

ORDINANCE 40-2002

ORDINANCE OF THE BOROUGH OF MADISON AMENDING THE BOROUGH CODE REGARDING THE POSITIONS OF MUNICIPAL ATTORNEY AND MUNICIPAL ENGINEER

WHEREAS, N.J.S.A. 40A:9-139 requires every municipality to provide by ordinance for the appointment of a municipal attorney; and

WHEREAS, N.J.S.A. 40A:9-140 requires every municipality to provide by ordinance for the appointment of a municipal engineer; and

WHEREAS, the Borough Administrator has recommended that the Borough Code be amended to conform with the statutory criteria; and

WHEREAS, the Borough Council wishes to amend the Borough Code for this purpose.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The Borough Code shall be amended as follows:

Chapter 6, Municipal Officers

§ 6.1 Municipal Attorney

A. Office of Municipal Attorney created

Pursuant to the authority of N.J.S.A. 40A: 9-139, there is hereby created the office of Municipal Attorney, also known as Borough Attorney.

B. Appointment and term

The Mayor shall appoint, with the advice and consent of the Council, the Municipal Attorney, also referred to as the Borough Attorney, who shall be licensed to practice law in the State of New Jersey, for a term of one year commencing January 1 and terminating December 31 in each year.

C. Powers and duties

The Municipal Attorney shall serve as legal advisor to the Mayor and Council; represent the Borough in all legal matters; advise and assist the Mayor, Council, Borough Administrator and Department heads as required in the administration of the Borough Government; represent the Borough in all litigation, arbitration, administrative hearings and appeals and other such proceedings; attend Council meetings; draft ordinances and resolutions and such other legal instruments as relate to the business of the Borough; give opinions and rulings on questions of

law and render such other professional legal services as may be required by statute or as requested by the Mayor and Council from time to time, whether by ordinance, resolution or otherwise.

D. Compensation

The compensation to be paid the Municipal Attorney shall be as the Mayor and Council shall hereafter from time to time prescribe by the Annual Salary Ordinance. In addition to the salary, for litigation, administrative proceedings, legal services related to labor matters, extraordinary proceedings and/or unforeseeable matters or services, the Municipal Attorney shall be paid such reasonable fees and costs as may be necessary and required in accordance with his or her professional services contract.

§ 6.2 Municipal Engineer

A. Office of Municipal Engineer created

Pursuant to the authority of N.J.S.A. 40A:9-140, there is hereby created the office of Municipal Engineer.

B. Appointment and term

The Mayor shall appoint, with the advice and consent of the Council, the Municipal Engineer, who shall be a person licensed as a professional engineer in the State of New Jersey. The term of office shall be three (3) years commencing January 1. Whenever a vacancy should occur, the vacancy shall be filled for the unexpired term only.

C. Powers and duties

The Municipal Engineer shall provide professional engineering advice and assistance to the governing body; maintain the Borough Official Map and Borough Zoning Map; prepare plans and specifications for public works authorized by the governing body or the Borough Administrator and make such inspections of the work of public contractors as may be necessary or desirable; when so directed, monitor the performance of public works contracts, report to the governing body thereon and certify the amounts due and payable thereunder; and provide any and all other professional engineering advice and assistance as may be required by statute or as assigned by the governing body or the Borough Administrator.

D. Compensation

The Municipal Engineer shall receive such salary and/or other compensation as may be established by separate salary ordinances or amendments thereto for the position of Municipal Engineer.

SECTION 2: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

December 9, 2002

JOHN J. DUNNE, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk

Introduced and passed: November 25, 2002

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