

CAUCUS MEETING
October 6, 2016

A REGULAR SCHEDULED CAUCUS MEETING of the Mayor and Council of the Borough of Carlstadt was held in the Caucus Room of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on October 6, 2016 at 7:00 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen David Stoltz, Richard Bartlett and James Lenoy were present. Councilman William Shockley arrived at 7:10 P.M. and Councilman Joseph Emerson arrived at 8:10 P.M. Councilman Robert Zimmermann was absent.

Mayor Lahullier led all present in the Pledge of Allegiance to the Flag.

Mayor Lahullier – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 6, 2016 and the Herald News on January 6, 2016 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

Mayor Lahullier said he would like to start with Zimmermann's Park Phase III.

Mayor Lahullier entertained a motion to open the floor to a hearing of citizens. On motion by Bartlett, seconded by Stoltz, unanimous on call of roll of those present.

Mayor Lahullier asked if any citizen wished to be heard on this.

Daniel Gastelu, 615 Central Avenue, Carlstadt, NJ. He wanted to know if they could include some cosmetic work around the 6th Street Firehouse. Mayor Lahullier said not with this kind of grant. This grant is an Open Space Grant. We could probably put in for another grant to let us use it to work on the building. He also asked if you will be going to go out for bids. Mayor Lahullier said after we see what we decide to do, we will have to go out to bid.

Barbara O'Connor, 310 Broad Street, Carlstadt, NJ. She wanted to know if the number for the 6th Street Firehouse could be changed. She doesn't think it is the correct number. She also mentioned the article that was in the newspaper about all the things they are going to be doing. She wanted to know what they meant by viewing areas. Mayor Lahullier said it was more or less being able to see through the undergrowth that is there. In other words when you are walking down the hill you just see jungle. Now when you walk down the hill you will see the big trees. It will be open to the point where you will be able to see a lot better than just looking into weeds and undergrowth. Ms. O'Connor said it is supposed to be the woods. If there is so much space, why don't they put in some bushes? Mayor Lahullier replied we will have to see what has to come out and if you want, get together with Joe Crifasi and discuss anything you feel you would like to see stay. The shrub oak and all that stuff that is in there has to come out. It is just a mess.

CAUCUS MEETING

October 6, 2016

Page 2

Thomas Davis, 601 Seventh Street, Carlstadt, NJ. He said as far as the well, he doesn't feel they will ever get that back. Mayor Lahullier said maybe if they spend half a day trying to clear out some of that stuff out of the well to see if there is water in it. If there is no water in it, then we are done.

Robert Deleasa, 425 Lincoln Street, Carlstadt, NJ. He asked when do you think the project will start? Mayor Lahullier said it probably won't start until the spring. Gregory Polyniak of Neglia Engineering replied the grant has to be approved and the contracts taken care of and it has to go out to bid.

He also asked what is the advantage to sit in this area? Mayor Lahullier replied whether or not you have people sitting in the park or not he feels the eyesore of having an overgrown dense growth and was never maintained he feels it should be fixed. He lives in that area and he uses Park Row all the time. It is a place where the underage people party with beer cans and bottles. It is something that we need to clean up.

Mr. Deleasa said he understands that and agrees you want to clean it up and make it look attractive. Mayor Lahullier also said we are getting \$28,000.00 for this Open Space Grant and we have to put up money also. It will make that part of town much nicer. You are looking to have trouble happening there the way it is now. It is a place where you can hide and get into trouble. If it was opened up a little more and made nicer, it will be a benefit to the residents to have a beautiful park in town.

Mayor Lahullier said he likes the idea of the walking path through it because he thinks you will have people use it instead of walking up and down Eighth Street or around the block. I think you will have people that will want to walk through the woods.

He agrees it might not be an area to put a whole lot of benches but a few of them would be nice.

Mr. Deleasa asked what is the cost of this? Mayor Lahullier replied this section right here is \$27,000.00. This is Phase III. We are getting grant money and as long as we can financially swing the match, we are going to keep trying to fix the park. Let's see how far we can get with what we have now. We won't get the whole job completed but it will definitely bring it up to the next level.

Mayor Lahullier entertained a motion to close the floor to a hearing of citizens. On motion by Bartlett, seconded by Shockley, unanimous on call of roll of those present.

Gregory Polyniak of Neglia Engineering read his report for the month regarding projects that are being done in the Borough of Carlstadt which is on file in the Borough Clerk's Office.

Mayor Lahullier asked Robert Ceberio to go over his Carlstadt Economic Development Report for September 2016 which is on file in the Borough Clerk's Office.

Mayor Lahullier entertained a motion to appoint Vincent Calcagno as Alternate #2 to the Zoning Board to fill the unexpired term of Jeff Fucci. On motion by Stoltz, seconded by Lenoy, unanimous on call of roll of those present.

**CONSENT AGENDA
RESOLUTION NO. 2016-321**

TRUST FUND APPLICATION MUNICIPAL ENDORSING RESOLUTION

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and

WHEREAS, the *Borough of Carlstadt* desires to further the public interest by obtaining a matching grant of *Twenty Seven Thousand Five Hundred Dollars* (\$27,500) from the County Trust Fund to fund the following project: *Zimmermann Park Phase III*; and

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the governing body/board received public comments on the proposed park improvements in the application on October 6, 2016; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE BE IT RESOLVED by the *Governing Body of the Borough of Carlstadt*:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of October 13, 2016, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the *Governing Body of the Borough of Carlstadt*, has or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the *Governing Body of the Borough of Carlstadt* is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.

CAUCUS MEETING

October 6, 2016

Page 4

5. That the *Governing Body of the Borough of Carlstadt* agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

RESOLUTION NO. 2016-322

AWARD OF CONTRACT

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Contract for:

**VARIOUS STREET TREE INSTALLATIONS
BOROUGH OF CARLSTADT, BERGEN COUNTY, NEW JERSERY**

be awarded to The Family Tree, LLC, Cherry Hill, New Jersey 08003 for the quote amount of Forty Thousand Dollars and Zero Cents (\$40,000.00) which represents a unit price of \$345.00 per tree and 116 trees being the lowest quote of two submitted (of the three quotes requested) per the September 21, 2016 solicitation for this project. This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 2016-323

WHEREAS, a Bergen County Community Development grant of **\$193,974.00** has been proposed by **the Governing Body of the Borough of Carlstadt** for **Division Avenue Drainage & Roadway Improvements** in the **Borough of Carlstadt**; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the **Borough of Carlstadt**; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the **Borough of Carlstadt** hereby confirms endorsement of the **Division Avenue Drainage & Roadway Improvements**; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION NO. 2016-324

RESOLUTION TO ADVERTISE FOR BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Gregory J. Polyniak, Neglia Engineering Associates that the plans & specifications for:

10th Street Little League Field Improvements
(Municipal Funded)
BOROUGH OF CARLSTADT
BERGEN COUNTY, NEW JERSEY

are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

RESOLUTION NO. 2016-325

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Carlstadt Firefighters Foundation, Inc. be granted permission to hold a raffle on Thursday, December 1, 2016 at 8:00 P.M. at the Carlstadt Borough Hall, 500 Madison Street, Carlstadt, NJ 07072 for which the application, fee and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2016-326

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
FOR PROFESSIONAL LEGAL SERVICES TO
ARTHUR R. THIBAUT, JR., ESQ.**

WHEREAS, the Borough of Carlstadt has a need for professional legal services pursuant to N.J.S.A. 19:44A-20.5 and desires to retain special legal counsel in connection with certain potential labor and employment issues; and

WHEREAS, Arthur R. Thibault Jr., Esq. of the firm of Apruzzese, McDermott, Mastro & Murphy, P.C., Somerset Hills Corporate Center, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938, has provided a proposal dated September 28, 2016, to provide the necessary legal advice on such matters; and

CAUCUS MEETING

October 6, 2016

Page 6

WHEREAS, Arthur R. Thibault Jr., Esq. of the firm of Apruzzese, McDermott, Mastro & Murphy, P.C., will provide professional legal services on an hourly basis at the rate of \$200.00 per hour, plus costs and expenses, during the term of this contract, said amount may potentially be in excess of \$17,500 during the term of the appointment; and

WHEREAS, the anticipated term of this appointment and retention is for one (1) year; and

WHEREAS, Arthur R. Thibault, Jr., Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Arthur R. Thibault, Jr., Esq. and the firm of Apruzzese, McDermott, Mastro & Murphy, P.C., have not made any reportable contributions to a political or candidate committee in the Borough of Carlstadt in the previous one year (January 1, 2015 – December 31, 2015) and that this appointment and retention will prohibit Arthur R. Thibault, Jr., Esq. and the firm of Apruzzese, McDermott, Mastro & Murphy, P.C. from making any reportable contributions through the term of the appointment; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the legal services to be rendered may exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available to pay the anticipated amount of the compensation, fees and disbursement for these services.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the appointment and retention of Arthur R. Thibault, Jr., Esq. and the firm of Apruzzese, McDermott, Mastro & Murphy, P.C. as Special Counsel for purposes of providing legal advice with regard to labor and employment issues pursuant to the attached Agreement for Legal Services; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value to be placed on file with this resolution; and

BE IT FURTHER RESOLVED that his contract is awarded without competitive bidding as an “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for professional legal services; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and hereby are authorized to execute the Agreement for Legal Services in the form attached hereto subject to the approval of the Borough Attorney; and

BE IT FURTHER RESOLVED that notice of this action shall be printed once in the official newspaper of the Borough of Carlstadt.

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

RESOLUTION NO. 2016-327

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
FOR PROFESSIONAL REAL ESTATE APPRAISAL SERVICES TO
JOSEPH P. NOVELLI, ASA**

WHEREAS, there exists a need for specialized cost assessment appraisal services involving special purpose facilities in connection with certain tax appeal matters pending against the Borough; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt desires to contract with Joseph P. Novelli, ASA, 30 Gladstone Street, Forked River, NJ 08731, as specialized real estate appraiser for the purposes of providing professional cost appraisal services; and

WHEREAS, Joseph P. Novelli, ASA, 30 Gladstone Street, Forked River, NJ 08731, will provide real estate appraisal services on a project basis for the not to exceed amount of \$25,000, and on an hourly basis at the rate of \$160.00 per hour, plus expenses, for court-related work, during the term of the contract; and

WHEREAS, the anticipated term of this appointment and retention is for one (1) year; and

WHEREAS, prior to execution of the contract, pursuant to N.J.S.A. 19:44A-20.26, Joseph P. Novelli, ASA shall complete and submit a Business Entity Disclosure Certification certifying that Joseph P. Novelli, ASA has not made any reportable contributions to a political or candidate committee in the Borough of Carlstadt in the previous one year (January 1, 2015 – December 31, 2015) and that this appointment and retention will prohibit Joseph P. Novelli, ASA from making any reportable contributions through the term of the appointment; and

WHEREAS, the Chief Financial Officer has certified that funds in an amount not to exceed \$30,000.00 are available to pay the anticipated amount of the contract for these services; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A-11-1, et seq.) requires that a Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract be made available for public inspection.

CAUCUS MEETING

October 6, 2016

Page 8

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, County of Bergen, New Jersey, as follows:

1. The Mayor and Council hereby authorizes and approves the retention of Joseph P. Novelli, ASA of 30 Gladstone Street, Forked River, NJ 08731 as real estate Appraiser consistent with the proposal dated September 23, 2016.

2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for professional engineering services.

3. A Business Disclosure Entity Certification and the Determination of Value are to be placed on file with this resolution.

4. The Mayor be and hereby is authorized to sign the Contract for professional real estate appraisal services in the form attached hereto subject to the approval of the Borough Attorney.

5. A notice of this action shall be printed once in the official newspaper of the Borough of Carlstadt in accordance with N.J.S.A. 40A:11-5(1)(a)(I).

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds in the amount not to exceed \$30,000.00 are available to pay the anticipated amount of the contract for these services.

RESOLUTION NO. 2016-328

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for two additional limousine licenses; and

WHEREAS, the application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Pegasus Transport Service, Inc. to operate two additional limousines at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby are approved for VIN # 09013 and # 90519.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the licenses to operate two additional limousines at the above referenced location for the period of one year, commencing October 7, 2016 and ending on October 7, 2017 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

RESOLUTION NO. 2016-329

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Sun Chemical Corp. for property located at 631 Central Avenue, Carlstadt, New Jersey for Block 8 Lot 2 as per Docket No. 002070-2013 dated 11/6/2015 reducing the 2013 property tax assessment from \$11,550,000.00 to \$10,522,800.00 and as per Docket No. 001659-2014 dated 11/6/2016 reducing the 2014 property tax assessment from \$11,550,000.00 to \$10,522,800.00 and as per Docket No. 000449-2015 dated 10/16/2015 reducing the 2015 property tax assessment from \$11,550,000.00 to \$10,272,800.00; and

WHEREAS, the reduction in the 2013 property tax assessment is \$1,027,200.00 or \$20,359.10 in 2013 property tax and the reduction in the 2014 property tax assessment is \$1,027,200.00 or \$20,451.55 in 2014 property tax and the reduction in the 2015 property tax assessment is \$1,277,200.00 or \$26,438.04 in 2015 property tax.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$67,248.69 and the Tax Collector shall adjust his books accordingly. (2013: \$20,359.10; 2014: \$20,451.55; 2015: \$26,438.04).

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory and true with the Judgments.

The refund shall be made payable to Janata, LaCap & Hazen as Attorney for Sun Chemical Corp. and shall be mailed to Janata, LaCap & Hazen, LLP, One International Boulevard, Suite 400, PMB # 14, Mahwah, New Jersey 07495.

RESOLUTION NO. 2016-330

WHEREAS, the Governing Body of the Borough of Carlstadt adopted Tax Appeal Resolution Number 2016-308 on September 19, 2016 and it is necessary to rescind said Resolution; and

CAUCUS MEETING

October 6, 2016

Page 10

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Dr. Pepper Snapple Group/Yoo Hoo Chocolate Beverage Corp. for property located at 605 Commercial Avenue, Carlstadt, New Jersey for Block 126 Lot 61 as per Docket No. 001030-2014 dated 8/26/2016 including a Freeze Act; and

WHEREAS, the parties having agreed that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year (s) 2015 and 2016 (Freeze Act Year (s)) the provisions of N.J.S.A. 54: 51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year; and

WHEREAS, the reduction in the 2015 property tax assessment is \$589,300.00 or \$12,198.51 in 2015 property tax and the 2016 property tax assessment has been adjusted to reflect the 2016 property tax rate.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$12,198.51 and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory and true with the Judgments.

The refund shall be made payable to Dr. Pepper Snapple Group/Yoo Hoo Chocolate Beverage Corp. and shall be mailed to Garippa, Lotz & Giannuario, 66 Park Street, Montclair, New Jersey 07042.

On motion by Stoltz, seconded by Bartlett, unanimous on call of roll of those present.

CONSIDERATION OF ORDINANCES

FIRST READING

ORDINANCE NO. 16-20

AN ORDINANCE TO AMEND CHAPTER II "ADMINISTRATION," SECTION 2-22 ENTITLED "POLICE DEPARTMENT," SUBSECTION 2-22.13 ENTITLED "PROMOTIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Carlstadt, County of Bergen and State of New Jersey, that Chapter II, entitled "ADMINISTRATION," Section 2-22 entitled "POLICE DEPARTMENT," Subsection 2-22.13 entitled "PROMOTIONS," be and hereby is deleted in its entirety and shall be and hereby is amended, supplemented and replaced with following:

2-22 Police Department.

2-22.13 Promotions.

(a) Chief and Deputy Chief Appointments

The Mayor, as the Appropriate Authority, shall make appointments to the positions of Chief and/or Deputy Chief as administrative/executive officers of the department. The appointments of Chief and Deputy Chief shall be subject to the confirmation of the Council. The Mayor, as Appropriate Authority, shall make his determination based on his review of the applicant's past record (30%) and the results of an oral interview (70%). The past record shall consist of review of any prior commendations, discipline, evaluations, both formal and informal, as well as prior service and experience in leadership positions. The oral interview may, but shall not be limited to the following criteria: leadership; initiative; vision for the future of the Department and ability to communicate and work with the Mayor and Council. The member's length of service shall be employed only in the event of a tie.

To be eligible for the position of Chief and/or Deputy Chief, the applicant shall have served at a minimum three (3) years in a Borough of Carlstadt police superior officer position and currently hold the rank of lieutenant or above.

(b) All Other Superior Officer Appointments

The Mayor, as Appropriate Authority, shall make promotions to all other superior positions in the police department with the advice and consent of the Council. All such promotions to superior positions shall be made from the membership of the department as constituted at the time of promotion.

No person shall be eligible for promotion to a superior position unless (s) he shall have first served in the rank of patrol officer in the department for not less than three (3) years.

All promotions shall be subject to the provisions regarding Probationary Appointment in Section 2-22.9b above.

2-22.13a Promotional Process. So as to provide all eligible candidates for promotion with fair notice and equal access to the promotional process, and to identify the most qualified members of the department for promotion to leadership positions within the department, the following promotional process shall be employed for promotions to all superior positions other than the administrative/executive positions of Chief and/or Deputy Chief.

The promotional process shall be governed by state law and in compliance with N.J.S.A. 40A:14-129, which provides that a promotion of any member or officer of the police department to a superior position shall be made from the membership of the department and due consideration shall be given to the length and merit of his/her service and preference shall be given according to seniority in service. The Chief of Police shall be responsible for the administration of the promotional process.

Promotion to the rank of Sergeant, Lieutenant and Captain.

1. Prior Experience.

No person shall be eligible for promotion unless that person shall have served in the Carlstadt Police Department in the following rank prior to the deadline for submission of a letter of intent to participate in the promotional process:

Position	Prior Rank	Prior Experience
Sergeant	Patrol Officer	3 years
Lieutenant	Sergeant	1 year
Captain	Lieutenant	1 year

2. Testing.

The testing process for the above positions will consist of the following:

- A. Written examination administered by the New Jersey State Association of Chiefs of Police (“Chief’s Association”);

The written examination shall account for twenty (20%) percent of a candidate’s total promotional score.

- B. Seniority and length of service shall be given due consideration in accordance with N.J.S.A. 40A:14-129.

Seniority shall account for thirty (30%) percent of a candidate’s total promotional score.

- C. Oral examination and assessment administered by the Carlstadt Police Chief or, in the event of vacancy, the highest ranking uniformed officer in the Carlstadt Police Department.

The oral examination and assessment shall account for fifty (50%) percent of the candidate’s total promotional score.

The oral examination and assessment may include, but shall not be limited to, the following criteria: applicant’s leadership ability, initiative, productivity, attitude towards peers, supervising officers and the public, motivation and morale, previous job performance, past attendance record, loyalty to the department and community, experience and seniority, and career development and training.

2-22-13b. Procedure for Conduct of Promotional Process.

- (i) The Chief of Police shall obtain permission from the Mayor, as Appropriate Authority, to hold a promotional examination process. After having received such approval, the Chief of Police, or his designee, shall provide a written announcement of the promotional process to all eligible personnel.

- (ii) The announcement shall include a recitation of the eligibility for the position and shall include a description of the promotional process and should indicate to the candidates the format, length, and duration of any examinations, together with a description of any other

portions of the promotional process, any minimum cut-off scores to continue to advance, and a numerical weight assigned to each element.

- (iii) Candidates for promotion shall be required to submit a written request and current resume to the Chief of Police, or his designee, prior to the closing date of the announcement to participate in the process.
- (iv) No person shall be eligible to participate in the promotional process unless (s)he has submitted a written request and current resume prior to the deadline set forth by the Chief of Police.
- (v) The promotional testing process shall include:
 - A. Written Examination. At least thirty (30) days before the written examination, the Chief of Police, or his designee, shall announce the date, time and location of the written examination. The Mayor and Council shall enter into a contract with the New Jersey State Association of Chiefs of Police to develop, conduct, and grade the written examination. The questions will be based upon basic police practices and may include police and investigative procedures, supervisory and administrative principles, New Jersey criminal law, report writing, search and seizure issues, New Jersey Attorney General Guidelines and Directives, legal aspects and requirements for police work, and such other criteria as determined by the Chief's Association. Eligible candidates who are scheduled to work during the written examination will be excused from duty to take the examination.
 - B. Seniority. Due consideration and preference shall be given to seniority and length of service in accordance with N.J.S.A. 40A:14-129. Candidates participating in the promotional process for the rank of sergeant, lieutenant, or captain shall be entitled to points for seniority as follows:
 - (i) Seniority for sergeant candidates shall be calculated by awarding each candidate 0.055 points per month of service, up to a maximum of 10 points.
 - (ii) Seniority for lieutenant candidates shall be calculated by awarding 2 points for each year of service as a sergeant beyond the minimum time in grade (1 year) required to apply for promotion, up to a maximum of 10 points.
 - (iii) Seniority for captain candidates shall be calculated by awarding 0.50 points for each year of completed service as of the last anniversary of date of appointment as of the date of the Promotional Announcement, up to a maximum of 10 points plus and additional 0.25 points for each completed year of service after the 20th year. No partial years shall be credited.
 - (iv) Seniority shall be utilized in the event of any tie.
 - C. Oral Interview Candidates for the ranks of sergeant, lieutenant and captain shall be evaluated through an oral interview conducted by the Carlstadt Chief of Police or the highest ranking uniformed officer in the absence of the Chief. Each candidate shall be presented with the same questions or topics related to the respective rank designed to elicit open ended responses so that the Chief can determine the candidate's promotional potential, maturity, composure and leadership abilities. Candidates for promotion shall not discuss or disclose the contents or subject matter topics of the oral interview process until all oral interviews are concluded. The Chief of Police, or his designee, may require promotional candidates to sign a confidentiality and non-disclosure

CAUCUS MEETING

October 6, 2016

Page 14

agreement to insure compliance with these requirements. At the Chief's discretion, candidates may be sequestered during the interview process.

2-22-13c. Lateral Entry or Lateral Transfers.

No lateral entry or lateral transfer is permitted from another agency to a promotional rank with the Carlstadt Police Department.

2-22-13d. Security of Promotional Materials.

The Chief of Police, or his designee, shall be responsible for the security and custody of promotional materials. All promotional materials will remain in the secured promotional file located in the office of the Chief of Police or such other secure area as designated by the Chief.

2-22-13e. Eligibility Lists.

At the conclusion of the promotional process, the Chief of Police shall receive from the New Jersey State Association of Chiefs of Police the scores of each candidate in the written test.

After the expiration of the time for filing of appeals set forth below, and the disposition of any such appeal, the Chief of Police shall establish and certify a list of eligible candidates in the order of their final scores for promotion. Said eligibility list will be distributed to the Mayor as the Appropriate Authority. The eligibility list will remain in effect for a period of eighteen (18) months from the date it was established and certified.

After the expiration of the eligibility list, candidates will be required to re-apply for and participate anew in any subsequent promotional process.

2-22-13f. Appeals of Promotional Process.

Within three (3) days of the notification to each candidate of his/her ranking, a candidate may file a written appeal directed to the Chief of Police. Said written appeal must contain the reason(s) or justification for the appeal. As part of any appeal, any candidate may review his or her evaluation or any other internal document pertaining to the candidate that was utilized in the promotional process.

The Chief of Police will assess the request for appeal and make a determination as to how the request will be addressed, on a case by case basis. Scores on the Written Examination shall be final and not subject to appeal. Appeals of the calculation of Seniority shall be decided based upon the official records maintained by the police department. Appeals of the Oral Examination and Assessment shall be decided by the Chief of Police within 10 days from the filing of the appeal. The Chief of Police shall make a written decision on the appeal together with a brief statement of the reasons therefore. All decisions by the Chief of Police on appeal shall be final.

Savings Clause. All other sections of Chapter II, Section 22, shall remain unchanged and in full force and effect.

Repeal of Prior or Inconsistent Ordinances. All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

Severability. If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall be any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law.

RESOLUTION NO. 2016-331

BE IT RESOLVED that the ordinance entitled:

**AN ORDINANCE TO AMEND CHAPTER II
“ADMINISTRATION,” SECTION 2-22 ENTITLED
“POLICE DEPARTMENT,” SUBSECTION 2-22.13
ENTITLED “PROMOTIONS” OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF CARLSTADT, 2002**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3rd day of November, 2016 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance and the Borough Clerk be and she hereby is authorized and directed to publish said ordinance, according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On motion by Bartlett, seconded by Stoltz, unanimous on call of roll of those present.

Mayor Lahullier said we have to approve the reimbursement of \$55.00 plus gas and tolls to whoever needs credits for recertification at the League of Municipalities Convention.

On motion by Stoltz, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion to approve a fruit basket for Rob Healey.

On motion by Lenoy, seconded by Emerson, unanimous on call of roll of those present.

CORRESPONDENCE

A letter of resignation was received from Jeff Fucci who is Alternate No. 2 on the Zoning Board of Adjustment.

CAUCUS MEETING

October 6, 2016

Page 16

A letter was received from Chris Assenheimer, Secretary of the Board of Fire Officers asking to increase the parking lot area on the south side of the Municipal Building. This was discussed at the last meeting of the Carlstadt Fire Department. The discussion included the area from the parking lot east boundary to the sidewalk that leads into the meeting room. The sidewalk could be the border.

The Carlstadt Public School PTA is hosting its 5th Annual Trunk or Treat Event on October 28, 2016 from 5:00 P.M. to 7:00 P.M. They are requesting to use the lower level parking lot and the area around the hockey rink. They are requesting a Special Police Officer present during the event.

On motion by Bartlett, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier said we received a letter from the Henry P. Becton Regional High School yearbook staff. Mayor Lahullier entertained a motion for a full page ad in the amount of \$300.00.

On motion by Stoltz, seconded by Emerson, unanimous on call of roll of those present.

A memo was received from Larry Wood from the Construction Office. He wants to attend the NJLM Conference on November 16 and 17, 2016. The registration fee is \$55.00, mileage, tolls and parking is \$160.00. He is asking for approval of these expenses.

On motion by Bartlett, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier said we received a letter from Scott Berry. He submitted his two weeks notice and thanked Chief Nielsen for giving him the opportunity as a police dispatcher.

A letter of resignation from Nick Murphy was received as a Code and Zoning Enforcement Officer. He accepted a job from PSE&G as a Division Mechanic Assistant and will start on October 24, 2016. He is taking the job because there is more work for him which he is not getting with the job right now.

COUNCILMAN RICHARD BARTLETT

He had nothing to discuss at this time.

COUNCILMAN WILLIAM SHOCKLEY

We have two applications for the Zoning Board which were carried over from last month. One is for a day care facility on Interstate Place and the other is on Hackensack Street. There was some discussion on Interstate Place with regards to making a K turn when they drop the children off. Nothing was officially discussed on that matter. We will have to see how many children will be attending. There was a lengthy discussion on this matter.

COUNCILMAN JAMES LENOX

He had nothing to discuss at this time.

COUNCILMAN JOSEPH EMERSON

He had nothing to discuss at this time.

COUNCILMAN DAVID STOLTZ

He attended his recycling meeting Tuesday night and we will have the shredding truck here on October 29, 2016 from 9:00 A.M. to 1:00 P.M.

JOSEPH CRIFASI, DPW OPERATIONS MANAGER

A few months ago Domenick Giancaspro, CFO, Ginny Bello, Payroll Clerk and he met with Paycom and there was an idea to go through an electronic time clock. Downstairs in this building we have a punch card time clock for Borough employees, DPW and the Police have their own clock. Doing it this way has its advantages. He went into detail on this matter. Paycom is our payroll company now. The clock is a finger scan. It would cost us \$4,900.00 a year and Domenick told him we have this money in the payroll line item.

Mayor Lahullier entertained a motion to get the fingerprint time clock. On motion by Lenoy, seconded by Emerson, unanimous on call of roll of those present.

Mr. Crifasi said that Councilman Bartlett asked him today about the generator for Engine 3. Mr. Crifasi said he looked into a natural gas generator. It would cost \$4,500.00 to purchase. He explained how all of this would work and what else is needed for the generator. You would need a plumber and electrician. The installation is approximately \$8,000.00.

Councilman Bartlett made a motion that we move forward on this, seconded by Stoltz, unanimous on call of roll of those present.

EXECUTIVE SESSION MEETING ACT

RECESS INTO CLOSED SESSION

WHEREAS, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: **Personnel, Property and Pending Litigation.**

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: **Personnel, Property and Pending Litigation.**

AND, BE IT FURTHER RESOLVED that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

CAUCUS MEETING

October 6, 2016

Page 18

AND, BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Lahullier entertained a motion to go into closed session at 8:55 P.M. On motion by Lenoy, seconded by Stoltz, unanimous on call of roll of those present.

The meeting went back into open session at 10:30 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Stoltz, Bartlett, Lenoy, Emerson and Shockley.

Mayor Lahullier said the Fire Department is looking for security cameras and access into the doorways not to exceed the amount of \$7,000.00. On motion by Bartlett, seconded by Shockley, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion to adjourn the meeting at 10:35 P.M. On motion by Bartlett, seconded by Shockley, the meeting was unanimously adjourned.

APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK