

# BOROUGH OF ORADELL

Honorable Dianne C. Didio, Mayor  
Eric Shuler, Council President

COUNCIL  
R. Garrie Murphy  
Edward F. Pflieger  
Michael Staff  
Tracy A. Schoenberg  
Roger Tashjian



ADMINISTRATOR/BOROUGH CLERK  
Laura J. Graham, CPM, RMC

CHIEF FINANCIAL OFFICER  
Katie Chen, CMFO

July 29, 2016

New Jersey Department of State  
PO Box 300  
Trenton, New Jersey 08625

Re: **Borough of Oradell  
Ordinance No. 16-05**

Dear Sir or Madam:

Enclosed please find two (2) copies of the Borough's Pay-to-Play Ordinance (No. 16-05) that was passed at the July 26, 2016 meeting of the Mayor and Council.

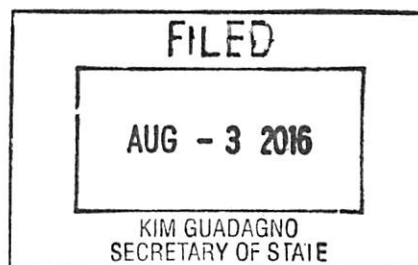
Kindly record the same and should you require anything further, please do not hesitate to contact the undersigned.

Sincerely,

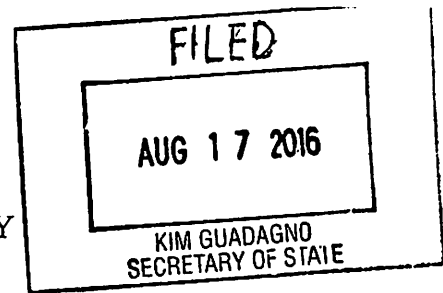
CINDY KIRKPATRICK  
Deputy Borough Clerk

Encs.

cc: Andrew P. Oddo, Esq. (w/enc.)



BOROUGH OF ORADELL  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE #16-05



This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on June 28, 2016. It will be further considered for final passage after public hearing thereon, at a Public Meeting of said Borough Council to be held in the Town Hall, in said Borough, on July 26, 2016 at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.

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LAURA J. GRAHAM  
Borough Clerk

I hereby certify that the foregoing is a true and correct copy of the original: Ordinance  
approved by the Mayor and Council of the Borough of Oradell on: 7/26/16  
Sign: C. Kirkpatrick  
Date: 8/10/16

**BOROUGH OF ORADELL  
ORDINANCE NO. 16-05**

**AN ORDINANCE TO AMEND CHAPTER 14-2 OF THE CODE OF THE  
BOROUGH OF  
ORADELL TITLED "Withholding Public Contracts And Hirings From Substantial  
Political Contributors"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Oradell as follows:

A. Prohibition on awarding public contracts to, and hiring of, certain contributors

(1) Any other provision of law to the contrary notwithstanding, the Borough and any of its purchasing agents or agencies, its statutory boards, and its independent authorities, as the case may be, shall not hire any person nor enter into an agreement or otherwise contract to procure services, including banking services or insurance coverage services, from any professional business entity if that person or entity has made any reportable contributions, including in-kind contributions, to a campaign committee of any Borough candidate or holder of a public office in the Borough, whether or not that officeholder has the ultimate responsibility for the hiring or the award of the contract, as the case may be, or to any Borough or Bergen County party committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough candidates or Borough officeholders, including any state party or legislative leadership committee, if such contribution or pledge is made within one year immediately preceding the date of the municipal decision awarding such contract or agreement, or the decision to hire such person, as the case may be.

(2) No professional business entity that enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof, or its statutory boards, or its independent authorities, for the rendition of professional, banking or insurance services or any other no-bid consultation services, and no person who has submitted an application for municipal employment or otherwise communicated to the Borough an interest in a position of employment which the Borough is seeking to fill, shall knowingly make a reportable contribution, including in-kind contributions, to any Borough candidate or holder of a public office in the Borough, whether or not that officeholder has the ultimate responsibility for the award of the contract, or the hiring of such person, as the case may be, or to any Borough or Bergen County party committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough candidates or Borough officeholders, including any state party or legislative leadership committee, between the time of first communication between that business entity or prospective hiree, as the case may be, and the Borough regarding a specific

professional services agreement, or position of employment, as the case may be, and the later of the termination of negotiations or the completion of the contract or agreement with professional business entity or hiree, as the case may be.

(3) For purposes of this section, a "professional business entity" seeking a public contract means an individual, including the individual's spouse, and any unemancipated child living in the household of such person, a firm, corporation, professional corporation, partnership, limited partnership, limited-liability company, unincorporated association or similar organization. The definition of a "business entity" encompasses all principals and partners who own 10% or more of the equity in the business entity, and any officers employed by the entity, as well as any subsidiaries directly controlled by the business entity.

(4) For purposes of this section, a "hiree" means any individual who is employed, or who is seeking to be employed, by the Borough, including but not limited to municipal officers such as tax collectors, tax assessors, Borough administrators, chief financial officers and Borough clerks.

(5) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract, or the hiring of a hiree, shall be:

(a) The governing body of the Borough, if the contract or hiring requires approval or appropriation from the Council.

(b) The Mayor of the Borough, if the contract or hiring requires approval of the Mayor, or if a public officer who is responsible for the award of a contract or the hiring is appointed by the Mayor.

(6) For purposes of this section, the term "reportable contribution" shall be defined as any contribution of greater than \$300 .

B. Contributions made prior to the effective date. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity or a hiree to any municipal candidate for Mayor or Council, or municipal or county party committee or PAC that is organized for the primary purpose of promoting or supporting Borough candidates or Borough officeholders, including any state party or legislative leadership committee, shall be deemed a violation of this section, nor shall an agreement for property, goods or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity or hiree prior to the effective date of this section.

C. Contribution statement by professional business entity.

(1) Prior to awarding any contract or agreement to procure services with any professional business entity, including banking or insurance coverage services,

and prior to hiring any hiree, the Borough of Oradell or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity or hiree, as the case may be, made under penalty of perjury that the professional business entity, or hiree, has not made a contribution in violation of Subsection A of this section.

(2) The professional business entity, or hiree, as the case may be, shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract, or as to the hiree, during the negotiations for employment or during the employment of the hiree. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough, or in the case of the hiree, prior to the agreement of employment, and shall be in addition to any other certifications that may be required by any other provision of law.

D. Return of violative contributions. A hiree or Borough candidate or officeholder or municipal or county party committee or PAC that is organized for the primary purpose of promoting or supporting Borough candidates or Borough officeholders may cure a violation of Subsection A, if, within 60 days after the appointment, the hiree or professional business entity notifies the Borough Council in writing and seeks and receives reimbursement of a contribution from the Borough candidate or municipal or county political party or PAC or state party or legislative leadership committee.

E. Penalty.

(1) All Borough professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity to violate Subsection A or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

(2) Any professional business entity which or who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Borough contracts for a period of four calendar years from the date of the violation.

(3) Any hiree who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be subject to the termination of his or her employment for cause.

F. Severability and effectiveness clause. If any sentence, paragraph or section of this section, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this section shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this section.

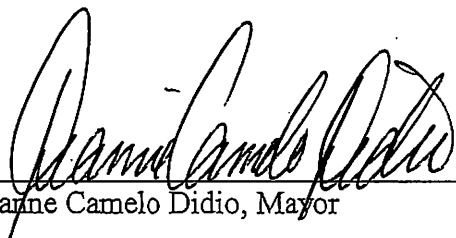
G. All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

H. This section shall take effect upon passage and publication as required by law.

**BOROUGH OF ORADELL  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE #16-05**

**AN ORDINANCE AMENDING CHAPTER 14-2 OF THE CODE OF THE BOROUGH  
OF ORADELL CONCERNING CONTRACTS AND AGREEMENTS**

Introduced: June 28, 2016  
Passed 1<sup>st</sup> Reading: June 28, 2016  
Public Hearing: July 26, 2016  
Adopted: July 26, 2016  
Approved: July 26, 2016

  
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Dianne Camelo Didio, Mayor

ATTEST:

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Laura J. Graham, CPM, RMC  
Administrator/Borough Clerk

This to certify that the foregoing ordinance was finally passed and adopted at the Regular Meeting of the Borough Council of the Borough of Oradell, New Jersey on July 26, 2016 and the same was approved by the Mayor of the Borough of Oradell on July 26, 2016.

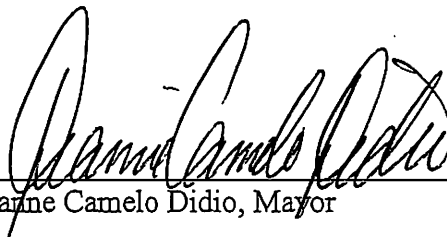
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