

**ORDINANCE 2004-28**

**AN ORDINANCE AMENDING CHAPTER 43 (ENGINEERING, PUBLIC WORKS, DEPARTMENT OF) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

**Section 1:** Chapter 43 (Engineering, Public Works, Department of) of the Municipal Code of the Township of Hillsborough shall be amended as follows:

**43-1. Establishment.**

There is hereby created and established the Department of Engineering. ~~Public Works. Said Department shall be under the control of the Township Committee, and shall contain the following Divisions:~~

- A. ~~Engineering.~~
- B. ~~Public Works~~
- C. ~~Planning.~~

**43-2. Duties**

The duties of the employees in said Department shall be those prescribed by statute or ordinance and by such rules or regulations as the Township Committee may from time to time by resolutions or ordinance adopt.

**43-3. Personnel.**

- A. There shall be a Director of Engineering, ~~Public Works~~, appointed by the Township Committee, directly responsible to the Township Administrator for the administration of the Department of Engineering. ~~Public Works.~~
- B. The personnel of the Engineering Division, all of whom shall be appointed by the Township Committee, shall consist of the Township Engineer, and the positions of ~~Deputy Township Engineer, the Assistant Township Engineer for Survey, Zoning Officer/Assistant to the Township Engineer~~ and such additional personnel as shall from time to time be determined by the Township Committee, with the advice of the Director of Engineering, and the Township Administrator. ~~Public Works to be necessary for the proper operation of said Department.~~
- C. ~~The personnel of the Public Works Division.~~

- (1) ~~The personnel of the Public Works Division, all of whom shall be appointed by the Township Committee, shall be hired under the following titles:~~
    - (a) ~~Deputy Director of Public Works.~~
    - (b) ~~Assistant Supervisor of Public Works.~~
    - (c) ~~Equipment Operator.~~
    - (d) ~~Mechanic.~~
    - (e) ~~Public Works worker.~~
    - (f) ~~Laborer.~~
  - (2) ~~There may be within the Division of Public Works, the following subdivision:~~
    - (a) ~~The Subdivision of Roads, generally responsible to perform all functions relating to road maintenance and repair including the stormwater sewer systems, and including vehicle and equipment maintenance, leaf collection, and snow removal.~~
    - (b) ~~The Subdivision of Buildings and Grounds, generally responsible for the repair and maintenance of all public buildings and facilities and any grounds attached thereto, including stormwater detention facilities and street trees.~~
    - (c) ~~The Subdivision of Parks and Open space, generally responsible for the repair and maintenance of all public recreation equipment and park land and open spaces which do not include stormwater detention facilities.~~
  - (3) ~~The actual implementation and configuration of any Subdivisions shall be as deemed appropriate by the Director of Engineering/Public Works with the advice of the Deputy Director of Public Works.~~
  - (4) ~~Each of the Subdivisions shall be under the direction of an Assistant Supervisor of Public Works so designated for that purpose and who shall report directly to the Deputy Director of Public Works.~~
  - (5) ~~Notwithstanding, each Subdivision's primary function, all personnel of the Division of Public Works shall from time to time assist other Subdivisions and perform whatever duties are deemed necessary by the Director.~~
- D: ~~The personnel of the Planning Division, all of whom shall be appointed by the Township Committee, shall consist of the Township Planner, and such additional personnel as shall from time to time be determined by the Township Committee, with the advice of the Director, to be necessary for the proper operation of said Division.~~

#### **43-4. Full-time personnel; part-time personnel.**

The personnel of the Department of Engineering, ~~Public Works~~ shall be full-time Township employees, and, in addition, various personnel shall, as part of their duties, be required to appear at various meetings of the Township Committee and Township boards as required. Part-time help may be employed from time to time at the discretions of the Township Committee.

#### **43-5. Director of Engineering, ~~Public Works~~.**

- A. There shall be a Director of Engineering, ~~Public Works~~, appointed by the Township Committee, directly responsible for the administration, operation and management of the Department of Engineering, ~~Public Works~~, who shall report directly to the Township Administrator.
- B. The qualifications of the Director of Engineering, ~~Public Works~~ shall be as follows: ~~The Director shall:~~

- ~~(1) Be a licensed professional engineer.~~
- (1) Graduation from a four year college or university with a degree in Civil Engineering/Technology.
- ~~(2) Have at least eight years of educations and experience in the civil engineering/public-works field.~~
- (2) Have a minimum of eight (8) years experience in the civil engineering field.
- ~~(3) Have proven administrative abilities based on previous work experience.~~
- (3) Shall be a licensed professional engineer or certified through the National Institute or Certification or Engineering Technologies.
- (4) Have a valid New Jersey driver's license.
- ~~(5) Be a Certified Public Works Manager pursuant to N.J.S.A. 40 A:9-154.6(a)~~
- (5) Have proven administrative abilities based on previous work experience.

C. The powers and duties of the Director of Engineering, ~~Public Works~~ shall be as follows:

- ~~(1) Recommended various personnel actions, such as hiring, promoting, demoting, disciplining and dismissing to the Township Committee.~~
- ~~(2) Keep accurate records of all transactions and work of his office, prepare budget recommendations for the Department and have full charge and management of the properties and equipment belonging to or assigned to the Department of Engineering, Public works, and provide timely and accurate information to the Treasurer for certifying accuracy of the funds.~~
- ~~(3) Attend regular and work meetings of the Township Committee and the Planning Board as required.~~
- ~~(4) Make a quarterly report to the Township Administrators to the progress of work under his control and supervision and submit an annual written report of the work done by the Department through the end of December of each year to the Township Committee by January 31 of the following years.~~
- (5) Render to the Township Committee such reports, recommendations, drawings, or other documents as may be required, at regular, stated intervals or upon special request therefor; render technical assistance to all municipal officials, municipal boards or commissions and citizens; and prepare and present to the Township Committee short- and long-range planning recommendations for the development and improvement of the Township roads, buildings and grounds, equipment, and parkland.
- ~~(6) Coordinate the work of the Department of Engineering, Public Works with the works of other Township departments and Township officers for whom the services of the Department of Engineering, Public Works are required.~~
- ~~(7) Prepare estimates and coordinate all capital improvements and bonding ordinances and maintain an accurate updated accounting of costs and the progress of each bonded item.~~
- ~~(8) Supervise and oversee all road work and other projects in the Township.~~
- ~~(9) Carry out any additional responsibilities as assigned by the Township Committee.~~
- ~~(10) Supervise and administer the Divisions of Engineering, Public Works and Planning.~~
- (1) Supervise and administer the activities of the Engineering Department personnel.

- (2) Recommend various personnel actions, such as hiring, promoting, demoting, disciplining and dismissing to the Township Committee.
- (3) Keep accurate records of all transactions and work of his/her office, prepare budget recommendations for the Department and have full charge and management of the properties and equipment belonging to or assigned to the Engineering Department.
- (4) Prepare estimates and coordinate all capital improvements, bonding ordinances and maintain an accurate updated progress of each capital improvement item.
- (5) Review of all engineering department applications for conformance to Township Ordinance and acceptability of engineering design standards.
- (6) Communicate as required with residents, developers and individuals regarding proposed and existing projects.
- (7) Coordinate and inspect all road work and other construction projects in the Township.
- (8) Supervise the preparation and maintenance of all Township maps and specifications.
- (9) Attend limited meetings as requested by the Township Committee relating to Engineering issues. The use of a Township vehicle to attend meetings will be made available.
- (10) In the absence of a separately designated individual as director, an in-house Township Engineer can be designated and also serve as Director of Engineering. If an in-house Township Engineer is hired the existing Director of Engineering if not licensed as a professional engineer will automatically revert to the Assistant Township Engineer position.
- (12) Coordinate the activities of the Consultant Township Engineer if an in-house Township Engineer is not appointed.

#### **43-6. Township Engineer.**

- A. There shall be a Township Engineer appointed by the Township Committee ~~for a three year term, who may be a full time employee or consulting engineer,~~ who shall have charge of and shall be responsible for all municipal engineering for the Township of Hillsborough and such of its boards and commissions as shall be designated by resolution of the Township Committee from time to time. ~~He shall serve as the supervisor of the Division of Engineering and shall be responsible for the operation of the Department in the Director's absence.~~
- B. The qualifications of the Township Engineer shall be as follows:
  - (1) He/she shall be a licensed professional engineer.
  - (2) He/she shall have a minimum of five years experience in municipal engineering.
  - (3) He/she shall be experienced in the preparation of plans and drawings.
  - (4) Construction experience shall be helpful, although not an essential requirement.
- C. The powers and duties of the Township Engineer shall be as follows, to:
  - (1) Review all applications for conformance to Township ordinances and acceptability of engineering design.
  - (2) Coordinate additional reviews as required and maintain a follow-up procedure on items scheduled for action by the Township Committee and the Planning Board.

- (3) Communicate as required with developers, residents and other individuals regarding proposed and existing projects
- (4) Coordinate and inspect all road work and other projects in the Township.
- ~~(5) Supervise and administer the activities of the engineering personnel.~~
- (6) Supervise the preparation and maintain all Township maps, surveys and specifications.
- (7) Establish the amounts of all construction and maintenance and performance bonds to be posted and determine when such bonds may be released or reduced.
- (8) Report administratively to the Director of Engineering. ~~Public Works.~~
- (9) Attend meetings as requires by the Director.
- ~~(10) In the absence of a separately designated individual, the Township Engineer shall be designated and shall serve as the Director of Engineering, Public Works.~~

#### **43-7. Deputy Assistant Township Engineer.**

- A. There shall be created a position of Deputy Assistant Township Engineer ~~who shall be under the supervision of the Township Engineer, appointed by the Township Committee to serve at the pleasure of the Township Committee.~~ He shall be responsible for the operation of the Engineering Division in the Township Engineer's absence.
- B. The qualifications of the Deputy Assistant Township Engineer shall be as follows:
  - (1) He/she shall be a licensed professional engineer or certified through the National Institute for Certification of Engineering Technologies.
  - ~~(1)a. Graduation from a four-year college or university with a college degree in Civil Engineering or any equivalent combination of education and experience.~~
  - (2) He shall have a minimum of five years experience in municipal engineering.
  - (3) He shall be experienced in the preparation of plans and drawings.
  - ~~(4) Construction experience shall be helpful, although not an essential requirement.~~
  - (4) He shall be experienced in the construction inspection process.
  - (5) Ability to communicate effectively, orally and in writing, with employees, consultants, other governmental agency representatives, Township officials and the general public; ability to conduct necessary engineering research and compile comprehensive reports.
  - (6) Possesses a valid driver's license issued by the State of New Jersey.
- C. The duties and responsibilities of the Deputy Assistant Township Engineer shall be as follows, under the supervision of the Township Engineer to:
  - (1) Participate in construction inspection process from time to time, to service field conditions, meet with the developers to discuss field changes and otherwise review specific problems which arise during construction.
  - (2) Assist with the review of development of applications for conformance with Township ordinances and acceptability of engineering design.

- (3) Coordinate the preparation of engineering plans and specifications, coordinate required advertising for bids, review construction bids and make necessary recommendations based on lowest and best bids, competency of vendors and consultants, and the selection of criteria.
- (4) Assist the Township Engineer in the project management or construction of municipal public works projects' oversee assigned projects to ensure contractor compliance with time and budget parameters for the project.
- (5) Coordinate the preparation of reviews and updates of storm drainage, street maps, data base, and comprehensive plans.
- (6) Other related functions deemed necessary and appropriate by the Township Engineer.

**43-8. Assistant Township Engineer for Survey.**

A. There shall be an Assistant Township Engineer for Survey.

B. The qualifications of the Assistant Township Engineer for Survey shall be as follows:

- (1) Licensed as New Jersey Professional Land Surveyor; and
- (2) Graduation from a four-year college or university with a degree in civil engineering or land surveying; or any equivalent combination of education and experience.
- (3) Thorough knowledge of land surveying principals, practices and methods and the Map-Filing Law<sup>1</sup> as applicable to a municipal setting; thorough knowledge of applicable Township policies, laws, and regulations affecting division activities.
- (4) Considerable skill in arriving at cost estimates on complex projects; skill in operating the listed tools and equipment.
- (5) Ability to communicate effectively; orally and in writing, with employees, consultants, other governmental agency representatives, Township officials and the general public; ability to conduct necessary engineering research and compile comprehensive reports.
- (6) Possesses a valid driver's license issued by the State of New Jersey.

C. The powers and duties of the Assistant Township Engineer for Survey shall be as follows; under the supervision of the Township Engineer:

- (1) Directly responsible for the immediate supervision of all Tax Map updates and revision activities, and for field survey work necessary for the Township's capital work programs or related projects.
- (2) Participates in construction inspection process from time to time, to service field conditions, meet the developers to discuss field changes and otherwise review specific problems which arise during construction.
- (3) Coordinates the preparation of engineering plans and specifications, coordinates required advertising for bids, reviews construction bids and makes necessary recommendations based on lowest and best bids, competency of vendors and consultants, and the selection criteria.
- (4) Assists the Township Engineer in the project management or construction of the municipal public works project. Oversees assigned projects to ensure contractor compliance with time and budget parameters for the project.

- (5) — Coordinates the preparation of, reviews and updates the storm drainage, street maps, data base, and comprehensive plans.
- (6) — Other related functions as deemed necessary and appropriate by the Township Engineer.

**43-9. Zoning Officer/Assistant to the Township Engineer.**

- A. There shall be a Township Zoning Officer/Assistant to the Township Engineer, who shall be under the supervision of the Township Engineer.
- B. The qualifications of the Township Zoning Officer/Assistant to the Township Engineer shall be as prescribed by § 73-29 of Chapter 73 the Municipal Code of the Township of Hillsborough.
- C. The powers and duties of the Township Zoning Officer/Assistant to the Township of Engineer shall be as prescribed by § 73-31 of the Municipal Code of Hillsborough and as follows:
  - (1) — To assist the Township Engineer with special projects.
  - (2) — Other related functions as deemed necessary and appropriate by the Township Engineer.

**§ 43-10. Deputy Director of Public Works. [Amended 9-8-1998 by Ord. No. 98-24]**

- A. Description of position. The position of Deputy Director of Public Works:
  - (1) — Under the supervision of the Director of Engineering, Public Works has charge of and works with a group of employees engaged in the construction, operation, maintenance and repair of streets, storm sewers, sanitary landfills and other public works facilities.
  - (2) — Does related work as required.
  - (3) — Is responsible for the operation of the public works function in the Director's absence.
- B. General duties. The Deputy Director of Public Works:
  - (4) — Has responsible charge of daily routine work schedules.
  - (5) — Directs and works with subordinates in the construction and maintenance of manholes, catch basins, storm sewers, headwalls, curbs, bituminous macadam pavement, bituminous concrete pavement, stone seal coating, snow plowing, ice control, lawn maintenance and public building maintenance.
  - (6) — Sees that proper safety precautions are taken by the crew at work and that proper procedures are taken to protect the public from injury which would result from the crew's activities; inspects and checks the work during and at completion to see that proper procedures are followed, that reasonable standards of workmanship and output are maintained and that desired objectives are achieved; and is responsible for a safety program and the safety education of subordinates.
  - (7) — Attends meetings as required by the Director.
  - (8) — Performs other duties as required by the Director of Engineering, Public Works.
  - (9) — Is on call for all emergency situations.
- C. Qualifications. The Deputy Director of Public Works shall have:
  - (1) — Formal and other education and training showing attainment capabilities to carry out duties as specified.
  - (2) — At least eight years of experience in the construction, operation, maintenance and repair of streets, storm sewers and sanitary landfills and five years of supervisory experience, and be a Certified Public Works Manager pursuant of N.J.S.A. 40A:9-154.6(a).

- (3) ~~Wide knowledge of the procedures, materials and tools used in the cleaning, maintaining and repairing of streets, storm sewers and sanitary landfills.~~
- (4) ~~Familiarity with the use and operation of heavy construction equipment and support vehicles including their job allocation, productivity, and maintenance.~~
- (5) ~~Ability to direct subordinates, provide them with needed advice and assistance when difficult and unusual problems arise and check their work to see that proper procedures are followed, that reasonable standards of workmanship and output are maintained and that desired objectives are achieved. He shall also have the ability to organize assigned work, develop effective work methods and keep needed records.~~
- (6) ~~Good health and freedom from disabling physical and mental defects which would impair the proper performance of the required duties or which might endanger the health and safety of oneself or others.~~
- (7) ~~A valid New Jersey driver's license.~~
- (8) ~~Resides within a 12 mile radius from the Public Works Complex.~~

**§ 43-11. Assistant Supervisor of Public Works.**

- (A) ~~Description of position. The position of Assistant Supervisor Public Works:~~
  - (1) ~~Assists in the supervision of and works with a group of employees engaged in the construction, operation, maintenance and repair of streets, storm sewers, sanitary landfills, public building and grounds, parks, open space and other public works facilities.~~
  - (2) ~~Does related work as required.~~
- (B) ~~General duties. The Assistant Supervisor of Public Works:~~
  - (1) ~~Assists in the supervisions of and works with subordinates engaged in the construction and maintenance of manholes, catch basins, storm sewers, headwalls, curbs, bituminous maeadam pavement, bituminous concrete pavement, stone pavement, seal coating; in loading, unloading and applying sand and street repair materials when needed; and in cutting brush and mowing grass.~~
  - (2) ~~Assists in making assignments.~~
  - (3) ~~Sees that proper safety precautions are taken by the crew at work and that proper procedures are taken to protect the public from injury which would result from the crew's repair activities.~~
  - (4) ~~Assists in the inspecting and checking of the work completed to see that proper procedures are followed, that reasonable standards of workmanship and output are maintained and that desired objectives are achieved.~~
- (C) ~~Requirements. Said employee shall be proficient in the reading and writing of the English language in order to ensure complete communication by and between the personnel in the Department, including supervisory employees, so as to facilitate efficient operation and functioning of the Department. In addition, he shall have:~~
  - (1) ~~At least five years of experience in the construction, maintenance and repair of streets, storm sewers, sanitation or other public works facilities or similar heavy construction or maintenance work.~~
  - (2) ~~A valid New Jersey automobile driver's license.~~



- ~~(3) — Considerable knowledge of the procedures, materials and tools used in construction, cleaning, maintaining and repairing streets, storm sewers and sanitary landfills.~~
- ~~(4) — The ability to assist in supervising subordinates and provide them with needed advice and assistance when difficult and unusual problems arise and to check their work to see that proper procedures are followed, that reasonable standards of workmanship and output are maintained and that desired objectives are achieved, and the ability to assist in organizing assigned work and developing effective work methods and the keeping of needed records.~~
- (5) Good health and freedom from disabling physical and mental defects which would impair the proper performance of the required duties or which might endanger the health and safety of oneself or other.<sup>2</sup>

**§ 43-12. Compensation.**

All of the personnel appointed to fill the herein above described offices within the Department of Engineering, ~~Public Works~~ shall receive such compensation as is limited by the Salary Ordinance and set forth by resolution, as both may be amended from time to time.

**43-13. Outside employment restricted.**

~~The Township Director of the Department of Engineering and the personnel of the function in the Department of engineering shall not accept any outside employment and shall devote their working hours solely to the duties of their office unless the Township Committee shall by resolution otherwise provide.~~

**43-14. Prerequisites for plan review.**

Neither the Township Engineer nor his staff shall review plans prior to a formal application having been made to the Planning Board.

**§ 43-15. Hiring of consulting engineer.**

Nothing herein shall be construed to prevent the Township Committee from hiring the services of a consulting engineer when, in its judgment, it shall be required.

**§ 43-16. Engineering documents to be property of Township.**

All original works and documents prepared by the Township Engineer in the course of his duties shall belong to and be the property of the Township of Hillsborough. Upon his resignation or removal from office, the Township Engineer shall surrender forthwith to the Township Clerk all such original works and documents and shall also surrender all maps, surveys, plans, specifications, reports, studies and other papers in his hands belonging to the Township of Hillsborough.

**Section 2:** This ordinance shall take effect upon its adoption, passage, and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

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Kevin P. Davis, Acting Township Clerk

Steven N. Sireci, Jr., Mayor