

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2019-06

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
PART 1 ADMINISTRATIVE LEGISLATION, CHAPTER 6 ADMINISTRATION OF
THE GOVERNMENT, ARTICLE XV ADMINISTRATOR; PART I ADMINISTRATIVE
LEGISLATION, CHAPTER 6 ADMINISTRATION OF THE GOVERNMENT, PART 5
OFFICES, POSITIONS AND EMPLOYEES; PART 1 ADMINISTRATIVE
LEGISLATION, CHAPTER 26 DEFENSE AND INDEMNIFICATION**

WHEREAS, the Township Committee of the Township of Cranford has identified the need amend Part 1, Administrative Legislation, Chapter 6 Administration of Government, Part 5, Offices, Positions and Employees and Chapter 26, Defense and Indemnification of the Township Code; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford as follows:

SECTION 1: Part I Administrative Legislation, Chapter 6 Administration of the Government, Article XV Administrator, is hereby amended as follows:

~~§6-75. Effect on powers and duties of other officers.~~

~~The duties of the Township Administrator shall be such that they shall not infringe upon the duties and powers of other Township officers designated by statute.~~

SECTION 2: Part I Administrative Legislation, Chapter 6 Administration of the Government Part 5 Offices Positions and Employees, is hereby amended as follows:

ARTICLE XXVIII DEPUTY TAX COLLECTOR AND DEPUTY TAX COLLECTOR.

§ 6-122. Office Created.

A. Tax Collector.

There is hereby created, in accordance with N.J.S.A. 40A:9-141, the position of Tax Collector in the Township of Cranford.

B. Deputy Tax Collector.

There is hereby created the office of Deputy Tax Collector in the office of the Tax Collector of the Township of Cranford, who shall act as the administrative assistant to the Tax Collector and shall aid and assist the Township Tax Collector in the performance of his duties and have full power to act in the

§ 6-123. Appointment; term of office. Duties.

A. Tax Collector

1. The Tax Collector shall be appointed to a four-year term by majority of the Township Committee. The Tax Collector shall be appointed pursuant to N.J.S.A. 40A:9-141 through N.J.S.A. 40A:9-145, for a term of four (4) years and such appointment shall be governed by N.J.S.A. 40A:9-144 Tenure of a Tax Collector.
2. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

EXPLANATION – Matter struck through ~~thus~~ in the above Ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is new matter.

B. The Deputy Tax Collector shall be appointed by a majority of the Township Committee and shall serve at the pleasure of the Township Committee.

C. Duties

1. Tax Collector: In addition to duties specified by N.J.S.A. 40A:9-141 through N.J.S.A. 40A:9-145 the tax collector shall perform the following duties:
 - (a) Make or cause to be made and certify searches for municipal tax liens on real property in the town and collect for the use of the town, the fee required pursuant to law for any such search.
 - (b) Maintain an up-to-date record of all municipal tax charges, liens, payments with reference to the tax map and Block and Lot numbers, recording thereon all changes in ownership, address or character of property.
 - (c) Deposit daily to the credit of the town, all monies received in one more depositories designated by the Township Committee, maintain a full and complete record of accounts of all sums collected and received according to such procedures and such systems as may be prescribed or approved by the auditor of the town's accounts and make such periodic reports on the accounting of the funds of the town in the tax collector's custody or control as the Township Administrator and the Township Committee may require.
 - (d) Enforce the collection of delinquent taxes by conducting timely sale of properties in accordance with statutes governing foreclosure of municipal tax liens and the holding of municipal tax sales.
 - (e) Perform other functions and duties of a tax collector as provided by general law.
2. Deputy Tax Collector: duties of the Deputy Tax Collector shall be pursuant to §6-122(B).

SECTION 3: Part I Administrative Legislation, Chapter 6 Administration of the Government, Part 5 Offices, Positions and Employees is hereby amended to create a new Article XLIII as follows:

ARTICLE XLIII TOWNSHIP ATTORNEY

§ 6-172. Position created; Appointment; Term of Office.

There is hereby created, pursuant to N.J.S.A. 40A:9-139, the position of Township Attorney who shall be an attorney licensed to practice law in the State of New Jersey and shall be appointed by a majority of the Township Committee for a term of one (1) year. The Township Attorney is not an employee of the Township.

§ 6-173. Duties.

The Township Attorney, in addition to other functions, powers and duties as may be otherwise delegated to the attorney by ordinance shall be the legal advisor of and consultant for the Township Committee and the Board of Health and shall perform the following duties:

- A. Advise the Mayor, Township Committee, Township Administrator and other committees, with the exception of the Township Planning Board of Adjustment and Township Zoning Board, on any and all legal matters relating to the Township Government.
- B. Attend all open public meetings and all meetings of the Township Committee, either regular or special and all conferences of the Township Committee as requested.
- C. Prepare and supervise the preparation of all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the Township, as requested by the Township Committee, Township Administrator or Municipal Clerk.
- D. Advise the Committee as to the form and sufficiency of all ordinances and resolutions prior to their passage.
- E. Prepare, review and approve complex or lengthy contracts, resolutions or ordinances.

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- F. Conduct arbitration where the town or its boards, employees, commissions or other bodies are a party.
- G. Conduct litigation in the courts or appearances before state agencies where the town or any department, officer or employee thereof shall be a party by virtue of official relationship, and where the attorney shall be the attorney of record, except claims defined by special counsel or counsel furnished by insurers. No affirmative legal action as a plaintiff or appellant shall be instituted without prior approval by the Township Committee.
- H. Communicate with opposing counsel on matters and disputes in which the Township is a party.
- I. Represent the Township in disciplinary hearings.
- J. Represent the Township in insurance-related matters.
- K. Supervise all other special projects not included under ordinary duties and assigned by the Mayor, Township Committee, Township Administrator or the Township Clerk.
- L. Render opinions in writing upon any question of law submitted to him/her by the Committee with respect to their official powers and duties, or the powers and duties of any official of the Township.
- M. Maintain a record of all actions, suits, proceedings and matters which related to the Township's interest, and report thereon as the Committee may require.

§ 6-174. Compensation.

The Township Attorney shall receive compensation as fixed by the Township Committee for the performance of the ordinary duties described above in section 6-173.

§ 6-175. Special Counsel.

The Township Attorney shall have the authority, with the approval of the Mayor and Township Committee and within the limits and available appropriations, to engage such additional or specialized counsel to aid in the performance of the functions of the office and in the preparation, trial or appeal of such cases or proceedings of importance in which the town may be a party or be interested as he may deem necessary. The Township Committee may engage such additional or specialized counsel as it deems necessary.

§ 6-176. Limitation on Power to Compromise.

The Township Attorney shall not, without the approval of the Township Committee, be empowered to compromise, settle or adjust any rights, claims or demands or causes of action in favor of or against the town, nor to permit, offer or confess judgment against the town, nor to accept any offer or judgment in favor of town; provided that this section shall not operate to limit or abridge the discretion of the town attorney in regard to the proper conduct of trial on any action or proceeding or to deprive the town attorney of the powers and privileges ordinarily exercised in judicial proceeding by counsel acting for private clients.

SECTION 4: PART 1 ADMINISTRATIVE LEGISLATION, Chapter 26 DEFENSE AND INDEMNIFICATION, is hereby amended as follows:

§ 26-5 Fee Schedule.

The following maximum attorney fee payments are initially authorized for a defense:

- A. The attorney providing representation for an employee in any action or legal proceeding, once appointed by a resolution of the Cranford Township Committee, shall be compensated at the rate of \$125 per hour in accordance with the rate(s) and fee schedule as set forth in his/her contract with the Township.
- ~~B. A total of \$1,000 for a Municipal Court matter.~~
- ~~C. A total of \$5,000 for a Superior Court or Federal District Court matter.~~
- D. In special circumstances, legal fee arrangements other than set forth herein is authorized by resolution of the Township Committee when it is believed that the best interest of the Township will be served in such engagement.

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Introduced:
Adopted:

Approved:

Patrick F. Giblin
Chairman, Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

Recorded Vote	Introduced	Adopted
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