

Introduced: 10/30/14
Public Hearing: 11/13/14
Effective: 12/7/14

**TOWNSHIP OF MAHWAH
ORDINANCE #1759**

AN ORDINANCE ESTABLISHING A MUNICIPAL POOL COMMISSION

WHEREAS, the Township of Mahwah desires to establish a Commission to oversee the operation of the municipal swimming pool and related facilities (the "Facilities"); and

WHEREAS, the Township Council of the Township of Mahwah has determined that this Commission would be in the best interest of the citizens of the Township of Mahwah.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. Establishment and creation; appointing authority.

There is hereby established and created a Municipal Pool Commission of the Township of Mahwah, the members of which shall be appointed by the Mayor with the advice and consent of the Governing Body of the Township of Mahwah.

Section 2. Membership; terms; vacancies.

The Commission shall consist of seven (7) citizens of the Township of Mahwah, all of whom shall be residents of the Township of Mahwah. The Mayor shall nominate and with the advice and consent of the Township Council shall appoint the members of the Commission who shall serve for a period of three (3) years, except the respective terms of office of the originally appointed members shall be as follows:

1. Three (3) members shall serve for terms of three (3) years;
2. Two (2) members shall serve for terms of two (2) years;
3. Two (2) members shall serve for a term of one (1) year.

When a vacancy exists, the members of the Commission shall be consulted for a recommendation for appointment. In addition to the members, ex officio members, without voting rights, will include the Recreation Director, Council Liaison and Pool Director.

Section 3. Service without compensation.

The Commissioners shall serve without salary or other compensation, but their necessary expenses shall be allowed and paid by the municipality.

Section 4. Powers and duties.

A. The Commission is hereby authorized to:

- (1) Manage, operate and improve the existing facilities and, if the need arises, to conceive, plan, establish and construct additional facilities on behalf of and for the Mayor and Council of the Township of Mahwah, subject to the approval and prior authorization thereof by the Mayor and Council;
- (2) Propose plans for the development and improvement of the facility;
- (3) Propose methods or arrangements for the proper maintenance and care of the facility;
- (4) Formulate proposed rules, regulations, fees and rental charges for the public use of the facility on an annual basis;
- (5) Submit all such plans, methods, arrangements, rules and regulations to the Township Council for its consideration and action thereon;
- (6) Put into effect administrative and supervisory authority over such plans, methods, arrangements, fees and rental charges, rules and regulations as have been approved and authorized by the Township Council.

B. The Commission shall prepare and submit to the Mayor its proposed budget for the operation of the facility during the next following calendar year no later than November 1. The Township Council shall have the plenary power to approve, disapprove, modify or revise such budget.

C. All purchases of supplies, equipment, construction work and services, other than employees' services, shall be made through the office of the Township Purchasing Agent in accordance with the approved budget and with applicable purchasing regulation requirements.

D. The estimated cost of services or material furnished by Township departments or Township employees to the facility shall be charged to the Commission's budget so that the total cost of the facility to the Township can be determined in accordance with standard municipal accounting procedures consistently applied.

E. All financial records of the Commission shall be kept and preserved in accordance with the current law and standard municipal accounting practices consistently applied. Such records shall be deemed public records and shall be open to public inspection during reasonable business hours in accordance with the New Jersey Open Public Records Act.

- F. The Commission shall have full charge of the employment of all personnel whose services are required for the operation, maintenance and regulation of the facility, provided that provision for the payment of the compensation of such personnel shall have been made in the Commission's approved annual budget and in the annual salary ordinance of the Township.
- G. The Commission may, in its discretion, by resolution, delegate to a pool director revocable employment powers, including the power to employ and to terminate employment of such personnel as may be included in the scope of the Commission's resolution.
- H. By reason or the nature of the services to be rendered by the Commission's personnel, the provisions of the Township's personnel policy with respect to holidays, hours of attendance and like matters not consistent with the operation of the facility shall not apply to such personnel; provided, however, that nothing herein shall be deemed to impair or modify the status, eligibility or any other right that may have heretofore or may hereafter become vested in any person as a Township employee.

Section 5. Disposition of moneys collected; approval of expenditures; fees.

- A. All monies collected by the employees of the Township operating the pool and snack bar or turned over to the Commission shall be turned over to the Tax Collector of the Township of Mahwah daily, and all bills and expenditures in connection therewith shall be approved by the Township Council.
- B. The Township Council shall adopt a resolution on an annual basis establishing the fees for membership in the Municipal Pool after consulting with the members of the Municipal Pool Commission.

Section 6. Powers reserved by and to Township Council.

All matters relating to the general supervision, control, operation, maintenance and regulation to the swimming pool facility not expressly delegated by this chapter to the Commission are hereby reserved by and to the Township Council, including (by way of example and not by way of limitation of the generality of this reservation):

- A. The establishment, promulgation, charge and collection of reasonable fees, rents and other charges for admission to and use and enjoyment of the facility and the recreational privileges, entertainment and other activities conducted thereon;
- B. The power to make, alter, amend and repeal rules and regulations for the supervision, regulation and control of all activities carried on, sponsored, arranged and provided for in connection with the facility and for the protection of persons and property, and for the enforcement of such rules and regulations;

- C. The Township Council shall adopt a resolution on an annual basis establishing the membership fees and rules with respect to granting nonresident memberships, including the maximum number of nonresident memberships to be permitted.

Section 7. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 8. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

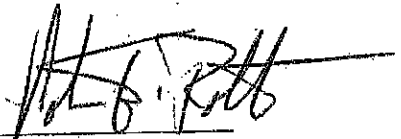
Section 9. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

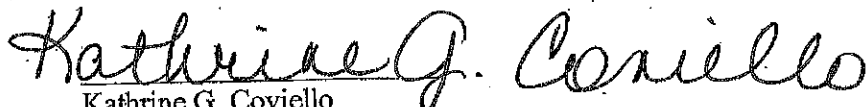
Ordinance No. 1759

Page: 5

Dated: November 14, 2014


Attest



John F. Roth
Council President

Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coletta, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 13th day of November, 2014.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk