

ORDINANCE

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, “ADMINISTRATION”, ARTICLE VI., “DEPARTMENTS ESTABLISHED”, SECTION 7.1, “DEPARTMENTS, BOARDS AND COMMISSIONS”, ADDING SUBSECTION a.9., “DEPARTMENT OF ENGINEERING”, DELETING SECTION 7.1 b. AND AMENDING AND SUPPLEMENTING SECTIONS 10.1, “DIRECTOR OF PUBLIC WORKS, DUTIES OF DEPARTMENT” TO ALTER THE REQUIREMENTS FOR THE DIRECTOR OF PUBLIC WORKS AND THE RESPONSIBILITIES OF THE DEPARTMENT, DELETING SECTION 10.2., “DIVISION OF ENGINEERING”, AND CREATING A NEW AND SEPARATE “DEPARTMENT OF ENGINEERING” IN NEWLY ADDED SECTION 18.2.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey that Chapter 2 of the Revised General Ordinances of the Township of West Orange, Sections 7.1 and 10.1 are amended and supplemented, Section 10.2 is deleted in its entirety and Section 18.2 is added, all as follows:

I. PURPOSE

For decades the public works and engineering functions of the Township of West Orange have been combined in a single department, the Department of Public Works, directed by a licensed professional engineer, with a Division of Engineering. The long-serving Director of that Department is retiring about to retire and the Township has concluded that going forward it would be more efficient and effective to have separate Departments for these functions which have different licensing requirements. The Faulkner Act permits municipalities operating under the Mayor-Council form of government to have up to nine departments and this separation will result in that number of departments. In addition, the references to “Boards and Commissions” in the title to Section 7.1 and in the body of Section 7.1 b. are eliminated as unnecessary and in some instances, in some instances, incorrect information, the substantive details of correctly listed Boards, Commissions and Committees appearing elsewhere in the Municipal Code.

II. A.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, “ADMINISTRATION”, ARTICLE VI., “DEPARTMENTS ESTABLISHED”, SECTION 7.1, “DEPARTMENTS, BOARDS AND COMMISSIONS”, SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO READ AS FOLLOWS:

§2-7.1. Municipal Departments, Boards and Commissions.

There shall be the following ~~Municipal d~~Departments; ~~boards and commissions and such other boards and commissions as may be created, continued or reconstituted by Charter or Code in the Township.~~

~~a. Departments.~~

1. Department of Administration and Finance.
2. Department of Law.
3. Department of Public Works.
4. Department of Planning and Development.
5. Department of Police.
6. Department of Fire.
7. Department of Health and Welfare.
8. Department of Recreation and Cultural Affairs.
9. Department of Engineering.

~~b. Boards, Commissions, and Committees.~~

~~1. Municipal Court.~~

- ~~2. Zoning Board of Adjustment.~~
- ~~3. Planning Board.~~
- ~~4. Joint Meeting.~~
- ~~5. Board of Transportation.~~
- ~~6. Civil Defense.~~
- ~~7. Environmental Commission.~~
- ~~8. Rent Leveling Board.~~
- ~~9. West Orange Senior Citizens Housing Association.~~
- ~~10. Eagle Rock Senior Citizens Housing Association.~~
- ~~11. Community School Board of Trustees.~~
- ~~12. Consumer Protection and Education Advisory Board.~~
- ~~13. Citizens Advisory Committee.~~
- ~~14. Economic Growth Committee.~~
- ~~15. Municipal Insurance Fund Commission.~~

~~Pursuant to N.J.S.A. 40:55C-8, all obligations, rights and responsibilities of the West Orange Redevelopment Agency are hereby assumed by the Township Council.~~

~~**B.**~~

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, "ADMINISTRATION", ARTICLE VI, "DEPARTMENTS ESTABLISHED", SECTION 10 "DEPARTMENT OF PUBLIC WORKS", 2-10.1, "DIRECTOR OF PUBLIC WORKS; DUTIES OF DEPARTMENT". SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO READ AS

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FOLLOWS:

§2-10.1 Director of Public Works; Duties of Department

- a. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. Prior to his/her appointment, the Director shall be a Certified Public Works Manager (CPWM) of the State of New Jersey, and have at least four years of responsible experience in public works administration.
- b. At any time wherein the position of Director of Public Works is vacant the duties of the Director of Public Works, in part or in total, may be performed by a Deputy Department Head of Public Works. He/she shall receive such compensation as may be fixed by ordinance.
- c. The Department shall:
 - 1. Be responsible for all matters relating to the construction, management, maintenance and operation of the physical properties of the Township other than office supplies, furniture and equipment.
 - 2. ~~Direct and supervise~~ Assist in the preparation of plans and specifications and the letting and performance of contracts for all Township public works or improvements.
 - 3. ~~Provide all engineering and mechanical services required by any department, office or agency of the Township government, except as otherwise directed by the Mayor or Business Administrator.~~ Establish standards and procedures for the control, use and care of all Township-owned equipment, materials and supplies in the custody of the Department.

Any references within this section to a Director of Public Works shall mean the Director of Public Works or a Deputy Department Head of Public Works acting as the Director of Public Works.

C.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, "ADMINISTRATION", ARTICLE VI, "DEPARTMENTS ESTABLISHED", SECTION 10 "DEPARTMENT OF PUBLIC WORKS", 2-10.2, "DIVISION OF ENGINEERING", SHALL BE AND HEREBY IS DELETED IN ITS ENTIRETY.

D.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE

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Commented [KK2R1]: Since we are establishing separate departments, why wouldn't the Department of Engineering be responsible for ALL engineering services regardless of the professional qualifications of the Department of Public Works Director? Shouldn't it read just "Provide all mechanical services required"? And I am assuming "mechanical services" are sufficient not having the technical knowledge needed to know if any further language would be helpful.

Commented [ZC3R1]: This is why I highlighted. This item needs to be moved to the Engineering Dept. but it is shown in DPW.

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**TOWNSHIP OF WEST ORANGE, "ADMINISTRATION", ARTICLE VI.,
"DEPARTMENTS ESTABLISHED", SECTION 18. CURRENTLY RESERVED, SHALL
BE ADDED TO CREATE THE DEPARTMENT OF ENGINEERING AS FOLLOWS:**

§2-18 Department of Engineering

§2-18.1 Director - Municipal Engineer

a. There shall be a Department of Engineering, the Director of which shall be the Township Engineer. ~~The Township Engineer shall be aa-qualified~~ a qualified and licensed as a professional engineer and in good standing in the State of New Jersey. [qualifications?-Professional degree, etc.?]

§2-18.2 Functions of the Engineering Department

Under the direction and supervision of the Municipal Engineer, the Department of Engineering shall:

a. Prepare, or cause to be prepared, plans and specifications for public works in conjunction with their staff and improvements undertaken by the Township, either on force account or by public contract.

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b. Supervise the performance of contracts for public works, the amounts due and payable thereunder.

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c. Provide and maintain surveys, maps, plans, specifications and operating records with respect to capital improvement projects, respect to public works and facilities owned or operated by ~~the Township~~ the Township.

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d. Supervise and direct the installation and administration of departmental records, payroll and inventory controls, and cost analyses.

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~~e.- Establish standards and procedures for the control, use and care of all Township owned equipment, materials and supplies in the custody of the Department.~~

Commented [KK5R4]: Since we are establishing separate departments, why wouldn't the Department of Engineering be responsible for ALL engineering services regardless of the professional qualifications of the Department of Public Works Director? Shouldn't it read just "Provide all mechanical services required" And I am assuming "mechanical services" are sufficient not having the technical knowledge needed to know if any further language would be helpful.

ef. Provide all engineering and mechanical services required by any department, office or agency of the Township government, except as otherwise directed by the Mayor or Business Administrator.

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fg. Study and report upon the technical requirements of street lighting and traffic control.

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- gh. Supervise and enforce the Township's interest in public contracts for fire, hydrant service, street lighting, joint outlet sewer maintenance.
- hi. Provide technical and engineering advice and assistance to other Township Departments as needed.
- ij. Construction oversight of capital improvement projects to municipal roadways inclusive of storm and sanitary sewers, sidewalks, pathways, and other facilities within the municipal right-of-way (R.O.W.).
- jk. Issuance and inspection of road opening, sidewalk, curb, dumpster and sewer connection and capping permits within the municipal right-of-way (R.O.W.).
- kl. Supervise the preparation of tax maps and municipal mapping.
- lm. Issuance of tree removal permits and exemption reports.
- mn. Conduct annual registration of tree contractors permitted to work within the Township.
- no. Review grading, pool and plot plans for zoning and building permits.
- ~~op. Coordinate, report streetlight outages and request light improvements to Public Service Electric and Gas (PSE&G) on behalf of the residents and capital improvement projects.~~
- ~~Coordinate, report streetlight outages and request light improvements to Public Service Enterprise Group (PSE&G) on behalf of the residents and capital improvement projects.~~
- pq. Prepare grant applications, concept plans and cost estimates.
- qr. Manage municipally and grant funded projects from bid phase through construction and closeout.
- rs. Manage hiring of consultants; develop requests for proposals, review, and coordinate consultant work.
- st. Prepare and assist legal department with resolutions, ordinances, ordinance amendments, reports, presentations, and public correspondence.
- tu. Responsible for the preparation of the annual NJDEP MS4 Stormwater Reporting.
- uv. Prepare and calculate annual reimbursement costs for street lighting and snow removal for private communities.
- vw. Issue certificates as to approval of land subdivisions by the Planning Board or the Council, pursuant to State Municipal Planning Act. (N.J. Laws of 1953, Chapter 433 as amended; N.J.S.A. 40:55D-1 et seq.)

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III. REPEAL OF CONFLICTING ORDINANCES

Any ordinances of the Township that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect after its final passage and publication in accordance with the law.

McCartney, Mavor _____
_____ **SUSAN McCARTNEY, MAYOR** Susan

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_____ **TAMMY WILLIAMS**
_____ **COUNCIL PRESIDENT** Tammy Williams,
Council President

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~~KAREN J. CARNEVALE, R.M.C.~~
~~MUNICIPAL CLERK~~ Karen J. Carnevale, R.M.C.
Municipal Clerk

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INTRODUCED: ~~January 24~~ March 7, 2023

ADOPTED: April 4, 2023

Legislative History

2717-23

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For decades the public works and engineering functions of the Township of West Orange have been combined in a single department, the Department of Public Works, directed by a licensed professional engineer, with a Division of Engineering. The long-serving Director of that Department is retiring and the Township has concluded that going forward it would be more efficient and effective to have separate Departments for these functions which have different licensing requirements. The Faulkner Act permits municipalities operating under the Mayor-Council form of government to have up to nine departments and this separation will result in that number of departments. [There is no need for the informational list of “Boards, Commissions and Committees”, some of which no longer exist, none of which reference pertinent ordinance or Code citations evidencing their location elsewhere in the Code and their location here is easy to forget when there are later changes which contributes to unnecessary inaccuracies.](#)