

**SUSSEX BOROUGH  
ORDINANCE NO. 2019-05**

**AN ORDINANCE DELETING SECTION 2-6A, ENTITLED “BOROUGH ADMINISTRATOR”, AND AMENDING SECTION 2-19, ENTITLED “BOROUGH CLERK; DEPUTY”, OF CHAPTER II, ENTITLED “ADMINISTRATION”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Sussex find it is in the best interest of the Borough and its citizens to consolidate the positions of Borough Clerk and Borough Administrator; and

**WHEREAS**, the duties of the Borough Clerk and Borough Administrator are to be performed by the same individual; and

**WHEREAS**, pursuant to N.J.S.A. § 43:15A-25.2, a public employee with more than one position eligible for participation in the Public Employee Retirement System will only receive pension credit based on the highest-paid position; and

**WHEREAS**, it is contrary to the Governing Body’s intent for one individual to serve as both the Municipal Clerk/Registrar and Borough Administrator and to receive only partial pension credit for one of the two positions; and

**WHEREAS**, the Governing Body finds that the Borough Administrator duties should be merged with the Borough Clerk duties, to provide for a single pensionable position;

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

**SECTION 1.** Section 2-6A, entitled “Borough Administrator”, of Chapter II, entitled “Administration”, of the General Revised Ordinances of the Borough of Sussex is hereby deleted in its entirety.

**SECTION 2.** Section 2-19.4, entitled “Duties”, of Section 2-19, entitled “Borough Clerk; Deputy”, of Chapter II, entitled “Administration”, of the General Revised Ordinances of the Borough of Sussex is hereby amended to add new paragraph (k), which reads as follows:

k. The Municipal Clerk shall also exercise all duties of a Borough Administrator, as provided by N.J.S.A. 40A:9-136; may use the title of “Municipal Clerk/Administrator”, shall work with the administrative team, which shall include the Chief Financial Officer and the Mayor; and shall perform the following duties as assigned by the Mayor with the consent of the Borough Council:

1. Serve as chief administrative officer of the Borough.
2. Attend meetings of the Mayor and Council and other boards, as required, with the right to participate in all discussions, but without the right to vote.
3. Advise the Mayor and Council on policy decisions.
4. Execute all applicable laws of the State of New Jersey and ordinances and resolutions of the Borough.
5. Recommend the appointment and/or removal of employees for whose selection and removal no other method is provided by law.
6. As instructed by the Council, negotiate contracts which are subject to the approval of the Mayor and Council.

7. Represent, or so direct the administrative team to represent, the Borough, with the approval of the Mayor and Council, in its relations with the Federal government, State, County and other municipalities and assess the Borough's interest in contracts, franchises and other business transactions.

8. Investigate the affairs of any officer, employee or department at the request of the Mayor and Council and report thereon.

9. Work with the residents and business owners of the Borough to ensure that their inquiries or complaints are properly followed up by the appropriate Borough department.

10. Work with the Chief Financial Officer and Mayor to establish and maintain effective personnel practices and maintain appropriate records of all employees, including the development of a systematic review of employee performance.

11. Carry out or so direct the Borough staff to carry out the policies established by the Mayor and Council.

12. Oversee and disseminate information to the Mayor and Council.

13. Work with the Chief Financial Officer, prepare the annual and capital budgets, in consultation with department heads and committees as may be established by the Mayor and Council, and submit them to the Mayor and Council as needed or requested by the Mayor and Council.

14. Work with the Mayor and Council and Chief Financial Officer to annually establish the priority of capital projects needed in the Borough, research the projects and budget the necessary funding to adequately and realistically complete the projects in a prudent and expedient time frame.

15. Receive copies of all reports and documents required by the Mayor and Council of all Borough department heads, officers, employees, committees, commissions, authorities and/or contractors/vendors.

16. Work with the Chief Financial Officer and qualified purchasing agent to develop procedures for the purchase and distribution of materials, supplies and equipment.

17. Serve as one of the Borough's purchasing agents. In such capacity, the Clerk shall purchase, in accordance with the provisions of the governing statutes and generally accepted purchasing practices and in coordination as applicable with the qualified purchasing agent, supplies and equipment for the various boards, departments and offices of the Borough.

18. Delegate to such individuals, officers or departments as may be appropriate, as he or she may deem necessary for the efficient administration of the Borough.

19. Keep the Mayor and Council informed as to Federal aid projects and State aid projects and other aid programs or grants for which the Borough may qualify.

20. Perform such other duties as may be required by ordinance, resolution or direction of the Mayor and Council.

21. Work with the Borough's water operator, Department of Public Works and other staff and vendors providing services in connection with the operation of the Borough's water and sewer system with respect to the financial, personnel, administrative and office needs and requirements; and report to the Mayor and Council on these matters.

**SECTION 3.** Paragraph (a) of Section 2-19.7, entitled "Duties", of Section 2-19, entitled "Borough Clerk; Deputy", of Chapter II, entitled "Administration", of the General Revised Ordinances of the Borough of Sussex is amended to read as follows:

- a. During the absence, disability or disqualification of the borough clerk, have the powers of the borough clerk and perform the functions and duties of such office.

**SECTION 4. SEVERABILITY** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 5. REPEALER** All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

**SECTION 6. EFFECTIVE DATE** This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

#### NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2019-05 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 7<sup>th</sup> day of May, 2019 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 21<sup>st</sup> day of May, 2019 at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

---

Antoinette Smith, Municipal Clerk

---

Katherine Little, Mayor

Introduced: May 7, 2019  
Adopted: May 21, 2019