

## ACTIVITIES OF DIRECTOR OF LAW

TITLE: Director of Law  
SALARY RANGE: \$112,230 - \$207,711 (2022 salary range projected)  
DEPARTMENT: Department of Law

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### GENERAL

- Provide legal advice, guidance and assistance to the Township Council, Township Manager and the departments of the Township of South Brunswick on all aspects of municipal government.
- Render opinions, orally or in writing, upon any question of law upon request of the Township Council or Township Manager.
- Attend all regular, special and work session Township Council meetings.
- Attend Township Board of Health meetings.
- Attend staff meetings with:
  - (a) The Township Manager;
  - (b) The department directors; and
  - (c) Numerous other meetings as required.
- Prepare and/or review all ordinances and resolutions, and advise as to their form and sufficiency prior to passage, excluding bond ordinances and related work.
- Oversee and approve all agenda items proposed for inclusion in Council agendas; review and approve final meeting agendas and cover memos.
- Provide advice on all Open Public Meetings Act issues.
- Advise departments of changes/proposals in the law that may affect their operations.
- Provide guidance and advice to all Advisory Boards and Commissions as needed.
- Periodically attend meetings with, and/or respond to questions from, the public on various issues pending in the Township.

### DEPARTMENT HEAD

- Ensure and oversee the operation of the Department of Law (Legal Division and Affordable Housing Division) in the execution of its duties and responsibilities, including oversight of all staff, outside attorneys and professionals doing work for the Township.
- Delegate such duties and responsibilities to the Township Attorney, Assistant Township Attorney and Special Counsel as appropriate or as directed by the Township Manager and/or Township Council.
- Interact with all Township departments regarding various issues that may arise in the day-to-day operations of the Township.
- Oversee operation of the Affordable Housing Office.
- Periodically review/revise all Affordable Housing Office operating manuals and procedures.

- Review and approve/deny applications for Affordable Housing Rehabilitation Grants.
- Conduct and/or review annual performance evaluations of all department staff.
- Review and approve/deny all staff requests for time off.
- Review all bills from outside attorneys and select vendors.
- Periodically review and oversee Law Department archival materials, including storage and disposal of same.

#### GENERAL LITIGATION

- Review all complaints and/or litigation instituted against the Township, including all Tort Claims Act notices.
- Interact with all outside attorneys retained through the JIF, monitor progress of cases.
- Negotiate agreements, compromise or settle litigation in which the Township is involved.
- Represent the Township in County Tax Board appeals.
- Consult with the Municipal Prosecutor on various issues as they arise.
- Handle and/or oversee all claims on performance and/or maintenance bonds posted by developers and/or contractors.

#### AFFORDABLE HOUSING LITIGATION

- Handle and/or oversee all Third Round Declaratory Judgment Action and/or Builder's Remedy litigation matters, including all appeals related thereto.
- Handle and/or oversee all Fourth Round Declaratory Judgment Action and/or Builder's Remedy litigation matters, including all appeals related thereto.
- Handle and/or oversee all Affordable Housing enforcement matters related to any violation of affordable housing regulations.

#### GENERAL CONTRACTS

- Negotiate, prepare and/or review all contracts on behalf of the Township.
- Interact with Township contractors to ensure satisfaction of all obligations imposed by contracts with the Township.

#### REAL ESTATE

- Negotiate sale/purchase/lease agreements.
- Prepare and/or review and approve all contracts, deeds, documents and instruments prior to execution and adoption.
- Review all deeds of dedication and deeds of easement conveying property rights to the Township.
- Review and oversee work associated with redevelopment projects.

#### LAND USE APPROVALS

- Interact with developers and their attorneys to ensure satisfaction of all obligations imposed by Land Use Boards.

- Meet with developers/land owners regarding potential land development applications.
- Participate in and oversee rezoning matters, either when initiated by a property owner or by the Township, and work closely with the Planning Department on both procedural and substantive matters pertaining to same.
- Review and approve all deeds of easement/dedication to Township by developers.
- Handle Zoning Board appeals to the Council and Superior Court on behalf of the Council.
- Interact with Planning Board and Zoning Board attorneys on issues relevant to those boards.
- Prepare and/or review and approve developer's agreements.

### PURCHASING

- Prepare and/or review bid specifications for contracts.
- Prepare and/or review Requests for Proposals and contracts for professional services by Township professionals.
- Prepare Requests for Proposals and/or Bid Specifications for bidding of Telecommunications Tower leases.
- Review all performance and maintenance bonds as to form.

### OPEN PUBLIC RECORDS ACT

- Regularly provide advice and guidance to Police Records, Clerk's Office and other departments regarding OPRA requests.
- Research questions related to OPRA and provide written guidance.
- Handle OPRA complaints filed with the Government Records Council and/or Superior Court.

### PERSONNEL

- Provide legal advice, counsel and assistance to the Department of Personnel, in cooperation with Labor Counsel and the Township Manager, as needed.
- Conduct confidential investigations of personnel matters as directed by the Township Manager.
- Periodically review and revise Personnel Policies and Procedures Manual.

### SPECIAL PROJECTS

- Coordinate and oversee creation and implementation of Community Energy Aggregation Program.
- Coordinate and oversee The Reserve Sound Barrier replacement project.
- Prepare, coordinate and/or oversee Well #11 Diversion Application to NJ DEP.
- Prepare, coordinate and/or oversee Sondek Park Landfill Solar Field Diversion Application to NJ DEP.
- Monitor/oversee Opioid Litigation Class Action Settlement.

- Prepare and oversee extension of Affordable Housing controls and improvements to Woodhaven (Jones Drive).
- Negotiate land acquisition and agreement for construction of additional building at the Oak Woods/CIL complex.

#### MISCELLANEOUS

- There are a host of miscellaneous items that arise on a day-to-day basis that do not fit neatly into any one category that are referred to the Director for review and comment. These can range from purely legal issues to a broad spectrum of questions related to management, operations, personnel, public safety, planning and zoning, tax, utilities, purchasing, etc.

***All hires must be fully vaccinated with Covid-19 vaccine.***

The Township of South Brunswick is an Equal Opportunity Employer – EOE/ADA

## ***DIVISION 1. LEGAL SERVICES***

### **Sec. 2-1151. Establishment.**

There is hereby established a department of law in the township.

(Ord. No. 4-04, § 14-1, 2-17-2004)

### **Sec. 2-1152. Papers and other documents to remain property of township.**

All papers, documents, memoranda, reports and other materials relating to the department of law shall be and remain the property of the township.

(Ord. No. 4-04, § 14-16, 2-17-2004)

### **Sec. 2-1153. Completion of litigation and other matters upon conclusion of term.**

Consideration shall be given by the township council to having an attorney who has concluded a term in office and is not reappointed complete litigation and other matters upon which a substantial amount of work has been done.

(Ord. No. 4-04, § 14-17, 2-17-2004)

### **Sec. 2-1154. General provisions.**

- (a) No person shall be appointed if such appointment would create a conflict of interest between the township and that person or any other attorney practicing in association with that person.
- (b) No person shall be disqualified from appointment because that person is not a resident of the township.

(Ord. No. 4-04, § 14-18, 2-17-2004)

### **Sec. 2-1155. Duties and responsibilities.**

The department of law shall:

- (1) Provide legal advice and assistance to the township council, township manager and the departments of the township, except where prohibited by law.
- (2) Attend at regular and special township council meetings.
- (3) Attend at township council work sessions.
- (4) Attend at a weekly meeting with:
  - a. The township manager; and
  - b. The department directors.
- (5) Represent the township in the following matters to which it is a party:

- a. Tax board appeals.
  - b. Condemnation hearings.
  - c. Administrative law proceedings.
- (6) Draft ordinances and resolutions and advise as to their form and sufficiency prior to passage, excluding bond ordinances and related work.
  - (7) Review and approve all contracts, deeds, documents and instruments prior to passage.
  - (8) Commence and defend litigation and conduct appeals from orders, decisions or judgments affecting any interest of the township as directed by the township council.
  - (9) Undertake special projects as directed by the township council or the township manager.
  - (10) Subject to the approval of the township council, have the power to enter into any agreement, compromise or settlement of any litigation in which the township is involved, provided that this article shall not operate to limit or abridge the discretion of an attorney handling any matter in regard to the proper conduct of any trial, action or proceedings or deprive him of the powers and privileges ordinarily exercised in judicial proceedings by counsel acting for private clients.
  - (11) Render opinions, in writing, upon any question of law upon request of the township council or township manager.
  - (12) Maintain a record of all actions, suits, proceedings and matters which relate to the township's interest and in which an attorney has represented the township and report therein from time to time as the township manager or township council may require.

(Ord. No. 4-04, § 14-2, 2-17-2004)

**Sec. 2-1156. Director of law.**

- (a) *Appointment; term; qualifications; compensation.*
  - (1) The director of law shall be appointed by the township manager for such length of time and upon such terms as are negotiated and agreed upon by the township manager.
  - (2) The director of law shall be an attorney at law in the state and shall have a demonstrated ability to adequately represent the township on all matters of township business, through experience, expertise or both.
  - (3) The director of law shall be paid such salary as is agreed to by the township manager, in accordance with the limits set forth in the salary ordinance of the township.
- (b) *Powers and duties.* The director of law shall:
  - (1) Be the department head of the department of law.
  - (2) Ensure and oversee the operation of the department of law in the execution of its duties and responsibilities.
  - (3) Delegate such duties and responsibilities to the township attorney, assistant township attorney and special counsel as appropriate or as directed by the township manager and/or township council.
  - (4) Be authorized to exercise such powers and perform such duties as are provided for the office of township attorney by general law or ordinances of the township, in the event of a vacancy in, or absence or disability of, the township attorney.

- (5) Ensure the adequate representation of the township in all judicial and administrative proceedings in which the township or any of its officers or agencies may be a party or have an interest.
- (6) Provide legal advice, counsel and assistance to the township council and manager, and in general serve as a legal advisor to the township on all matters of township business.
- (7) Provide legal advice, counsel and assistance to the department of personnel, in cooperation with labor counsel and the township manager, as needed.
- (8) In performance of the duties outlined above, the director of law shall devote a minimum of 35 hours per week.

(Ord. No. 4-04, §§ 14-3, 14-4, 2-17-2004)

### **Sec. 2-1157. Township attorney.**

(a) *Appointment; term; qualifications; compensation.*

- (1) A township attorney may be appointed by majority vote of the township council for a term of one year.
- (2) He shall be an attorney at law of the state.
- (3) The township attorney shall receive the retainer authorized by township council in addition to customary fees and charges for certain legal services performed as outlined in this section.

(b) *Powers and duties.*

- (1) Except as may be otherwise provided by law and at the direction of the township council and director of law, the township attorney shall:
  - a. Provide legal advice and assistance to the township council.
  - b. Provide legal advice and assistance to the township manager and director of law, except where prohibited by law.
  - c. Attend regular, special and work session meetings of the township council as requested by the township council, township manager and/or director of law.
  - d. Represent the township in the following matters to which it is a party:
    1. Tax board appeals.
    2. Condemnation hearings.
    3. Administrative law proceedings.
  - e. Have the primary responsibility for commencing and defending litigation and conducting appeals from orders, decisions or judgments affecting any interest of the township as directed by the township council in accordance with the customary fees and charges for legal services performed, pursuant to a separate agreement authorized annually by the township council
  - f. Undertake special projects as directed by the township council in accordance with the customary fees and charges for legal services performed, pursuant to a separate agreement authorized annually by the township council.
  - g. Subject to the approval of the township council, have the power to enter into any agreement, compromise or settlement of any litigation in which the township is involved, provided that this article shall not operate to limit or abridge the discretion of the attorney handling any matter in

regard to the proper conduct of any trial, action or proceedings or deprive him of the powers and privileges ordinarily exercised in judicial proceedings by counsel acting for private clients.

- h. Review with the director, former attorneys or special counsel all pending litigation.
  - i. Render opinions, in writing, upon any questions of law upon request of the township manager, director or township council.
- (2) In performance of the duties outlined in subsection (b)(1) a., b., c., d.1., h. and i. of this section, the township attorney shall devote a minimum of 20 hours per week.

(Ord. No. 4-04, §§ 14-5, 14-6, 2-17-2004; Ord. No. 2008-11, § I, 3-11-2008)

### **Sec. 2-1158. Assistant township attorney.**

- (a) *Appointment; term; qualifications; compensation.* An assistant township attorney may be appointed by majority vote of the township council for a term of one year. The assistant township attorney shall be an attorney at law licensed to practice in the state and shall receive the retainer authorized by township council, in addition to customary fees and charges for legal services performed pursuant to a separate agreement authorized annually by the township council.
- (b) *Powers and duties.*
- (1) Except as otherwise provided by law, the assistant township attorney shall:
- a. Perform such duties as are assigned by the director of law, township attorney, township manager and/or the township council in order to provide legal advice and assistance to the township manager and township council.
  - b. Assume all duties of the township attorney in the absence or disability of both the director of law and township attorney.
  - c. Exercise such powers and perform such duties of the office of township attorney as are provided by general law or ordinances of the township, but only as directed by the director of law, township attorney, township manager and/or township council.
  - d. Represent the township in all judicial and administrative proceedings in which the township or any of its officers or agencies may be a party or have an interest, but only as directed by the director of law, township manager, township attorney and/or the township council.
  - e. Provide legal advice, counsel and assistance to the township council and/or township manager as directed by the director of law, township attorney, township manager and/or township council.
  - f. In the absence of both the director of law and the township attorney, or at the request of the director of law, township attorney, township manager and/or township council, attend regular, special or work session meetings of the township council or other meetings as directed.
- (2) In performance of the duties outlined in subsections (1)a., b., c., e. and f. of this section, the assistant township attorney shall devote a minimum of five hours per week.

(Ord. No. 4-04, §§ 14-7, 14-8, 2-17-2004; Ord. No. 2008-11, § I, 3-11-2008)

### **Sec. 2-1159. Public defender.**

- (a) *Appointment; term; qualifications; compensation.* The public defender shall be appointed by the township council for a term of one year. The public defender shall be an attorney at law of the state and shall receive the retainer authorized by township council.
- (b) *Powers and duties.* The public defender shall represent indigent defendants in the township municipal court as assigned by the municipal court judge.

(Ord. No. 4-04, §§ 14-9, 14-10, 2-17-2004; Ord. No. 2008-11, § I, 3-11-2008)

### **Sec. 2-1160. Municipal prosecutor.**

- (a) *Appointment; term; qualifications; compensation.* The municipal prosecutor shall be appointed by the township council for a term of one year. The municipal prosecutor shall be an attorney at law in the state and shall receive the retainer authorized by township council.
- (b) *Powers and duties.* The municipal prosecutor shall have primary responsibility for the conduct of prosecutions and appeals involving crimes and offenses cognizable in the township municipal court, except such crimes and offenses as it may be the duty of the county prosecutor or attorney general to prosecute. He shall also have primary responsibility to prosecute violations of ordinances of the township and violations of state codes as the same may be enforced by municipal officials.

(Ord. No. 4-04, §§ 14-11, 14-12, 2-17-2004; Ord. No. 2008-11, § I, 3-11-2008)

### **Sec. 2-1161. Legal assistant.**

- (a) *Appointment; compensation.* A legal assistant may be hired by the township manager, in consultation with the director of law, who shall be paid the salary determined by the township manager, in consultation with the director of law, within the salary range prescribed by the salary ordinance.
- (b) *Powers and duties.* The legal assistant shall provide legal, secretarial and clerical support for the department of law as set forth in the current job description maintained by the township personnel office and as otherwise required by the director of law.

(Ord. No. 4-04, §§ 14-13, 14-14, 2-17-2004)

### **Sec. 2-1162. Appointment of special counsel.**

The township council, when it deems that the interest of the township so requires, may appoint special counsel to perform legal services in designated matters. If the director, township attorney and assistant township attorney should be disqualified with respect to any matter, the township council may appoint special counsel to represent the township for and with respect to such matter. Any such appointments may be general appointments for no more than one year, or may be limited appointments done on a case-by-case or task-by-task basis as appropriate.

(Ord. No. 4-04, § 14-15, 2-17-2004)

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**Secs. 2-1163—2-1172. Reserved.**

***DIVISION 2. AFFORDABLE HOUSING***

**Sec. 2-1173. Affordable housing office; municipal housing liaison.**

The affordable housing office and the position of municipal housing liaison are hereby created in the department of law. The municipal housing liaison shall be appointed by the township manager. The powers and duties of the municipal housing liaison shall include the following:

- (1) Implementation of the rules and regulations of the township's affordable housing program and the council on affordable housing.
- (2) Execution of affordable housing agreements on behalf of the township.
- (3) Monthly reports to the affordable housing office as to the status of affordable housing in the township.
- (4) Recommendations for the modification of affordable housing office rules and regulations to enhance the implementation thereof.
- (5) Attendance at affordable housing office meetings.
- (6) Liaison between the township and the council on affordable housing (COAH).

(Ord. No. 2009-30, §§ III, IV, 7-28-2009)

**Sec. 2-1174. Powers and duties.**

The affordable housing office and the municipal housing liaison shall:

- (1) Determine the maximum sale, resale, finance, refinance and rental charges for low- and moderate-income housing and provide land use boards and developers with such calculations.
- (2) Prequalify prospective owners and renters based upon whether they are legally present in the United States, income and household size and issue a certificate as to eligibility status.
- (3) Require that a covenant be recorded with each deed restricting the sale, resale, finance, refinance and rental charges of low- and moderate-income housing to low- and moderate-income households.
- (4) Ensure compliance with the formula promulgated by COAH for use in calculating the maximum resale price of low- and moderate-income housing consistent with the provisions of section 62-1994(b)(4).
- (5) Determine whether the cost or value of the installation of improvements or amenities within or as a part of a low- or moderate-income unit should be included in the calculation of the resale price or rental charge of such unit pursuant to COAH regulations and establish a procedure whereby homeowners can obtain a determination in this regard prior to installing the improvements or amenities.
- (6) Review and approve or disapprove the affirmative marketing plan required of all developers of low- or moderate-income housing.
- (7) Require developers to submit proofs of publication in accordance with approved affirmative marketing plans and monitor the marketing practices of developers of low- and moderate-income housing to ensure that they comply with the affirmative marketing requirements of division 14 of article IV of chapter 62.
- (8) An administrative agent, as defined in the uniform housing affordability controls, may be hired or retained as determined by the township manager to carry out some or all of the powers and duties of the affordable housing office and/or the municipal housing liaison.

(Ord. No. 2009-30, §§ III, IV, 7-28-2009; Ord. No. 2010-13, § II, 5-11-2010)

**Secs. 2-1175—2-1190. Reserved.**