

ORDINANCE NO. 11-2019

BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND ENTITLED "ADMINISTRATION" TO AMEND SECTION 2-9 ENTITLED "BOROUGH ATTORNEY", SECTION 2-16 ENTITLED "DEPARTMENTS, BOARDS AND COMMISSIONS ESTABLISHED", SECTION 2-17 ENTITLED "DEPARTMENT OF ADMINISTRATION", SECTION 2-46 ENTITLED "AFFORDABLE HOUSING BOARD", AND SECTION 2-51 ENTITLED "SENIOR TRANSPORTATION COMMITTEE"**

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend various sections of Chapter II of the Revised General Ordinances of the Borough of Roseland entitled "Administration";

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Chapter II of the Revised General Ordinances of the Borough of Roseland entitled "Administration" shall be amended as follows:

**SECTION I**

That section 2-9.1, entitled "Appointment" and Section 2-9.2 entitled "Powers and Duties" shall be amended to add the following **thus** and to delete the following **thus**:

**2-9 BOROUGH ATTORNEY.**

**2-9.1 Appointment.**

The Borough Attorney shall be appointed by the Mayor with advice and consent of the Council for a term of one (1) year. The Borough Attorney shall be an attorney-at-law in the State of New Jersey, but need not be a resident of the Borough. In lieu of appointing an individual attorney, Council may appoint a firm of attorneys, all members of which shall be attorneys-at-law of New Jersey. The Borough Attorney shall receive ~~a fixed salary, plus such fees and charges as shall be deemed reasonable~~ **such compensation as provided by contractual agreement approved by Council.**

**2-9.2 Powers and Duties.**

The Borough Attorney shall have such powers and perform such duties as are provided for the Office of Borough Attorney by general law of ordinances of the Borough. The Borough Attorney shall represent the Borough in all judicial and administrative proceedings in which the municipality or any of its officers or agencies may be a party or have an interest; shall give all legal counsel and advice where required by the Mayor and Council or any member thereof; and shall, in general, serve as the legal advisor to the Mayor and Council on all matters of Borough business. In furtherance of such general powers and duties, but without limitation thereto, the Borough Attorney shall:

- a. No change
- b. No change
- c. No change
- d. Render opinions, in writing, upon any question of law submitted to him/her by the Mayor and Council or any member thereof with respect to their official powers and duties, and perform such duties as may be necessary to provide legal ~~council~~ counsel to the Mayor and Council in the administration of municipal affairs.
- e. No change

**SECTION II**

That section 2-16, entitled “Departments, Boards and Commissions” shall be amended to add the following **thus** and to delete the following ~~thus~~:

**2-16 DEPARTMENTS, BOARDS AND COMMISSIONS ESTABLISHED.**

**2-16.1 Departments, Offices, Boards and Commissions Established.**

There shall be the following departments, offices, boards and commissions in the Borough of Roseland:

- a. *No change*
- b. *Separate Offices Not Under Departments.*
  - 1. Borough Attorney;
  - 2. Borough Prosecutor;
  - 3. Borough Public Defender;
  - 4. Borough Engineer;
  - 5. Borough Physician;
  - 6. Borough Veterinarian;
  - 7. **Municipal Housing Liaison.**
- c. *No change*
- d. *No change*

**SECTION III**

That section 2-17, entitled “Department of Administration” shall be amended to add the following **thus** and to delete the following ~~thus~~:

**2-17 DEPARTMENT OF ADMINISTRATION.**

**2-17.1 Administrator.**

There shall be a Department of Administration of the Borough of Roseland, which shall have jurisdiction over all matters pertaining to administration. The Borough Administrator shall be the Director of the Department of Administration. The Zoning Officer, ~~and~~ Fire Prevention Official, **Communications Analyst, Municipal Housing Liaison and Code Enforcement Officer** are assigned to the Department of Administration for administrative purposes.

## 2-17.2 Offices and Positions; Duties.

a. No change

b. *Office Supervisor.* There shall be an Office Supervisor who shall be under the direction and supervision of the Borough Administrator. ~~He~~ **The Office Supervisor** shall assign work to and supervise the employees of the Departments of ~~Administration, Finance and Administration and Finance~~, and shall perform other duties as may be assigned by the Borough Administrator. The Office Supervisor may also hold the title of **Administrative Assistant Assessment Clerk**.

c. *Administrative Secretary.* ~~The There shall be an~~ Administrative Secretary who shall be under the direction and supervision of the Borough Administrator. The Administrative Secretary shall also report to the Office Supervisor. The Administrative Secretary shall perform secretarial, stenographic, and other clerical duties related to the operation of the offices of the Borough Administrator, the Borough Clerk and Chief Financial Officer.

d. *Secretary to the Borough Council.* ~~The There shall be a~~ Borough Council Secretary who shall be under the direction and supervision of the Borough Administrator and whose principal duties shall consist of attending the meetings of the Borough Council, taking down the proceedings of these meetings and preparing typewritten minutes under the direction of the Borough Clerk. The Borough Council Secretary shall also perform clerical duties assigned by the Mayor and Council members, in connection with their official duties. The Borough Council Secretary may also hold the position of Administrative Secretary.

e. **Communications Analyst.** **There shall be a Communications Analyst who shall be under the direction and supervision of the Borough Administrator. The Communications Analyst shall also report to the Office Supervisor. The Communication Analyst shall be responsible for analyzing and processing communications, and creating outgoing communications and reviewing incoming communications. The Communications Analyst shall perform other clerical duties related to the operation of the offices of the Borough Administrator, the Borough Clerk and Chief Financial Officer**

## 2-17.3 Other Positions.

There shall be the following positions under the direction and supervision of the Borough Administrator.

- a. No change
- b. No change
- c. No change
- d. No change

e. *Land Use Administrator.* The Land Use Administrator, under the direction of the Borough Administrator, shall perform the duties of Administrative Officer in accordance with the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. The Land Use Administrator shall also perform the duties of Clerk to the Board of Adjustment and the Planning Board as set forth in Chapter XXX,

Borough of Roseland Land Development Ordinance, and may also serve as the Secretary of the Board of Adjustment and the Planning Board, if so appointed in accordance with the New Jersey Municipal Land Use Law. The Land Use Administrator may also hold the position of Municipal Housing Liaison.

f. *Municipal Housing Liaison.* The Municipal Housing Liaison, under the direction of the Borough Administrator, shall perform the duties necessary for the execution of the Borough of Roseland's responsibility to assist in the provision of affordable Housing pursuant to the Fair Housing Act of 1985

g. *Code Enforcement Officer.* The Code Enforcement Officer, under the direction of the Borough Administrator, shall perform work with and emphasis on enforcement of land use and nuisance ordinances, perform code enforcement and compliance inspections and related work as assigned. The Code Enforcement Officer may also hold the position of Fire Official.

#### SECTION IV

That section 2-46, entitled "Affordable Housing Board" shall be amended to add the following thus and to delete the following ~~thus~~:

#### **2-46 AFFORDABLE HOUSING BOARD.**

2-46.1 No change

2-46.2 No change

2-46.3 No change

2-46.4 No change

#### **2-46.5 Powers.**

The Affordable Housing Board is hereby granted and shall have and exercise the following powers:

a. Review with the assistance of the ~~Housing Administrator~~ Municipal Housing Liaison, regulations pertaining to the sale and rental of affordable housing units.

b. With the assistance of the ~~Housing Administrator~~ Municipal Housing Liaison, prepare amendments and additions to regulations as it deems necessary or appropriate to implement the purpose of this section. Such amendments and additions shall not become effective until approved by the Borough Council.

c. Hold hearings, upon notice, and adjudicate complaints of developers, applicants, owners and renters if the developer, applicant, owner or renter is not satisfied with the rulings of the ~~Housing Administrator~~ Administrative Agent. In matters involving a hearing, the ~~Administrator~~ Municipal Housing Board shall ~~give~~ provide ten (10) days' written notice to all parties involved and shall give all interested parties an opportunity to be heard.

d. With the assistance of the Municipal Housing Liaison ~~Housing Administrator~~, review requests from Federal, State, County or local agencies regarding funding or applications for funding.

e. With the assistance of the Municipal Housing Liaison ~~Housing Administrator~~, make recommendations to the Borough Council regarding how Borough funds, or funds collected from developer contributions for affordable housing, should be spent and propose priorities for such expenditures.

f. Review all affirmative marketing plans submitted by the Municipal Liaison or Administrative Agent ~~Administrator~~.

~~g. Administer all resale and re-rental transactions in accordance with the Land Development Ordinance.~~

~~2-46.6 Affordable Housing Fund.~~

~~A fund shall be established by the Mayor and Council for the purpose of acquiring units on resale. The Fund shall be administered by the Board.~~

~~2-46.7~~ 2-46.6 Violations; Penalty.

## SECTION V

That section 2-51, entitled "Senior Transportation Committee" shall be amended to add the following thus and to delete the following ~~thus~~:

### **2-51 SENIOR TRANSPORTATION COMMITTEE.**

#### **2-51.1 Creation.**

There is hereby created a Senior Transportation Committee which shall consist of ~~three (3)~~ two (2) members to be appointed by the Mayor, with advice and consent of the Council, for the term of one (1) year or until his/her successor shall have been appointed and qualified. The Senior Transportation Committee shall serve without compensation.

#### **2-51.2 No change**

## SECTION VI

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

## SECTION VII

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION VIII**

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: May 23, 2019

Motion to Introduce by: Councilman Jacobs

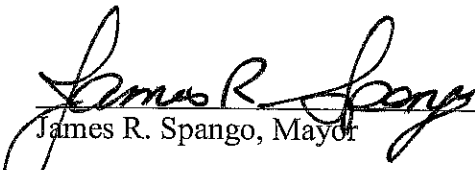
Motion Seconded by: Councilwoman Fishman

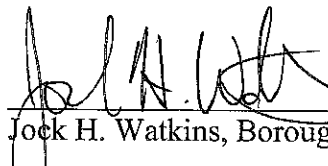
Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: June 18, 2019

| COUNCIL                       | MOTION | SECOND | AYE | NAY | ABSTAIN | RECUSE | ABSENT |
|-------------------------------|--------|--------|-----|-----|---------|--------|--------|
| Councilman Bardi              | X      |        | X   |     |         |        |        |
| Councilwoman Fishman          |        |        |     |     |         |        | X      |
| Councilman Freda              |        |        | X   |     |         |        |        |
| Councilman Jacobs             |        | X      | X   |     |         |        |        |
| Councilwoman Perrotti         |        |        | X   |     |         |        |        |
| Councilwoman Tolli            |        |        | X   |     |         |        |        |
| Mayor Spango (In case of tie) |        |        |     |     |         |        |        |
| VOTE:                         |        |        | 5   | 0   |         |        |        |

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 18<sup>th</sup> day of June, 2019.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: June 27, 2019, The Progress