

ORDINANCE NO. O-17-2

AN ORDINANCE AMENDING CHAPTER 2-35 ENTITLED DEPARTMENT OF COMMUNITY DEVELOPMENT AND LAND USE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL TO AMEND THE SIX MEMBER LAKE RESTORATION AND WILDLIFE COMMITTEE TO A SEVEN MEMBER AND THREE ALTERNATE LAKE RESTORATION AND WILDLIFE COMMITTEE.

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that, Chapter 2-35, entitled "Department of Community Development and Land Use" of the General Revised Ordinances of the Township of Howell shall be amended to read as follows:

NOTE: Section of Chapter 2-35 that is to be amended by Ordinance is Subsection C (5). All additions are shown in ***bold italics with underlines***. All deletions are shown in ***~~bold italics with strikeouts~~***. The remaining provisions of Chapter 2-35 shown in regular typeface shall remain unchanged.

Chapter 2. Administration of Government

Article VI. Departments

§ 2-35. Department of Community Development and Land Use. [Amended 3-16-2004 by Ord. No. 0-04-13; 3-6-2007 by Ord. No. 0-07-7; 6-28-2011 by Ord. No. 0-11-19]

C. Division of Engineering. There shall be within the Department of Community Development and Land Use a Division of Engineering, the head of which shall be the Township Engineer, who shall be appointed by the Township Manager and shall serve at the pleasure of the Township Manager. This Division shall be responsible for the Office of Sewer and Water Utilities as previously established and/or governed under Chapter 252, Sewer and Water. The Township Engineer shall receive such compensation as fixed by the Township Salary Ordinance.

(1) The Township Engineer shall be a duly licensed professional engineer of the State of New Jersey. The duties of the Township Engineer shall be as heretofore established and/or governed under Subsection 2-6.4a3, of Chapter II (Administration) of the Revised General Ordinances of the Township of Howell, New Jersey[1] which is hereby continued to the extent that it is not inconsistent with the Charter and this chapter. The Division shall:

- (a) Provide all staff engineering required by the Department of Community Development and Land Use and other departments, with the assistance of such consultants as may from time to time be authorized.
- (b) Prepare, maintain and preserve maps, charts and records of roads, utilities, public buildings and structures and all public facilities owned or operated by the municipalities.
- (c) Prepare, review and approve specifications for public works contracts, supervise and inspect the execution of such contracts and certify satisfactory completion of work to authorize progress payments pursuant to contract.

(d) Inspect and approve all installations made in accordance with the requirements of the Planning Board prior to the acceptance of any street or the release of any security related to a subdivision approval. The Planning Board shall not act on any subdivision application unless and until the findings and recommendations of the Division of Engineering have been submitted to the Board and made part of the public record. Responsible for ensuring that all development projects are constructed in conformity with the municipal ordinances and the Land Use Board's approvals. Handle all administrative aspects of development projects including compliance with approvals, developer's agreements, performance guarantees, utility approvals, reductions and releases.

(e) Maintain the Tax Map for the Division of Assessments in a current status and promptly record thereon all changes of ownership from information provided pursuant to law.

(f) Oversee the administrative functions of the Sewer and Water Utility which owns and maintains portions of the wastewater collection system in the Township. [1] Editor's Note: Subsection 2-6.4a3 was previously codified as Subsection 2-10.2 of the Revised General Ordinances of the Township of Howell.

(2) All papers, documents, memoranda, reports and other materials relating to the administration of the Division of Engineering shall be and remain the property of the Township. Upon termination of the engineer's services with the Township, the Township Engineer shall forthwith surrender all such property to any successor.

(3) The employment of a Township Engineer shall not preclude the Township from hiring consulting engineers as may be necessary in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

(4) Duties of the Township Engineer. The Engineer shall perform the duties prescribed by the Revised Statutes of the State of New Jersey and ordinances of the Township of Howell and shall:

(a) Prepare or cause to be prepared plans, designs, specifications, reports, investigations and cost estimates for all capital improvements and public works undertaken by the Township.

(b) Provide and maintain surveys, maps, plans, specifications and control records with respect to all capital improvements, public works, facilities and lands owned and operated by the Township.

(c) Provide technical and engineering advice and assistance to the Planning Board and to such other Township agencies as may be required.

(d) Review proposed sketch plats, minor, preliminary and final subdivision maps and site plans for conformity with the Land Use Regulations[2] of the Township of Howell and the Revised Statutes of the State of New Jersey and advise the Planning Board as to such matters. [2] Editor's Note: See Ch. 188, Land Use.

(e) If required, serve as Planning Board Engineer and attend all regular meetings as notified by the Secretary of the Planning Board or provide for the attendance at such meetings by a qualified assistant to the Township Engineer.

(f) Inspect and approve all installations and improvements made in accordance with the requirements of the Planning Board prior to the acceptance of any street or other improvement or the release of any security related to a subdivision or site plan approval.

- (g) Maintain the Tax Maps of the Township pursuant to law.
- (h) Perform such other duties as may be assigned by statute or other ordinances of the Township.
- (i) Supervise the Division of Engineering, as hereinafter described and prepare and submit to the Township Manager detailed reports of all operations, budget information and such other information as from time to time such requests are made.
- (j) Upon the termination of service to the Township, surrender all papers, documents, memoranda, reports and other materials relating to the administration of his or her engineering duties.

(5) Lake Restoration and Wildlife Management Committee.

(a) Creation. There is hereby created in the Township of Howell a Lake Restoration and Wildlife Management Committee within the Division of Engineering for the maintenance and management of Township-owned lakes, ponds and wildlife habitat within the Township.

(b) Purpose. The governing body finds that there is a need to establish a committee to deal with the maintenance and management of Township-owned lakes, ponds and the wildlife habitat existing within the Township. Due to the acquisition of large tracts of contiguous lands by the Township, consideration has to be given to the surface waters that exist within them and the wildlife that are dependent upon them for their survival. It is recognized that this interrelationship can only be maintained in a healthy state by monitoring these two activities so that they complement each other.

(c) Definitions. The word "shall" means mandatory. The word "may" means permissive. "Committee" shall mean the Lake Restoration and Wildlife Management Committee unless it is prefixed by the name of an existing committee or commission.

(d) Members and terms of members. There shall be ~~six~~ seven members and three alternate members of the Lake Restoration and Wildlife Management Committee, each of whom shall be appointed by the Township Council to serve for a term of five years commencing January 1, 2000, except that for the purpose of the initial appointment, the term of one member shall expire on December 31, 2000, the term of one member shall expire on December 31, 2001, the term of one member shall expire on December 31, 2002, the term of one member shall expire on December 31, 2003, the term of one member shall expire on December 31, 2004, and the term of one member shall expire on December 31, 2005. The Chair of this Committee shall be appointed by the Township Council.

(e) Duties. Duties of the Lake Restoration and Wildlife Management Committee shall be as follows:

- [1] To survey and study the present condition of any body of surface water that is being considered for restoration by the Township and to prepare a written report of its findings for the submission to the Council, Township Engineer, Environmental Commission and Recreation Advisory Board.
- [2] To prepare, in conjunction with the Township Engineer, a cost analysis of any restoration work contemplated, for review and approval by Council.

[3] To recommend to Council the initial conceptual design for any contemplated restoration projects which shall then be forwarded to the Township Engineer for review and preparation of the final design which shall be subject to the review of the Committee prior to being sent to Council for approval and being sent out to bid.

[4] To see that any finished restoration project will provide areas that are conducive to maintaining a healthy wildlife population as well as providing opportunities for the residents of Howell to observe and enjoy the natural environment.

[5] To recommend wildlife management policies to the Council for approval and implementation regarding Township-owned property that would be beneficial to both transitory and native wildlife populations. These policies shall include both game and nongame species and may be patterned after management policies that are used by the New Jersey Division of Game and Wildlife.

[6] To institute wildlife habitat management practices on Township-owned property in such a manner so that they will afford the residents of Howell the opportunity to view wildlife in their natural state while still affording optimum sources of food and cover for their survival.

[7] To prohibit controlled burns on Township-owned property without first ascertaining what relationship exists between herbaceous plants that exist on the site and their food value to both the avian and quadruped populations that reside or forage within the area being considered for a controlled burn.

(f) Assistance. The Lake Restoration and Wildlife Management Committee may receive from all Township officials, offices and departments such assistance as may be necessary to aid the Committee in the performance of its duties. All such assistance shall be arranged through the Township Manager or Deputy Manager.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

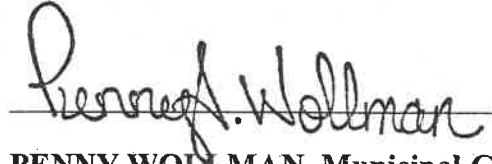
If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

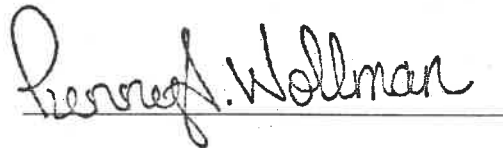
NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on January 24, 2017 and will be further considered for final passage and adoption at the Township Municipal Building 4567 Rt. 9 North Howell, New Jersey on March 7, 2017 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

A handwritten signature in cursive script, reading "Penny Wollman", written over a horizontal line.

PENNY WOLLMAN, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on March 7, 2017.

A handwritten signature in cursive script, reading "Penny Wollman", written over a horizontal line.

PENNY WOLLMAN, Municipal Clerk

The effective date of this ordinance is March 27, 2017.

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 2-35(C)(5) Entitled Department of Community Development and Land Use; Lake Restoration and Wildlife and Management Committee to change the membership from six members to seven members and three alternate members.