

CAUCUS/FINANCE MEETING

June 2, 2021

A REGULAR SCHEDULED CAUCUS/FINANCE MEETING of the Mayor and Council of the Borough of Carlstadt was held in the Council Chambers of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Wednesday, June 2, 2021 at 7:01 P.M.

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Mayor Robert Zimmermann, Council members James Lenoy, Joseph Emerson, William Roseman, Suzanne Fonseca and Diane DeBiase were present. Councilman David Stoltz arrived at 7:07 P.M.

Joseph Crifasi, Borough Administrator, Gregory Polyniak of Neglia Engineering and Joseph Donahue, Borough Attorney were also present.

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

Mayor Zimmermann – 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 7, 2021 and the Herald News on January 7, 2021 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.

PROFESSIONAL REPORT

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

SPECIAL REPORTS

Karl Ross, Recreation Advisor spoke on behalf of the recreation summer concerts for this year starting June 22, 2021. The Carlstadt Fire Department is having their 150th Anniversary fund raiser with hot dog and hamburger sales. They also spoke to Mr. Softee and have his dates for this year. They are also working on Cliffhangers Entertainment for kid's entertainment. They extended the baseball season for another six weeks. He mentioned the towns that will be involved with this. They will be getting another six weeks for sports this summer. He mentioned all of the other sports and activities that will take place this summer. He spoke to the liaison Councilman Emerson regarding summer recreation and he would like to extend it to Pre-k. There are twenty-two counselors for summer recreation this year.

Fire Chief Dennis Kronyak, Jr. wanted to thank everyone for attending our Memorial Day Service and Inspection and the Memorial Day Parade.

CONSENT AGENDA

RESOLUTION NO. 2021-126
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:

STREET TREE INSTALLATIONS
BOROUGH OF CARLSTADT, BERGEN COUNTY, NEW JERSEY

be awarded to A Family Tree, LLC for the quote amount of Thirty-Two Thousand Five Hundred Dollars and Zero Cents (\$32,500.00) which represents the Base Bid (50 trees) and Alternate Bid A (25 trees) being the lowest of three quotes submitted (of the four quotes requested) per the May 10, 2021 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. 2021-127
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 SIDEWALK SLABS LOCATIONS
BOROUGH OF CARLSTADT, BERGEN COUNTY, NEW JERSEY

be awarded to Cifelli and Son Construction, Inc., 81 Franklin Avenue, Nutley, New Jersey, 07110 for the quote amount of Thirty-Six Thousand Dollars and Zero Cents (\$36,000.00) which represents the Base Bid (50 LF of Concrete Variable Curb and 240 SY of four-inch-thick concrete sidewalk) being the lowest of two quotes submitted (of the six quotes requested) per the May 10, 2021 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. 2021-128

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 8th Street Roadway Improvements-Section 2 project.

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Carlstadt formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-8th Street Roadway Improvements-Section 2-00082 to the New Jersey Department of Transportation on behalf of the Borough of Carlstadt.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Carlstadt and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO. 2021-129

WHEREAS, the Borough of Carlstadt has entered into a Three-Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30.

NOW, THEREFORE BE IT RESOLVED that the Governing Body hereby appoints Joseph Crifasi as its representative to participate on the Community Development Regional Committee; and

BE IT FURTHER RESOLVED that David Stoltz be appointed as the alternate representative; and

BE IT FURTHER RESOLVED that Gregory Polyniak be appointed as additional alternate representative.

RESOLUTION NO. 2021-130

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that permission is granted to the following for the use of facilities on the specified date:

Community Center:

1. Historical Society – Wednesday, June 9, 2021 from 7:00 P.M. to 10:00 P.M. to have a meeting.
2. Carlstadt PTA – Monday, June 14, 2021 from 6:00 P.M. to 9:00 P.M. to have a meeting.

RESOLUTION NO. 2021-131 – REMOVED

APPROVING THE RENEWAL OF EIGHTEEN LIQUOR LICENSES.

Mayor Zimmermann entertained a motion to approve the Consent Agenda.
On motion by Emerson, seconded by Roseman, unanimous on call of roll of those present.

CONSIDERATION OF ORDINANCES

CARRY OVER

Mayor Zimmermann entertained a motion to carry over Ordinance No. 21-6 to amend Chapter 2-22 Police Department, section 2-22.1 Composition; 2-22.5 Qualifications; 2-22.13 Promotions of the Revised General Ordinances of the Borough of Carlstadt, 2002.
On motion by Roseman, seconded by Lenoy, unanimous on call of roll.

ORDINANCE NO. 21-6

AN ORDINANCE TO AMEND CHAPTER 2-22 POLICE DEPARTMENT, SECTION 2-22.1 COMPOSITION; 2-22.5 QUALIFICATIONS; 2-22.13 PROMOTIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002.

2-22 Police Department. [1]

2-22.1.

Established; Composition.
[Amended 6-2-2021]

a. Composition. The Police Department of the Borough of Carlstadt is hereby established and may consist of the following positions:

1. Chief of Police;

2. Deputy Chief of Police, with the recommended designated hours of 3:00 p.m. to 11:00 p.m., Monday through Friday. Such hours, are subject to change based upon the Chief's sick, personal and vacation schedules;

3. Five Lieutenants;

4. Six Sergeants;

5. 20 Patrolmen;

6. There may be up to three part-time Class 3 Special Law Enforcement Officers (“Class 3 SLEO”), at the option of the Mayor and Council, whose duties shall include, but not be limited to acting as liaison to Carlstadt Public School and Regional High School as well as such other duties as may be assigned by the Chief of Police. Class 3 SLEOs must meet and maintain all of the requirements and training established under New Jersey Law.

7. Such other personnel as the Mayor, as the Appropriate Authority, may from time to time appoint thereto with the advice and consent of Council.

b. Detective Bureau. There is hereby established within the Police Department a Detective Bureau which shall be under the command of the Chief of Police or such other superior officer as (s)he may from time to time assign thereto. The Chief of Police and/or his/her designee shall coordinate and assign all duties within the Detective Bureau. The Mayor may appoint personnel to the Detective Bureau pursuant to his/her duties as the Appropriate Authority.

c. Positions. The positions set forth herein are intended to be a maximum number for each designated position. Nothing contained in this section shall require the Governing Body to fill any position or to fill any position to the maximum.

d. Seniority and Tenure. Nothing herein contained shall affect the seniority and tenure of any present officer or member of the Department nor shall it restrict the Chief of Police in his/her discretion from assigning members to duty in either the regular Department or the Detective Bureau. Notwithstanding anything herein to the contrary, the several officers of the Detective Bureau shall enjoy the same rights, privileges, and seniority of the Police Department generally.

2-22.2.

Appointment. All members of the Police Department shall be appointed by the Mayor as the Appropriate Authority, with the advice and consent of the Council, to hold office as provided by law.

2-22.3.

Control. The Police Department shall be under the control of the Mayor as the Appropriate Authority.

2-22.4.

Appropriate Authority. The Mayor shall be the Appropriate Authority of the Police Department pursuant to N.J.S.A. 40A:14-118 and shall be responsible for the adoption and promulgation of rules and regulations for the governance of the force and for the discipline of its members. The Chief shall report to the Mayor and/or Police Commissioner as his designee. The Mayor, or his designee, may from time to time and for such specific purpose, as he deems appropriate, select and designate from among members of the Borough Council three members who shall constitute the Police Committee to perform such acts as necessary to achieve the specific purpose for which the Committee was established. The Mayor as Appropriate

Authority shall be an ex-officio member of any such committee so established.

2-22.5.

