

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER CHAPTER 4 ADMINISTRATION OF GOVERNMENT, SECTION §4-8 ADMINISTRATIVE ORGANIZATION, SUBSECTION A (4) (C) AND SUBSECTION C (1) AND (2); § 4-11 PAYMENT OF CLAIMS, SUBSECTION A, B AND D (2); § 4-14 POLICE DEPARTMENT, SUBSECTION B AND K (5); § 4-16 DEPARTMENT OF PUBLIC WORKS, SUBSECTION J; TO ADD A NEW SECTION § 4-24 BOARD OF HEALTH, SUBSECTION C; TO ADD NEW SECTION § 4-29 BOARD OF RECREATION COMMISSION, SUBSECTION E AND H, AND UPDATING SECTION LETTERS**

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed the recommendations of the Board of Health and the Borough Code Committee requesting that Chapter 4 Administration of Government, Section §4-8 Administrative organization, subsection A (4) (c) and subsection C (1) and (2); § 4-11 Payment of claims, subsection A, B and D (2); § 4-14 Police Department, subsection B and K (5); § 4-16 Department of Public Works, subsection J; to add a new section § 4-24 Board of Health, subsection C in accordance with the Board of Health Ordinance BH2010-3, adopted on January 12, 2010, a copy of which is incorporated herein as if set forth at length; to add new section § 4-29 Board of Recreation Commission, Subsection E and H, and updating section letters so same may be incorporated, be amended and supplemented as set forth below.

**WHEREAS**, the proposed modifications include correcting typographical errors; updating the roles and responsibilities of the Municipal Administrator, which are currently the practice and duties of the Municipal Administrator; incorporating suggestions of the Board of Health; including all modifications in association with the Borough Recreation Commission Bylaws; and the adding the suggestions of the Borough Code Committee.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 4 Administration of Government, Section §4-8 Administrative organization, subsection A (4) (c) and subsection C (1) and (2); § 4-11 Payment of claims, subsection A, B and D (2); § 4-14 Police Department, subsection B and K (5); § 4-16 Department of Public Works, subsection J; to add a new section § 4-24 Board of Health, subsection C in accordance with the Board of Health Ordinance BH2010-3, adopted on January 12, 2010, a copy of which is incorporated herein as if set forth at length; to add new section § 4-29 Board of Recreation Commission, Subsection E and H, and updating section letters so same may be incorporated, is hereby amended and supplemented in relevant part as set forth below:

**§ 4-8. Administrative organization.**

A. Committees; officers; boards; bodies and commissions.

(4) Specific duties of the standing committees.

- (a) The Committee on Finance shall advise the Council on financial and budgetary matters.
- (b) The Committee on Police shall advise the Council on matters relating to the Borough Police Department.
- (c) The Committee on Personnel shall advise the Council on all personnel matters relating to borough employees. The Municipal Administrator shall direct and supervise the administration of all departments and offices of the Borough, and except as provided by law, shall be in charge of all the departments, offices and employees of the Borough. The department heads are in charge of and responsible for the smooth and efficient operation of the activities of the Borough on a day-to-day basis. The department heads shall report directly to the Municipal Administrator, who shall report to the Mayor and Council.
- (d) The Committee on Fire, Rescue and Office of Emergency Management shall advise the Council on matters relating to the Mount Arlington Fire Department and the Office of Emergency Management.
- (e) The Committee on Parks and Recreation shall advise the Council on matters relating to borough recreational, beach and park facilities.
- (f) The Committee on Public Works, Buildings, Grounds shall advise the Council on matters relating to the maintenance of all buildings, grounds, and other real property owned by the borough and the maintenance and operation of borough public works and utilities, including the borough's sewer and water systems.

**C. Department head.**

- (1) Each department head shall make a recommendation to the Municipal Administrator and the Municipal Administrator shall make a recommendation to the Mayor and Council for all hiring, transferring, promoting, and discharging of all employees.
- (2) Each department head shall report to the Municipal Administrator who shall serve as each department purchasing agent as supervised by the Borough Chief Financial Officer subject to approval of the Mayor and Council.

**§ 4-11. Payment of claims.**

- A. Procedure. Disbursements in payment of bills and demands other than payments from the payroll account shall be made once a month by the Treasurer upon his/her pre-audit, provided that the voucher has been properly executed by the vendor and all appropriate municipal officials. Once a month, the Council shall review the list of paid vouchers and consider them for approval. Every warrant shall be in the form of a warrant-check payable to the order of the person for which it is drawn and the account or appropriation to which it is chargeable. Each warrant-check shall bear the signatures of three (3) borough representatives, which must include the following: (1) the Municipal Administrator, (2) the Clerk, and (3) the Chief Financial Officer or Treasurer.
- B. Payroll account. There may be an account to be designated as the "Borough of Mount Arlington Payroll Account," and on a biweekly basis the Borough Treasurer, on receipt of a warrant or an amount due the payroll account, shall deposit it to the credit of the payroll account, charging the appropriate budgetary accounts therewith. Disbursement from the payroll account may be made by payroll checks signed by the Mayor or, in his/her absence by the CFO or the Municipal Administrator. The Council shall review and approve all payroll disbursements on a monthly basis. In case of error or adjustment in the payroll, the Treasurer shall make proper correction and appropriate record thereof.

**D. Approval of vouchers and claims.**

- (1) All bills or claims against the borough shall be in writing, fully itemized, and on such forms as the borough shall provide for that purpose. They shall be sworn by the claimant before submission for approval and payment.
- (2) Only those bills or claims will be approved for payment which have first been encumbered by the Chief Financial Officer.
- (3) The corresponding vouchers shall accompany all checks drawn in payment thereof when said checks are presented to the Mayor and Treasurer for approval.
- (4) All bills, vouchers and paid checks shall be filed in a safe place and be made available for public inspection whenever requested.

**§ 4-14. Police Department.**

**[Amended 5-15-2012 by Ord. No. 07-12]**

**B. Appointment; control.** The officers and members of the Police Department shall be appointed by the Mayor with the advice and consent of the Council. The Council shall designate the office to be filled and the salary to be paid. The Chief of Police shall report to the Mayor and Council through the Municipal Administrator. The police officers serving under the Chief of Police shall report directly to the Chief of Police. Pursuant to N.J.S.A. 40A:14-118, the Mayor and Council are hereby designated as the appropriate authority to adopt and promulgate rules and regulations for the government of the force and for the discipline of its members.

**K. Private employment of off-duty police officers.**

- (5) Any person or entity requesting police services under this section must first execute an indemnity and proof of insurance agreement in a form approved by the Borough Attorney, Borough Mayor, the Municipal Administrator, and the Chief of Police.

**§ 4-16. Department of Public Works.**

**J. Waiver of promotion requirements for advancement of operating staff members.** Upon the written recommendations of the Municipal Administrator, the governing body, by majority vote, may waive any promotion provisions as a requirement for advancement to higher levels, as may be necessary or appropriate for the benefit and welfare of the borough.

**§ 4-24. Board of Health.**

**C.** In addition to the seven (7) members identified in subsection A above, there shall be one (1) alternative member, who shall be appointed by the Mayor, with the advice and consent of the Borough Council, for a term of one (1) year, subject to reappointment. An appointment to fill a vacancy shall be made in the same manner as original appointment and such appointment shall be made in the same manner as original appointment and shall be for the unexpired term only. In cases where a member of the Board is absent, unavailable or otherwise unable to participate in a matter to be voted upon, the alternate member shall participate in that member's stead.

**§ 4-29. Board of Recreation Commission.**

**E.** The Borough Board of Recreation Commission secretary shall be an employee of the Borough of Mount Arlington and shall report to the Municipal Administrator. The secretary shall be responsible for keeping accurate minutes of all meetings, receiving and preparing correspondence required by the MABORC's

business. The secretary shall be responsible for maintaining a file of all documents relating to the MABORC's business and assume all other administrative duties as directed by the Municipal Administrator.

- F. Pursuant to N.J.S.A. 40:12-1.1 et seq. and as may be amended by future legislation, there is hereby created not more than two (2) alternate members to the Mount Arlington Board of Recreation Commission. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. If two (2) alternates are appointed, their terms shall be staggered by the appointment of one (1) of the alternates for an initial term that is a year less than a regular term. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only.
- G. No alternate member shall be permitted to act on any matter in which the alternate has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the governing body for cause. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- H. All members: Members shall serve until their respective successors are appointed and shall qualify. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only. Alternate No. 1 shall be reassigned to full member following a vacancy; Alternate No. 2 shall become Alternate No. 1 New members shall start as an alternate unless a vacancy allows Full Membership. Members shall receive no compensation for their services.
- I. The Mount Arlington Board of Recreation Commission shall meet on a monthly basis and adopt bylaws and rules for the conduct of their meetings. The Board shall elect its Chairperson, Vice Chairperson and Secretary at the first annual meeting of the Board on an annual basis. The Chairperson shall be the presiding officer of each meeting of the Board. The Vice Chairperson shall perform the functions and duties of the Chairperson in the absence of the Chairman. The Secretary shall draft all notices, minutes of meetings of the Board and communications of the Board, subject to the approval by the Board.
- J. The Mount Arlington Board of Recreation Commission shall report on a monthly basis to the governing body as to activities and recommendations with regard to recreation programs and activities, recreation fees and charges, and recreation facilities and equipment. The Mount Arlington Board of Recreation Commission shall also submit a proposed annual budget to the governing body for recreation activities.
- K. The Board shall recommend all proposals for the purchase of recreation equipment and expenses related thereto as well as proposals for the provision of any services related to recreation activities. The governing body shall review such recommendations of the Board and shall have the absolute authority to either accept or reject the recommendations of the Board.
- L. All moneys received by the Board, whether by gift, donation or otherwise not raised by taxation and or through the issuance of bonds, shall be paid over to the Municipal Treasurer and be maintained in a special fund, which shall be under the control of the Board and used only for the purpose of defraying the expenses of improving, maintaining or policing the facilities, grounds and recreation places and for the other expenses of the Board. The Board shall report all such monies, the source thereof, received and disbursed under this section to the governing body in its monthly report.
- M. The governing body, having control over the finances of the municipality, shall annually fix and determine the appropriate sum of money to be raised by taxes for use by the Board and shall also provide for a suitable location for the Board to meet to conduct its meetings.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on November 14, 2013 and will be further considered after a Public Hearing held on December 3, 2013 at the Municipal Building at 7:00 P.M.

INTRODUCED:  
PUBLISHED:  
ATTEST:

BOROUGH OF MOUNT ALRINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY



Linda DeSantis, RMC, Borough Clerk



Arthur R. Ondish, Mayor