

BOROUGH OF BERLIN

COUNTY OF CAMDEN

ORDINANCE 2022:02

**AN ORDINANCE AMENDING CHAPTER 46, OFFICER AND EMPLOYEES, OF
THE CODE OF THE BOROUGH OF BERLIN TO ADD ARTICLE X, CERTIFIED PUBLIC
WORKS MANAGER**

WHEREAS, the Mayor and Council of the Borough of Berlin have determined it is in the best interest of the public's health safety and welfare to establish a position entitled Certified Public Works Manager; and

WHEREAS, the Mayor and Borough Council desires to amend the Code in order to effectuate the proposed amendments.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Berlin that Chapter 46, entitled Officers and Employees, is hereby amended to as Article X, Certified Public Works Manager as follows:

SECTION 1: There is hereby established the position of Certified Public Works Manager as follows:

§ 46-32. Establishment of Public Works Manager.

There shall be an office of the Public Works Manager. The Public Works Manager shall be a person qualified by education, training and experience to perform the duties of his or her office. The Public Works Manager shall devote his or her entire time to the duties of the office and shall not engage in any other employment, except with the permission of the Mayor and Council. The Public Works Manager shall be under the direct supervision of the Mayor and Council.

§ 46-33. Term; Certification; Qualifications; Absence; and Removal of Public Works Manager.

A. Term. The term of office of the Public Works Manager shall be at the pleasure of the Mayor and Council. The first six months of any such appointment to the position of Public Works Manager shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Public Works Manager may be removed from office by a vote of a majority of the full membership of the Mayor and Council.

B. Certification. No person shall be selected to perform the duties of Public Works Manager unless he holds a public works manager certificate issued pursuant to N.J.S. 40A:9- 154.6c, which certificate has not been revoked or suspended in accordance with the provisions of N.J.S. 40A:9-154.6f. Notwithstanding the previous sentence, when a vacancy occurs with the Public Works Manager, Borough Council may select, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a certified public works manager certificate to perform on an interim basis, the duties of the Public Works Manager.

C. Qualifications. The Public Works Manager, at a minimum, must have served at least five of the last ten years in a position of public or private public works, construction management or civil engineering and devoted no less than 50% of the person's work time to daily, direct supervision of public works activities.

D. Absence. During the absence or disability of the Public Works Manager, the Mayor and the Council may, by resolution, appoint an appointed official or employee of the Borough to perform the duties of Public Works Manager during such absence or disability. In the event the Public Works Manager is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may appoint an appointed official or employee of the Borough to serve until the next regularly scheduled Council meeting. The absence or disability of the Public Works Manager shall be limited to three continuous months, after which time the absence or disability may be deemed a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Public Works Manager shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

E. Removal. After the probationary period, the Public Works Manager may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Public Works Manager forthwith any unpaid balance of his or her salary and his or her salary for the next three calendar months following the adoption of the resolution. The Public Works Manager shall not obtain or be granted any rights of tenure.

§ 46-34. Compensation for Public Works Manager.

The compensation of the Public Works Manager shall be as fixed in the Salary Ordinance of the Borough and contract.

§ 46-35. Duties and responsibilities of Public Works Manager.

The Public Works Manager shall be responsible to take charge of and be responsible for the construction, operation and maintenance of all public buildings, grounds, streets, roads and other facilities, including general administrative responsibilities for the Borough sewer and water systems, the cutting of brush, mowing of grass and removal of snow, the cleaning of ditches, the maintenance of parks and the care of other public works in the Borough, subject to the orders and directions of the Council. In addition, he or she shall:

- A. Continue/complete current development projects and initiatives.
- B. Analyze construction and infrastructure redevelopment needs and provide recommendations and reports to Mayor and Council.
- C. Interact with the residents and taxpayers of the Borough of Hammonton and be available to supervise employees during emergencies in consultation and cooperation with the Emergency Management Coordinator.
- D. Set up and maintain adequate inventory and control thereof of all materials and supplies needed for the maintenance and repair of all public works under his or her supervision.
- E. Submit to the Mayor and Council a monthly report of all work performed, services furnished and inspections made during the previous month.

F. Submit to the Mayor and Council and the Borough Engineer his or her recommendations for budget appropriations for the ensuing year.

G. Recommend for approval the expenditure of all funds by voucher chargeable against the Public Works Manager budget.

H. Inspect or be responsible for the inspection and maintenance of all storm sewer lines in the Borough individually or in conjunction with other designated officials.

I. Receive and investigate all complaints from residents and taxpayers of the Borough relating to the operations under his or her jurisdiction, take appropriate action and report results to the Mayor and Council.

J. Attend all Public Works Manager Committee meetings, including, those pertaining to road, sewer, water and parks and playgrounds.

K. Supervise the operation, maintenance and repair of municipally owned equipment used in the performance of the work assigned to him or her.

L. Set up, keep and maintain all the necessary books, records, field notes, maps, surveys and similar records necessary to perform the duties of his or her office and turn over all such reports to his or her successor or the Borough Council upon the termination of his or her employment by the Borough.

M. Recommend to the appropriate committee chairperson the need for repairs and replacements to municipally owned equipment, structures, buildings and grounds.

N. Supervise the performance of the work of personnel assigned to his or her jurisdiction.

O. Supervisory responsibility for planning, scheduling, directing, controlling and coordinating the daily and long-term operations of public works activities, as applicable, including the utilization of manpower, equipment, materials, funds, and other available resources.

P. Perform such additional public works duties and functions as may be from time to time assigned by Mayor and Council.

§ 46-36. Authority of Mayor and Council.

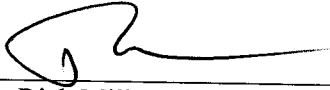
Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Public Works Manager to exercise the power and duties thereof except as authorized.

SECTION 2: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

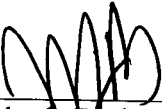
SECTION 4: This Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF BERLIN



By: Rick Miller, Mayor

ATTEST:



Michaela Bosler, RMC, Borough Clerk

I, Michaela Bosler, Borough Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of March 18, 2022 in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.



Michaela Bosler, RMC, Borough Clerk