Qualifications.

a. Each applicant shall comply with all the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a police officer in the Borough unless such person has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey and, thereafter, has served a probationary or temporary appointment to such office for a period of not longer than one year following the successful completion of the required training.

b. Each candidate for appointment to the Police Department shall be required to submit to such written, oral, psychological and physical examination as may be prescribed by the Mayor as Appropriate Authority or any committee that may be established by the Mayor for purposes of making appointments to the Department and also to submit to a physical examination by a licensed practicing physician and/or psychologist of the State of New Jersey designated for such purpose, the character and scope of such examination to be for the purpose of revealing the extent to which the applicant may be mentally, physically and otherwise qualified to perform his/her appropriate duties in the Department. The examinations shall be prepared and conducted at such time and place and by such persons as the Mayor as the Appropriate Authority may from time to time designate. Any applicant who shall fail to attain a grade of 70 in the written or oral examination, or who shall fail to meet such physical qualifications as may be set up by the Appropriate Authority and any committee established for such purpose or who, in the opinion of the examining physician and/or psychologist, is incapable of performing the duties of a police officer in a safe and efficient manner shall be ineligible for appointment to the Department.

c. Where more than one candidate applies, the examinations shall be competitive, and appointments shall be made from among those who have successfully passed the examination.

d. No person shall be appointed to the Police Department as a regular or probationary member unless, at the time of application, (s)he shall be between the ages of 18 and 35 years, except as provided by law in the case of veterans. The applicant shall be a citizen of the United States and a resident of the State of New Jersey.

e. In addition to all other requirements set forth herein, each candidate for appointment to the Police Department shall have obtained a minimum of 64 credits (a minimum of 15 credits must be in criminal justice coursework) from a regionally accredited institution of higher education or have received a bachelor's degree from a regionally accredited

institution of higher education or have served three-years of military service and honorably discharged. Candidates shall be required to submit an official college transcript or diploma evidencing satisfaction of the credit requirement or a copy of honorable discharge evidencing military service.

f. The Mayor at his sole discretion as Appropriate Authority may direct the Police Chief to recommend PTC certified candidate(s) or such other qualified personnel employed, as decided by the Governing Body, for immediate appointment to address manpower shortages caused by vacancies, sickness, injury, or by the taking of accrued vacation or sick leave, or both, whereby the safety of the public is endangered or imperiled or when circumstances or situations create a shortage of police personnel. Individuals recommended by the Police Chief shall be required to pass a physical, psychological and oral interview by the Governing Body before any such appointment may be made.

2-22.6.

Oath of Allegiance. Before entering upon the performance of his/her duties, each member of the Police Department shall take and subscribe an oath to bear true faith and allegiance to the government established in this state, to support the Constitution of the United States of America and the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of his/her office. The oath or affirmation shall be filed with the Borough Clerk.

2-22.7.

Chief of Police.

a. The Chief of Police shall be the head of the police force and he shall be directly responsible to the Appropriate Authority for the efficiency and routine day-to-day operations thereof, and that (s)he shall, pursuant to policies established by the Appropriate Authority:

- 1.** Administer and enforce rules and regulations, including the Police Manual of the Borough of Carlstadt, and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- 2.** Have, exercise and discharge the functions, powers and duties of the force;
- 3.** Prescribe the duties and assignments of all subordinates and other personnel;
- 4.** Delegate his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and

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5. Report at least monthly to the Appropriate Authority in such form as shall be prescribed by such Authority on the operation of the force during the preceding month and make such other reports as may be requested by such Authority.

b. In addition, the Chief of Police shall have the following duties and responsibilities that shall be delegable:

1. For the education, schooling and training of all police officers.

2. Maintenance and assignment of the police equipment.

2-22.8.

Duties of Department. The Police Department, through its Chief, shall:

a. Preserve the public peace; protect life and property; prevent crime; detect and arrest offenders against the penal laws and ordinances effective within the Borough; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages; and preserve order at all elections and public meetings and assemblages.

b. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons; protect the safety and facilitate the convenience of motorists and pedestrians; and make and enforce rules and regulations not inconsistent with the ordinances and resolutions of the Borough for such purposes.

c. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Borough; inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit and report thereon to the appropriate department.

d. Provide proper police attendance and protection at fires.

e. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.

f. Operate a training program to maintain and improve the police efficiency of the members of the Department.

g. Be responsible for checking streetlight outages.

2-22.9.

Probationary Appointment.

a. Patrol Officer. Each person hereafter appointed to the Department shall be known as a "probationary patrol officer" and shall serve as a probationary patrol officer for a period of one year commencing the first day following successful completion of all training requirements provided for in Subsection 2-22.5a, above. The probationary period shall be divided into two six-month periods, the first six-month period being known and designated as "Probationary Period A," and the second six-month period as "Probationary Period B."

b. Officers. Each person appointed or promoted to the position of Sergeant, Lieutenant, Deputy Chief or Chief of Police shall also serve a probationary period in such capacity for a period of one year from the date of his/her appointment or promotion. The probationary period shall be divided into two six-month periods, the first six-month period being known and designated as "Probationary Period A," and the second six-month period as "Probationary Period B."

c. Termination of Probationary Period. At the termination of the entire probationary period, if the person satisfactorily meets all the requirements of the position to which (s)he has been appointed or promoted for the probationary period, the appointment or promotion shall be final on the recommendation of the Appropriate Authority or any committee that may be established by the Mayor as the Appropriate Authority for such specific purpose. However, if the candidate does not meet the requirements of his/her position at any time during either Probationary Period A or B, his/her service as such will be terminated on the recommendation of the Appropriate Authority or any committee that may be established by the Mayor as the Appropriate Authority for such specific purpose.

2-22.10.

Removal and Suspension.

a. Causes for Removal or Suspension. Each regular police officer shall hold office and continue in employment during good behavior and efficiency, and no person shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer, disobedience of the rules and regulations of the Department or absence from duty without just cause for five days or more.

b. Notice; Hearing. Any member of the Department may be suspended, removed, fined or reduced from office or employment for just cause upon due notice and service of written charges and a hearing before the Governing Body as provided by law.

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2-22.11.

Uniforms. All members of the Police Department shall provide and maintain in clean and serviceable condition such wearing apparel and equipment as shall be prescribed by the Appropriate Authority.

2-22.12.

Firearms. All firearms which may be provided by the Borough shall remain the property of the Borough.

2-22.13.

Promotions.

a. Chief and Deputy Chief Appointments.

1. The Mayor, as the Appropriate Authority, subject to Section 2-22.1c, 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.

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

b. Lieutenant and Sergeant Appointments.

1. The Mayor, as Appropriate Authority, shall make promotions to Lieutenant and Sergeant positions in the Police Department with the advice and consent of the Council. All such promotions to Lieutenant and Sergeant shall be made from the membership of the Department as constituted at the time of promotion.

2. 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 Police Department for not less than three years.

3. All promotions shall be subject to the provisions regarding probationary appointment in Section 2-22.9b above.

c. 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.

1.
Promotion to the rank of Sergeant and Lieutenant.

(a) Recommended 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. The Governing Body may, at their discretion, relax the prior experience requirements in this section based upon the qualifications of the applicant, the needs of the Police Department and the needs of the Borough:

Position	Prior Rank	Prior Experience
Sergeant	Patrol officer	5 years
Lieutenant	Sergeant	3 years

(b) Testing. The testing process for the above positions will consist of the following:

(1) Seniority, length of service and review of a candidate’s personnel file shall be given due consideration in accordance with N.J.S.A. 40A:14-129. This category shall account for 30% of a candidate's total promotional score.

(2) 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 in this category shall account for 20% of the candidate's total promotional score.

(3) Oral examination and assessment administered by the Mayor and Council.

The oral examination and assessment by the Mayor and Council shall account for 50% of the candidate's total promotional score.

(4) The oral examination and assessment may include, but shall not be limited to, the following criteria: a written examination administered by the New Jersey State Association of Chiefs of Police ("Chief's Association") or other written examination recognized by the State of New Jersey for such police promotions and deemed appropriate by the Governing Body, the 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.

d. Procedure for Conduct of Promotional Process.

1. 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.

2. 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 cutoff scores to continue to advance, and a weight assigned to each element.

3. 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.

4. 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.

5. The promotional testing process may, at the discretion of the Mayor and Council, include:

(a) Written Examination. At least 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 may enter into a contract with the New Jersey State Association of Chiefs of Police or other testing body recognized by the State of New Jersey 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 or other testing body recognized by the State of New Jersey. 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 and Lieutenant, shall be entitled to points for seniority as follows:

(1) 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.

(2) Seniority for Lieutenant candidates shall be calculated by awarding two points for each year of service as a Sergeant beyond the minimum time in grade (one year) required to apply for promotion, up to a maximum of 10 points.

(3) Seniority shall be utilized in the event of any tie.

(c) Oral Interview. Candidates for the ranks of Sergeant and Lieutenant shall be evaluated through an oral interview conducted by the Mayor and Council and the Carlstadt Chief of Police or in the absence of the Chief, the highest ranking uniformed officer. 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 Mayor and Council and 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 Mayor and Council or their designee, may require promotional candidates to sign a confidentiality and nondisclosure agreement to insure compliance with these requirements. At the Mayor and Council's discretion, candidates may be sequestered during the interview process.

d. Reserved.

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e. 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.

f. 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.

g. Eligibility Lists.

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

2. After the expiration of the time for filing of appeals set forth below, and the disposition of any such appeal, the Chief of Police may 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 may, at the discretion of Mayor and Council, remain in effect for a period of up to 18 months from the date it was certified but may be shortened or extended by the Mayor and Council at their discretion.

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

h. Appeals of Promotional Process.

1. Within three days of the notification to each candidate of his/her ranking, a candidate may file a written appeal directed to the Chief of Police and the Mayor and Council. 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.

2. The Mayor and Council 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 Mayor and Council within 10 days from the filing of the appeal. The Mayor and Council shall make a written decision on the appeal together with a brief statement of the reasons therefor. All decisions by the Mayor and Council on appeal shall be final.

2-22.14.

Special Police Officers.

a. The Chief, subject to the approval by resolution of the Governing Body, may appoint special police officers for a term not exceeding one year and revoke such appointments without cause or hearing. The special police officers shall carry out their duties and responsibilities under the direct supervision of the Chief or his designee. Their powers, rights and duties shall be specifically defined by the Chief, but shall immediately cease at the expiration of the term for which the special police officers were appointed or upon revocation of their appointment. Special police officers shall not carry a revolver or other weapon at any time except as otherwise directed by the Chief. The resolution approving appointment of special police officers shall designate the rate of pay, if any.

b. No person shall be appointed as a special police officer unless (s)he is a citizen of the United States and resident of the Borough of Carlstadt for a period no less than one year; is able to read, write and speak the English language; is physically qualified and of good moral character; and shall not have been convicted of any criminal offense. Every special police officer shall be fingerprinted and the fingerprints filed with the Division of the State Police and the Federal Bureau of Investigation. Reports shall be made by the Chief of Police to the Council concerning the eligibility and qualifications of any person proposed to be appointed a special police officer.

[1]

Police departments are regulated by the provisions of N.J.S.A. 40A:14-118, et seq.

FIRST READING

ORDINANCE NO. 21-7

AN ORDINANCE AMENDING SECTION 5-13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002, ENTITLED PEACE AND GOOD ORDER.

5-13.12 Improper Behavior.

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- A. It shall be unlawful for any person to conduct himself or herself in such a manner as to:
- (1) Clearly cause an immediate, actual and probable physically violent reaction of any person, thereby creating a threat to the peace and order of the public.
 - (2) Cause disturbance or annoyance to the comfort or repose of any person.
- B. It shall be a prerequisite to any charge for a violation hereof that the actor has first been directed by a Police Officer or other Municipal Official to cease and desist such improper behavior and to have refused or failed to obey such direction.

RESOLUTION NO. 2021-132

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING SECTION 5-13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002, ENTITLED PEACE AND GOOD ORDER.

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 17TH day of June, 2021 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 that 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 Lenoy, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to approve the payment to Durtra Excavating & Sewer, 10 Stone Hollow Road, Montvale, NJ 07645 for damage to the receiver and soft carrying bag in the amount of \$2,636.84.

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

Mayor Zimmerman asked to discuss the County COOP participation and asked Joseph Crifasi, Borough Administrator to explain this. He went into detail on this matter.

Mayor Zimmermann entertained a motion to participate in the Bergen County Gas and Electric COOP.

On motion by Stoltz, seconded by DeBiase, unanimous on call of roll.

HEARING OF CITIZENS

Mayor Zimmermann entertained a motion to open the floor to a hearing of citizens

On motion by Fonseca, seconded by Lenoy, unanimous on call of roll.

Mayor Zimmermann asked if any citizen wished to be heard.

Gunter Kuprat, 507 Washington Street – he said on behalf of the VFW 3149 we all would like to say thank you for what you did with the flags on the poles with the men and women who served in the military. It was an excellent job. He thanked Joseph Crifasi and Joseph Orlando too. Gunter said we lost our commander who resigned and we are looking for a young veteran who we can take as a commander. If you know anybody, please send them to us.

Don Molzon, 530 Madison Street – he said he doesn't know where to start or who to thank but the bee man has been a very busy bee moving his bees. He would like to thank the town and the individuals in the town and the State and everyone who had a hand in it. You can see the big difference in the bees. He thinks he only has two hives left on his property.

Mayor Zimmermann entertained a motion to close the floor to a hearing of citizens.

On motion by Fonseca, seconded by Stoltz, unanimous on call of roll.

Mayor Zimmermann asked if anyone had other matters to discuss.

COUNCILMAN JOSEPH EMERSON

He had nothing to discuss at this time.

COUNCILWOMAN SUSANNE FONSECA

She just wanted to thank Joseph Orlando and Joseph Crifasi for the military banners. There were two hundred and twenty veterans and we are still receiving more. We hope to have the banners stay up and add the new banners before Veterans Day. It is a great honor and tribute. She was honored to be part of it.

COUNCILMAN WILLIAM ROSEMAN

He had things to discuss in closed session.

COUNCILMAN DAVID STOLTZ

He had things to discuss in closed session. He thanked Councilwoman Fonseca for her participation with the banners.

COUNCILWOMAN DIANE DeBIASE

She wanted to comment on her first time in the Memorial Day events here in Carlstadt and she was truly honored to be a part of it. It was really amazing what we do for our veterans.

CAUCUS/FINANCE MEETING

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COUNCILMAN JAMES LENOY

He also commented on marching in the Memorial Day Parade. This year he really enjoyed marching once we did get down to Berry Lawn Cemetery and commented on the beautiful Community Garden that Councilwoman Fonseca has done an amazing job with. It really was great looking at the entire lot and all the great things that are going on there. It has really enhanced not just the property itself but also the Borough. It has been great watching it through the entire phase where it started and where it is now and where it is going to.

Councilwoman Fonseca said thank you to her husband Victor and Karl Ross because without them this never would have happened.

**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 and property.

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 and property.

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.

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 Zimmermann entertained a motion to go into closed session at 7:30 P.M. On motion by Lenoy, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to go back to open session at 9:50 P.M. On motion by Stoltz, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to publish Ordinance No. 21-6.
On motion by Emerson, seconded by Lenoy, unanimous on call of roll.

Mayor Zimmermann entertained a motion to reinstate Mathew Moran to the Carlstadt Fire Department to his previous position.
On motion by Roseman, seconded by Stoltz, unanimous on call of roll.

Mayor Zimmermann entertained a motion to hire Jason Moss and Ted Locarro for part time summer help in July and August.

On motion by DeBiase, seconded by Stoltz, unanimous on call of roll.

Mayor Zimmermann entertained a motion to approve five Crossing Guards.

On motion by Stoltz, seconded by Fonseca, unanimous on call of roll.

Mayor Zimmermann entertained a motion to approve the senior bus purchase at a cost of \$68,348.23 which has been ordered.

On motion by Roseman, seconded by Stoltz, unanimous on call of roll.

Mayor Zimmermann entertained a motion to adjourn the meeting at 9:55 P.M. On motion by DeBiase, seconded by Fonseca, unanimous on call of roll.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK