

BENNER TOWNSHIP
ORDINANCE NO. 51

AN ORDINANCE OF THE TOWNSHIP OF BENNER
ESTABLISHING THE POSITION OF TOWNSHIP ENGINEER AND
ESTABLISHING DUTIES

BE IT ORDAINED, AND IT HEREBY IS ORDAINED BY THE BOARD OF
SUPERVISORS OF BENNER TOWNSHIP AS FOLLOWS:

Section 1. CREATION OF OFFICE OF TOWNSHIP ENGINEER. The
office of Township Engineer is hereby created by the Board of
Supervisors of Benner Township, pursuant to the authority of Section
of the Second Class Township Code, 53 P.S. 65585.

Section 2. APPOINTMENT AND REMOVAL. The Township Engineer
shall be appointed for an indefinite term by the Board of Supervisors,
shall serve at the pleasure of the Board. The Township Engineer
be removed by a majority vote of the Board; provided that, at
least thirty (30) days before such removal shall become effective the
Board shall notify the Township Engineer of its decision to remove him
or her from office, stating the reasons for removal. Within twenty
(20) days of receipt of such notice, the Engineer may reply in writing
and may request a public hearing, which shall be held within thirty
(30) days of the filing of such request. After such public hearing
if one is requested, and after full consideration, the Board by
majority vote of its members may: a) reverse its decision to remove
the Engineer; b) suspend the Engineer from duty for a specified
period; c) place the Engineer on probation; d) provide for other
appropriate disciplinary action; or e) adopt a final resolution of
removal. In any case, the Board may cause to be paid forthwith any
unpaid balance of the Engineer's salary.

Section 3. QUALIFICATIONS. The Township Engineer shall be a registered professional engineer. The Township Engineer shall be appointed by the Board on the basis of his professional, executive and administrative qualifications. The Township Engineer need not reside in the Township at the time of his appointment, but during his tenure of office he may reside outside the Township only with the approval of the Board. If the Board fails within a reasonable time, not to exceed six months after the appointment, to approve the Engineer's residence outside the Township, the Engineer must immediately become and during his tenure remain a resident of the Township. The Engineer may not be employed by any other employer during his or her term of office without approval of the Board. The Township Engineer shall not hold any elective governmental office

Section 4. BOND. Before entering upon his duties, the Township Engineer shall give a bond to the Township of Benner, with a bonding company acceptable to the Township as surety, in the sum of Twenty-Five Thousand (\$25,000.00) Dollars, conditioned for the faithful performance of his duties, premium for the said bond to be paid for by the Township of Benner

Section 5. COMPENSATION. The Township Engineer shall receive such compensation and fringe benefits fixed from time to time by resolution of the Board.

Section 6. POWERS AND DUTIES. The Township Engineer shall have the following powers and duties:

To engineer, oversee, administer, manage and superintend the construction, reconstruction, maintenance and repair of all streets, roads,

pavements, sewers, bridges, culverts and other engineering work;

- (b) To prepare plans, specifications, and estimates of all such work undertaken by the Township; and
- (c) To furnish the Township Supervisors with reports, information, or estimates on any Township engineering work, on questions submitted by any of them in their official capacity.

Section 7. ADDITIONAL DUTIES. In addition to the duties of the Township Engineer as set forth above, and in Section 585 of the Second Class Township Code, 53 P.S. 65585, the Township Engineer shall also serve as Township Manager and shall have all of the powers and duties authorized by Section 599.1 of the Second Class Township Code, 53 P.S. 65599.1, which are fixed as follows:

- (a) To execute all laws and ordinances of the municipality.

To supervise and be responsible for the activities of all municipal departments, except such departments the supervision of which shall not have been delegated to the engineer by the Board of Supervisors.

To hire in accordance with the approved organizational chart and, when necessary for the good of the service, shall suspend or discharge any employee under his supervision, provided that persons covered by the approved personnel regulations of the Township or by specific provisions of the Laws of the Commonwealth shall be hired, suspended or discharged in accordance with such provisions, and provided further that the Engineer shall report, at the next meeting thereafter of the Board, any action taken by authority of this subsection.

To be responsible for preparation of the Budget and for its presentation to the Board of Supervisors. He shall be directly responsible for the administration of the

budget after its adoption by the Board of Supervisors of Benner Township.

To attend all meetings of the Board of Supervisors and of its committees, with the right to take part in the discussion, and he shall give notice of all special meetings of the Board of Supervisors and of its committees.

- f) To prepare the agenda for each meeting of the Board of Supervisors and supply facts pertinent thereto.
- (g) To see that the provisions of all franchises, leases, permits and privileges granted by the Board are observed.
- (h) To keep the Board of Supervisors informed as to the conduct of the Township affairs in connection with his duties as Township Engineer and shall submit such other reports (as) the Board of Supervisors shall request. He shall make such recommendations to the Board of Supervisors as he deems necessary.
- (i) To submit to the Board of Supervisors, as soon as possible after the close of the fiscal year, a complete report for the preceding year on the administrative activities of the Township of Benner which are within the duties of the Township Engineer.

To employ, by and with the approval of the Board of Supervisors experts and consultants to perform work and to advise in connection with any of the functions of the Board of Supervisors of the Township which are within his duties.

- (k) To attend to the letting of contracts in due form of law, and he shall supervise in the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Township office by statute.

To be the Purchasing Officer of the Township, and he shall purchase, in accordance with the provisions of the Second Class Township Code, all supplies and equipment for the various agencies, boards, departments, and other

offices of the Township. He shall keep an account of all purchases, and shall from time to time, or when directed by the Board of Supervisors, make a full written report thereof. He shall also issue rules and regulations - subject to the approval of the Board of Supervisors - governing the requisition and purchasing of all municipal supplies and equipment.

To cooperate with the Board of Supervisors at all times in all matters that the best interests of the Township and of the general public may be maintained.

To fix wages and salaries of all personnel under his supervision, within range previously determined by the Board under the approved grade and pay scale plan.

To develop a long-range fiscal plan for the Township, such plans to be presented annually to the Board for its review and adoption.

- (p) To insure that all reports required by law be filed with various departments of the Commonwealth of Pennsylvania or with the governmental agencies of the United States are properly prepared and in sufficient time to be reviewed by the Board in its committees before being submitted to said departments and agencies.
- (q) The Engineer, if qualified, is encouraged to participate in graduate programs of the Pennsylvania State University in the areas related to public administration. The township will support such activities to the extent of allowing time off during the day for one such course and reimbursement of tuition if excellent grades are obtained; however, such educational privileges will not be allowed until the Engineer has been on the job for a minimum period of four months. He will also be expected to join those Engineer associations for which the fees therefor are authorized and paid by the Township.

Section 8. PROCEDURAL LIMITATIONS ON THE BOARD. The Board of Supervisors shall employ the Township Engineer subject to the following procedural limitations:

a. Neither the Board, its members, nor its committees shall dictate or attempt to dictate the hiring of any person to, or his discharge from, municipal employment by the Engineer, or in any manner take part in the hiring, suspending or discharging of employees in the administrative service of the Township except as required by the personnel regulations or by the Second Class Township Code. Other than for the purposes of inquiry, the Board of any of its members or any of the Board's committees or their members shall deal the administrative service solely through the Township Engineer and neither the Board nor any of their members shall give orders, publicly or privately, to any subordinate of the Engineer, except for emergency situations where the Engineer or appropriate officer is unavailable, or in those instances when such individuals are working for the Board members by assignment of the Engineer

b. The Township Secretary, Treasurer, and Solicitor, and other professional persons on retainer to the Board will not be subject to the jurisdiction of the Engineer. The Board will have charge of the retaining of services of such persons and such persons shall be responsible directly to the Board of Supervisors.

Section 9. DISABILITY OR ABSENCE. If the Engineer becomes ill or needs to be absent from the township, he shall designate one qualified member of his staff as Acting Engineer to perform the duties of the Engineer during his absence or disability. The person so

designated as Acting Engineer shall not perform these duties for a period longer than two weeks without the approval of the Board.

Section 10. VACANCY. If the Engineer's position becomes vacant, the powers and duties of the Engineer shall either revert to the Board of Supervisors and such of their member as the Board direct or the Board shall designate an Interim Engineer until such time as Engineer shall be qualified

Section 11. NONDISCRIMINATION. The position of Township Engineer shall be open to persons of either sex without regard to race, religion, color, creed, national origin, or any other matter where discrimination is prohibited by law. The use of the masculine in the language of this ordinance includes the feminine

Section 12. SEVERABILITY. If any provision of this Ordinance be held or declared by the Courts to be illegal or invalid, such holding or declaration shall not affect the remainder of the Ordinance. It is hereby declared that the Board of Supervisors would have adopted this Ordinance whether or not any one or more of its provisions were held or declared to be illegal, invalid or unconstitutional, and that the invalidity, illegality or unconstitutionality of any one or more provisions shall not reduce, abate or affect the remainder of the Ordinance.

Section 13. EFFECTIVE DATE. This Ordinance shall take effect five days after adoption.

ADOPTED AND ORDAINED by the Board of Supervisors of Benner
Township this 20 day of March A.D. 1990

BOARD OF SUPERVISORS OF BENNER
TOWNSHIP

Robert Kuhlman
Robert Kuhlman, Chairman

ATTEST:

Sharon Royer
Sharon Royer, Secretary