purpose.
- (c) Keep a current record of all tax title liens and act promptly as liens become subject to sale and foreclosure pursuant to law.
- (d) Bill and collect water charges and sewer rentals when and as authorized by law and ordinance.

**Sec. 2-62. Tax Collector to receive and deposit moneys; records.**

- (a) All moneys received from any source by or on behalf of the Township or any department, office board or body, except as otherwise provided by the Charter or Code, shall be paid to the Tax Collector. He shall, by the next bank day after their receipt, deposit such collections to the credit of the Township in an authorized Township depository to the credit of the proper account.
- (b) The Tax Collector shall keep proper records and shall report to the Treasurer all receipts and deposits made by him and shall in such report account for all moneys for which he is responsible.

~~Sec. 2-63. (Reserved)~~

**ARTICLE XI**

**Department of Fire Protection**

**Sec. 2-674. Appointment of Fire Chief.**

Pursuant to N.J.S.A. 40A:14-7 et seq., there shall be a Department of Fire Protection, also known as the "Fire Department," the head of which shall be the Fire Chief, who shall be appointed by the Manager and who shall serve for such term and with such tenure as provided by law.

**Sec. 2-685. Functions.**

The Department shall be responsible for the proper and efficient conduct of all fire prevention, fire alarm, hazardous material, and fire extinguishment functions of the Township. The Department shall enforce within the Township all applicable laws and ordinances pertaining to the fire prevention. It shall provide such fire assistance as may be necessary to any other department for its proper functioning.

**Sec. 2-696. Powers and duties.**

The Department shall have such powers and duties as are specified in N.J.S.A. 14A:14-7 et seq. and in Chapter 16 of the Code and the following powers and duties not inconsistent with law:

- (a) The Department shall operate a training program to maintain and improve the efficiency of the members of the Department.
- (b) The Department shall prepare and provide to the Council a detailed preventative maintenance manual for all Department equipment within 30 days of the reorganization of the Council.

**Sec. 2-7067. Organization and administration.**

- (a) Subject to the supervision and direction of the Manager, the Fire Chief shall organize and

administer the work of the Department through divisions and bureaus, to the extent that any such organization is not inconsistent with law and the ordinances of the Township.

(b) All applicants for appointment to the Department of Fire Protection shall be classified according to the following classes:

- I Residents of the municipality
- II Other residents of the county in which the municipality is situated
- III Other residents of the state
- IV All other qualified applicants

**Sec. 2-7168. Promulgation, revision, and enforcement of procedures.**

Subject to the approval of the Manager, the Fire Chief shall promulgate and from time to time revise and enforce a Manual of Department Discipline, Practices and Procedures for the better administration of the work of the Department and for the discipline and efficiency of the Department, a copy of which shall be filed with the Clerk and made available to the public.

**Sec. 2-7269. Disciplinary charges.**

The Fire Chief will recommend to the Manager disciplinary charges against any member of the Department, whenever the penalty does not involve demotion, suspension for more than five days or loss of pay for more than five days; otherwise, the Manager shall hear and determine any charge or charges filed against a member of the Department pursuant to law.

## ARTICLE XII

### Department of Health and Human Services

**Sec. 2-730. Appointment of Health Officer.**

There shall be a Department of Health and Human Services, also known as the “Department of Health” or “Health Department,” the head of which shall be the Health Officer, appointed by the Manager, and who shall serve for such term and with such tenure as provided by law.

**Sec. 2-741. Powers and duties.**

Under the supervision of the Health Officer, the Department shall:

- (a) Have all of the functions, powers and duties of a local Board of Health under Title 26 of the Revised Statutes, except that, as required by the Charter, the Council shall have and exercise all local legislative powers under that Title.
- (b) Plan and administer a comprehensive public health program, including, without limitation

thereto, environmental sanitation, communicable disease control, child and adult health and health education, prevention and control of drug and narcotics abuse, and other services as may be authorized by the Charter or ordinance.

- (c) Administer and enforce the local health ordinances and the Property Maintenance Code.<sup>34</sup>
- (d) Coordinate with other agencies and officials and, where appropriate, plan and administer programs for youth services, youth guidance, public assistance, and social services.

**Sec. 2-751.1. Vital statistics.**

The Health Officer or other full-time official in the Health and Human Services Department may be designated to serve as local Registrar of Vital Statistics, and also a Deputy Registrar shall be appointed.

## ARTICLE XIII

### Department of Police

**Sec. 2-762. General.**

Pursuant to N.J.S.A. 40A:14-118, there shall be a Department of Police, the head of which shall be the Police Chief.

**Sec. 2-773. Establishment: organization.**

There is hereby created, in and for the Township of Teaneck, a Department of Police, which shall consist of no more than one Police Chief, one Deputy Police Chief, three Captains, 10 Police Lieutenants, 20 Police Sergeants and 80 police officers to be appointed to these positions by the appointing authority.

**Sec. 2-784. Duties of Department of Police.**

The Department of Police shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Teaneck; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies and provide training for the efficiency of its members and officers.

**Sec. 2-795. Appropriate authority.**

The Municipal Manager shall be designated as the appropriate authority as provided in the New Jersey Statute, N.J.S.A. 40A: 14-118 et seq. The appropriate authority shall be responsible for the overall performance of the Police Department. The appropriate authority shall adopt and promulgate rules and regulations for the government of the Department of Police and for the discipline of members.

**Sec. 2-~~8076~~. Duties of Police Chief.**

The Police Chief shall be the head of the Department of Police and shall be responsible to the appropriate authority for its efficiency and day-to-day operations. Pursuant to policies established by the appropriate authority, the Chief of Police shall:

- (a) Administer and enforce the rules and regulations of the Department of Police and any special emergency directive for the disposition and discipline of the Department and its members and officers;
- (b) Serve as the hearing officer for all discipline matters within the Department of Police. In those disciplinary matters wherein the Police Chief cannot serve as hearing officer, the appropriate authority or his/her designee shall act as the hearing officer;
- (c) Have, exercise and discharge the function, powers and duties of the Department of Police;
- (d) Prescribe the duties and assignment of all members and officers;
- (e) Delegate such authority as may be deemed necessary for the efficient operation of the Department of Police to be exercised under the Chief's direction and control; and
- (f) Report at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the Department of Police during the preceding month and make such reports as may be requested by the appropriate authority.

**Sec. 2-~~8177~~. Appointments and promotions.**

- (a) No person shall be appointed to the Department of Police who is not qualified as provided in the New Jersey Statutes. The appropriate authority may also require that an applicant for appointment to the Department of Police shall successfully complete a physical, mental and psychological examination.
- (b) All applicants for appointment to the Police Department shall be classified according to the following classes:
  - I Residents of the municipality
  - II Other residents of the county in which the municipality is situate
  - III Other residents of the state
  - IV All other qualified applicants

**Sec. 2-~~8277.1~~. Special law enforcement officers.**

- (a) Special law enforcement officers may be appointed by the Township of Teaneck in accordance with N.J.S.A. 40A:14-146.8 et seq.

- (b) Power of appointment. The power to appoint special law enforcement officers shall reside in the Township Manager, subject to the parameters of this section and of the laws of the State of New Jersey. A special law enforcement officer shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, another superior officer designated by the Chief of Police.
- (c) Classes of special law enforcement officers. Special law enforcement officers appointed by the Township Manager, and approved in accordance with the parameters of this section, shall perform duties within the following classifications, in accordance with the requirements set forth in N.J.S.A. 40A:14-146.11:
  - (1) Class 1. Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. If authorized by ordinance or resolution, as appropriate, Class 1 officers shall have the power to issue summonses for disorderly persons' and petty disorderly persons' offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited, and no Class 1 officer shall be assigned any duties which may require the carrying or use of a firearm.
  - (2) Class 2. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed, full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission.
- (d) Qualifications. No person may be appointed as a special law enforcement officer unless the person:
  - (1) Resides as follows:
    - a. Is a resident of the State of New Jersey during the term of appointment subject to the following preferences in appointment:
      - 1. Residents of the Township of Teaneck at the time of appointment.
      - 2. Other residents of the State of New Jersey.
    - b. The foregoing classes of qualified applicants shall be considered as separate and successive lists of eligibles, and appointments shall first be made from among Teaneck resident applicants, and other appointments shall only be made after all qualified Teaneck resident applicants have either been appointed or have declined appointment, subject to Civil Service Commission rules and preferences afforded to veterans and applicants whose natural or adoptive parent was killed in the lawful discharge of official duties while serving as a law enforcement officer in any enforcement agency in this state.

- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
  - (3) Is sound in body and of good health;
  - (4) Is of good moral character;
  - (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
  - (6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county;
  - (7) Has his fingerprints taken, which shall be filed with the Division of State Police and the Federal Bureau of Investigation; and
  - (8) Is not serving as a special law enforcement officer in more than one local unit at the same time, nor shall any permanent, regularly appointed, full-time police officer of any local unit be appointed as a special law enforcement officer in any local unit.
- (e) Approval by Chief of Police. In accordance with N.J.S.A. 40A:14-146.10e, before any special law enforcement officer is appointed pursuant to this section, the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.
- (f) Training requirements. No special law enforcement officer may commence duty as a special law enforcement officer until successful completion of a training course approved by the New Jersey Police Training Commission, nor may said Class 2 special law enforcement officer be issued a firearm until the successful completion of the basic firearms course approved by said Commission for permanent, regularly appointed police and annual requalification examinations.
- (g) Carrying of firearms. No special law enforcement officer may carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the local unit to carry a firearm, and provided that the officer has satisfactorily completed the basic firearms course required by the Commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed, full-time officers in the local unit. Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday. A weapon may not be carried while off duty.
- (h) Term. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. The special law enforcement officers so appointed shall

not be members of the police force of the local unit, and their powers and duties as determined pursuant to this section shall cease at the expiration of the term for which appointed.

- (i) Compensation. Special law enforcement officers may be paid for their services in accordance with the schedule set forth by the Township Council. Special law enforcement officers shall be entitled to all benefits extended to other officers at the employ of the Township.
- (j) Conduct. Special law enforcement officers shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.
- (k) Hours. The Chief of Police may schedule special law enforcement officers to perform authorized duties not to exceed 20 hours per week, or otherwise in accordance with N.J.S.A. 40A:14-146.16. In periods of emergency, there shall be no limitation as to hours per week.
- (l) On-duty time. A special law enforcement officer shall be deemed to be on duty only while performing public safety functions on behalf of the Township. A special law enforcement officer shall be deemed to be on duty only while he is performing public safety functions on behalf of the local unit pursuant to this section and when he is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this section while performing private security duties for private employers, which duties are not assigned by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer to perform public safety functions for a private entity if the Chief of Police or other chief law enforcement officer supervises the performance of the public safety functions. If the Chief of Police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.
- (m) Limitations on number of special law enforcement officers. The Township of Teaneck may employ up to 10 special law enforcement officers from either Class 1 or Class 2 and in accordance with other prohibitions set forth in N.J.S.A. 40A:14-146.17.

**Sec. 2-~~8377.2~~. Ratification of appointment.**

All current and previous appointments in the Police Department made by the current Township Council and Municipal Manager, as well as all previous appointments to positions in the Police Department made by previous Township Councils and previous Municipal Managers, are hereby ratified and approved.



## ARTICLE XIV

### Department of Public Works

#### **Sec. 2-~~847~~8. Department head.**

There shall be a Department of Public Works, the head of which shall be the Director of Public Works (also known as the “DPW Director”), who shall be appointed by the Manager and shall serve for such term and with such tenure as provided by law. The DPW Director shall be a certified Public Works Manager pursuant to N.J.S.A. 40A:9-154.6a. The DPW Director shall not have an interest (other than in his official capacity), directly or indirectly, in any work, project or proposal requiring any Township approval, permit or appropriation. Within the Department there may be separate divisions for the functions set forth in this article. All references herein to “Director” shall be deemed to mean the DPW Director.

#### **Sec. 2-~~857~~9. Powers and duties of Director.**

Under the supervision and direction of the Manager, the Director shall:

- (a) Administer the work of the Department.
- (b) Supervise or maintain Departmental records and collect and record data for payroll and inventory controls and cost analyses.
- (c) Be responsible for the execution and completion of all Department functions as set forth below.

#### **Sec. 2-~~860~~0. Division of Maintenance; functions.**

Within the Department of Public Works, there may be a Division of Maintenance, whose functions shall be to:

- (a) Operate and maintain public buildings owned by the Township.
- (b) Provide custodial and janitorial services for all Township-owned buildings.

#### **Sec. 2-~~871~~1. Division of Street Services; functions.**

Within the Department of Public Works, there may be a Division of Street Services, whose functions, in conjunction with the Township Engineer (who shall be in charge if the law so requires) shall be to:

- (a) Maintain all Township streets in a clean and safe condition for travel, free of obstructions and hazards, and remove leaves, snow and ice therefrom as required.
- (b) Install, repair and maintain street traffic signs, lines and markers.

- (c) Maintain storm sewers and drains in good operating condition.

**Sec. 2-882. Division of Sewer Services; functions.**

Within the Department of Public Works, there may be a Division of Sewer Services, whose functions, in conjunction with the Township Engineer (who shall be in charge if the law so requires) shall be to operate, maintain and repair the Township sewerage system and related facilities and its sewage collection system.

**Sec. 2-893. Division of Shade Trees; functions.**

Within the Department of Public Works, there may be a Division of Shade Trees, whose functions shall be to trim, plant, care for and preserve trees in public ways, parks and other public areas, to remove dead, diseased or hazardous trees and to have the duty to require that all trees on Township property not be removed or altered without the prior written consent of the Director.

**Sec. 2-904. Division of Electrical Services; functions.**

Within the Department of Public Works, there may be a Division of Electrical Services, whose functions shall be to maintain all electrical installations in Township-owned properties and buildings; maintain all traffic lights and controls; and be responsible for the design and maintenance of any new electrical installations.

**Sec. 2-915. Division of Recycling; functions.**

Within the Department of Public Works, there may be a Division of Recycling, whose functions shall be to maintain all records pertaining to recycling, be responsible for all recycling grant applications and coordinate all activities involving the Township's recycling program.

**Sec. 2-926. Division of Solid Waste Removal; functions.**

Within the Department of Public Works, there may be a Division of Solid Waste Removal, whose functions shall be to maintain all records pertaining to solid waste removal and be responsible for and coordinate all activities involving the Township's solid waste removal program. "Solid waste" is defined, for the purposes of the Charter, as all solid waste matter other than sewage or hazardous matter, or as otherwise defined by state law.

**Sec. 2-937. Division of Parks and Playgrounds; functions.**

Within the Department of Public Works, there may be a Division of Parks and Playgrounds, whose functions shall be to:

- (a) Plant, care for, cultivate and preserve all Township parks, greens, and horticultural displays.
- (b) Maintain and repair play-fields and playgrounds and recreational areas and facilities, as directed by the Manager, and pursuant to instructions of the Director.

**Sec. 2-~~9487.1~~. Division of Engineering; functions.**

The Division of Engineering is hereby dissolved, and all of the functions formerly of the Division of Engineering are hereby transferred to the Department of Engineering, all as set forth in Article IX of the Administrative Code.

**ARTICLE XV**

**Department of Recreation**

**Sec. 2-~~9588~~. Appointment of Superintendent of Recreation.**

There is hereby established a Department of Recreation to provide for and conduct all recreational work in the Township, the head of which shall be the Superintendent of Recreation, who shall be appointed by the Manager and who shall serve for such term and with such tenure as provided by law. The Superintendent of Recreation shall be a trained, experienced executive, thoroughly versed in modern recreation theory and practice. There shall also be such directors of recreation, supervisors, play leaders and other personnel as the Council may from time to time provide.

**Sec. 2-~~9689~~. Powers and duties.**

The Department, subject to the direction and supervision of the Manager, shall:

- (a) Develop, plan and administer recreational programs for children and adults.
- (b) Administer, operate and maintain athletic, sports and leisure-time programs and activities of interest to children and adults.
- (c) Control the use of such public program, parks, open space areas, swimming pools, golf courses and community facilities as the Township may have or acquire for purposes of public recreation.
- (d) Within the limits of available appropriations, cooperate and participate with other municipal, school, county, state and federal agencies in the development, administration, financing and operation of recreation and conservation programs for the use and benefit of the inhabitants of the Township.

**Sec. 2-~~970~~. Charges and fees.**

The Department may sponsor, arrange, and provide for the giving of indoor and outdoor exhibitions, concerts, games, and contests and may use and employ public property for such purposes. The Department may charge and collect for the use of the Township or Township facilities or property devoted to park or recreational uses a reasonable admission fee for each person entering or using facilities, exhibitions, concerts, games or contests provided under this section, as the Council may provide by resolution.

**Sec. 2-981. Rules and regulations.**

- (a) The Department may adopt reasonable rules, regulations, and bylaws for the conduct of all persons while on or using such public property devoted to park or recreational uses as the Council may provide by resolution.
- (b) The Supervisors appointed for the Department shall, while on duty, preserve order and enforce the observance of the rules, regulations, and bylaws of the Department. They may call upon the Police Department for assistance as needed.

**ARTICLE XVI**

**Planning Board**

**Sec. 2-992. Appointment; membership.**

There is hereby established, pursuant to N.J.S.A. 40:55D-1 et seq., a Planning Board, which shall consist of nine members and two alternate members, composed of and appointed as follows:

- (a) Class I: the Mayor or their designee.
- (b) Class II: one of the officials of the Township, other than a member of the Council, to be appointed by the Mayor, provided that, if there is an Environmental Commission, one member of that Commission shall also be a member of the Planning Board and shall be deemed to be a Class II Planning Board member if there are both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.
- (c) Class III: a member of the Council, to be appointed by the Council.
- (d) Class IV: six other citizens of the Township, to be appointed by the Council, who shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education. A member of the Environmental Commission, who is also a member of the Planning Board, shall be deemed to be a Class IV member unless there are among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.

**Sec. 2-10093. Terms of members.**

- (a) The term of the member composing Class I shall correspond to his official tenure.
- (b) The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of the respective terms of office, whichever first occurs, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or 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 first occurs.

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

(d) The terms of all Class IV members first appointed under this section shall be so determined that, to the greatest practicable extent, the expiration of such term shall be distributed evenly over the first four years after their appointments, as determined by resolution of the Council; provided, however, that no term of any member shall exceed four years. Thereafter, all Class IV members shall be appointed for terms of four years, except as otherwise hereinabove provided.

(e) The term of any member holding office as of the date of the adoption of this Ordinance shall be extended until December 31 of the year in which it was initially set to expire. Thereafter, all terms will expire on December 31 of the year in which that member's term ends or until the member's successor is qualified and appointed.

**Sec. 2-10194. Alternate members.**

Two alternate members shall be appointed by the Council for Class IV, to serve for a term of two years; provided, however, that the initial terms of such alternate members shall be of one year and two years, respectively. Such alternate members shall be designated by the Council as Alternate No. 1 and Alternate

No. 2 and shall serve during the absence or disqualification of any regular member or members. 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. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

**Sec. 2-10295. Vacancies.**

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

**Sec. 2-10396. Organization.**

The Planning Board shall elect a Chairperson and Vice Chairperson from the members of the Class IV and shall select a Secretary who may or may not be a member of the Planning Board or a municipal employee and shall create and fill such other offices as are established by ordinance, including the office of the Clerk of the Planning Board hereby created by the Charter, and which Clerk shall be a full-time or part-time employee of the Township of Teaneck, who, as determined by the Municipal Manger, shall be assigned as an employee whose sole duties shall be to act as Clerk of the Planning Board. The Planning Board may also employ, or contract for, and fix the compensation of legal counsel, other than the Township Attorney, and experts and other staff and

services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Council for its use.

**Sec. 2-~~10497~~. Powers and duties.**

The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this article. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of N.J.S.A. 2A:67A-1 et seq. shall apply. Pursuant to N.J.S.A. 40:55D-25, the Planning Board shall also have the following powers and duties to:

- (a) Make and adopt and, from time to time, amend a Master Plan for the use of lands within the Township in a manner which protects the public health and safety and promotes the general welfare, pursuant to N.J.S.A. 40:55D-28 et seq.
- (b) Administer the provisions of the ordinances of the Township governing land subdivision and site plan review in accordance with the provisions of said ordinances and the Municipal Land Use Law, N.J.S.A. 40:55D-37 et seq.
- (c) Approve conditional use applications in accordance with the provisions of N.J.S.A. 40:55D-67.
- (d) Participate in the preparation and review of programs or plans required by state or federal law or regulation.
- (e) Assemble data on a continuing basis as part of a continuous planning process.
- (f) Consider and make report to the Council, within 35 days after referral, as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a) and shall also pass upon other matters specifically referred to the Planning Board by the Council pursuant to the provisions of N.J.S.A. 40:55D-26(b).
- (g) When reviewing applications for approval of subdivision plats, site plans or conditional uses, grant variances to the same extent and subject to the same restrictions as the zoning board of adjustment, from lot, area, lot dimension, setback and yard requirements, but only pursuant to N.J.S.A. 40:55D-60. Notice of hearing on the application for development shall include reference to the request for a variance.
- (h) Perform such other advisory duties as are assigned to it by ordinance or resolution of the Council for the aid and assistance of the Council or other agencies or officers.

**Sec. 2-~~10598~~. Timing of decisions.**

- (a) Minor subdivisions. Minor subdivision approvals shall be granted or denied within 45 days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless within such period a plat, in

conformity with such approval and the provisions of the Map Filing Law, or a deed, clearly describing the approved minor subdivision, is filed by the developer with the county recording officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairperson and the Secretary of the Planning Board before it will be accepted for filing by the county recording officer.

- (b) Preliminary approval of major subdivisions. Upon submission of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.
- (c) Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance, as set forth in § 2-97(g), the Planning Board shall grant or deny approval of the application within 120 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.
- (d) Final approval. Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant. Final approval of a major subdivision shall expire 95 days from the date of the signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

**Sec. 2-10699. Cooperation with Environmental Commission.**

Whenever the Environmental Commission has prepared and submitted to the Planning Board an index of the natural resources of the Township, the Planning Board shall make available to the Environmental Commission an informational copy of every application for development made to the Planning Board and give the Environmental Commission an opportunity to comment, in writing, on such applications prior to the Planning Board taking action on the same. Failure of the Planning Board to make such informational copy available to the Environmental Commission or to give such opportunity to the Environmental Commission to comment shall not invalidate any hearing or proceeding.

## ARTICLE XVII

### Zoning Board of Adjustment

#### **Sec. 2-1079. Appointment; membership.**

- (a) There is hereby established, pursuant to N.J.S.A. 40:55D-69, a Zoning Board of Adjustment which shall consist of seven members and four alternate members, composed of and appointed as set forth herein.
- (b) Eligibility and appointment. Members of the Zoning Board of Adjustment shall be residents of the Township; all members shall be appointed by the Council. No member of the Zoning Board of Adjustment may hold any elective office or position in the Township.

#### **Sec. 2-1081. Terms of membership.**

Members of the Zoning Board of Adjustment shall be appointed to serve for a term of four years. The terms of the members first appointed under this article shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of any member shall not exceed four years. Thereafter, the term of each member shall be four years. The term of any member holding office as of the date of the adoption of this Ordinance shall be extended until December 31 of the year in which it was initially set to expire. Thereafter, all terms will expire on December 31 of the year in which that member's term ends or until the member's successor is qualified and appointed.

#### **Sec. 2-1092. Alternate members.**

Four alternate members shall be appointed by the Council to serve for a term of two years; provided, however, that the initial terms of such alternate members shall be distributed evenly over the first two years after their appointment, provided that the initial term of no alternate member shall exceed two years. Such alternate members shall be designated by the Council as Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4 and shall serve during the absence or disqualification of any regular member or members. Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member. Participation of alternate members shall not be deemed to increase the size of the Zoning Board of Adjustment established by ordinance. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designations. The term of any member holding office as of the date of the adoption of this Ordinance shall be extended until December 31 of the year in which it was initially set to expire. Thereafter, all terms will expire on December 31 of the year in which that member's term ends or until the member's successor is qualified and appointed.



**Sec. 2-1103. Vacancies.**

A vacancy occurring other than by expiration of term shall be filled by appointment of the Council for the unexpired term.

**Sec. 2-1104. Organization.**

The Zoning Board of Adjustment shall elect a Chairperson and Vice Chairperson from its members and shall select a Secretary who may or may not be a Board member or a municipal employee and shall create and fill such other offices as are established by ordinance, including the office of the Clerk of the Zoning Board of Adjustment hereby created by the Charter and which Clerk shall be a full-time or part-time employee of the Township of Teaneck, who, as determined by the Municipal Manager, shall be assigned as an employee whose sole duty shall be to act as Clerk of the Zoning Board of Adjustment. The Zoning Board of Adjustment may also employ, or contract for, and fix the compensation of legal counsel, other than the Township Attorney, and experts and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Council for its use.

**Sec. 2-1105. Powers and duties.**

The Zoning Board of Adjustment shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this article. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of N.J.S.A. 2A:67A-1 et seq. shall apply. The Zoning Board of Adjustment shall have the powers prescribed by N.J.S.A. 40:55D-69 et seq., and any amendments and supplements thereto, and by the provisions of this article, to:

- (a) 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.
- (b) Hear and decide requests for interpretation of the Zoning Map or Zoning Ordinance or for decisions upon other special questions upon which such Board is authorized by the Zoning Ordinance to pass.
- (c) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to N.J.S.A. 40:55D-62 et seq. would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; and where, in an application or appeal relating to a specific piece of property, the purposes of the Municipal Land Use Law<sup>37</sup> would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations

pursuant to N.J.S.A. 40:55D-62 et seq.; provided, however, that no variance from those departures enumerated in Subsection (d) below shall be granted under this subsection and provided further that the proposed development does not require 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 N.J.S.A. 40:55D-60.

- (d) Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least 2/3 of the full authorized membership of the Board.
- (e) No variance or other relief may be granted under the provisions of this section unless such 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. Any application under any subsection of this section may be referred to any appropriate agency or person, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

**Sec. 2-1306. Additional powers and duties.**

- (a) It is the intent of this article to confer upon the Zoning Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including but not limited to the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of the Zoning Ordinance or any term, clause, sentence or word thereof and the Zoning Map, in accordance with general rules of construction, applicable to legislative enactments.
- (b) The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of the Zoning Ordinance in accordance with the general or specific rules contained herein and with the general rules hereby laid down, that equity shall be done in cases where the strict construction of the provisions of the Zoning Ordinance would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in N.J.S.A. 40:55D-1 et seq., or subsequent statutes in such cases made and provided, and it shall, from time to time, furnish to any person upon request a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.
- (c) In the exercise of its powers, the Board may, in conformity with the provisions of N.J.S.A. 40:55D-1 et seq., or amendments thereto or subsequent statutes applying, reverse or affirm, wholly or partly, or 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, the Board shall have all the powers of the administrative officer from whom the appeal was taken.
- (d) The Board may direct issuance of a permit, pursuant to N.J.S.A. 40:55D-34, for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public

area reserved on the Official Map.

- (e) The Board may direct issuance of a permit, pursuant to N.J.S.A. 40:55D-36, for a building or structure not related to a street.
- (f) The Board shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval, pursuant to Article 6 of N.J.S.A. 40:55D-1 et seq., or conditional use approval, pursuant to N.J.S.A. 40:55D-67, whenever the Board is reviewing an application for approval of a use variance pursuant to this article.

**Sec. 2-11407. Appeals procedure.**

- (a) Right to appeal; notice. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Township affected by any decision of an administrative officer of the Township based upon or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within 20 days, as prescribed by the statutes, by filing a notice of appeal with the officer from whom the appeal is taken and with the Secretary of the Zoning Board of Adjustment. Said 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 is taken.
- (b) Filing; documents required. Applications addressed to the original jurisdiction of the Zoning Board of Adjustment, without prior application to an administrative officer, shall be filed with the Clerk of the Zoning Board of Adjustment. At the time of the filing of the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall file with the Clerk of the Zoning Board of Adjustment 10 copies of all plot plans, maps or other papers required by virtue of any provision of this article or rule of the Zoning Board of Adjustment. The Clerk of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.
- (c) Effect. 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 certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order of the Superior Court of the state, upon notice to the officer from whom the appeal is taken and on due cause shown.

**Sec. 2-11508. Timing of decisions.**

- (a) The Zoning Board of Adjustment shall render its decision not later than 120 days after:
  - (1) The date an appeal is taken from the decision of an administrative officer; or

(2) The submission of a complete application for development to the Board, pursuant to the provisions of N.J.S.A. 40:55D-72.

- (b) Failure of the Board to render a decision within such 120-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

**Sec. 2-1169. Expiration of variance.**

Any variance granted by the Zoning Board of Adjustment, pursuant to this article, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced or unless such permitted use has actually been commenced within one year of the date of publication of the notice of the judgment or determination of the Zoning Board of Adjustment, except, however, that the running of the period of limitation herein provided shall be stayed from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the Council or to a court of competent jurisdiction until the termination in any manner of such appeal.

**Sec. 2-1170. Provisions applicable to Planning Board and Zoning Board of Adjustment.**

- (a) Conflicts. No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter, nor participate in any discussion or decision relating thereto. The Township Code of Ethics contained in the Charter is specifically applicable herein.
- (b) Meetings. Meetings of both the Planning Board and the Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- (c) Special meetings. Special meetings may be provided for at the call of the Chairperson or on the request of any two Board members and shall be held on notice to the Board members and the public in accordance with applicable statutes.
- (d) Quorum needed. No action shall be taken at any meeting without a quorum being present. A "quorum" shall be defined as a majority of the regular appointed members of the Board. If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-23 or 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Zoning Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice ~~has to~~ **must** be made between regular members of equal seniority, the Chairperson of the Zoning Board of Adjustment shall make the choice. If the Zoning Board of Adjustment

lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice ~~has to~~ must be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.

- (e) Vote needed. All actions shall be taken by majority vote of a quorum, except as otherwise required by any provision of N.J.S.A. 40:55D-1 et seq.
- (f) Public meetings. All regular meetings and all special meetings shall be open to the public, and notice shall be given as required under the Open Public Meetings Law. By majority vote of each respective Board, a meeting or part of a meeting may be closed to public participation, but the public shall nevertheless be permitted to observe the proceedings.
- (g) Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of persons appearing and addressing the Board and persons appearing by attorney; the action taken by the Board; the findings, if any, made by it and the reasons therefor; and the votes of all members. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. 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. A fee may be charged for the reproduction of the minutes, as provided in the rules of the respective Boards.
- (h) Fees. Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or by any member of their administrative staffs, which are not otherwise provided by ordinance, may be provided for and adopted as part of the rules of the respective Boards, and copies of said rules or of the separate fee schedule shall be available to the public.
- (i) Hearings.
  - (1) Rules. The Planning Board and the Zoning Board of Adjustment shall make rules governing the conduct of hearings and meetings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq., or of this article, and shall be consistent with the Rules of the Council set forth in the Charter.
  - (2) Oaths. The officer presiding at the hearing or such person as he 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, Chapter 38 of Public Laws of 1953, shall apply.

- (3) 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 so represented, or personally, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- (4) Public participation.
  - a. Applications before the Board. For matters on the agenda that have a specific public comment period or require a public hearing, including an application for development, adoption, revision or amendment of the Master Plan, an application for approval of an outdoor advertising sign submitted to the municipal agency as required pursuant to an ordinance adopted under Subsection g of Section 29.1 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-39) or a review undertaken by a Planning Board pursuant to Section 22 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-31), the public shall be heard only via testimony or comment during the specific applicable public testimony and comment periods.
  - b. 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. At the conclusion of the applicant's presentation on an application for development, interested parties may be heard and present evidence and testimony subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
  - c. Good and welfare. Each Board may permit the public to speak for a reasonable time, not exceeding five minutes per person, only on matters not on the agenda during a general public comment period. To ensure the due process rights of those giving testimony pursuant to Subsection (i)(4)b, and avoid the confusion of testimonial inclusion of public comments, no application should be paused to commence good and welfare without consent of the applicant and the Board for good cause.
  - d. Matters on the agenda that do not have a specific public comment period. Each Board may permit the public to speak for a reasonable time, not exceeding five minutes per person, on matters on the agenda that do not otherwise have a specific public comment period during a general public comment period. The Board may establish a reasonable time limit for such public participation and should hold same during such portion of the meeting reserved for good and welfare, so as not to unduly interfere with public hearings on applications for development or other matters requiring a public hearing.

- (5) Evidence. Technical rules of evidence shall not be applicable to Board hearings, but the presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence.
- (6) Records. Each 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 the interested party's expense.
- (7) Notice. Whenever a hearing is held on an application for development, or pursuant to the determination of the municipal agency in question, the applicant shall give notice thereof as follows:
  - a. Public notice shall be given by publication in the official newspaper of the Township at least 10 days prior to the date of the hearing.
  - b. Notice shall be given to the owners of all real property located within 200 feet in all directions of the property which is the subject of such hearing, whether or not located within the Township. Such notice shall be given by either serving a copy thereof on the owner, as shown on the current tax rolls, or upon his agent in charge of the property, or mailing a copy thereof, by certified mail, to the property owner at his address as appears on the current tax rolls. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner; notice to a corporate owner may be made by service upon one of its officers or other person authorized by appointment or by law to accept service on behalf of the corporation.
  - c. If the subject property is located within 200 feet of an adjoining municipality, notice of hearing shall be given by personal service or by certified mail to the Clerk of such municipality, which notice shall be in addition to the notice given to the owners of lands in such adjoining municipality pursuant to Subsection (i)(7)b above.
  - d. If the subject property is located adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan or adjoins other county land or is situate within 200 feet of a municipal boundary, notice shall be given by personal service or by certified mail to the County Planning Board of the county.
  - e. If the subject property is adjacent to a state highway, notice shall be given, by personal service or certified mail, to the Commissioner of Transportation of the state.
  - f. If the subject property exceeds 150 acres or 500 dwelling units, notice shall be given, by personal service or certified mail, to the State Planning Commission. Such notice shall include a copy of any maps or documents required to be on file with the Township Clerk pursuant to Section 6b of Chapter 291 of Public Laws 1975.

- g. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the appropriate Board.
- h. Any notice made by certified mail, as hereinabove required, shall be deemed to be complete upon mailing, in accordance with the provisions of N.J.S.A. 40:55D-14.
- i. All notices required to be given, pursuant to the terms of this article, 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 block and lot numbers as shown on the current Tax Map in the 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.
- (j) List of property owners. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Township Clerk shall, within seven days after receipt of a request therefor and payment of a fee as set forth in Appendix III of Chapter 2, make and certify a list from the current tax rolls of names and addresses of owners to whom the applicant is required to give notice pursuant to this article.
- (k) Decisions. 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 based thereon. A copy of the decision shall be mailed by the Board, within 10 days of the date of the decision, to the applicant or, if represented, to his attorney, without charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee which may be prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as are those established for copies of other public documents in the Township. A brief notice of every final decision shall be published in the official newspaper of the Township, without charge to the applicant, and shall be sent to the newspaper for publication within 10 days of the decision.
- (l) Payment of taxes by applicant. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, an applicant shall, at or prior to the hearing, submit to the Planning Board or the Zoning Board of Adjustment proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of the application. Any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of any due or delinquent taxes or assessments or the making of adequate provision for the payment thereof in such a manner as to adequately protect the Township.

~~(m) (Reserved)~~

~~(n)~~(m) Definitions. Whenever a term used in this article is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning set forth in said statute, unless a contrary intention is clearly expressed from the context of this article.



~~(n)~~ Applicable law. The Planning Board and the Zoning Board of Adjustment shall function pursuant to N.J.S.A. 40:55D-1 et seq. and this Charter and Code, and any amendments thereto. To the extent that the local ordinance varies from the state statute, the state statute shall apply. To the extent that this Charter is at variance with any provision of the Code or any ordinance or amendments thereto, this Charter shall apply, and the sections of the Code or ordinance at variance with the Charter shall be deemed as repealed.

~~ARTICLE XVIII~~

~~(Reserved)~~

~~Sec. 2-111. through 2-115. (Reserved)~~

~~ARTICLE XVIII~~

**Library Board**

**Sec. 2-1186. Continuance; appointment of members.**

Pursuant to N.J.S.A. 40:54-9, the Library Board of Trustees of the Teaneck Public Library is hereby continued. Upon reorganization, following the change in the form of government, the Library Trustees then in office shall complete their respective terms. Thereafter, as vacancies are created by the expiration of terms, a Board of Library Trustees shall be appointed by the Mayor, pursuant to N.J.S.A. 40:54-9, which Board shall consist of nine members, one of which shall be the Mayor.

**Sec. 2-1197. Terms; powers and duties.**

Each member of the Board of Trustees shall serve for a term of five years. The powers and duties of the Library Board shall be set forth in N.J.S.A. 40:54-9 and other laws.

~~ARTICLE XX~~

~~(Reserved)~~

~~Sec. 2-118. through 2-121. (Reserved)~~

~~ARTICLE XIX~~

**Environmental Commission**

**Sec. 2-1202. Establishment.**

Pursuant to N.J.S.A. 40:56A-1 et seq. and N.J.S.A. 40:55D-27, there shall be an Environmental Commission established by the Council for the protection, development or use of natural resources located within the territorial limits of the Township, to consist of seven members, one of whom shall also be a member of the Planning Board, and two alternates.

**Sec. 2-12~~13~~13. Appointment of members.**

- (a) In accordance with N.J.S.A. 40:56A-1 and N.J.S.A. 40:69A-98, the members and alternate members of the Commission shall be appointed by the Municipal Manager. The Municipal Manager shall designate one of the members to serve as Chairperson and presiding officer of the Commission, who shall serve in such position at the pleasure of the Manager. The terms of the first Commissioners shall be for one year, two years or three years, to be designated by the Municipal Manager in making appointments so that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors.
- (b) The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year.
- (c) The Municipal Manager may remove any member or alternate member of the Commission for cause, on written charges served upon the member, and after a hearing at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.
- (d) An alternate member 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. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

**Sec. 2-12~~24~~24. Powers and duties.**

Pursuant to N.J.S.A. 40:56A-1 et seq., the Commission shall have the power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning Board plans and programs for inclusion in a Master Plan and the development and use of such area. The Commission shall have power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna. In addition, the Commission shall have the powers provided in N.J.S.A. 40:56A-6 as the same may be from time to time amended.

**Sec. 2-12~~35~~35. Appropriation of funds; records.**

The Council may appropriate funds for the expenses incurred by the Commission. The

Commission may appoint such clerks and other employees as it may from time to time require, but only within the limit of funds appropriated to it by the Council. The Commission shall keep records of its meetings and activities and shall make periodic, but not less than annual, reports to the Council, in writing.

## **ARTICLE XXII**

### **Department of Human Resources**

#### **Sec. 2-1246. Establishment and appointment of Director of Human Resources.**

There is hereby established the Department of Human Resources, the head of which shall be the municipal department head of the Department of Human Resources, hereinafter referred to as the "Director of Human Resources," who shall be appointed by the Manager and who shall serve at the pleasure of the Manager. The position of Director of Human Resources shall be in the unclassified service of the Township of Teaneck. There shall also be such other personnel as the Council may from time to time provide.

#### **Sec. 2-1257. Functions.**

The function of the Department of Human Resources is to be responsible for the overall human resources function in the Township of Teaneck and includes maintaining a liaison between the Township and the New Jersey Civil Service Commission in matters of personnel administration; coordinating and formulating personnel programs, training, policies and practices for the employees of the Township; implementing hiring practices; investigating and processing employee grievances, contract disputes, and other employment issues; maintaining and updating personnel information and collective negotiation agreements; participating in the negotiation of collective negotiation agreements; implementing disciplinary procedures; monitoring and ensuring compliance with the New Jersey Law Against Discrimination (LAD), the New Jersey Conscientious Employee Protection Act (CEPA)<sup>49</sup> and other employment-related laws and regulations; administering the Township's health insurance program; administering Township employees' participation in the Public Employment Retirement System (PERS) and Police and Fire Retirement System (PFRS); consulting with and assisting the Manager and other department heads with respect to human resources issues; and performing such other human resources duties as directed by the Manager.

#### **Sec. 2-1268. Duties and responsibilities of Director of Human Resources.**

The Director of Human Resources shall serve as the managerial executive officer of the Department of Human Resources and shall have the following duties and responsibilities, subject to the direction and supervision of the Manager:

- (a) Maintains a liaison between the Township and the New Jersey Civil Service Commission in matters of personnel administration, including appointments, promotions, transfers, demotions, dismissals, and disciplinary actions.

- (b) Coordinates and formulates personnel programs, training, policies, and practices for the employees of the Township.
- (c) Implements hiring practices and reports same to the Manager for final action.
- (d) Investigates and processes employee grievances, contract disputes, and other employment issues in conjunction with the Township Attorney and/or labor counsel.
- (e) Maintains and updates personnel information, time and attendance records, job classifications, salary plan, and collective negotiation agreements.
- (f) Participates in the negotiation of collective negotiation agreements in conjunction with the Township Attorney and/or labor counsel.
- (g) Implements disciplinary procedures.
- (h) Monitors and ensures compliance with the New Jersey Law Against Discrimination (LAD), the New Jersey Conscientious Employee Protection Act (CEPA) and other employment-related laws and regulations.
- (i) Administers the Township's health insurance program.
- (j) Administers Township employees' participation in the Public Employment Retirement System (PERS) and Police and Fire Retirement System (PFRS).
- (k) Consults with and assists the Manager and other department heads with respect to human resources issues.
- (l) Prepares clear, sound, accurate, and informative reports containing findings, conclusions, and recommendations to the Manager.
- (m) Supervises and directs subordinate employees assigned to the Department of Human Resources.
- (n) Participates in evaluation of employee performance.
- (o) Conducts research and studies involving human resources issues.
- (p) Recommends to the Manager changes in positions and other human resources matters.
- (q) Performs such other human resources duties as directed by the Manager.

**ARTICLE XXIII**

**(Reserved)**

**Sec. 2-129. through 2-131. (Reserved)**

**ARTICLE XXIV**

**Department of Purchasing**

**Sec. 2-12732. Purchasing Agent.**

There shall be a Department of Purchasing, the head of which shall be the Purchasing Agent. The Purchasing Agent shall be appointed by the Manager and shall be directly responsible to the Manager for the purchasing of goods to be supplied to and services rendered to the Township.

**Sec. 2-12833. Powers and duties.**

The Purchasing Agent shall maintain a centralized purchasing system for all offices and departments and oversee the solicitation of competitive bids. Competitive bids shall be solicited when required by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., other laws, local policy or when the Council or the Manager deem it to be appropriate.

**ARTICLE XXIV**

**Site Plan Review Advisory Board**

**Sec. 2-12934. Establishment.**

Pursuant to N.J.S.A. 40:55D-39f and § 33-16 et seq. of the Code, there is hereby established a Site Plan Review Advisory Board.

**Sec. 2-1305. Appointment of members; terms; qualifications.**

The members of the Site Plan Review Advisory Board shall be appointed and qualified as provided in § 33-16 of this Code.

**Sec. 2-1316. Powers and duties.**

The Board shall have the powers and duties as are set forth in § 33-16 of the Code.

**ARTICLE XXIV**

**Local Emergency Planning Council**

**Sec. 2-1327. Establishment; membership.**

There shall be a Local Emergency Planning Council of no more than 15 members, in the discretion

of the appointing authority.

**Sec. 2-1338. Appointment of members.**

All members of the Council shall be appointed by the Manager for a term as provided by N.J.S.A. App. A:9-33 et seq. and other laws, executive orders, rules, and regulations.

**Sec. 2-1349. Powers and duties; Municipal Disaster Control Director.**

The Council shall have such powers and duties and functions prescribed by N.J.S.A. App. A:9-41, by general law, executive order, ordinance, and resolution. The Chairperson of the Council shall be the Municipal Disaster Control Director.

**Sec. 2-1359.1. Designated agency under operative laws.**

The Local Emergency Planning Council shall be the designated emergency management control agency or other designated controlling agency under the following laws, regulations, and resolutions:

- (a) Federal: Federal Civil Defense Act of 1950, as amended; the National Disaster Recovery Act of 1969, as amended; the Robert T. Stafford Disaster Relief Act of 1974, as amended.
- (b) State: Emergency powers of the Governor, N.J.S.A. App. A:9-30 et seq.; the emergency provisions of N.J.S.A. 40A:14-26 relating to police and fire protection to other municipalities; Office of Emergency Management Directives Nos. 61, 73, 74, 77, 84, 96, 100, 101, 102, 103 and 104.
- (c) County: Resolution No. 86-83, establishing the Bergen County Office of Emergency Management; Ordinance No. 88-25, establishing procedures for management of hazardous materials incidents.
- (d) Local: This Article ~~XXIII~~<sup>VI</sup> of Chapter 2 of the Township Code, establishing the Local Emergency Planning Council; the Emergency Operations Plan of the Township.

**ARTICLE ~~XXIII~~<sup>VI</sup>**

**Youth Guidance Council**

**Sec. 2-13640. Establishment; organization.**

There shall be a Youth Guidance Council, which shall have all of the functions and powers and duties of a Municipal Youth Guidance Council or Commission pursuant to N.J.S.A. 9:22-1 et seq. The Youth Guidance Council shall organize annually by selecting a Chairperson, Vice Chairperson and Secretary and shall meet regularly, at least once a month, and at such other times as its Chairperson shall direct.

**Sec. 2-13741. Appointment of members; terms.**

The Manager shall appoint, with the advice and consent of the Council, a Youth Guidance Council of seven members. The membership shall include at least one representative of the Council, one representative of the school system and one representative of the Police Department. Each member shall serve for a term of three years or until their successors be appointed, except that the terms of the original members shall be so constituted as to provide that three of the members shall serve for one year, two for two years and two for three years.

**Sec. 2-13842. Powers and duties.**

Pursuant to N.J.S.A. 9:22-5 and 9:22-6, the Youth Guidance Council shall have the following responsibilities and powers:

- (a) To assist in coordinating and integrating community plans and services, governmental and voluntary, affecting the welfare of all children and youth in the community.
- (b) To assist in coordinating and integrating community plans and services, governmental and voluntary, for protecting children who are especially exposed to conditions conducive to delinquency.
- (c) To assist in coordinating and integrating community plans for the control of harmful influences in the community.
- (d) To undertake, supervise or direct the making of studies and surveys of all matters and things which are or may be related to or in the interest of youth guidance.
- (e) To create subcommittees, composed of members and nonmembers of the Youth Guidance Council, to aid and assist in the work of said Council.
- (f) To request and obtain such cooperation, assistance and data from various Township departments, boards and bodies and other agencies as may be reasonably necessary in order to carry out its work.
- (g) To make recommendations, devise plans and suggest ways and means to meet the various problems having to do with youth guidance.

**ARTICLE XXV**

**Historic Preservation Commission**

**Sec. 2-13943. Establishment.**

Pursuant to N.J.S.A. 40:55D-107, there shall be an Historic Preservation Commission.

**Sec. 2-1404. Appointment of members.**

All members and alternate members of the Commission shall be appointed by the Municipal Manager.

**Sec. 2-1415. Powers and duties.**

Except as specifically set forth in the Charter, the Commission shall have all of the powers and duties and shall follow the procedures as set forth in ~~Ordinance No. 3141, which ordinance is hereby amended as set forth in § 2-143 above~~ § 33-21.1 et seq. of the Township Code.

**ARTICLE XXIX**

**Municipal Ethics Board**

**Sec. 2-146. Establishment.**

~~(a) Preamble.~~

~~(1) Public office and employment are a public trust. As such, the proper operation of democratic government requires that local government officials and employees be independent, impartial and responsible to the people; that all government decisions and policy be made in the channels of the governmental structure; that public office not be used for personal gain; that no taint of personal gain, justified or unjustified, shall mar governmental decisions and actions; and that the public have confidence in the integrity of its government.~~

~~(2) In recognition of these goals, there is hereby established a Municipal Ethics Board, which is charged herein with the responsibility for promulgating and administering a municipal code of ethics consistent with the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., to be applied to all persons holding office or position in the service of the Township by election, appointment or employment, whether paid or unpaid, permanent or temporary, and to be administered locally, as permitted by N.J.S.A. 40A:9-22.19.~~

~~(b) Creation; composition. There is hereby created a Municipal Ethics Board, in accordance with N.J.S.A. 40A:9-22.19. It shall consist of six members who shall be residents of the Township and at least two of whom shall be local government officers or local government employees, as defined by N.J.S.A. 40A:9-22.3. The members of the Ethics Board shall be appointed by the governing body and shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs.~~

~~(c) Officers. The members of the Ethics Board shall annually elect a Chairperson from among the membership and may, in their discretion, annually elect a Vice Chairperson and such other officers from their membership as are deemed to serve their purposes.~~



- ~~(d) Terms; vacancies. The members shall serve for terms of five years, except that, of the members initially appointed, two shall be appointed to five-year terms, one to a four-year term and the remaining members shall be appointed to three-year terms. The initial five-year terms shall be served by the public members. Each member shall serve until his or her successor has been appointed. Any vacancy shall be filled by the Township Council for the unexpired term.~~
- ~~(e) No compensation; reimbursement for necessary expenses. Members of the Ethics Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.~~
- ~~(f) Employment of counsel and clerical staff; oversight of Manager. The Ethics Board may employ or contract for legal counsel, experts and other staff and services as it may deem necessary, not exceeding the amount appropriated by the governing body for its use. Further, to the extent that there is no conflict of interest, the Ethics Board shall accept personnel and services assigned to it by the Manager. The Manager shall have oversight of the Ethics Board as chief executive officer of the Township, in accordance with the Council-Manager form of government, N.J.S.A. 40:69A-81 et seq.~~

~~**Sec. 2-147. Powers of Municipal Ethics Board.**~~

~~The Municipal Ethics Board shall have all of the powers conferred by N.J.S.A. 40A:9-22.22.~~

~~**Sec. 2-147.1. Establishment of Code of Ethics.55**~~

- ~~(a) Time for implementation. Within 90 days after the appointment of the full complement of six members to the Ethics Board, the Board shall promulgate, by resolution, a Municipal Code of Ethics for all local government officers and employees serving the municipality.~~
- ~~(b) Statutory standards and prohibited activities; right to be more restrictive. The Municipal Code of Ethics so promulgated shall be either identical to the provisions set forth in N.J.S.A. 40A:9-22.5 or more restrictive, but shall not be less restrictive.~~
- ~~(c) Notice and hearing. Within 15 days following the promulgation thereof, the Municipal Code of Ethics, and a notice of the date of public hearing to be held thereon, shall be published in at least one newspaper circulating within the Township and shall be distributed to the Township Clerk and to the heads of the local government agencies of the Township for circulation among the local government officers and employees serving the Township. The Ethics Board shall hold a public hearing on the Code of Ethics not less than 30 days following its promulgation, at which any local government officer or employee serving the Township and any other person wishing to be heard shall be permitted to testify.~~
- ~~(d) Approval. As a result of the hearing, the Ethics Board may amend or supplement the Code of Ethics, as it deems necessary. If the Code of Ethics is not identical to the provisions set forth in N.J.S.A. 40A:9-22.5, the Ethics Board shall thereafter submit the Code of Ethics to the Local Finance Board in the Division of Local Government Services in the Department of~~

~~Community Affairs of the State of New Jersey for approval. If the Local Finance Board fails to act within 60 days following its receipt of the Code, it shall be deemed to be approved. The Code of Ethics shall take effect 60 days following approval by the Local Finance Board or 10 days after the public hearing, if local Finance Board approval is not required. The Ethics Board shall forward a copy of the Code of Ethics to the Township Clerk and shall make copies of the Code of Ethics available to local government officers and employees.~~

~~**Sec. 2-147.2. Applicability of Local Government Ethics Law.**~~

- ~~(a) Date law applies. The provisions of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., are incorporated herein by reference and deemed to apply.~~
- ~~(b) Conflict. Nothing herein contained is intended to supersede the applicability of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., and any provision of this article or the Code of Ethics promulgated hereunder which is not sanctioned by, or is in conflict with, the Local Government Ethics Law shall be a nullity.~~

**ARTICLE XXVIX**

**Council's Advisory Boards**

**Sec. 2-1428. General provisions.**

The following provisions are applicable generally to all of Council's advisory boards, except where otherwise specifically provided.

- (a) Role of Council's advisory boards:
- (1) Discuss items pertinent to the Council's advisory board content area.
  - (2) Provide guidance and make recommendations to the Township Council as to potential Township action.
  - (3) Discuss items tasked to the Council's advisory board/committee by the Township Council for its advice and recommendations.
- (b) Legal authority of Council's advisory boards.
- (1) Council's advisory boards are purely advisory and are not collectively empowered as a voting body to perform any public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person.
  - (2) Council's advisory boards are not "public bodies," as that term is defined under the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), and are not subject to the notice, meeting, other provisions of said Act. Notwithstanding the foregoing, to the extent practicable, Council's advisory boards shall provide an annual schedule of their meetings to the Township Clerk for posting on the Township's website, posting at

Town Hall and distribution to the Township's official newspapers, and shall provide the Township Clerk with at least 48 hours advance notice of the holding of any special meetings together with the agendas therefor, to the extent known.

- (3) Any recommended actions or positions of a Council's advisory board are subject to and must be approved by the Township Council.
  - (4) Council's advisory boards do not have any fiduciary responsibilities and are not authorized to expend public funds. They do not have any governance authority to act independent of the Council.
  - (5) While the Council's advisory board meetings are not required by statute to be open to the public, as a matter of policy, the Council has determined that advisory board meetings shall be opened to the public. Notwithstanding the foregoing, the chairperson of a Council's advisory board may exclude the public during such portions of a meeting at which matters concerning personnel, privacy interests, pending or anticipated litigation, matters falling within the attorney-client privilege, or other matters of a confidential nature are discussed.
  - (6) The public can submit items for discussion to the Council's advisory board chair and Council liaison for review and potential for inclusion on their meeting agenda.
- (c) Role of Township Council liaisons.
- (1) The Township Council shall designate a Council liaison to each Council's advisory board who shall attend meetings of the assigned Council's advisory board as available.
  - (2) If a liaison cannot attend, they will reach out to the Council's advisory board's chair for an update on the meeting.
  - (3) Bring items to the attention of Council that the Council's advisory board wants the Council to discuss and consider action on.
  - (4) Share information with the Council's advisory board to facilitate their functions.
  - (5) Share information about the Council's advisory board's activities with the Council.
  - (6) Help connect the Council's advisory board to other Township resources as necessary.
  - (7) Ask the appointed Council's advisory board's chair to add agenda items for their meetings as necessary.
- (d) Role of Council's advisory board chairs. Chairs of Council's advisory boards will:
- (1) Prepare an agenda and ensure distribution through the Clerk's office to the appointed board members and the liaison approximately one week before each meeting. Agendas will be posted on the Township's website by the Clerk approximately five (5) days

- before a meeting.
- (2) Work with appointed Council's advisory board members to determine meeting frequency and timing for the coming year taking into consideration the schedule of Council meetings and Township budget preparation.
  - (3) The chair or designee will give the meeting schedule of the board to the Clerk for posting on the Township calendar at the website.
  - (4) By December 1 of year, the chair of each Council's advisory board will provide a yearly written report to the Council on activities completed by the Council's advisory board and, in addition, include what the Council's advisory board would like to work on in the coming year.
  - (5) Work with the Township Clerk and orient new members to the appointed board.
- (e) Role of Council's advisory board members. Council's advisory board members shall:
- (1) Be an active participant in the meetings.
  - (2) Complete any assigned tasks.
  - (3) Attend all meetings of the respective Council's advisory board to which they are appointed.
    - a. If a Council's advisory board/committee member is unable to attend a meeting, they need to notify the chair as soon as possible in order to ensure that a quorum can be achieved to hold the meeting.
    - b. If a member misses 50% or more of the meetings held in a single year, the chair and the board's Council liaison will meet with the member to determine his/her ability to continue serving on the Council's advisory board.
- (f) Council's advisory board appointment process. Members to Council's advisory boards shall be appointed by the ~~following~~ process referenced in Section 2-21(b) of the Township Code and as follows:-
- (1) By January 15th of each year, Council liaisons and their respective Council's advisory board/committee chairs shall discuss membership of Council's advisory boards. In the event of vacancies, the position(s) shall be included in a call for candidates for appointment. The Council liaisons will notify the Clerk of what positions need to be filled and the Clerk shall publicize a call for new applicants.
  - ~~(2) The Clerk will keep candidate applications on file for two years.~~
  - ~~(3) The Councils' personnel subcommittee shall interview new candidates for the Council's advisory boards and the full Council shall vote to nominate and appoint the~~

~~candidates the full Council selects.~~

~~(4) In addition, the Council may request interviews of new candidates and those candidates whose term is ending and have expressed a desire to be reappointed, which interviews shall be conducted by the whole Council.~~

~~(5)~~(2) The Council will appoint the chair of each of Council's advisory boards.

(g) Council's advisory board members' term of office:

(1) Except as otherwise provided, each Council's advisory board or committee will have an odd number of members, a total being between five to nine members, including the chair.

(2) Except as otherwise provided, each term will be two years. Terms shall be staggered to minimize the number needing appointment or reappointment each year for each Council's advisory board or committee.

(3) All full terms will expire on December 31st of the year in which that Council's advisory board member's term ends or until the board member's successor is qualified and appointed.

(4) Terms will run from date of the appointment to December 31st of the year in which that Council's advisory board member's term ends.

~~(5) Vacancies may be filled by the Council at any time and the Clerk shall forward to Council a list of applicants on file or, at the discretion of Council, another candidate will be identified by the Council for consideration or the Council may request the Clerk to make a call for new applicants.~~

~~(6) If the Council so directs, the Clerk shall make a call for a replacement for the vacant position. The call will be open for 14 days.~~

~~(7)~~(5) Anyone filling an unexpired term will serve to the end of that term and then can be considered for reappointment during the normal time for the call for candidates.

(h) Council's advisory board quorum.

(1) A "quorum" shall be defined as a majority of the voting members of the Council's advisory board.

(2) Actions and recommendations of a Council's advisory board shall be taken by a vote of the majority of a quorum present.

(i) Council's advisory board reporting.

(1) Items that a Council's advisory board wants the Council to consider will be brought to

the Council by that Council's advisory board's Council liaison.

- (2) Each fall, the Clerk will request from each Council's advisory board chair a report on the past year's activities and its plans for activities for the coming year. These reports will be reviewed by Council to determine if they meet the needs of the Council/Township and to approve items that need to be included in the upcoming Township budget.
  - (3) The Council may request a Council's advisory board chair to attend a Council meeting to address the Council at any time.
- (j) Council's advisory board minutes.
- (1) Each Council's advisory board shall assign a member to take minutes of the actions taken at each meeting.
  - (2) Minutes will be completed and distributed to the Council's advisory board no later than five days before the next meeting.
  - (3) Following approval of the minutes by the Council's advisory board, the approved minutes shall be submitted to the Clerk's office for review and filing.
  - (4) Approved minutes shall be posted on the Township's website by the Clerk within one (1) week of submission.
- (k) Electronic communication. All communications in the course of official business directed to a Council's advisory board shall be through the designated "teanecknj.gov" Council's advisory board email address posted on the Township website. The Clerk shall forward the communication to the Council's advisory board chairperson and Council liaison to review.
- (l) Public input and comments.
- (1) There shall be a 15-minute good and welfare period at each meeting, allowing each speaker 3 minutes to speak. The chair may extend good and welfare at the chair's discretion.
  - (2) When determining the need for outside consultation, Council's advisory boards need to first make a request to Council with regards to outside resources that it feels would aid its discussions. These outside resources should be at no cost to the Township unless approved by the Township Council. Access to outside expertise can occur only with the approval of the Council.
  - (3) Sources of outside expertise or invited public are not permitted to participate in the running of a meeting or the decision making of any Council's advisory board but may attend a meeting with the approval of the chair in order to share their expertise with the Council's advisory board.

**Sec. 2-14~~38.1~~. Establishment of Council's advisory boards.**

The following Council's advisory boards are hereby established.

- (a) A Parks, Playgrounds, and Recreation Advisory Board is hereby created.
  - (1) Its membership shall consist of nine residents appointed by the Council and the Director of Recreation as an ex officio member.
  - (2) Purpose. The purpose of the Board is to advise the Council respecting the acquisition, development, maintenance, and use of parks and recreational facilities within the Township of Teaneck, including recreational programs.
- (b) A Shade Tree Advisory Board is hereby created.
  - (1) Because of the nature and expertise required of such Board, its membership shall be as follows:
    - a. The Shade Tree Council's Advisory Board shall consist of seven members and two alternate members. As to the regular members, one shall also be a member of the Township Environmental Commission and shall have a term of two years or a term which shall terminate at the completion of his or her term of office as a member of the Environmental Commission, whichever first occurs; and six shall be residents of Teaneck who have knowledge of shade tree issues. The terms of the six resident members first appointed shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first two years after their appointments, as determined by resolution of the Council; provided, however, that no term of any such member shall exceed two years, and thereafter all such resident members shall be appointed for terms of two years. Two alternate members shall be appointed by the Council to serve for terms of two years; provided, however, that the initial terms of such alternate members be one year and two years, respectively. Such alternate members shall be designated by the Council as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. 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. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
    - b. A designee of the Township Manager shall be an ex officio member of the Shade Tree Council's Advisory Board.
    - c. With the permission of and budgetary control by the Township Manager, a consultant and/ or an expert in shade tree management and urban forestry, with preference given to volunteered services, shall be an ex officio member of the

Shade Tree Council's Advisory Board.

- (2) Purposes. The purposes of the Shade Tree Council's Advisory Board is to advise the Council on the welfare, maintenance, and planting of shade trees within the Township of Teaneck.
- (c) A Pride Awareness Advisory Board is hereby created.
- (1) Purposes. The purposes of the Pride Awareness Advisory Board are to raise public awareness of the various ethnicities, religions, sexual orientations, gender identity or expression and other important aspects that make up the mosaic of the Teaneck community, to foster a respect and honor for all persons, regardless of any individual trait within our diverse community and celebrate and build a culture of inclusiveness and acceptance.
  - (2) Membership. The Pride Awareness Advisory Board will consist of seven members, including the chair. The Council may appoint Teaneck residents and other persons associated with local community groups, faith communities, local businesses, schools, mental health organizations, hospitals, physicians, attorneys, health care professionals, social service organizations and municipal officials as the Council deems appropriate who express a commitment to promoting pride awareness in Teaneck. The Council shall appoint a chairperson from among the membership each year.
  - (3) Functions. The Pride Awareness Advisory Board may, subject to the availability of adequate funds, undertake a pride awareness campaign, participate in pride awareness programs, host pride awareness forums, distribute pride awareness promotional materials, coordinate pride awareness events with the Township and/or local community service organizations, advise the Council as to additional pride awareness programs, and perform such other functions in furtherance of the purposes of furthering pride awareness within the Township of Teaneck.
- (d) An Advisory Board on Community Relations is hereby created.
- (1) The purpose of the Board is to advise the Council on strengthening the bonds and improving relations between and among the diverse citizenship of the Township of Teaneck and to foster better communication and interaction across racial, ethnic, religious, cultural, economic, gender, age, and geographical lines.
  - (2) The membership of the Board shall consist of nine regular members and two alternate members appointed by the Council from residents of Teaneck representing a cross section of the community and a representative from the Police Department as an ex officio member. Alternate members shall be designated by the Council as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. 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. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(e) A Hackensack River Greenway Advisory Board is hereby created.

(1) Purpose. The purpose of the Board is to advise the Council respecting the creation, acquisition, maintenance, and use of a 3.5-mile Hackensack River Greenway through Teaneck and to provide information to the public respecting same. The Greenway contains a pedestrian walkway and nature trail. Interpretive signs have been installed at intervals along the Greenway, describing the flora, fauna, and historic attractions of the area. Native vegetation is encouraged within the Greenway to protect and improve the Hackensack River by creating a natural, green buffer between Teaneck's developed area and the river. The Greenway runs through three municipal parks and the Fairleigh Dickenson University campus in Teaneck. Ultimately, the goal is for the Teaneck Greenway to be a continuous trail along the Hackensack River, linking pathways planned by adjacent towns.

(2) Membership. The membership shall consist of seven residents, and a representative from the Parks, Playgrounds, and Recreation Advisory Board selected by the Council and a representative from Fairleigh Dickenson University selected by the University.

(f) A Teaneck Municipal Alliance Against Substance Abuse (~~TMAASA~~) is hereby created.

(1) Purpose. The purpose of the Municipal Alliance is the prevention of alcoholism and substance abuse and the development and support of prevention programs.

(2) Duties. The duties and responsibilities of the Municipal Alliance is to advise the Council on substance abuse issue and assist the Council in the following matters:

a. Identifying substance abuse prevention, education, and community needs (N.J.S.A. 26:2BB-9).

b. Implementing the Alliance programs formulated pursuant to Section 8 of P.L. 1989, c. 51 (N.J.S.A. 26:2BB-8).

c. Applying for funding through the procedures set forth by the Governor's Council on Alcoholism and Drug Abuse (GCADA).

d. Organizing and coordinating efforts involving schools, law enforcement, business groups, and other community organizations for the purpose of reducing substance abuse.

e. In cooperation with local school districts, assist in the development of comprehensive and effective substance abuse education programs in grades K through 12.

- f. In cooperation with local public and private schools, assist in the development of procedures for the intervention and referral to treatment for students abusing alcohol and/ or drugs.
  - g. Developing comprehensive substance abuse education support and outreach efforts for parents in the community.
  - h. Developing comprehensive substance abuse awareness programs.
  - i. Creating a network of community leaders, private citizens, and representatives of public and private human service agencies who will make a comprehensive and coordinated effort to promote and support substance abuse prevention and education programs and related activities with an emphasis on youth.
  - j. Conducting an assessment of its community in relation to substance abuse issues.
  - k. Identifying existing efforts and services acting to reduce substance abuse.
  - l. Coordinating projects within the municipality to avoid fragmentation and duplication.
  - m. Developing programs to be implemented at the municipal level or participate in regionally developed programs that accomplish the purpose of the Alliance effort and the purposes of the Municipal Alliance Committee.
  - n. Keeping such records and providing such information to the Governor's Council as may be required for fiscal audit.
  - o. Cooperating with GCADA (Governors Council on Alcoholism and Drug Abuse) and the LACADA (Local Council's advisory Committee on Alcoholism and Drug Abuse) in providing municipal data to assist the Alliance effort.
  - p. Establishing an annual budget and allocate available resources, financial and otherwise, in furtherance of the goals of the Committee.
  - q. Making recommendations to the governing body addressing the needs identified by the Committee.
- (3) Membership. Membership shall consist of nine members, who may include the Chief of Police or designee; the President of the Board of Education or designee; the Superintendent of Schools or designee; a student assistance coordinator; a representative of the parent-teacher association; a representative of the local bargaining unit for teachers; a representative of the Chamber of Commerce; a municipal court judge; representatives of local civic associations; representatives of local religious groups; and private citizens.

(g) A Senior Citizens Advisory Board is hereby created.

- (1) Purpose. The purpose of the Board is to advise the Council with respect to improving the quality of life for Teaneck's senior citizens and to make recommendations to the Township Council about the concerns of the older population, including program offerings at the Senior Center, transportation opportunities, and wellness programs.
  - (2) Membership. The membership shall consist of nine residents of the Township of Teaneck.
- (h) A Social Services Advisory Board is hereby created.
- (1) Purpose. The purpose of the Board is to advise the Council and the Social Services Coordinator with respect to the social services programs available to the residents of the Township of Teaneck.
  - (2) Membership. Membership on the Board shall consist of seven members, six of whom shall be residents of the Township and one of whom shall be the Health Officer of the Township of Teaneck.
- (i) A Youth Advisory Board is hereby created.
- (1) Purpose. The purpose of the Board is to empower, express ideas, and to bridge the gap between Teaneck Township officials and Teaneck's youth.
  - (2) Membership. The membership of the Board shall consist of seven advisors appointed by the Council from among residents of the Township of Teaneck and youth members appointed by the advisor members. Advisor members of this Board shall be required to undergo training in youth protection and abuse and harassment prevention and shall be required to submit to and pass a criminal background screening prior to appointment.
- (j) A Municipal Open Space Trust (MOST) Advisory Board is hereby created.
- (1) Purpose. The purpose of the Board is to advise the Township Council with respect to the expenditure of Municipal Open Space Trust funds. The Council may authorize the expenditure of MOST funds without first referring such expenditures to the MOST Advisory Board.
  - (2) Membership. The membership of the Board shall consist of seven residents appointed by the Council. The members will include a representative from the Environmental Commission, the Parks, Playgrounds and Recreation Advisory Board, the Teaneck Historic Preservation Commission, the Township engineer, and one member at large. The Recreation Department Superintendent will serve as ex officio member.
- (k) A Patriotic Observance Advisory Board is hereby created.
- (1) Purpose. The purpose of the Board is to plan, and with the approval of the Council, implement patriotic observances within the Township of Teaneck, including the 4th of

July and Memorial Day.

- (2) Membership. The membership of the Board shall consist of seven residents of the Township of Teaneck appointed by the Council.
- (1) A Stigma Free Advisory Board is hereby created.
    - (1) Purposes. The purposes of the Stigma Free Advisory Board are to raise public awareness of the stigmas associated with mental illness, sexually transmitted diseases, including HIV, being discriminated against on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and being subjected to harassment, intimidation and bullying, with the goal of eliminating such stigmas and encouraging individuals suffering from the disease of mental illness and sexually transmitted diseases to seek treatment and to urge individuals who are subjected to discrimination, harassment, intimidation and bullying to report same to the appropriate authorities.
    - (2) Membership. The Council may appoint such number of Teaneck residents and other persons associated with local community groups, faith communities, local businesses, schools, mental health organizations, hospitals, physicians, attorneys, health care professionals, social service organizations and municipal officials as the Council deems appropriate who express a commitment to promoting a stigma-free Teaneck. The Council shall appoint a chairperson from among the membership each year.
    - (3) Functions. The Stigma Free Advisory Board may, subject to the availability of adequate funds, undertake a stigma-free campaign, participate in public awareness programs to eliminate stigmas, host stigma-free forums, distribute stigma-free promotional materials, coordinate stigma-free events with local community service organizations, advise the Council as to additional stigma-free programs, and perform such other functions in furtherance of the purposes to eliminate stigmas within the Township of Teaneck.

## **ARTICLE XXVIII**

### **Miscellaneous Provisions**

#### **Sec. 2-14~~48~~9. Auditor.**

Pursuant to N.J.S.A. 40A:5-4, there shall be an Auditor appointed by the Council, who shall be certified and licensed by the State of New Jersey as a registered municipal accountant. He shall make such periodic reports as required by the Council and shall make such annual (or more frequent where required) audits of all municipal accounts, in accordance with state law and regulations and in conformity with good accounting practice and procedures.

**Sec. 2-1~~4550~~. Salaries.**

- (a) General. The Council shall fix and determine the minimum and maximum salary ranges of each officer and employee and may prescribe the conditions under which the salary of any officer or employee may be increased from time to time within the salary range. Unless otherwise provided by the Council, the Manager shall fix all salaries within the salary ranges established by the Council.
- (b) Payment of salaries and wages. Unless otherwise provided by the Council, the salaries of all Township officers and employees shall be paid in 24 equal installments. Salary payments for vacation periods may be made in advance with the approval of the Municipal Manager.

**Sec. 2-1~~4650.1~~. Defined Contribution Retirement Program.**

- (a) Pursuant to N.J.S.A 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
  - (1) Municipal Manager;
  - (2) Municipal Engineer;
  - (3) Municipal Prosecutor;
  - (4) Municipal Court Judge;
  - (5) Superintendent of Recreation;
  - (6) Legal Assistant to the Planning Board; and
  - (7) Legal Assistant to the Board of Adjustment.
- (b) Individuals in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:
  - (1) Certified Health Officer;
  - (2) Tax Collector;
  - (3) Chief Financial Officer;
  - (4) Construction Official;
  - (5) Qualified Purchasing Agent;
  - (6) Tax Assessor;
  - (7) Registered Municipal Clerk;

- (8) Licensed Uniform Subcode Inspector; and
  - (9) Principal Public Works Manager.
- (c) If an individual is appointed to one of the positions listed in Subsection (a) and the individual is not serving in a position as described in Subsection (b) above, the Pension Certifying Officer of the municipality 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 as set forth in Subsection (b) herein, 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 section shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 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. 2-14751. Life insurance.**

- (a) Established; payments authorized. There is hereby established an insurance program for the benefit of the Township employees and the members of their immediate families, as set forth in applicable law. Payment of premiums for such insurance is hereby authorized from the current operating funds as established in the annual budget of the Township. All payments made under this program shall be treated as additional compensation to the individual employees of the Township. The foregoing is subject to current self-insurance regulations.
- (b) Amount of insurance; persons covered. This program shall include a coverage of all nonseasonal full-time employees and shall be governed pursuant to current labor agreements.
- (c) Amendments and implementation of program; intent. This insurance program may be amended, implemented and modified, from time to time, within the framework and intention of this plan set forth herein by resolution duly adopted by the Council. It is intended to cover present employees and employees who may become duly qualified for coverage hereunder. This insurance program shall not entitle any employee or other person hereunder to receive remuneration in lieu of accepting the benefits of this program.
- (d) Ratification of prior insurance. This article shall be deemed to ratify all insurance now in

force or heretofore in force in conformity with this plan.

**Sec. 2-14852. Hospital and major medical insurance.**

- (a) Election of Township to participate in state program. The Township hereby elects to participate in the program provided by the New Jersey State Health Benefits Program Act (P.L. 1964, c. 125) or any other program that the Township elects to participate in, to become a participating employer and to authorize coverage for all the employees and their dependents thereunder, in accordance with the statute and regulations adopted by the State Health Benefits Commission, or any successor agency.
- (b) Payments. The Township will pay and remit to the state treasury contributions to premiums on account of employee coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
- (c) Township Treasurer to act as certifying agent. The Township Treasurer is hereby appointed to act as certifying agent in the administration of this program.
- (d) Effective date. Coverage under such act shall be effective as of October 1, 1965.
- (e) Waivers of coverage.
  - (1) Employees who are eligible for other health care coverage may waive coverage under the State Health Benefits Program to which the employee is entitled by virtue of employment with the Township of Teaneck by the filing of a waiver in such form as the Director of the Division of Pensions and Benefits shall prescribe with the division. After such waiver has been filed and for so long as that waiver remains in effect, no premium shall be required to be paid by the Township for the employee or the employee's dependents (N.J.S.A. 52:14-17.31a).
  - (2) In consideration of filing a waiver as permitted in Subsection (e)(1) above, the Township shall pay to the employee annually an amount equal to:
    - ~~a.~~ (Reserved)
    - ~~b.~~ (Reserved)
    - e.a. On and after the effective date of this amendatory ordinance, any eligible employee who waives coverage, regardless of the date of the filing of the waiver of coverage, shall receive 25%, or \$5,000, whichever is less, of the amount saved by the Township because of the employee's waiver of coverage.
    - d.b. For the purposes of computing the payments under Subsection (e)(2)c above, the amount saved by the Township as a result of an employee's waiver of coverage shall be reduced by the amount of any required contribution by the employee toward the cost of health insurance coverage, either pursuant to state statute or regulation,

ordinance, or collective bargaining agreement, as if the employee was receiving coverage.

e.c. Eligibility for payment of an incentive for a waiver of health care coverage shall be determined in accordance with the applicable provisions of the State Health Benefits Act and any regulations promulgated thereunder or local finance notices issued interpreting same. Employees who have other health coverage under either the State Health Benefits Program (SHBP) or the School Employee Health Benefits Program (SEHBP) shall not be eligible for the payment of a waiver incentive.

f.d. On and after the effective date of this amendatory ordinance, the health insurance premium shall be based on the employee's coverage eligibility (family, married, parent/child or single) under the Direct 15 Plan under SHBP, or the equivalent thereof should such plan no longer be provided in the future.

g.e. During the month of October of each year, employees who have filed a waiver and are receiving a payment in consideration therefor shall be required to submit the following information:

1. The other health care coverage provider from which they are receiving health care coverage and whether such coverage is being provided under SHBP, SEHBP or through a private health care provider.
2. The plan under which such health care coverage is being provided.
3. The type of coverage being provided (e.g., family, single, parent/child, married).
4. The cost of such health care coverage for which the employee or the employee's spouse is responsible.
5. The name of the employee's spouse and the names and date of birth of any dependent children included under such health insurance coverage.

Failure to provide the foregoing information shall result in the suspension of the payment for each month or part thereof such information is incomplete.

h.f. The foregoing payments shall be prorated and payable monthly for each full month the employee waives coverage based upon the total cost to the Township for the current calendar year and the type of coverage for which the employee would have been eligible.

i.g. Payments in consideration for the waiver of coverage shall be treated as wages subject to all employment taxes and shall not affect the taxability of other employees who remain in the State Health Benefits Program.



- (3) Any employee who waives coverage shall be permitted to immediately resume coverage if the employee ceases to be eligible for other health care coverage for any reason, including, but not limited to, the retirement or death of the spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received from the Township which represents an advance payment for a period of time during which coverage is resumed. An employee who wishes to resume coverage shall notify the Township, in writing, within 60 days of the loss of other coverage, provide the Township with proof of loss of that coverage and file a declaration with the Division of Pensions and Benefits, in such form as the Director of the Division shall prescribe, that the waiver is revoked.
- (4) The decision of the Township to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

**Sec. 2-14953. Public records.**

- (a) All the books, maps, papers, accounts, statements, vouchers and other documents whatsoever acquired or produced in any department shall be carefully and conveniently filed, kept and preserved, and be and remain the sole property of the Township, and shall not at any time be removed from the offices of such department except when required for use in official business, and shall then be returned to such office without delay. Each department head shall be responsible for enforcing the requirements of this section in his department. This section shall be subject to the provision of the Destruction of Public Records Law (1953) (N.J.S.A. 47:3-15 et seq.).
- (b) All public documents and records shall, during office hours, be open to public search, inspection and examination, subject to and within the limitations prescribed by law, and provided that such search, inspection and examination may be made under such regulations as the officer having custody of such records, books and documents shall establish for the safety and preservation thereof and subject to reasonable restrictions on the use of Township personnel and facilities.

**Sec. 2-1504. Delivery of funds and records.**

Upon the termination of the term of office or the employment of any officer or employee, he shall forthwith deliver to his successor or, if there be no successor, to the Clerk or other person who may be designated by the Manager to receive same all moneys, papers, books, memoranda, accounts and data of any nature whatever pertaining to his office.

**Sec. 2-1515. Budget and fiscal procedures.**

- (a) Fiscal year. The fiscal year of the Township shall begin on the first day of January and end on the 31st day of December in each year, as provided by law.
- (b) Budget preparation; general.

- (1) During the month of October in each year, all department heads shall submit to the Manager requests for appropriations for the next ensuing budget year. Each department head shall appear at the public hearing on his budget requests and shall then justify the request in terms of work to be performed, service to be rendered or programs to be administered.
  - (2) Budget requests shall be in such form and detail as the Manager shall prescribe. The Manager shall promptly refer to the Planning Board all departmental requests and proposals relating to capital projects.
  - (3) At such time annually as shall coordinate with the requirements of state laws and regulations, the Planning Board shall prepare and submit to the Manager a capital program for the ensuing six fiscal years.
  - (4) Pursuant to law, the Manager shall submit to the Council his tentative budget, together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as required by law for municipal budgets. It shall, in addition, include a current operation section and a capital section, together with detailed analyses of the various items of expenditure and revenue and, to the extent feasible, appropriate statements of the cost of performance of functional programs and activities in terms of quantitative, countable units of work for operating expenditures and projected annual costs of operation, maintenance and debt service for capital expenditures.
- (c) Capital program and budget.
- (1) The capital section of the Manager's budget shall include a capital program for the ensuing six years, including:
    - a. A clear summary of its contents.
    - b. A list of all capital improvements which are proposed to be undertaken during the six fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
    - c. Cost estimates, method of financing and recommended priorities and time schedules for each such improvement.
  - (2) The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- (d) Capital program. In the capital section of the budget document, the Manager shall include such capital projects and outlays as he may select from the capital program for the current capital budget, together with the relevant explanation and justification.
- (e) Council action. The Council will consider and act upon the Manager's recommended budget in accordance with the requirements of the Local Budget Law.

- (f) Budget operation. Budget appropriations shall be controlled by an encumbrance system which shall be prescribed or approved by the Manager. The Manager may establish quarterly or such other periodic allotments of appropriations as he may deem desirable. Each department shall plan and administer its work program within the limits of such allotments, and no commitments shall be incurred in excess of any such allotment except upon written authorization of the Manager.
- (g) Contracts generally. Within the limits of available appropriations, the Mayor is authorized to negotiate contracts and other legally binding obligations for the Township, subject to approval of the Council. Any such contractual document shall be signed by the Manager, approved by the Treasurer as within an unencumbered and unexpended balance of appropriations therefor, and approved by the Township Attorney for legal form and sufficiency. Purchase orders for which a formal contract is not required by the Charter or by law may be authorized by the Manager within the limits of available appropriations.
- (h) Awards of contracts. Where contracts are let by competitive bidding pursuant to law, the Council shall be the Township's contracting agent for the purposes of the Local Public Contracts Law. It may award the contract in the manner prescribed by law and shall report thereon at its next meeting all such bids and awards.
- (i) Audit, warrant, and payment of bills and claims; listing.
  - (1) All bills, claims and demands against the Township shall be deemed approved or disapproved by the Council in accordance with the action of the Treasurer. A voucher on a form prescribed by the Treasurer and approved by the Manager shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Treasurer. Disbursement shall be made by a combination warrant/bank check warranted by the Mayor and countersigned by the Treasurer, except that payroll checks may be safeguarded by the Treasurer alone upon voucher and warrant of the Manager for a total payroll.
  - (2) The Treasurer shall prepare for each regular meeting of the Council a list of all bills, claims and vouchers which have been paid. Such list shall be filed with the Clerk as a public record open to examination in his office, and he shall note such filing in his minutes, together with a total of each listing.
- (j) Central payroll. Salaries, wages and other compensation of all officers and employees shall be paid as provided for in § 2-150(b). The head of each department shall notify the Manager, at such times and in such form as the Manager shall prescribe, of the names and positions of all persons employed in or by the department who are entitled to be paid in the next ensuing payroll. Upon warrant of the Manager, the Treasurer shall complete a central payroll and prepare the necessary checks for signature. The Council, from time to time, may order a payroll audit.
- (k) Surety bonds. Every officer or employee of the Township who, by virtue of his office or position or of any law, is entrusted with the receipt, custody or expenditure of public moneys

or funds of the Township and any other officer or employee who may be required to do so by the Council shall, before entering upon the duties of his office or position, execute and deliver a surety bond in such amount as may be fixed by resolution of the Council (if not already covered by the Self-Insurance Fund), binding him to the Township in its corporate name and conditioned upon the true and faithful performance of his duty. Each officer or employee required by this section or otherwise to give bond shall execute such a bond with sufficient surety and file same as provided in the Charter.

**Sec. 2-1526. Indemnification of municipal employees, appointees, and officials.**

- (a) Title. This section shall hereafter be known and cited as the “Indemnification of Municipal Employees, Appointees and Officials.”
- (b) Definition. As used herein, “official” or “municipal officer” shall mean a present or former municipal employee, appointee, official, elected official or member of the various boards or bodies of the Township.
- (c) Civil actions.
  - (1) The Township is hereby authorized to provide for the defense of actions brought against its officials and to indemnify such officials to the extent hereinafter set forth and shall save harmless and protect such persons from any financial loss resulting from litigation.
  - (2) The obligation of the Township to defend and indemnify its officials for acts or omissions arising out of or in the course of the performance of the duties of that person shall be limited to those circumstances under which the Township itself would be liable for the acts of its officials under the doctrine of respondeat superior except for actions brought pursuant to 42 U.S.C. § 1983 (civil rights cases).
  - (3) In the event that an official or municipal officer is required to defend an action relating to his position subsequent to leaving office or municipal employment, the terms, conditions and provisions of this section shall apply.
  - (4) In the event that the official or municipal officer is being sued for exemplary or punitive damages, the Township shall indemnify said official or municipal officer with respect to the same only if, in the opinion of the Township Council, the acts committed by the official or municipal officer upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong, all pursuant to N.J.S.A. 59:10-1 et seq, including but not limited to N.J.S.A. 59:10-4.
- (d) Criminal actions. The Township shall defray the costs of defending any criminal action against any official (if the underlying allegations of said criminal action reasonably relate to or arise from the official’s execution of his official duties), provided that:
  - (1) It is authorized by state statute, municipal ordinance (and the Charter hereby authorizes the same) or by resolution, and provided that the criminal proceedings have been

- dismissed or result in a final disposition in favor of the official.
- (2) The Council determines that there is not good cause to dismiss the official, arising out of the incident or related incidents of the criminal proceedings.
- (e) Limitations. The Council shall not approve indemnification of the defense of any action if:
- (1) In the opinion of the Township Council, the act or omission complained of was not within the scope of employment or authority, pursuant to N.J.S.A. 59:10-1 et seq., including but not limited to N.J.S.A. 59:10-4;
  - (2) In the opinion of the Township Council, the act or omission complained of was not within the scope of employment or authority, pursuant to N.J.S.A. 59:10-1 et seq., including but not limited to N.J.S.A. 59:10-4;
  - (3) The defense of the action or proceeding would create a conflict of interest between the Township and the official involved;
  - (4) There exist policies of insurance, either obtained by the Township or by another by virtue, of which the municipal official is entitled to a defense of the action in question from the insurer. In the event that the aforesaid insurance covers less than an entire defense to the particular action, indemnification shall be approved for that part of the defense not covered by insurance;
  - (5) The municipal official has failed to deliver to the Council within 14 days of the time he or she is served with any summons, complaint, process, notice, demand or pleading the original or copy of such document, or thereafter fails to cooperate with the Township in the defense of the matter;
  - (6) The official fails to request the defense of any action; and
  - (7) The action was brought by the Township.
- (f) Method to provide for the defense of actions. If the Council determines to provide a defense as authorized herein, the Council may use one of the following methods:
- (1) The Township Attorney, if the Township Attorney and the official or municipal officer requiring defense determine that there is no ethical conflict created by said representation;
  - (2) Hiring an attorney of its choice and paying the same directly; or
  - (3) Reimbursing the municipal official for reasonable attorneys' fees expended or obligated to be expended by such official in the defense of the action, such fees to be agreed upon in advance.
- (g) Additional provisions. In addition to the provisions hereof, all officials of the Township shall

be entitled to defense and indemnification as provided in N.J.S.A. 59:10-1 et seq. and N.J.S.A. 59:10A-1 et seq.

- (h) Costs. All costs of defense and legal fees to be provided herein by the Township shall be calculated as reasonable prevailing fees as charged in the County of Bergen at the time they are incurred, and the Township shall only be responsible to that extent. In the event of a dispute as to the reasonableness of any fee to be paid by the Township in defense of an official or municipal officer, as provided herein, either party may seek review before the Superior Court of New Jersey, Bergen County, for adjudication, each party to bear his own cost for such proceedings.

**Sec. 2-15~~37~~. Appendixes.**

The Appendixes annexed hereto are incorporated herein by reference and made a part of this chapter as if they were fully set forth herein:

~~(a) Appendix I, Council Rules of Procedure.~~

~~(b) Appendix II, Code of Ethics.~~

~~(c)~~(a) Appendix III, Fees and Charges for Certain Township Services.

~~(d)~~(b) Appendix IV, Maximum Fees and Charges for Towing Services and Storage of Vehicles.

**ARTICLE XXVIII~~XII~~**

**Civilian Complaint Review Board**

**Sec. 2-15~~48~~. Creation and purpose.**

There is hereby created a Civilian Complaint Review Board (~~hereafter~~ CCRB) as an agency of the Township of Teaneck. The purpose of the CCRB is to receive and investigate the complaints of citizens alleging police misconduct in the following enumerated areas and, upon a determination that reasonable cause exists, to refer the grievance to the appropriate disciplinary authority and/or law enforcement agency.

**Sec. 2-15~~59~~. Jurisdiction; termination of jurisdiction.**

- (a) The CCRB shall have jurisdiction to receive, investigate and report the complaint of any person, whether or not a resident of the Township, against a police officer of the Township if, and only if, the complaint, under oath, alleges one or more of the following:
  - (1) Use of unnecessary force: physical force used by a police officer in a situation where the use of such force is not justified under the circumstances.
  - (2) Use of excessive force: in a situation which calls for the use of force, greater physical force than is reasonably necessary under the circumstances to repel an attacker or

terminate resistance.

- (3) Use of abusive language: use of profane or derogatory language, including racial, ethnic or sexist slurs, which, if heard by a reasonable person under the circumstances, would offend.
  - (4) Harassment: actions or words used to significantly or repetitively restrain or restrict the freedom of movement of a person or to interrogate a person, without reasonable suspicion that a crime, quasi-crime or act of juvenile delinquency has been or is about to be committed by that person or without reasonable suspicion that the person has knowledge of the commission of any such crime, quasi-crime or act of juvenile delinquency.
    - a. It shall be a rebuttable presumption that no harassment is involved if a police officer's interrogation of any person as to his or her identification or purpose is in response to a police profile of a wanted person or in response to a citizen's complaint about a disturbance of the peace or suspicious behavior, and the individual being interrogated has been identified or matches a description furnished by the police profile or complaining citizen.
    - b. It shall be a rebuttable presumption that no harassment is involved if a police officer observes an unlawful assembly.
- (b) The CCRB's jurisdiction shall not become operative, or shall terminate after it becomes operative, if, at any time, the complainant initiates a civil suit or criminal complaint against the police officer, alleging the same or similar misconduct relating to the same transaction or occurrence; the complainant lodges an independent complaint against the police officer with the Internal Affairs Officer of the Police Department or the Chief of Police or the Township Manager, alleging the same or similar misconduct relating to the same transaction or occurrence; or the Police Department or the Township Manager, on their own initiative, commences a disciplinary review of the police officer's conduct in the matter complained of or refers the matter to the County Prosecutor for criminal investigation. As used herein, "disciplinary review" means that specific charges have been filed against the police officer which could result in a suspension or other form of formal discipline, as contemplated by N.J.S.A. 40A:14-147.

**Sec. 2-15660. Appointment and qualifications of members; alternate members.**

- (a) The CCRB shall consist of five regular members and two alternate members. Three of the regular members and the two alternate members shall be chosen by the Township Council. One of the regular members shall be chosen by the Township Manager and one of the regular members shall be chosen by the president of the Teaneck Chapter of the Patrolmens' Benevolent Association.
- (b) All regular and alternate members shall be chosen by the respective appointing authority based upon their known and consistent reputation for integrity, impartiality and fair-

mindedness. They shall be residents of the Township and may be officers or employees of the Township. All vacancies shall be filled by the respective appointing authority for the unexpired term of the appointee's predecessor.

- (c) Alternate members may participate in discussions of the proceedings but may not vote except in the absence, disqualification or vacancy in office of a regular member. The appointing authority shall designate the alternates as "No. 1" and "No. 2." In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- (d) The Chief of Police is authorized to submit applicant fingerprint cards and receive state criminal history record information from the Division of State Police, State Bureau of Identification, for use in considering the suitability of all applicants covered under this article. All requested criminal history record checks will be subject to the state's required user fee.

**Sec. 2-15761. Compensation.**

Members shall serve without compensation, provided that the Township Council may authorize reimbursement of reasonable expenses incurred by the members in the performance of their duties.

**Sec. 2-15862. Terms of office.**

The term of each regular member shall be for five years; provided, however, that the regular members first appointed after the effective date of this article shall serve for one year, two years, three years, four years and five years, respectively, as determined by lot at the first regularly scheduled meeting following the adoption of this article. The term of each alternate member shall be for two years. Each regular and alternate member shall continue to serve in such capacity until the member's successor has been duly appointed and is acting.

**Sec. 2-15963. Unexcused absences; vacancies by default.**

If a regular member fails to attend four consecutive meetings of the CCBB, without being excused by a majority of the five members of the CCBB, that position shall be deemed to be vacant. Absences due to legitimate illness shall not be deemed to be absences giving rise to a default vacancy hereunder. In the event of a default vacancy, the appointing authority shall be notified, in writing, by the CCBB.

**Sec. 2-1604. Officers.**

The regular members shall elect from among the regular members a Chairperson and a Vice Chairperson, who shall serve in such capacities for one year or until their successors are duly elected. In case of a vacancy in either of these positions, the regular members shall elect a successor, who shall serve the unexpired balance of the predecessor's term.

**Sec. 2-1615. Support services and staff.**

- (a) The Manager shall provide the CCRB with facilities for the conduct of its business and the



preservation of its records and shall supply equipment and supplies as may be necessary. All necessary expenses incurred by the CCRB shall be paid, upon certification of the Chairperson and the Chief Financial Officer, within the limits of funds appropriated by the Township Council by annual or emergency appropriations for those purposes.

- (b) The Manager shall provide support staff and clerical staff, as are necessary to carry out the purposes of this article, within the limits of funds appropriated by the Township Council by annual or emergency appropriations for those purposes. Unless or until the CCRB determines and recommends to the Township Council that independent counsel is necessary, the Township Public Defender shall serve as legal counsel to the CCRB.

### **Sec. 2-16~~26~~. Powers and duties.**

To effectuate its purpose, the CCRB shall:

- (a) Receive, investigate, and hear complaints within its jurisdiction, in accordance with the following guidelines:
  - (1) All complaints shall be filed with the Township Clerk and must be in writing, on forms supplied by the CCRB. Complaints shall be signed by the complainant or a duly authorized representative, under oath. A copy of each complaint filed with the Township Clerk shall immediately be forwarded to the officer being accused, Chief of Police and the Township Manager. As used herein, “duly authorized representative” shall mean legal counsel or a person acting under a power of attorney.
  - (2) No complaint shall be accepted for investigation by the CCRB if it is not filed with the Township Clerk within 10 days of the date of the alleged misconduct, unless the complainant establishes to the satisfaction of the CCRB that the failure to file the complaint within the required time limit was due to a medical emergency, as certified by a licensed physician.
  - (3) The CCRB shall determine whether to initiate an investigation. Despite the filing of a complaint under oath, the CCRB shall have the discretion not to initiate an investigation, based upon criteria that it may establish from time to time and enforce on a uniform, nondiscriminatory basis.
  - (4) In the event that a complaint is timely filed but contains an irregularity, the CCRB, in its discretion, can decide to exercise jurisdiction in the event that the complaint is refiled, without irregularity, within 10 days of the Board’s initial determination.
  - (5) The standard of proof in reaching a finding or conclusion shall be clear and convincing evidence. “Clear and convincing evidence” is that which produces, in the minds of the CCRB members, a firm belief or conviction as to the truth of the allegations sought to be established. It must be so clear, direct, and weighty as to enable the CCRB to come to the clear conviction, without hesitancy, of the truth of the precise facts in issue.

- (6) All hearings conducted by the CCRB shall be closed to the public. The complainant, police officer and all other witnesses shall be questioned by the CCRB members and staff attorney only. Cross-examination of witnesses by the complainant, the accused officer or their counsel is prohibited since the role of the CCRB is investigatory only and the CCRB lacks authority to prefer formal charges or discipline the officer.
  - (7) A determination by the CCRB shall be finalized in writing as follows:
    - a. Exonerated: the action for which the allegation of misconduct was made did occur; however, investigation reveals that the action was justified, lawful and proper.
    - b. Substantiated: the investigation disclosed enough evidence to clearly and convincingly prove the allegation of misconduct.
    - c. Not sustained: the investigation failed to reveal and document enough evidence to clearly and convincingly prove or disprove the allegation.
    - d. Unfounded: the investigation proved conclusively that the incident complained of did not occur or that the accused officer was not involved.
  - (8) A finding of substantiated, accompanied by an investigative report of the CCRB, shall be distributed to the accused officer, the Township Manager and the Chief of Police. The Township Council and the complainant shall be informed of the CCRB's determination in a summary fashion by the CCRB or the Manager, but the investigative report shall not be distributed to the Township Council or the complainant and shall remain confidential, unless the accused officer agrees to waive its confidentiality. A finding of exonerated, not substantiated or unfounded shall be communicated to the Township Council and the complainant in a summary fashion by the CCRB or the Manager.
  - (9) Nothing herein contained shall preclude the Township Council from initiating a separate investigation of the accused officer's conduct, pursuant to N.J.S.A. 40A:14-118 or N.J.S.A. 40:69A-91.
- (b) Within 60 days of the appointment of at least a majority of the membership of the CCRB, it shall adopt rules of procedure and bylaws not inconsistent herewith.

**Sec. 2-16~~37~~. Prospective effect only.**

The CCRB shall only accept, investigate, hear and review complaints and appeals regarding incidents which occur on or after the effective date of this article.

~~ARTICLE XXXIII~~

~~Special Committees and Task Forces~~

~~Sec. 2-168. Appointment of members.~~

~~The Township Council may create or continue any special committees or task force as may be necessary from time to time and appoint as many members as may be necessary to accomplish the goals of such committee or task force.~~

~~ARTICLE XXIXIV~~

~~Privacy~~

~~Sec. 2-1649. Definitions.~~

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

DISCRIMINATORY —

- (a) Disparate treatment of any individual(s) because of any real or perceived traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the Constitution or any law of the State of New Jersey, or the policies of the Township, or because of their association with such individual(s); or
- (b) Disparate impact on any such individual(s) having traits, characteristics, or status as described in Subsection (a).

DISPARATE IMPACT — An adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the Constitution or any law of the State of New Jersey, or the policies of the Township, than by similarly situated individual(s) not having such traits, characteristics, or status.

MUNICIPAL ENTITY — Any agency, department, bureau, division, or unit of the Township.

SURVEILLANCE DATA — Any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.

SURVEILLANCE TECHNOLOGY — Any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual or digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

- (a) “Surveillance technology” does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined above:
- (1) Routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions;
  - (2) Parking ticket devices (PTDs);
  - (3) Manually operated, nonwearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;
  - (4) Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image-stabilizing binoculars or night-vision goggles;
  - (5) Municipal agency databases that do not and will not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; and
  - (6) Manually operated technological devices that are used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

VIEWPOINT-BASED — Targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

**Sec. 2-1~~6570~~. Ban on facial recognition surveillance technologies.**

Notwithstanding the provisions of this article, it shall be unlawful for any municipal entity to obtain, retain, access, or use facial recognition surveillance technologies. A municipal entity’s inadvertent receipt, retention, access to, or use of information obtained from facial recognition surveillance technologies shall not be a violation of this section.

**Sec. 2-1~~6671~~. Grandfathering of preexisting uses.**

The requirements of this article shall not apply to surveillance technologies presently in use by the Township except insofar as a surveillance technology will be utilized in a manner not previously in use. To the extent they have not been excluded elsewhere in this article, the following technologies are exempted from compliance with this article: license plate readers (LPRs), night vision, UniTel body microphones, all presently operable video and audio equipment, including closed circuit television systems, sewer scopes and related recording equipment, biometric fingerprint readers, and infrared thermal imaging devices. As a result, an SIUR is required for these enumerated technologies.

**Sec. 2-1~~677~~. Certain public-private contracts prohibited.**

It shall be unlawful for the Township or any municipal entity to enter into any contract or other agreement that facilitates the receipt of privately generated and owned surveillance data from, or provision of government-generated and -owned surveillance data to, any nongovernmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this article that violate this section shall be terminated as soon as is legally permissible.

**SECTION II.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION III.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION IV.** This Ordinance shall take effect after passage and publication in the manner provided by law.