

# Ordinance 2024-14

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 2-9, ENTITLED “BOROUGH ADMINISTRATOR,” OF PART 1 “ADMINISTRATIVE CODE,” OF CHAPTER 2 “ADMINISTRATION” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN,” IN ORDER TO ESTABLISH THE POSITION OF “ASSISTANT BOROUGH ADMINISTRATOR.”**

**WHEREAS**, the Borough of Hightstown (the “Borough”) previously established Article 2-9, entitled “Borough Administrator,” of Part 1 “Administrative Code,” of Chapter 2 “Administration”) of “The Revised General Ordinances of the Borough of Hightstown” (also referenced as the “Borough Code”); and

**WHEREAS**, the Mayor and Council now wish to revise Article 2-9 of the Borough Code in order to establish the position of “Assistant Borough Administrator,” as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Hightstown in the County of Mercer and State of New Jersey, as follows:

1. That Article 2-9, entitled “Borough Administrator,” of Part 1 “Administrative Code,” of Chapter 2 “Administration”) of “The Revised General Ordinances of the Borough of Hightstown” is hereby amended and supplemented in the following respects (additions are show with underline; deletions are shown with ~~strikethrough~~):

## **Chapter 2. Administration**

### **Part 1. Administrative Code**

#### **Article 2-9. Borough Administrator**

##### **§ 2-9-1. Office Created.**

[Ord. No. 19-1994]

The office of the Administrator of the Borough is hereby created in and for the Borough, pursuant to N.J.S.A. 40A:60-7 and N.J.S.A. 40A:9-136, et seq.

##### **§ 2-9-2. Qualifications; Residency.**

[Ord. No. 19-1994]

The Administrator shall be appointed on the basis of his executive and administrative qualifications. Previous responsible, successful experience in local government and municipal management shall be preferred. The Administrator need not be a resident of the Borough at the time of his appointment, and may also thereafter reside outside the Borough.

### § 2-9-3. Appointment.

[Ord. No. 19-1994]

The Administrator shall be appointed by the Mayor with the advice and consent of the Council and shall serve at the pleasure of the Mayor and Council. Specific terms and conditions of employment shall be set forth in a written agreement, be approved by resolution of the Mayor and Council. Subject to the provisions of § 2-9-4, such agreement may cover a term of one year or longer than one year. Annual reappointment of the Administrator shall not be necessary, since the Administrator serves pursuant to §§ 2-9-3 and 2-9-4.

### § 2-9-4. Removal From Office.

[Ord. No. 19-1994]

Pursuant to N.J.S.A. 40A:9-138, the Administrator may be removed by a two-thirds vote of the Council. The resolution of removal shall become effective three months after its adoption. The Council may provide that the resolution shall have immediate effect; provided, however, that the Council shall cause to be paid to the Administrator forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the resolution.

### § 2-9-5. Acting Administrator.

[Ord. No. 19-1994]

A. If an Assistant Borough Administrator has been appointed pursuant to § 2-9-10, then the Assistant Borough Administrator shall serve as the Acting Administrator, and shall have all of the powers and perform all the duties of the Borough Administrator for such specific period(s) as the Borough Administrator shall determine, or for such specific period(s) as the Borough Administrator is incapacitated or otherwise unable to act as the Borough Administrator.

~~AB.~~ If no Assistant Borough Administrator has been appointed, then ~~the~~ Administrator, with the consent of the Mayor, may designate an Acting Administrator to perform the duties of his office during his absence or disability ~~of less than 30 days~~. Should he not do so, the Mayor shall make the appointment.

~~BC.~~ Upon removal or resignation of the Administrator, the Mayor, with the advice and consent of the Council, shall appoint an Acting Administrator to serve for 90 days, or until an Administrator is appointed pursuant to § 2-9-3. If the vacancy is not filled within the first 90 days, the appointment may be renewed for periods of up to an additional 90 days.

### § 2-9-6. Authority to Hold Other Appointive Borough Office.

[Ord. No. 19-1994]

The Administrator shall devote his full time to the duties of his office; provided, however, that nothing herein shall prevent him from also holding any other appointive Borough office and fulfilling the duties thereof, including, but not limited to, the position of Chief Financial Officer.

### § 2-9-7. Compensation.

[Ord. No. 19-1994]

The Administrator shall receive annual compensation within the range set forth in the Borough's annual salary ordinance. Specific annual compensation shall be set by motion or resolution of the Borough Council upon recommendation of the Mayor.

**§ 2-9-8. Power and Duties.**

[Ord. No. 19-1994; Ord. No. 1996-1; Ord. No. 2009-27]

The Administrator shall, under the direction of the Mayor and Council, to the extent not prohibited by law:

- A. Be responsible for the proper and efficient administration of all Borough business, except those duties and responsibilities conferred upon other Borough officials by State statutes, other applicable laws, rules and regulations promulgated by State and County agencies, judicial authority or ordinances of the Borough;
- B. Serve as the Borough's Personnel Officer, with final authority for the hiring, promotion, discipline, suspension or discharge of any employee, except those for whom the Mayor and Council are directly responsible, provided that those employees covered by other applicable State statutes or Borough ordinances shall be hired, promoted, disciplined, suspended or discharged in accordance with such laws. The appointment, discipline, suspension or discharge of department heads shall be subject to prior consultation by the Administrator with the Mayor and Council. Department head salaries shall be set by the Mayor and Council, and the Administrator shall set the salaries of all other employees within the ranges set forth in the salary ordinance.
- C. Oversee all departments and assign responsibility for departmental action, and coordinate interdepartmental operations, including those of the Borough Attorney, Borough Engineer and Borough Auditor;
- D. Prepare the proposed Annual Borough Budget by requiring and receiving appropriation requests from the heads of departments and reviewing such requests with the Borough Council member concerned, transmitting a tentative Budget and consulting with the Mayor and Council with respect thereto and submitting his final recommendations in the time and form required by law for municipal budgets, appending thereto a detailed analysis of the various items of expenditure and preliminary revenues and such explanatory comment or statement as may be desirable;
- E. Administer the budget after its adoption, implement the work programs contained therein, and enforce the financial procedures and policies of the Borough and its departments;
- F. Execute and enforce the laws of the State and ordinances and resolutions of the Borough except where authority is granted to others by statutes or ordinance; see that all the terms and conditions imposed in favor of the Borough or its inhabitants in any statute, public utility franchise, performance bond, or other contractual undertaking are complied with;

- G. Keep the Mayor and Council informed as to the conduct of Borough affairs, as well as the condition of Borough finances and make such recommendations to the Mayor and Council as he deems necessary and advisable;
- H. Recommend to the Mayor and Council the employment of professional service consultants to perform work and render advice;
- I. Negotiate or assist in the negotiation of contracts in accordance with law, and supervise the performance and faithful execution of such contracts, except insofar as such duties are expressly imposed upon some other Borough officer or official by statute or ordinance;
- J. Prepare, where appropriate, specifications and bid requirements. All bids are to be received by the Borough Clerk and reviewed by the Administrator, who shall make recommendations to the governing body;
- K. Review and recommend all bills and vouchers for payment prior to final approval by the Mayor and Council;
- L. Maintain a continuing review and analysis of budget operations, work programs, and costs of municipal services;
- M. At the request of the Mayor and Council, study and analyze the duties and responsibilities of any appointed official or department of the Borough, submitting his report relating thereto to the Mayor and Council for such further action as the Mayor and Council may deem advisable;
- N. Study, recommend, implement and enforce procedures and policies of the Borough and its departments for receipt, dissemination and collation of, and responses to, communications and information;
- O. Delegate some of the specific tasks assigned to him; however, he shall retain responsibility for all such work completed by others;
- P. Attend all meetings of the Council with the right to take part in discussion, but not to vote;
- Q. Submit to the Mayor and Council, as requested, verbal and written reports on administrative activities of the Borough; and
- R. The Mayor and Council may appoint the Business Administrator to serve as an Associate Deputy Clerk for no additional compensation. The appointment shall be made on an annual basis or an as needed basis so that the services of a Deputy Borough Clerk will be available at meetings where attendance by the Borough Clerk may not be convenient or possible; and
- S. Perform such other duties as may be required by the Mayor and Council and perform those duties as may be set forth in a job description established for the Administrator position.

**§ 2-9-9. Purchasing.**

[Ord. No. 19-1994; Ord. No. 2000-32]

Unless another Borough Official shall have been appointed by the Mayor to serve as Purchasing Agent of the Borough, the Administrator shall serve in that capacity, with authority as outlined in § 2-14-2E.

**§ 2-9-10. Assistant Borough Administrator.**

There is hereby created the office of Assistant Borough Administrator, which position may be filled by appointment by the Mayor and Council for a term of one calendar year or the unexpired portion thereof at a compensation fixed by the Borough Council. The duties of the Assistant Borough Administrator shall be to aid and assist the Borough Administrator under the direction and supervision of the Borough Administrator, and to perform such duties as may be assigned by the Borough Administrator, or by the Mayor and Council. The Assistant Borough Administrator shall have all the powers and perform all the duties of the Borough Administrator for such specific period(s) as the Borough Administrator shall determine, or for such specific period(s) as the Borough Administrator is incapacitated or otherwise unable to act as the Borough Administrator. The term of the Assistant Borough Administrator may be terminated by the Council, with or without cause, upon 60 days' advance written notice.

2. That all other provisions of Article 2-9 of the Borough Code which are not referenced in Section 1 of this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

3. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.


4. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

5. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: September 3, 2024

Adopted: September 16, 2024

ATTEST:

  
MARGARET RIGGIO  
MUNICIPAL CLERK

  
SUSAN BLUTH  
MAYOR