

ADMINISTRATION

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Article I. In General.

Sec. 2-1. Office hours of town offices.

Except as otherwise directed by the town council, the town offices shall be kept open for the transaction of public business between the hours of 8:30 A.M. and 4:30 P.M. on every business day and 7:00 P.M. to 9:00 P.M. on the first Tuesday of the month when a

regular meeting of the town council is held. The town offices shall not be kept open on any day recognized as a legal holiday in the State unless otherwise required by law. (G.O. No. 643, § 9; G.O. No. 939; G.O. No. 1077, § 1; G.O. No. 1380, § 1; G.O. No. 1662, § 1.)

Sec. 2-2. Control of town property vested in town council.¹

All property, real and personal, belonging to the town, shall be at all times held subject to the jurisdiction, disposition, custody and control of the town council and to such direction, rules and regulations concerning the use thereof as the town council may from time to time make or prescribe; and all officers, employees, or other persons having the custody, possession or control of any town property shall be responsible for its safe-keeping or proper use and return, and shall account in detail for the use and disposition of the same whenever required by the council to do so. No town property shall at any time be sold, transferred or given away, except pursuant to a resolution of the council duly adopted, or such other action as may be required by law. (1932 Revision, title 2, ch.1, § 8; G.O. No. 1662, § 1.)

Sec. 2-2.1. Fee for purchase of copy of “Master Plan Report – Town of Westfield 1991”; receipting payment; disposition of proceeds.

A fee schedule as follows is hereby fixed and established for each copy of the “Master Plan Report – Town of Westfield, 1991”: \$20.00.

The town clerk’s office shall issue a receipt for each fee received as hereinafter provided. All monies received shall be turned over to the town treasurer. (G.O. No. 963, §§ 1, 2; G.O. No. 1662, § 1.)

Sec. 2-2.2. (Deleted)

Sec. 2-2.3. Fee charged for unpaid checks.

In addition to any other penalties which may be imposed by law, there shall be a charge of up to fifty dollars made by the Town of Westfield to any person issuing a check which is payable to the Town of Westfield or any of its agencies or subdivisions for any purpose in any amount which is returned by the bank with a refusal to pay same. (G.O. No. 1548, § I; G.O. No. 1662, § 1; G.O. No. 1817, § I.)

Article II. Town Officers and Employees.²

Division 1. Generally.

Sec. 2-3. Town administrator – Appointment; term; compensation; vacancy in office.

¹ As to control of public parks, see § 16-1 of this code.

² As to fire department, see §§ 11-5 to 11-37 of this Code. As to composition of police department, see § 18-2.

A town administrator shall be appointed by the mayor with the approval of the town council for a term of up to three years in the manner and subject to qualifications prescribed by the Charter. Such Administrator shall receive such annual compensation as shall be provided in the salary ordinance. Whenever and so long as there is a vacancy in the office, the mayor may serve as acting town administrator without compensation and shall, for the time being, have all the functions, powers and duties of the town administrator. (G.O. No. 994, § 2; G.O. No. 1662, § 1.)

Sec. 2-4. Same – Duties.

Subject to the general direction and supervision of the mayor, the town administrator shall perform the following duties as specified in the town Charter:

(a) Direct and supervise the administration of the departments of the town government, except as otherwise provided by general law or ordinance.

(b) Provide for the organization of the work of the departments, subject to the requirements of this Code.

(c) Review the administration and operation of the departments and recommend to the mayor from time to time such measures as he may deem necessary or desirable for the purpose of improving the efficiency and the economy of the town government.

(d) Review, analyze and forecast trends in town services and finance, and report and recommend thereon to the mayor.

(e) Prepare an annual current expense budget and a capital budget for consideration by the council and recommend long-range capital improvement programs.

(f) Enforce and execute the provisions of the Charter and all other laws, resolutions and ordinances.

In addition to the above specified duties, the town administrator shall perform the following:

(g) Submit at least annually to the mayor and town council a suggested departmental table or organization.

(h) Approve all vouchers for payment subject to audit control.

(i) Attend all meetings of the town council whether regular, special or conference unless excused by the mayor and town council.

(j) Administer an employee grievance procedure as established by the town council.

(k) Review the purchase of all materials, supplies and equipment to be furnished and work and labor to be done for the town in accordance with purchasing procedures established by general ordinances.

(l) Perform such other functions and duties as may be prescribed by ordinance or resolution. (G.O. No. 994, § 2; G.O. No. 1662, § 1.)

Sec. 2-5. Attorney to board of adjustment – Position established; qualifications; term; compensation.

There is hereby established the position of attorney to the board of adjustment. Such attorney shall be an attorney-at-law of the State and be appointed by the board of

adjustment for a term of one year. The attorney to the board of adjustment shall receive an annual salary fixed by the town council for the performance of ordinary duties as described in section 2-6 hereof.

Said attorney shall also receive additional compensation on an hourly fee basis at a rate set from time to time by the town council for the scope of the ordinary duties of such position. Said attorney shall also receive additional compensation from escrow funds posted by applicants for special meetings or extraordinary projects as provided in the Westfield Land Use Ordinance. (G.O. No. 1026, §§ 1, 3; G.O. No. 1635, § I; G.O. No. 1662, § 1.)

Sec. 2-6. Same – duties.

(a) *Ordinary duties.*

(1) The attorney to the board of adjustment shall be the legal advisor to the board of adjustment and shall advise the board of adjustment on any and all legal matters relating to the functions of the board of adjustment.

(2) The attorney shall attend all regular meetings of the board of adjustment and any special or conference meetings as requested.

(3) The attorney shall prepare or supervise the preparation of all ordinances or resolutions or agreements as required. The attorney shall conduct such correspondence in connection therewith as may be necessary to advance such matters as may be requested by the board of adjustment.

(b) *Extraordinary duties.*

(1) The attorney shall be the attorney of record in all legal proceedings where the board of adjustment shall be a party; provided, no affirmative legal action as a plaintiff of appellant shall be initiated without prior approval of the town council.

(2) The attorney shall attend special meetings where an escrow has been established by an applicant to cover the costs of professionals attending such meeting on behalf of the board of adjustment pursuant to procedures established under the Westfield Land Use Ordinance.

(3) The attorney shall perform extraordinary projects assigned by the board of adjustment and approved by the town council, including, but not limited to, special legal research projects, preparation of difficult or unusual and complicated ordinances and other similar items beyond the scope of the ordinary duties described above.

(G.O. No. 1026, § 2; G.O. No. 1635, § II; G.O. No. 1662, § 1.)

Sec. 2-7. Attorney to planning board – Position established; qualifications; term; compensation.

There is hereby established the position of attorney to the planning board. Such attorney shall be an attorney-at-law of the State and be appointed by the planning board for a term of one year. The attorney to the planning board shall receive an annual salary fixed by the town council for the performance of the duties described in section 2-8.

Said attorney shall also receive additional compensation on an hourly fee basis at a rate set from time to time by the town council for the scope of the ordinary duties of such position. Said attorney shall also receive additional compensation from escrow funds

posted by applicants for special meetings or extraordinary projects as provided in the Westfield Land Use Ordinance. (G.O. No. 1027, §§ 1, 3; G.O. No. 1635, § III; G.O. No. 1662, § 1.)

Sec. 2-8. Same – Duties.

(a) *Ordinary duties.*

(1) The attorney to the planning board shall be the legal advisor to the planning board and shall advise the planning board on any and all legal matters relating to the functions of the planning board.

(2) The attorney shall attend all regular meetings of the planning board and any special or conference meetings as requested.

(3) The attorney shall prepare or supervise the preparation of all ordinances or resolutions or agreements as required. The attorney shall conduct such correspondence in connection therewith as may be necessary to advance such matters as may be requested by the planning board.

(b) *Extraordinary duties.*

(1) The attorney shall be the attorney of record in all legal proceedings where the planning board shall be a party; provided, no affirmative legal action as a plaintiff or appellant shall be initiated without prior approval of the town council.

(2) The attorney shall attend special meetings where an escrow has been established by an applicant to cover the cost of professionals attending such meeting on behalf of the planning board pursuant to procedures established under the Westfield Land Use Ordinance.

(3) The attorney shall perform extraordinary projects assigned by the planning board and approved by the town council, including, but not limited to, special legal research projects, preparation of difficult or unusual and complicated ordinances and other similar items beyond the scope of the ordinary duties described above.

(G.O. No. 1027, § 2; G.O. No. 1635, § IV; G.O. No. 1662, § 1.)

Sec. 2-9. Director of human services.

The director of human services is appointed by the local assistance board subject to approval by the State bureau of assistance. Appointments are for a five-year period. Should an incumbent director for any reason fail to complete the term, a temporary appointment may be made for a period of not more than ninety days.

The director of human services is responsible for the overall operation of the department in accordance with the standards and regulations established by the State bureau of assistance, based on New Jersey Statutes and set forth in a Manual of Policies and Procedures.

The director of human services is required to meet with the local assistance board at regularly scheduled intervals, at which time the work of the department is discussed and problems may be presented for the board's consideration. A monthly report shall also be made to the mayor and town council relative to the expenditures made and services given. (G.O. No. 643, § 5; G.O. No. 1090, § 1; G.O. No. 1662, § 1.)

Sec. 2-10. Special advisor (transportation, parking and traffic).

(a) There is hereby established the position of special advisor (transportation, parking and traffic).

(b) The special advisor (transportation, parking and traffic) shall be appointed by the administrator with the concurrence of the mayor. He shall serve at the pleasure of the mayor and shall receive such compensation as shall be provided in the Town Salary Ordinance.

(c) *Duties and responsibilities.* The special advisor (transportation, parking and traffic) shall report directly to the town administrator and perform such duties and assignments as directed by the town administrator. (G.O. No. 1782, § I.)

Sec. 2-11. Construction official.

The head of the division of building inspection shall be the construction official. Such construction official shall be appointed by the town engineer subject to the approval of the town administrator and consent of the mayor and the town council, for a term of four years. Such construction official shall administer the provisions of the State Uniform Construction Code Act and regulations pursuant thereto, any subcodes which he may be qualified to administer and for which he has been designated subcode official by resolution, and such other provisions of law or ordinances as may vest functions, powers or duties of a construction official, or subcode official. He shall perform such other duties as are assigned by the town engineer. (G.O. No. 643, § 8; G.O. No. 994, § 3.3; G.O. No. 1227, § I; G.O. No. 1522, § I; G.O. No. 1662, § 1.)

Sec. 2-11.1. Parking violations officer.

There is hereby created the position of parking violations officer. The parking violations officer shall be a civilian employee of the police department, serving under the direction of the chief of police. The duty of the parking violations officer is to police all parking violations within the town or any other duties which may be prescribed by the chief of police. (G.O. No. 952, § 1; G.O. No. 1662, § 1.)

Sec. 2-11.2. Assessor of taxes.

There shall be an assessor of taxes appointed by the mayor and town council to appraise and value property, assess the taxes, perform such other duties as may be required by law of such officer and such other duties as the town council may by ordinance prescribe.

The term of the assessor shall be for a period which shall terminate four years after the first day of July next following the assessor's appointment. (G.O. No. 1067, §§ 1, 2; G.O. No. 1104, § 1; G.O. No. 1662, § 1.)

Sec. 2-11.3. Civilian police – fire dispatcher.

(a) *Establishment.* There is hereby created the position of civilian police-fire dispatcher in the town, which civilian police-fire dispatcher shall not be a member of the uniformed departments. Those dispatchers whose primary function shall be to serve as dispatcher for the police department shall be civilian employees of the police department serving under the direction of and appointed by the chief of police; those dispatchers whose primary function shall be to serve as dispatchers for the fire department shall be civilian employees of the fire department serving under the direction of and appointed by the chief of the fire department.

(b) *Duties.* The police-fire dispatcher shall dispatch units of equipment of the police department and the fire department and shall perform such other duties as may be jointly prescribed by the chief of police and the fire chief.

(c) *Rules and regulations.* The provisions of sections 2-12.1 to 2-12.21 shall apply to the position of police-fire dispatchers except as hereinafter provided.

(G.O. No. 1095, §§ 1, 2; G.O. No. 1662, § 1.)

Sec. 2-12. Parking service director/management specialist.

(a) There is hereby established the position of parking service director/management specialist.

(b) The parking service director/management specialist shall be appointed by the town administrator subject to the approval of the mayor and town council. He shall receive such compensation as shall be provided in the town salary ordinance.

(c) *Duties and responsibilities.* The parking service director/management specialist shall report directly to the town administrator and be responsible for the proper and efficient management of all parking-related activities within the town, including, but not limited to, performing the following tasks:

(1) Administer, manage and market the town parking permit and parking meter system;

(2) Investigate, develop, and implement measures that increase the availability of off-street parking and that maximize the town's municipal parking assets;

(3) Advise the mayor, the town council, and the town administrator regarding all parking-related issues, policies, and ordinances;

(4) Be an integral part in the planning, design, construction, and operation of all planned parking facilities;

(5) Manage the operation of the commuter jitney system, if applicable, and investigate, develop, and implement other transportation systems to facilitate downtown/commuter access;

(6) Coordinate the organization, operation, and maintenance of parking meters, pay stations, parking signs, and pavement markings with the superintendent of public works and the town engineer;

(7) Coordinate parking enforcement activities with the police chief and the police captain in charge of traffic safety;

(8) Manage and supervise assigned operations to achieve goals within available resources and review progress and direct change as needed;

(9) In conjunction with other department heads, contract providers, consultants, the town administrator, the town council, and the members of the transportation, parking and traffic committee of the town council (“TPT committee”), determine parking requirements of various constituencies, provide leadership and direction in the development of short and long range plans; gather, interpret, and prepare data for studies, reports, and recommendations; coordinate department activities with other department agencies as needed;

(10) Give presentations and status reports to the town council, the TPT committee of the town council, and to boards, focus groups, and the general public;

(11) Communicate department plans, policies, and procedures to staff, vendors, customers, and the general public;

(12) Perform field work, including the observation of conditions and the issuance of parking summonses and other enforcement activities;

(13) Assure that assigned areas of responsibility are performed within budget; perform cost control activities; monitor revenues and expenditures in assigned area to assure sound fiscal control; prepare annual budget request; assure effective and efficient use of budgeted funds and other resources;

(14) Prepare, solicit, and review proposals for hardware solutions, assist staff to diagnose and solve parking equipment problems; participate in technical projects, such as writing equipment specifications;

(15) Implement technology systems and the necessary technical support for staff utilizing these systems, as well as long-range technology plans;

(16) Other duties or activities assigned by the town administrator.

(d) *Qualifications.* Parking service director/management specialist shall possess the following qualifications:

(1) Bachelors degree from a four-year college or university;

(2) Significant experience in parking management or similar experience; demonstrated computer literacy, database management, spreadsheet, and word processing skills; excellent communications skills, both written and verbal, and the ability to read, write, and speak English.

(G.O. No. § 1797.)

Division 2. Personnel Rules and Regulations.

Sec. 2-12.1. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively to them by this section:

Department head. The term department head means the following:

Town administrator

Town engineer

Chief of police

Fire chief

Town attorney

Statutory position. Statutory position means a position established and required by New Jersey Statutes as follows:

Town clerk

Town treasurer

Tax collector

Court clerk and violations clerk

Municipal magistrate

Tax assessor

Construction official

Employee. Employee shall mean any individual person appointed to a paid position authorized in the current town operating budget and paid through the town payroll or a person who is on leave of absence without pay according to the State Statutes, provisions of the town code or rules promulgated thereunder and whose position is held for him pending his return.

Immediate family. For the purposes of this division, the immediate family is defined as follows:

Father, mother, sister, brother, husband, wife, child, current father-in-law or current mother-in-law. (G.O. No. 903, § 1; G.O. No. 1227, § II; G.O. No. 1323, § I.)

Sec. 2-12.2. Applicability of division; general leave policy; forfeiture of vacation.

The following regulations shall apply to all full-time employees of the town whether paid on an annual salary or on an hourly basis. If any of these regulations are in conflict with or inconsistent with the terms of any labor agreement between any employee or group of employees and the Town of Westfield, the terms of such labor contract shall govern and control. Part-time or seasonal employees shall not be entitled to any benefits stipulated herein. All leaves provided for in these regulations are not to be regarded as privileges to be exacted at the convenience or determination of the employee without regard to the policy of responsible departmental authorities or the work demands of the department and are to be taken with the approval of the department head and so far as possible on such schedule and at such times as will best ensure the continuation of the regular departmental activities. For all employees vacation time shall not be cumulative and must be taken within the current year or shall be considered as forfeited. (G.O. No. 903, § 2; G.O. No. 1323, § II.)

Sec. 2-12.3. Vacations.

All full-time municipal employees in graded job titles under section 2-12.28 of the Code of the Town of Westfield, shall be granted annual vacation leave with pay as follows:

(a) Up to five working days' vacation will be granted to employees during the first calendar year which employed by the town. One day of vacation will be allowed for each two full calendar months of service in such year up to the maximum of five days.

(b) Up to ten working days' vacation will be granted to all employees during each year from the second through the fifth calendar year in which continually employed by the town. In the second such calendar year, and in each successive year, five working days' vacation will be granted, plus one additional day of vacation for each two full calendar months of service in the previous year of service, up to a maximum of five additional vacation days and a total of ten days.

(c) Fifteen working days' vacation shall be allowed all employees who have completed five years of continuous service before July 1.

(d) Eighteen working days' vacation shall be allowed all employees who have completed ten years of continuous service before July 1.

(e) Twenty working days' vacation shall be allowed all employees who have completed fifteen years of continuous service before July 1.

(f) Twenty-three working days' vacation shall be allowed all employees who have completed twenty years of continuous service before July 1.

(g) Twenty-five working days' vacation shall be allowed all employees who have completed twenty-five years of continuous service before July 1.

(h) The following department heads shall receive an additional five working days' vacation in excess of the scheduled list above:

Town administrator

Town engineer

Chief of police

Fire chief

For all employees, vacation time shall not be cumulative and must be taken within the current year or shall be considered as forfeited. The estate of a deceased employee shall be paid a sum equivalent to the employee's daily rate of pay multiplied by the number of vacation days accrued for that year and not used by such employee at his date of death.

(G.O. No. 903, § 3; G.O. No. 945, § 1; G.O. No. 1028, §§ 1 to 4; G.O. No. 1052, §§ 1, 2; G.O. No. 1078, § 1; G.O. No. 1095, § 3; G.O. No. 1168, § 1; G.O. No. 1290, § 1; G.O. No. 1323, § III.)

Sec. 2-12.4. Sick leave – Defined; certificate of physician; reports of doctor or visiting nurses; when not allowed.

For the purpose of these regulations, sick leave is hereby defined to mean the absence from duty of an employee because of illness or injury. A certificate of a physician in attendance upon any employee or from the department physician may be required as proof of need for leave of absence of the employee. In all cases, the town reserves the right to send a doctor or visiting nurse to report on the condition of the patient.

Sick leave shall not be allowed for ordinary dental care or for normal eye care, as such professional services are readily available outside or normal working hours.

An employee who is certified as absent on account of disability or accident caused in the course of his employment shall not have such absence charged against his sick leave.

Nothing in the foregoing shall be construed to be in conflict with any more restrictive statute now in effect limiting the period during which employees may be compensated for leave on account of disability or illness and such more restrictive statute shall be controlling. (G.O. No. 903, § 4; G.O. No. 1323, § IV.)

Sec. 2-12.5. Same – Amount granted.

Every full-time employee, whether paid on an annual salary basis or an hourly basis, shall be granted, in addition to annual vacation with pay, one working day of sick leave with pay for each month from the date of his or her regular employment or appointment to the succeeding December 31st and fifteen working days of sick leave with pay for each calendar year thereafter. If any employee requires none or a portion only of his allowed sick leave for any calendar year, the amount of such sick leave not taken shall accumulate to his credit for a period of six years only, to a maximum of ninety days, and he shall be entitled to use such accumulated sick leave with pay, if, and when needed. (G.O. No. 903, § 5; G.O. No. 1028, § 5; G.O. No. 1136, § 1; G.O. No. 1323, § V.)

Sec. 2-12.6. Disability leave.

(a) Where any employee has become disabled and is incapacitated from performing his duties through injury or illness as a result of, or arising from, his employment by the town, is evidenced by a certificate of a physician approved or appointed by the town, he shall be granted a disability leave of absence, with full pay, until the termination of such disability or until he shall become eligible for payments under wage continuation insurance, which ever shall first occur, but in any event, such period of disability leave shall be limited to ninety calendar days. If the employee desires to remain on the regular town payroll after the expiration of the ninety-day period, vacation may be first utilized, and after the exhaustion of vacation leave, sick leave may be utilized.

During the period in which the full salary or wages of an employee on disability leave is paid by the town, any weekly compensation payments under the town's compensation policy made to or received by or on behalf of such employee, shall be assigned to the town by the insurance carrier.

(b) Whenever any employee has become disabled and is permanently incapacitated from performing his duties, it shall be mandatory that such employee promptly make application for appropriate disability retirement and pension, without waiting expiration of any disability leave to which he might otherwise be entitled. (G.O. No. 903, § 6; G.O. No. 1052, § 3; G.O. No. 1136, § 2; G.O. No. 1323, § VI.)

Sec. 2-12.7. Leave of absence without pay.

Leave of absence without pay may be granted by the department head with the approval of the town administrator for a period not exceeding three months, which period may be renewed for a total not exceeding one year, to any permanent employee whether paid on a full-time annual basis or an hourly basis. The town council may extend a leave of absence without pay beyond one year for a three-month period which may be renewed, but the total of any leave of absence shall not exceed a second year.

Leave of absence without pay may be granted for:

- (a) Temporary physical or mental incapacitation;
- (b) For any reason deemed appropriate by the town administrator.

Leaves of absence without pay for persons in the active military service are governed by Title 38 of the New Jersey Statutes and such statutes as amended from time to time shall govern the actions of the Town of Westfield and the employee in such cases.

Leave of absence will not be granted to employees as a matter of convenience or temporary advantage. Any employee requesting leave of absence without pay shall submit such request in writing to the town administrator through the department head, stating the reasons he or she desires such leave of absence, when he or she desires it to begin, and the probable date of return to duty. Leaves of absence without pay shall become effective only after approval by the town administrator or town council, as appropriate.

Any employee not returning to such employment within five business days after the expiration date of any authorized leave of absence or within ninety calendar days of his release from active military service shall also be deemed to have resigned not in good standing. (G.O. No. 903, § 8; G.O. No. 1052, § 4; G.O. No. 1323, § VII.)

Sec. 2-12.8. Civil leave.

An employee who is subpoenaed as a witness in a civil or criminal case not involved in his capacity as a town employee or an employee who is called and serves on a jury may be granted paid leave for that time he is officially involved with the court in such capacity. (G.O. No. 903, § 9.)

Sec. 2-12.9. Military leave for annual field training.

Upon proper application to his department head, an employee who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, United States Marine Corps Reserve or the National Guard shall be entitled to a leave of absence from his respective duty without loss of time or pay on all days on which he shall be engaged in field training. Such leave of absence shall be in addition to regular vacation allowed such employees. (G.O. No. 903, § 10; G.O. No. 1323, § VIII.)

Sec. 2-12.10. Bereavement leave.

Bereavement leave with pay will be granted at the time of the death of a member of an employee's immediate family as defined herein up to a maximum of four days between the death and the burial. (G.O. No. 903, § 7; G.O. No. 1323, § IX.)

Sec. 2-12.11. Overtime work.

Overtime shall be kept to a minimum and shall be only at the direction of the department's supervisor. Attendance at meetings required in the performance of duties will not be considered overtime. (G.O. No. 903, § 11.)

Sec. 2-12.12. Holidays.

- (a) Holidays shall be those listed below:
 - New Year's Day.
 - Martin Luther King's Birthday.
 - Lincoln's Birthday.
 - Washington's Birthday.
 - Good Friday.
 - Memorial Day.
 - Independence Day.
 - Labor Day.
 - Columbus Day.
 - Veteran's Day.
 - Thanksgiving Day.
 - Friday after Thanksgiving Day.
 - Christmas.

(b) When an official holiday falls on a Sunday, the town offices and other operations will be closed on the following Monday in observance of this occasion, and when the official holiday falls on Saturday, the town offices and other operations will be closed on the preceding Friday.

(c) Civilian police-fire dispatchers shall not be entitle to holidays, and shall be paid in lieu of holidays, and in addition to their annual salaries, for thirteen holidays at regular daily rate of compensation. (G.O. No. 903, § 12; G.O. No. 1078, § 2; G.O. No. 1095, § 4; G.O. No. 1163, § 1; G.O. No. 1191, § 1; G.O. No. 1399, § I; G.O. No. 1434, § I.)

Sec. 2-12.13. Disciplinary action against employees.

Subject to the rules and regulations of the police and fire departments, and except as otherwise provided by law, the following disciplinary proceedings against employees for just cause shall apply:

- (a) Department heads. All action by town council.
 - (b) All other employees:
 - (1) Verbal reproof by supervisor.
 - (2) Written censure by department head.
 - (3) Suspension from duty without pay by department head with approval of town administrator and consent of mayor.
 - (4) Demotion by department head with approval of town administrator and consent of mayor.
 - (5) Separation by department head with approval of town administrator and consent of mayor.
- (G.O. No. 903, § 13; G.O. No. 1227, § III.)

Sec. 2-12.14. Number of working hours.

(a) Unless a department or certain positions within a department are regularly assigned a greater or lesser number of working hours per week, the normal hours of employment for full time town employees shall be 8:30 A.M. to 4:30 P.M. daily, except Saturdays and Sundays and legal holidays, and 7:00 P.M. to 9:00 P.M. on the first Tuesday or each month when a regular meeting of the town council is held; except as follows:

(1) For public works foremen and hourly employees, the normal working hours shall be 7:30 A.M. to 4:00 P.M. on Mondays through Fridays.

(2) For janitorial and building maintenance employees, the normal working hours shall be eight hours per day and forty hours per week, with such duty tours as shall be determined by the town engineer.

(3) For members of the police and fire departments, the normal working hours shall be those designated by contract or ordinance, with such duty tours as shall be determined by the respective heads of the department.

(4) For civilian police-fire dispatchers, the normal working hours shall be eight hours per day and forty hours per week, with such duty tours as shall be determined by the chief of police and fire chief for the dispatchers subject to their respective control.

(5) The department head, with concurrence of the town administrator, may assign different hours for commencing and terminating the workday if the department work schedule so dictates.

(b) It is the responsibility of each employee to notify his supervisor before commencement of a duty shift if he will not report for work at the appointed time.

(G.O. No. 903, § 14; G.O. No. 939, § 1; G.O. No. 1077, § 2; G.O. No. 1095, § 5, G.O. No. 1108, § 1; G.O. No. 1323, § X; G.O. No. 1380, § II.)

Sec. 2-12.15. Attendance at work during prescribed hours; attendance records.

Every employee is expected and will be required to be in attendance and at work during the regular hours prescribed for the departments and the municipality. Every employee is expected and will be required to be in attendance during such hours as prescribed for his employment. Violations of working schedule as prescribed and leaves of absence without prior authorization will be subject to disciplinary action.

The department head shall maintain records showing the attendance, time worked, leaves for any reason, etc., of all employees. (G.O. No. 903, § 15.)

Sec. 2-12.16. Establishment of new positions.

All new positions will be established by resolution or ordinance of the town council provided adequate funds are available in the current budget. (G.O. No. 903, § 16.)

Sec. 2-12.17. Employment practices.

(a) Vacancies.

Employees and former employees who resigned in good standing may apply and receive due consideration for any vacancy. Vacancies not filled by employees or former employees as defined above will be advertised by the department head in order that individuals from outside the work force may file an application. If necessary, additional employment recruiting activity may be followed.

(b) Selection.

Applicants will be interviewed by the department heads or supervisor having the vacancy who will select a candidate subject to the approval of the town administrator and concurrence of the mayor.

(c) Medical examination.

Each applicant must be examined by a medical doctor who will inform the department head whether the applicant is medically acceptable as an employee in general and for the work of the particular position.

The medical examination will be at the town's expense.

(d) Probationary period.

All employees are on probation for the first six months. If employment is unsatisfactory during this period, his services will be terminated.

(e) Separation – Resignation.

Employees who resign shall tender their resignation in writing to their department head at least ten working days prior to the effective date of the resignation in order to resign in good standing.

An employee who fails to return to his employment within five business days after the expiration of an authorized leave of absence or within ninety calendar days after release from active military service shall be deemed to have resigned his position not in good standing.

(f) Dismissal.

Employees' services may be terminated for cause if considered necessary as a disciplinary action.

(g) Separation for ill health.

Employees unable to carry out their duties because of ill health may be separated if deemed necessary by the department head with the approval of the town administrator and consent of the mayor. (G.O. No. 903, § 17; G.O. No. 1323, § XI.)

Sec. 2-12.18. Retirement of town employees.

All town employees enrolled in the Public Employee's Retirement System of New Jersey or the Consolidated Police and Firemen's Pension Fund or the Police and Firemen's Retirement System of New Jersey, are subject to the requirements and provisions of those plans. The employee's contribution to the plan is deducted from the salary paid to such full-time employee and remitted to the state as prescribed by law.

The town contribution for such employee is determined by and subsequently remitted to the state in accordance with the provisions of the law.

Town employees having completed the regular number of years of service and having attained a specified age may apply for retirement as provided for by the plan. (G.O. No. 903, § 18.)

Sec. 2-12.19. In cases of conflict, rules and regulations of police and fire departments have supremacy.

In the event the above provisions conflict with the established rules and regulations governing the police and fire departments, the rules and regulations of those departments will apply. (G.O. No. 903, § 19.)

Sec. 2-12.20. Conflict of interest.

(a) *Financial or personal interest.* No official, officer, employee or appointee in his own behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with any public body within the municipality.

(b) *Disclosure and disqualification.* Whenever the performance of his official duties shall require any official, officer, employee or appointee to deliberate and vote on any matter involving is financial or personal interest, he shall publicly disclose such fact and disqualify himself from participating in the deliberations as well as the voting. In such case, his refraining from voting shall not be recorded as voting in the affirmative or negative. (G.O. No. 994, § 5.)

Sec. 2-12.21. Longevity payments.

(a) Full-time paid employees of the town shall be paid, in addition to their annual salary or wage, a longevity payment. Such longevity pay shall be considered as additional compensation based on the length of service of such employees according to the following schedule:

YEARS OF SERVICE	LONGEVITY PERCENTAGE
Completion of 5 years.....	1
Completion of 10 years.....	3
Completion of 15 years.....	5
Completion of 20 years.....	7
Completion of 25 years.....	9

(b) Such longevity compensation shall be computed on the annual base salary or wages of each employee. When computing the years of service of each employee, credit shall be given for all time served consecutively as a full-time paid employee of the town and for such other county or municipal employment as may have heretofore been credited to such employee under any law of the state then in effect. All periods of service shall be computed from the actual anniversary date of initial employment.

(c) Officers and employees of the town whose offices and positions are established in the grade classification schedule of section 12-12.28 shall have such longevity compensation included in their regular salary.

(d) Except for employees covered by collective bargaining agreements which provide for longevity payments as a contractual obligation of the Town of Westfield, longevity payments as set forth above shall not apply to employees of the Town of Westfield otherwise eligible who shall have been employed by the Town of Westfield subsequent to January 1, 1991.

(G.O. No. 1009, §§ 1, 2; G.O. No. 1052, § 5; G.O. No. 1068, § 1; G.O. No. 1203, § 1; G.O. No. 1280, § 1; G.O. No. 1335, § 1; G.O. No. 1452, § I; G.O. No. 1546, § I; G.O. No. 1573, § I.)

Division 3. Personnel Position and Salary Schedule.

Sec. 2-12.22. Personnel position schedule.

The offices and positions of personnel employed by the town, defined by grade, number and title, as set forth in section 2-12.28 and not otherwise provided for by law or contractual agreement, are hereby ordained and established. (G.O. No. 1124, § 1.)

Sec. 2-12.23. Personnel salary schedule.

All officers and employees of the town whose offices and positions are established by section 2-12.22 shall be compensated within the ranges set forth in section 2-12.28, and shall perform such duties as may be prescribed by the administrative head of the department in which employed, or as may be provided by law or contractual agreement. (G.O. No. 1124, § 1.)

Sec. 2-12.24. Part-time or temporary employees.

The administrative head of a department may hire such additional personnel as may be required, on a part-time basis or temporary basis, within the limits of budget appropriations, at a compensation or rate of pay which shall be determined by such head not to exceed the pro-rated compensation for the same or similar position established by section 2-12.28. (G.O. No. 1124, § I.)

Sec. 2-12.25. Work period.

The work period for offices and positions and compensation therefore, established by section 2-12.28, shall be forty hours per week, notwithstanding that the hours during which the respective departments shall be open for public business shall be different from that number. (G.O. No. 1124, § 1.)

Sec. 2-12.26. Board of health and library.

For the purposes of preparation of the town budget only, the Personnel Position and Salary Schedule set forth in section 2-12.28 shall include the officers and employees of the Westfield Board of Health and the Westfield Memorial Library. (G.O. No. 1124, § 1.)

Sec. 2-12.27. Effective date.

Adjusted annually. (G.O. No. 1124, § 1.)

Sec. 2-12.28. Schedule.

Adjusted annually. (G.O. No. 1124, § 1; G.O. No. 1731, § I; G.O. No. 1761, § I; G.O. No. 1764, § I; G.O. No. 1767, § I; G.O. No. 1769, § I; G.O. No. 1775; G.O. No. 1778, § I; G.O. No. 1780, § I; G.O. No. 1783, § 1.)

Sec. 2-12.29. Masculine and feminine gender.

In all references in any part of the Town Code to employees, officers, elected officials, parties, persons, or the like, the use of masculine or feminine pronouns and any particular gender or masculine or feminine suffixes to any word shall include both the masculine and feminine gender. (G.O. No. 1280, § 2.)

Article III. Town Boards and Commissions.⁵

Division 1. Planning Board.⁶

Sec. 2-13. Definitions.

Whenever a term is used in this division which is defined in the New Jersey Statutes Annotated, section 40:55D, such term is intended to have the meaning set forth in the definition of such term found in such statute, unless a contrary intention is clearly expressed from the context of this division. (G.O. No. 1173, art. 5, § 1.)

Sec. 2-14. Established; composition and appointment.

There is hereby established pursuant to New Jersey Statutes Annotated, section 40:55D et seq., in the town, a planning board of nine members, consisting of the following four classes:

Class I. The mayor;

Class II. An official of the municipality other than a member of the governing body, to be appointed by the mayor;

Class III. A member of the governing body, to be appointed by the council;

Class IV. Six other citizens of the municipality to be appointed by the mayor. The members of class IV shall hold no other municipal office; except, that one member may be a member of the zoning board of adjustment and one may be a member of the board of education.

⁵ As to bicycle board, see § 7-2 of this Code. As to advisory committee of mayor to investigate, etc., any alleged violation of regulations pertaining to comic books and obscene literature, see § 10-8. As to swimming pool appeal committee, see § 26-13.

⁶ For subdivision regulations, see Ch. 25 of this Code.

In addition, there shall be appointed one alternate member in class II, one alternate member in class III, and two alternate members in class IV. Alternate members of each class shall be appointed by the appointing authority for that class.

An alternate member of any class shall be entitled to sit with and participate as a member in any hearing before the board. The alternate member of any class who has attended the full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular member of the same class. The two alternate members of class IV shall be designated by the chairman as "Alternate No. 1" and "Alternate No. 2" and shall participated in the board's decision in rotation during the absence or disqualification of any regular member or members of class IV. (G.O. No. 1173, art. 1, § 1; G.O. No. 1234, § 1.)

Sec. 2-15. Terms of office.

The term of the member composing class I shall correspond with his official tenure. The terms of the members composing class II and class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first.

The term of a class IV member who is also a member of the board of adjustment or a 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 occurs first.

The terms of all class IV members first appointed pursuant to this division 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 appointment; provided, that no term of any member shall exceed four years; and further provided, that nothing herein shall affect the term of any present member of the planning board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter, all class IV members shall be appointed for terms of four years except as otherwise hereinabove provided. All terms shall run from January 1 of the year in which the appointment is made.

Alternate members of classes II and III shall be appointed for terms to expire at the same time as the terms of regular members of their respective classes. Alternate members of class IV shall serve for terms of two years; provided, however, that in the event that two alternate members of class IV are appointed, the initial terms of such members shall be one and two years, respectively. (G.O. No. 1173, art. 1, § 2; G.O. No. 1234, § 2.)

Sec. 2-16. Vacancies.

If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. (G.O. No. 1173, art. 1, § 3.)

Sec. 2-17. Officers.

The planning board shall elect a chairman and vice chairman from the members of class IV and select a secretary who may be either a member of the planning board or a municipal employee designated by it. (G.O. No. 1173, art. 1, § 4.)

Sec. 2-18. Attorney.

There is hereby created the office of planning board attorney. The planning board may annually appoint, fix the compensation of or agree upon the rate of compensation of, the planning board attorney. Such attorney shall be an attorney other than the town attorney, but shall not exceed in so doing, the compensation fixed by the governing body for the position of town attorney. (G.O. No. 1173, art. 1, 5.)

Sec. 2-19. Employment of experts and staff.

The planning board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use. (G.O. No. 1173, art. 1, § 6.)

Sec. 2-19.1. Powers and duties generally.

The planning board is authorized to adopt by-laws governing its procedural operation. It shall also have the following powers and duties:

(a) To make and adopt and from time to time amend a master plan for the physical development of the town, which in the board's judgment, bears essential relation to the planning of the town, in accordance with the provisions of New Jersey Statutes Annotated, section 40:55D-28.

(b) To administer the provisions of chapter 25 of this code in accordance with the provisions of such chapter and New Jersey Statutes Annotated, section 40:55D-1 et seq., and to hear appeals for, and grant conditional uses pursuant to, New Jersey Statutes Annotated, section 40:55D-67.

(c) To participate in the preparation and review of progress or plans required by state or federal law or regulations.

(d) To assemble data on a continuing basis as part of a continuous planning process.

(e) To consider and make report to the governing body within thirty-five days after referral as to any proposed development, regulation or official map ordinance submitted to it pursuant to the provisions of New Jersey Statutes Annotated, section 40:55D-26(a), and also report or recommend upon other matters specifically referred to the planning board by the town council or other municipal agency pursuant to the provisions of New Jersey Statutes Annotated, section 40:55D-26(b), as the town council may by ordinance provide.

(f) When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant, to the same extent and subject to the same restrictions as the zoning board of adjustment:

(1) Variances pursuant to New Jersey Statutes Annotated, section 40:55D-70(c) from lot area, lot dimensional, setback and yard requirements; provided, that such relief from lot area requirements shall not be granted for more than one lot.

(2) Direction pursuant to New Jersey Statutes Annotated, section 40:55D-34 for issuance of permit for building or structure in the bed of a mapped street or public

drainage way, flood control basis or public area reserved pursuant to New Jersey Statutes Annotated, section 40:55D-32.

(3) Direction pursuant to New Jersey Statutes Annotated, section 40:55D-36 of such act for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this subsection, notice of hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

(g) To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers. (G.O. No. 1173, art. 1, § 7.)

Sec. 2-19.2. Time limits for action.

(a) *Minor subdivisions.* Minor subdivision approval shall be granted or denied within forty-five 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 one hundred ninety 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 a county recording officer, the municipal engineer and the municipal tax assessor.

(b) *Preliminary approval, major subdivisions.* Upon submission of a complete application for a subdivision of ten or fewer lots, the planning board shall grant or deny preliminary approval within forty-five 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 ten lots, the planning board shall grant or deny preliminary approval within ninety-five days of the date of such submission or within such further time as may be consented to by the developer.

(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 section 2-19.1, subsection (g) of this Code, the planning board shall grant or deny approval of the application within ninety-five days after submission by the developer of a complete application or within such further time as may be consented to by the applicant.

(d) *Final approval.* Application for final subdivision approval shall be granted or denied within forty-five days of submission of a complete application or within such further time as may be consented to by the applicant.

(e) *Failure to act.* Failure of the planning board to act within the times specified for its actions as hereinabove set forth shall constitute grant or approval of the requested application or relief, and where appropriate, a certificate of the administrative officer, as to the failure of the planning board to act and the effect thereof, shall be issued on request of the applicant. (G.O. No. 1173, art.1, § 8.)

Sec. 2-19.3. Applications generally.

Applications for development within the jurisdiction of the planning board, pursuant to the provisions of chapter 291, Public Laws, 1975, shall be filed with the secretary of

the planning board at least twenty-one days before the date set for hearing at the monthly meeting of the board, and shall include six copies of a sketch plat; six copies of applications for minor subdivision approval, for major subdivision approval, for site plan review, conditional use approval or planned development. At the time of filing the application, the applicant shall also file all other plot plans, maps or other papers required by virtue of any provision of this division or any rule of the planning board. The applicant shall obtain all necessary forms from the secretary of the planning board. The secretary of the board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the board. (G.O. No. 1173, art. 1, § 9.)

Sec. 2-19.4. Citizens' advisory committee.

The mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, but such persons shall have no power to vote or take other action required of the board. Such persons shall serve at the pleasure of the mayor. (G.O. No. 1173, art. 1, § 10.)

Sec. 2-19.5. Conflicts of interest.

No member of the planning board 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. (G.O. No. 1173, art. 3, § 1.)

Sec. 2-19.6. Rules and regulations generally.

(a) The board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this division. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (New Jersey Statutes Annotated, section 2A:67A-1 et seq.) shall apply.

(b) The planning board shall adopt, and may from time to time amend, reasonable rules and regulations not inconsistent with New Jersey Statutes Annotated, section 40:55D and other ordinances, for the administration of its functions, powers and duties. Copies of such rules and regulations and amendments thereto shall be maintained in the office of the town clerk, and shall be furnished upon request to any person, for which furnishing, a reasonable fee may be charged. The board shall fix the time and place for holding regular meetings for business authorized to be conducted by such board. (G.O. No. 1173, art. 1, § 11; art. 3, § 2.)

Sec. 2-19.7. Meetings generally.

(a) Meetings of the planning board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

(b) Special meetings may be provided for at the call of the chairman or on the request of any two board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.

(c) No action shall be taken at any meeting without a quorum being present.

(d) All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of New Jersey Annotated, section 40:55D.

(e) All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, chapter 231, Laws of New Jersey, 1975. An executive session for the purpose of discussing and studying any matters to come before the board shall not be deemed a regular or special meeting. (G.O. No. 1173, art. 3, § 3.)

Sec. 2-19.8. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the board and of the persons appearing by attorney; the action taken by the board; the findings, if any, made by it and the reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the town 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 for such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the board. (G.O. No. 1173, art. 3, § 4.)

Sec. 2-19.9. Fees.

Fees for applications or for the rendering of any service by the planning board or any member of its administrative staff which is not otherwise provided by ordinance may be provided for an adopted as part of the rules of the board; and copies of such rules or of the separate fee schedule shall be available to the public. (G.O. 1173, art. 3, § 5.)

Sec. 2-19.10. Hearings – Rules; oaths; testimony; evidence; records.

(a) *Rules.* The planning board shall make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of New Jersey Statutes Annotated, section 40:55D-1 et seq. or of this division.

(b) *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” Public Laws 1953, chapter 1938 (New Jersey Statutes Annotated, section 2A:67A-1 et seq.) shall apply.

(c) *Testimony.* The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer; and the right of cross examination shall be permitted to all interested parties through their

attorneys, if represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

(d) *Evidence.* Technical rules of evidence shall not be applicable to the hearing, but the board may exclude irrelevant, immaterial or unduly repetitious evidence.

(e) *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 his expense. (G.O. No. 1173, art. 3, § 6.)

Sec. 2-19.11. Same – Notices.

Whenever a hearing is required on an application for development pursuant to New Jersey Statutes Annotated; section 40:44D-1 et seq., the applicant shall give notice thereof as follows:

(a) Public notice shall be given by publication in the official newspaper of the municipality at least ten days prior to the date of the hearing.

(b) Notice shall be given to the owners of all real property, as shown on the current tax duplicates, located within two hundred feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by (1) serving a copy thereof on the owner as shown on the current tax duplicate or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

(c) Notice of all hearings on applications for development involving property located within two hundred feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to section 2-19.10, subsection (b) of this Article to the owners of lands in such adjoining municipality which are located within two hundred feet of the subject premises.

(d) Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within two hundred feet of a municipal boundary.

(e) Notice shall be given, by personal service or certified mail, to the commissioner of transportation of a hearing on an application for development of property adjacent to a state highway.

(f) Notice shall be given, by personal service or certified mail, to the director of the division of state and regional planning in the department of community affairs of a hearing on an application for development of property which exceeds one hundred fifty acres or five hundred dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the town clerk pursuant to section 6b of chapter 291 Laws of New Jersey, 1975.

(g) All notices hereinabove specified in this section shall be given at least ten days prior to the date for hearing and the applicant shall file an affidavit of proof of service with the board holding the hearing on the application for development.

(h) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of the New Jersey Statutes Annotated, section 40:55D-14.

(i) All notices required to be given pursuant to the terms of this division 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 the street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the municipal 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) Pursuant to the provisions of New Jersey Statutes Annotated, section 40:55D-12 c, the tax assessor of the town shall, within seven days after receipt of a request therefore and upon receipt of payment of a fee of five dollars, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this section. (G.O. No. 1173, art. 3, §§ 7, 8.)

Sec. 2-19.12. Decisions – Generally.

(a) Each decision on any application for development shall be set forth in writing as a resolution of the board, and shall include findings of fact and legal conclusions based thereon.

(b) A copy of the decision shall be mailed by the board within ten days of the date of decision to the applicant, or if represented, to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the board for such service. A copy of the decision shall also be filed in the office of the town 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 those established for copies of other public documents in the municipality. (G.O. No. 1173, art. 3, § 9.)

Sec. 2-19.13. Same – Publication.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the secretary of the planning board without separate charge to the applicant. Such notice shall be sent to the official newspaper for publication with ten days of the date of any such decision. (G.O. No. 1173, art. 3, § 10.)

Sec. 2-19.14. Pending applications.

All applications for development filed prior to the effective date of this division may be continued, but any appeals arising out of decisions made on any such application shall

be governed by the provisions of article IV of General Ordinance No. 1173, which may be found on file in the office of the town clerk. (G.O. No. 1173⁷, art. 5, § 4.)

Sec. 2-20. Created; membership.

There is hereby created the Westfield Recreation Commission to consist of mayor, ex-officio, and nine members, all of whom shall be residents of the Town of Westfield. In addition to the foregoing, there shall be two alternate members who shall be permitted to vote only in the absence of a regular member. In addition to the foregoing, the mayor shall appoint each year one member of the town council to act, ex-officio, as the liaison between the recreation commission and the town council. (G.O. No. 751, § 1; G.O. No. 865, § 1; G.O. No. 1213, § 1; G.O. No. 1571, § I.)

Sec. 2-21. Appointment of members, term of office, vacancy.

The regular members of the recreation commission shall be appointed by the mayor, with the approval of the town council, for a term of three years each. The alternate member of the recreation commission shall be appointed by the mayor, with the approval of the town council, for a term of three years each; provided that for the initial terms of the alternate members, their terms shall be staggered by the appointment of one of the alternates for an initial term that is one year less than the regular term. The initial appointment of the regular members shall also be staggered with three such regular members appointed for a term of three years, three such regular members appointed for a term of one year and thereafter each appointment shall be made for a three-year term excepting that the appointment of the member of the town council shall not exceed the term of office to which he has been elected to the town council.

In the event of a vacancy caused by the death, inability, or resignation of any member or alternate member, the mayor, with the approval of the town council, shall appoint another person to fill the unexpired term of such vacancy.

Alternate members shall be designated at the time of appointment as alternate number one and alternate number two. No regular or alternate member shall be permitted to act on any matter in which the regular or alternate member has either directly or indirectly any personal or financial interest. A regular alternate member may, after public hearing if he requests one, be removed by the governing body for cause. (G.O. No. 751, §§ 4, 5; G.O. No. 865, § 2; G.O. No. 1086, § 1; G.O. No. 1213, § II; G.O. No. 1571, § II.)

Sec. 2-21.1. Trust fund; establishment; operation, council approval required.

Upon approval by the Division of Local Government Services, Department of Community Affairs, State of New Jersey, the town council of the Town of Westfield may establish and maintain a trust fund for recreation purposes pursuant to the provisions of N.J.S.A. 40A:4-39. In the event such fund is established and maintained, the recreation commission may operate facilities or offer programs for which fees or charges are collected from the users of the facilities of participants in the programs and may pay the

⁷ Editor's note – The effective date of General Ordinance No. 1173, from which this section is derived, is August 1, 1976.

cost and expenses of operating such facilities or conducting such programs from the fees and charges collected, subject to the following conditions:

(a) The fees or charges imposed for participation in such programs or the operation of such facilities shall be sufficient to cover the cost thereof.

(b) All money collected for such fees and charges shall be deposited in this trust fund and all costs and expenses for the programs for which the fees are collected or facilities used for such programs shall be paid from this trust fund and the town council shall approve the payment of such costs and expenses by resolution in same manner as with other bills and claims, provided such costs and expenses shall be separately stated as being from such trust fund.

(c) All program for which trust funds are to be used, as well as all fees and charges, shall be established by formal resolution of the recreation commission prior to instituting program or operating such facility and shall be approved by the town council of the Town of Westfield by resolution as provided hereafter.

(d) Prior to offering such program or commencing the operation of such facility, the budget for such program or operation shall be approved by a resolution of the town council. Such budget shall include proposed charges or fees, total anticipated income, itemized anticipated expenses and total anticipated expenses.

(e) The recreation commission shall render an annual report on all programs and facilities conducted or operated using this trust fund, which shall be submitted to the town council by October 1st of each year, and which shall contain all activities since the last report. This report shall include for each program and facility: participation, income, expenses, and demand for program participation for which no space was available, as well as the same information in summary form for all such activities conducted that year. (G.O. No. 1309, § 1.)

Sec. 2-22. Chairman – Appointment.

The mayor, with the approval of the town council, shall each year name one member of the recreation commission as chairman to serve for one year. (G.O. No. 751, § 6.)

Sec. 2-23. Same – Power and duties.

The powers and duties of the chairman of the recreation commission shall be as follows:

(a) To preside over all meetings of the commission.

(b) To appoint a vice-chairman and recording secretary and an acting chairman in the event of the nonavailability of the chairman or vice-chairman.

(c) To appoint such committees as may be authorized by the commission to carry out the objects and purposes of the commission.

(d) To authorize the discharge or release for cause of any employee upon request and certification of the executive director.

(e) Certify together with the executive director, to the town treasurer, all expenditures of the commission. (G.O. No. 751, § 7.)

Sec. 2-24. Appointment of staff and executive director.

The recreation commission shall appoint a staff to consist of an executive director and such other personnel as may from time to time be deemed proper and necessary by the commission for the furtherance of its objects and purposes. (G.O. No. 751, § 8.)

Sec. 2-25. Powers and duties of executive director.

The executive director of the recreation commission shall have the following powers, authority and duties:

- (a) Plan, organize, and direct and evaluate the program of activities authorized and directed by the commission.
 - (b) Supervise the operation and use of the parks and recreational facilities which are under the control of the recreation commission.
 - (c) Employ with the approval of the commission, organize, train and supervise all department personnel and assign their respective duties to them.
 - (d) Keep careful and complete records of department activities and services and of the personnel of the commission and a complete inventory and record of all property of the commission.
 - (e) Attend all meetings of the commission, except in those cases where the commission holds a closed session, and advises the executive director not to be present.
 - (f) Prepare and present an annual report to the commission at the close of each year.
 - (g) Certify, together with the chairman of the commission, to the town treasurer all expenditures of the commission.
- (G.O. No. 751, § 9; G.O. No. 1407, § I.)

Sec. 2-26. Powers and duties of commission generally.

The recreation commission shall at all times be subject to the general authority of the mayor and town council, but shall have the following powers, duties and authority:

- (a) Determine the recreation needs of the town.
- (b) Establish policies and standards therefor.
- (c) Provide facilities and a program to comply with the recreation needs of the town.
- (d) Appoint the executive director and recommend his salary to the mayor and the town council for approval.
- (e) Appoint such other personnel as from time to time the commission may deem proper and necessary and fix their salaries within the commission's budget.
- (f) Promulgate, adopt and approve such rules and regulations as the commission shall deem fitting and proper to carry out its purposes and objects.
- (g) Prepare and submit an annual report to the mayor and town council.
- (h) (1) Adopt suitable rules, regulations and bylaws and issue permits for the use of the public recreational facilities located within the town and for the conduct of all persons while on or using the same.

(2) Such rules, regulations and bylaws shall be adopted by resolution of the recreation commission and shall become effective only after such rules have been conspicuously posted at the facility affected thereby, advising users of the aforesaid recreation facilities of their adoption. (G.O. No. 751, § 2; G.O. No. 1019, § 1; G.O. No. 1065, § 1.)

Sec. 2-27. Finance.

(a) Each year, the recreation commission shall develop a budget for the ensuing calendar year and present the same to the town council on or before the first day of November, which budget shall give the details of the money considered necessary to carry out the recreational program and show the amount allocated for the various required services.

(b) The town council shall have the right to approve such budget in whole or in part or to fix such amount which in its opinion is adequate and proper for the purpose of the commission and appropriate such sum for such purpose.

(c) The commission shall conduct its affairs, policies and program each year within the amount appropriated by the town council for such purpose and at no time shall expend more than the sum so appropriated. (G.O. No. 751, § 3.)

Sec. 2-28. Meetings, quorum, vacancy.

Regular meetings of the recreation commission shall be held at the call of the chairman or in his absence or disability at the call of the vice-chairman provided that a meeting shall be called upon the written request of five regular members of the commission. At least two days' notice of any such meeting shall be given to all regular and alternate members unless such notice is waived in writing. At all meetings a quorum shall consist of a majority of the regular members of the commission exclusive of the mayor except that in the absence of a regular member an alternate member may take the place of a regular member in establishing said quorum.

Alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member of the recreation commission. 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 number one shall vote. (G.O. No. 751, § 3; G.O. No. 1571, § III.)

Division 3. Board of Health.

Sec. 2-29. Establishment of the board of health.

In accordance with section 26:3-1 et seq. of the Statutes of New Jersey there is hereby established in and for the Town of Westfield a board of health consisting of seven regular members and two alternate members. (G.O. No. 760, § 1; G.O. No. 1642, § I; G.O. No. BOH 2-2004, § I.)

Sec. 2-30. Appointment of members; term of office and procedures.

Regular members of the board of health shall be appointed by the mayor with the approval of the town council for a term of four years. The mayor, with the approval of the town council, may also appoint two alternate members who shall be designated at the time of appointment as "Alternate 1" and "Alternate 2." The terms of alternate members shall be for two years except that the term of the alternate members first appointed shall be two years for Alternate 1 and one year for Alternate 2, so that the term of not more than one alternate member shall expire in any one year. A regular member or an alternate member shall not be permitted to act on any matter in which he has either, directly or indirectly, any personal or financial interest. A regular or alternate member may, after public hearing, if such member requests one, be removed by the town council for cause. An alternate member may participate in discussions of the proceedings before the board 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 Number 1 shall vote first. (G.O. No. 760, §§ 2, 3; G.O. No. 1642, § II; G.O. No. BOH 2-2004, § I.)

Sec. 2-31. Vacancies.

In the event of any vacancies on the board of health of regular or alternate members, the mayor, may, with the approval of the town council, fill such vacancies for the unexpired portion of the term only. (G.O. No. 760, § 4; Ord. No. 1642, § III; G.O. No. BOH 2-2004, § I.)

Sec. 2-32. Adoption of rules and regulations for government; officers.

The board of health shall adopt rules and regulations for its own government and shall elect a president or chairman from amongst its members. (G.O. No. 760, § 5; G.O. No. BOH 2-2004, § I.)

Sec. 2-33. Appointment of certain officials; designation of special sanitary inspector.

The board of health shall appoint a registrar of vital statistics, a clerk, an inspector, a health officer and such other officers or assistants as the board may deem necessary from time to time. All such appointments shall be for such terms as may be designated and for such compensation as may be fixed by the board. All members of the police department and the town engineer and his assistants are hereby designated special inspectors, and they shall promptly report to the board every violation of the health office, which comes to their knowledge or attention. (G.O. No. 760, § 6; G.O. No. BOH 2-2004, § I.)

Sec. 2-34. Limitation on contracting of debts.

The board of health shall not contract any debts of any kind beyond the amount of the appropriations made available to the board each year by the town council. (G.O. No. 760, § 7; G.O. No. BOH 2-2004, § I.)

Division 4. Youth Concerns Committee.

Sec. 2-35. Created; membership.

There is hereby created a board to be known as the youth concerns committee which shall consist of no more than twenty members. (G.O. No. 1258, § 1; G.O. No. 1300, § 1.)

Sec. 2-36. Appointment of members; terms of office.

The members of the youth concerns committee shall be appointed by the mayor with the approval of the town council for a term of two years. (G.O. No. 1258, § 1; G.O. No. 1300, § 2.)

Sec. 2-37. Vacancies.

In the event of any vacancies on the youth concerns committee, the mayor, with the approval of the town council, shall fill such vacancies for the unexpired portion of the term. (G.O. No. 1258, § 1.)

Sec. 2-38. Adoption of rules and regulations for government; officers.

The youth concerns committee shall adopt such rules and regulations for its own internal operation and government as it shall deem appropriate and shall elect a chairman and secretary from amongst its members. (G.O. No. 1258, § 1.)

Sec. 2-39. Duties and responsibilities.

It shall be the purpose of the youth concerns committee to counsel pre-delinquent juveniles under the age of eighteen and their parents in situations where citizen complaints are referred or have been received concerning the juvenile, but where no formal police action is involved. The specific duties are as follows:

- (a) To aid in the prevention of juvenile delinquency.
- (b) To arrange meetings with pre-delinquent youth and their parents on a voluntary basis in an effort to deter misconduct, promote restitution for damage where appropriate, and attempt to promote socially acceptable behavior.
- (c) To make available guidance and counsel to youngsters with behavioral problems in cooperation with parents of youth.
- (d) To help troubled youth adjust to society.
- (e) To assist in the efforts to make available to the youth and/or parents involved the resources of the community.

(f) To aid residents in resolving disputes with youth.

The youth concerns committee shall have no power to compel the juvenile or his parents to undertake or continue to participate in its program which must be done on a voluntary basis by the juvenile and/or the parent. In connection with these complaints or referrals, the youth concerns committee shall conduct information-gathering, screening, conduct interviews, attempt to resolve controversies and recommend remedial social agencies and assistance. (G.O. No. 1258, § 1.)

Sec. 2-40. Confidentiality of proceedings.

The proceedings of the youth concerns committee and its records shall be confidential and shall not be subject to scrutiny by any person or organization without an order of a court of competent jurisdiction. The youth concerns committee shall have the power to destroy its records as it sees fit, in the absence of a court order to the contrary. (G.O. No. 1258, § 1.)

Sec. 2-41. Progress reports.

The youth concerns committee shall render a report on its activities to the town council of the Town of Westfield on December 31, 1979 and every six months thereafter. (G.O. No. 1258, § 1.)

Division 5. Repealed by General Ordinance No. 1502, § I.

Division 6. Repealed by General Ordinance No. 1502, § I.

Division 7. Cooperative Pricing Agreement.

Sec. 2-44.16. Title.

This ordinance shall be known and may be cited as the Cooperative Pricing Ordinance of the Town of Westfield. (G.O. No. 1318, § 1.)

Sec. 2-44.17. Authorization.

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the mayor and clerk of the Town of Westfield are hereby authorized to enter into a cooperative pricing agreement with the County of Union for the purchase of work, materials and supplies and to participate in the County of Union Cooperative Pricing System. (G.O. No. 1318, § II.)

Sec. 2-44.18. Compliance.

The County of Union entering into contracts on behalf of the Town of Westfield shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the Revised Statutes of the State of New Jersey. (G.O. No. 1318, § III.)

Division 8. Board of Trustees of the Public Library.

Sec. 2-44.19. Members.

The board of trustees of the Westfield Memorial Library shall consist of nine members, one of whom shall be the mayor, one of whom shall be the superintendent of schools of Westfield and seven citizens, all of whom shall be residents of the town. (G.O. No. 1387, § I.)

Sec. 2-44.20. Appointment; terms.

All members of the board of trustees of the Westfield Memorial Library shall be appointed by the mayor with the consent of the town council. Three citizen members of the board shall be appointed for a term of five years; the other four citizen members shall be appointed for terms of one, two, three and four years, respectively. The mayor and the superintendent of schools, serving as a member of the board, may, respectively appoint an alternate to act in his place and stead with authority to attend all meetings of the board, and in his absence, to vote on all questions before the board. (G.O. No. 1387, § I.)

Article IV. Municipal Court.⁸

Sec. 2-45. Created.

There is hereby created and established the “Municipal Court of the Town of Westfield” pursuant to chapter 8 of title 2A of the Revised Statutes, with all the powers, rights, duties and privileges which may be conferred upon it by law. (G.O. No. 656, § 1.)

Sec. 2-46. Seal.

The municipal court shall have a seal, the imprint of which shall bear on the outer circumference the words “Municipal Court of the Town of Westfield” and on the inner circle thereof shall be the words “Union County, New Jersey.” (G.O. No. 656, § 2.)

Sec. 2-47. Magistrate – To head court.

The municipal court shall consist of a judge to be known as the municipal magistrate, who shall preside over the court and shall possess such qualifications and be subject to such restrictions as required by law. (G.O. No. 656, § 3.)

⁸ As to general penalty for violation of this Code and other town ordinances, see § 1-5 of this Code. As to municipal prosecutor, see § 2-8.

Sec. 2-48. Same – Appointment; term of office; salary.

The magistrate of the municipal court shall be appointed by the town council to serve for a period of three years or until his successor is appointed and qualified. (G.O. No. 656, § 4; G.O. No. 801, § 1; G.O. No. 821, § 1.)

Sec. 2-49. Clerk of court.

The town council shall appoint a suitable person as clerk of the municipal court, who shall be compensated for his services in such manner as may be approved by the town council by resolution or ordinance. (G.O. No. 656, § 5.)

Article V. Finance and Taxation.⁹

Sec. 2-50. Payment of bills and claims - Generally.

No money, except state and county taxes and money raised or received for public purposes, shall be paid out of the treasury, except upon warrants signed by the mayor and attested by the town clerk, as provided in this Code.

All bills or claims for money due from the town, except as otherwise provided by this Code, shall be presented in detail in writing, verified by affidavit of the claimant to the effect that the sum claimed is justly due and owing to the claimant. Such bill or claim shall be first presented to the chairman of the appropriate committee, board or head of department who shall, if the same be found correct, approve it and transmit it promptly to the town treasurer, to be tabulated or listed for payment by him and presented to the council for approval at the next following meeting. Such bill or claim, when approved by the council, shall be paid by the treasurer upon warrant signed by the mayor and attested by the clerk. (1932 Revision, title 2, ch. 1, §§ 1, 5.)

Sec. 2-51. Same – School purposes.

Money raised and received for public school purposes shall be paid out only on warrant signed by the custodian of school funds and the president and clerk of the board of education. Warrants for salaries shall be signed by the custodian of school funds. (1932 Revision, title 2, ch. 1, § 2.)

Sec. 2-52. Same – Claims for money due for work performed on streets or sewer system.

All bills or claims for money due from the town for labor performed on the streets and highways or sewer system, or for work done by the employees in the office of the town engineer, shall be in the form of a payroll prepared by the town engineer, containing the names of the persons to whom such money is due, the time and nature of the labor performed, and the amount due in each case. Such payroll shall contain the sworn statement of the town engineer that the same is true and correct statement of money due

⁹ As to permit for removal of personal property, see § 19-2 of this Code.

from the town to the respective persons named therein, and of the time and nature of the labor performed and that such labor was actually performed under authority and direction of the town engineer. Such payroll may be presented at any council meeting, and upon approval thereof, it having been first approved also by the chairman of the committee on roads, sewers and water, warrants signed by the mayor and attested by the clerk shall be drawn and payment made to the persons respectively mentioned therein. The town engineer shall keep a detailed account of all labor performed, for which he shall certify payrolls as herein provided, and shall produce and file such account whenever required by the mayor, council or chairman of the committee on roads, sewers and water. (1932 Revision, title 2, ch. 1, § 4; G.O. No. 467.)

Sec. 2-53. Same – Debts contracted by the board of health.

In the case of debts contracted by the board of health and all claims against the town for work, labor, services, materials, or other matters properly within the jurisdiction and authority of such board, bills and claims shall be prepared and presented in the form and manner prescribed by the board and shall be paid upon a warrant on the town treasurer for the amount thereof, after the approval thereof by the board and by the mayor and town council. (1932 Revision, title 2, § 7; G.O. No. 1235, § 1; G.O. No. BOH 2-2004, § I.)

Sec. 2-54. Signature of mayor on warrants indicates approval.

The signature of the mayor upon any warrant for the payment of money from the municipal treasury shall be taken to indicate his approval of such payment under the provisions of section 40:48-13 of the Revised Statutes. (1932 Revision, title 2, ch. 1, § 6.)

Sec. 2-55. Personal property not to be assessed and taxed.

All tangible household personal property and personal effects located within the town shall not be assessed and taxed.

This section shall apply to taxes on tangible household personal property and personal effects due and payable in the year 1962, and thereafter so long as this section shall be in effect and shall not affect the obligation, lien or duty to pay any taxes, interest or penalties which have accrued or may accrue by virtue of any assessment made or which may be made with respect to taxes levied for any year prior to the year 1962, nor shall this section affect the legal authority to assess and collect taxes which may be or have been due and payable prior to January 1, 1962, together with such interest and penalties as would have accrued thereon under any provisions of law amended or repealed hereby; nor shall this section invalidate any assessments or affect any proceedings for the enforcement thereof pending upon the effective date of this section or upon January 1, 1962, or during the period between such dates. (G.O. No. 880, §§ 1, 2.)

Sec. 2-56. Exemption from taxation of certain citizens over sixty-five.

The mayor and town council of the town does hereby determine that the financial position of the town for the year 1961, will not be impaired if an eight hundred dollar exemption for certain citizens over sixty-five years of age for the year 1961 is granted pursuant to the provision of Chapter 9, P.L. 1961.

The exemptions claimed and allowed for 1961 shall operate and reduce the taxable valuations for 1961, for the purpose of computing amount of tax due on such properties for such year. (G.O. No. 894, §§ 1, 2.)

Article VI. Town Council Meetings.

Sec. 2-57. Generally.

(a) *Regular meetings.* The town council shall meet annually for organization within the first seven days of January, the date to be established by resolution of the town council during the preceding month. The council shall meet regularly thereafter on two Tuesdays of each month at 8:00 P.M., which days shall be scheduled by resolution. When the time for any regular meeting of the council falls on a legal or major religious holiday, such a meeting shall be held at the same hour on the day preceding and succeeding such holiday which is not a major or religious holiday.

(b) *Special meetings.* The mayor may at any time and shall upon written request of any four councilmen, call a special meeting. The request and call for such a special meeting shall specify the purpose of the meeting and no business shall be transacted at any special meeting other than that specified. The call for a special meeting shall be filed with the town clerk and served upon each councilman as hereinafter provided at least twenty-four hours prior to the time for which the meeting is called. The mayor may determine whether an emergency exists affecting the health or safety of the people which requires consideration by the council by the mayor, the period of time, and upon such determination by the mayor, the call may be filed with the town clerk at any time not less than three hours prior to the time set for the meeting. Upon the filing of any call for a special meeting, the town clerk shall immediately give notice by telephone or telegraph to each councilman at such place as each shall have previously designated for that purpose and shall also serve or cause to be served, a written copy of the call upon each councilman by delivery of a copy to him personally or by leaving a copy at his usual place of abode. Upon written waiver of notice executed by all the members of the council, a special meeting may be held without prior notice notwithstanding the above provisions of this section.

(c) *Meetings open to the public.* All regular and special meetings of the council shall be open to the general public.

(d) *Informal conference.* The council may meet at any time at informal conference for consideration of any town business and may meet with any officer or employee of the town or any other person on town business. No person other than those specifically invited by the council to attend shall be authorized to be present at any such conference. (G.O. No. 994, § 1; G.O. No. 1069, § 1; G.O. No. 1076, § 1.1; G.O. No. 1700, § 1.)

Sec. 2-58. Committees.

(a) *Standing committees.* The standing committees of the council shall each consist of four council members, and shall have a chairperson and vice chairperson, who shall be appointed by the mayor annually at the organization meeting. The committee shall be as follows:

- Finance policy committee
- Public safety, transportation and parking committee
- Code review and town property committee
- Public works committee

(b) *Duties and responsibilities of standing committees.*

(1) Finance policy committee: Provide oversight for all financial policies of the Town of Westfield. Responsibilities also include recommendations concerning all budgetary matters and personal matters.

(2) Public safety, transportation and parking committee: Provide oversight for all public safety, transportation, parking and traffic issues in the Town of Westfield.

(3) Code review and town property committee: Provide oversight for all legislative matters including, but not limited to, amendments to the Town Code, Land Use Ordinance, and advice regarding contracts, agreements, and sales and transfers of property owned by the town.

(4) Public works committee: Provide oversight for all public works matters including, but not limited to, engineering services, construction and maintenance issues, and waste disposal issues.

(c) *Ad hoc committees.* The mayor may appoint additional council committees from time to time. (G.O. No. 994, § 1; G.O. No. 1269, § 1; G.O. No. 1544, § I; G.O. No. 1828, § I.)

Sec. 2-59. Order of business.

The business of the council at regular meetings and so far as applicable at special meetings shall be considered and disposed of in the following order:

1. Quorum – roll call.
2. Invocation.
3. Salute to the flag.
4. Approval of minutes of previous meeting.
5. Advertised hearings.
 - (a) Ordinances.
 - (b) Resolutions (when required).
 - (c) Recording of results of advertised bids.
6. General information to citizens.
7. Petitions and communications.
8. Open discussion by citizens.
9. Approval of bills and claims.
10. Pending business.
 - (a) Adoption of ordinances.
 - (b) Adoption of resolutions (when required).

- (c) Award of bids.
- 11. Other unfinished business.
- 12. New business. Reports, resolutions and introduction of proposed ordinances.
- 13. Miscellaneous.
- 14. Adjournment.

(G.O. No. 994, § 1.)

Sec. 2-60. Agenda.

An agenda for each public meeting of the council shall be prepared by the town clerk not later than 4:00 P.M. on the Friday preceding each meeting of the council. Such agenda shall consist of the matters to come before the council. The agenda is for the information of the council and is not necessarily to be complete or in full detail. The council may, at its discretion, add or delete any item to or from the agenda. The town clerk shall organize the agenda according to the same classification and order as prescribed above for the council's order of business. The clerk shall cause a copy of the agenda for each meeting to be delivered to the mayor, each councilman, town administrator and to each department head, not less than twenty-four hours prior to the date and time of the meeting. He shall also post a copy of the agenda on the bulletin board of the Municipal Building. (G.O. No. 994, § 1.)

Sec. 2-61. Presiding officer.

The mayor shall preside at all meetings of the town council at which he is present. In the absence of them mayor, the acting mayor or in his absence, the alternate shall call the council to order. On the arrival of the mayor, the acting mayor or alternate shall immediately relinquish the chair upon the conclusion of the business immediately before the council. (G.O. No. 994, § 1.)

Sec. 2-62. Quorum.

The majority of all the members of the council shall constitute a quorum at any regular or special meeting of the council, but a lesser number than a quorum may adjourn a meeting, and if no member is present one-half hour after the appointed time for any meeting, the town clerk shall adjourn the meeting.

Sec. 2-63. Reading of Minutes.

The minutes of the previous meeting of the council may be approved without reading if the town clerk has previously furnished each councilman with a copy thereof. (G.O. No. 994, § 1.)

Sec. 2-64. Consideration of motions; debate.

The presiding officer shall rule on any point of order, which ruling shall stand unless overruled by a majority vote of the council.

(a) *The presiding officer may debate and vote.* The mayor or such other member of the council as may be presiding, may move, second and debate from the chair and may vote on any questions subject only to such limitations of debate as are by these rules imposed on all members, and he shall not be deprived of any rights or privileges of a councilman by reason of his acting as presiding officer.

(b) *Obtaining the floor.* Every member desiring to speak shall address the chair and upon recognition by the presiding officer, shall confine himself to the question under debate.

(c) *Interruptions.* A member once recognized, shall not be interrupted when speaking unless it be to call into order or as otherwise provided. If a member while speaking, be called into order, he shall cease speaking until the question order be determined; and if in order, he shall cease speaking until the question of order be determined; and if in order, he shall be permitted to proceed.

(d) *Motions to reconsider.* A motion to reconsider any action taken by the council may be made only at the meeting at which such action was taken. It may be made either during the same session or at a recessed or adjourned session of such meeting. Such motion may be made only by one of the prevailing side, but may be seconded by any member and may be made at any time. Such motion shall be acted upon and have precedence over all other motions and shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or re-making at a subsequent meeting of the council, any motion previously made or considered. (G.O. No. 994, § 1.)

Sec. 2-65. Recording of minutes.

The minutes of the public meetings of the council shall record the official actions taken by the council. (G.O. No. 994, § 1.)

Sec. 2-66. Addressing council.

Taxpayers or residents of the town, or their legal representatives, may address the council during the period of open discussion by citizens on any matter over which the council has jurisdiction. Any person desiring to address the council shall first seek to be recognized by the presiding officer and such person, upon recognition, shall give his name and address. Unless additional time is granted by the council, each person shall limit his statement to ten minutes. All remarks shall be addressed to the presiding officer. (G.O. No. 994, § 1.)

Sec. 2-67. Ordinances and resolutions.

All ordinances may be introduced, read on first and second reading and final passage by reading the title only. Upon the adoption of any amendment following the second

reading, the adoption of the ordinance as amended shall take the course prescribed by law.

The vote of the council upon every ordinance shall be taken by the clerk by roll call and he shall record in the minutes, the ayes, nays and not voting as the case may be on each question put to a vote. The vote of the council on resolutions may be taken by voice vote. Any member refraining from voting shall be recorded as voting in the affirmative, except as provided in the conflict of interest provisions set out in section 2-12.20.

Whenever an ordinance or resolution shall take effect without the mayor's signature by reason of his failure to return and file it with the clerk within ten days after receiving, the clerk shall append to such ordinance or resolution, a certificate in substantially the following form:

"I hereby certify that the above (ordinance or resolution) was adopted by the Town Council of the Town of Westfield on the ... day of ..., 19..., and upon failure to sign it or return it and file it with the Clerk within ten days thereof, the said (ordinance or resolution) took effect in like manner as if the Mayor had signed it." (G.O. No 994, § 1.)

Sec 2-68. Veto power.

Whenever an ordinance or resolution has been vetoed by the mayor, and is passed by the council notwithstanding such veto in the manner provided by the Charter, the clerk shall append to such ordinance or resolution a certificate insubstantially the following form:

"I hereby certify that the above (ordinance or resolution) adopted by the Town Council of the Town of Westfield on the ... day of ..., 19..., was vetoed by the Mayor of the Town and was passed over said veto on the ... day of ..., 19...

(Dated:)"

(G.O. No. 994, § 1.)

Sec. 2-69. Decorum.

(a) *By council members.* While the council is in session, the members shall preserve order and decorum and the members shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the council or interrupt any member while speaking.

(b) *By persons.* Any person making person, impertinent or slanderous remarks or who shall become boisterous while addressing the council, shall be barred by the presiding officer from further attendance at that meeting of the council unless permission to continue be granted by a majority vote of the council.

(c) *Enforcement.* The chief of police or such member or members as he may designate, shall be sergeant at arms at council meetings and shall be in attendance at the council meetings when requested by the mayor. The sergeant at arms shall carry out all instructions and orders given by the presiding officer for the purpose of maintaining order and decorum a the council meetings. (G.O. No. 994, § 1.)

Article VII. Departments.

Sec. 2-70. Duties of department heads.

(a) Subject to the charter of ordinances of the town and the authority of the town administrator, the head of each department shall be responsible for the conduct, efficiency, management and internal operation of the department. In addition to orders and instructions which the department head may issue as necessary to carry out this responsibility, each department head shall have the power and authority to adopt general rules and regulations concerning the operation, regulation, control, order and efficiency of the department, the supervision of the work of the department, the assignment of functions, powers and duties of subordinate officers and employees within the department, the use and care of its equipment and the conduct, training and discipline of its personnel. In addition, each department shall:

- (1) Submit to the town administrator, annually, a recommended current expense and capital budget for the department.
 - (2) Submit to the town administrator, annually, a recommended table of organization for the department.
 - (3) At least once a month, file reports of all receipts with the town treasurer.
 - (4) Report, at least annually, to the town administrator in such form as he may approve, on the work of the department of the preceding year.
- (G.O. No. 994, § 3; G.O. No. 1210, § I; G.O. No. 1662, § 1.)

Sec. 2-71. Subordinate employees.

Each department head shall have the power except as herein otherwise specifically provided, to appoint, suspend or remove subordinate officers and employees within the department subject to the approval of the town administrator and consent of the mayor.

Any officer or employee may be removed by resolution of the town council. (G.O. No. 994, § 3; G.O. NO. 1662, § 1.)

Sec. 2-72. Records and papers.

Upon the expiration of the department head's term of office or the removal or resignation therefrom, each department head and employee shall forthwith surrender to his superior, all papers, records, maps and properties of the town then in the employees' custody or possession. (G.O. No. 994, § 3; G.O. No. 1662, § 1.)

Sec. 2-73. Nondepartmental boards, commissions, officers and staffs.

(a) The following nondepartmental boards, commission, and officers and their staffs are continued as heretofore established:

- (1) Planning board.
- (2) Board of adjustment.
- (3) Recreation commission.
- (4) Board of health.

- (5) Local assistance board.
 - (6) Board of trustees of the public library.
 - (7) Municipal magistrate's court and violations bureau.
- (G.O. No. 994, § 4; G.O. No. 1662, § 1; G.O. No. BOH 2-2004, § I.)

Division 2. Department of Administration and Finance.

Sec. 2-74. Composition.

There will be a department of administration and finance, the head of which shall be the town administrator who shall serve without additional compensation.

The department of administration and finance shall include the following offices and staff:

- Town clerk.
- Chief financial officer.
- Assistant town administrator.
- Assessor of taxes.
- Tax collector.
- Historian.

(G.O. No. 994, § 3; G.O. No. 1306, § 1; G.O. No. 1502, § II; G.O. No. 1662, § 1.)

Sec. 2-75. Town clerk.

(a) The town clerk shall be appointed by the administrator with the approval of the mayor and town council to hold office for a term of three years and subject to the provisions of the Revised Statutes, section 40:46-7, with respect to tenure of office. The town clerk shall receive such annual compensation as shall be provided for in the salary ordinance. In addition to duties specified by the Revised Statutes of New Jersey, the town clerk shall perform the following duties:

- (1) Serve as clerk of the town council and its committees.
- (2) Attend all meetings of the town council and such committee meetings as required by the chairman thereof.
- (3) Be the depository and custodian of all official surety bonds furnished by or on account of any town officer or employee, all insurance policies upon or with respect to risks insured for the benefit of the town to protect it against any claims or liability whatsoever and all formal contracts for work, labor, services, supplies, equipment and material to which the town may be a party.
- (4) Be custodian of all leases or property owned by the town.
- (5) Be the depository and custodian of all performance bonds or any other form of security given by an contractor or subdivision developer or other persons on account of work done or to be done in or for the town.
- (6) Administer the provision of town ordinances with reference to all licenses required by law or ordinance to be obtained from the town clerk.
- (7) Issue such licenses as may be authorized by the town council pursuant to the state alcoholic beverage control laws and town ordinances.

(8) Issue certificates as to the approval of land subdivisions by the town planning board or the town council pursuant to Revised Statutes, section 40:55-1.24.

(9) Issue certificates as to liability for assessments for municipal improvement.

(10) Perform any additional functions, powers or duties as may be prescribed by the town council or town administrator.

(b) The position of deputy town clerk is established. The deputy town clerk shall be appointed by the administrator with the approval of the mayor and town council to hold office for a term to be established at the time of appointment. The duties of the deputy town clerk shall be to perform such duties as are assigned to the deputy town clerk by the town administrator and by the town clerk and to perform all of the duties of the town clerk in absence of the town clerk. The deputy town clerk shall receive such annual compensation as shall be provided for in the salary ordinance and the position shall be assigned to the grade eight (8) level for salary.

(G.O. No. 994, § 3; G.O. No. 1662, § 1, G.O. No. 1760, § I.)

Sec. 2-75.1. Creation of office of historian.

There is hereby created the office of historian of the town.

(G.O. No. 1306, § 2; G.O. No. 1662, § 1.)

Sec. 2-75.2. Appointment.

The historian shall be appointed by the mayor and town council, for a term of two years; provided, the person initially appointed to such office or to fill a vacancy caused by the resignation of such initial appointee shall hold such office until December 31, 1983. (G.O. No. 1306, § 3; G.O. No. 1662, § 1.)

Sec. 2-75.3. Duties.

The duties of the historian shall be as follows:

(a) Assist in projects of commemoration, including the erection of monuments, historic markers and guide signs.

(b) Advise the mayor and town council concerning the acquisition, administration, use and disposition of any landmark or historic site or historic documents.

(c) Collect, preserve, catalog and make available materials and documents relating to the history of Westfield and its environs.

(d) Store such materials in a manner as to ensure their preservation, and notify the State Archivist, New Jersey Historical Commission, County Historian and the mayor and town council of any materials which should be acquired for preservation. Upon leaving the position, the historian shall turn over all materials, records and reports into the possession of the successor if then appointed or to the town council until a successor shall be appointed.

(e) Make an annual report to the mayor and town council stating all the work performed and accomplished during that year. The historian shall transmit a copy of such report to the New Jersey Historical Commission.

(f) Such other duties as the mayor or town administrator may from time to time assign.
(G.O. 1306, § 4; G.O. No. 1662, § 1.)

Sec. 2-75.4. Compensation and expenses.

The historian shall serve without compensation. The mayor and town council may annually appropriate such funds as may be necessary for expenses incurred in performance of his duties. (G.O. No. 1306, § 5; G.O. No. 1662, § 1.)

Sec. 2-75.5. Purchasing agent.

(a) The purchasing agent shall be appointed by the town administrator with the concurrence of the mayor and shall receive such compensation as shall be provided for in the salary ordinance. The duties of the purchasing agent shall be defined as follows:

(1) All services, supplies, materials, equipment and all other items needed by every town department shall be purchased and contracted for, and all bids received through the purchasing agent except where otherwise required by statute. All using agencies shall submit estimates or requisitions for the amounts and kinds of services, supplies, materials, equipment and all other items needed. The purchasing agent, after standardization of the necessary qualities and specifications so far as possible and as herein provided, shall purchase such services, materials, supplies and equipment and other items needed from the lowest responsible bidder after due advertisement as required by law, preferring wherever lawfully possible and not economically against the interest of the municipality, local merchants and suppliers. Advertisement shall not be necessary in case of purchase of small items of less than the amount as provided and as adjusted from time to time by the State of New Jersey pursuant to Chapter 469 of the laws of 1985 unless provided by law to the contrary, or when the mayor and town council shall direct otherwise. In instances of purchases for less than the aforesaid amount as promulgated by the State, but in excess of one thousand dollars, the purchasing agent shall obtain, where possible, at least three prices therefor in writing, and the award of the contract for the performance of such work shall be made to the lowest responsible bidder.

(2) Requisitions for supplies or equipment shall be originated by the department head or agent; he/she shall certify to the needs and shall also receive, inspect and approve the goods purchased.

(3) Any town department or officer for which the purchasing agent shall be required to purchase supplies, materials, or equipment are hereinafter referred to as "using agencies."

(4) All using agencies shall file detailed estimates of their requirements as to supplies, materials, and equipment in such manner, at such times, and for such periods as the purchasing agent shall prescribe. This shall in no way prevent any using agency from filing with the purchasing agent at any time, requisitions for supplies, materials and equipment, the need for which has not been foreseen when the detailed estimates were submitted.

(5) In case of any emergency, any using agency may purchase directly any supplies, materials, or equipment, the procurement of which is necessary for the

continuance of the work of the using agencies concerned, provided that oral approval is obtained from the purchasing agent, the town engineer, the chief of police, the fire chief, town administrator or mayor. Requisitions covering such emergency purchases must be forwarded within twenty-four hours to the purchasing agent for the issuance of any order confirming delivery indicating thereon the nature of the emergency.

(6) An emergency purchase within the meanings of this code shall mean the purchase of any items of a pressing need which may be required for the continuance of the work of the using agencies concerned.

(7) The purchasing agent shall not honor any requisition confirming the delivery of supplies, materials, or equipment except as provided in subsection 5 above.

(8) The purchasing agent shall obtain data from the various departments of the town government and elsewhere to develop the basis for rules, regulations and forms to be approved and such rules, regulations and forms when approved by the mayor and town administrator, shall be binding upon all departments and officers of the town relating to the preparation of estimates, or the requisitions of supplies, materials, services, equipment and for all other items needed and concerning all matters and policies pertaining to the purchase of goods, and for the transaction of all business of every kind and character in connection with the purchasing of items for the town.

(9) The purchasing agent shall not in any manner whatsoever be connected, interested, or otherwise concerned, directly or indirectly with any person or other vendor or agent or intermediary from or through whom any purchase or contract for the purchase shall be made by the purchasing agent.

(10) The purchasing agent shall establish a filing system which shall contain among other things, the following:

a. A list of all order issued by the purchasing agent to merchants, firms or corporations from whom materials, supplies or equipment have been ordered.

b. A copy of all specifications of materials, services, supplies or equipment ordered.

(11) The purchasing agent is hereby empowered to use his or her office as a clearing house for obsolete equipment, unused supplied and materials and shall sell or exchange such goods. The authority of the purchasing agent to resell or exchange any used articles must be in writing by the department head, having custody of the articles to be exchanged or sold. All sales of goods, supplies, materials or equipment of the reasonable value of one hundred dollars or over shall be at public bidding after advertisement of the time and place of sale and items to be sold.

(12) The records of the purchasing agent shall be at all times open to inspection.

(G.O. No. 1502, § III; G.O. No. 1662, § 1.)

Sec. 2-75.6. Assistant town administrator.

(a) The assistant town administrator shall be appointed by the town administrator with the concurrence of the mayor and shall receive such compensation as shall be provided for in the salary ordinance. In addition to administrative assistance, research and special assignments at the direction of the administrator, the assistant town administrator shall perform the following duties:

- (1) Administer salary and wage compensation programs;
- (2) Administer the program of employees' fringe benefits;
- (3) Maintain liaison with State Division of Pensions;
- (4) Administer town safety programs;
- (5) Reserved;
- (6) Participate in labor negotiations.

(G.O. No. 1502, § IV; G.O. No. 1662, § 1.)

Sec. 2-76. Chief financial officer.

(a) The chief financial officer shall be appointed by the town administrator with the concurrence of the mayor for a term of three years and shall receive such compensation as shall be provided for in the salary ordinance. In addition to duties specified by the Revised Statutes of New Jersey, the chief financial officer shall perform the following duties:

(1) Upon the advice and approval of the finance chairman of the town council, invest all monies of the town not required for the current operations or deposit same in interest bearing accounts.

(2) Make disbursements of town funds on warrants by an individual warrant check for each bill, claim, wage and salary payment as approved by the town administrator. Every warrant shall be made payable to the care of the person entitled to receive same and shall specify the purpose for which it is drawn and the account or appropriation for which it is chargeable. Each warrant check shall bear the signature of the mayor, town clerk and chief financial officer.

(3) Keep a full and systematic account of all cash receipts and disbursements.

(4) At least once a month, furnish the mayor, finance committee chairman and town administrator with a statement of all monies received and expended by the chief financial officer, subsequent to his last report.

(5) Prepare for each regular meeting of the town council, a certified list of all bills, claims and vouchers which have been approved for payment by the town administrator on the Friday next preceding the meeting and since the last preceding list was compiled. Such list shall be prepared in sufficient copies for each member of the town council, the town administrator and the town clerk.

(6) Maintain the town's central accounting records and a uniform system of accounts for all departments in the town government to facilitate the production of an annual audit.

(7) Pre-audit all bills, claims, and demands against the town including payrolls, for which each department head shall be required to certify that the materials, supplies or equipment have been received or the services rendered.

(8) Obtain at least once a month, reports of all receipts from each department of the town.

(9) Maintain budget appropriation commitment system.

(10) Determine that sufficient uncommitted balances are available within each appropriation to provide funds for the payment of all supplies and service requests.

(11) Keep books and records of account to show the amount of each appropriation, the amount paid therefrom, the amount committed against, unpaid obligations and unencumbered balance thereof.

(G.O. No. 994, § 3; G.O. No. 1502, § V; G.O. No. 1662, § 1.)

Sec. 2-76.1 Payroll/benefits manager.

(a) There is hereby established the position of payroll/benefits manager.

(b) The payroll/benefits manager shall be appointed by the town administrator with the concurrence of the mayor and shall receive such compensation as shall be provided for in the salary ordinance. The duties of the payroll/benefits manager shall be defined as follows:

(1) Coordinates activities of workers engaged in processing time cards, compiling payroll statistics, maintaining payroll control records, recording hours of work, and calculating payrolls.

(2) Reviews personnel records.

(3) Supervises the examination and analyses of all regular and supplemental payrolls submitted by various departments for payments to ensure accuracy of figures, correctness of entries, that deadlines are met, and for compliance with established payroll procedures.

(4) Directs compilation and preparation of other payroll data such as pension, insurance, and bond purchases.

(5) Coordinates and processes applications or enrollments into pension system, health benefits program, dental insurance and drug prescription plan, and so forth.

(6) Reviews and approves payroll deductions.

Records and processes all payments made to various health plans.

Analyzes payrolls for accuracy before extensions are made.

Checks and certifies payroll information for completeness and accuracy.

(7) Supervises the changes on individual pay resulting from overtime, absence, leave of absence, union dues, tax changes, social security and pension deductions, hospitalization and group life insurance deductions, garnishes, and attachments to ensure proper notations.

(8) Coordinates all payroll activities with other organization units and with the payroll computer center of facility.

Prepares payroll input for data processing, verifies payroll output and determines the cause of and remedies errors in coding or inputting.

Maintains salary increment control and advises employees concerning increments, longevity and level increases.

Maintains employee time sheets and payroll registers.

Maintains liaison and correspondence with various agencies.

Answers questions concerning employees and employee records.

Prepares correspondence and maintains records of a confidential nature.

(9) Interprets and explains rules, regulations, policies, and procedures through correspondence, personal interviews, and telephone conversations.

(10) Reviews, checks and certifies reports, applications, and other documents for correctness.

(11) Will be required to learn to utilize various types of electronic and/or manual recording and computerized information systems used by the agency, office, or related units, i.e., new payroll programs.
(G.O. No. 1740, § I.)

Sec. 2-77. Tax collector.

(a) The tax collector shall be appointed by the town administrator with the consent of the mayor and town council for a term of four years and shall receive such compensation as shall be provided for in the salary ordinance. In addition to duties specified by the Revised Statutes of New Jersey, the tax collector shall perform the following duties:

(1) Make or cause to be made and certify searches for municipal tax liens on real property in the town and collect for the use of the town, the fee required pursuant to law for any such search.

(2) Deposit daily to the credit of the town, all monies received in one more depositories designated by the town council, maintain a full and complete record of accounts of all sums collected and received according to such procedures and such systems as may be prescribed or approved by the auditor of the town's accounts and make such periodic reports on the accounting of the funds of the town in the tax collector's custody or control as the town administrator and the town council may require.

(3) If any check or draft received by the tax collector from any person or organization for the payment of taxes is dishonored after deposit for "insufficient funds" or for any other reason, the tax collector shall not redeposit such check or draft but shall notify such person or organization by letter of dishonor, require a replacement check, draft or cash and shall charge a fee of ten dollars in addition to any interest due. The tax collector shall not accept placement payment until the fee of ten dollars is paid.

(G.O. No. 994, § 3; G.O. No. 1326, § 1; G.O. No. 1662, § 1.)

Sec. 2-78. Assessor of taxes.

There shall be an assessor of taxes appointed by the mayor and town council to appraise and value property, assess the taxes, perform such other duties as may be required by law of such officer and such other duties as the town council may by ordinance prescribe. (G.O. No. 994, § 3, G.O. No. 1306, § 6; G.O. No. 1662, § 1.)

Sec. 2-79. Office hours.

The administrative and finance offices of the town shall be open for the transaction of public business, daily, except Saturdays and Sundays and legal holidays between the hours of 8:30 A.M. and 4:30 P.M. and 7:00 P.M. to 9:00 P.M. on the first Tuesday of each month when a regular meeting of the town council is held.

The town administrator or department head may require any officer or employees to be in attendance for work at any time whenever he determines that an emergency or need requires. (G.O. No. 994, § 3; G.O. No. 1380, § III; G.O. No. 1662, § 1.)

Division 3. Department of Law.

Sec. 2-80. Town attorney – To be head of department; appointment; term.

There shall be a department of law, the head of which shall be the town attorney. The town attorney shall be an attorney-at-law of the State and be appointed by the mayor with the consent of the town council for a term of up to three years. (G.O. No. 994, § 3; G.O. No. 1662, § 1.)

Sec. 2-81. Same – Duties.

The town attorney, in addition to other functions, powers and duties as may be otherwise delegated to the attorney by the Charter and ordinances adopted or to be adopted at direction of the mayor, town council or town administrator, shall perform the following duties:

(a) *Ordinary duties.*

(1) The attorney shall be the legal advisor of the town government.

(2) The attorney shall advise the mayor, town council, town administrator and other committees, boards, commissions or other bodies established by statute, this code or other ordinances as part of the municipal organization (except the board of health and the Westfield Municipal Library which are dealt with elsewhere), on any and all legal matters relating to the town government.

(3) The attorney shall attend all meetings of the town council either regular or special and all conferences of the town council as requested.

(4) The attorney shall prepare or supervise the preparation and approve all ordinances and resolutions as may be required of the attorney.

(5) The attorney shall prepare or supervise the preparation of all contracts, deeds and documents, except for those that are unusually complex or lengthy, required by the town council and town administrator. The attorney shall conduct such correspondence in connection therewith as may be necessary to advance such matters or as may be requested by the town council and town administrator.

(b) *Extraordinary duties.* The attorney shall:

(1) Conduct the purchase and sale of interest in real property including land exchanges.

(2) Search and clear titles.

(3) Prosecute cases before the municipal court to enforce the town Code, housing code, or zoning ordinance.

(4) Represent the board of health or library on special projects requiring representation.

(5) Prepare or deal with complex or lengthy contracts and ordinances.

(6) Conduct arbitration where the town or its boards, employees, commissions or other bodies are a party.

(7) Conduct litigation in the courts or appearance before state agencies where the town or any department, officer, or employee thereof, shall be a party by virtue of official relationship, where the attorney shall be attorney of record, except claims defended by special counsel or counsel furnished by insurers. No affirmative legal action as a plaintiff or appellant shall be instituted without prior approval by town council.

(8) Conduct real property tax appeals at all levels.

(9) Deal with disputes requiring communication or negotiation with opposing counsel.

(10) Represent the department heads in disciplinary hearings.

(11) Deal with insurance representation issues.

(12) Deal with any and all other special projects not included under ordinary duties and assigned by the mayor, town council as a whole, or the town administrator. (G.O. No. 994, § 3; G.O. No. 1635, § V; G.O. No. 1662, § 1.)

Sec. 2-82. Same - Compensation.

The town attorney shall receive an annual salary fixed by the town council for the performance of the ordinary duties described above in section 2-81. Said attorney shall receive additional compensation on an hourly fee basis at a rate set from time to time by the town council for extraordinary duties as described in section 2-81 beyond the scope of the ordinary duties of such position. (G.O. No. 994, § 3; G.O. No. 1635, § VI; G.O. No. 1662, § 1.)

Sec. 2-83. Same – Special counsel.

The town attorney shall have the power, with the approval of the mayor and town council and within the limits and available appropriations, to engage such additional or specialized counsel to aid in the performance of the functions of the department and in the preparation, trial or appeal of such cases or proceedings of importance in which the town may be a party or be interested as he may deem necessary. The town council may engage such additional or specialized counsel as it deems necessary. (G.O. No. 994, § 3; G.O. No. 1662, § 1.)

Sec. 2-84. Same – Limitation on power to compromise.

The town attorney shall not, without the approval of town council, be empowered to compromise, settle or adjust any rights, claims or demands or causes of action in favor of or against the town, nor to permit, offer or confess judgment against the town, nor to accept any offer or judgment in favor of the town; provided that this section shall not operate to limit or abridge the discretion of the town attorney in regard to the proper conduct of trial on any action or proceeding or to deprive the town attorney of the powers and privileges ordinarily exercised in judicial proceeding by counsel acting for private clients. (G.O. No. 994, § 3; G.O. No. 1662, § 1.)

Sec. 2-85. Municipal prosecutor – Appointment; term; compensation.

There shall be a municipal prosecutor of the town. The municipal prosecutor, who shall be an attorney-at-law of the State, shall be under the supervision of the Attorney General or County Prosecutor, who may represent the State, County, or town in any matter within the jurisdiction of the central municipal court or any other municipal court. The municipal prosecutor shall be appointed by the mayor, with the consent of the town council, for a term of one year and shall receive such annual compensation as shall be provided in the salary ordinance. (G.O. No. 994, § 3; G.O. No. 1662, § 1; Ord. No. 1679, § I.)

Sec. 2-86. Same – Duties.

The municipal prosecutor shall appear on behalf of the town on all matters before the judge of the municipal court when the public interest requires and on all cases and appeals involving the violation of a municipal ordinance and in such other and different matters as may be required by the rules of the State Supreme Court. When the validity of an ordinance is questioned, the municipal prosecutor shall advise the town attorney and shall be subject to the directions of the town attorney. (G.O. No. 994, § 3; G.O. No. 1662, § 1.)

Sec. 2-86.1. Town public defender; fee for application.

(a) There shall be a public defender of the town, who shall represent such indigent defendants before the municipal court of the town as shall be assigned to him by the town magistrate in the exercise of the magistrate's inherent discretion to assign free counsel to indigent defendants whenever justice so requires. The public defender shall be an attorney-at-law of the State, and shall be appointed by the mayor, with the consent of the council, for a term of one year and shall receive such fixed compensation as shall be provided by the salary ordinance.

(b) A person applying for representation by the public defender shall pay an application fee of two hundred dollars. The municipal magistrate may waive this required application fee, in whole or in part, if the magistrate determines, in his discretion, that the application fee represents an unreasonable burden on the person seeking representation. (G.O. No. 1115, § 1; G.O. No. 1624, § I; G.O. No. 1662, § 1; G.O. No. 1691, § I.)

Sec. 2-86.2. Labor attorney.

There shall be a labor attorney of the Town of Westfield who shall represent the town in all matters concerning labor negotiations, contract preparation, litigation involving labor or personnel relations, and other related legal matters and such additional matters in the field of labor relations, employees and personnel as shall be assigned to the labor attorney by the town attorney or town administrator. The town labor attorney shall be an attorney-at-law of the State of New Jersey, shall be appointed by the mayor, with the consent of the town council, for a term of one year and shall receive such fixed annual

compensation as shall be provided by the annual salary ordinance. (G.O. No. 1245, § I; G.O. No. 1662, § 1.)

Division 4. Department of Public Works.

Sec. 2-87. Composition.

The public works department is hereby defined to include all employees of the division of engineering, maintenance and construction, and building inspection. (G.O. No. 983, § 1; G.O. No. 1108, § 2.)

Sec. 2-88. Town engineer – To be head of department; qualifications; appointment; term; compensation.

There shall be a department of public works, the head of which shall be the town engineer. He shall be a graduate of an accredited college or school of engineering and licensed to practice as a professional engineer in this State. The town engineer shall be appointed by the town administrator with the consent of the mayor and approval of the council for a definite term not to exceed five years and shall receive such compensation as shall be provided in the salary ordinance. The town engineer shall devote his entire time during business hours to the duties of his office and shall not be interested directly or indirectly in any firm or corporation in private practice. He shall not be pecuniarily interested in any contract for town work.

Sec. 2-88.1. Assistant town engineer.

(a) There is hereby established the position of assistant town engineer.

(b) The assistant town engineer shall be appointed by the town engineer with the consent of the town administrator and approval of the mayor and shall serve at the pleasure of the town engineer. He shall receive such compensation as shall be provided in the town salary ordinance.

(c) *Duties and responsibilities.* The assistant town engineer shall be the head of the division of engineering and shall be responsible for the proper and efficient management of all activities of the division as enumerated in section 2-91 of the town code including, but not limited to, the following:

- (1) Office and field engineering services required by the department.
- (2) Preparation of plans and specifications, preparation and updating of town base maps and the town tax map.
- (3) Field surveys.
- (4) Construction inspection surveys.
- (5) Management of information and technology for the town.
- (6) Other tasks and duties as may be assigned by the town engineer.

In addition, the assistant town engineer shall represent the town engineer and act in his place for any matters delegated by the town engineer, including attendance at meetings of town council, the planning board and other town or community groups.

(d) *Qualifications.* The assistant town engineer shall possess the following minimum qualifications:

(1) Bachelor of Science degree in Civil Engineering from an accredited college or university.

(2) Five years of professional experience in civil engineering, which shall include at least two years of full-time municipal engineering.

(3) Current license to practice professional engineering in the State of New Jersey.

(4) Proficiency in state-of-the-art, computer-aided design and database management.

(5) Excellent communication skills, both written and verbal, and the ability to read, write and speak English.

(G.O. No. 1752, § I.)

Sec. 2-89. Same – Powers and duties generally.

The town engineer shall be responsible for the proper and efficient control and operation of all public works functions of the town government and for the conduct, efficiency, and management of the public works department. In addition to orders and instructions which he may issue as necessary to carry out these responsibilities, the town engineer shall, under the provisions of the town Charter and this section, have the power and authority to adopt general rules and regulations concerning the operation, regulation, control, order and efficiency of the public works department, the use and care of its equipment and the conduct, training and discipline of its members. The town engineer shall provide technical and engineering advice and assistance to all other departments of the town government as needed. He shall have the power with the approval of the town administrator and within the limits of available appropriations, to engage such specialized and consulting engineers for specific projects and purposes as he may deem necessary for the proper administration of the functions of the department. He shall perform the following:

(1) Prepare all plans and specifications for public works and improvements undertaken by the town.

(2) Supervise all construction and maintenance work pertaining to public works.

(3) Provide for and supervise the maintenance of all public buildings, grounds and shade trees.

(4) Plan, administer and control such public works services as required on town streets and roads.

(5) Supervise the performance of public works contracts.

(6) Prepare and maintain maps, plans and specifications, surveys and operating records with respect to public property, works and facilities owned or operated by the town government.

(7) Issue such certificates which may be necessary and approve all bills with respect to work performed under his supervision.

(8) Perform such other and different engineering services and make such reports as may be required by the council or the town administrator.

(9) In addition to such other fees as may be otherwise fixed and established, the town engineer shall charge the following fees for services performed or materials furnished by the department of public works:

(a) For furnishing copies of maps maintained by the department, two dollars per map.

(b) For plastic leaf bags, five for one dollar.

(10) Supervise the overall operation of the department of public works and its divisions.

(G.O. No. 994, § 3; G.O. No. 1154, § 1; G.O. No. 1210, § II; G.O. No. 1227, § IV; G.O. No. 1350, § I.)

Sec. 2-89.1 Assistant director of public works.

(a) There is hereby established the position of assistant director of public works.

(b) The assistant director of public works shall be appointed by the town engineer with the consent of the town administrator and approval of the mayor and shall serve at the pleasure of the town engineer. He shall receive such compensation as shall be provided in the town salary ordinance.

(c) *Duties and responsibilities.* The assistant director of public works shall report directly to the town engineer and assist in the proper and efficient management of all activities of the division as enumerated in section 2-89 of the Town Code and other tasks and duties as may be assigned by the town engineer.

In addition, the assistant director of public works shall represent the town engineer and act in his place for any matters delegated by the town engineer, including attendance at meetings of town council, the planning board and other town or community groups.

(d) *Qualifications.* The assistant director of public works shall possess the following minimum qualifications:

(1) Bachelor of Science degree in Civil Engineering from an accredited college or university. Ten years of full-time supervision of municipal or county engineering department or division may be substituted for this requirement.

(2) Ten years of full-time experience in a municipal or county public works department, at least five of which shall have been in a supervisory capacity.

(3) Current license to practice professional engineering (P.E.) or professional land surveying (P.L.S.) in the State of New Jersey.

(4) Proficiency in computer skills, including word processing, database management and communications.

(5) Excellent communication skills, both written and verbal, and the ability to read, write and speak English.

(G.O. No.1766, § I.)

Sec. 2-90. Divisions – Enumerated.

There shall be the following divisions in the department of public works.

1. Division of engineering.
2. Division of maintenance and construction.
3. Division of building inspection.

(G.O. No. 994, § 3.)

Sec. 2-91. Same – Duties.

1. The division of engineering shall perform the following:
 - (a) Supervise and provide office and field engineering services required by the department.
 - (b) Prepare plans and specifications, make surveys and maps, maintain the town tax map on a current basis and perform and design drafting work as required.
 - (c) Maintain departmental records, payroll and inventory controls and cost analysis, subject to the approval of the department head and the town administrator.
 - (d) Operate, maintain, clean and repair all municipal buildings other than firehouses.
2. The division of maintenance and construction shall perform the following:
 - (a) Maintain the town streets and roads in a clean and safe condition for travel and provide such public works service as may be required in connection therewith.
 - (b) Maintain all facilities of the town's sanitary and storm sewer systems in a sound condition for efficient operation.
 - (c) Control the use of all town equipment, maintenance buildings and storage areas used by the department.
 - (d) Maintain and cultivate town grounds and shade trees.
 - (e) Perform capital improvement, maintenance and construction projects.
3. The division of building inspection shall perform the following:
 - (a) Administer the provisions of the State Uniform Construction Code Act and regulations pursuant thereto, any subcodes thereunder, the Zoning Ordinance and such other provisions of law or ordinances as may vest functions, powers or duties in such a division. (G.O. No. 994, § 3; G.O. No. 1108, § 3; G.O. No. 1227, § V.)

Sec. 2-92. Office hours.

- 1.(a) The division of engineering shall be open for the transaction of public business daily, except Saturdays and Sundays and legal holidays, between the hours of 8:30 A.M. and 4:30 P.M. and 7:00 P.M. to 9:00 P.M. on the first Tuesday of each month when a regular meeting of the town council is held.
 - (b) The building maintenance section shall be open eight hours per day and forty hours per week, with such duty tours as shall be determined by the town engineer.
2. The division of maintenance and construction shall be open for the transaction of public business daily, except Saturdays and Sundays and legal holidays, between the hours of 7:30 A.M. and 4:00 P.M.

3. The division of building inspection shall be open for the transaction of public business daily, except Saturdays and Sundays and legal holidays, between the hours of 8:30 A.M. and 4:30 P.M. and 7:00 P.M. to 9:00 P.M. on the first Tuesday of each month when a regular meeting of the town council is held.

4. The town administrator or the department head may require any officer or employee to be in attendance for work at any time, whenever he determines that an emergency or need so requires. (G.O. No. 994, § 3; G.O. No. 1108, § 4; G.O. No. 1227, § VI; G.O. No. 1380, § IV.)

Sec. 2-92.1. Town planner.

(a) *Creation; appointment; duties.* There is hereby established the position of town planner. The town planner shall be appointed by the town engineer subject to the approval of the town administrator and consent of the mayor and council. The town planner shall receive such compensation as provided by the salary ordinance. The town planner will provide staff support to the planning board and board of adjustment, including review of applications, examination of Town Master Plan and revisions to Land Use Ordinance. The town planner will also supervise the zoning official with involvement in reviewing applications, variance requests, and enforcement activities and shall perform such other duties or activities as are outline in the job description and as assigned by the town engineer or town administrator. (G.O. No. 1882, § I.)

Article III. Protected Tenancy for Certain Senior Citizens and Disabled Persons.

Sec. 2-93. Purpose.

The purpose of this article is to comply with the provisions of the New Jersey Law known as Senior Citizens and Disabled Protected Tenancy Act (hereinafter referred to as "The Act"), to provide the administrative and fee structure to administer this State law. (G.O. No. 1442.)

Sec. 2-94. Municipal agent.

The town clerk of the Town of Westfield is hereby designated as the municipal agent to perform the tasks set forth for such municipal agent in the Senior Citizens and Disabled Protected Tenancy Act. (G.O. No. 1442.)

Sec. 2-95. Procedure for conversion, notice to tenants, protected tenancy.

The following procedure shall apply to any rental apartment unit being converted to condominium or cooperative form of ownership:

1. The owner of any building being converted shall, prior to the filing of an application for registration with the State of New Jersey, notify the municipal agent of the intention to file the application for registration, and shall supply to the municipal agent a current tenant list and stamped envelopes addressed to each tenant, each such envelope

containing copies of all required notices to be given to such tenants and all documents required pursuant to New Jersey State Law and the New Jersey Administrative Code.

2. Within ten days of the receipt of the Notice of Intention, the current tenant list and the stamped, addressed envelopes and copies of all notices, and forms required by the Act, the municipal agent shall mail to each tenant the notice required by the Act and all necessary forms and, within two business day of such mailing, shall provide the owner with an affidavit that the municipal agent has notified each tenant as aforesaid.

3. A tenant seeking protected tenancy status under the Act shall file a completed application form together with a Supporting Affidavit, properly notarized to the municipal agent within sixty days of receipt of such notice and application form.

4. The municipal agent shall accept all applications and affidavit completed and submitted by the tenants seeking the benefits of the protected tenancy status of the Act and shall determine eligibility, conditional eligibility or ineligibility, in accordance with the criteria of the Act. Such determination of eligibility, conditional eligibility or ineligibility, shall be made with respect to each application within thirty days of receipt of a completed application form by the municipal agent.

5. An application form shall be deemed to be completed when it is filled out in its entirety, supported by the appropriate affidavit and when all supplementary documentation required by the municipal agent has been submitted. Upon request of the municipal agent, a tenant seeking protected tenancy status shall supplement the form with such documentation as the municipal agent shall deem necessary to make a determination as to eligibility, conditional eligibility or ineligibility. An application shall be deemed incomplete and shall not be accepted if supplementary documentation is not provided to the municipal agent within ten days of a request therefor.

6. Any tenant applying for protected status shall be promptly notified of eligibility, conditional eligibility or ineligibility by the municipal agent. Any tenant who does not qualify for protected status shall likewise be notified of the determination, and the reasons for ineligibility shall be set forth in such notice. Notices of determination of eligibility, conditional eligibility or ineligibility as to each tenant who has applied, shall be provided to the owner or sponsor of the plan or conversion.

(G.O. No. 1442.)

Sec. 2-96. Fees.

Pursuant to Section 16 of Chapter 226 of the Laws of 1981, the municipal agent is authorized to levy and collect the following fees:

1. At the time the owner furnished the aforesaid list, envelopes and notices to the municipal agent, he shall also pay to the municipal agent for the Town of Westfield the sum of sixty dollars for each occupied dwelling unit sought to be converted, the purpose of this fee being to defray the cost of administering the Senior Citizens and the Disabled Protected Tenancy Act. Notwithstanding any provisions herein to the contrary, such fee shall be collected for any such conversion where notices were furnished to the municipal agent as aforesaid prior to the adoption of this article.

2. In the event of an appeal by the owner, a hearing fee of three hundred dollars shall be submitted, by the owner, with an application for an appeal. In the event of an

appeal by the tenant, a hearing fee of three hundred dollars shall be submitted by the tenant with an application for an appeal.
(G.O. No. 1442.)

Sec. 2-97. Hearings.

Either the tenant or owner, who is not satisfied with the decision of the municipal agent as to eligibility, conditional eligibility or ineligibility of that tenant, shall be entitled to a hearing on this issue before the municipal appeals board, provided an application for such hearing is received within the time period prescribed hearing and the appropriate fee is paid. (G.O. No. 1442.)

Sec. 2-98. Appeals board.

1. The Town of Westfield hereby established an appeals board, which board shall hear and determine appeals from decisions rendered by the municipal agent under and pursuant to the Act.

2. The appeals boards shall be composed of three persons who shall be the welfare director of the Town of Westfield, the attorney for the town of Westfield and the tax assessor for the Town of Westfield.

3. Application for an administrative hearing shall be made to the municipal agent within ten days after receipt by the aggrieved person of notice of determination as to eligibility status of the tenant. Said application shall have attached thereto the administrative hearing fee of three hundred dollars.

4. The administrative hearing shall be held within ten days of the application therefor, except in extenuating circumstances, the municipal agent may in her discretion extend the time therefor.

5. The hearing shall be before the appeals board of the Town of Westfield, and a sound recording shall be made. Both parties may present evidence and testimony.

6. Within ten days of the close of the hearing on the appeals board, it shall issue a final written decision and state the reasons therefor. Appeals from the final decision of the appeals board shall be to the courts.

(G.O. No. 1442.)

Article IX. Insurance Advisory Board.

Sec. 2-99. Established.

There is established and created a body to be known as the Insurance Advisory Board of the Town of Westfield and hereinafter referred to as the "board." (G.O. No. 1565, § I.)

Sec. 2-100. Appointment; term; vacancy; compensation.

The board shall consist of five members. The members first appointed shall be designed to serve as follows: two members for one year; two members for two years; one member for three years. Upon the expiration of the terms of the members first appointed,

their successors shall be appointed for terms of three years. Upon the occurrence of any vacancy before the expiration of a term, such vacancy shall be filled by appointment for the unexpired portion of the term. Members shall hold office until their successors have been appointed, but may be appointed to succeed themselves. All appointments to the board shall be made by the mayor. Members shall receive no compensation for their services. Members shall be citizens of the Town of Westfield with expertise in the insurance field as a result of their past or present employment or experience. (G.O. No. 1565, § I.)

Sec. 2-101. Duties.

The board shall review the method of insurance procurement for the Town of Westfield, the status and qualifications of agents and markets, and the provisions of the insurance policies of the town and shall act in an advisory capacity to the mayor and the council and make appropriate recommendations in connection with insurance matters. (G.O. No. 1565, § I.)

Sec. 2-102. Chairman; quorum.

The board shall annually elect one of its members as chairman who shall preside at all meetings. Three members shall constitute a quorum of the board for the purpose of conducting its business and exercising its powers. Action may be taken by the board upon a vote of a majority of the members present. (G.O. No. 1565, § I.)

Sec. 2-103. Conflicts of interest.

No members of the insurance advisory board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest, and no member shall hold any other municipal office elected or appointed. (G.O. No. 1565, § I.)

**Article X. Special Improvement District and
District Management Corporation.**

Sec. 2-104. Establishment of Special Improvement District.

(a) There is hereby created and designated within the Town of Westfield the Westfield Special Improvement District (the “district”), hereinafter designated by street address and tax lot and block number as set forth in Exhibit A attached hereto.¹ All the costs of development, construction, and acquisition relating to the provision of improvements within the Special Improvement District not borne by Federal, State, county or local government, shall be assessed or taxed to properties specially benefited thereby, as provided by N.J.S.A. 40:56-65 et. seq. The improvements and facilities of the district shall be operated and maintained, and the annual costs thereof shall be assessed or taxed to properties specially benefited thereby pursuant to the provisions of this ordinance and N.J.S.A. 40:56-80 or N.J.S.A. 40:56-85.

¹ Editor’s Note: Exhibit A, referred to herein, may be found at the end of this article.

(b) The special assessment rate in the district shall be limited to ten percent of the total of the prior year's local, county and school tax rates.

(c) Tax exempt properties are hereby excluded from the foregoing special assessments. Properties exclusively in residential use are also excluded from the foregoing special assessment. All other properties within the designated district, including those of a mixed residential and commercial use, shall be subject to special assessment provided by the ordinance. Any residential portion of a mixed use shall not be excluded from the special assessment. (G.O. No. 1675, § I; G.O. No. 1724, § I.)

Sec. 2-105. Building and structure facades.

Construction or alternation of building and structure facades within the district shall be subject to prior review and recommendation by the architectural review board to promote compliance with design criteria included in General Ordinance No. 1557. (G.O. No. 1675, § I.)

Sec. 2-106. Establishment of district management corporation.

There is hereby created a district management corporation which shall be known as the "Downtown Westfield Corporation" (the "corporation") which shall have the authority to exercise the following powers:

(a) Adopt bylaws for the regulation of its affairs and the conduct of its business, and prescribe rules, regulations, and policies in connection with the performance of its function and duties;

(b) Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation;

(c) Apply for, accept, administer, and comply with the requirements respecting an appropriation of funds or a gift, grant, or donation of property or money;

(d) Make and execute agreements which may be necessary or convenient to the exercise of powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;

(e) Administer and manage its own funds and accounts and pay its obligations;

(f) Subject to prior town council approval, borrow money from private lenders for periods not to exceed one hundred eighty days from governmental entities for that or longer periods;

(g) Fund the improvement and/or rehabilitation of the exterior appearance of the properties in the district through grants or loans;

(h) Subject to prior town council approval, accept, purchase, rehabilitate, sell, lease, or manage property in the district;

(i) Enforce the conditions of any loan, grant, sale, or lease made by the corporation;

(j) Provide security, sanitation, and other services to the district supplemental to those provided normally by the municipal government;

(k) Undertake improvements designed to increase the safety or attractiveness of the district to businesses which may wish to locate there or to visitors to the district, including, but not limited to, litter cleanup and control, landscaping, parking areas and

facilities, recreational and rest areas and facilities, and those improvements generally permitted for pedestrian malls under N.J.S.A. 40:56-66 pursuant to pertinent regulations of the town council;

(l) Publicize the district and businesses included within the district boundaries;

(m) Recruit new businesses to fill vacancies in, and to balance the business mix of, the district;

(n) Organize special events in the district pursuant to pertinent regulations of the town council;

(o) Provide special parking arrangements for the district subject to prior town council approval; and

(p) Provide temporary decorative lighting in the district.

(G.O. No. 1675, § I; G.O. No. 1717, § I.)

Sec. 2-107. Annual budget.

Each year, the town administrator, with the assistance of the district management corporation, shall report to the town council an estimate of the cost of operating, maintaining and annually improving the district for the next fiscal year. Such estimate shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable in accordance with N.J.S.A. 40:56-80. The town administrator, with the assistance and concurrence of the district management corporation, shall submit a detailed annual budget for approval by the town council. (G.O. No. 1675, § I.)

Sec. 2-108. District management corporation board.

(a) The corporation shall be governed by a board of directors consisting of seven members appointed by majority vote of the town council as follows:

(1) A member of the town council for a one-year term commencing January 1;

(2) Two persons who are owners of real estate within the district, or officials of a corporation or entity owning real estate within the district to be called "owner directors";

(3) Two persons who operate a business within the district but do not own property within the district to be called "operator directors";

(4) Two residents of the Town of Westfield who are neither owners of property within the district nor owners or operators of a business within the district to be called "resident directors."

(5) In addition, the following are ex-officio, nonvoting members of the board of directors:

a. The town administrator or his/her designee.

b. The mayor or his/her designee.

The appointment of members to the board of directors, other than the council representative after January 1, 1999, shall be as follows:

1. One owner director and one operator director shall be appointed for a two-year term commencing January 1, 1999 and terminating December 31, 2000.

2. One resident director and one operator director shall be appointed for a three-year term commencing January 1, 1999 and terminating December 31, 2001.

3. The resident director and the owner director presently serving whose terms expire on December 31, 1999 shall continue to serve until their current term expires on December 31, 1999.

4. Appointments made for all directors appointed after January 1, 2000 shall be for three-year terms.

5. Terms shall commence on January 1 and expire on December 31.

(b)(1) District management advisory board. There shall be an advisory board of not less than fifteen or more than twenty-five members. The term of the office and manner of appointment shall be provided for in the bylaws of the corporation.

(2) Activities of the district management advisory board. The advisory board shall assist the board of directors of the district management corporation by providing advice to the board of directors in development of the annual program, plan and budget for the corporation, and shall provide ongoing advice and counsel to the board of directors as requested by the board of directors. (G.O. No. 1675, § I; G.O. No. 1717, § II.)

Sec. 2-109. Plan of coordination.

The services already provided to the district through the General Fund of the Town of Westfield shall continue to be provided through such General Fund, and not be transferred to the budget of the corporation; except that the Town of Westfield may provide these services by way of subcontracting the work to other parties, including in whole or in part, the district management corporation, or by such other means that may be appropriate so long as the level of services provided by the Town of Westfield shall continue irrespective of how these services are provided. These services are to be detailed in the plan of coordination that shall be developed by the board of the district management in consultation with the town council and approved annually by the board of directors and the town council and which shall specify how these services are to be provided and how the cost thereof shall be allocated. (G.O. No. 1675, § I.)

Sec. 2-110. Annual audit.

The corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the town council of the Town of Westfield, and that for that purpose, the corporation shall employ a certified public accountant of the State of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation. (G.O. No. 1675, § I.)

Sec. 2-111. Annual report.

The corporation shall within thirty days after the close of the fiscal year make an annual report of its activities for the preceding fiscal year to the town council of the Town of Westfield. (G.O. No. 1675, § I.)

Sec. 2-112. Termination.

The town council reserves the right to terminate the district and/or corporation at any time. Upon such termination, the Town of Westfield shall acquire title to the assets and assume the liabilities of the corporation. (G.O. No. 1675, § I; G.O. No. 1717, § III.)

Article XI. Housing Commission.

Sec. 2-113. Establishment of Housing Commission.

There is hereby created a Westfield Housing Commission. Such commission shall be responsible for:

- (a) Maintaining a current roster of properties in Westfield eligible for housing rehabilitation grant, lien, and loan programs;
- (b) Promoting Westfield's participation in such rehabilitation programs;
- (c) Providing advice and assistance to residents of Westfield whose homes may be eligible for such rehabilitation programs; and
- (d) Providing advice to the mayor and council regarding such rehabilitation programs.
- (e) The Westfield Housing Commission shall coordinate efforts with:
 - (1) The construction official of the Town of Westfield, and
 - (2) Community organizations within the Town of Westfield.

(G.O. No. 1716, § I.)

Sec. 2-114. Structure and operation of housing commission.

The Westfield Housing Commission shall consist of five regular members and two ex-officio members. The five members shall be appointed by the mayor subject to council confirmation, and shall serve calendar year annual terms. The two ex-officio members shall be the town's delegates to the multijurisdictional housing rehabilitation task force. If possible, the commission shall include members from the West Broad Street neighborhood, the Windsor Avenue-Cacciola Place neighborhood, the Madison Avenue neighborhood, and the Downtown Westfield neighborhood. The mayor shall annually designate the chairman of the commission from among the five regular members of the commission. All seven members of the commission shall serve without compensation. (G.O. No. 1716, § I.)

Appendix A

Block	Lot	Address
2401	18	302 Elm Street
2405	1	190 Elm Street
	2	210 Orchard Street
	15	146 Elm Street
	16	115 Mountain Avenue
	17	249 East Broad Street
	18	245 East Broad Street
	19	231 East Broad Street
	20	225 East Broad Street
	21	219 East Broad Street
	22	207 East Broad Street
	23	205 East Broad Street
	24	201 East Broad Street
	25	112 Elm Street
	26	118 Elm Street
	27	138 Elm Street
	28	150 Elm Street
	29	162 Elm Street
	30	184 Elm Street
2406	1	204 Elm Street
2502	13	600 North Avenue West
2505	4	233 Elm Street
	5	219 Elm Street
	6	203 Elm Street
	7	195 Elm Street
	8	189 Elm Street
	9	185 Elm Street
	10	173 Elm Street
	11	163 Elm Street
	12.01	131 Elm Street
	12.02	129 Elm Street
	13	125 Elm Street
	14	115 Elm Street
	15	177 East Broad Street
	16	169 East Broad Street
	17	159-167 East Broad Street
	18	161 East Broad Street
	19	151 East Broad Street
	20	143 East Broad Street

	21	133-135 East Broad Street
	22	131 East Broad Street
	23	125-129 East Broad Street
	24	121 East Broad Street
	25	117 East Broad Street
	26	113 East Broad Street
	27	109 East Broad Street
	28	107 East Broad Street
	29	101 East Broad Street
	30	112 Prospect Street
2506	5	133 Prospect Street
	6	129 Prospect Street
	7	121 Prospect Street
	8	111 Prospect Street
	9	109 Prospect Street
	10	27-31 East Broad Street
	11	25 East Broad Street
	12	21 East Broad Street
	13	13 East Broad Street
	14	11 East Broad Street
2508	11	601-613 North Avenue West
	12	North Avenue West (T.O.W.)
2509	1	Tuttle Parkway East (NJ Transit)
2510	18	600 South Avenue West
	19	530 South Avenue West
	20	516-520 South Avenue West
	21	510 South Avenue West
2512	19	400 West Broad Street
3001	1	339 West Broad Street
	2	331 West Broad Street
	3	549 South Avenue West
	4	533 South Avenue West
	5	360 Watterson Street
	6	415 Rahway Avenue
3002	4	325 Watterson Street
	5	501 South Avenue West
	6	408 Westfield Avenue
3003	1	435 South Avenue West

	2	431 South Avenue West
	3	427 South Avenue West
	4	423 South Avenue West
	5	419 South Avenue West
	6	415 South Avenue West
	7	411 South Avenue West
	8	407 South Avenue West
	9	401 South Avenue West
	52	415 Westfield Avenue
	53	409 Westfield Avenue
3004	1	321 South Avenue West
	2	319 South Avenue West
	3	315 South Avenue West
	4	301 South Avenue West
3005	1	401 Boulevard
	2	229 South Avenue West
	3	227 South Avenue West
	4	221 South Avenue West
	5	215 South Avenue West
	6	200 Ross Place
	7	201 South Avenue West
3101	1	454 South Avenue West
	2	436 South Avenue West
	3	430 South Avenue West
	4	412 South Avenue West
	5	300 South Avenue West
	6	220 South Avenue West
	7	210 South Avenue West
	8	200 South Avenue West
3102	1	Central Avenue West (NJ Transit)
	2	South Avenue Rear (CRR of NJ)
3103	1	455 North Avenue West
	2	443 North Avenue West
	3	435 North Avenue West
	4	423 North Avenue West
	5	411 North Avenue West
	6	401 North Avenue West
	7	301 North Avenue West
	8	251 North Avenue West
	9	241 North Avenue West
	10	219 North Avenue West

	11	215 North Avenue West
	12	109 North Avenue West
3104	1	1 Lincoln Plaza
3105	1	100 East Broad Street
	2	102-108 East Broad Street
	3	110 East Broad Street
	4	112 East Broad Street
	5	114 East Broad Street
	6	116 East Broad Street
	7	120 East Broad Street
	8	132-138 East Broad Street
	9	140-144 East Broad Street
	10	152 East Broad Street
	11	154 East Broad Street
	12	55 Elm Street
	13	53 Elm Street
	14	41 Elm Street
	15	35-39 Elm Street
	16	17-33 Elm Street
	17	9-13 Elm Street
	18	1 Elm Street
	19	10 Prospect Street
	20	16 Prospect Street
	21	20 Prospect Street
	22	26 Prospect Street
	23	28 Prospect Street
3106	1	44 Elm Street
	2	50 Elm Street
	3	58 Elm Street
	4	66 Elm Street
	5	74 Elm Street
	6	82-86 Elm Street
	7.01	200 East Broad Street
	7.02	206 East Broad Street
	8	214 East Broad Street
	9	218 East Broad Street
	10	220 East Broad Street
	11	234 East Broad Street
	12	110 Central Avenue
	13	114 Central Avenue
	14	112 Quimby Street
	15	114 Quimby Street

3107	1	244-254 East Broad Street
	2	116 Elmer Street
	3	256-264 East Broad Street
	4	266 East Broad Street
	5	114 Elmer Street
	6	137 Central Avenue
	7	134 Elmer Street
	8	138 Elmer Street
	9	227 Lenox Avenue
	10	221 Lenox Avenue
	11	155 Central Avenue
	12	141 Central Avenue
	13	127 Central Avenue
	14	121 Central Avenue
3108	1	302 East Broad Street
	16	315 Lenox Avenue
	17	125 Elmer Street
	18	311 Lenox Avenue
	19	147-149 Elmer Street
	20	143 Elmer Street
	21	141 Elmer Street
	22	137 Elmer Street
23	107 Elmer Street	
3113	1	302 Lenox Avenue
	14	309 North Avenue East
	15	235 Elmer Street
	16	231 Elmer Street
	17	227 Elmer Street
	18	225 Elmer Street
	19	223 Elmer Street
	20	217 Elmer Street
	21	215 Elmer Street
	22	211 Elmer Street
23	205 Elmer Street	
3114	1	201 Central Avenue
	2	204 Lenox Avenue
	3	208 Lenox Avenue
	4	212 Lenox Avenue
	5	220 Lenox Avenue
	6	222 Lenox Avenue
	7	208 Elmer Street
	8	217 North Avenue East
	9	220 Elmer Street

	10	224 Elmer Street
	11	221 North Avenue East
	12	236 Elmer Street
3115	1	200 Central Avenue
3116	1	2 Elm Street
	2	6-10 Elm Street
	3	14 Elm Street
	4	18-34 Elm Street
	5	123 Quimby Street
	6	117-121 Quimby Street
	7	111-115 Quimby Street
	8	107-109 Quimby Street
	9	126 Central Avenue
	10	138 Central Avenue
	11	148 Central Avenue
	12	222 North Avenue West
	13	226 North Avenue West
	14	240-244 North Avenue West
3202	1	200 North Avenue West
	2	260 North Avenue West
	3	270 North Avenue West