

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 11/09/20 07:00 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**ORDINANCE 2020-19**

DOC ID: 3336

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**First Reading: Ordinance Creating the Position of Business Administrator**

**WHEREAS**, throughout New Jersey, the responsibilities and operations of local government have grown in complexity due not only to the increasing density of development in the State but also due to the ever-increasing rules and regulations set forth by various state and federal agencies; and

**WHEREAS** in order to provide assistance to elected officials in insuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization it is necessary to create the position of Borough Administrator and to assign to this position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the municipality.; and

**WHEREAS**, pursuant to N.J.S.A. 40A:60-7, the Mayor and Council of the Borough of Flemington may, by ordinance, create the position of Administrator; and

**WHEREAS**, the Mayor and Council desire to create such position and have entered into a Shared Service Agreement with the City of Lambertville for a joint administrator; and

**WHEREAS**, nothing herein obligates the Council to hire an Administrator and only creates the option to do so.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Flemington, the County of Hunterdon as follows:

**SECTION 1.** The Code of the Borough of Flemington is hereby amended by adding Section \_\_\_\_\_, titled Business Administrator, as follows:

A. Creation of Office of Business Administrator. Pursuant to N.J.S.A. 40A:9-136 *et seq.*, there is hereby created the office of the Business Administrator. The Business Administrator shall be a person qualified by education, training and experience to perform the duties of his or her office. If this position is filled on a full-time basis, this individual shall devote his or her entire time to the duties of the office and shall hold no other office nor engage in any other employment, except with the permission of the Mayor and Council. This individual shall be under the direct supervision of the Mayor and Council.

B. Appointment. Pursuant to N.J.S.A. 40A:60-5(g) and 40A:60-6(d), the Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council. If the Borough Council fails to consent to the appointment made by the Mayor within thirty (30) days after receiving the nomination, then after the expiration of thirty (30) days, the Borough Council shall appoint said Borough Administrator. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. These time constraints shall be computed from the day the vacancy occurs. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Borough Administrator.

No elected member of the governing body shall be eligible for appointment as Business Administrator during his or her term of office nor within one year after the expiration of said term.

C. Term. The term of office of the Business Administrator shall be at the pleasure of the Mayor and Council. The first six months of any such appointment to the position of the Business Administrator shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Business Administrator may be removed from office by a vote of a majority of the full membership of the Mayor and Council.

D. Shared Service. Nothing herein shall prevent the Mayor and Council from entering into a shared services agreement to provide the services of Business Administrator.

C. Office Hours. The hours of the Business Administrator shall be set by the Mayor and Council. The Business Administrator may be a full-time or part-time employee of the Borough.

D. Removal from office. After the probationary period, pursuant to N.J.S.A. 40A:9-138, the Business Administrator may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Business Administrator forthwith any unpaid balance of salary and the salary for the next three calendar months following the adoption of the resolution. The Business Administrator shall not obtain or be granted any rights of tenure.

E. Temporary Absence or disability of the Business Administrator. During the absence or disability of the Business Administrator, the Mayor may appoint, subject to confirmation of the Borough Council, an appointed official or employee of the Borough to temporarily perform the duties of Business Administrator during such absence or disability. Additionally, the Mayor and Council may, by resolution, contract with another municipality or private staffing firm in order to fill this position in the case of such an

absence. In the event the Business Administrator is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may appoint an appointed official or employee of the Borough to serve until the next regularly scheduled Council meeting. The absence or disability of the Business Administrator shall be limited to three continuous months, after which time the absence or disability may be deemed by resolution a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Business Administrator shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

F. Compensation. The compensation of the Business Administrator shall be as fixed in the Salary Ordinance of the Borough.

G. Duties and responsibilities. The Business Administrator shall be the chief administrative officer of the Borough of Flemington and shall be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough. The Business Administrator's duties and responsibilities shall relate to the management of all the Borough's business, except those duties and responsibilities conferred upon other Borough officials by state statute, other applicable laws, rules and regulations promulgated by state, county or Borough ordinances or such duties as the Mayor and Council shall reserve or delegate onto itself or to others. The Business Administrator shall see that all ordinances, resolutions and policies of the Mayor and Council and all state and federal laws requiring municipal action are faithfully carried out by those persons responsible for doing so. For the purpose of carrying out the responsibilities of his or her office, the Business Administrator shall develop and promulgate for adoption by the Mayor and Council sound administrative, personnel and purchasing practices and procedures for all departments, offices, boards, commissions and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of Borough government. The Business Administrator shall perform all of the duties hereinafter enumerated and such other duties as may be assigned by the Mayor and Council. In addition, the Business Administrator shall be responsible for the following enumerated duties:

(1) Daily operation. Implement all policies of the Borough necessary to carry out daily operations and activities of the Borough by correspondence, review of minutes and personal contact.

(2) Information and complaints. Inform the Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.

(3) Public information. Edit and compile public information for distribution to the Mayor and Council.

- (4) Recommendations. Continuously study all activities and operations of municipal government and recommend changes for the purpose of increasing efficiency, economy and effectiveness; recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.
- (5) Advice. Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.
- (6) Reports. Prepare and present to the Mayor and Council reports required from time to time on municipal affairs and prepare an annual report of the Business Administrator's work for the benefit of the Mayor and Council and the public.
- (7) Attendance. Attend all regular meetings of the Mayor and Council with the right to speak, but not to vote, on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Business Administrator. The Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the Borough.
- (8) Liaison. Serve as a liaison to all departments, advisory committees, boards, commissions and other agencies of the Borough.
- (9) Borough Engineer. Consult with and act as a liaison between the Mayor and Council and the Borough Engineer regarding all operations and policy matters.
- (10) Budgets. Be responsible for the preparation of the operating and capital improvement budgets for presentation to the Mayor and Council and for administration of the budget approval process by the governing body. In preparing the proposed budget, the Business Administrator shall direct department heads to submit their portion thereon and shall request all supporting data he or she deems necessary. The Business Administrator shall assist members of the governing body and department heads in preparing their input to the municipal budget. The Business Administrator shall thoroughly review all budget requests and submit recommendations with respect thereto to the Mayor and Council in a timely fashion.
- (11) Purchasing. Be in charge of reviewing all requisitions from all departments for materials, equipment and supplies and certifying the receipt of the same. He or she shall require the various departments to furnish an adequate inventory of all materials, equipment and supplies in stock and to recommend the sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council.
- (12) Examine and inquire. Have the power to investigate, examine or inquire into the affairs or operations of any department, commission, office, board or agency of the municipal government, unless prohibited by law.
- (13) Public information; Open Public Records Act. In consultation with the Borough Clerk, implement and enforce the policies of the Mayor and Council with respect to the compiling and release of public information pursuant to state and federal law. Nothing herein shall designate the Business Administrator as the Borough's Records Custodian for purposes of the Open Public Records Act.

(14) Coordination of information. Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the local school system and the regional high school system. The Business Administrator shall be responsible for continuously improving communications among the various Borough personnel, departments, commissions, agencies, boards and governing bodies.

(15) Recommendation of experts and consultants. Recommend the employment of experts and consultants to perform work and render advice in connection with Borough projects.

(16) Supervision of personnel. Subject to law, supervise all personnel of the Borough through the respective department heads and direct the business activities of all Borough departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget. The Business Administrator shall have no authority over the operations of the Police Department delegated by law to the Chief of Police.

(17) Enforcement of law and contracts. Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract regulation or ordinance are faithfully kept and performed and, upon learning of any violation thereof, apprise the Mayor and Council.

(18) Public improvements. Recommend the need for, the nature of and the location of all public improvements and coordinate and expedite the execution of those public improvements authorized by the Mayor and Council.

(19) Public works. Take charge of and be responsible for the construction, operation and maintenance of all public buildings, grounds, streets, roads and other facilities, including general administrative responsibilities for the Borough sewer and water systems, the cutting of brush, mowing of grass and removal of snow, the cleaning of ditches, the maintenance of parks and the care of other public works in the Borough, subject to the orders and directions of the Council. In addition, he or she shall:

(a) Set up and maintain adequate inventory and control thereof of all materials and supplies needed for the maintenance and repair of all public works under his or her supervision.

(b) Submit to the Mayor and Council a monthly report of all work performed, services furnished and inspections made during the previous month.

(c) Submit to the Mayor and Council and the Borough Engineer recommendations for budget appropriations for the ensuing year.

(d) Recommend for approval the expenditure of all funds by voucher chargeable against the public works budget.

- (e) Inspect or be responsible for the inspection of all storm sewer lines in the Borough individually or in conjunction with other designated officials.
  - (f) Receive and investigate all complaints from residents and taxpayers of the Borough relating to the operations under his or her jurisdiction, take appropriate action and report results to the Mayor and Council.
  - (g) Attend all Public Works Committees, including road, sewer, water and parks and playgrounds.
  - (h) Supervise the operation, maintenance and repair of municipally owned equipment used in the performance of the work assigned to him or her.
  - (i) Set up, keep and maintain all the necessary books, records, field notes, maps, surveys and similar records necessary to perform the duties of his or her office and turn over all such reports to his or her successor or the Borough Council upon the termination of his or her employment by the Borough.
  - (j) Recommend to the appropriate committee chairperson the need for repairs and replacements to municipally owned equipment, structures, buildings and grounds.
  - (k) Supervise the performance of the work of personnel assigned to his or her jurisdiction.
  - (20) Safety responsibilities. Develop and implement all necessary safety instructions and training for employees, Borough personnel and Borough officials.
  - (21) Recycling. Serve as recycling coordinator for the Borough and oversee all actions necessary to fill the Borough's recycling requirements.
  - (22) Grants. Investigate the availability of and report to the Mayor and Council the feasibility of obtaining grants from federal, state and private sources and apply for and administer such grants as are authorized by the Mayor and Council.
  - (23) Other duties. The Business Administrator shall perform such additional administrative duties and functions as may be from time to time assigned by the Mayor and Council.
- H. Authority of the Mayor and Council. Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Business Administrator to exercise the power and duties thereof except as authorized.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this

Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced:

Adopted:

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk