

CHAPTER 198

AN ACT to provide a special charter for the Town of Boonton in the county of Morris.

WHEREAS, The Mayor and the Board of Aldermen of the Town of Boonton, in the county of Morris have petitioned the Legislature for the passage of a special law to provide a new charter for the town, as proposed by the town, and pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947 in accordance with the procedure prescribed by P.L.1948, c.199 (C.1:6-10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of the special law has been duly published and the original of the petition together with a duly certified copy of the ordinance authorizing the filing of the same has been presented and filed; now, therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The charter of the Town of Boonton is set forth as follows:

Article I General

Section I-1. a. The inhabitants of the Town of Boonton are hereby continued as a body politic and corporate in law as heretofore constituted and established. The governing body of the Town of Boonton shall be known by the name of "the Mayor and Board of Aldermen of the Town of Boonton in the county of Morris" and the boundaries of the town shall be and remain as heretofore established by law.

b. The Town of Boonton shall have full power to sue and be sued and have a corporate seal.

Section I-2. a. The mayor shall be elected by the voters of the municipality at large and shall serve for a term of three years.

b. The Board of Aldermen shall consist of six members, two elected at large, and one elected from each of four wards, and they shall serve for a term of three years. Following adoption of this charter, members of the governing body shall serve for the following initial terms: the Mayor shall serve for three years, one Alderman-at-large member shall serve for two years and one Alderman-at-large shall serve for one year; two Aldermen elected from wards shall serve for two years and two Aldermen elected from wards shall serve for one year. The length of the respective term of each Alderman of the first governing body shall be determined by lot at the organization of the governing body immediately following the election. Thereafter, the term of each member shall be three years.

c. The annual election for town officers shall be held at the same time and places as the general election. No person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote.

Section I-3. a. The mayor and aldermen shall constitute the governing body of the Town of Boonton. They shall hold an annual meeting on the first day of January at twelve o'clock noon, or during the first seven days of January in any year.

b. The mayor shall be chairman of the Board of Aldermen and shall preside at all meetings of the Board of Aldermen.

c. At their annual meeting, the aldermen shall, by a vote of a majority of their number, elect a president of the board, who shall preside at their meetings when the mayor does not preside. The president of the Board of Aldermen shall hold office for one year and until the next annual meeting. In the absence of both the mayor and president, the remaining aldermen may elect one of their own to act as chairman until either the mayor or the president is able to preside.

d. The Board of Aldermen shall appoint the times of meetings and determine and establish the rules of its own proceedings.

e. A majority of the Board of Aldermen shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from day to day.

f. The mayor or any two aldermen may call for a special meeting by written notice to each of the members, served personally or left at the member's usual place of residence at least twenty-four hours before the time appointed for the meeting. No other business than that specified in the call for the special meeting shall be discussed or transacted.

g. No officer who has obtained tenure by any provision of any law shall be affected by the adoption of this charter.

Section I-4. Subject to the provisions of other general law, the Board of Aldermen shall have

full power to exercise all powers of local government in such manner as it may determine.

Section I-5. a. The mayor shall be designated as the "Mayor of the Town of Boonton" in all official documents and instruments of every kind, and shall sign all ordinances, warrants, bonds, notes, contracts and all other official documents and instruments by said title.

b. The mayor shall be the head of the municipal government.

c. The mayor shall have all those powers placed in the mayor by general law.

d. The mayor shall be known as the chairman of the Board of Aldermen, preside at all its meetings and possess all the powers of a member of the Board of Aldermen.

e. Every ordinance adopted by the Board of Aldermen shall be presented to the mayor within five days after its passage, Sundays excepted, by the town clerk. The mayor shall, within ten days after receiving the ordinance, either approve it by affixing his signature thereto or return it to the Board of Aldermen by delivering it to the clerk together with a statement setting forth his objections thereto. No ordinance shall take effect without the mayor's approval, unless the mayor fails to return the ordinance to the Board of Aldermen, as prescribed above, or unless the Board of Aldermen upon consideration of the ordinance following its return, shall, by a vote of two-thirds of all members of the Board of Aldermen, resolve to override the veto.

f. No ordinance shall be passed except by a vote of at least four affirmative votes.

Section I-6. a. The Board of Aldermen shall be the legislative body of the municipality.

b. The Board of Aldermen may, subject to general law and the provisions of this act:

(1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

(2) Control and regulate the finances of the municipality and raise money by borrowing and taxation;

(3) Create such offices and positions as it may deem necessary. The officers appointed shall perform the duties required by law and the ordinances of the Board of Aldermen. Other than the town attorney, engineer, building inspector, clerk, tax collector and tax assessor, these officers shall serve at the pleasure of the Board of Aldermen. The town attorney, engineer, clerk, tax collector and tax assessor shall serve for terms as provided in chapter 9 of Title 40A of the New Jersey Statutes;

(4) Investigate any activity of the municipality;

(5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and

(6) Override a veto of the mayor by a two-thirds majority of all the members of the Board of Aldermen.

c. The Board of Aldermen shall have all the executive responsibilities of the municipality not placed, by general law or this charter, in the office of the mayor.

d. The Board of Aldermen may, by ordinance, appoint such subordinate officers as it may deem necessary, except that candidates for appointment to the offices of the municipal clerk, the tax assessor and the tax collector shall be nominated by the mayor.

e. Every officer appointed pursuant to this section shall hold office during his official term and until his successor shall have been duly appointed and qualified.

Section I-7. a. An administrator shall be appointed pursuant to N.J.S.40A:9-136 and shall have the following powers and duties:

(1) Serve as the chief administrative officer of the Town and be responsible to the governing body as a whole for the proper and efficient administration of the business affairs of the Town. The administrator's duties and responsibilities shall relate to the general management of all Town business, except those duties and responsibilities conferred upon other Town officials by State statute, other applicable laws, rules and regulations promulgated by State and county agencies, judicial authority or ordinances of the Town. Except for the purpose of inquiry, the governing body and its members shall deal with the administrative service solely through the administrator, and neither the governing body nor any member thereof shall give orders to any subordinates of the administrator either publicly or privately;

(2) Supervise and direct the business activities of all departments including the direction of central purchasing and the employment and replacement of personnel as may be required in all

departments;

(3) Serve as the personnel officer of the Town and as such hire and promote employees of the Town subsequent to satisfactory completion of the probationary period and advance employees to the next step, and when he deems it necessary or advisable for the betterment of the Town, suspend or discharge employees, subject to the applicable provisions of civil service laws and regulations and Town ordinances. The administrator shall report at the next regular meeting of the governing body any action taken by authority of this subsection;

(4) Prepare and submit to the governing body before the close of the fiscal year, or at such times as the governing body shall determine, a proposed budget for the next fiscal year and an explanatory budget message. In preparing the proposed budget, the Administrator, or an officer designated by him, shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as he requests. The Administrator shall review the estimates and may revise them before submitting the proposed budget to the governing body;

(5) Be responsible for the administration of the budget after its adoption by the governing body and the implementation of the work programs contained in the budget;

(6) Execute and enforce the laws of the State and ordinances and resolutions of the Town as the governing body may prescribe;

(7) Attend all meetings of the governing body and other committees as directed, with a right to take part in the discussion and receive notice of all regular and special meetings of the governing body and advisory committees;

(8) Prepare the workshop agenda for each meeting of the governing body and supply facts pertinent thereto and deliver same to the governing body no later than the evening preceding the workshop;

(9) Keep the governing body informed as to the conduct of Town affairs, submit periodic reports, either in writing or orally, on the condition of the Town finances and such other reports, either in writing or orally, as the governing body shall request, and make such recommendations to the governing body as he deems necessary and advisable for the welfare of the Town;

(10) Submit to the governing body, as soon as possible after the close of the fiscal year, a complete written report on the administrative activities of the Town for the preceding year;

(11) See that the provisions of all franchises, leases, permits and privileges granted by the Town are complied with;

(12) Recommend the employment of experts and consultants to perform work and render advice in connection with the operation of the dedicated utilities or work projects in the Town subject to approval by the governing body;

(13) Attend to the letting of contracts, in compliance with applicable law, and supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Town officer or official statute;

(14) See that all money owed to the Town is promptly paid, and that proper proceedings are taken for the security and collection of all Town claims;

(15) Review and recommend all bills and vouchers for payment prior to final approval by the governing body;

(16) Receive copies of all general and official correspondence addressed to the Town and refer same to the appropriate officer or department for disposition and reply;

(17) Receive all complaints regarding services or personnel of the Town. The Administrator, or an officer designated by him, shall investigate and dispose of the complaints and shall keep a written record of each complaint and when and what action was taken in response thereto and provide the governing body with a copy when requested to do so;

(18) Maintain a continuing review and analysis of budget operations, work programs and costs of municipal services;

(19) At the request of the governing body, study and analyze the duties and responsibilities of any appointed official and department of the Town, submitting his report relating thereto to the governing body for such further action as the governing body may deem advisable; and

(20) Keep the governing body informed as to federal aid projects, State aid projects and any other aid programs for which the Town may qualify.

b. The Board of Aldermen shall, by ordinance, adopt an administrative code. The administrative code shall restate the major provisions of the town's charter and the general law supplementing the charter. The administrative code shall set forth the manner in which the Board of Aldermen shall perform its duties. The administrative code shall also set forth the titles of the principal municipal officers, how the officers are appointed, how they are organized into departments, boards, commissions, and other agencies; whom they supervise; by whom they are supervised; what powers they have; and what procedures should be followed to carry on the activities of the town government. The administrative code shall not grant any power or authority, or authorize any procedure, unless such power, or authority or procedure is authorized implicitly by the wording of the charter or general law or derived by reasonable implication therefrom.

c. The Board of Aldermen may create such advisory councils to the municipality as it may choose, including councils for the functions absorbed by it of any heretofore existing board, commission or district.

Section I-8. Whenever in this charter, in describing or referring to any person, party, matter or thing, any word importing the masculine gender is used, the same shall be understood to include and to apply to females as well as males.

Article II

Succession in Government

Section II-1. The schedule of installation of the new charter shall take the following course: The first election of officers under this charter shall take place at the 1998 general election. The charter shall take effect at 12 o'clock noon on January 1 next following the first election of officers.

Section II-2. Upon the effective date of this charter any other charter and its amendments and supplements theretofore applicable to the municipality shall be superseded. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this charter shall remain in full force and effect until modified or repealed as provided by law.

Section II-3. At 12 o'clock noon on the effective date of this charter, all offices then existing in the town shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided, that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, trustees of the free public library, commissioners of a local housing authority, municipal court judge or of any official or employee now protected by any tenure of office law, or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by tenure of office law. Nothing herein contained shall affect the tenure of office of any person holding any position or office coming within the provisions of Title 11A, Civil Service, of the New Jersey Statutes, as it applies to said officers and employees. If the municipal clerk has, prior to the effective date of this charter, acquired a protected tenure of office pursuant to law, then he shall become the first municipal clerk under this charter.

Provision for officers and for the organization and administration of the municipal government under this charter may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 30 days after the effective date of this charter.

2. All proceedings of the Mayor and Board of Aldermen of the Town of Boonton, county of Morris, relating to this act, and to the petition of the Legislature for the passage of a special act, and the time and manner of publication of notice of intention to apply therefor, are ratified, confirmed and validated.

3. This act shall take effect upon the adoption of an ordinance of the Mayor and Board of Aldermen of the Town of Boonton for the purpose of adopting the same.

Approved August 13, 1997.