

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 02 -2024**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 10 OF THE BOROUGH CODE
ENTITLED “PERSONNEL POLICIES” TO ADD NEW SECTION 10.2 ENTITLED
“ANTI-NEPOTISM POLICY”**

WHEREAS, the Mayor and Council of the Borough of Ogdensburg deem it appropriate and necessary to establish an Anti-Nepotism Policy to assure that employment by the Borough is free from nepotism, favoritism, and patronage.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that Chapter 10 of the Borough Code entitled “Personnel Policies” is hereby amended to add new Section 10-2 entitled “Anti-Nepotism Policy” as follows:

SECTION 1. Section 10-2 entitled “Anti-Nepotism Policy” is hereby added to Chapter 2 of the Borough Code as follows:

Chapter 10 Personnel Policies

§ 10-2 ANTI-NEPOTISM POLICY.

§ 10-2.1 Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Borough of Ogdensburg but is solely intended to eliminate the potential for preferential treatment of the relatives of the members of the governing body and/or any department head.

§ 10-2.2 Definitions.

As used in this Section, the following terms shall have the meanings indicated:

CONTRACTORS

Contractors, independent contractors, subcontractors, vendors, professionals appointed pursuant to the fair and open process or the non-fair and open process, or person, persons, or business working for the Borough whose employment is limited in scope or duration to a specific project with the Borough and subject to either a bid proposal or a solicitation of quotes. (Examples would include, but not be limited to road projects, construction projects, and other municipal projects). Employment with contractors shall be considered for the purpose of this Section as employment with the Borough.

DEPARTMENT

Any department within the government structure of the Borough of Ogdensburg, whether existing pursuant to the Borough Code or pursuant to the laws of the State of New Jersey.

ELECTED OFFICIAL

Any person holding the position of Mayor or Council member of the Borough of Ogdensburg.

RELATIVE

Spouse or significant other, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt, or any other person related by blood or marriage.

SUPERVISOR

Any employee of the Borough of Ogdensburg having supervisory duties and powers over another employee within the Borough.

TEMPORARY EMPLOYMENT

Any employment (or employee thereunder) which is not full-time or regular part-time, and shall include, without limitation, seasonal employees including, but not limited to, seasonal employees affiliated with Borough recreation programs.

§ 10-2.3 Applicability.

- a. The prohibitions set forth in these anti-nepotism regulations shall apply to all contractors, and full-time and regular part-time positions of the Borough of Ogdensburg but shall not apply to any temporary employment.
- b. Subject to the exception in § 10-2.4 below, this Section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of this Section, and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or the hiring or promotion of any person currently employed by the Borough of Ogdensburg as of the effective date of this Section which may technically be in violation of the terms hereof but for its prospective application. For purposes of interpreting this exception, persons appointed to positions of employment with the Borough of Ogdensburg for a set term shall be considered current employees notwithstanding the fact that the then term may have ended. Such persons holding positions of employment with the Borough of Ogdensburg under a set term may be hired to any position in the Borough, rehired, reappointed, or promoted, as may be the case, without violating this Section.

§ 10-2.4 Restrictions on hiring, supervision, and promotions of employees.

The following restrictions shall apply to the hiring and promotion of employees to employment positions for the Borough of Ogdensburg:

- a. **Elected officials.** No elected official of the Borough of Ogdensburg shall be considered for employment or hired to a position of employment with the Borough of Ogdensburg either during his or her term of office or within four years after the expiration of the term. No elected official shall serve as Council liaison to any department that employs any relative of that elected official.

- b. **Relative of elected officials.** No person who is a relative of any elected official of the Borough of Ogdensburg shall be considered for employment as an employee of the Borough of Ogdensburg. This shall not restrict nor prohibit the continued employment of individuals to a position with the Borough of Ogdensburg where a relative of an employee is elected as a Mayor or Council member after the date of the employee's start of employment with the Borough of Ogdensburg.
- c. **Promotion of existing employees.** Notwithstanding the prospective applications as to the remainder of this Section as applied above, no elected official may participate in the promotion process or hiring process in the department of any existing employee who is a relative of the elected official. The elected official shall recuse himself or herself from participation in such personnel action as it applies to such relative.
- d. **Appointments.** No relative of an elected official of the Borough of Ogdensburg shall be appointed to the position of any Borough of Ogdensburg professional who receives compensation, or any Borough of Ogdensburg board or commission which has more than an advisory role and/or one in which the members receive compensation.
- e. **Department heads.** No person who is a relative of any department head of the Borough of Ogdensburg shall be considered for employment as an employee of the Borough of Ogdensburg. This shall not restrict nor prohibit the continued employment of individuals to a position with the Borough of Ogdensburg where a relative of a department head is hired before the effective date of this chapter.

§ 10-2.5 Current employees.

Except as may be otherwise expressly provided for herein, this Section shall not affect the employment of any present Borough of Ogdensburg employee, nor shall it be construed or enforced in such manner as to violate, abridge, or impair any rights of individuals employed or affiliated with the Borough under any collective bargaining agreement, employment contract, or any state or federal law protecting the employment rights of any such individuals. If, however, an employee of the Borough of Ogdensburg becomes an elected official of the Borough of Ogdensburg following the adoption of this Section, the employee must either resign their employment with the Borough of Ogdensburg or resign from the office to which they were elected.

SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

Attest:

Robin Hough
Robin Hough, Borough Clerk

George P. Hutnick
George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on January 22, 2024, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on February 12, 2024 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.

Robin Hough
Robin Hough, Borough Clerk

Roll call vote for Introduction of Ordinance 02-2024

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption of Ordinance 02-2024

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick				✓
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 02-2024**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING CHAPTER 10 OF THE BOROUGH CODE
ENTITLED "PERSONNEL POLICIES" TO ADD NEW SECTION 10.2 ENTITLED
"ANTI-NEPOTISM POLICY"**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 22nd day of January, 2024, and the same came up for final passage at a meeting of the said Borough Council on the 12th day of February, 2024, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR