

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING SECTION 35-11 OF THE DENNIS TOWNSHIP CODE, GOVERNING THE POWERS AND DUTIES OF THE TOWNSHIP ADMINISTRATOR

WHEREAS, Township of Dennis, a township form of government, is governed by statutes that allow the Township Committee to remove any officer of the municipality, other than those officers excepted by law, for cause under N.J.S.A. 40A:63-6(b)(5);

WHEREAS, N.J.S.A. 40A:63-7(a) allows the Township Committee to delegate all or a portion of the executive responsibilities of the municipality to an Administrator;

WHEREAS, Section 35-11 of the Revised General Ordinances of the Township of Dennis currently outlines the powers and duties of the Township Administrator; and

WHEREAS, the Township Committee believes it desirable, and in the best interest of the Township and its personnel to expand the powers and duties of the Township Administrator to include the authority to recommend discipline of Township personnel to the Committee;

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

Section 1. Section 35-11 of the Township of Dennis Municipal Code is amended as follows (additions are underlined; deletions are [bracketed]):

§ 35-11. Powers and duties.

It shall be the duty of the Township Administrator, under the supervision and control of the Mayor and Township Committee, and to the extent no prohibited by law:

A. To act as liaison between the Mayor, the Township Committee and all boards, departments and officers of the Township.

B. To be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to personnel, organization and policies of the township and any of its departments, [after consultation with the Mayor and Committee and with department heads.] He/she shall have the authority to recommend to the Mayor and Township Committee discipline of all Township personnel after the following steps have been taken:

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- He/she has the authority to issue Preliminary Notices of Disciplinary Action to Township personnel;
- Thereafter, if appealed by the employee, a local hearing on the disciplinary charges will be held in accordance with the employee's collective bargaining agreement and/or rights vested under the Civil Service Act, N.J.S.A. 11A and/or the Administrative Code;
- The Township Committee has the right to serve as the hearing officer or the Township Committee, by resolution, has authority to appoint an independent third party to serve as hearing officer, on a yearly or individual basis;
- If appointed, the hearing officer will make his/her findings and present his/her recommendations to the Township Committee , who may accept, reject, or modify the same prior to the issuance of a Final Notice of Disciplinary Action;
- The Township Committee can also either confirm, amend, or ignore the recommended discipline of the hearing officer prior to the issuance of a Final Notice of Disciplinary Action;
- The Township Committee will remain as the final authority and will keep the absolute power in implementing or rejecting discipline of Township personnel.

C. To aid in the preparation of the budget, alert department heads to the submission of their portion thereof and to assist the Township Committee in obtaining necessary data for the preparation of the municipal budget.

D. to investigate all complaints regarding township services and, after consultation with the department head of the service involved, to answer the same and report the disposition thereof to the Township Committee.

E. To coordinate for the Township Committee the general affairs of the township, including purchasing, administration, and enforcement of contracts, leases and franchises.

F. to attend all meetings as directed and authorized by the Township Committee.

G. To perform such other duties as may from time to time be specifically assigned to the Township Administrator by the Township Committee.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

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Section 4. This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas VanArtsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on February 26, 2019. Publication will be held on March 06, 2019 and a Public Hearing will be held at a meeting of the said Township Committee to be held on March 26, 2019 at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk