

MINUTES
Regular Council Meeting
Monday, August 10, 2020
7:30pm

CALL THE MEETING TO ORDER

Council President Bromberg called the meeting to order at 7:30pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey.

SALUTE TO FLAG

Council President Bromberg asked all in attendance to join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Bromberg read the Sunshine Statement into the record, as follows:

"In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office."

ROLL CALL

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

Also present: Township Attorney Silvana Raso, Township Engineer Chris Statile and Township Clerk Karen Campanelli.

Council Comments

Councilman Ben-Yishay commented that it was nice to see everyone and it was good to be here.

Councilman Donovan thanked the Emergency Services and DPW for all their hard work during a very hectic week.

Councilwoman Sieg concurred with Councilmen Ben-Yishay and Donovan. Councilwoman Sieg explained that after the storm she was outside with her neighbors and the Police drove by several times and always stopped and asked if everyone was ok and if anyone needed any help. She added that this is why she believes River Vale has the best Police Department in not only the Pascack Valley but probably northern New Jersey.

Councilwoman Sieg also commented that the PSE&G worked very hard also under the circumstances.

Councilman Criscuolo also agreed with the comments and acknowledgements of the other Councilmembers. He added that it's an understatement to say that it's been a trying two weeks. Councilman Criscuolo explained that two weeks ago we had the storm and then in the aftermath the death of a resident cleaning up after the storm. He further explained that the following day there was a tragic accident in Town which resulted in the death of a Hillsdale Fire fighter. Councilman Criscuolo continued that the next day a fifteen year old resident went missing for 36 hours; thankfully he was found safe.

Councilman Criscuolo commented that all of the Town's resources have been dealing with these significant events during the past two weeks. He acknowledged the DPW, Police, Fire, Ambulance, the Mayor and Administration and commended them on dealing with a very difficult and impossible 2020.

Council President Bromberg commented that he witnessed the DPW crews hustling and removing downed trees from the roads as quickly as possible. He added that they did a top notch job.

Engineer's Report

Mr. Statile reported that tomorrow they are holding the pre-construction meeting for the Road Program with Macchione and hopefully get this very large paving project underway. He reported that Gennaro and Christine are handling the Open Space Bunker project at the Country Club. Mr. Statile is also getting ready to

put the Poplar Road Safety Improvements project back out to bid. He has added a sidewalk to this project on the Southside of the road running up to Pine Lake Terrace.

Mr. Statile next gave an update on the Fairways at Edgewood development. He reported that there have been some changes with regard to the developer who is building the project. Mr. Statile reported that they will start building the development in phases; starting at Rivervale Road and working their way back. Mr. Statile commented that most importantly they have to start getting their sewer lines installed.

Council President Bromberg commented that one of the big pros of the project was that the General Contractor had a lot of experience building townhouse units and questioned if it was going to be a different contractor.

Mr. Statile responded that the site contractor is different from the building contractor. He can't disclose the name of the builder but did say they were well known in New Jersey. He explained that this is not uncommon and it's best that they each specialize in one area. Mr. Statile added that each contractor will work and coordinate with the owner and he clarified that the Country Club still owns the project.

1st Hearing of the Public

Motion by Councilman Donovan; second by Councilman Criscuolo to open the meeting to the public.

There being no questions or comments from the public. Motion by Councilman Criscuolo; second by Councilman Donovan to close the meeting to the public.

RESOLUTIONS

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolution # 2020-182 as follows:

Resolution #2020-182

RESOLUTION APPROVING MINUTES JULY 13, 2020 REGULAR MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the July 13, 2020 Regular meeting of the Township Council are hereby approved.

ROLL CALL VOTE

Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes. Council members Ben-Yishay and Donovan abstained.

Motion by Councilman Donovan; second by Councilwoman Sieg to approve Resolution # 2020-183 as follows:

Resolution #2020-183

RESOLUTION APPROVING MINUTES JULY 27, 2020 REGULAR MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the July 27, 2020 Regular meeting of the Township Council are hereby approved.

ROLL CALL VOTE

Councilman Donovan, Councilwoman Sieg and Council President Bromberg voted yes. Council members Ben-Yishay and Criscuolo abstained.

Motion by Councilman Ben-Yishay; second by Councilman Donovan to approve Resolutions #2020-184 through #2020-189 as a Consent Agenda as follows:

Resolution #2020-184

RESOLUTION AUTHORIZING THE APPOINTMENT OF GENNARO ROTELLA AS THE MUNICIPAL HOUSING LIAISON FOR THE TOWNSHIP OF RIVER VALE

WHEREAS, pursuant to Chapter 43 of the Township Code entitled “Affordable Housing” the Township shall appoint a municipal employee to serve as the Municipal Housing Liaison; and

WHEREAS, the Municipal Housing Liaison shall be responsible for the oversight and administration of the affordable housing program for the Township of River Vale as detailed in Chapter 43-17 of the Code; and

WHEREAS, the Governing Body wishes to appoint Gennaro Rotella to the position of Municipal Housing Liaison.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that the appointment of Gennaro Rotella as the Municipal Housing Liaison of the Township of River Vale is hereby confirmed.

Resolution #2020-185

RESOLUTION ENDORSING GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020 THROUGH JUNE 2025 (FORM1B)

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale, County of Bergen, State of New Jersey hereby recognizes the following:

- 1. The Township Council does hereby authorize the submission of a strategic plan for the River Vale Municipal Alliance Grant for fiscal year 2021 in the amount of:

| | |
|-------------|-------------|
| DEDR: | \$ 3,126.15 |
| Cash Match: | \$ 781.54 |
| In-Kind: | \$ 2,344.61 |

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

Resolution #2020-186

RESOLUTION INCREASING THE BID AND QUOTE THRESHOLD

WHEREAS, pursuant to Local Finance Notice 2020-14 the State Treasurer has exercised their authority and adjusted the bid thresholds for contracting units subject to Local Public Contracts Law; and

WHEREAS, effective July 1, 2020 the Local Public Contracts bid threshold increased for municipalities with a Qualified Purchasing Agent to \$44,000 from \$40,000. Additionally, the quote threshold increased to \$6,600 from \$6,000; and

WHEREAS, the Township of River Vale has an appointed Qualified Purchasing Agent and therefore may utilize the higher bid and quotation thresholds.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that the increased bid and quote thresholds are hereby effective as of July 1, 2020.

Resolution #2020-187

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CARES ACT MUNICIPALITY REIMBURSEMENT AGREEMENT WITH THE COUNTY OF BERGEN

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (CARES Act) was enacted due to the significant economic damage and hardships resulting from the COVID-19 Virus Pandemic; and

WHEREAS, the County has received CARES Act funds from the United States Treasury (Stimulus Funds) to be used to reimburse specific COVID-19 related expenditures; and

WHEREAS, the County, as the recipient of the Stimulus Funds, has the responsibility to disburse the funds to eligible recipients in accordance with the terms and provisions of the CARES Act; and

WHEREAS, the County seeks to provide municipalities within the County access to Stimulus Funds for COVID-19 related expenditures on a reimbursement basis as a measure to alleviate COVID-19 related economic damage; and

WHEREAS, the Township of River Vale wishes to participate in the CARES Act program in accordance with the terms of the CARES Act guidelines.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the CARES Act Municipality Reimbursement Agreement with the County of Bergen.

Resolution #2020-188

RESOLUTION CONFIRMING CONTRACT WITH APPROVED STATE VENDOR FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-2A (GRAMCO BUSINESS COMMUNICATIONS)

WHEREAS, the Township of River Vale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of River Vale has the need on a timely basis to purchase the following equipment for the Administration Department utilizing State contracts;

Sound System Community Center

WHEREAS, the State Contract price is

Purchase Price: \$ 12,214.26

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the Current Fund Appropriated Reserves Account; and

WHEREAS, the Township of River Vale intends to enter into a Purchase Contract with Gramco Business Communications, 1149 Bloomfield Avenue, Clifton, New Jersey 07012 (New Jersey Approved Co-Op#65MCECCPS/ESCNJ 17/18-48) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

NOW THEREFORE BE IT RESOLVED, that the Township of River Vale authorizes the Purchasing Agent to purchase the above listed Sound System equipment from Gramco Business Communications pursuant to all conditions of the individual State contracts.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

There were no Ordinances for 1st Reading.

Ordinances for 2nd Reading & Public Hearing

Council President Bromberg tabled the 2nd Reading and Public Hearing on Ordinance #370-2020 until they receive the Consistency Review report from the Joint Planning Board.

ORDINANCE #370-2020

AN ORDINANCE AMENDING CHAPTER 142 OF THE CODE ENTITLED LAND USE ARTICLE LVIII LIMITING SCHEDULE RESIDENCE DISTRICT

ORDINANCE #371-2020

Motion to Adopt: Councilman Donovan

Second: Councilman Ben-Yishay

Motion by Councilman Ben-Yishay; second by Councilman Donovan to open the public hearing on Ordinance #371-2020.

There being no questions or comments from the public; motion by Councilman Criscuolo second by Councilman Donovan to close the public hearing on Ordinance #371-2020.

AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE ENTITLED “POLICE DEPARTMENT” ARTICLE I PROMOTIONS

An Ordinance amending Chapter 33 of the Code entitled “Police Department” Article I Section 8 Promotions as follows:

§ 33-8 Promotions.

[Amended 5-12-2008 by Ord. No. 198-2008]

A.

The Township of River Vale desires to promote the most qualified candidates to positions of higher rank. This article establishes the eligibility requirements and the process for promotion to all higher ranks. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations (for rank of lieutenant and below) as well as competitive written submissions (for rank of Captain and above). In accordance with N.J.S.A 40A:14-129, promotion of any officer shall be made from the membership of the Department. No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Township of River Vale Police Department for a period of three years (N.J.S.A. 40A:14-130). No person shall be eligible for promotion to be a superior officer unless he or she has previously served as patrolman in such Department or force (N.J.S.A. 40A:14-129).

B.

Upon receiving instructions from the Mayor or his/her designee as provided by law to do so, the Chief of Police shall announce the promotional process to members of the Department at least 60 calendar days before the written examination is to be given. The announcement shall be posted in common areas of the Department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than 14 calendar days after the promotion announcement. Notwithstanding the foregoing, in the event an Officer is on vacation or sick leave during the initial fourteen-calendar-day notification period and, as a result, is unable to submit a letter of interest, such officer shall be entitled to provide his or her letter of interest to the Chief of Police within three days of his or her scheduled date of returning to work, provided such notice must be provided in all instances no later than 15 calendar days before the written examination is to be given. Such letter of interest shall include a statement that such candidate has read Chapter 33, Police Department, § 33-8, Promotions, of the Code of the Township of River Vale, that such candidate wishes to participate in the promotional process for the available position and that such candidate agrees to abide by the promotional process set forth in Chapter 33, Police Department, § 33-8, Promotions, of the Code with respect to the promotion process. In the event a candidate decides to not continue with the process, the candidate shall promptly notify the Chief of Police in writing of his or her decision to not continue.

C.

Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate who is first a resident over a nonresident pursuant to N.J.S.A. 40A:14-122.6 and then with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

D.

The Mayor or his/her designee as provided by law shall convene the reviewing committee for Departmental promotions, which shall consist of the Mayor or his/her designee as provided by law, the Business Administrator and the Chief of Police (the "Reviewing Committee").

E.

Promotion testing procedure. The promotion testing procedure for the River Vale Police Department shall consist of written examination (and for promotions to Lieutenant or Captain a written submission as well) and an oral examination (and for promotions to Lieutenant or Captain an oral interview as well) in which all candidates will be given the same questions and a review of the candidates' service record, education, merit and seniority. The Mayor may alter or limit the scope of the testing procedure and/or the factors considered when evaluating candidates for a promotion, as long as all participating officers agree in writing to such altered or limited testing procedure. In addition, the written examination may be waived at the Mayor's sole discretion.

(1)

Written examination/written submission.

(a)

The written examination shall be supplied by a professional testing company, professional law enforcement organization or such other written examination approved by the Mayor or his/her designee as provided by law. To proceed to the oral portion of the examination procedure, a candidate must achieve a minimum score of 70% on the written portion. At their request, candidates may review their own individual written test answers and scores in comparison to the master copy of questions and answers for the written portion of the exam. This review shall take place with the Chief of Police or his or her designee.

(b)

For all positions above the rank of Sergeant, each candidate shall provide three copies of a written submission about themselves to the Business Administrator of the Township of River Vale. Such submission shall include, but not be limited to, the candidate's resume (training, education, experience, hobbies, awards, etc.) and a statement as to why such candidate should be promoted to the position sought.

(c)

The written examination may be waived at the Mayor's sole discretion.

(2)

Oral examination(s)/oral interview.

(a)

Candidates shall be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Chief of Police or his or her designee.

(b)

Candidates that successfully achieve a score of 70% on the written examination shall be permitted to sit for an oral examination by the Reviewing Committee. The oral examination shall take place after the receipt of the written examination scores.

(c)

Candidates must score at least 70 out of 100 in the oral examination to proceed to the next step in the promotional process. At their request, candidates may review their own individual oral examination answers and scores in comparison to the master copy of questions and answers for the oral examination. This review shall take place with the Chief of Police or his or her designee.

(d)

For all positions above the rank of Sergeant, the next step in the process will be an interview with the Mayor or his/her designee as provided by law, the Business Administrator and the Chief of Police. Candidates for positions below the rank of Lieutenant will proceed from the oral exam directly to the review of service record.

(e)

The interview with the Mayor or his/her designee as provided by law, the Business Administrator and the Chief of Police shall focus on leadership and management skills, knowledge of River Vale's form of government, knowledge of the Police Department Ordinance, familiarity with municipal budget process and knowledge of N.J.S.A. 40A:14-118. The Mayor, Business Administrator and Chief of Police shall grade each candidate on a one-hundred-point scale.

(3)

Record review.

(a)

Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b)

The Reviewing Committee shall examine the length and merit of candidates' service. The examination process shall give specific weight to performance evaluations, seniority, military service, demonstrated leadership ability, education and disciplinary history.

(4)

Scoring procedure. Subject to the Mayor's absolute right, at his/her sole discretion, to alter or modify the below noted percentages, the weight or percentage of each portion of the process shall be as follows:

(a)

Sergeant.

[1]

Written test: 30%.

[2]

Oral exam: 30%.

[3]

Performance evaluations: 20%.

[4]

Leadership evaluation: 10%.

[5]

Seniority: 5%.

[6]

Education: 5%.

[a]

Associate's degree: 2.5%.

[b]

Bachelor's degree: 3.5%.

[c]

Master's degree or higher: 5.0%.

[d]

Two years of active-duty military experience can be substituted for associate's degree if honorably discharged.

[e]

Associate's degree and two years of active-duty military experience will be worth 3.5% if honorably discharged.

[7]

Police discipline shall be a minus, if within six months of the review of the service record, the discipline has been officially adjudicated and permanently placed in the candidate's personnel file. A more-than-five-day suspension shall extend the review of the service record up to one year.

[a]

Written reprimand: -1.0%.

[b]

One to two days' suspension: -2.5%.

[c]

Three to five days' suspension: -5.0%.

[d]

More than five days' suspension: -10.0%.

(b)

Lieutenant and Captain.

[1]

Written test: 15%.

[2]

Written submission: 15%.

[3]

Oral exam: 15%.

[4]

Interview with the Mayor, Chief of Police and Business Administrator: 15%.

[5]

Performance evaluations: 20%.

[6]

Leadership evaluation: 10%.

[7]

Seniority: 5%.

[8]

Education: 5%.

[a]

Associate's degree: 2.5%.

[b]

Bachelor's degree: 3.5%.

[c]

Master's degree or higher: 5.0%.

[d]

Two years of active-duty military experience can be substituted for associate's degree if honorably discharged.

[e]

Associate's degree and two years of active-duty military experience will be worth 3.5% if honorably discharged.

[9]

Police discipline shall be a minus, if within six months of the review of the service record, the discipline has been officially adjudicated and permanently placed in the candidate's personnel file. A more-than-five-day suspension shall extend the review of the service record up to one year.

[a]

Written reprimand: -1.0%.

[b]

One to two days' suspension: -2.5%.

[c]

Three to five days' suspension: -5.0%.

[d]

More than five days' suspension: -10.0%.

F.

The Review Committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and the final scores.

G.

The Review Committee shall then submit the results of the process listing the breakdowns and final scores of the candidates and any other information that may be pertinent to the Mayor for final decision.

H.

Candidates who achieve an overall score of 70% or greater shall be placed on a two-year promotional list.

[Amended 1-22-2018 by Ord. No. 329-2018]

I.

Eligibility for testing. All candidates for promotion must have served three years with Township of River Vale as a full-time patrol officer by the date of written test in order to be eligible to participate in the promotional process. Promotions to the rank of sergeant shall be open to patrol officers. When a vacant sergeant position exists or is anticipated and there is a desire by the Township of River Vale to fill such position, a promotional process shall be administered and a separate list created and the sergeant list will consist of patrolmen who successfully complete the process.

J.

Promotions to ranks above Sergeant shall be open to members of the next lowest rank, unless the Mayor, in the best interest of the Department, chooses to test a wider pool of candidates, in which case he or she may open testing to the two next lowest ranks (a pool of less than three eligible candidates will not generally be considered "in the best interest of the Department"). An officer who tests for a higher rank and does not achieve the 70% score necessary to make the promotion list referred to in Subsection H is ineligible to take an exam for that rank, or a higher rank, for a period of two years from the date of the promotion list. [Amended 11-13-2017 by Ord. No. 327-2017]

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

1st Hearing of the Public

Motion by Councilwoman Sieg; second by Councilman Donovan to open the meeting to the public.

There being no questions or comments from the public. Motion by Councilman Criscuolo; second by Councilwoman Sieg to close the meeting to the public.

ADJOURNMENT

Motion by Councilman Ben-Yishay; second by Councilman Donovan to adjourn the meeting at 7:45pm.

ATTEST:
Karen Campanelli, Township Clerk

Council President Mark Bromberg

