

Chapter 2

ADMINISTRATION

Editor's Note: The form of government in the Township of Upper is the township form which comprises Chapters 142 to 156A in Title 40 of the New Jersey Statutes Annotated. The Administrative Code has been drafted in conformity with the township law and, in many instances, provisions of the township law have been restated in the Code. Other enabling laws pertaining to the Administrative Chapter are N.J.S.A. 2A:8-1 et seq., Municipal Court; N.J.S.A. 26:3-1, et seq., Board of Health. Other authority to regulate the internal affairs of the Township is contained in N.J.S.A. 40:48-2. The establishment of the Planning Board and Zoning Board of Adjustment are contained in Chapter 20, Section 20-7 of this Code.

§ 2-1. TOWNSHIP COMMITTEE.

§ 2-1.1. Legislative Power. [1972 Code § 2-1.1]

All legislative power of the Township shall be exercised by the Township Committee pursuant to law.

§ 2-1.2. Composition and Organization. [1972 Code § 2-1.2; Ord. #17-1984, § 1]

Pursuant to law, the Township Committee shall consist of five persons elected at large. The Township Committee will organize annually on January 1 at 12:00 noon or at some other hour on any day during the first week in January in accordance with N.J.S.A. 40:45A-1. The date and time of the reorganization meeting shall be fixed by resolution of the Township Committee. The reorganization meeting shall be held at the Township Municipal Building, Tuckahoe, New Jersey, at which time the Committee will elect a Mayor from among its members. The Mayor shall preside at meetings of the Township Committee and perform such other duties as the Township Committee may prescribe. In the absence of the Mayor, the Committee will elect a temporary presiding officer.

§ 2-1.3. Powers of the Mayor. [1972 Code § 2-1.3]

The Mayor shall have the power to make proclamations concerning holidays and events of interest to the Township. He may appoint citizens' committees to inquire into matters that are of interest to the Township and he shall have such other appointment powers as are conferred upon him by law. He shall have and exercise the ceremonial power of the Township and he shall exercise every other power usually exercised by Township Mayors or conferred upon him by law.

§ 2-1.4. Meetings of the Township Committee. [1972 Code § 2-1.4]

- a. Regular Meetings. The Township Committee shall organize annually during the first seven days of January. Otherwise, the Committee shall continue to meet regularly thereafter on every other Monday at 8:00 p.m. When the time for any regular meeting of the Committee falls on a legal holiday as prescribed by law, such meeting may be held at the same hour on some other day of the week at the convenience of the Committee.

- b. **Special Meetings.** A special meeting may be called at any time upon written request of a majority of the members of the Township Committee or by the Mayor. The request and call for 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 Clerk and served upon each Committee member as hereinafter provided at least 24 hours prior to the time for which the meeting is called; provided that the Mayor may determine that an emergency exists affecting the health or safety of the people, which requires consideration by the Township Committee within a shorter time, and upon such determination which the Mayor shall set forth in the call, the call may be filed with the 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 Clerk shall forthwith give notice thereof by telephone or telegraph to each Committee member, at such place as he shall have previously designated for that purpose, and shall also serve or cause to be served a written copy of the call upon each committee member, by delivery of a copy to him personally or by the leaving of a copy at his usual place of abode. Upon waiver of notice by all members of the Township Committee, a special meeting may be held without prior notice notwithstanding the above provisions of this resolution.

§ 2-1.5. Meetings; Rules of Township Committee. [1972 Code § 2-1.5; New]

All regular and special meetings of the Township Committee shall be open to the public. The rules of procedure to be followed and rules for the consideration of nominations submitted by the Mayor and for the conduct of other business of the Committee shall be provided by resolution. Notice of all meetings shall be given in accordance with the requirements of the Open Public Meetings Law, C. 231, P.L. 1975.

§ 2-1.6. Township Committee Conferences. [1972 Code § 2-1.6]

The Committee may meet at any time in informal conference for the consideration of any Township business or to meet with any officer or employee of the Township or any other person on Township business. No person other than those specifically invited by the Committee shall be authorized to participate in any such conference.

§ 2-1.7. Quorum. [1972 Code § 2-1.7]

A majority of the whole number of members of the Township Committee shall constitute a quorum, and no ordinance shall be adopted by the Township Committee without the affirmative vote of a majority of the quorum of the Committee. If a quorum is not present 1/2 hour after the appointed time for any meeting, the presiding officer or the Clerk may declare the meeting adjourned.

§ 2-1.8. Roll Call Votes; Minutes. [1972 Code § 2-1.8]

The vote upon every motion, resolution or ordinance shall, when requested, be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the Township Clerk.

§ 2-1.9. Ordinances. [1972 Code § 2-1.9]

All ordinances shall be introduced, read, heard and enacted in the manner provided by general law.

§ 2-2. TOWNSHIP OFFICES.**§ 2-2.1. Township Clerk. [1972 Code § 2-3]**

The Township Clerk shall:

- a. Perform all of the functions required of municipal clerks by the general election law (Title 19 of the Revised Statutes) and any other State law or Township ordinance and receive the fees prescribed therefor for the use of the Township.
- b. Issue such licenses as may be authorized by the Township Committee pursuant to the State Alcoholic Beverage Control Law (N.J.S.A. 33:1-1 et seq.) and the ordinances of the Township.
- c. Keep all records, resolutions, ordinances and minutes of the meetings of the Township Committee.
- d. Issue all licenses required by law or ordinance and faithfully make all reports required by law or ordinance to the Township Committee and account monthly for all fees received by him.
- e. See to it that all ordinances and notices of the Township are properly advertised.
- f. Take care of all of the correspondence of the Township and of the Township Committee.
- g. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance.

§ 2-2.2. Deputy Township Clerk. [Ord. #15-1975, §§ 1-3; Ord. #7-1999, § 1]

- a. There is hereby created the office of Deputy Township Clerk of the Township.
- b. The Township Committee shall appoint one or more suitable persons to hold the position of Deputy Township Clerk and said individuals may hold that position simultaneously. The Deputy Township Clerk shall serve at the pleasure of the Township Committee. Compensation for such position shall be determined in the Salary Ordinance of the Township.
- c. During the absence or disability of the Township Clerk, the Deputy Clerk shall have all the powers of the Township Clerk and shall perform the functions and duties of such office. In the event that more than one Deputy Clerk holds the office at the same time, either Deputy Clerk may perform the functions and duties of such office during the absence or disability of the Township Clerk. If more than one Deputy Clerk is available, then the Deputy with the most seniority in the position shall act in the absence or disability of the Township Clerk.

§ 2-2.3. Township Attorney. [1972 Code § 2-4]

- a. **Appointment; Term.** The Township Attorney shall be appointed by the Township Committee for a one-year term.
- b. **Powers and Duties Generally.** The Township Attorney shall be the legal advisor to the Township Committee and shall prosecute and defend actions and proceedings by and against the Township. In furtherance of these general powers, and without limitation thereto, he shall:
 1. Advise the Township Committee as to the form and sufficiency of all ordinances and resolutions prior to their passage.
 2. Review and approve all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the Township.
 3. Conduct appeals from orders, decisions or judgments affecting any interest of the Township, as he may in his discretion determine to be necessary or desirable, or as directed by the Township Committee.
 4. Subject to the approval of the Township Committee, have power to enter into any agreement, compromise or settlement of any litigation in which the Township is involved.
 5. Render opinions in writing upon any question of law submitted to him by the Township Committee with respect to their official powers and duties, or the powers and duties of any officer of the Township.
 6. Maintain a record of all actions, suits, proceedings and matters which relate to the Township's interest, and report thereon as the Township Committee may require.
 7. Conduct prosecutions for crimes and offenses cognizable by the Municipal Court of the Township, except such crimes and offenses as it may be the duty of the County Prosecutor to prosecute, including violations of ordinances of the Township, complaints of any department under State law and for violations of rules or regulations duly promulgated by any department.
 8. Have such other and different functions, powers and duties as may be provided by ordinance.
- c. **Special Counsel.** Whenever he deems the interests of the Township so require, the Township Attorney may, with the approval of the Township Committee and within the limits of available appropriations, appoint special counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the Township Attorney should be disqualified with respect to any matter, the Township Committee shall appoint special counsel to represent the Township for and with respect to such matter.

§ 2-2.4. Township Administrator. [Ord. No. 015-2016]

- a. **Creation of Position.** The office of Township Administrator is hereby created in and for the Township of Upper pursuant to the provisions of N.J.S.A. 40A:9-136 et seq.
- b. **Appointment and Term.** The Township Administrator shall be appointed by the

majority vote of the Township Committee and the term of office of the Township Administrator shall be at the pleasure of the Township Committee.

- c. Compensation. Compensation to perform the duties and responsibilities of Township Administrator shall be determined and established by the Township Committee according to law.
- d. Qualifications. The Township Administrator shall possess knowledge and experience in local government for the appointment as Township Administrator.
- e. Powers and Duties. The Township Administrator, under the supervision and control of the Township Committee, and to the extent not prohibited by law, shall:
 1. Be the chief executive and administrative official of the Township of Upper with respect to the following departments: Department of Public Works, Department of Public Safety, Department of Emergency Management, Department of Personnel, Division of Emergency Medical Services (EMS) and Department of Information, Technology and Communications. The Township Administrator shall perform such duties in each department under the general supervision of the member of the Township Committee appointed by the Township Committee as the head of such department. **[Ord. No. 009-2017]**
 2. Act as liaison between the Township Committee, the Township Committee department heads, all committees, officers and employees within each department over which the Township Administrator has supervision.
 3. Be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to personnel, hiring, organization and policies of the Township and any of the departments of the Township over which the Township Administrator has supervision after consultation with the Township Committee and the department head of each such department.
 4. Assist in the preparation of the budget, assist the Township Committee in obtaining the necessary data for the preparation of the municipal budget with respect to each department over which the Township Administrator has supervision.
 5. Investigate all complaints regarding Township services with respect to the departments over which the Township Administrator has supervision and, after consultation with the department head of the services involved, to answer same and report the disposition thereof to the Township Committee.
 6. Coordinate for the Township Committee the general affairs of the Township with respect to the departments over which the Township Administrator has supervision, including recommendations with respect to purchasing, administration and enforcement of contracts, leases and franchises.
 7. Attend all meetings as directed and authorized by the Township Committee.
 8. Perform such other duties as may from time to time be specifically assigned to the Township Administrator by the Township Committee.

- f. Relationship to Other Officials or Bodies. Nothing herein contained shall derogate from the powers and duties of the elective, appointive or other officials of the Township of Upper or the boards and commissions thereof established pursuant to law, nor shall the rights and tenure of any elected official be affected.¹

§ 2-2.5. Tax Collector. [1972 Code § 2-5.4]

The Tax Collector shall:

- a. Perform the functions of a collector of taxes under general law, including without limitation thereto the preparation and mailing of tax bills, enforcement of tax bills, enforcement of tax collections by tax sales and otherwise, and the maintenance of tax accounting records in such manner as may be prescribed or approved pursuant to ordinance; and in furtherance thereof, install and administer tax bill forms which include a bill for the first two quarters of each year with the bill for the final half of the preceding year.
- b. Receive and collect all current and delinquent real and personal property taxes, charge and receive penalties and interest pursuant to law.

§ 2-2.6. Tax Assessor. [1972 Code § 2-5.5]

On and after July 1, 1971, no person may be an assessor unless he holds a tax assessor certificate. This requirement shall not apply to anyone who has served in office continuously from July 1, 1967.

A person reelected to office, after receiving a tax assessor certificate, and thereafter serving in office for four consecutive years, and a person who received a tax assessor certificate on or before June 30, 1969, served in office for four consecutive years, shall be entitled to tenure pursuant to N.J.S.A. 54:1-35.31. The Tax Assessor shall:

- a. Have, perform and discharge all the functions, powers and duties prescribed by law for a municipal assessor.
- b. Maintain adequate assessment records of each separate parcel of real property assessed or exempted.
- c. Maintain a current tax map of the Township as a public record and cause to be recorded thereon all changes in ownership or character of the real property assessed, employing for that purpose the facilities of other departments as provided by the Code.
- d. Report to the Township Committee as to equalization proceedings and other matters involving the County Tax Board and make recommendations as to action to be taken in that regard.

§ 2-2.7. Township Engineer. [1972 Code § 2-5.6]

- a. Appointment; Compensation. There shall be a Township Engineer who shall be appointed by the Township Committee for a term of one year. The Township

1. Editor's Note: Former subsection 2-2.4, Township Treasurer, was replaced in entirety by Ordinance No. 015-2016. See subsection 2-2.9 Chief Financial Officer.

Engineer shall receive such compensation as may be agreed upon and determined by the Township Committee. He shall be a duly licensed professional engineer of the State of New Jersey.

- b. Duties. The Engineer shall perform the duties prescribed by general law and ordinance. He shall, upon the termination of his service with the Township, surrender all papers, documents, memoranda, reports and other materials relating to the administration of his engineering duties.

§ 2-2.8. Construction Official and Zoning Officer. [Ord. #49, §§ 1-3; 1972 Code § 2-7; New]

- a. Created. The office of the Construction Official and Zoning Officer is hereby created and established to enforce the provisions of the Township zoning ordinances. The appointment of Zoning Officer shall be for a one-year term.
- b. Duties. The Construction Official and Zoning Officer shall perform the following duties:
 1. Investigate alleged violations of the provisions of the Township zoning ordinances and take the necessary action to enforce the ordinances; maintain a record of violations; and make a quarterly report of such violations and the action taken to the Township Committee.
 2. Receive, file and keep records of all applications for building permits and Certificates of Occupancy and issue such permits and certificates where the applicant has complied with the Township ordinances and receive the application fees as provided by law.
 3. File and safely keep copies of all plans submitted by applicants for building permits and Certificates of Occupancy, which records shall form a part of his office and be available for the use of the Township Committee and other officers of the Township.

§ 2-2.9. Chief Financial Officer. [Ord. #3-1989, §§ 1-6; Ord. #12-1993, § 1]

- a. Purpose. The purpose of this subsection is to create the position of Chief Financial Officer in compliance with the requirements established by Chapter 110, Laws of New Jersey, 1988, which is also known as the Municipal Finance Officer's Certification Bill, which was signed into law on August 22, 1988 and which became effective on that date.
- b. Creation of Position. There is established by the Township Committee the position of Chief Financial Officer, who shall be under the general supervision of the governing body and under the specific direction of the member of the Township Committee who serves as Director of Revenue and Finance.
- c. Designation of Position. The appointment to the position of Chief Financial Officer shall be made by the Township Committee. The appointment shall be made by resolution duly adopted by the governing body and the appointment shall be for the term prescribed by law. The individual so appointed shall possess all of the requisite qualifications and experience required by law and, specifically, Chapter 110 of the

Laws of 1988, and Chapter 9 of Title 40A of the New Jersey Statutes, as amended and supplemented.

- d. **Term of Office; Tenure.** The term of office of the Chief Financial Officer shall be for a term of four years starting January 1st of the year appointed. Any person who has served as the Chief Financial Officer for four consecutive years and who is reappointed as Chief Financial Officer shall be granted tenure of office upon filing with the Clerk of the municipality and with the Division of Local Government Services in the Department of Community Affairs, a notification evidencing his or her compliance with this section. Such person shall thereafter continue to hold office during good behavior and efficiency and shall not be removed therefrom except for just cause and then only after a public hearing upon a written complaint, setting forth the charge or charges against him/her, as required by law, or upon expiration or revocation of Certification by the Director of the Division of Local Government Services. Any person who has heretofore been appointed to such position for a term of less than four years shall be deemed to have been appointed to a four-year term commencing January 1st of that year when such individual was first appointed.
- e. **Dual Positions.** Nothing contained within this subsection shall be construed as prohibiting an individual holding the position of Township Assessor, Assistant Treasurer or Township Finance Officer from being appointed to the position of Chief Financial Officer, provided such individual possesses the required qualifications.
- f. **Powers and Duties.** The Chief Financial Officer shall have responsibility for the fiscal records of the Township. In addition, the Chief Financial Officer shall perform the following duties:
 1. Supervise the expenditure of all Township funds and make certain that such expenditure is strictly in accordance with the budgetary appropriation;
 2. Assist in the preparation of the annual Township budget;
 3. Issue certificates as to the availability of funds prior to the Township entering into any contract pursuant to the provisions of the Local Public Contracts Law of the State of New Jersey;
 4. Supervise the payroll accounts of the Township;
 5. Issue payroll checks to all officials, officers and employees of the Township;
 6. Prepare and distribute all informational returns and payroll reports required by any agency of the Federal or State government concerning any payments made to officials, officers, employees and vendors of the Municipality;
 7. Supervise the method and procedures for the payment of all claims against the Municipality;
 8. Supervise all investments of the Township and make recommendations, where appropriate, to the Director of Revenue and Finance and to the governing body, concerning investments or any other matter touching upon the financial affairs of the Municipality; and

9. Perform such further and additional duties as may be prescribed by the Director of Revenue and Finance or by the governing body of the Municipality.
- g. Ineligible for Appointment. In accordance with N.J.S.A. 40A:9-140.6, no member of the Township Committee shall serve as the Chief Financial Officer of the Township. Nothing contained herein shall be construed as preventing a member of the Township Committee from serving as Chief Financial Officer of any other municipality other than the Township of Upper.

§ 2-3. DEPARTMENTS, BOARDS, COMMITTEES, AND COUNCILS.

§ 2-3.1. Department of Public Works. [Ord. #10-1988, §§ 1-7; Ord. #11-1991; Ord. #007-2010 § 1; Ord. No. 015-2016]

- a. Establishment of Department. There shall be a Department of Public Works.
- b. Management of Department. The day-to-day operations of the Department of Public Works shall be managed and directed by a Superintendent of Public Works, provided that the Township Committee fills this position, and certain subordinate officers consisting of a Road Repairer Supervisor and the Road Repairer 3 under the general supervision of a member of the Township Committee as appointed by the Township Committee and the Township Administrator, if appointed to do so by the Township Committee. There shall also be working foreman/assistant supervisors, including but not limited to Supervising Equipment Operator, Supervising Carpenter, Supervising Maintenance Repairer, Maintenance Worker 3 and Supervisor Recreation Maintenance, who will be responsible for supervising work crew(s) as assigned by the Road Repairer Supervisor and/or Road Repairer 3. Officers and employees shall be appointed by the Township Committee as it deems appropriate and who shall constitute the management of the Department and shall be considered management employees.
- c. Qualifications and Duties of Superintendent.
 1. Qualifications. The Superintendent of the Department of Public Works shall be qualified by training and experience in general public works administration and shall have at least three years experience in a public works supervisory capacity. The Superintendent shall also meet the minimum qualifications established for that position by the New Jersey Department of Personnel, formerly known as the New Jersey Department of Civil Service.
 2. Duties. If this position is filled by the Township Committee, the Superintendent of the Department of Public Works shall take an active role in the supervision of the Department and any Division thereof. The Superintendent shall perform such other duties as the Township Committee may prescribe.
- d. Other Management Personnel; Qualifications and Duties.
 1. Qualifications. The Road Supervisor and Assistant Road Supervisor, as may be appointed by Township Committee, shall be qualified by training and experience in general public works administration and shall have prior

experience in a public works supervisory capacity. They shall be required to obtain and maintain certification as a Certified Public Works Manager as administered by the Department of Community Affairs, Division of Local Government Services. In addition, they shall also meet the minimum qualifications established for that position by the Department of Personnel.

2. Duties. The Road Supervisor and Assistant Road Supervisor shall perform such duties as prescribed by the Township Committee or the Superintendent of Public Works, as well as such duties as may be prescribed by law.
- e. Functions of Department. The Department of Public Works shall perform all appropriate functions associated with:
1. Maintaining, constructing and reconstructing streets and drainage facilities.
 2. Maintaining public buildings and grounds, including recreation areas and public beaches.
 3. Maintaining all motorized equipment.
 4. Installing, repairing and maintaining traffic signals and signs.
 5. Supervising solid waste collection, disposal and recycling.
 6. Supervising snow removal.
 7. Such other duties as the Township Committee may prescribe.

§ 2-3.2. Emergency Management. [Ord. No. 015-2016]

There shall be a Township Emergency Management Coordinator appointed and serving pursuant to N.J.S.A. App. A:9-40.1. The Township hereby establishes the Department of Emergency Management to be headed by said Township Emergency Management Coordinator subject to the supervision of the Township Administrator, if appointed to do so by the Township Committee, and subject to the overall supervision of the Township Committee member appointed by the Township Committee to supervise and direct this Department. The Township also hereby creates, pursuant to and in accordance with N.J.S.A. App. A:9-41, a local Emergency Management Council.

§ 2-3.3. Board of Assessments. [Ord. #86, §§ 1-3; 1972 Code § 2-9]

- a. Creation. There is hereby created and established a Board of Assessments pursuant to the provisions of N.J.S.A. 40:56, the Board to exercise all of the powers set forth in Chapter 56, in the making of all assessments for benefits accruing from local improvements undertaken by the Township.
- b. Membership. The Board of Assessments shall consist of five members to be appointed by the Township Committee. The members shall be appointed each calendar year to serve during that year.
- c. Salary. The Township Committee shall fix and determine each calendar year the compensation to be paid to the members of the Board of Assessments for their services during that calendar year.

§ 2-3.4. Department of Sports and Recreational Programs. [Ord. #10-1991, § 1; Ord. No. 007-2010, § 1; Ord. No. 015-2016]

- a. Establishment of Department. There shall be a Department of Sports and Recreational Programs.
- b. Supervision and Management of Programs. The Sports and Recreational Programs shall be generally supervised and directed by one or more members of the Township Committee who shall be appointed by the Township Committee.
- c. Qualifications and Duties of Supervisory Personnel.
 1. Qualifications. The Director of the Department shall be a member of the Township Committee duly appointed by the Township Committee. The member(s) of the Township Committee so appointed shall also serve as liaison between the Township Committee and the Township Sports and Recreational Advisory Board, an advisory body created and appointed by the Township Committee.
 2. Duties. The member of the Township Committee serving as Director of the Department of Sports and Recreational Programs shall take an active role in the supervision and direction of the Department. The Recreational Program Coordinator, if the position is filled by the Township Committee, shall supervise and work with those employees as may be assigned to the Department and engaged in performing the necessary tasks for the efficient operation and utilization of the Township's recreational and sports programs.
- d. Other Personnel. The Department of Sports and Recreational Programs may consist of such additional personnel as may be authorized by the Township Committee.
- e. Functions of Program. The Sports and Recreational Programs shall perform all appropriate functions and duties associated with:
 1. Coordinating the use of Township facilities with the public and the various Township sports and recreational organizations.
 2. Coordinating coaching certification and background checks for volunteers with the various sports and recreational organizations.
 3. Advising the Department of Public Works of the necessary maintenance and preparation of the sports fields and facilities that have been scheduled for use.
 4. Such other duties as may be prescribed by the Township Committee.

§ 2-3.5. Establishment of Other Township Departments. [Ord. No. 015-2016; Ord. No. 009-2017]

The following departments are hereby established by the Township of Upper and each such department shall have a member or members of the Township Committee appointed by the Township Committee to serve as director and head of such department: Public Safety, Buildings and Grounds, Revenue and Finance, Municipal Court, Animal Control, Personnel, Lifeguards, Division of Emergency Medical Services (EMS), Housing, Engineering, Clerk's Office, Zoning and Planning, Construction Code and

Information, Technology and Communications.²

§ 2-4. BUDGET.

§ 2-4.1. Budget Preparation. [1972 Code § 2-2.1]

The budget shall be prepared by the Township Committee. During the month of January the Township Committee shall require all departments to submit requests for appropriations for the ensuing budget year. Officers and department heads may be required to appear before the Township Committee at public hearings or informal conferences during the months of January and February. The budget document shall be prepared in such form as is required by law. There shall be appended to the budget detailed analyses of all expenditures and revenues.

So far as practicable, such analyses shall include appropriate statements of the cost of performance of functional programs and activities stated in terms of quantitative, countable units of work for operating and capital expenditures. The auditor, together with the assistance of the officers who receive such revenue, shall prepare all estimates on non-property tax revenues anticipated for the support of each annual budget.

§ 2-4.2. Budget Operation. [1972 Code § 2-2.2]

- a. The Treasurer shall supervise the administration of each annual budget. In consultation with the Township Committee and with department heads, he shall establish quarterly or such other periodic allotments of appropriations as he may deem necessary. Each department shall plan and administer its expenditure program within the limits of such allotments.
- b. If at any time during the budget year, the Treasurer shall ascertain that the Township is faced with the probability of incurring a cash deficit for the current year, he shall reconsider the work programs and allotments of the several departments. Upon such reconsideration and with the approval of the Township Committee, he may revise budget allotments so as to forestall, so far as possible, the making of commitments and expenditures in excess of the revenue to be realized during the fiscal year.

§ 2-5. PAYMENT OF CLAIMS. [1972 Code § 2-5.3]

- a. Disbursements in payment of bills and demands shall be made by the Township Clerk upon pre-audit and warrant of the Treasurer, approved by the Township Committee. All disbursements shall be made by a combination warrant-bank check or draft signed by the Treasurer and countersigned by the Mayor and the Township Clerk individually or by signature plate.
- b. The Treasurer shall prepare for each regular meeting of the Township Committee a list of all bills, claims and vouchers which have been presented through the close of business 48 hours preceding the meeting and since the last preceding list was compiled.

2. Editor's Note: Former subsection 2-3.5, Community Center Planning Committee, previously codified herein and containing portions of Ordinance No. 1-1991, was repealed in its entirety by Ordinance No. 007-2010.

- c. Claims shall be considered by the Township Committee, which shall approve the same, except that the committee may reject any claim presented to it stating the reason for such rejection. Any disapproved claim shall be referred back to the Township Clerk with such instructions as the Committee may give at the time of disapproval.

It shall be the duty of the Township Clerk to record all claims in the official minutes indicating that the Township Committee has by formal action approved the same with appropriate record as to any claims disapproved or rejected.

§ 2-6. FEES FOR COPIES OF DOCUMENTS AND RECORDS.

§ 2-6.1. Birth, Death or Marriage Certificates. [Ord. #013-2004 § 1; Ord. #003-2005 § 1]

The following fee shall be payable by the requestor to the Township of Upper for the following documents:

- a. \$10 for the first certified copy of a birth, death, marriage or domestic partnership certificate and \$5 for each additional certified copy made with the same request.
- b. \$10 for a certification of vital records.
- c. No charge for a correction of a record for the above document.
- d. Actual postage for any document sent by mail.

§ 2-6.2. Audio Tape Reproduction. [Ord. #013-2004 § 1; Ord. #004-2011]

A fee of \$10 shall be payable by the requestor to the Township of Upper for an audio tape reproduction; provided, the requestor provides to the Township a recording device and a blank tape.

§ 2-6.3. Other Documents or Records. [Ord. #013-2004 § 1; Ord. #010-2006 § 1; Ord. #018-2009 § 1; Ord. #004-2011]

The following fee shall be payable by the requestor to the Township of Upper for any other record or document not set forth specifically in this section:

- a. For a record involving the form of a printed matter the fee shall be \$0.05 for a letter size page or smaller, and \$0.07 for a legal size page or larger.
- b. If the Township can demonstrate that its actual cost of duplication exceeds the foregoing rate, the Township shall be permitted to charge the actual cost of duplicating the record.
- c. If the nature, format, manner of collation or volume of the government record embodied in the form of a printed matter to be inspected, examined or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Township may charge, in addition to the actual cost of duplicating the record, a special service charge based upon the actual direct cost of providing the copies. This special service charge shall be based

upon the hourly rate of the employee in charge of such record multiplied by the hours of time, or fraction thereof, the employee expended in providing the copy or copies, plus any direct out of pocket costs to the Township. The requestor shall have the opportunity to review and object to the charge prior to same being incurred.

- d. It is the intent and purpose of this section to comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. To the extent provisions of this section contradict or are inconsistent with said Act, the terms of said Act shall supersede and control.

§ 2-6.4. Tax Collector Fees. [Ord. #004-2011]

- a. Notwithstanding the provisions of subsection 2-6.3 above, in accordance with N.J.S.A. 54:5-54 the Tax Collector shall provide to any party entitled to redeem a certificate pursuant to said statute two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the tax collector there shall be a \$50 fee. A request for a redemption calculation shall be made in writing to the Tax Collector.
- b. Notwithstanding the provisions of subsection 2-6.3 above, in accordance N.J.S.A. 54:5-97.1 the Tax Collector may charge a lienholder of a tax lien \$50 for the calculation of the amount due to redeem the tax lien as required pursuant to said statute. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

§ 2-6.5. Request for Documents or Records. [Ord. #013-2004 § 1; Ord. #004-2011]

A request for access to a government record shall be in writing and hand delivered, mailed, transmitted electronically or otherwise conveyed to the Municipal Clerk. The Municipal Clerk has forms available for this purpose.

§ 2-6.6. (Reserved)

§ 2-7. (RESERVED)

§ 2-8. INTERLOCAL SERVICE AGREEMENTS.

§ 2-8.1. Contract for Use of Data Processing Programs. [Ord. #3-1981, §§ 1 and 2]

- a. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with the County of Cape May whereby the Township shall have use of Cape May County's Budget Accounting Data Processing Programs, the form of which Contract shall be approved by the County Counsel of the County of Cape May.
- b. The contract referred to in paragraph a hereof shall contain specific provisions as follows:

1. The Budget Accounting Data Processing Programs shall be for the exclusive use of the Township and shall not be given to any other governmental agency or private organization.
2. There shall be no charge for the mutual agreement authorized by this subsection.

§ 2-8.2. Emergency Dispatch Services. [Ord. #5-1987, § 1]

Pursuant to the provisions of N.J.S.A. 40:8A-1, et seq., the appropriate Township officials are hereby authorized to enter into an Interlocal Services Agreement with the Township of Middle and the Township of Dennis for the providing of emergency dispatch services to the Township of Upper.

§ 2-8.3. Use of Woodbine Municipal Services Building. [Ord. #16-1987, § 1]

Pursuant to the provisions of N.J.S.A. 40:8A-1, et seq., the appropriate officials of the Township are hereby authorized, directed and empowered to enter into an Interlocal Services Agreement with the Borough of Woodbine, whereby the Borough of Woodbine will make available certain facilities in the Woodbine Municipal Services Building for the conduct of the Municipal Court of the Township of Upper, as well as certain offices for housing Municipal Court personnel who are employees of the Township of Upper for the providing of services by Upper Township employees to the Municipal Court of the Borough of Woodbine, which will involve the services of a Municipal Court Clerk, Deputy Municipal Court Clerk, Violations Clerk and Deputy Violations Clerk.

§ 2-8.4. Cooperative Pricing Agreement. [Ord. #20-1987, §§ 1-3]

- a. This subsection shall be known and may be cited as the Cooperative Pricing Ordinance of the County of Cape May.
- b. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency or any other contracting unit within the County of Cape May for the purchase of work, materials and supplies.
- c. The Lead Agency entering into contracts on behalf of the Township 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.

§ 2-8.5. Disposal of Certain Bulky Solid Waste Materials. [Ord. #25-1987, §§ 1-2]

- a. Pursuant to the provisions of N.J.S.A. 40:8A-1, et seq., the appropriate officials of the Township are hereby authorized, directed and empowered to enter into an Interlocal Services Agreement with the Cape May County Municipal Utilities Authority, whereby the Cape May County Municipal Utilities Authority will permit the disposal of certain bulky solid waste materials by residents of the Township in accordance with certain rules, regulations and conditions to be agreed to by the Township and the Cape May County Municipal Utilities Authority and to authorize the Township of Upper to pay to the Cape May County Municipal Utilities

Authority the cost for such solid waste disposal.

- b. The contract between the Cape May County Municipal Utilities Authority and the Township of Upper shall be for an additional term of one year commencing February 1, 1988 or such later date as the contracting parties may mutually agree upon. The contract may thereafter be renewed for an additional term of one year provided that the Cape May County Municipal Utilities Authority and the Township of Upper shall each adopt a formal resolution authorizing and approving such extension. Subsequent extensions may thereafter occur upon the adoption of a subsequent ordinance by the Township and a formal resolution by the Cape May County Municipal Utilities Authority for such term as the parties may agree upon, up to the maximum term permitted by law.

§ 2-8.6. Traffic Line Installations and Traffic Signs. [Ord. #17-1988, § 1]

Pursuant to the provisions of N.J.S.A. 40:8A-1, et seq., the Mayor and the Township Clerk (or their respective Deputies) are hereby authorized to enter into an Interlocal Services Agreement with the County of Cape May for the providing of traffic line installation, removal and traffic sign, sign removal and the fabrication of signs.

§ 2-8.7. Installation of a Base Station, Antenna and Related Items. [Ord. #16-1989, § 1]

Pursuant to the provisions of N.J.S. 40:8A-1, et seq., the appropriate Township officials are hereby authorized to enter into an Interlocal Services Agreement with the Township of Middle for supplying a base station, antenna, console parts, installation and related items and services.

§ 2-8.8. Mass Care Shelter Needs in Emergencies. [Ord. #8-1992, §§ 1-5]

- a. Interlocal Services Agreement. The Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Contract with the Borough of Avalon, Township of Dennis and City of Sea Isle City pursuant to the provisions of the Interlocal Services Act, N.J.S.A., et seq., to address mass care shelter needs during times of emergencies throughout the year.
- b. Services; Contract. The Interlocal Services Contract authorized in paragraph a hereof shall cover those services enumerated in said contract, a copy of which is attached hereto and made a part hereof as an exhibit.
- c. Authorization to Municipal Officials. The appropriate officers of the Township of Upper are hereby authorized and directed to execute an Interlocal Services Agreement with the Borough of Avalon, Township of Dennis and City of Sea Isle City for the exchange of said services as set forth herein, effective on such date as prescribed by the terms of the statute.
- d. Statutory Requirements. The Interlocal Services Contract between Borough of Avalon, Township of Dennis, City of Sea Isle City and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40:8A-6.
- e. Contract Term. This subsection authorizes such Interlocal Services Contract for a term of one year commencing on September 1, 1992 and expiring on August 31,

1993. Such contract may be renewed thereafter from year to year provided that the governing bodies of each of the involved municipalities shall approve such renewal or extension by formal resolution subject to any contractual amendments which may be agreed upon.

§ 2-8.9. Rabies Vaccination Baiting Program. [Ord. #12-1995, §§ 1-5]

- a. Interlocal Services Agreement. Pursuant to the provisions of the "Interlocal Services Act", N.J.S.A. 40:8A-1, et seq., the Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Agreement with the County of Cape May pertaining to the "Fall 1995 Rabies Vaccine Baiting Program".
- b. Services to be Provided; Contract. The Interlocal Services Agreement authorized in paragraph a hereof shall cover those services which are enumerated in said contract, a copy of which is of record in the office of the Township Clerk and is available for public inspection.
- c. Authorization to Municipal Officials. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this subsection. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Interlocal Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this subsection. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.
- d. Compliance with Statutory Requirements. The Interlocal Services Agreement between the County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40:8A-6, as the same may be amended and supplemented.
- e. Contract Term. This subsection authorizes such Interlocal Services between the parties for a term of one year computed from the commencement of the program on or about October 16, 1995 (the "commencement date"). Such contract may be further extended for one or more additional terms of up to 12 months each, provided that the respective governing bodies of both the Township of Upper and the County of Cape May authorize such extension by adoption of a formal resolution. In no event, however, shall the term of the contract be extended beyond the term of seven years from October 16, 1995 (the commencement date), in accordance with N.J.S.A. 40:8A-6, in the absence of the adoption of an ordinance further authorizing the renewal or extension of such Interlocal Services Agreement. The term of the Interlocal Services Agreement may be for a shorter period of time than 12 months and may be subject to cancellation by the parties if so provided in the agreement.

§ 2-8.10. Agreement with Township of Dennis for Animal Shelter Services. [Ord. #16-1995, §§ 1-5]

- a. Interlocal Services Agreement. Pursuant to the provisions of the "Interlocal Services Act," N.J.S.A. 40:8A-1, et seq., the Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Agreement with the Township of Dennis pertaining to the provision of animal shelter service.

- b. Services to be Provided; Contract. The Interlocal Services Agreement authorized in paragraph a hereof shall cover those services which are enumerated in said Contract, a copy of which is of record in the office of the Township Clerk and is available for public inspection.
- c. Authorization to Municipal Officials. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this subsection. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Interlocal Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this subsection. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.
- d. Compliance with Statutory Requirements. The Interlocal Services Agreement between the Township of Dennis and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40:8A-6, as the same may be amended and supplemented.
- e. Contract Term. This subsection authorizes such Interlocal Services between the parties for a term of one year computed from the commencement of the program on or about January 1, 1996 (the "commencement date"). Such Contract may be further extended for one or more additional terms of up to 12 months each, provided that the respective governing bodies of both the Township of Upper and the Township of Dennis authorize such extension by the adoption of a formal resolution. In no event, however, shall the term of the Contract be extended beyond the term of seven years from January 1, 1996 (the commencement date), in accordance with N.J.S.A. 40:8A-6, in the absence of the adoption of an ordinance further authorizing the renewal or extension of such Interlocal Services Agreement. The term of the Interlocal Services Agreement may be for a shorter period of time than 12 months and may be subject to cancellation by the parties if so provided in the Agreement.

§ 2-8.11. Agreement with Ocean City for Emergency Dispatch Services. [Ord. #3-1997, §§ 1-5]

- a. Interlocal Services Agreement Authorized. The Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Contract with the City of Ocean City pursuant to the provisions of the Interlocal Services Act, N.J.S.A. 40:8A-1, et seq., whereby the City of Ocean City will provide to the Township of Upper, for a specified consideration, dispatching services for fire, police and rescue squads located within the Township of Upper and the Township of Upper service areas.
- b. Services; Contract. The Interlocal Services Contract authorized in paragraph a hereof shall cover those services enumerated in said Contract, a copy of which is of record in the office of the Municipal Clerk and is available for public inspection.
- c. Authorization to Municipal Officials. The appropriate Township officers, that is, the Mayor and the Township Clerk, are hereby authorized and directed to execute such Interlocal Services Contract on behalf of the Township of Upper pursuant to the authority conferred by this subsection. All other appropriate officials and officers are hereby authorized to do all things necessary to carry out the intent of

this subsection.

- d. **Statutory Requirements.** The Interlocal Services Contract between the City of Ocean City and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40:8A-6.
- e. **Contract Term.** This subsection authorizes such Interlocal Services Contract for a term of five years, as specified in said Contract and further authorizes an extension of said Agreement provided, however, that the term of said Contract shall not extend beyond the term of seven years from the commencement date specified in said Contract or, if not specifically specified, then in accordance with the mutual agreement of the parties as to the commencement date, in accordance with the provisions of N.J.S.A. 40:8A-6. This subsection further authorizes the amendment of said Interlocal Services Agreement from time to time as circumstances may require, provided that said amendment is duly authorized and approved by the governing bodies of both municipalities through the adoption of an authorizing resolution.

**§ 2-8.12. Agreement with Borough of Woodbine for Animal Shelter Services.
[Ord. #2-1998, §§ 1-5]**

- a. **Interlocal Services Agreement.** Pursuant to the provisions of the "Interlocal Services Act," N.J.S.A. 40:8A-1, et seq., the Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Agreement with the Borough of Woodbine pertaining to the provision of animal shelter service.
- b. **Services to be Provided; Contract.** The Interlocal Services Agreement authorized in paragraph a hereof shall cover those service which are enumerated in said Contract, a copy of which is of record in the office of the Township Clerk and is available for public inspection.
- c. **Authorization to Municipal Officials.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this subsection. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Interlocal Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this subsection. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.
- d. **Compliance with Statutory Requirements.** The Interlocal Services Agreement between the Borough of Woodbine and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40:8A-6, as the same may be amended and supplemented.
- e. **Contract Term.** This subsection authorizes such Interlocal Services between the parties for a term of one year computed from the commencement of the program on or about April 1, 1998 (the "commencement date"). Such Contract may be further extended for one or more additional terms of up to 12 months each, provided that the respective governing bodies of both the Township of Upper and the Borough of Woodbine authorize such extension by the adoption of a formal resolution. In no event, however, shall the term of the Contract be extended beyond the term of seven

years from April 1, 1998 (the commencement date), in accordance with N.J.S.A. 40:8A-6, in the absence of the adoption of an ordinance further authorizing the renewal or extension of such Interlocal Services Agreement. The term of the Interlocal Services Agreement may be for a shorter period of time than 12 months and may be subject to cancellation by the parties if so provided in the Agreement.

§ 2-8.13. Agreement with Borough of Woodbine and the Township of Dennis to Share a Radar Equipped Vehicle. [Ord. #4-1999, § 1-5]

- a. Interlocal Services Agreement. The Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Contract with the Borough of Woodbine and Township of Dennis pursuant to the provisions of the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., to address the sharing of a Radar Equipped Vehicle.
- b. Services/Contract. The Interlocal Services Contract authorized in paragraph a hereof shall cover those services enumerated in said Contract, a copy of which is of record in the office of the Township Clerk and is available for public inspection.
- c. Authorization to Municipal Officials. The appropriate officers of the Township of Upper are hereby authorized and directed to execute an Interlocal Services Agreement with the Borough of Woodbine and Township of Upper for the exchange of said services as set forth herein, effective on such date as prescribed by the terms of the statute.
- d. Statutory Requirements. The Interlocal Services Contract between the Borough of Woodbine, Township of Upper and Township of Dennis shall meet and satisfy the requirements of N.J.S.A. 40:8A-6.
- e. Contract Term. This subsection authorizes such Interlocal Services contract for a term of one year commencing on July 1, 1999 and expiring on June 30, 2000. Such contract may be renewed thereafter from year to year provided that the governing bodies of each of the involved municipalities shall approve such renewal extension by formal resolution subject to any contractual amendments which may be agreed upon.

§ 2-9. ENCUMBRANCE SYSTEM AND UNIFORM PURCHASING PROCEDURE ESTABLISHED.

§ 2-9.1. Statement of Policy. [Ord. #15-1990, § 1]

It is the established policy of this Township that no article or service shall be contracted for or purchased by any department, board, agency, office or employee of the Township of Upper except in accordance with the procedures set forth herein.

§ 2-9.2. Disclaimer of Liability; Noncompliance by Township Personnel. [Ord. #15-1990, § 2]

The Township of Upper will not be bound by any purchase or contract which is made contrary to the policy expressed in this section and particularly in subsection 2-9.1 hereof. Any officer, official, employee or representative of the Township of Upper who

violates the policy may be subject to disciplinary action as well as personal liability for any costs or obligations improperly incurred.

§ 2-9.3. Establishment of Petty Cash Fund. [Ord. #15-1990, § 3]

Petty cash funds may be established in each department, subject to the express approval of the Township Committee. The Chief Financial Officer may submit recommendations to the Township Committee concerning the need for and the establishment of any or all such funds. Petty cash funds should be used for the purchase of small items or services. Petty cash should not be viewed as a means by which the purchase order system may be circumvented. A purchase order is required for all purchases in excess of \$15. Receipts are absolutely required for petty cash replenishment. Petty cash will be replenished on a regular basis as determined by the Chief Financial Officer. All requests for replenishment of the petty cash fund must be submitted to the purchasing agent not later than Wednesday of the week preceding the meeting of the Township Committee when replenishment of the fund may be authorized.

§ 2-9.4. Procedures. [Ord. #15-1990, § 4]

- a. Standard Purchasing Procedures. The initial step in the purchasing cycle is the preparation of a request for purchase, which is a two-part form used to request goods, materials, and services. The request for purchase requisition should be typewritten or printed. The department head should only requisition budgeted items. Nonbudgeted items or services shall require the prior approval of the Purchasing Agent with the concurrence of the Director of Revenue and Finance and the member of the Township Committee assigned to oversee such department, if any. Purchases of an emergent nature will be processed using the emergency procedures. Adjustments to a department's budgeted items should be considered when purchasing previously non-budgeted items.
- b. Quote Comparison Sheets. Quote comparison sheets will be available from the Treasurer's Office and shall be prepared for items totalling more than \$250. Three vendors shall be solicited for prices of the items. Data pertinent to required items or services should be listed including price quotes. The lowest price should be taken.
- c. Request for Purchase. The following information is required for all requests for purchase. The numbers preceding each item of information will correspond to those found on sample forms which may be obtained from the Treasurer's Office.
 1. Vendor's name and address.

Complete name and address of the vendor. Please include all post office box numbers and zip codes.
 2. Purchase order number.

This number will be filled in by the Treasurer's Office at the time of purchase order approval.
 3. Account or appropriation number.

Account number to be charged.

4. Account balance.

To be filled in by Treasurer's Office.

- d. No order is to be placed or a commitment made except by an approved written purchase order issued in accordance with the procedures outlined herein or by the emergency purchase procedure which is hereinafter specified.
- e. The request for purchase must be approved and signed by the Department Head. The request for purchase should be submitted well in advance of the time the goods, materials or service are needed to allow sufficient time for review and for preparation of specifications, advertisements for bids (when required), or for the solicitation of informal quotations for other than routine purchases and for those quotations which involve more complex or technical purchases.
- f. The original of the request for purchase shall be forwarded to the Purchasing Agent with the duplicate copy. The requesting department should retain a photocopy for its file. If the request for purchase is not properly completed, it will be returned to the originating department head for correction, additional information or clarification. The purchasing agent will also review a unit's requisition, making necessary consolidations and standardizations with the requests of other units. Requesting units should be advised and consulted when standardizations are made. Based on the total and aggregate dollar amount of the purchase requests, written specifications and sealed bids or informal solicited quotations may be required. To record the request, the original of the requisition is retained by the Treasurer's Office and filed numerically with the approved purchase order. State approved contract vendors or cooperative pricing system vendors pursuant to N.J.S.A. 40A:11-11(5) as amended and supplemented from time to time may also be used to fulfill the contracting unit's needs. Before any formal commitment is made to a vendor, and prior to the issuance of a purchase order, the availability of funds must be determined pursuant to N.J.A.C. 5:30-14.5 as amended and supplemented from time to time.
- g. If the purchase order cannot be approved, the Treasurer's Office will provide the purchasing agent with a written explanation. The purchasing agent will accordingly notify the requesting department head. In the case of an emergency, the preparation and release of a purchase order is the sole and exclusive duty of the Chief Financial Officer.
- h. The Treasurer's Office shall prepare, as a minimum, a five-part purchase order. The numbers shown below correspond to the numbers found on the sample form available from the Treasurer's Office:
 - 1. PART ONE - White Original - Vendor or File Copy.
 - (1) Vendor/Name and Address.
Complete name and address of vendor. Please include all post office box and zip codes.
 - (2) Purchase Order Number.
This number is preprinted and consecutively numbered.

(3) Department/Division.

Full name of Department or division and account number to be charged.

(4) Date.

Date purchase order is typed.

(5) Deliver to.

Delivery point - Township Hall or Public Works. Specific information is to be supplied, including full name and to whom delivery should be made, if applicable.

(6) Attention of.

Specific person to whom delivery should be made.

(7) Quantity/Unit.

Provide specific data relative to quantity required and shipping unit (box, carton, case, etc.)

(8) Full Description of Requested Purchase.

A full description of the items or services to be purchased. Additional sheets shall be used if necessary. Under no circumstances should an additional purchase order form be utilized.

(9) Price.

Exact price of each unit.

(10) Amount.

Provide total price including shipping charges. While every attempt should be made to determine the total price, it may be necessary, on occasion, to estimate shipping charges.

(11) Contract Number.

Enter the state contract number of vendor or if bid item the date of award.

(12) Account Balance.

To be filled in by Treasurer's Office.

(13) Required Delivery Date.

Date that you would require delivery, to assure delivery is on time, ascertain as applicable lead time(s) including ordering, design, manufacture or production and shipping data, if item is not stocked.

(14) Total.

Enter the total cost for all of the items on the purchase order.

(15) Signature.

Signature of person requesting purchase (See #16 below).

(16) Approved by.

Signature of Department Head or individual to whom authority has been delegated by Department Head. Request for purchase of budgeted items where total cost will not exceed \$500 requires only approval of Department Head.

Purchase where total cost exceeds \$500 but no more than \$2,500 requires signature of Department Head and Chief Financial Officer.

When total cost will exceed \$2,500, signature of Department Head, Chief Financial Officer and member(s) of Township Committee responsible for Requesting Department are required.

(17) Approval as to Availability of Funds

Signature of Chief Financial Officer, Treasurer, or Deputy Treasurer shall be required indicating funds are available for this purchase.

2. PART TWO - Pink Voucher for Payment.

(1) Vendor's Certification.

Signature of vendor and date.

(2) Approval of Township Committee Member(s), Supervising Department.

The signature of the member(s) of Township Committee who supervise the requesting department shall be included.

(3) Department Head Approval.

Voucher will be returned to department head by the Treasurer's Office for signature.

(4) Date of Payment.

Shall be inserted by the Treasurer's Office at time of payment.

(5) Check Number.

Check number will be inserted by the Treasurer's Office at time of payment.

3. PART THREE - Canary - Treasurer's Office Copy.

4. PART FOUR - Pink - Receiving Department Copy.

A receiving report will accompany the purchase order. The following data will be included on Part Four when receiving goods, equipment or materials and the vendor invoice will be forwarded to the purchasing agent.

- (1) Vendor's name.
- (2) Date of arrival.
- (3) Certification that proper item was shipped.
- (4) Quantity.
- (5) Condition of goods received.
- (6) Remarks as appropriate, such as
 - (a) Back order.
 - (b) Shortage.
 - (c) Damaged goods.
 - (d) Rejected or returned.

§ 2-9.5. Emergency Purchases. [Ord. #15-1990, § 5]

- a. Emergency purchases shall only be authorized when a situation requires the immediate purchase or delivery of goods or services to meet an actual danger to the public health, safety or welfare. The head of the department requesting an emergency purchase shall contact the Chief Financial Officer and the member(s) of the Township Committee who supervise the requesting department in order to receive approval. In the absence of the Chief Financial Officer or the members of the Township Committee in charge of the requesting department, any other member of the Township Committee should be requested to declare an emergency. On the next working day following the emergency, the department head shall submit a written report to the Chief Financial Officer describing the emergency and the steps taken to resolve the matter. The purchasing agent should execute a purchase order, and the request for purchase should be submitted routinely to the Treasurer's office.

§ 2-9.6. Availability of Funds. [Ord. #15-1990, § 6]

The Treasurer's Office shall properly complete and determine that legally appropriated and sufficient funds are available. The availability of funds will be certified by the Chief Financial Officer, the Municipal Treasurer, or the Deputy Treasurer, pursuant to N.J.A.C. 5:30-14.5 as amended and supplemented. The certified purchase order forms shall be signed by the Treasurer's Office and the purchase order parts shall be distributed as follows:

- a. Part 1 and Part 2 - Forwarded to the vendor to place the order. Part 1 to remain with the vendor. Part 2 (voucher) to be returned by the vendor with his invoice(s) when requesting or claiming payment.
- b. Part 3 - Removed by the Treasurer's Office to serve as the basis for an encumbrance and retained in a numerical purchase order file.
- c. Part 4 - Returned to requesting department to be signed and returned to Purchasing Agent when order is received and completed.

- d. Part 5 - Forwarded to the requesting department serving notice that the order has been placed. Filed in an open requisition file by commodity service title and stapled with the duplicate requisition.

§ 2-9.7. Vendor's Responsibilities. [Ord. #15-1990, § 7]

On receipt of the purchase order, the vendor performs accordingly in providing the goods or services. The vendor returns the signed voucher (Part 2) and the original invoice(s) to the Treasurer's Office which forwards them to the requesting department head for signature.

§ 2-9.8. (Reserved) [Ord. #010-2012; Ord. #012-2012; Repealed by Ord. No. 018-2017]

§ 2-10. MUNICIPAL PUBLIC DEFENDER; REPRESENTATION BY; APPLICATION FEE. [Ord. #3-1994, § 1; Ord. #016-2014]

A person applying for representation by a Municipal Public Defender in the Township of Upper shall pay an application fee of \$200. The Municipal Court may waive any required application fee, in whole or in part, if the Court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation.

§ 2-11. through § 2-13. (RESERVED)

§ 2-14. EMERGENCY SERVICES: HAZARDOUS MATERIAL DECONTAMINATION TEAM; OFFICE OF EMERGENCY MANAGEMENT.

§ 2-14.1. Unit Established. [Ord. #10-1992 § 1; Ord. #004-2002, § 1]

There shall be established within the Township of Upper a special emergency response unit to be known as "The Upper Township Hazardous Materials Decontamination Team" or "The Upper Township Hazardous Materials Decontamination Unit" or "Upper Township HAZMAT DECON TEAM". For administrative purposes, this team or unit shall be assigned to the office of Emergency Management, but shall operate under the chiefs of the several volunteer fire companies and the chief of the rescue squad.

§ 2-14.2. Duties and Responsibilities. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

The team or unit shall perform basic decontamination for all first responders, or as directed by the incident commander, at any hazardous materials incident or terrorist incident within the Township of Upper or elsewhere when the team has been dispatched by the Upper Township Chiefs' Association or the Director of the Office of Emergency Management. "Basic decontamination" shall be inclusive of all duties and responsibilities contained within the New Jersey State Police Hazardous Materials Operational Course, Hazardous Materials Technicians Course, or other State and nationally recognized course of instruction, as the same may, from time to time, be amended and supplemented.

§ 2-14.3. Supervision and Control. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

The team or unit will operate under the supervision and control of the incident commander at any such hazardous materials incident in Upper Township or elsewhere.

§ 2-14.4. Membership. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

Membership on the decontamination team or unit shall be limited to those persons who are active members of a volunteer fire company or rescue squad within Upper Township. Service shall be voluntary. Members shall be chosen by the chiefs of the several Upper Township volunteer fire companies and the chief of the Upper Township Rescue Squad, subject to the approval of the Director of the Office of Emergency Management of the Township of Upper. Members of the team or unit shall serve in conjunction with his/her service as a volunteer member of an Upper Township fire company or the Upper Township Rescue Squad and shall receive membership points for such service within their respective organizations. Members of the team or unit shall take periodic physicals as directed, maintain personal physical fitness and attend the appropriate training, as directed by the chief-in-charge to maintain membership on the team or unit. Members of the team or unit shall not be compensated and shall not be deemed or considered to be employees of the Township. Nothing contained herein shall be construed as preventing paid members of the rescue squad from serving as members of the decontamination team or unit, provided they are selected in accordance with the provisions of this subsection. They may be compensated for their work as rescue squad members, but they shall not be compensated for work performed as members of the decontamination team or unit.

§ 2-14.5. Training. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

All members of the decontamination team or unit will meet or exceed the minimum requirements of the New Jersey State Police Office of Emergency Management Level One Awareness Course. All members will be trained to Firefighter Level One standards, including maintenance procedures. The members of the team or unit will undergo training at such times and with such frequency as determined by the Director of the Office of Emergency Management in consultation with the chiefs of the volunteer fire companies and the rescue squad.

§ 2-14.6. Other Requirements. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

All members of the decontamination team or unit will be required to submit to annual medical surveillance and more frequently if required by the Director of Emergency Management. The Township shall have the right to impose additional training criteria through the adoption of rules and regulations as hereinafter provided. The Director of Emergency Management shall have overall responsibility for coordinating the training of the individual members of the decontamination team or unit.

§ 2-14.7. Rules and Regulations. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

- a. The decontamination team or unit will operate under rules and regulations which shall be submitted to and approved by the Township Committee. Approval shall be obtained by the adoption of a formal resolution by the Township Committee and when adopted such Rules and Regulations shall have the force and effect of law.

- b. Such rules and regulations shall be recommended to the Township Committee by the Director of Emergency Management; the Fire Chiefs and the Chief of the Rescue Squad. The initial rules and regulations shall be submitted to the Township Committee by December 31, 1992.
- c. The Township Committee may also propose rules and regulations on its own initiative. When initiated by the Township Committee, such proposed rules and regulations shall be sent to the Director of Emergency Management, each Fire Chief and the Chief of the Rescue Squad, who shall have 30 days within which to review the proposed rule or regulation and submit comments or recommendations to the Township Committee. No rule or regulation initiated by the Township Committee shall take effect prior to the Director of Emergency Management, the Fire Chiefs and the Chief of the Rescue Squad having a thirty-day period to review the proposal and to be heard with respect thereto.
- d. No rule or regulation shall be deemed effective until such time as it has been approved by the Township Committee through the adoption of an appropriate resolution.

§ 2-14.8. Funding. [Ord. #10-1992, § 1; Ord. #004-2002, § 1]

- a. The Township shall fund the initial medical examinations of the members of the decontamination team or unit and the medical surveillance to be carried out thereafter. The Township shall also pay for the future training of the members of the decontamination team or unit as well as for the equipment to be utilized by such team or unit. This provision shall be subject to the limitations hereinafter imposed.
- b. All expenditures by the Township shall be limited by the annual appropriation contained within the municipal budget. The Director of Emergency Management shall confer with the various chiefs and agree on a budget request to be submitted to the Township for the annual operational budget of the decontamination team or unit. The initial budget request, covering 1993, shall be filed with the Township Treasurer's Office not later than December 15, 1992 and by November 1st of each succeeding year thereafter.
- c. No expenditure for training, equipment or other expense shall be incurred without the issuance of purchase order by the Treasurer's Office.

§ 2-15. ACQUISITION OF REAL PROPERTY BY GIFT OR DEVISE.

§ 2-15.1. Limited Practical Use Pinelands Acquisition Program. [Ord. #9-1999, § 1]

The Township of Upper is hereby authorized and empowered to participate in the program established by the State of New Jersey, Department of Environmental Protection, known as the "Limited Practical Use Pinelands Acquisition Program" and is authorized and empowered to accept properties conveyed to the Township which are subject to certain environmental and development restrictions. The Township is further authorized and empowered to accept such properties subject to such conditions and is further authorized and empowered to either retain the property as open space or to dispose of the property strictly in accordance with the restrictions imposed by the

grantor.

§ 2-15.2. Township Committee to Accept Conveyances. [Ord. #9-1999, § 1]

Upon receipt of a deed of conveyance pursuant to the Limited Practical Use Pinelands Acquisition Program, the Township Clerk shall notify the Township Committee of the receipt of such deed and the Township Committee shall thereupon decide whether to accept such deed at a regular meeting of the Township Committee. The action of the Township to accept or reject the deed shall be by formal resolution. If the decision is to accept the conveyance, the Township Clerk shall, upon adoption of the authorizing resolution, cause the deed to be recorded in the Office of the Clerk of Cape May County.

§ 2-15.3. Township Clerk to Maintain Register. [Ord. #9-1999, § 1]

The Township Clerk shall maintain a register of all such properties acquired from the State pursuant to this program which shall include, at a minimum, the date of conveyance, the date of acceptance or rejection by resolution of the Township Committee, resolution number and the date on which the deed was recorded in the Office of the Clerk of Cape May County. Such register shall also include an indication or reference to the general and specific environmental and developmental conditions which have been imposed. The purpose of this register shall be, in part, to assure that no use or disposition of the property is made which in any way violates any of the restrictions imposed in the deed of conveyance and to further indicate that any sale of the property can only be to adjacent owners and then only for limited and express purposes.

§ 2-15.4. Conveyances Accepted Prior to Adoption of Section. [Ord. #9-1999, § 1]

Without in any way limiting the generality of the procedure outlined in this section, the Township hereby acknowledges that it has accepted deeds of conveyance pursuant to this program with respect to the following described parcels:

Block 26, Lot 54

Formerly owned by Gloria C. Apsinwall and conveyed to the New Jersey Department of Environmental Protection by Deed dated January 2, 1998 and recorded January 26, 1998 in the Office of the Clerk of Cape May County in Book 2742, page 0036.

Block 26, Lot 51

Formerly owned by Livingston Lennon and Vera B. Lennon and conveyed to the New Jersey Department of Environmental Protection by Deed dated June 4, 1997 and recorded June 16, 1998 in the Office of the Clerk of Cape May County in Book 2716, page 0062.

§ 2-15.5. Recording of Conveyances Accepted Prior to Adoption of Section. [Ord. #9-1999, § 1]

The Township hereby ratifies, confirms and approves any and all action taken by the Township or any of its officers, officials or employees with respect to the acceptance of the parcels identified in subsection 2-15.4 and the recording of the deeds in the Office of the Clerk of Cape May County.

§ 2-15.6. through § 2-15.10. (Reserved)**§ 2-15.11. Acceptance of Real Property by Gift or Devise. [Ord. #9-1999, § 1]**

The Township of Upper is hereby authorized to accept a deed of conveyance from the owner(s) of real property situated in the Township of Upper by gift or devise provided that the acceptance is in accordance with the procedure established in this section.

§ 2-15.12. Property Accepted by Resolution of Township Committee. [Ord. #9-1999, § 1]

Upon receipt of an offer to convey property to the Township by gift or devise, the Township Committee shall consider such proposal at a regularly scheduled meeting and shall adopt a resolution either accepting or rejecting the proposed conveyance. If the property is to be accepted, the resolution shall specify the general and specific terms and conditions, if any, under which the conveyance will be accepted.

§ 2-15.13. Conditions for Acceptance of Property. [Ord. #9-1999, § 1]

The Township may accept real property by gift or devise whenever it should appear that acceptance would be consistent with one or more of the following:

- a. A policy of acquiring certain properties in Strathmere as part of or in conjunction with a beach acquisition, beach nourishment, shore protection program, flood control or flood mitigation program or open space or other similar reason;
- b. A policy of acquiring property for future use or for open spaces;
- c. A policy to acquire property that is adjacent to or in close proximity to other property which is owned by the Township or in which the Township has an interest;
- d. Whenever it should appear that taxes are in default and there is a likelihood that the Township will acquire a tax title lien and the acceptance of a conveyance will eliminate the expense involved in an in rem tax foreclosure proceeding or where the acquisition will eliminate an increase to an appropriation reserve for uncollected taxes;
- e. Any other reason that is in the public interest as determined by the Township Committee in the exercise of its sole judgment and discretion.

§ 2-15.14. Duty of Property Owner. [Ord. #9-1999, § 1]

In order to accept a conveyance pursuant to this section, the property owner must provide evidence satisfactory to the Township that there are no liens or encumbrances except for all valorem real estate taxes affecting the property; that the title is marketable; that there are no undisclosed ownership interests; that the property is not subject to any environmental hazards or conditions and is not subject to any pending or threatened environmental enforcement action. Nothing in this subsection shall prohibit the Township from accepting a conveyance where the property is subject to a tideland or riparian claim by the State of New Jersey.

§ 2-15.15. Additional Conditions. [Ord. #9-1999, § 1]

The Township may impose such further and additional conditions or considerations as the Township Committee shall deem appropriate depending upon the particular facts and circumstances involved in the specific conveyance. The Township Committee may, for good cause and in the exercise of its judgment and discretion, waive any of the conditions herein imposed.

§ 2-15.16. Authorization to Accept Block 764, Lot 3. [Ord. #9-1999, § 1]

Without in any way intending to limit the generality of the foregoing, the Township shall be authorized to accept a conveyance of the following described parcels:

Block 764, Lot 3:

Conveyed by Sidney Dyer, widower, by deed dated October 24, 1997 to the Township of Upper which was recorded on November 5, 1997 in the Office of the Cape May County Clerk in Deed Book 2733, page 171.

§ 2-15.17. Ratification of Actions of Township Officials. [Ord. #9-1999, § 1]

The Township ratifies, confirms and approves the actions of Township officials, officers and employees in accepting a deed of conveyance and recording same in the Office of the Clerk of Cape May County with respect to those parcels identified in subsection 2-15.16 herein.

§ 2-15.18. Purchase, Lease or Exchange of Land. [Ord. #9-1999, § 1]

This section authorizes the Township to accept real property by gift or devise only and does not authorize any acquisition by purchase, lease or exchange. Any purchase, lease or exchange shall only be authorized by a specific ordinance authorizing the specific transaction.

§ 2-16. ECONOMIC DEVELOPMENT ADVISORY COMMISSION.**§ 2-16.1. Commission Established. [Ord. No. 003-2017]**

The Township hereby establishes the Upper Township Economic Development Advisory Commission (hereinafter "Commission").

§ 2-16.2. Authority, Functions and Objectives. [Ord. No. 003-2017]

- a. The primary functions and objectives of the Commission shall be:
 1. To discuss, investigate, study and give written advice and recommendations to the Township Committee as determined by the Commission and/or as may be requested by the Township Committee regarding economic and business conditions and circumstances best suited for the Township, and the manner and methods by which development of business conditions and circumstances best suited for the Township may evolve and be encouraged.
 2. Promotion of the Township:

- (a) To recommend marketing and promotion of the Township's economic and business strengths; and
 - (b) To devise methods and propose programs to promote economic investment, commercial development and tourism.
 3. To recommend, in writing, to the Township Committee the means by which stability, growth and increased commercial ratables can best take place.
 4. To work together cooperatively with the State, the County and other local regional and State organizations, divisions or departments having similar goals, in order to be able to recommend to the Township Committee the best and most desirable planning, implementation and courses of action by which the primary functions and objectives of the Township's economic and business interests can be most effectively and efficiently merged and cooperated with those other organizations, divisions or departments having similar goals in furtherance of increased commercial ratables, tourism, business creation and retention and promoting the Township as an attractive place in which to live, work or visit.
- b. The Commission shall serve as the liaison between the Township and the business community including coordinating meetings and dialogue between the Township and the Business or Civic Associations and Chamber of Commerce and assisting the Township in promoting the many advantages to opening and operating a business in the Township.
 - c. Working in combination with other municipal commissions, committees and in conjunction with public/private partnerships, the Commission shall propose, organize, sponsor, promote and advertise events to improve tourism, merchant trade and commerce in Township business areas and sponsor educational symposiums to improve business knowledge of commercial owners as permitted by budgetary constraints and as authorized by the Township Committee.
 - d. The Commission shall identify and recommend to the Township Committee the retention of professionals and other experts which the Commission deems necessary or desirable to effectuate the objectives of the Commission, subject to approval of the Township Committee and budgetary constraints.
 - e. The Commission shall establish annual goals and measurement techniques to gauge success, monitor progress and determine need for adjustments to the plan of action which shall be submitted to the Township Committee for approval. The Commission shall report to the Township Committee at least on a semi-annual basis, or more frequently at the request of the Township Committee, to provide a report on the progress of the objectives and the achievements accomplished and to receive input from the Township Committee and the public.
 - f. From time to time, but not less than annually, the Commission shall submit to the Township Committee for review and approval, by resolution, the mission statement adopted by the Commission and the methods by which the Commission's objectives will be achieved. No such mission statement shall be amended except upon approval by the Township Committee through a resolution.

- g. The Commission shall have such additional primary and lesser authority, functions, purposes and objectives as the Commission may from time to time submit to the Township Committee, subject to the Township Committee's selection and approval, and/or as may, from time to time, be determined by the Township Committee by way of amendments to this section.

§ 2-16.3. Membership, Terms, Appointments, Privileges and Duties. [Ord. No. 003-2017]

- a. The Commission shall consist of five regular members and two alternates, all appointed by the Township Committee and all members shall have a term of office of three calendar years, or such lesser period of time as may be caused by the date of appointment, with terms expiring at 11:59 p.m., December 31 of each calendar year. Appointments shall be staggered such that two appointments expire in each of the first two calendar years of the Commission and one appointment expires the third initial calendar year of the Commission.
- b. The members of the Commission shall be residents or taxpayers of the Township, or his/her designee. In addition, one member shall be a member of the Township Committee.
- c. All five regular members of the Commission shall have full voting privileges. Alternate members shall participate in all meetings and discussions but shall only vote in the absence of a regular member.
- d. The appointments of members of the Commission shall be made by the Township Committee by resolution as soon as practicable after the establishment of the Commission in this calendar year of its establishment, and in succeeding years at the annual Township Committee reorganization meeting or any subsequent regular meeting of the Township Committee in January of each calendar year.
- e. The appointment of any member of the Commission may be rescinded or terminated by the Township Committee with or without cause.
- f. Any vacancy created by any resignation of any member of the Commission during any calendar year may be filled by appointment by the Township Committee by resolution for the remainder of that member's term of office.

§ 2-16.4. First Meeting. [Ord. No. 003-2017]

The members of the Commission shall meet within 30 days of their appointment.

§ 2-16.5. Organization and Administration. [Ord. No. 003-2017]

- a. At the first meeting in each calendar year the Commission shall:
 - 1. Elect a chairperson, vice chairperson and a secretary.
 - 2. Establish a schedule of meeting dates for the remainder of the calendar year.
 - 3. Establish a list of primary and lesser objectives and a mission statement for the calendar year.

4. Establish a schedule of performance due dates for reports of any investigation or study to be undertaken by the Commission during the calendar year.
- b. All meetings shall be accurate and sufficient written minutes which shall be promptly prepared, approved and forwarded to the Township Committee. A member shall be elected by the Commission each calendar year to perform the duties of minute taking and preparation and such other clerical tasks as may be necessary or desired, and that member shall be the Secretary.
- c. The product and minutes of the first meeting of the Commission in each calendar year shall promptly be forwarded to the Township Committee, and all products and minutes of every meeting thereafter shall be promptly prepared and approved by the Commission, and then forwarded to the Township Committee.
- d. The Commission may organize its activities, investigations, studies and reports by committee, but no committee action or recommendation shall have status as an action or report by the Commission unless adopted by a majority vote of the Commission and at a meeting on reasonable advance notice to the membership of the Commission.
- e. Any and all investigations, studies, calls for action, reports or recommendations for action adopted by a majority vote of the Commission shall be promptly forwarded to the Township Committee and they shall not be published or disseminated in any way whatsoever until that is accomplished and until and unless reviewed, accepted and approved by the Township Committee. Any Commission member violating this section or subsection 6 or 7 may have his/her appointment rescinded and terminated for cause by the Township Committee.
- f. No implementation of any call for action, or any report and recommendation by the Commission to the Township Committee shall take place or have any status as action by the Township, or a report of the Township, or a policy of the Township, unless and until accepted and approved by the Township Committee by resolution, and the Township Committee in its discretion may decline to act, accept or approve, or may act upon, accept or approve any portion, or the whole, as it desires and determines.
- g. The Commission being an advisory commission of the Township Committee, and being subordinate to the Township Committee and subject to the oversight of the Township Committee, shall conduct its activities and meetings in accord with all applicable State law, which shall include, may not be limited to, the Open Public Meetings Act and the Open Public Records Act.
- h. The Commission's meetings and deliberations shall proceed in accordance with the latest version of Robert's Rules of Order.