

BOROUGH OF GLEN ROCK

PUBLIC MEETING – Wednesday, September 11, 2013 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, September 11, 2013 at 8:00 p.m. in the Council Chambers of the Municipal Building.

Agenda: (May be subject to change)

1. CALL TO ORDER /ROLL CALL

This meeting is called pursuant to the provisions of the Open Public Meeting Law. This Meeting was included in a list of meeting notices sent to the Bergen Record and advertised in said newspaper in January, posted on the bulletin board in the Municipal Building, and has remained continuously posted as the required notices under the Statue. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

In accordance with the New Jersey State Fire & Safety Code I call your attention to the lighted exit signs. In the event the alarm sounds, move in an orderly manner toward the exit nearest you and leave the building.

**Council Member O’Hagan – present
Council Member Orseck – present
Council Member Biggs – present**

**Council Member Pazan – present
Council Member Surrago – present
Council Member Nogara - present**

2. FLAG SALUTE/ANNOUNCEMENTS

Council member Orseck led the Council and audience in the flag salute.

3. CONSENT AGENDA

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, received and filed letters, correspondence, reports and approval of applications and minutes.

Resolutions:

1. Resolution Appointing Tax Assessor

**Resolution No. 163-11
Offered by Council Member Surrago
Seconded by Council Member Nogara**

WHEREAS, Steven Rubenstein, Tax Assessor, has announced his resignation as an employee of the Borough effective July 18, 2013 (“resignation date”); and

WHEREAS, there exists a need to appoint a new Tax Assessor to serve in the place and stead of Steven Rubenstein to serve for the unexpired term ending on June 30, 2014; and

WHEREAS, the Governing Body has concluded its interviews of candidates and has determined that William A. Yirce, Jr., CTA, SCGREA, to be qualified to serve in the capacity of Tax Assessor.

NOW, THEREFOR, BE IT

RESOLVED, that effective immediately, William A. Yirce, Jr., CTA, SCGREA, shall be appointed to the position of Tax Assessor of the Borough of Glen Rock to serve for the unexpired term ending on June 30, 2014, at the annual compensation for all services to be rendered in the amount of \$30,000.00, subject to the execution of a contract to be prepared by the Borough Attorney; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Bergen County Board of Taxation.

ROLL CALL:

Council Member O’Hagan – yes

Council Member Pazan - yes

Council Member Orseck - yes

Council Member Surrago – yes

Council Member Biggs – yes

Council Member Nogara – yes

2. Resolution Authorizing Emergency Repairs (Hot Water Heater)

Resolution No. 164-13

Offered by Councilperson Surrago

Seconded by Councilperson Nogara

A RESOLUTION AUTHORIZING EMERGENCY REPLACEMENT OF MUNICIPAL BUILDING HOT WATER HEATER PURSUANT TO N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1

WHEREAS, an emergency condition has arisen with respect to the health, safety and welfare of individuals, inclusive of Borough residents and Borough employees in regards to the failure of the Municipal Building hot water heater; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 provides for the awarding of a contract without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

WHEREAS, the municipal building custodian, Jerry Naclerio, has solicited vendors to perform the emergency repairs and has otherwise certified the emergency pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

WHEREAS, the municipal building custodian had received a quote, and has otherwise recommended the award of the emergency work required herein in a total contract price not to exceed the sum of \$6,323.40; and

WHEREAS, the municipal building custodian has also determined that the quote received from Cervone Plumbing & Heating was the lowest responsible and responsive quote and that the contractor is qualified to perform the work required to remedy the emergency condition.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the provisions of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, and in reliance upon the recommendation received from Jerry Naclerio, the Borough of Glen Rock does hereby award a contract to Cervone Plumbing & Heating, in the amount not to exceed the sum of \$6,323.40 for the replacement of the Municipal Building hot water heater, which cause a public health, safety and welfare issue to Borough residents and employees;

BE IT FURTHER RESOLVED, that funding for the building improvement shall be from existing Current Fund Building and Grounds O/E appropriation, Account #01-2010-20-3102-024.

ROLL CALL:

Council Member O'Hagan – yes

Council Member Orseck - yes

Council Member Biggs – yes

Council Member Pazan - yes

Council Member Surrago – yes

Council Member Nogara – yes

3. Resolution Authorizing Change Order (Wilde Park Playground)

Resolution No. 165-13

Offered by Council Member Surrago

Seconded by Council Member Nogara

**RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR
WILDE MEMORIAL PARK ADA PLAYGROUND IMPROVEMENTS**

WHEREAS, the Borough of Glen Rock awarded a contract to State Contract Vendor General Recreation, Inc., #A81422, in the amount of \$104,923; and

WHEREAS, during the course of design and layout it was determined that there was a need to install safety turf rubberized walkway to the swing area of the playground, creating Change Order #1 in the amount of \$3,456.25 for General Recreation, Inc., and

WHEREAS, the Chief Financial Officer has certified that funds are available for Change Order #1

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Glen Rock that Change Order #1 be approved in the amount \$3,456.25 for safety turf rubberized walkway.

ROLL CALL:

**Council Member O'Hagan - yes
Council Member Orseck - yes
Council Member Biggs - yes**

**Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes**

4. Resolution Extending Leaf Disposal Bid (RVH Mulch)

Resolution No. 166-13

Offered by Councilperson Surrago

Seconded by Councilperson Nogara

RESOLUTION EXTENDING LEAF DISPOSAL BID

WHEREAS, the Borough of Glen Rock received bids for Leaf Disposal on November 9, 2011 and the lowest bid was received from RVH Mulch Supply, LLC of Wyckoff, NJ who was awarded the contract on November 9, 2011 (Resolution 208-11); and

WHEREAS, pursuant to N.J.S.A 40A:11-15(3), the contract provided for two (2) one year extensions of the contract; and

WHEREAS, the Borough of Glen Rock exercised its initial option to extend the contract by Resolution 213-12 for the 2012 Leaf Transport and Disposal Services; and

WHEREAS, RVH mulch Supply, LLC has performed the leaf removal and disposal services in accordance with the specifications and in an effective and efficient manner; and

WHEREAS, The Borough would like to exercise it's second option to extend this contract for an additional one (1) year term with the rate to be adjusted consistent to the increase in the CPI index.

NOW, THEREFORE, BE IT

RESOLVED, by the Borough Council of the Borough of Glen Rock, hereby exercises its second and final option to extend the current Leaf Disposal contract with RVH Mulch Supply, LLC of Wyckoff, NJ for an additional term of one (1) year expiring on November 30, 2013 and the existing fee of \$5.00 per cubic yard to be increased to \$5.10 per cubic yard based on the 2% increase in the CPI index rate, subject to certification of funds by the Chief Financial Officer; and be it further

RESOLVED, that all other terms, provisions and conditions set forth in the contracted dated December 5, 2011, not amended herein, shall remain in full force and effort.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck - yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara – yes

5. Resolution Authorizing Installation of Fiber Optic Cable (2nd Application Sunesys)

Resolution No. 167-13

Offered by Council Member Surrago

Seconded by Council Member Nogara

A RESOLUTION AUTHORIZING SECOND APPLICATION TO INSTALL FIBER OPTIC CABLE BY SUNESYS, LLC PURSUANT TO THE RIGHTS-OF-WAY USE AGREEMENT.

WHEREAS, as authorized by Ordinance No.1679, the Borough of Glen Rock granted its Non-Exclusive Consent to Sunesys, LLC (“Sunesys”) to occupy public rights of way for the purpose of the construction, installation, operation, repair, maintenance and replacement of a telecommunication system; and

WHEREAS, pursuant to Ordinance No.1679 and consistent with N.J.S.A. 48:17-10 et seq., the Borough of Glen Rock and Sunesys entered into a Rights of Way Use Agreement dated February 6, 2013 (the “Agreement”) ; and

WHEREAS, consistent to the terms of the Agreement, Synesys has submitted to the Borough of Glen Rock for its approval, a second application to attach fiber optics telecommunication cable and related facilities (“Fiber Optic Cable”) on third party utility poles lying within the public Right of Way referenced in the Agreement; and

WHEREAS, the Borough of Glen Rock finds the installation of the Fiber Optic Cable, as proposed in the maps entitled “Overview Map and Pole Application” (Drawing Nos. 231-494 and 231-495) (collectively the “Plans”) submitted by Sunesys under Project No. FL-D185 dated June 17, 2013¹, to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Borough Council of the Borough of Glen Rock, as follows:

1. In accordance with the terms and provision of the Rights of Way Use Agreement dated February 6, 2013 by and between the Borough of Glen Rock and Sunesys, LLC, the Borough hereby approves the Plans set forth in the second application to attach Fiber Optic Cables on and within existing third party owned utility poles and conduit situated in the Borough Right of Way.

2. The Borough approval is subject to Sunesys obtaining approval from all third party owners of the affected utility poles and conduit

¹ A copy of which is on file with the Borough Clerk.

for the right to access the utility poles for the installation of the Fiber Optic Cable.

3. Sunesys shall obtain all necessary Borough construction approvals and pay all required permit fees.

4. Sunesys shall in all instances, fully comply with the terms and conditions set forth in the “Rights-of-Way Use” Agreement as if it were fully set forth at length herein.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck - yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara – yes

Motion to accept consent agenda by Council Member Surrago
Seconded by Council Member Nogara

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck - yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara – yes

4. ORDINANCES

Ordinance Procedure: #1687 (Police Duties of Management)

Date of Final Reading: September 11, 2013

Date of Introduction: August 23, 2013

A motion to open public discussion on this ordinance was made by Council member Biggs, seconded by Council member Pazan. All were in favor.

A motion to close the public discussion on this ordinance was made by Council member Biggs, seconded by Council member Pazan. All were in favor.

Council Resolution # 168-13

Introduced: Council Member Biggs

Seconded Council Member Pazan

AN ORDINANCE TO AMEND CHAPTER 40 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "POLICE DEPARTMENT"; BEING AN ORDINANCE ESTABLISHING THE OPERATION OF THE POLICE DEPARTMENT; TO AMEND AND SUPPLEMENT PROCEDURES AND REGULATIONS

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O'Hagan - yes
Council Member Orseck – yes
Council Member Biggs - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1687**

**AN ORDINANCE TO AMEND CHAPTER 40 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED
ENTITLED "POLICE DEPARTMENT"; BEING AN ORDINANCE
ESTABLISHING THE OPERATION OF THE POLICE DEPARTMENT; TO
AMEND AND SUPPLEMENT PROCEDURES AND REGULATIONS**

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I - Chapter 40 of the Revised General Ordinances of the Borough of Glen Rock 1971 as amended being an Ordinance entitled "Police Department" is hereby amended as to the following:

- I. Section 40-3 entitled "Chief of Police; Members of Department" is deleted in its entirety and replaced with the following:

“40-3 Chief of Police; Members of Department.

A. Powers and duties of Chief of Police. The Chief of Police shall:

1. Be the executive head of the Police Department, subject to the direction and supervision of the Appropriate Authority and shall be responsible for the proper and efficient operation of the Department and the supervision of its activities.
2. Be responsible for the observation and enforcement of all laws of the state and ordinances within the jurisdiction of the Police Department and shall perform such other duties as shall be prescribed by ordinance of the Council.
3. Prescribe the duties and assignments of all subordinates and other personnel.
4. Develop, administer and recommend to the Appropriate Authority for its approval and to enforce rules and regulations for the governance of the Police Department and directives (“Written Directive System”) for the disposition and discipline of the Department personnel.
5. Have under his/her control all records and property of the Police Department and designate any member of the Department to prepare these reports and keep the records in such manner as he/she may prescribe, as well as take charge of such property and any other property coming into the custody of the Department.

6. **Furnish to the Appropriate Authority complete monthly and yearly reports regarding the operation of the Police Department and make such other reports as may be requested by the Appropriate Authority.**
7. **Exercise and discharge the powers and duties of the Department.**
8. **Delegate such authority as may be necessary for the efficient operation of the Department, the exercise of which will be under his/her control and supervision.**

B. Qualifications for Sworn Personnel

1. General Qualifications Sworn Personnel

a. **The general qualifications for employment with the Glen Rock Police Department shall be:**

i. **Must be a resident of New Jersey and a citizen of the United States;**

ii. **Must be at least 21 and less than 35 years of age. In addition, each applicant shall possess a two (2) year college degree from an accredited institutions or an honorable discharge from the Armed Forces of the United States;**

iii. **Must be of good moral character and must not have been convicted of any crime involving moral turpitude, including those matters set forth within Section 6, Background Investigation.**

iv. **Must possess a valid New Jersey driver's license; and**

v. **Must not have an indictable criminal history conviction.**

b. **All applicants for the position of Police Officer shall make written application to the Chief of Police and, at the same time, submit such proof as shall be requested with respect to the qualifications set forth in Paragraph (a) above.**

c. **In accordance with N.J.S.A. 52:17B-68, as amended, serve a probationary period pending his/her successful completion of the course in a recognized police training academy.**

2. Selection Sworn Officer First Phase - Written Test

a. **Eligible applicants will submit to a written test administered by the New Jersey State Association of Chiefs of Police and must achieve a minimum passing score of 75%.**

3. Selection Sworn Officer Second Phase - Physical Agility Test

a. **Eligible applicants will submit to a physical agility test administered by the Bergen County Police Academy and must achieve a minimum score of 80%.**

4. Selection Sworn Officer Third Phase - Oral Interviews

a. **The Chief of Police or his/her designee shall notify those candidates who qualify to advance to the next phase. Notification shall include the date, time, and location**

of the Command level oral interview.

b. The Command Level Oral interview will be conducted by the Chief of Police and/or Command Staff.

c. Each candidate will be asked the same questions.

d. Each answer to each question asked will be assigned a value for 5 (highest) to 1 (lowest). The score for each candidate will then be totaled.

e. Once the score for each candidate are totaled, the Chief of Police and Command Staff involved in the interview process shall meet to discuss the results.

f. The Chief of Police will make a list of eligible candidates along with his/her recommended ranking of those candidates to the Appropriate Authority who will then select the candidate(s) to be offered a conditional offer of employment.

5. Exemptions

a. A candidate for employment may be exempted from the selection process as set forth herein above:

i. If the Chief of Police has an emergent situation that requires the immediate filling of a position(s) and upon the approval of the Appropriate Authority; and

ii. Such candidate has previously been certified by the New Jersey Police Training Commission as a law enforcement officer. Any such candidate will still be subject to the eligibility requirements as set forth in Paragraph (b) below.

b. All eligible candidates must participate in an oral examination as outlined in Paragraph 4 and all other aspects of the selection process in Sections 6, 7 and 8.

6. Background Investigation

a. Upon issuance of a conditional offer of employment, a background investigation will be conducted by the Detectives within the Borough Police Department. The background investigation shall include, but not be limited to, the following:

i. A review of the candidate's application to confirm/verify meeting eligibility requirements for the position applied for;

ii. A check of the applicant's driving history;

iii. A fingerprint check for criminal record;

iv. Candidates for sworn positions shall be checked against the New Jersey Central Drug and Domestic Violence Registries for the following:

1. Acts of domestic violence, sexual abuse, stalking,

elder abuse, or child abuse and any prior or active Domestic Restraining Orders.

v. Police Officer candidates shall be interviewed about any history or acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition.

vi. Any police officer candidate with a history of acts of domestic violence, sexual assault, stalking, elder abuse or child abuse shall be identified and declared ineligible for employment as police officers.

vii. Any candidate who shall fail to fully and completely disclose any and all violations of law as defined in this Chapter will be immediately disqualified from being eligible for the position of police officer.

viii. Verification of at least three personal references.

ix. All background investigations will comply with the terms of the Fair Credit reporting Act, as amended.

7. **Medical Exam**

a. Upon issuance of a conditional offer of employment, a candidate, as a condition for appointment, must submit to a medical examination, to certify the general health of the candidate.

8. **Psychological Exam**

a. A psychological fitness examination of each candidate for a sworn position will be conducted by a licensed New Jersey professional prior to appointment, but after being given a conditional offer of employment.

9. **Probationary Period.**

a. Excluding a lateral transfer, no person shall be given or accept a permanent appointment as a Police Officer in the Borough unless such person has first been given a probationary or temporary appointment to such office for a period of one year, and 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, pursuant to the provisions of N.J.S.A. 52:17B-66 et seq., as amended.

b. **Dismissal during probationary period: grounds for dismissal.** On or before the end of the probationary period noted in subsection (a) above, the Appropriate Authority may discontinue the service of any appointee if, in the opinion of the Appropriate Authority, upon recommendation of Chief of Police, the appointee is unable or unwilling to perform the duties of his/her position satisfactorily or is of such reputation, habits and

dependability as to not merit continuance in the police service, or is unable to satisfactorily meet the requirements of the Department's Field Training Program.

c. Grievance Procedure. During the Probationary period noted above, the Appointee shall have the following due process rights afforded to him/her to address any grievances of the Appointee:

i. Definition - The term "grievance" as used herein means any controversy arising over the interpretation, application or violation of this Agreement and of those policies, agreements or administrative decisions which affect the terms and conditions of employment.

ii. Steps of the Grievance Procedure - The following constitutes the sole and exclusive method for resolving appointee grievances and shall be followed in its entirety unless any step waived by mutual consent

Step One:

a. An Appointee shall institute action under the provisions hereof within five (5) calendar days of the occurrence of the grievance and an earnest effort shall be made to settle that differences between the Appointee and his immediate Superior, for the purpose of resolving the matter informally. Failure to act within the said five (5) calendar days shall be deemed to constitute an abandonment of the grievance.

b. The immediate Superior shall render a decision within five (5) calendar days after receipt of grievance.

Step Two:

a. In the event the grievance is not settled through Step One, then the same shall be reduced to writing and filed with the Captain, or his designee, within three (3) calendar days.

b. The Captain, or his designee, shall render a decision in writing within five (5) calendar days.

Step Three:

a. In the event the grievance has not been resolved through Step Two then within three (3) calendar days following the determination of the Captain or his designee, the matter may be submitted, in writing, to the Chief of Police.

b. The Chief, or his designee, shall render a decision in writing within twelve (12) calendar days after the grievance was first presented to him.

Step Four:

- a. If the applicant wishes to appeal the decision of the Chief of Police, or his designee, the grievance shall be presented in writing to the Appropriate Authority or its delegated representative, within seven (7) calendar days from the date of the Chief, or his designee's, decision. The Appropriate Authority, or its representative, shall provide a decision in writing within fourteen (14) calendar days of the receipt of the written grievance.

C. Selection Process Non-Sworn Positions

1. All vacancies for non-sworn positions will be selected at the sole discretion of Glen Rock Borough pursuant to Glen Rock Borough policies and procedures.

D. Outside Employment. Each full-time Police Officer appointed to the Police Department may pursue other employment outside of the duty hours as approved by the Chief of Police and subject to the conditions outlined in the Written Directive System and upon written application to the Chief of Police.

E. Powers and duties of Police Department members.

1. The rights, privileges, powers and duties of the members of the Police Department shall be those prescribed by the laws of the State of New Jersey governing municipal Police Departments generally, by the laws of the state and ordinances and resolutions of the Borough and such rules and regulations (including Written Directives of the Chief of Police) which may from time to time be established by the Appropriate Authority.

2. The Police Department, through its Chief, shall:

- a. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the laws and ordinances effective within the Borough.
- b. Administer and enforce laws and ordinances of the State of New Jersey and the Borough.
- c. Adhere to the Rules and Regulations and Written Directives established for the Glen Rock Police Department and its members.

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III. All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

Ordinance Procedure: #1688 (Police Hiring/Promotion Procedures)
Date of Final Reading: September 11, 2013
Date of Introduction: August 23, 2013

A motion to open public discussion on this ordinance was made by Council member Pazan, seconded by Council member Biggs. All were in favor.

A motion to close the public discussion on this ordinance was made by Council member Pazan, seconded by Council member Biggs. All were in favor.

Council Resolution # 169-13
Introduced: Council Member Pazan
Seconded Council Member Biggs

AN ORDINANCE TO AMEND CHAPTER 40 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "POLICE DEPARTMENT" BEING AN ORDINANCE ESTABLISHING THE OPERATION OF THE POLICE DEPARTMENT; TO ESTABLISH PROCEDURES FOR PROMOTIONS WITHIN THE POLICE DEPARTMENT.

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O'Hagan - yes	Council Member Pazan - yes
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs - yes	Council Member Nogara – yes

BOROUGH OF GLEN ROCK
ORDINANCE NO. 1688

AN ORDINANCE TO AMEND CHAPTER 40 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "POLICE DEPARTMENT" BEING AN ORDINANCE ESTABLISHING THE OPERATION OF THE POLICE DEPARTMENT; TO ESTABLISH PROCEDURES FOR PROMOTIONS WITHIN THE POLICE DEPARTMENT.

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I - Chapter 40 of the Revised General Ordinances of the Borough of Glen Rock 1971 as amended being an Ordinance entitled "Police Department" is hereby amended as to the following:

I. Section 40-5 Entitled "Promotions" is deleted in its entirety and replaced with the following:

"40-5. Promotion Procedures

A. The Chief of Police, or his/her designated representative, shall be responsible for coordinating the promotional process.

- B. Promotional Process.**
- 1. Only officers who are members of this Department at the time of the promotional process are eligible for consideration consistent with New Jersey Law.**
 - 2. In order to be eligible for promotion in the promotion process, candidates must meet all the criteria established for such promotion on the date of the vacancy announcement.**
 - 3. Sergeants' Eligibility Requirements: The candidate must have completed a total of five (5) years in the rank of Officer in the Glen Rock Police Department and any officer hired after March 1, 2009 must hold a Bachelor Degree from an accredited College or University. Officers hired prior to March 1, 2009 are exempt from this requirement.**
 - 4. Lieutenants' Eligibility Requirements: The Candidate must hold the rank of Sergeant with the Glen Rock Police Department for at least one (1) year.**
 - 5. Captains' Eligibility Requirements:**
 - a. The candidate must hold the rank of Lieutenant with the Glen Rock Police Department for at least one (1) year. If no candidates hold the rank of Lieutenant, Sergeants shall be eligible for the position provided they have served one (1) year as a Sergeant.**
 - b. If there is an existing Lieutenant(s) who elects not to participate in the promotional process for Captain or if there is only one eligible Lieutenant participating in the promotional process, the Department may consider Sergeants for the position provided they have at least one year of service as a Sergeant.**
- C. Evaluation for Promotion**
- 1. Candidates for promotion to Sergeant and Lieutenant will submit to the following process:**
 - a. An oral examination provided by the New Jersey State Association of Chiefs' of Police. This portion may be waived by the Chief of Police if all candidates sign a written waiver of examination. If one officer wants a test, there shall be an oral exam.**
 - b. Oral examinations shall be on a pass/fail basis with a passing grade of 70%. Candidates who do not achieve a passing grade are ineligible to move on with the process. If an oral exam is taken, those who pass are not ranked in any order. They are to be shown as passed or failed only.**
 - c. A review and evaluation of the candidates personnel file by the Chief of Police and the members of the Public Safety Committee. This review shall include a summary report prepared by the Chief including accommodations, Employee reviews, disciplines and early intervention summaries. In any event, no information will be included in the summary report that references a candidates confidential medical information or other protected information.**

d. Due consideration shall be given to the length and merit of service and seniority in accordance with the provisions of N.J.S.A. 40A:14-129, as amended.

2. **Candidates for promotion to Captain:**

a. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in accordance with N.J.S.A. 40A:14-129, as amended, to any candidate for promotion to Captain. Due consideration shall also be given to the recommendation of the Chief of Police, which shall be based on the aforementioned statutory factors, and a review of the performance of the candidate(s) by the Chief of Police and the members of the Public Safety Committee.

D. **Promotional Announcement**

1. Whenever a vacancy occurs for the filling of a position a written announcement shall be made at least thirty 30 days before the start of the process.

- a. The announcement shall contain the eligibility requirements;
- b. The written announcement shall describe the position available;
- c. The written announcement shall contain a description of the process to be used in selecting personnel for the vacancy; and
- d. Each officer intending to participate in the process must submit a letter of intent no later than ten (10) days after the announcement to the Chief of Police.

E. **Eligibility List**

1. The Chief of Police shall submit an eligibility list to the Appropriate Authority following the promotional process. The Appropriate Authority will authorize the Chief of Police to maintain this eligibility list for a period of 24 months, in the event that vacancies fall within that time. The period will start upon the passing of the resolution promoting the officer(s) to the new rank.

F. **Approval of Appropriate Authority**

1. The Appropriate Authority shall have the final decision on all promotions.

G. **Appeal of Process**

1. Within ten (10) days of the decision of the Appropriate Authority on a promotion, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police. The Appropriate Authority and the Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis.

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such

judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

Ordinance Procedure: #1689 (Smoke Free Zones)
Date of Final Reading: September 11, 2013
Date of Introduction: August 23, 2013

A motion to open public discussion on this ordinance was made by Council member Orseck, seconded by Council member O’Hagan. All were in favor.

A motion to close the public discussion on this ordinance was made by Council member Orseck, seconded by Council member O’Hagan. All were in favor.

Council Resolution # 170-13
Introduced: Council Member Orseck
Seconded Council Member O’Hagan

AN ORDINANCE TO AMEND CHAPTER 32 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK, AS AMENDED, ENTITLED “PARKS AND RECREATION, DIVISION OF”; BEING AN ORDINANCE GOVERNING THE USE OF MUNICIPAL FACILITIES; TO ADD A NEW SECTION ENTITLED “SMOKE FREE ZONES”.

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O’Hagan - yes	Council Member Pazan - yes
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs - yes	Council Member Nogara - yes

**BOROUGH OF GLEN ROCK
ORDINANCE No. 1689**

AN ORDINANCE TO AMEND CHAPTER 32 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK, AS AMENDED, ENTITLED “PARKS AND RECREATION, DIVISION OF”; BEING AN ORDINANCE GOVERNING THE USE OF MUNICIPAL FACILITIES; TO ADD A NEW SECTION ENTITLED “SMOKE FREE ZONES”.

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I - Chapter 32 of the Revised General Ordinances of the Borough of Glen Rock 1971, as amended, being an Ordinance entitled "Parks and Recreation, Division of" is hereby

amended as to the following section(s):

A. There is added thereafter a new section 32-9 entitled "Smoke Free Zones" to read as follows:

"39-9. Smoke Free Zones.

- A. It shall be unlawful for any person to smoke within the boundary of any of the public parks, playgrounds, recreational areas which are defined within Section 32-1 of this Chapter. To the extent possible, "Smoke Free Zone" signs shall be clearly, sufficiently and conspicuously posted at properties where smoking is prohibited by this Chapter. The signs shall have the words "Smoke Free Zone" in lettering that is not less than two inches in height and shall contain the international no smoking sign.
- B. Notwithstanding the above, smoking shall not be prohibited within the parking lots or vehicular access lanes to such parks, playgrounds and/or recreational areas unless prohibited by other applicable law.
- C. Violation and Penalties - Any person(s) who is found to be in violation of the provisions of this Chapter, the maximum penalty shall, upon conviction of a violation, be any combination of the following:
1. A fine exceeding \$1,000.00 or a period of community service not exceeding 90 days.
 2. Application - The maximum penalty is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty may be appropriate for a particular case or a particular violation.

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

5. **MEETING OPEN TO THE PUBLIC:** (Before speaking at the meeting, each person must state their name and address. 5 minute limit)

Mayor van Keuren commented on the hearing of the Board of Public Utilities he attended.

6. **ADJOURNMENT**

Motion to adjourn the public meeting made by Council member Surrago
Seconded by Council member Orseck
Meeting adjourned at 8:15 p.m.