

MINUTES

Regular Meeting of the Mayor and Council
Monday, November 25, 2019
7:00 P.M.

CALL TO ORDER –

Councilman Papaleo called the meeting to order at 7:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER – FLAG SALUTE

Councilman Papaleo called for a moment of silent prayer and asked Councilwoman Davis to lead the salute to the flag.

STATEMENT –

Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on December 21st of this location, date and time to the Ridgewood News and the Record and by posting of same on the municipal bulletin board and Borough Web Site and filing a notice of the same with the Municipal Clerk.

ROLL CALL –

Councilman Chinigo, Councilwoman Davis, Councilman Gautier, Councilwoman Kaufman and Councilman Papaleo were present; Councilwoman Busteded was absent.

CLOSED SESSION –

On motion by Councilman Chinigo, seconded by Councilwoman Davis to approve resolution #19-363 and go into closed session was unanimously approved.

#19-363 Resolution To Go Into Closed Session and Exclude Public.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

That the public shall be excluded from the November 25, 2019 regular meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u> <u>Docket #</u>	<u>Item Title or Description</u>	<u>Statutory</u> <u>Reference</u>
19-11/25-1	DPW Contract Negotiations	N.J.S.A. 10:4-12(4)
19-11/25-2	DPW Promotions	N.J.S.A. 10:4-12(8)

Formal action may/may not be taken by the Borough of River Edge's Mayor and Council at this meeting.

November 25, 2019

On motion by Councilwoman Davis, seconded by Councilwoman Kaufman to adjourn the closed session and return to the regular session was unanimously approved.

APPROVAL OF MINUTES -

On motion by Councilwoman Kaufman, seconded by Councilwoman Davis the Closed Session Minutes of October 21, 2019 were approved on the following roll call:

Councilman Gautier, Councilwoman Kaufman and Councilman Papaleo voted yes; Councilman Chinigo abstained.

On motion by Councilman Chinigo, seconded by Councilwoman Davis the Regular Session minutes of November 12, 2019 were approved unanimously.

PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo to open public comments on any item on the agenda was approved unanimously.

There being no comments from the public, the motion by Councilwoman Kaufman, seconded by Councilwoman Davis to close public comments was unanimously approved.

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Gautier, seconded by Councilwoman Davis the following appointments and personnel changes were unanimously approved.

The salary change of Edwin Alter, Land Use Clerk from an hourly Step I rate of \$20.35 to Step II - \$21.46 effective October 23, 2019.

The salary change of Lisa Ciavarella, Land Use Recording Secretary from a Step I hourly rate of \$20.35 to Step II - \$21.46 effective December 12, 2019.

The salary change of Katia Minaya, Accounts Payable Clerk from an hourly Step I rate of \$20.35 to Step II - \$21.46 effective August 14, 2019.

The salary change of Ryan Magee, Crossing Guard from an hourly Step I rate of \$20.13 to Step II - \$21.26 effective August 14, 2019.

The salary change of Carol Byrne, Records Clerk from an annual Step III salary of \$41,030.00 to Step IV - \$43,189.00 effective August 17, 2019.

ORDINANCES – 1ST Reading

Stephanie Evans, Borough Clerk read the title of Ordinance #19-21 into the record.

Ordinance #19-21 AN ORDINANCE TO REPEAL CHAPTER 33 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “FIRE DEPARTMENT” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 33 “FIRE DEPARTMENT”

On motion by Councilman Chinigo, seconded by Councilman Gautier, the first reading of Ordinance #19-21 was approved unanimously as follows:

BOROUGH OF RIVER EDGE ORDINANCE #19-21

AN ORDINANCE TO REPEAL CHAPTER 33 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “FIRE DEPARTMENT,” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 33, “FIRE DEPARTMENT.”

CHAPTER 33 – FIRE DEPARTMENT

Article I – Administration/Supervision

The Fire Department is within the Department of Administration. The Fire Department shall be under the general control of the Mayor and Borough Council and shall be subject to such ordinances and rules and regulations as shall now be in effect or may hereafter be enacted by the Borough Council. The Officers of the Fire Department shall be responsible to the Mayor and Borough Council for all fire-fighting activities and for the repair, upkeep, care and control of all Borough equipment. Further, the Mayor and Borough Council, through the Board of Fire Officers, shall have the primary responsibility for setting the general policies of the Fire Department.

Notwithstanding, the Members of the Fire Department, whether on the scene of an incident or drill, in fire headquarters or attending any departmental function, shall be under the supervision and subject to the direction of the Chief or, during his absence or incapacity, the Assistant Chief. In the absence of the Assistant Chief, the Deputy Chief will be in charge. In the absence of the above officers, where both Captains are in attendance, the Captain from the Assistance Chief’s Company shall be deemed the

senior officer. In the absence of the above officers where both First Lieutenants are in attendance, the First Lieutenant from the Assistant Chief's Company shall be in charge. In the absence of the above officers, where both Second Lieutenants are in attendance, the Second Lieutenant from the Assistant Chief's Company shall be in charge. In the absence of the above officers, the Fire Department's By-Laws shall control.

Supervision of the Fire Department is subject to the departmental rules and regulations and standard operating procedures and, as stated above, is under the general control of the Mayor and Council of the Borough of River Edge.

Article II – Composition

The Fire Department shall consist of two (2) companies, to be known as Company 1 and Company 2, and other such volunteer companies as the Mayor and Borough Council may hereafter officially designate and appoint to combat and extinguish fires in the Borough of River Edge. The Department shall consist of an active force to be limited to the number prescribed by state law; each Company shall be limited to fifty percent (50%) of the state allowance, including active exempts. The Fire Department shall consist of a Chief, an Assistant Chief, a Deputy Chief, two (2) Captains, two (2) First Lieutenants and two (2) Second Lieutenants, as well as such other firefighters as may be appointed. The duties of the companies and their personnel shall be as designated and determined from time to time by the Chief or, in his absence, the Assistant Chief. There may be established under this article such additional companies and staffing levels as may be deemed necessary by the Chief Officers in conjunction with the Mayor and Borough Council.

Article III – Fire Officers

The Fire Officers of the Department shall be a Chief, an Assistant Chief, a Deputy Chief, and for each Company: Captain, First Lieutenant, and Second Lieutenant.

To be eligible to hold any Fire Officer position a member must be in good standing, comply with all applicable residency requirements, have an average of sixty percent (60%) attendance at dispatches, drills, and meetings, and must have been a member of the Department for at least one (1) year beyond the probationary period.

Section 1: Chain of Command

When the Department is not on active duty, it shall be under the general supervision of the Chief of the Department; provided, however, that such supervision shall be subject to and not in conflict with the latest Borough ordinances, Fire Department Bylaws, or the Department rules and regulations.

When the Department is attending a fire or other emergency, it shall be under the absolute control of the Chief of the Department. In the absence of the Chief, the Assistant Chief will be in charge. In the absence of the Assistant Chief, the Deputy Chief will be in charge. In the absence of the above officers, where both Captains are in attendance, the Captain from the Assistance Chiefs Company shall be deemed the senior officer. In the absence of the above officers where both First Lieutenants are in attendance, the First Lieutenant from the Assistant Chief Company shall be in charge. In the absence of the above officers, where both Second Lieutenants are in attendance, the Second Lieutenant from the Assistant Chiefs Company shall be in charge. In the absence of the above officers, the Fire Department's By-laws shall control.

The Chief, Assistant Chief, Deputy Chief, or officer in command shall have general police power at all dispatches in any area of the Borough actually under the supervision and control of the Fire Department.

Section 2: Chief

The Chief must be nominated and elected annually and shall serve no more than two (2) consecutive elected years in office. The Chief of the Department shall assume command the first day of January following the election.

The Chief's duties include, but are not limited to:

- a. calling a minimum of three (3) Departmental Drills and three (3) Departmental Meetings each year;
- b. at dispatches:
 - i. seeing that the officers and members perform their full duties;
 - ii. giving such orders as may be necessary to save life and property;

- iii. getting such information from the owner or occupant of the burning building as may be deemed proper; and
- iv. if possible, ascertaining the origin and cause of the fire.
- c. notifying the proper law enforcement agency if sufficient evidence points toward arson;
- d. after consultation with the proper law enforcement agency, causing the arrest of anyone giving false alarms or interfering with the work of the Fire Department while engaged in fire duty;
- e. performing such other duties as the good and welfare of the Department may require; and
- f. submitting a written report each quarter to the Borough Council.
 - i. The written report shall reflect the averages calculated by the Captain of each Company, dispatch records and any other pertinent information regarding the Department.

In the event of a vacancy in the position of Chief, any such a vacancy shall be filled for the unexpired term by the Assistant Chief. The Deputy Chief will then assume the office of the Assistant Chief and the senior Captain will fill the office of the Deputy Chief.

A line officer cannot advance rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years' experience as a line officer shall be allowed to move to the positions of Deputy Chief or above. To be eligible to serve as Department Chief, the Member must have also served in the Deputy Chief position and the Assistant Chief position.

Section 3: Assistant Chief and Deputy Chief

The duties of the Assistant Chief and the Deputy Chief include, but are not limited to:

- a. seeing that the apparatus, personal protective gear and all tools and equipment are kept in order;
- b. having command of his respective company at all times;
- c. observing that each member does his/her duty;
- d. granting leave of absence or excusing any member when deemed necessary; and
- e. aiding the Chief at all times in the discharge of his/her duties

In the event of a vacancy in the position of Assistant Chief, any such a vacancy shall be filled for the unexpired term by the Deputy Chief. The senior Captain will fill the office of the Deputy Chief.

In the event of a vacancy in the position of Deputy Chief, any such a vacancy shall be filled for the unexpired term by the Senior Captain. The senior Captain will fill the office of the Deputy Chief. Any subsequent vacancy among the Fire Officers of the Company shall be filled for the unexpired term by progression

A line officer cannot advance rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years' experience as a line officer shall be allowed to move to the positions of Deputy Chief or above.

Section 4: Captains (two), First Lieutenants (two) and Second Lieutenants (two)

The Captains, First Lieutenants, and Second Lieutenants shall aid the Assistance Chief and Deputy Chief at all times in the discharge of their duties. In the absence of the Assistance Chief or Deputy Chief, the Captains and Lieutenants, in rank and seniority order, shall act in such capacity, strictly adhering to all the duties of that office.

- A. Captain: It shall be the duty of the Captains of each Company to keep and record the attendance at all dispatches, drills, meetings, and present the averages for same at each monthly meeting of the Company. Any Member may challenge or dispute their average after review at the monthly Company meeting. Upon presentation at the monthly meeting of the Company, the Captain shall submit the averages, and supporting records, to the Borough Administrator for review. Any dispute over a Member's average that is not resolved in-house shall be submitted to the Borough Administrator and Council for review. The Captain shall also keep a record of all dispatches. These records and averages shall be kept in a separate book. At the end of each calendar year, one copy of these records shall be turned over to the Secretary of the Relief Association for permanent filing, and signed by the Captain responsible for the averages.

- i. The Department shall use the National Fire Incident Reporting Software (“NFIRS”) to record alarm data. If NFIRS is not used, the Captains shall keep a monthly analysis, organized by category, showing how attendance is calculated and reported. If NFIRS is used only for attendance at dispatches, a master list for all drills, meetings and each category of additional approved activities shall also be presented to monthly at the Company meeting and submitted monthly to the Borough Administrator.
- ii. The Captain shall keep copies of all records in support of the monthly averages calculations and file same in the Chief’s office. The records shall be retained in an organized manner according to dispatches, drills, meetings, and any other approved activity. Any and all attendance records and calculations shall at no point be discarded. Records and calculations must be available for the Borough’s review at any given time.
- iii. The reporting of attendance at dispatches shall be performed in accordance with Article VI, Section 6(B)(i).
- iv. A Member’s eligibility for a Fire Officer position is based strictly on their attendance at dispatches, drills and meetings. A Member’s firematic average will be calculated by simply dividing the number attended by that Member by the total number of each activity

Should any vacancy occur among the Fire Officers of the Company, such vacancy shall be filled for the unexpired term by progression and a special election will be called by the order of the President to fill the 2nd Lieutenant position. A line officer cannot advance rank unless he or she has at least one year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five years’ experience as a line officer shall be allowed to move to the positions of Deputy Chief or above. In the event no present officer has the five years’ experience, a special election will be held

Article IV – Elections

As stated above, to be eligible to hold any Fire Officer position a member shall comply with all applicable residency requirements, must have an average of sixty percent (60%) attendance at dispatches, drills, and meetings, and must have been a member for at least one (1) year beyond the probationary period. Additionally, the Member must satisfy the years of service required in specified Fire Officer positions to hold such position.

Section 1: Election of Department Chief

- A. Eligibility
 - o Any member to be nominated as Chief must have held the office of Deputy Chief or above in the River Edge Volunteer Fire Department
- B. The Chief must be nominated and elected annually and shall serve no more than two (2) consecutive elected years in office.
- C. The Chief is to be elected at the annual meeting of the whole department to be held on the third Thursday in the month of November at the Fire Headquarters selected by the Chief.
- D. The Department Secretary shall notify all the members of the Department at least forty-eight (48) hours prior to date of the Departmental meeting of the time and place of the meeting.
- E. The nomination made for Chief is as follows:
 1. When the present Chief is in his last year of service, the nominations shall be made by the Company that the present Chief does not belong to. In other circumstances, the nomination shall be made by the Company that the present Chief belongs to.
 2. The nomination shall be made by the respective Company at their regular October meeting and it shall be the duty of that Company’s Secretary to post notice of said nomination, in writing, on the Bulletin Boards of both Companies, not later than November 3rd. Nominations for Chief can be made only upon a petition, signed by five (5) members of good standing, from each company. These petitions must be posted in writing on both Bulletin Boards not later than November 8th.
- F. If there is no contest for the office of Chief; the Secretary of the Department shall cast one ballot to elect the candidate nominated for Chief. If a second nomination for Chief by petition is utilized, the Chief shall be elected in accordance with the procedure enumerated in the Fire Department By-Laws.

After the election, the voting record will be submitted to the Borough Council for confirmation. The Borough Council will confirm the elected official at the next Council meeting. Any Member contesting

the election, or any aspect thereof, will be afforded the opportunity to present their position at the Council meeting. Once confirmed by Borough Council, the Chief will be officially sworn in by the Mayor.

Section 2: Election of Company Officers (Assistant Chief, Deputy Chief, Captains, First Lieutenants, Second Lieutenants)

A. Eligibility:

- A line officer cannot advance in rank unless he or she has at least one (1) year of service at present rank. Any member who has held the specific rank or above would be eligible for the opening to be filled by election. No line officer with less than five (5) years' experience as a line officer shall be allowed to move to the positions of Deputy Chief or above. To be eligible to serve as Assistant Chief, the individual must have held the position of Deputy Chief.
- B. All company officers shall be elected at the next regular Company meeting following the election of the Chief. If there is a challenge the election will be handled through a closed ballot.
- C. One third of the active roster constitutes a quorum for the transaction of all business and is required to elect any officer.

After the election, the voting record will be submitted to the Borough Council for approval. The Borough Council will confirm the elected Officers at the next Council meeting. Any Member contesting the election, or any aspect thereof, will be afforded the opportunity to present their position at the Council meeting. If affirmed by Borough Council, the Fire Officer(s) will be officially sworn in by the Mayor.

Section 3: Appeal/Challenge of Fire Officer Election and Appointment

Any Member may contest the election and/or appointment of a Fire Officer. Prior to the Council's confirmation and swearing in of that elected Officer, the Member may submit a statement of their position to the Council and appear at the Council meeting to present their objection.

Article V – Board of Firematic Officers

The Chief, Assistant Chief, Deputy Chief, Captains and Lieutenants of each Company shall constitute the Board of Fire Officers. The Board shall administer the affairs of the Department related to firematics, subject to the approval of the Mayor and Borough Council; enforce the By-laws of the Board and latest Borough Ordinances; promulgate and enforce the Department rules and regulations; and shall keep permanent records of all of its affairs, including, but not limited to dispatches, hoses and equipment. The Board of Fire Officers shall decide matters affecting the morale of Department Members and general welfare.

The Board shall meet monthly, or more frequently if necessary, to transact business of the Department.

Article VI – Membership

Section 1: Composition

The Fire Department shall consist of an active force to be limited to the number prescribed by state law. The Department shall consist of two (2) companies, known as Company 1 and Company 2, each of which shall be limited to fifty percent (50%) of the state allowance, including active exempts.

Section 2: Eligibility/Qualifications

A candidate for membership must:

- A. be at least 18 years of age;
- B. be a resident of the Borough of River Edge unless he/she complies with section 4 below;
- C. be sponsored by an active member in good standing of the Company to which the applicant is seeking membership; and
- D. submit an application on notarized Departmental application forms; and
- E. subject to a criminal background check.

Section 3: New Members

A new member must serve one (1) year on probation, during which he or she is required to maintain a sixty percent (60%) average at all dispatches, drills, and meetings, and must have successfully completed the applicable basic firematic cinematic training course, Fire Fighter No. 1; or equivalent.

If a new member has had prior qualifying training and has not been inactive from the fire service for more than one (1) year, he may forgo the training requirement. However, he must have taken an approved course at a County or State School which will be approved by the Company investigating committee for transfer membership. The Investigating Committee will verify the course taken as it must be comparable to Fire Fighter No.1. In the event a new member has not met the requirements of the Fire Department, he/she shall be subject to dismissal. To accomplish this action, a vote shall be taken, with the majority rule applying. If a new member is so dismissed, his/her name shall be removed from the rolls and Mayor and Council notified as well as the other company, in writing.

A roster of all Firematic and Civic Officers and Members, signifying their start date, type of Member (i.e., active, retired, exempt, non-exempt, etc.), certifications and position held, if applicable, shall be updated submitted to the Borough Administrator on or before January 31 of each year.

Section 4: Residency Requirement

Generally, all Fire Department members must be residents of the Borough of River Edge. However, a full time continuous member who has been a member in good standing, who moves to a bordering town (Paramus, Oradell, Hackensack, Teaneck or New Milford), may remain a member of the Fire Department in as much as he/she continues to comply to all of the by-laws and rules and regulations of the Department. This member as a non-resident retains all the existing rights and privileges that he/she enjoyed as a resident except that as a Fire Officer, he/she must resign his/her office at the end of that year.

A non-resident may only apply to the Fire Department if they are a resident of the following towns: Teaneck, Oradell, Paramus, New Milford, and Hackensack.

A non-resident member may run for a firematic office, but each company is limited to two (2) non-resident firematic officers at any one time.

Full time non-resident membership will be limited to twenty-five percent (25%) of the allowed State membership quota per Company. Any resident who moves to another town, other than a bordering town, must resign within sixty (60) days.

Section 5: Duties

All Members of the Fire Department shall report immediately upon every dispatch, to the fire house and to convey, as soon as possible, the apparatus and equipment to or near the fire and to use them according to the direction of the officer in charge and if the apparatus should be gone, proceed to the fire and report to the officer in charge. In the absence of the Chief or the Company Officer, the most recent Ex-Chief or Senior Member shall assume command until relieved by a fire officer. While performing in this capacity, he/she shall have the same authority and responsibilities as an active officer.

Every member, while actively engaged at the fire scene or a scheduled Firematic activity shall strictly obey the orders of the Firematic Officers. Deliberate failure to obey the orders of the officers may lead to formal charges.

Section 6: Membership Classifications and Requirements

A. Certifications

All Members must comply with the State requirements for certifications of Volunteer Fire Fighters. The Secretary of each Company shall record and file copies of the Certifications held by each Member. Failure to comply with the State certification requirements may subject a Member to disciplinary action, up to and including removal.

B. Attendance

Attendance will be recorded at all dispatches, drills and meetings. The averages of all Company Member's attendance at same will be presented monthly at the Company meeting. Member's attendance percentage will be calculated by simply dividing the number that Member attended by the total number of each activity.

- i. Calculation of attendance averages.

It shall be the duty of the Captains of each Company to keep and record the attendance at all dispatches, drills, meetings, in accordance with the adopted By-laws, and present the averages for same at each monthly meeting of the Company. Any Member may challenge or dispute their average after review at

the monthly Company meeting. Upon presentation at the monthly meeting of the Company, the Captain shall submit the averages, and supporting records, to the Borough Administrator for review. Any dispute over a Member's average that is not resolved in-house shall be submitted to the Borough Administrator and Council for review. The Captain shall also keep a record of all dispatches. These records and averages shall be kept in a separate book. At the end of each calendar year, one copy of these records shall be turned over to the Secretary of the Relief Association for permanent filing, and signed by the Captain responsible for the averages.

The Department shall use the National Fire Incident Reporting Software ("NFIRS") to record dispatch data. If NFIRS is not used, the Captains shall keep a monthly analysis, organized by category, showing how attendance is calculated and reported. If NFIRS is used only for attendance at dispatches, a master list for all drills, meetings and each category of additional approved activities shall also be presented to monthly at the Company meeting and submitted monthly to the Borough Administrator.

The Captain shall keep copies of all records in support of the monthly averages calculations and file same in the Chief's office. The records shall be retained in an organized manner according to dispatches, drills, meetings, and any other approved activity. Any and all attendance records and calculations shall at no point be discarded. Records and calculations must be available for the Borough's review at any given time.

The attendance record for dispatches shall be created by the Captain of each Company, or in their absence the Officer in Charge. The Captain, or Officer in Charge, shall record the incident number, date, address and any other information deemed pertinent regarding the call. All reporting Members shall be required to sign the attendance sheet next to their pre-printed name upon reporting to a dispatch. The legend on the attendance sheet shall be used for each call. All information on the sign-in sheet shall be reflective of the information placed into the NFIRS for official reporting. Upon returning from the dispatch, the Captain or Officer in Charge shall review and sign the attendance sheet certifying that the information contained therein is accurate. The attendance sheet shall then be placed in a locked drawer and retained.

Members are not entitled to credit for sick time, vacation time, time in quarters, as well as other time off.

Attendance sheets for all other activities must be maintained in the same manner. Further, the attendance reports must be clear as to what category the activity completed falls under, i.e., drills, meetings, rig checks, etc. Attendance credit in any category shall not exceed the actual amount of reported activities in such category in any given month. Credit shall not be awarded to a Member for any activity not expressly approved, in writing, by the Department.

ii. Members status.

Non-exempt Members. Any Member who has not completed seven (7) years of service with an average established by the New Jersey State Fireman's Associations, is a "non-exempt member".

Exempt Members. Any Member who has completed seven (7) years of service with an average of sixty percent (60%) or better, as reported to the New Jersey State Fireman's Associations, is an "exempt member". Exempt Members must maintain an average of forty-five percent (45%) attendance at all dispatches, drills and meetings.

iii. Removal.

To be considered a member in good standing, an Exempt Member must maintain a company average of forty-five percent (45%) attendance at all dispatches, drills, and meetings. Any Exempt Member who falls below a thirty percent (30%) company average will be subject to dismissal as outlined herein in accordance with the Department By-laws.

To be considered a member in good standing, a Non-exempt Member must maintain a company average of sixty percent (60%) attendance at all dispatches, drills, and meetings. Any Non-exempt Member who falls below a thirty percent (30%) company average will be subject to dismissal as outlined herein in accordance with the Department By-laws.

Any Member whose average falls below thirty percent (30%) by the end of any calendar year will be sent a letter that states his average is below thirty percent (30%) and that he/she is required in the following year to raise his/her average above thirty percent (30%) by year end or will be automatically dropped from the rolls of the River Edge Volunteer Fire Department on December 31st of the 2nd year.

C. Leave of Absence.

Nothing herein shall prevent any Member from being granted a leave of absence (e.g. medical) for a period not exceeding one year; provided, however, that application be first made to the Chief of the Company who approves it.

Article VII – Charge by Ranking Officer

When the Department is attending a fire or other emergency, it shall be under the absolute control of the Chief of the Department. In the absence of the Chief, the Assistant Chief will be in charge. In the absence of the Assistant Chief, the Deputy Chief will be in charge. In the absence of the above officers, where both Captains are in attendance, the Captain from the Assistance Chief's Company shall be deemed the senior officer. In the absence of the above officers where both First Lieutenants are in attendance, the First Lieutenant from the Assistant Chief's Company shall be in charge. In the absence of the above officers, where both Second Lieutenants are in attendance, the Second Lieutenant from the Assistant Chief's Company shall be in charge. In the absence of the Chief or the Company Officer, the most recent Ex-Chief or Senior Member shall assume command until relieved by a fire officer. While performing in this capacity, he/she shall have the same authority and responsibilities of an active officer.

The Chief, Assistant Chief, Deputy Chief, or officer in command shall have general police power at all dispatches in any area of the Borough actually under the supervision and control of the Fire Department.

It shall be the duty of every Member of the Department to report immediately upon every dispatch, to the fire house and to convey, as soon as possible, the apparatus and equipment to or near the fire and to use them according to the direction of the officer in charge and if the apparatus should be gone, proceed to the fire and report to the officer in charge. Every member, while actively engaged at the fire scene or a scheduled Firematic activity shall strictly obey the orders of the Fire Officers. Deliberate failure to obey the orders of the officers may lead to formal charges.

Article VIII – Refusal to Obey or Execute Orders

Every member, while actively engaged at the fire scene or a scheduled Firematic activity shall strictly obey the orders of the Fire Officers. In the absence of the Chief or the Company Officer, the most recent Ex-Chief or Senior Member shall assume command until relieved by a fire officer. While performing in this capacity, he/she shall have the same authority and responsibilities of an active officer. Deliberate failure to obey the orders of the officers may lead to formal charges.

Any fire fighter or officer who, while on duty at any fire, drill, parade or inspection, shall refuse or neglect to obey or execute any orders from the officer in charge, or who having knowledge of the defective condition of any part of the apparatus, fire hydrants or equipment, shall fail to report the condition at once to one of the Chiefs, or who shall violate the constitution, bylaws, rules or regulations of the Department of this article shall be subject to reduction in rank, suspension or expulsion from the Department.

Any person having knowledge of any act of misconduct as set forth in the preceding subsection of any fire fighter or officer shall, within thirty (30) days of the alleged offense, submit a complaint to the Fire Chief who shall immediately, in writing, notify the fire fighter or officer so charged. Not less than five days following receipt of said notice by the person so charged, the charges shall be heard by the Board of Fire Officers, as herein before constituted, at a meeting called for the purpose, at which time the person or persons making the charges, together with their witnesses, if any, shall present the allegations, and the fire fighter or officer charged shall, together with his witnesses, if any, be permitted to enter his defense. The Board of Fire Officers shall have the right to sustain the charges and issue a complaint or dismiss the charges, whichever they shall deem to be equitable and just and for the best interest of the Department.

In the event the Board of Fire Officers sustains the charges and issues a complaint, the complaint shall be presented to the Borough Council, or its designee, at its next regular meeting provided at least two of the following officers concur that a complaint should be made: Chief, Assistant Chief, Deputy Chief and Captains. The Borough Council, or its designee, shall hold a hearing on the charges and the parties to the action, together with their witnesses, shall have the right to appear at said meeting to be heard. If the charges are sustained, the Borough Council, or its designee, may reduce in rank, suspend or expel such Member from the Fire Department, whichever they shall deem to be equitable and just and for the best interest of the Department. If desired, Members of the Fire Department must appeal the Board of Fire Officers decision within thirty (30) days and may only do so if it results in disciplinary action of a six (6) month suspension or greater.

In the event of the nonappearance of the person charged or in the event the complaint issued by the Board of Fire Officers is affirmed on appeal, the Council may confirm the proposed action taken by the

Board of Fire Officers or may modify the penalty or penalties proposed by said Board in such manner as they shall deem most equitable and just and in the best interest of the Department. In the event the Council shall reverse the findings of said Board as to any charge or charges, said charge or charges shall forthwith be dismissed.

Any officer in the Fire Department may be removed from office at any time by the Borough Council, or its designee, for neglect of duty or other just cause after charges thereof have been made and sustained, following a hearing before the Council, or its designee.

Article IX – Disciplinary Action

Section 1: Reprimand, Suspension or Dismissal

Any member of the Department shall be subject to punishment by reprimand, suspension or dismissal from the Department according to the nature and gravity of the offense or for any of the following causes:

- A. Willful disobedience of orders, failure to comply with the Fire Department standard operating procedures or standard operating guidelines.
- B. Disrespect to a superior officer.
- C. Refusal or failure to attend dispatches or fire drills.
- D. Immorality, indecency or lewdness.
- E. Neglect of duty.
- F. Violation of any criminal law.
- G. Conduct subversive of good order and discipline of the Department.
- H. Violation of any rule or order of the Fire Committee of the Borough Council.
- I. Conduct unbecoming a Fire Fighter.

Section 2: Hearing of Charges; Notice of Decision

Charges against any Member of the Fire Department shall be made in writing under oath and filed with the Borough Clerk within ten (10) days after the offense is alleged to have been committed and specify, as near as possible, the time, place and circumstances of the offense. In no case, however, shall charges be proffered without the written approval of the Chief of the Fire Department, except charges against the Chief.

In the event of potential suspension or dismissal, the President of the Company of the accused Member shall immediately after the reading of the charges, appoint three (3) members in good standing and the Vice President shall appoint two (2) members in good standing, making a committee (hereinafter referred to as the “Fire Committee”) of five (5), to try the charges. The date, time and place of the hearing of said charges shall then be fixed by the Fire Committee at a meeting, which shall be specially convened for that purpose, and at least five days before the date so fixed for hearing, a written copy of said charges, together with a notice of the date, time and place of said hearing, shall be served on the member against whom the charges are made, either personally or by leaving the same at such member's usual place of abode. At the time, place and date fixed for the hearing of said charges, the Fire Committee shall hear the evidence adduced by all parties concerned and shall recommend a decision to the Mayor and Council. At all such hearings, the Fire Commissioner shall be the presiding officer. At all such hearings, the respondent, as well as the person making the charges, may have the assistance of counsel in the presentation of evidence relative to the facts at issue. At all such hearings, the Fire Committee shall have the assistance of the Borough Attorney. The hearing of said charges may be adjourned from time to time in the discretion of the Fire Committee; provided, however, that the Fire Committee shall render its recommendation to the Mayor and Council within fifteen (15) days following the conclusion of the hearing. At the next meeting of the Mayor and Council after receiving the recommendation of the Fire Committee, the Mayor and Council shall render its decision by a majority vote of the Council members present at the hearing, provided that in all cases a quorum shall be represented. The decision of the Mayor and Council shall be registered by motion and roll call vote, including the penalty, if any. Notice of the decision shall be mailed to the respondent.

Section 3: Suspension by Chief; Filing of Charges

The Chief of the Fire Department shall have the right to suspend any member forthwith for any of the offenses enumerated in above, but in such case, charges shall be proffered against such member within five (5) business days thereafter.

Section 4: Grievance Procedure

Any grievance or dispute which may arise between any Member of the River Edge Volunteer Fire Department and any Officer thereof concerning a firematic issue(s) or any proposed applicant for

membership and any Officer thereof concerning the application process shall be settled in the following manner:

Step 1. The member or applicant, as the case may be, shall submit the grievance in writing to the Fire Chief within five (5) days of its occurrence. The Fire Chief shall attempt to resolve the matter and respond in writing to the member or applicant, as the case may be, within five (5) working days of his/her receipt of the written grievance.

Step 2. If the grievance is still unsettled, the member or applicant, as the case may be, shall, within five (5) working days from receipt of the answer required by Step 1, submit the written grievance, together with all documentation supporting same, to the Borough Clerk for final resolution by the Borough Council within thirty (30) days of the Clerk's receipt thereof. The Borough Clerk shall provide notice to the grievant and Fire Chief as to the date and time on which the matter will be considered by the Borough Council. On that date and time, the grievant and Fire Chief may appear and present testimony and documentary evidence in support of their respective positions.

Article X – Monthly Reports to Council/Business Administrator

At each meeting, the Secretary shall call the roll and mark as absent all who have not attended at least a part of the meeting and shall render a record of meeting percentages to date.

Immediately upon the return from a dispatch or drill and after the apparatus has been properly housed, the officer in command shall call the roll and all members not answering to the same, unless excused, shall be considered as non-attendants at such dispatch. Any officer or most recent Ex-Chief or the senior man in charge shall be vested with the right to excuse any member from not returning to the fire house.

It shall be the duty of the Captains of each Company to keep and record the attendance at all dispatches, drills, meetings, and present the averages for same at each monthly meeting of the Company. Any Member may challenge or dispute their average after review at the monthly Company meeting. Upon presentation at the monthly meeting of the Company, the Captain shall submit the averages, and supporting records, to the Borough Administrator for review. Any dispute over a Member's average that is not resolved in-house shall be submitted to the Borough Administrator and Council for review. The Captain shall also keep a record of all dispatches. These records and averages shall be kept in a separate book. At the end of each calendar year, one copy of these records shall be turned over to the Secretary of the Relief Association for permanent filing, and signed by the Captain responsible for the averages.

A roster of all Firematic and Civic Officers, Committees, and Members, signifying their start date, type of Member (i.e., active, retired, exempt, non-exempt, etc.), certifications and position held, if applicable, shall be updated submitted to the Borough Administrator on or before January 31 of each year.

Article XI – Reimbursement of Expenses/Clothing Allowance

Section 1: Appropriation and payments to cover losses incurred

The governing body of the Borough of River Edge may by resolution appropriate and pay each year to any active volunteer fire fighter doing public fire duty under the control or supervision of the governing body such sum as in the judgment of the governing body will be sufficient to cover any losses incurred by him in attending upon dispatches in the municipality under and within which he may be doing public fire duty. The Municipal Clerk shall keep a true and complete list of the active volunteer fire fighters of the Borough. The total cost to the Borough in any year shall not exceed sixty thousand dollars (\$60,000.00).

To be eligible to receive the clothing allowance provided herein, all Members must timely submit all necessary payroll forms, including but not limited to an I-9 and W-4 or W-9, to the Borough Finance Department. The Borough will issue payroll checks, less applicable deductions, on January 15 of each year to each Member entitled to clothing allowance for their performance of duties in the prior year via the Borough payroll system.

Section 2: Eligibility

Any member who achieves an annual credit percentage of forty-five (45%) shall be entitled to receive the full clothing allowance for his/her rank. A Member's annual credit percentage is based strictly on their percentage of attendance at dispatches, drills and meetings in accordance with the Department By-laws.

Any member who fails to achieve an annual credit percentage of forty-five percent (45%) shall receive a

prorated percentage of the clothing allowance for his/her rank based upon the number of calls made.

Section 3: Schedule of Payments

All eligible Officers and Members will receive compensation from the Borough Finance Department reflective of the amount afforded to that individual based on the averages reported in the records submitted to the Borough which shall be reviewed and approved annually by Resolution of the Borough Council.

The balance of the annual clothing allowance shall be distributed to all active members of the Fire Department in proportion to the number of dispatches and drills attended by each active member for the prior calendar year. Said amount shall be calculated by dividing the balance of the annual clothing allowance by the total number of dispatches and drills responded to by the Fire Department, which will equal a common value per dispatch and drill. Each active member of the Fire Department shall be entitled to an annual clothing allowance in an amount equal the common value per dispatch multiplied by the number of dispatches and drills attended by that active member of the Fire Department. For purposes of this section, "active firefighters" shall be defined as those members of the Fire Department who respond to emergency service calls and have made a minimum of forty-five percent (45%) of the dispatches in the current year.

Members who performed their duties for less than one (1) full year:

- A. Any member who shall have been in attendance and performed his duties as a fire fighter in a given year for a period from zero (0) up to three (3) months shall receive twenty-five percent (25%) of the amount set forth in the above schedule of payment based upon the actual period served.
- B. Any member who shall have been in attendance and performed his duties as a fire fighter in a given year for a period of three (3) up to six (6) months shall receive fifty percent (50%) of the amount set forth in the above schedule of payment based upon the actual period served.
- C. Any member who shall have been in attendance and performed his duties as a fire fighter in a given year for a period from six (6) up to nine (9) months shall receive seventy-five (75%) of the amount set forth in the above schedule of payment based upon the actual period served.
- D. Any member who shall have been in attendance and performed his duties as fire fighter in a given year for a period from nine (9) up to twelve (12) months shall receive one hundred percent (100%) of the amount set forth in the above schedule of payment based upon the actual period served.

Article XII – By-Laws

The By-Laws of the Fire Department shall be filed with the Borough Clerk after first having been presented to the Borough Council.

No part of the Department By-Laws shall be set aside or be suspended at any time, except when the proposed change is presented by a Member in writing. Such proposed amendment shall be read at one regular company meeting and shall be read at one Departmental meeting, all members being notified to attend the meeting, when action shall be taken and if after discussing the proposed change, a two-thirds majority of the members present shall vote in favor of its adoption, such amendment shall forthwith become a part of these by-laws. Any adopted amendments or revisions to the by-laws shall be presented to the Borough Council at its next meeting.

There shall be a Departmental By-Laws Committee appointed by the Chief with three (3) Members from each company. It shall be the duties of the By-Laws Committee to interpret the By-Laws of the River Edge Fire Department and the decision of the By-Laws Committee will be final. In the event of a tie, the Chief's vote breaks the tie.

Article XIII – Junior Firefighters Auxiliary

Section 1: Establishment.

There shall be established in the Borough of River Edge an auxiliary to the River Edge Volunteer Fire Department, to be known as the "Junior Firefighters Auxiliary." The members of the Junior Firefighters Auxiliary shall serve with the consent of the Mayor and Council, under the authority and supervision of the River Edge Volunteer Fire Department.

Section 2: Age and residency requirement.

[Amended 4-19-2010 by Ord. No. 1695; 6-25-2018 by Ord. No. 18-13]

No person shall be eligible for membership in the Junior Firefighters Auxiliary who is younger than 16 years of age or older than 17 years of age. All applicants shall either reside within the Borough of River Edge or shall be related by blood, marriage, or adoption to an active member of the River Edge Fire Department.

Section 3: Parental/guardian permission.

[Amended 4-19-2010 by Ord. No. 1695]

Persons serving in the Junior Firefighters Auxiliary shall be required to obtain permission, annually, to participate in the Auxiliary from their parents or legal guardians. Such permission must be given in writing and acknowledged or proven in the same manner as is required by law for deeds to real estate to be recorded.

Section 4: (Reserved) [1]

[1]

Editor's Note: Former § 33-6, Release and consent, was repealed 4-19-2010 by Ord. No. 1695.

Section 5: Physical examination.

Members of the Junior Firefighters Auxiliary shall annually satisfy the physical examination requirement established by the Auxiliary's Rules and Regulations.

Section 6: Insurance coverage.

Members of the Junior Firefighters Auxiliary shall be provided with the same insurance coverage and the same amounts of coverage as is provided for regular members of the River Edge Volunteer Fire Department.

Section 7: Rules and regulations.

The Junior Firefighters Auxiliary shall be subject to rules and regulations. Said rules and regulations shall be formulated by the River Edge Volunteer Fire Department and approved by the Mayor and Council. Said rules and regulations shall be formulated and approved prior to the induction of a member into the Auxiliary. Said rules and regulations shall provide for the training of Auxiliary members for eventual membership in the River Edge Volunteer Fire Department and shall further provide that no junior firefighter will be required to perform duties which would expose him or her to the same degree of hazard as a regular member of the River Edge Volunteer Fire Department.

Section 8: Force and effect.

This article shall take effect and be enforced from and after its approval, as required by law.

Section 9: Employment.

[Added 7-2-2001 by Ord. No. 1343]

Any junior firefighter who shall be employed by the Borough of River Edge shall not respond to a dispatch unless a direct order is received from the Chief of the Fire Department or his/her designee.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Ellen Busted, Council President

ATTEST:

Stephanie Evans, RMC
Borough Clerk

RESOLUTIONS - By Consent

On motion by Councilman Gautier, seconded by Councilwoman Davis resolution #19-364 through #19-374 and #19-376 were unanimously approved.

#19-364 Amend 2019 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Nursing Services for nonpublic Schools Grant in the amount of \$12,892.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

- 3. Miscellaneous Revenue – Section F
 - Public & Private Programs Offset by Revenues
 - Nursing Services for Nonpublic Schools.....\$12,892.00

BE IT FURTHER RESOLVED that the like sum of \$12,892.00 and the same is hereby appropriated under the caption of:

- General Appropriations
- Operations excluded from the “CAPS”
 - Public & Private Programs Offset by Revenues
 - Nursing Services for Nonpublic Schools.....\$12,892.00

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

November 25, 2019

#19-365 Authorize the Release of a Performance Bond for D & L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110 for the 2019 Riverside Cooperative Road Improvement Program

WHEREAS, the Borough of River Edge received a Performance Bond from D & L Paving Contractors, Inc., for the 2019 Riverside Cooperative Road Improvement Program dated June 17, 2019; and

WHEREAS, the amount of the Performance Surety Bond was \$339,404.00; and

WHEREAS, the Borough Engineer has certified that the final inspection has been made and approval is given with regard to the 2019 Riverside Cooperative Road Improvement Program and recommends that the Performance Surety Bond be released; and

WHEREAS, the Borough Clerk has received a Maintenance Surety Bond in the amount of \$258,503.00 which will run for a two (2) year period from September 1, 2019 to September 1, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Performance Surety Bond for D & L Paving Contractors, Inc. on file with the Borough of River Edge be released in the amount of \$339,404.00.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to D & L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110 and The Selective Insurance Company of America, Attn: Bond SBU, 40 Wantage Avenue, Branchville, New Jersey 07890.

November 25, 2019

#19-366 Enter into Agreement with the County of Bergen for Animal Control and Services

WHEREAS, due to a new animal cruelty enforcement law, the Borough must appoint a Municipal Humane Law Enforcement Officer who is responsible for animal welfare within the jurisdiction of the municipality; and

WHEREAS, the Department of Health is offering a contract to have the Animal Control Officer named as the Municipal Humane Law Enforcement Officer for a cost of \$3,402.00 for 2020; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1002-028 of the Current Fund in the amount not to exceed \$3,402.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement.

November 25, 2019

#19-367 Award Bid for Emergency Repairs and Maintenance of the Water Main and/or Storm and Sanitary Sewer Repairs to J. Fletcher Creamer & Sons, Inc.

WHEREAS, N.J.S.A. 40:11-11(5) authorizing a contracting unit to enter into a Cooperative Pricing Agreement; and

WHEREAS, the Borough of Northvale is the Lead Agency for the purchase of work, materials and supplies for the Riverside Cooperative, RC-35; and

WHEREAS, bids were received by the Borough of Northvale for Emergency Repairs and Maintenance of the Water Main and/or Storm and Sanitary Sewer System on November 1, 2019; and

WHEREAS, three (3) bids were received, the lowest being from J. Fletcher Creamer & Sons, Inc. in the total amount of \$1,249.20; and

WHEREAS, the Borough of Northvale as the Lead Agency for the Riverside Cooperative, RC-35, has awarded a contract on behalf of the Riverside Cooperative, via Resolution #2019-182 dated November 13, 2019 to J. Fletcher Creamer & Sons, Inc.; and

WHEREAS, this contract is awarded on a unit price basis and may be considered an "Open Ended Contract" under N.J.A.C. 5:34-5.3, in which case certification of funds is not required until such time as the services are ordered and prior to incurring the liability by placing the order, certification of availability of funds will be made by the Chief Financial Officer, and it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the Chief Financial Officer as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge, does hereby award the contract for Emergency Repairs and Maintenance of the Water Main and/or Storm and Sanitary Sewer System to J. Fletcher Creamer & Sons, Inc., 101 East Broadway, Hackensack, New Jersey 07661 as per the proposal on file with the Borough Clerk which shall be in effect from January 1, 2020 to December 31, 2021.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract on behalf of the Borough of River Edge.

November 25, 2019

#19-368 Approve the Appointment of Crossing Guard

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Ramond Stitz be and he is hereby appointed as a part-time School Crossing Guard at an hourly probationary rate of \$16.00 with a six-month probationary period.

BE IT FURTHER RESOLVED, that the appointment date is predicated on passing a physical examination.

November 25, 2019

#19-369 Purchase of Emergency Lights for the Fire Department Through State Contract

WHEREAS, the Borough of River Edge desires to purchase Emergency Lighting for the 2020 Ford Utility Vehicle from Major Police Supply; and

WHEREAS, the vendor, Major Police Supply, 47 N. Dell Avenue, Kenil, New Jersey 07847 is an approved State Contract participant, bearing the State Contract #A81330; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-19-013-401 of the Capital Fund in the amount not to exceed \$3,869.38; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of Emergency Lighting as per the State's specifications in an amount not to exceed \$3,869.38.

November 25, 2019

#19-370 Resolution Authorizing Disposal of Surplus Property

WHEREAS, the Borough of River Edge is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough Clerk.
2. The sale will be conducted online through the auction site govdeals.com.
3. The sale is being conducted pursuant to the Local Notice 2008-9.
4. A list of the surplus property to be sold is as follows:

1996 International Vactor Serial #1HTGBADR2VH453877 Model #2554
5. The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Borough of River Edge reserves the right to accept or reject any bid submitted.

November 25, 2019

#19-371 Resolution to Authorize Submission of the Application for the River Edge Municipal Alliance to Prevent Alcoholism and Drug Abuse Grant for 2021

WHEREAS, the Governor's council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of River Edge, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen.

NOW, THEREFORE BE IT that the Borough of River Edge, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the River Edge Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$7,101.00
Cash Match	\$1,775.25
In Kind	\$5,325.75

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved: _____
 Councilman Papaleo

BE IT FURTHER RESOLVED that the Mayor and Councilwoman Busteded are hereby authorized to sign the Municipal Alliance to Prevent Alcoholism and Drug Abuse Grant.

November 25, 2019

#19-372 Amend 2019 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Bergen County Regional SWAT Team Grant in the amount of \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

3. Miscellaneous Revenue – Section F
 Bergen County Regional SWAT Team.....\$1,500.00

BE IT FURTHER RESOLVED that the like sum of \$1,500.00 and the same is hereby appropriated under the caption of:

General Appropriations
 Operations excluded from the “CAPS”
 Bergen County Regional SWAT Team.....\$1,500.00

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

November 25, 2019

#19-373 Amend Agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 2 University Plaza, Suite 109, Hackensack, New Jersey 07601 for Professional Services as Special Counsel for COAH

WHEREAS, there exists a need for Special Counsel for legal services related to COAH; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Anthony Suarez, Esq. via resolution #19-15 on January 1, 2019 in the amount of \$2,500.00; and

WHEREAS, additional funding is required for legal services; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, Anthony Suarez, Esq. has completed and submitted a Business Entity

Disclosure Certification which certifies that Anthony Suarez, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Anthony Suarez, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #9-01-20-155-172 of the Current Fund not to exceed \$2,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute an amended agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 2 University Plaza, Suite 109, Hackensack, New Jersey 07601 in the amount not to exceed \$2,500.00; and
2. The Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law to Anthony Suarez, Esq., 2 University Plaza, Suite 109, Hackensack, New Jersey 07601.

November 25, 2019

#19-374 Amend 2019 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services approved the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a grant award to the 2019 Recycling Enhancement Grant Program in the amount of \$2,745.00; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

3. Miscellaneous Revenue – Section F

2019 Recycling Enhancement Grant Program.....\$2,745.00

BE IT FURTHER RESOLVED that the like sum of \$2,745.00 and the same is hereby appropriated under the caption of:

General Appropriations
Operations excluded from the “CAPS”
Public & Private Programs Offset by Revenues

2019 Recycling Enhancement Grant Program.....\$2,745.00

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

November 25, 2019

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo to approve resolution #19-375 as amended was unanimously approved.

#19-375 Transfer of Funds

WHEREAS, N.J.S.A. 49:4-59 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be authorized:

FROM:	Economic Development	9-01-20-174-100	\$ 7,000.00
	Recycling	9-01-26-305-100	\$30,000.00
	Senior Bus	9-02-27-331-011	\$ 5,000.00
	Recreation	9-01-28-370-044	\$ 3,000.00
	Public Works	9-01-26-290-011	\$10,500.00
TO:	Police Overtime	9-01-25-240-014	\$50,000.00
	Fire	9-01-25-255-011	\$ 5,500.00
	Total		\$55,500.00

November 25, 2019

Councilman Gautier-asked for clarification on resolution #19-376.

Raymond Poerio-said that this was a request made by the Clerk's Association that all Councils go ahead and pass this resolution. As many of the municipalities know there's been some issues from the Clerk's position associated with the Open Public Records Act and they've asked you to consider a resolution that would amend or address some of those issues.

Stephanie Evans, Borough Clerk-stated that all of the Clerk's throughout the State of New Jersey are pushing for a committee to be formed so that we can sit down with certain state representatives to have them acknowledge what we have to go through with OPRA requests. Right now we're standing at 705 OPRA requests so far this year.

Councilman Gautier-asked out of the 705, what are they for?

Stephanie Evans-said generally fees, violations or permits for vacant and abandoned properties.

Raymond Poerio-said that this was one of the conversations at the League of Municipalities and feels that one of the issues from the Clerk's and Administrators position is that vendors are coming in and basically data mining. It creates from a municipality perspective an undue burden.

Councilwoman Kaufman-said that she heard at the League to talk to your legislators about S-106 because they are talking about changing the rules on the Open Public Meetings Act so you could fee shift the attorney's fees which would mean more people might by OPM actions against municipalities.

#19-376 Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Borough of River Edge strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplify the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of River Edge has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA request that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of River Edge received and responded to 415 OPRA requests in 2017, 405 OPRA requests in 2018, and to date has received and responded to 692 OPRA requests as of November 15, 2019; and

WHEREAS, due to the often-conflicting case law and Government Records Council decisions, as well as the unique characteristics of OPRA request(s), the Borough River Edge must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of River Edge appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorney, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED that copies of resolution be forwarded to Assemblywoman Lisa Swain, Assemblyman Christopher Tully, Senator Joseph Lagana, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

#19-377 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT	\$1,213,428.70
CAPITAL ACCOUNT	\$ 42,455.51
GRANT FUND ACCOUNT	\$ 10,014.37
TRUST OTHER ACCOUNT	\$ 138,689.25
OPEN SPACE ACCOUNT	\$ 54.00
PAYROLL ACCOUNT	\$ 124,395.89
UNEMPLOYMENT TRUST ACCOUNT	\$ 22,787.24
RECREATION ACCOUNT	\$ 6,774.61

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

November 25, 2019

BOROUGH ADMINISTRATORS TOPICS –

Parking for Grove Street Residents-

Mr. Poerio said that this conversation came up at the last council meeting and since that point in time he, the Borough Engineer and Public Works Director went to Grove Street and evaluate what

they thought the potential recommendation might be. He reported back to Councilman Papaleo and the Council President and a suggestion was made that they all go over and take a look at it to decide what potential remedies, if any that we can do to help some of the residents out in that area. He will look to set up that meeting and report back to the Council at the next meeting and then list it on an agenda in the new year.

Councilman Chinigo-stated that it should be explored because there is a resident who has asked us for help and feels that they should do whatever they can but also keep in mind the commercial property owners.

PUBLIC COMMENTS –

On motion by Councilman Gautier, seconded by Councilman Chinigo to open for public comments was unanimously approved.

There being no comments by the public the motion by Councilman Gautier, seconded by Councilwoman Davis to close for public comments was unanimously approved.

NEW BUSINESS –

Councilwoman Davis-said that she sent a letter that she had received from the Ambulance Corp. with their concern about the new parking area and the little cut out. They understood that it was put in to avoid traffic exiting and entering from Continental Avenue which was part of the original plan. She said that now that they have entrance from Continental it's very difficult to back out of there. They don't see any reason for the curbing to be there and feel that it was possibly an oversight to keep it there. The only way the spots are able to be used is if you back into them. In an emergency there's really not a lot of time to do that.

Raymond Poerio-said that he sent the request on to engineering.

COUNCIL COMMENTS –

Councilman Papaleo-presented an award to Councilwoman Mary Davis for outstanding service and her great gift of selflessness on behalf of the Council.

Councilman Chinigo-thanked the leadership of the River Edge Fire Department for sitting with the sub-committee last week. He knows that there were numerous concerns about the ordinance that we passed for first reading tonight. They sat for several hours to discuss and read over every word to make sure they were not only happy with what was being offered but had their say and received explanations over any concerns. He believes that by the time they left the meeting, everyone was happy. They received a copy of the amended ordinance to review and provide any further comments and hearing nothing from them, today we were able to pass it on first reading. He feels that it is a strong ordinance that was very thought out and worked on by numerous individuals and professionals. He thanked Tom Sarlo for his work and leadership on this matter and also thanked Matt Giacobbe for his contributions as well. He again thanked the leadership of the Fire Department and said that they are very important to us and they value them and their input and will continue to do so. Councilman Chinigo said that the Fire Department had elections and there will be new leadership but again thanked the outgoing leadership for the time and work that they put in. He said that many of them attended the League of Municipalities conference last week where they were able to take part in numerous classes and it was nice to catch up with people we don't generally see on a regular basis and talk about things that will affect our borough and state in the future. He announced that there will be a tree lighting on Saturday, December 7th at 4 p.m. and invited everyone to come because it's always a nice event. He wished everyone a Happy Thanksgiving. He thanked Mary for her hard work and dedication to this town. He met Mary when he ran against her the first time and after working with her on the Council, he know that she cares about River Edge deeply and always has given of herself even before she was on the Council. He wished her well in the future.

Councilwoman Kaufman-also congratulated the incoming leadership in the Fire Department and thanked the outgoing leadership. She learned a lot at the League which hopefully will help the town going forward. She mentioned that the Historic Commission had their meeting last Wednesday and they do have two interested high school students who want to join and are excited about doing Instagram posts for historical items in town. They are also interested in the QR sign project which is still in the works. She informed that they will need to replace George Carter who is retiring as archivist so if anyone knows of anyone who would be interested in taking the job let them know. He basically putting items into a Microsoft access data base and scanning items into a scanner to help the town build its historical record. Although she hasn't known Mary very long, she said it's been great working with her and wished her the best. She also wished everyone a Happy Thanksgiving.

Councilman Gautier-also thanked the Fire Department leadership as the sub-committee was able to sit down with them and really hash things out and discuss the numerous issues and come to agreements that are better for the resident of River Edge. He again thanked them and was happy that were able to sit down and communicate because he feels that when you sit down and communicate with each other,

usually you agree on most things. He also thanked the new leadership that will take over and is sure that they'll do a great job as the previous leadership did as well. He also attended the League of Municipalities and was able to attend a number of classes which gave him some valuable information. He said that this is Mary's last meeting and for those of you who don't know her, she is one of the nicest people you will ever meet. One of the great things about being on the Council, since he was appointed, was getting to know her better and said he will miss her. He wished everyone a Happy Thanksgiving. Councilman Papaleo-said that Mary never ceases to give of herself and go above and beyond. He said about 4 years ago at the REVAS dinner he was sitting next to Ed Mignone and they were discussing the open Council seat. He said that Mary had just gotten an award for 42 ½ years of service to the ambulance corp. and Ed said "what about Mary"? Councilman Papaleo thought that was a wonderful idea. Councilman Papaleo said that she has been selfless on the Council, gracious and hardworking. He said that she has also suffered some unfair Facebook posts and comments but handled it like a trooper and always put River Edge first. He said that he's honored to call her a friend and peer on the Council and thanked her again for her service. Councilman Papaleo congratulated Chief Bill Sanders on his win during a recent election and thanked Chief O'Connell, Assistant Chief Pugliese, Deputy Chief Sanders and all of the officers who have served over the last two years. He thanked our professionals and members of the Fire Department for meeting, revising and creating an ordinance that will serve the people of River Edge for decades to come. He thanked everyone involved for their work on this ordinance. He reminded everyone that the tree lighting will take place this Saturday and he has the honor of offering a few comments. He said that the League was a great experience for him as he took a 6 hour course on Land Use case law and cyber crime and ransom ware. He said it was very informative and well worth it. He attended the Shade Tree Commission met a few days ago and said they continue to great work for River Edge and he continues to applaud their efforts. He said that Beautification is doing a great job in preparing the town for the holidays and thanked Michele Cariddi. He reported that Jason and the DPW are doing a phenomenal job with the leaves and keeping up with the other many issues of the town and thanked them very much.

Mary Davis-stated that as far as the Fire Department, she is thrilled that they were able to come to this agreement and feels that they are a wonderful bunch of men and women who give of themselves totally to protect this town 24/7. She said that although Bill Sanders was elected Chief, the rest of the officers will have their election the first week in December. She reported that there were 67 events; 58 alarms, 6 drill and 3 meetings. She gave a breakdown of what the calls were. We had mutual aid twice in New Milford for the Woodcrest Nursing Home and Oradell assisted in extrication of victims from the car versus train. As always they do an awesome job. She said that as everyone knows, she came to the Council kicking and screaming and for many years she was asked to run. When Ed asked her at the Ambulance Corp. dinner, she initially said no and said no up until Monday afternoon and before she knew it there she was with her grandson raising her hand. She said that she has so much going on in her life right now and will not miss the meetings but will miss everyone sitting up on the dais. She said that she truly believes that they've become friends and as the lone Republican, no has ever made her feel that way. She thanked everyone for making her feel comfortable all along and said that it's been a pleasure. She also thanked Tom Sarlo and said that he is a gift to this town as he's always quietly in the background but the minute you call him, he's right there with the answers and always have their back. She thanked him for his professionalism. She thanked Stephanie Evans, the Borough Clerk and Ray Poerio our new Administrator.

ADJOURNMENT – 7:13 P.M.

On motion by Councilwoman Davis, seconded by Councilman Chinigo to adjourn the meeting at 7:13 p.m. was unanimously approved.

Council President Ellen Busteded

Attest:

Stephanie Evans, Borough Clerk

Dated: