

MINUTES
Regular Council Meeting
Monday, June 14, 2021
Town Hall 7:30pm

CALL THE MEETING TO ORDER

Council President Bromberg called the meeting to order at 7:37pm.

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 Criscuolo, Councilwoman Sieg and Council President Bromberg were present. Councilman Donovan was absent.

Also present: Township Attorney Silvana Raso, Business Administrator/CFO Gennaro Rotella, Township Engineer Lisa Neiman, Township Clerk Karen Campanelli, Chief Sean Scheidle and Judge E. Michael Garrett.

POLICE DEPARTMENT PROMOTION

Police Officer Anthony Scimeca

Council President Bromberg read a brief bio of Officer Scimeca into the record:

Tony Scimeca joined the River Vale Police Department in November of 2006. He became a Dare Officer in 2008 and has continued teaching in the schools for the last 13 years. He has also spent time in the Traffic Bureau and been heavily involved in the vehicle fleet maintenance. Most recently he has taken over Firearms Investigation Unit.

Tony was born and raised in Hillsdale and has been an active member of the community for years. He is here tonight with his wife Tara and his son Gavin.

Tony's wife Tara will pin his Badge and son Gavin will hold the Bible.

Judge Garrett administered the Oath of Office to Sergeant Scimeca.

Council Comments

Councilman Ben-Yishay had no comments this evening.

Councilwoman Sieg commented on the Memorial Day Ceremony. Unfortunately, it rained and the ceremony was held at the Community Center; however, the ceremony was beautiful. Councilwoman Sieg also commended the Township's CERT Team; adding that they are lucky to also have our Council President as a member of the CERT Team. She explained that the CERT Team has really stepped up and helped the County with the roll out of the COVID tests and vaccines. Councilwoman Sieg added that she is very proud of the CERT Team; especially co- directors Linda Wayne and Bill Peters who are doing an outstanding job with the CERT Team who always go that extra mile.

Councilman Criscuolo commented that Councilwoman Sieg's comments were well said. He had no further comments.

Council President Bromberg thanked Councilwoman Sieg for her kind comments. He explained that the CERT Team is a group of great people who want to do things for the community and be involved with emergency services. Council President Bromberg added that the River Vale CERT Team has also garnered the attention of State officials and have been given a lot of useful equipment.

Business Administrator's Report

Mr. Rotella reported that the Township has received information regarding the American Rescue Plan from the DLGS. He explained that the Township will be receiving \$1,045,000 over the course of several years. Mr. Rotella expects the first payment later this year. He explained that the program is very restrictive as to what the Town can utilize the funds for. He expects that they will use the funds for mostly infrastructure driven items; including drainage work, catch basins, and HVAC units.

Mr. Rotella next reported that the Township's ROSI has been approved by Green Acres and now the grant funding can be released. Mr. Rotella also reported that he met with a landscape architect regarding the Amphitheater. He explained that the Amphitheater is in dire of need repairs and needs to be put back into a more natural state. Mr. Rotella received an excellent quote which he will be sharing with the Council in the near future. He added that the Amphitheater was never properly constructed.

***Councilman Donovan arrived at 7:51pm.**

Engineer's Report

Ms. Neiman reported that the Poplar Road Safety Improvements Project is near completion; they are waiting for the flashing pedestrian signals to come in. She further reported that they had a meeting on June 2nd at the Meskers site with the developers of the Townhouse and Group Home projects to coordinate infrastructure work and construction timing. Ms. Neiman added that construction won't start on either project until later next year.

Mr. Rotella added that it was an excellent meeting; everyone was represented and the line of communication between all the groups involved is very important.

Ms. Neiman continued that they are ready to out to bid for the 2021 Road Program and the new exit driveway at the River Vale Country Club will be included with the Road Program in order to obtain better pricing.

PUBLIC HEARING 2021 MUNICIPAL BUDGET

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to open the public hearing on the 2021 Municipal Budget.

There being no questions or commented from the public; motion by Councilman Criscuolo; second by Councilman Ben-Yishay to close the public hearing on the Municipal Budget.

Motion by Councilman Ben-Yishay; second by Councilman Criscuolo to approve Resolution #2021-138 as follows:

Resolution #2021-139

(Attached)

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

Jim Hanna—381 Sunset—Mr. Hanna commented that since COVID they were not aware of an ordinance going into effect regarding the Fire Police. He explained that he had tried to get answers regarding the ordinance from the Chief; however, he said he had no input. Council President Bromberg clarified that this was passed as an ordinance in 2019.

Mr. Hanna explained that they finished their courses in 2019 and were told it would be instituted in January of 2020. He also commented that no money was put in the budget in 2020 or 2021.

Mr. Hanna questioned why the ordinance was restricted to five (5) members; he feels it should be open to anyone who passes the test. He also questioned taking away the right to arrest. Mr. Hanna was under the impression that you cannot remove something from a State law. Mr. Rotella responded that it was removed under the recommendation of the Police Chief. Mr. Hanna also questioned the requirements which are the same for a fireman and do they need to be repeated.

Mr. Hanna further questioned the wording referencing the “Commissioner” and that it should be “Chief” as they don’t have commissioners. Mr. Rotella explained that Commissioner is a standard utilized term and still means the individual of authority. Mr. Hanna also questioned the requirement of having a physical and that the language seemed vague. They also have no idea when the Chief is going to institute the ordinance.

Mr. Rotella responded that the budget requests are submitted to him by the Fire Chief and this is really a question for the Fire Chief. Mr. Hanna added that there are only two (2) groups of people allowed to direct traffic in New Jersey; Police Officers and Fire Police.

Council President Bromberg added that they did their job and passed the ordinance; however, this sounds like an internal matter for the Fire Department. Mr. Rotella agreed and that most of the questions asked fall back to the Fire Department. Mr. Hanna added that the Fire Chief said he had no input with the ordinance and would not accept any questions.

Mr. Hanna next asked if there’s been any progress getting the siren re-instated. Mr. Rotella responded that the siren box is inoperable; the unit is no longer being made nor can they find parts. He added that they are not looking to replace the unit and many municipalities are moving away from this product. Mr. Hanna reported that he missed two (2) fires because there was no siren.

Mr. Hanna next commented that engine 58, the south Fire House pumper is out of service. Additionally, they are covering for Old Tappan and 56 is stationed at the North Fire House; however, half of the members are assigned to the South Fire house. Mr. Hanna is also concerned regarding the one (1) pumper; that there is not enough manpower to get the truck out. Mr. Rotella responded that this is an internal operational issue of the Fire Department.

Ed Carpezzi—Montvale—commented that he knows the Council passed a decision regarding cannabis. He explained that many of the decisions being made in other Towns are being made without the appropriate information and knowledge. He is hoping to speak briefly about opening an upscale dispensary in Bergen County. The focus being on consumer education and community savings. The dispensary would be a woman owned enterprise and their focus is being in northern Bergen County. He explained that Steve, the other gentleman with him would be the COO of the organization and there would be approximately 15 employees. He further explained that they are partnered with a firm in Colorado; this company has the ability to track the product to insure that it never ends up in the wrong hands. He detailed the safety measures which is a combined effort with the Police Department; and there are off duty police officers involved.

Mr. Carpezzi next explained the tax revenue generated and that people don’t understand the true magnitude of those numbers. Their goal is not just the tax revenue but to give back to the community. He commented on the other main concern people have is traffic. He explained that delivery is going to be the biggest distribution form. Therefore, it will be in Town whether you want it or not because you can’t stop delivery of the product. Mr. Carpezzi stated that if the company is set-up properly, with the support of the Town this is a win-win for all. He added that this will be liquor in the next five years.

Steve Coretta –Washington Township—he explained the benefits of partnering with Unity Road is that they are a non-traditional multi State operator. They don’t run the day-to-day operations from their office in Colorado. Rather, the people that run the day-to-day business are local people that care about the community. Mr. Coretta next shared some tax revenue numbers. In Massachusetts, during their opening

year, the revenue was approximated \$5,000,000 per store and \$100,000 that went directly to the Town. In Illinois, within the first 18 months of opening reported over \$1 billion in gross sales between medical and recreational cannabis. And Colorado, being the first State to permit in 2014; in the first year netted \$6,830,000 and in 2020 \$2.2 billion in revenue.

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

RESOLUTIONS

Motion by Councilwoman Sieg; second by Councilman Ben-Yishay to approve Resolution #2021-139 as follows:

Resolution #2021-139

RESOLUTION APPROVING MINUTES MAY 24, 2021 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the May 24, 2021 Regular meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolutions #2021-140 through #2021-148 as a Consent Agenda as follows:

Resolution #2021-140

RESOLUTION APPROVING LIQUOR LICENSE RENEWALS FOR THE JULY 1, 2021 THROUGH JUNE 30, 2022 TERM

WHEREAS, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Township Ordinances.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby authorizes the renewal of the following liquor license for the July 1, 2021 through June 30, 2022 term.

BE IT FURTHER REOLVED that the Township Clerk is hereby authorized to issue a liquor license as follows:

PLENARY RETAIL DISTRIBUTION LICENSE

#0253-44-008-007	RVK NJ1 LLC (Liquorland) 209 Rivervale Road River Vale, NJ 07624	\$1,500.00
------------------	--	------------

PLENARY RETAIL CONSUMPTION LICENSE

#0253-33-007-009	Let's Meat Steakhouse LLC 625 Rivervale Road	\$2,000.00
------------------	---	------------

River Vale, NJ 07675

#0253-33-006-009 Blutarsky LLC (Valley Burgers & Brew) \$2,000.00
640 Westwood Avenue
River Vale, NJ 07675

Resolution #2021-141

REFUND

(Camp Have Some Fun Registration Fee)

WHEREAS, the following individuals have requested a refund of their Camp Have Some Fun registration fees; and

WHEREAS, the Treasurer has certified the availability of funds in the Recreation Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refunds are approved and the Treasurer is hereby authorized to issue municipal checks payable as follows:

Payable to:

Kit Mun Wee
566 Prospect Avenue
River Vale, NJ 07675

Refund Amount: \$ 155.00

Payable to:

Alexsa Ribler
117 Highland Avenue
Hillsdale, NJ 07642

Refund Amount: \$ 155.00

Payable to:

Elena Ivanov
70 Lindy Avenue
River Vale, NJ 07675

Refund Amount: \$310.00

Resolution #2021-142

REFUND

(Camp Fun in the Sun Registration Fee)

WHEREAS, the following resident has requested a refund of their Camp Fun in the Sun registration fee; and

WHEREAS, the Treasurer has certified the availability of funds in the Recreation Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refunds are approved and the Treasurer is hereby authorized to issue a municipal check payable as follows:

Payable to:

Richard Merwede
168A Rivervale Road
River Vale, NJ 07675

Refund Amount: \$900.00

Resolution #2021-143

RESOLUTION CONFIRMING APPOINTMENT TO THE RIVER VALE VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Board of Officers of the River Vale Volunteer Fire Department have approved the appointment of the following individual as a new member of the Fire Department:

- **Vasili Karalewich**

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby confirms the appointment of Vasili Karalewich as a member of the River Vale Volunteer Fire Department.

BE IT FURTHER RESOLVED that a copy of the Resolution be forwarded the Chief of the River Vale Volunteer Fire Department.

Resolution #2021-144

RESOLUTION

REFUND 2ND QUARTER PROPERTY TAX OVERPAYMENT

WHEREAS, a tax overpayment was received for the 2nd quarter of 2021 and the property owner has requested a refund of said overpayment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Treasurer is hereby authorized to issue a municipal check payable as follows:

Block 111, Lot 20
622 Antrim Road

Refund Amount: \$ 2,944.20

Payable to:

“Core Logic Refund Department”

Mail to:

P.O. Box 9202
Attn: Refunds Dept.
Coppell, Texas 75019

Resolution #2021-145

RESOLUTION APPROVING THE FIREWORKS PERMIT FOR EDGEWOOD COUNTRY CLUB – JULY 2, 2021 (RAIN DATE JULY 5, 2021)

BE IT RESOLVED, by the Township Council of the Township of River Vale that the fireworks permit for Edgewood Country Club located at 449 Rivervale Road is hereby approved.

BE IT FURTHER RESOLVED, that the River Vale Fire Prevention Bureau permit fees have been paid in full; and

BE IT FURTHER RESOLVED, that the Fire Official has received all pertinent applications and approvals according to Township Ordinances and Statutes of the State of New Jersey.

Resolution #2021-146

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE SHARED SERVICES AGREEMENT WITH THE BOROUGH OF CLOSTER FOR POLICE FIREARMS TRAINING FACILITY

WHEREAS, N.J.S.A. 40:8A-1, et seq., known as the “Interlocal Services Act,” authorizes Interlocal Services Agreements between public entities to share services; and

WHEREAS, the Township wishes to enter into a Shared Services Agreement with the Borough of Closter for the use of the Closter Firing Range for members of the River Vale Police Department; and

WHEREAS, said Shared Services Agreement has been reviewed and approved by the Township Attorney and is on file in the Township Clerk’s office.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the Shared Services Agreement with the Borough of Closter for the use of the Police Firing Range for a period commencing January 1, 2021 through December 31, 2021.

Resolution #2021-147

RESOLUTION AUTHORIZING THE MAYOR TO SIGN CDBG AGREEMENT WITH THE COUNTY OF BERGEN (COUNTRY CLUB ADA IMPROVEMENTS)

BE IT RESOLVED that the Mayor and Council of the Township of River Vale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$ 30,000 in FY2020 Community Development Block Grant funds for Country Club ADA Improvements located at 660 Rivervale Road in the Township of River Vale; and

BE IT FURTHER RESOLVED that the Township Council hereby authorizes Mayor Glen Jasionowski to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED that the Township Council hereby authorizes the Chief Financial Officer Gennaro Rotella to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Township of River Vale is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

Resolution #2021-148

RESOLUTION AUTHORIZING SELF EXAMINATION OF THE 2021 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of River Vale has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of River Vale that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ROLL CALL VOTE

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

Ordinances for 1st Reading

Ordinance #383-2021

Motion to Introduce: Councilwoman Sieg

Second: Councilman Donovan

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF RIVER VALE AND APPROPRIATING \$2,032,888 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,874,241 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF RIVER VALE TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of River Vale, in the County of Bergen, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,032,888, including the aggregate sum of (a) \$33,600 in moneys now held by the Township and previously contributed by the Borough of Montvale

for the purposes set forth in Section 3(g) of this bond ordinance, (b) \$26,400 in moneys now held by the Township and previously contributed by the Borough of Montvale for the purposes set forth in Sections 3(h) of this bond ordinance and (c) \$98,647 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,874,241 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Park improvements, including, but not limited to, EMS Park Renovations and construction of pickle ball courts, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$192,500
<u>Maximum Amount of Bonds or Notes:</u>	\$182,875
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$9,625

- (b) Purpose: Acquisition of information technology and telecommunications equipment with a unit cost greater than \$5,000, including, but not limited to, Records Management Scanning and radio infrastructure rebuild for Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$376,750
<u>Maximum Amount of Bonds or Notes:</u>	\$357,912
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$18,838

- (c) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost less than \$5,000, including, but not limited to, pagers for the River Vale Volunteer Ambulance Corps and pagers, radios and communications

equipment for the Volunteer Fire Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$212,366
<u>Maximum Amount of Bonds or Notes:</u>	\$201,747
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$10,619

- (d) Purpose: Acquisition of equipment for the Township's Volunteer Fire Department, including, but not limited to, firefighter personal protective equipment, SCBA air bottle replacements, and hoses, nozzles, appliances and equipment, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$100,122
<u>Maximum Amount of Bonds or Notes:</u>	\$95,115
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$5,007

- (e) Purpose: Reconstruction and resurfacing of various streets and roads in the Township to Class A standards, as provided in the Local Bond Law, as identified on a list on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$495,000
<u>Maximum Amount of Bonds or Notes:</u>	\$470,250
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$24,750

- (f) Purpose: Construction of catch basins, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$55,000
<u>Maximum Amount of Bonds or Notes:</u>	\$52,250
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$2,750

- (g) Purpose: Building improvements and acquisition of equipment for the Department of Public Works, including, but not limited to, automatic fire suppression/sprinklers, backhoe, lawn mower, and

trailer, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$337,150
<u>Maximum Amount of Bonds or Notes:</u>	\$288,372
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$15,178
<u>Montvale contribution:</u>	\$33,600

- (h) Purpose: Acquisition of garbage truck for the Department of Public Works, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$264,000
<u>Maximum Amount of Bonds or Notes:</u>	\$225,720
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$11,880
<u>Montvale contribution:</u>	\$26,400

(i) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(j) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.192 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,874,241, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$184,808 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the several improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ROLL CALL VOTE

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

Ordinances for 2nd Reading & Public Hearing

Ordinance #380-2021

Motion to Adopt: Councilman Ben-Yishay

Second: Councilman Donovan

Motion by Councilman Criscuolo second by Councilwoman Sieg to open the public hearing on Ordinance #380-2021.

There being no questions or comments from the public. Motion by Councilman Criscuolo second by Councilman Donovan to close the public hearing on Ordinance # 380-2021.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 33 OF THE CODE ENTITLED “POLICE DEPARTMENT” ARTICLE II “DEPARTMENT OF RULES AND REGULATIONS”

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 33 of the Code entitled “Police Department” Article II “Department of Rules and Regulation,” be amended as follows:

§ 33-15. ESTABLISHMENT OF DEPARTMENT RULES AND REGULATIONS.

Section 1 Police Department Authority – Powers – Duties

1.1.1 Legal authorization

The Police Department has been established pursuant to N.J.S.A. 40A:14-118 and Chapter 33 of the Code of the Township of River Vale. In accordance with N.J.S.A. 40A:14-118, Chapter 33 of the Code of the Township of River Vale designates the Mayor as the Appropriate Authority responsible for adopting and promulgating Rules and Regulations for the government of the police force and the discipline of its members.

Section 2 Rules and Regulations Established

1.2.1 Rules and regulations

The appropriate authority of Township hereby adopts and promulgates the department rules and regulations, known as the “**RIVER VALE POLICE DEPARTMENT RULES AND REGULATIONS.**”

1.2.2 Right to amend or revoke

For the good of the service, in accord with New Jersey Statute 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or revoke any of the rules and regulations contained herein.

1.2.3 Previous rules, regulations, policies and procedures

All rules and regulations previously issued, and policies and procedures that conflict with the rules and regulations contained herein, are hereby revoked to the extent of any such inconsistency. All other rules, regulations, policies, procedures and general orders not in conflict with those contained in this manual shall remain in full force unless expressly revoked by competent authority.

1.2.4 Application

- A. Department rules and regulations, policies and procedures and written directives are applicable to all police officers of the department and where appropriate, to all civilian employees of the department.
- B. An employee who violates any department rule, regulation or written directive, or who fails to perform the duties of one's rank or assignment, either willfully or through negligence or incompetence, is subject to disciplinary action.

1.2.5 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department through the PowerDMS software, similar software and/or manual distribution.

1.2.6 Maintenance

Employees shall be responsible for maintaining a current copy of the rules and regulations contained in this manual, including all additions, revisions and amendments as may be issued.

1.2.7 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations and policies and procedures contained with the department manual. Ignorance of any of the provisions of this manual will not be a defense to a charge of a violation of the rules and regulations.

§ 33-16. DEFINITIONS.

Section 1

2.1.1 Acting – Assigned temporarily to serve in a position to which the member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

2.1.2 Annual Leave – The combination of vacation, personal and compensatory leave granted to all employees annually in accordance with the River Vale Township Code and all applicable collective bargaining agreements.

2.1.3 Appropriate Authority – Mayor of Township of River Vale.

- 2.1.4 Authority** – The statutory or policy vested right to give commands, issue orders, enforce obedience, initiate action and make necessary decisions. Those so designated may delegate authority. Acts performed without proper authority or authorization shall be considered in violation of this manual, and those persons in violation shall be subject to disciplinary action.
- 2.1.5 Bureau** – A unit immediately subordinate to a division.
- 2.1.6 Chain of Command** – The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.
- 2.1.7 Command Officer** – Police officers holding the rank of Captain or above and assigned to a command position by the Chief of Police.
- 2.1.8 Days Off** – Those days determined by the Chief of Police on which a given employee is excused from duty.
- 2.1.9 Department** – Township of River Vale Police Department.
- 2.1.10 Department Manual** – Collection of all lawfully issued rules, regulations, policies, procedures and general orders. Such manuals in force in the department are issued by authority of the Chief of Police. Compliance with the provisions of department manuals is required without exception.
- 2.1.11 Detail** - A temporary assignment of personnel for a specialized activity.
- 2.1.12 Detective** – A police officer, designated as a detective, assigned to conduct criminal and other investigations while in civilian clothes.
- 2.1.13 Division** – A functional unit having jurisdiction wide coverage whose commanding officer reports directly to the Chief of Police or Captain of Police.
- 2.1.14 Employee** – All employees of the police department, whether sworn regular or special police officers or civilian employees.
- 2.1.15 Function** – The general activity of a subdivision of the department, e.g., the operations function, the administrative function, etc.
- 2.1.16 Gender** – The use of the masculine gender in any directive or manual includes the female gender, where applicable.
- 2.1.17 General Order** – Written directive designed to announce adoption or revision of policies and to direct procedure for the indefinite future.
- 2.1.18 Headquarters** – The section that houses the headquarters staff and employees of this department.

- 2.1.19 Incompetence** – Incapable of satisfactory performance of police duties.
- 2.1.20 Informational Bulletins** – Published materials containing information regarding wanted persons, crime patterns, and other incidents calling for police attention.
- 2.1.21 Insubordination** – A course of conduct including but not limited to: failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language toward or concerning a superior officer.
- 2.1.22 Lawful Order** – Any written or spoken directive issued by a superior officer, supervisor or acting supervisor, to any subordinate or group of subordinates in the course of police duty, which is not in violation of any law, ordinance or departmental rule or regulation.
- 2.1.23 Leave of Absence** – The period of time during which a police officer is excused from active duty and during which time he receives no pay.
- 2.1.24 Manager** – Business Administrator of Township.
- 2.1.25 May** – Indicates that the action is expected and encouraged.
- 2.1.26 Member** – Any duly appointed police officer of the department.
- 2.1.27 Memoranda** – Written directive designed to facilitate and provide direction for the smooth operation of the department.
- 2.1.28 Military Leave** – The period of time during which an employee is excused from duty by reason of serving in the armed forces of the United States in an active capacity as provided by law.
- 2.1.29 Off Duty** – The status of a member during the period he is free from the performance of specified duties.
- 2.1.30 Officer** – Any duly appointed police officer of the department.
- 2.1.31 Officer-in-Charge** - Ranking member of the department on duty. Rank is determined by grade first, and by seniority in grade second. Any member up to and including the rank of lieutenant in charge of a watch or detail. Further, any officer designated as a Tour Commander shall serve as the Officer-in-Charge over any on-duty officers assigned to patrol duties who are not designated as a Tour Commander.
- 2.1.32 Official Channels** – Through the hands of superior officers in the chain of command.
- 2.1.33 On Duty** - The status of a member during the period of the day when he is actively engaged in the performance of his duties. A police officer is subject to call at all times.
- 2.1.34 Order** - Any written or spoken directive issued by a superior officer to a subordinate or group of subordinates in the course of police duty.

- 2.1.35 Personnel Order** - Written directive designed to announce promotions, transfers, assignments and other personnel action to all department employees.
- 2.1.36 Platoon** – A subdivision of the patrol bureau comprised of two patrol squads assigned to a watch.
- 2.1.37 Plurality** – The singular includes the plural and the plural includes the singular.
- 2.1.38 Police Incident** – An occurrence or incident suggesting or requiring police action or service by members.
- 2.1.39 Police Vehicle** – All vehicles under the control of the department, whether marked or unmarked, with or without radio equipment.
- 2.1.40 Policy** – Written directive that summarizes the department position on the responsibilities, direction or limitations of department authority in specific matters. A policy is a component of a general order.
- 2.1.41 Post** - Assignment to a specified location, for a fixed period of time, to address a specific police purpose.
- 2.1.42 Probationary Patrolman** – Any member of the police department serving a satisfactory training and evaluation period prior to permanent appointment to the department.
- 2.1.43 Probationary Period** - Each member shall be required to serve a probationary period of one (1) year prior to permanent full-time appointment to the department, which may be extended by Chief of Police or his absence the Acting Chief of the Department.
- 2.1.44 Procedure** - Written directives that describe expected methods of operation. Procedures differ from policy in that they direct attention to the performance of a specific task within the guidelines of the policy. A procedure is a component of a general order.
- 2.1.45 Rules and Regulations** – Departmental legislation consisting of detailed directives binding upon employees of all ranks in terms of authority, responsibility and conduct.
- 2.1.46 Sector** - A geographical area administratively designated for purposes of investigation, supervision or patrol.
- 2.1.47 Senior Officer** – A member in any given rank with the longer service in that rank. Seniority in the department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the recommendation list from which the appointments were made is deemed to be the senior. In situations requiring decision making or control, where the officers are of equal rank and the decision or control is required in their area of responsibility, the senior will make the decision and exercise control unless otherwise designated by a higher ranking command or supervisory officer.
- 2.1.48 Shall/Will** - Indicates that the action referred to is mandatory.

- 2.1.49 Sick Leave** - The period of time during which an employee is excused from active duty by reason of illness or injury by a commanding officer or watch commander in the absence of a commanding officer.
- 2.1.50 Special Duty** - Police service, the nature of which requires the member to be reassigned from the performance of his regular duties to perform other duties as required from time to time by the Chief of Police.
- 2.1.51 Special Orders** - Written directive designed to give specific direction pertaining to assignments, scheduling and special details.
- 2.1.52 Special Police** - Persons vested with special police authority pursuant to N.J.S.A. 40A:14-146, but are not members of the department.
- 2.1.53 Squad** - A functional unit subordinate to a bureau or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.
- 2.1.54 Staff Supervision** - An advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.
- 2.1.55 Subordinate** - A member lower in rank than his superior officer.
- 2.1.56 Superior Officer** – A person holding a higher supervisory or command rank or position.
- 2.1.57 Supervisory Officer** - Members of the department assigned to a position requiring exercise of immediate supervision over the activities of employees.
- 2.1.58 Suspension** - An act of temporarily denying an employee the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time, in consequence of alleged dereliction of duty or violation of department rules and regulations.
- 2.1.59 Tense of Words** – The words used in the present tense include the future.
- 2.1.60 Township** - Township of River Vale, New Jersey.
- 2.1.61 Tour of Duty** - The period of time during which a member of the department is assigned to active duty.
- 2.1.62 Training Bulletin** - Materials published and designed to keep officers of this department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official department policy on the subject matter under consideration in the absence of instructions to the contrary.

2.1.63 Unit – Any number of members and/or employees of the department regularly grouped together under one head to accomplish a police purpose.

2.1.64 Watch/Tour - the specified time period that a particular platoon of officers is scheduled for duty.

2.1.65 Watch/Tour Commander – An officer assigned to patrol duties may be designated as a Watch/Tour Commander by the Chief of Police after a command staff review of the officer's job knowledge, capabilities and decision making abilities. Officers designated as a Watch/Tour Commander shall serve as the Officer-in-Charge on duty when no officers of higher rank are present.

2.1.66 Written Directive – Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, personnel orders, memoranda, and instructional materials.

2.1.67 Zone/Sector - A subdivision of the township with fixed boundaries containing more than one sector.

§ 33-17. GENERAL RULES AND REGULATIONS.

Section 1 Code of Ethics/Mission Statement, Vision Statement, and Core Values

3.1.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous and calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...**LAW ENFORCEMENT**.

All employees of the Police Department shall read and abide by The New Jersey Ethics Law. (N.J.S.A. 40A:9-22.1 et. seq.)

3.1.2 **Mission Statement**

The River Vale Police Department Mission is to commit resources in partnership with the community to:

- Promote a safe and secure environment, free from crime and fear of crime,
- Maintain order and provide for a safe and expeditious flow of traffic,
- Practice our core values of integrity, respect, service and fairness.

3.1.3 **Vision Statement**

The River Vale Police Department Vision is to:

- Provide quality and professional law enforcement services to the community. Commitment to the professional development of the employees of the River Vale Police Department.
- Recognize that the quality of life issues are important to the community and the members of the River Vale Police Department.
- The River Vale Police Department shall respond to the changing needs of the community and its members. This shall be accomplished through the principles of community policing, leadership, teamwork and dedication by all members of the department.

3.1.4 Core Values

Integrity: Integrity is the hallmark of the River Vale Police Department and we are committed to the highest performance standards, ethical conduct and truthfulness in all relationships. We hold ourselves accountable for our actions and take pride in a professional level of service and fairness to all.

Respect: We treat all persons in a dignified and courteous manner, and exhibit understanding of ethnic and cultural diversity, both in our professional and personal endeavors. We guarantee to uphold the principles and values embodied in the constitutions of the United States and the State of New Jersey.

Service: We provide service in a courteous, efficient, and accessible manner. We foster community and employee involvement through problem-solving partnerships.

Fairness: We treat all people impartially, with consideration and compassion. We are equally responsive to our employees and the community we serve.

Section 2 Professional Conduct and Responsibilities

3.2.1 Loyalty – (Class 3 offense)

Loyalty to the department and to associates is an important factor in department morale and efficiency. Employees shall maintain a loyalty to the department and their associates as is consistent with the law and personal ethics.

3.2.2 Assistance – (Class 2 offense)

All members are required to take appropriate action toward aiding a fellow police officer exposed to danger or in a situation where danger might be impending.

3.2.3 Coordination – (Class 3 offense)

Employees shall endeavor to assist members of this and other bona fide law enforcement agencies in the pursuit of official law enforcement agency objectives consistent with these rules and regulations.

3.2.4 Truthfulness – (Class 1 Offense)

All employees are required to be truthful at all times whether testifying under oath or when not under oath and while reporting and answering questions posed by superior officers and/or internal affairs investigators.

3.2.5 Abuse of authority – (Class 1 Offense)

Willful misuse of police powers by any member for the purpose of violating the rights of any person is prohibited.

3.2.6 Conduct unbecoming a police officer (Class 2 offense)

Due to the nature of police work, the need for organizational cohesion and cooperation, the awesome power and public trust granted police officers, the autonomy they often work under and the credibility needed to sustain effective law enforcement; police officers must be held to the highest standard in order for a police department to carry out its law enforcement mission.

Accordingly, police officers shall conduct themselves at all times, both on and off duty, with high ethical standards, so as not to bring discredit upon themselves as police officers or upon the Police Department. Conduct unbecoming a police officer is grounds for disciplinary action and shall be defined as any improper conduct which tends to weaken public respect or confidence in the police department or which adversely impacts the confidence amongst fellow officers. This conduct includes but is not limited to:

- Unlawful, disorderly, immoral, deceitful, dishonest or unethical conduct by a police officer that adversely affects the morale, efficiency or good order of the police department or damages the reputation of the officer or department.
- Cowardly or other dishonorable conduct by a police officer that injures or puts at risk any person or which tends to lower public confidence in the officer or police department or the mutual confidence among police officers.
- Slander, false reporting or any means of retaliation by a police officer against any department employee for their official acts.
- The willful violation of the code of conduct as set forth in the Police Department manual including the Law Enforcement Code of Ethics.

3.2.7 Conduct unbecoming an employee in the public service (Class 2 offense)

Civilian employees shall conduct themselves at all times, both on and off duty, with high ethical standards so as not to bring discredit upon themselves as employees of the Police Department or upon the department itself.

- Unlawful, disorderly, immoral, deceitful, dishonest or unethical conduct by a civilian employee that adversely affects the morale, efficiency or good order of the police department, or that damages the reputation or credibility of the police department, is conduct unbecoming an employee in the public service and shall constitute grounds for disciplinary action.
- Slander, false reporting or any means of retaliation by an employee against any employee for their official acts is conduct unbecoming an employee in the public service and shall constitute grounds for disciplinary action.

Section 3 Duty Responsibilities

3.3.1 Responsibilities – (Class 3 offense)

Members of the department are always subject to duty and they shall at all times respond to the lawful orders of superior officers and other proper authorities, as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular subdivisions of the department does not relieve members of other subdivisions from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are required to take proper action outside the scope of their specialized assignment when necessary.

3.3.2 Insubordination – (Class 3 Offense)

Employees shall promptly obey all lawful orders issued by supervisors and superior officers. Employees shall not ridicule a superior officer or an order of a supervisor or superior officer

whether in or out of the officer's presence. Employees shall not use disrespectful, mutinous, insolent or abusive language toward or about a supervisor or superior officer.

3.3.3 Neglect of duty – (Class 2 Offense)

Employees shall faithfully and diligently carry out all of the duties and fulfill all of the obligations of their office. Failure to take appropriate action on the occasion of a crime, disorder, or other action or condition deserving of police attention or any other omission by an employee which represents an abandonment of one's duties, obligations or assignment is neglect of duty and will subject that employee to discipline.

3.3.4 Questions about assignment – (Class 5 offense)

Members and employees in doubt as to the nature or detail of an assignment/ order shall seek such information from their supervisors by going through the chain of command.

3.3.5 Knowledge of laws and regulations - (Class 4 offense)

Member shall familiarize themselves with their current assignment and are required to establish and maintain a working knowledge of all laws and ordinances in force in the Township of River Vale, as well as all rules, regulations, policies, procedures and general orders of the department.

- In the event of improper action or a breach of discipline, it will be presumed that the affected member was familiar with the law, ordinance, rule, regulation, policy, procedure, or order in question.

3.3.6 Performance of duty – (Class 3 offense)

Employees shall give suitable attention to the performance of duty and shall perform their duties as required or directed by law, departmental rule, regulation, policy, procedure or lawful order of a superior officer. All lawful duties required by competent authority shall be performed as promptly as directed, notwithstanding the employee's general assignment of duties and responsibilities.

3.3.7 Action off duty – (Class 3 offense)

While off duty, members shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department policy.

3.3.8 Obedience to laws, regulations and orders – (Penalty based on gravity of offense/violation)

Employees shall obey all laws, ordinances, rules and regulations, policies and procedures, general orders, written directives and verbal orders of superiors of the department as applicable.

3.3.9 Reporting violations of laws, rules, policies and procedures, etc. – (Class 3 offense)

Employees knowing of others violating laws, ordinances, provisions of the department manual or lawful orders, shall immediately report same in writing to the Chief of Police via official channels. If the employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be bypassed.

3.3.10 Conduct toward superior and subordinate officers and associates – (Class 4 offense)

Employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other members, employees or the public, employees shall demonstrate a positive attitude and refrain from using sarcastic remarks of any kind. All officers of the department shall address superior officers by rank.

3.3.11 Criticism of official acts or orders – (Class 3 offense)

Employees shall not criticize any lawful official actions, instructions, or orders of any department member in a manner which is defamatory, obscene, sarcastic, unlawful or which tends to impair the efficient operation, image, authority or reputation of the department or any supervisor within the department.

3.3.12 Manner of issuing orders

- A. Orders from a superior officer to a subordinate shall be in clear and understandable language, and issued in pursuit of departmental business. **(Class 5 offense)**
- B. When conveying policies, procedures, directives, orders, etc. supervisors shall adopt a positive approach and impart the information in a manner most likely to gain acceptance and compliance. **(Class 4 offense)**

3.3.13 Unlawful orders – (Class 3 offense)

No command or supervisory officer shall knowingly issue any order that is in violation of any law or ordinance.

3.3.14 Obedience to unlawful orders – (Penalty based on gravity of the offense/violation)

Obedience to an unlawful order is never a defense to an unlawful action. Therefore, no employee shall obey an order that is contrary to federal or state law, or local ordinance. Responsibility for refusing to obey rests with the employee. The employee shall be strictly required to justify his action.

3.3.15 Improper orders – (Class 5 offense)

No supervisor shall knowingly issue any order that is in violation of a provision of the department manual.

3.3.16 Obedience to unjust and improper orders

Employees who are given orders they feel to be unjust or contrary to a provision of the department manual, **must** first obey the order to the best of their ability and then may proceed to an appeal as provided below. Failure to follow the order prior to appeal may result in a charge of insubordination.

3.3.17 Conflicting orders - (Class 5 offense)

Upon receipt of an order conflicting with any previous order or instruction, the affected employee will advise the person issuing the second order of this fact. Responsibility for countermanding the original order or instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the department or public.

3.3.18 Reports and appeals – (Class 5 offense)

An employee receiving an unlawful or improper order, shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time.

3.3.19 Soliciting gifts, gratuities, fees, loans, etc. – (Class 3 offense)

Employees shall not under any circumstances, directly or indirectly, solicit any gift, gratuity, loan, discount or other fee for their own personal gain where there is any connection between the solicitation and their department membership or employment.

3.3.20 Acceptance of gifts, gratuities, fees, loans, etc. – (Class 3 offense)

Pursuant to the provisions of N.J.S.A. 2C:27-6, employees shall not accept any gift, gratuity, fee, loan or other thing of value, the acceptance of which might tend to influence, directly or indirectly, the actions of said employee or other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof.

- No employee of the department shall receive any gift or gratuity from other members or employees junior in rank, the acceptance of which might tend to influence, directly or indirectly, the actions of said employee or other employee in any matter of police business; without the expressed permission of the Chief of Police.
- Any employee who is found to have accepted money or any other thing of value to influence his actions in connection with his employment will be subject to termination of employment.

3.3.21 Rewards – (Class 4 offense)

Employees shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty, except lawful salary and that which might be authorized by law.

3.3.22 Other transactions – (Class 4 offense)

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to his attention or which arose out of his department employment, except as may be specifically authorized by the Chief of Police.

3.3.23 Disposition of unauthorized gifts, gratuities, etc. – (Class 4 offense)

Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances relevant thereto.

3.3.24 Debts – incurring and payment – (Class 5 offense)

- A. No employee shall borrow or lend any money or otherwise become indebted to any other employee.
- B. Employees shall not solicit other employees to co-sign or endorse any promissory note or loan.
- C. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
- D. Paragraphs a-c do not apply to transactions among employees related to each other.
- E. Employees shall promptly pay all just debts and legal liabilities incurred by them.

3.3.25 Personal preferment– soliciting – (Class 4 offense)

Employees shall not seek influence or intervention with the River Vale Business Administrator, Mayor, or any member of the governing body in relation to promotions, assignments, disposition of pending charges, or findings in a departmental trial or related matter. This shall not preclude, however, the right of an employee to be represented by legal counsel or a union representative.

3.3.26 Withholding information – (Class 2 offense)

Employees shall not, at any time, withhold any information concerning criminal activity or fail to take appropriate action in response to such information.

3.3.27 Harassment – (Class 3 offense)

Employees are prohibited from any acts that would constitute harassment, sexual or otherwise, as defined in department policy.

3.3.28 Chain of command – (Class 4 offense)

All employees must be aware of their relative position with the department, to whom they are immediately responsible, and persons accountable to them. All employees shall follow the established chain of command when dealing with supervisors and shall keep their supervisors informed of their activities.

- Command officers are entitled to freely discuss matters of policy and operations at the command and supervisory level.
- Command officers may discuss department matters with any employee at any level within the department in order to maintain rapport and interaction so needed and vital to a successful organization.

3.3.29 Gossip - (Class 3 offense)

Employees shall respect the private lives of other employees and not engage in conversations or communications about activities that are designed to slander or demean their co-workers. Gossip and fabricated stories concerning both job related and non-job related activities of co-workers will be reason for disciplinary action; as such activities tend to impair the efficient operation and harmonious work environment of the department.

3.3.30 Circulating false information (Class 3 offense)

Employees shall not make false or misleading statements about department activities, including, but not limited to, policies, investigations, disciplinary actions and personnel decisions; when

such statements are intended to or may tend to adversely affect the morale or good order of the department, or undermine the authority of any supervisory officer.

3.3.31 Reasonable caution in performance of duty (Class 3 offense)

Employees shall exercise reasonable and prudent judgement and care in the performance of duty so as to minimize the risk of injury and/ or damage to all persons and/ or property.

3.3.32 Supervision of subordinates – (Class 3 offense)

Department supervisors shall properly monitor, instruct, counsel, supervise, direct, and discipline the personnel assigned to their command and enforce all department rules, regulations, policies, procedures, directives and orders issued by competent authority.

- Supervisors are required to promptly report any unsatisfactory performance or violations through official channels.
- Supervisors are responsible for attempting to create a positive attitude amongst their subordinates and in so doing must endorse the policies, directives and decisions of their superiors.

Section 4 General conduct

3.4.1 Prohibited activity on duty

Employees who are on duty are prohibited from engaging in activities which are not directly related to the lawful performance of their official duties, including, but not limited to:

- A. Sleeping. **(Class 3 offense)**
- B. Conducting private meetings. **(Class 3 offense)**
- C. Gambling, unless to further a police purpose (with the consent of the Chief of Police). **(Class 3 offense)**
- D. Sexual activity of any kind. **(Class 2 offense)**
- E. Conducting non-police related activities or business. **(Class 4 offense)**
- F. Recreational reading (except on meal breaks), loafing, idling. **(Class 5 offense)**
- G. Pursuing personal relationships:
 - 1. Without coercion created by an officer's official authority – **(Class 4 offense)**
 - 2. With coercion created by an officer's official authority – **(Class 1 offense)**
- H. Leaving the township without supervisory approval – **(Class 3 offense)**

3.4.2 Alcoholic beverages and drugs

- A. Employees shall not report for duty under the influence of intoxicants to any degree nor shall they have the odor of an alcoholic beverage emanating from their person. This condition shall cause the employee to be unfit for duty. Superior officers shall not assign to duty any employee in an unfit condition due to the use or odor of intoxicants and shall immediately relieve of duty and service weapon any member found on duty in such condition. **(Class 2 offense)**
- B. Employees shall not drink any kind of intoxicating beverage at any time while on duty unless absolutely necessary in the performance of duty and will not render the employee unfit; and then only with the prior expressed permission of the Chief of Police or his designee. **(Class 2 offense)**
- C. Employees shall refrain from drinking intoxicating beverages for a period of time necessary to ensure absence of alcohol in the blood, to any degree, prior to reporting for duty. **(Class 3 offense)**
- D. Employees shall refrain from drinking alcoholic beverages for a period of time necessary to ensure absence of an odor of alcoholic beverages on their person, prior to reporting for duty. **(Class 4 offense)**

- E. Any member who has a reasonable suspicion to believe that a fellow member of this department is under the influence of intoxicating liquor or drugs must immediately report such fact to his/her immediate supervisor. **(Class 2 offense)**
- F. Employees shall not bring or keep any intoxicating beverage or drugs on department premises, except when necessary in the performance of a police objective and then it shall be properly identified and stored according to department policy. **(Class 3 offense)**
- G. Intoxicating beverages shall not at any time be consumed at the police headquarters. **(Class 3 offense)**
- H. Employees shall not have intoxicants on their person while on duty or in uniform, or in any police building or vehicle, except for evidential or other authorized purposes. **(Class 3 offense)**
- I. Off duty employees will not consume alcoholic beverages to the extent: **(Class 4 offense)**
- It results in inappropriate/offensive behavior tending to discredit themselves or the department.
 - It renders them unable/unfit to report for their next regular tour of duty (i.e., illness, impairment, or apparent indication of recent alcohol use).
- J. Employees shall not drink or be under the influence of alcoholic beverages while in the department uniform or any part thereof. **(Class 3 offense)**
- K. If so ordered by a supervisory officer in furtherance of an investigation having a bearing on an officer's employment or fitness for duty/continued employment, a member must submit to a blood test, a breath test, or any other test to determine the percentage of alcohol in the blood.
- L. No liquor license shall be held by any police officer, or by any profit corporation or association in which any such member is interested, directly or indirectly. **(Class 2 offense)**
- M. No law or regulation promulgated by the Department of Alcoholic Beverage Control, however, prohibits members of the department from being employed, other than in the Township for which they serve as police officers, by a business licensed to sell alcoholic beverages in this State.
- Members shall not be employed by any business licensed to sell alcoholic beverages in the Township. **(Class 2 offense)**
- N. Members so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverage:
- Have in his possession any firearm, or **(Class 3 offense)**
 - Wear or display any uniform, badge or insignia, which would identify him as a police officer. **(Class 3 offense)**
- O. No member so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment. **(Class 4 offense)**
- P. No member shall enter a licensed liquor establishment while on duty, unless on official business or upon prior authorization of the Chief of Police or his designee. Members shall not enter a licensed liquor establishment while off duty and in any part of the uniform. **(Class 3 offense)**
- Q. All members shall fully comply with the departmental drug testing policy and procedures. **(Class 1 offense)**
- R. Medication **(Class 3 offense)**

1. Employees shall not take any medication that might diminish their alertness or impair their senses prior to or after reporting for duty, unless otherwise directed by a physician.
2. When employees are required to take any prescription or non-prescription medication that might diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. It shall be the responsibility of the employee to make the notification prior to the employee being assigned to duty. This information so provided shall remain confidential.
3. Supervisors shall not assign to duty or allow to remain on duty, any employee whose fitness for duty is questionable due to the use of medication.

3.4.3 Loitering – (Class 5 offense)

All employees on duty or in uniform shall not enter taverns, theatres, or other public places, without legitimate cause, except to perform a police task. Loitering and unnecessary prolonged conversation in such locations is forbidden.

3.4.4 Relief – (Class 3 offense)

All employees are to remain at their assignment and on duty until properly relieved by another employee or until dismissed by competent authority.

3.4.5 Reporting – (Class 5 offense)

Employees shall promptly and accurately prepare and submit such reports as are required by the performance of their duties or by competent authority.

3.4.6 False reports – (Class 1 offense)

Employees shall not knowingly submit written or oral communications that are fabricated, factually inaccurate or intentionally misleading and that could lead to an investigation or prosecution of any person for a crime, offense or violation of departmental rule, regulation, policy, procedure, etc.

3.4.7 Reporting for duty – (Class 3 offense)

Employees shall report for duty, properly uniformed and equipped, on the date, time and place specified. Employees failing to report at the date, time and place specified without the consent of competent authority, shall be considered "absent without leave".

3.4.8 Physical fitness for duty – (Class 5 offense)

All members of the department shall maintain good physical condition so they can handle the strenuous physical contacts often required of a law enforcement officer.

3.4.9 Smoking while on duty – (Class 5 offense)

Employees shall not smoke at any time while in police headquarters or in a police department vehicle. Members shall not smoke on duty while interacting with the public.

3.4.10 Driver's license – (Class 2 offense)

- A. Employees required to operate department vehicles in the performance of duty shall maintain a valid New Jersey driver's license.
- B. Whenever a driver's license is revoked or suspended the employee shall immediately notify his immediate supervisor giving full particulars.

3.4.11 Crimes/offenses involving moral turpitude – (Class 1 offense)

Any employee who commits a 1st, 2nd or 3rd degree crime, or any offense involving moral turpitude that touches his position as a police officer shall be considered unfit for continued employment.

Section 5 Investigations

3.5.1 Investigations – (Class 3 offense)

All employees involved in any official department investigation of any matter will fully comply with the policies and procedures of the department governing same.

3.5.2 Confidentiality

- A. Employees shall keep confidential any business of the department that is not a matter of public concern and shall not impart confidential information to anyone except those for whom it is intended, or as directed by their supervisor – **(Class 2 offense)**
- B. Employees shall keep confidential information that is not considered public information pertaining to department events, operations, arrests or other activities without authorization of the Chief of Police or his designee – **(Class 3 offense)**
- C. Employees shall not make known to any person, any department order which they might receive, unless so required by the nature of their assignment. **(Class 4 offense)**

3.5.3 Reports

- A. Employees shall not exhibit or divulge the contents of any department record or report to any person, except on approval of the Chief of Police, or under due process of law, or as directed by department procedure. **(Class 2 offense)**
- B. Employees shall not destroy or permanently remove from its proper location any official record/police report without proper authorization. **(Class 2 offense)**
- C. Employees may copy or remove official records/reports from police headquarters in accordance with the procedures established in the Discovery process and with permission of the Chief of Police. **(Class 3 offense)**

3.5.4 Cooperation – (Class 2 offense)

Employees are required to fully answer all questions, file reports, or render material or relevant statements, in any authorized departmental investigation when such questions and statements are directly related to job responsibilities or a legitimate departmental interest.

3.5.5 Unauthorized investigations - (Class 2 offense)

Employees will not self-assign any investigation (criminal, internal, civil or private)/other law enforcement action not part of their regular assigned duties without obtaining permission from their supervisor, unless the situation requires immediate law enforcement action. In those cases, a written report will be completed as soon as is practical thereafter.

Section 6 Compromising Criminal Cases

3.6.1 Interference with legal process – (Class 2 offense)

Employees shall not attempt to interfere with the legal process, except through official departmental channels in situations where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.

3.6.2 Traffic cases – (Class 2 offense)

Employees shall not attempt to have any traffic summons or notice to appear stricken from the calendar, except in connection with legitimate criminal justice interests and then done in conformance with established court procedures. In any instance where it becomes necessary to void a traffic or criminal summons or warrant, officers will follow the procedure set forth by the court.

3.6.3 Assisting criminals

- A. Employees shall not directly or indirectly assist persons to escape arrest or punishment for any unlawful activity. **(Class 2 offense)**
- B. Employees shall not directly or indirectly assist persons to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.
(Class 1 offense)

Section 7 Prisoners

3.7.1 Assisting escape – (Class 1 offense)

Employees shall not communicate any information that may aid a person to escape custody or arrest, nor shall they directly or materially aid a person to escape custody or arrest.

3.7.2 Recommending an attorney or bail bond broker – (Class 3 offense)

Employees shall not suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.

3.7.3 Acting as bailer prohibited – (Class 2 offense)

Employees cannot act as bailer for any person in custody, except relatives, or in any case where any fee, gratuity or reward is solicited or accepted.

Section 8 Conduct toward the public

3.8.1 Courtesy – (Class 5 offense)

Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of the provocation to do otherwise. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3.8.2 Professional demeanor – (Class 5 offense)

Employees shall avoid giving the appearance they are evading the performance of their duty or are disinterested in problems of persons who may be transferred for service. Employees will not belittle a seemingly trivial request, complaint, or piece of information.

3.8.3 Identification as a police officer (Class 5 offense)

Except where impractical or where identity is obvious, members shall identify themselves by displaying the official badge or identification card prior to taking any police action.

3.8.4 Request for identification – (Class 5 offense)

Upon request, employees are required to provide their name and badge numbers, if applicable, in a courteous manner.

3.8.5 Impartiality – (Class 3 offense)

- A. Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence, nor shall they allow their personal interests to interfere with objectivity concerning police matters.
- B. Unwarranted interference by officers under the color of law in the private business of others when not in the interest of justice is strictly prohibited.

3.8.6 Use of derogatory terms – (Class 3 offense)

Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.

3.8.7 Availability while on duty – (Class 4 offense)

Employees while on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

3.8.8 Response to calls – (Class 3 offense)

Members shall respond without unnecessary delay to all calls for police assistance from citizens and other members. Members shall answer all calls directed to them unless otherwise directed by competent authority.

3.8.9 Public statements – (Class 2 offense)

Employees shall not make public statements concerning the actions, plans, policies, or affairs of the department which may impair or disrupt the operation of the department or which are obscene, unlawful, defamatory, or otherwise prohibited by written directive or rule and regulation.

3.8.10 Affiliation with certain organizations prohibited – (Class 3 offense)

Employees shall not join, nor shall they affiliate themselves with any organizations whose constitution embraces provisions that might in any way prevent the proper and efficient functioning of the department. This prohibition does not apply to "the active military or naval service of the United States or of this state, in time of war or an emergency, or during any period of training, or pursuant to or in connection with the operations of any selective service system". (Source: N.J.S.A. 38:23-4)

3.8.11 Affiliation with radical groups – (Class 3 offense)

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity.

3.8.12 Publicity – (Class 5 offense)

Employees shall not seek personal publicity in the course of their employment.

3.8.13 Commercial testimonials – (Class 4 offense)

Employees shall not permit their names or photographs to be used to endorse any product or service that is in any way connected to law enforcement without the permission of the Chief of Police. They shall not allow their names or photographs to be used in any commercial testimonial that alludes to their position or employment with the department without prior authorization from the Chief of Police.

3.8.14 Recorded Conversations with members of the department –(Class 2 offense)

No officer shall record another member of the department without the officer's knowledge and consent, or without the written permission of the Chief of Police.

Section 9 Political Activities

3.9.1 Political activities prohibited – (Class 2 offense)

Members shall not actively engage in political campaigns and activities, while in uniform or on duty. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another.

3.9.2 Off duty political activities – (Class 3 offense)

Members may engage in off duty political activities except when such activities will harm or impair the operation or discipline of the department.

3.9.3 Election to public office – (Class 2 offense)

Members shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of Township of River Vale unless authorized to do so by the county prosecutor.

3.9.4 Soliciting prohibited – (Class 2 offense)

Employees shall not solicit contributions for political purposes while on duty, nor shall they interfere with or use the influence of their office for political reasons.

3.9.5 Contributions

Employees may contribute funds or any other thing of value to candidates for public office subject to the provisions of law governing such contributions.

3.9.6 Polling duties – (Class 3 offense)

Members shall not engage in any polling duties while on-duty. Any member working at a polling place while off duty shall not have an exposed firearm or exhibit ANY evidence of his employment as a police officer.

3.9.7 Displaying of political material – (Class 3 offense)

Employees shall not display any political material on any government property or on their person while on duty or in uniform.

Section 10 Judicial Appearances and Testimony

3.10.1 Testifying for the defense – (Class 3 offense)

Any employee subpoenaed or requested to testify for the defense in any legal proceeding or against the township or department in any hearing or trial shall notify the Chief of Police immediately upon receipt of the subpoena or request.

3.10.2 Contact with the defense – (Class 3 offense)

Any employee contacted by the defense in any legal or administrative proceeding brought by the township, or plaintiff in any legal or administrative proceeding brought against the township, shall immediately notify the Chief of Police.

3.10.3 Civil action – expert witnesses – (Class 4 offense)

Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the county prosecutor.

3.10.4 Civil process – (Class 5 offense)

Employees shall not serve civil process or assist in civil cases unless such service is approved by their immediate supervisor.

3.5 Court appearances; subpoenas – (Class 3 offense)

Employee shall honor all lawfully issued subpoenas and shall promptly appear for all scheduled judicial proceedings when notified by subpoena or other established departmental procedure.

Section 11 Personnel Regulations

3.11.1 Hours of duty

Employees shall have regular hours assigned to them for active duty, and when not so engaged, they shall be considered off duty. Employees are subject to be recalled to duty as needed.

- Department members shall remain responsible to their supervisor and are subject to assignment during meal breaks.
- Training sessions are considered a duty assignment and members attending training are subject to assignment as deemed necessary.

3.11.2 Sick leave/workman's compensation – (Class 2 offense)

Employees will not pretend illness or injury, falsely report themselves to be injured or ill, or otherwise deceive or attempt to deceive a supervisor or the township physician as to their health.

3.11.3 Absences without leave for five consecutive days – (Class 1 offense)

Except as otherwise provided by law, any permanent member or officer of this police department who shall be absent from duty without just cause or leave of absence for a continuous period of five days shall cease to be a member of this police department. (Reference: N.J.S.A. 40A:14-122).

3.11.4 Compensation for damages – (Class 4 offense)

Employees who have sustained injury while on or off duty and who have received salary from the township while injured shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such injury. This notice shall be filed before any action is taken. It shall include the facts of the claim and the name of the respondent.

3.11.5 Fitness for Duty

The Chief of Police shall have the authority, in conjunction with his responsibility for the disposition and discipline of the department, to require psychological and medical examinations for any employee for the purpose of determining the employee's fitness for duty.

3.11.6 Resignation

All resignations of employees must be tendered in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two (2) weeks written notice. Once tendered, the township has the right to rely on the resignation and it will be considered non-rescindable unless approved by the Mayor.

Section 12 Uniform, Appearance, and Identification Regulations

3.12.1 Regulation Uniforms Required

All uniformed personnel of the department shall maintain in good order a regulation uniform. All uniformed personnel shall be neat appearing, and well-groomed while in uniform. All articles of uniform shall conform to the department uniform regulations. Uniforms shall be made of the material and the style prescribed in police orders, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by the Chief of Police or designee.

3.12.2 Manner of Wearing the Uniform

All uniformed personnel of the department shall wear the uniform on duty as prescribed by department written directive for the employee's current assignment. However, supervisors may prescribe other clothing as required by the nature of the duty to which a particular employee is assigned.

3.12.3 Manner of Wearing Civilian Attire

Members and employees permitted to wear civilian clothing while on duty shall wear clothing that is suitable for a business environment and neat in appearance. Supervisors may prescribe other types of clothing when necessary to meet a particular police objective.

3.12.4 Wearing or Carrying Identification

Members shall wear or carry their department identification at all times, provided that it is practical for the circumstances.

3.12.5 Identification as Police Officer

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

3.12.6 Personal Appearance

Every employee of the department, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the rules and regulations of this department. Supervisors may prescribe other clothing as required by the nature of the duty, which a particular member is assigned. Non-uniformed employees may be permitted deviations from this section as directed by the Chief of Police or designee and in keeping with a professional appearance.

1. Male Employees

- a. Hair shall be neatly trimmed and groomed. Hair shall be cut to present a tapered appearance on the side and back and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. There shall be no designs cut into the head hair. Designs such as numbers, insignias, or other inscriptions are strictly forbidden. Hair coloring, if used, must appear natural.
- b. Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed one and one quarter inches at the broadest point. The growth shall not be more than a quarter inch in depth.

- c. Mustaches shall be neatly trimmed and the extent of the growth shall be limited to being even with the line of the corner of the mouth. Length of the hair shall be no more than one quarter inch, nor appear bushy. The ends may not be waxed or twisted.
- d. Beards shall not be permitted. Personnel with a medical condition, which precludes shaving, shall be required to present a written statement, signed by a medical doctor, verifying such condition. Beards may be permitted for religious reasons upon approval of the Chief of Police. Non-uniformed employees may deviate from the above beard standard as authorized by the Chief of Police. This regulation does not prevent the Chief of Police from authorizing deviation for fund raising purposes, such as (No Shave November).
- e. Hair growing from the chest, neck, ears or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie or exposed t-shirt.
- f. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.

2. **Female Employees**

- a. Hair shall not be worn longer than the bottom of the shirt or coat collar at the back of the neck when standing with the head in a normal position. Hair may be worn slightly over the ears, but in no case shall the bulk or length of hair interfere with the wearing of the authorized uniform headgear. A bun or twist will be permitted on the back of the head, provided it is worn in a neat manner and does not interfere with the wearing of department headgear. No ribbons or ornaments shall be worn in the hair except for neat inconspicuous bobby pins or conservative barrettes, which blend with the hair color. Hair coloring, if used, must appear natural.
- b. Cosmetics may be worn provided they are subdued and blended to match the natural skin color of the individual. False eyelashes are not permitted.
- c. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.

3. **Jewelry and Apparel (All)**

- a. Police Officers on duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform employees on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with department written directive.
- b. No visible body piercing jewelry shall be worn while on duty. This shall include but not limit to nose, eyebrow and tongue piercing.

4. **Tattoos or Similar Markings (All)**

Definitions:

- a. Tattoo - the act or practice of marking the skin with designs, forms, figures, art, etc.

- b. Scarification - the act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.
- c. Branding - the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

The following tattoos, scarifications and brands are prohibited:

- a. Any tattoo, scarification or brand located on the hand, head, face or neck. The Chief of Police reserves the right to require an officer to cover up a tattoo(s) while the officer is in uniform.
- b. Depictions of nudity or violence; sexually explicit or vulgar art, words, phrases or profane language; symbols likely to offend other members, employees, or members of the public, i.e., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, (i.e., AB, KKK, SS, MM, BGF, HA, 666) or any street gang names, numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department.

§33-18. DISCIPLINARY CODE.

Section 1 Departmental Discipline

4.1.1 Purpose

The department has established this disciplinary process as a means of achieving the below listed objectives through the reasonable and consistent application of discipline to address breaches of the code of conduct:

- A. Insure the highest professional standards for law enforcement within the agency.
- B. Providing citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers.
- C. Protect employees from false charges of misconduct or wrongdoing and provide accused officers with due process safeguards.
- D. Monitoring employees' compliance with laws, ordinances, and departmental rules, regulations, policies, procedures, directives and orders.
- E. Identifying problem areas in which increased training or direction is necessary.

4.1.2 Factors

Disciplinary action shall be imposed to accomplish the purposes of the disciplinary process and shall take into account all of the aggravating and mitigating factors of the case, including, but not limited to:

- A. Nature of the offense.
- B. The disciplinary record of the accused employee.
- C. The need to deter the accused employee or other employees from similar conduct.
- D. The harm or potential for harm resulting from the conduct.

4.1.3 Disciplinary action

Department employees, regardless of rank, shall be subject to disciplinary action, according to the nature of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or the Township Municipal Code, or failure, either willfully or through neglect or incompetence, to perform the duties of their rank or assignment; or for violation of any rule, procedure or written directive of the department; or for failure to obey any lawful instruction, order or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case and in conformity with controlling state law.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this department. Discipline should not

engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

4.1.4 Corrective Action/Penalties

The department shall establish a scale of corrective action/penalties that may be assessed against any employee of the department as disciplinary action:

- A. Corrective Action/Minor Discipline – employee not entitled to a hearing
 - 1. Training
 - 2. Counseling
 - 3. Oral reprimand
 - 4. Written reprimand
- B. Major Discipline – employee entitled to hearing before the Appropriate Authority
 - 1. Surrender of leave time in lieu of other action
 - 2. Monetary fine
 - 3. Suspension with pay
 - 4. Suspension without pay
 - 5. Loss of promotion opportunity
 - 6. Demotion
 - 7. Termination
- C. All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.
- D. All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee. The disciplinary document shall be filed in the employee's personnel file.

4.1.5 Causes for removal

Any one of the following may be cause for removal from the service, although removals may be made for sufficient causes other than those listed:

- A. Neglect of duty.
- B. Incompetence or inefficiency.
- C. Incapacity due to mental or physical disability.
- D. Insubordination or serious breach of discipline.
- E. Intoxication while on duty.
- F. Illegal drug usage.
- G. Chronic, pattern or excessive absenteeism.
- H. Disorderly or immoral conduct.
- I. Willful violation of any of the provisions of the rules and regulations or other statutes relative to the employment of public employees.

- J. The conviction of any criminal act.
- K. Negligent or willful damage to public property or waste of public supplies.
- L. Conduct unbecoming an employee in the public service.
- M. Conduct unbecoming a police officer.
- N. The use or attempted use of one's authority or official influence to control or modify the political action of any person.
- O. Lying, misrepresentations, falsifications in written/oral reporting or official inquiry.

4.1.6 Repeated violations – (Class 1 offense)

Repeated violations of the rules and regulations, policies, procedures, directives or orders shall be indicative of an employee's disregard of the obligations of all employees and shall be cause for dismissal. This shall apply regardless of the severity of the offense and reckoning period, and regardless of whether the violations are of the same type.

4.1.7 Relationship of penalties to offense

The information contained herein is intended to guide the Appropriate Authority in administering fair and uniform punishment for violations of the rules and regulations of the department. The suggested penalties shall in no way limit the penalty that the Appropriate Authority may elect to impose.

4.1.8 Classes of offenses – recommended penalties

- A. **Class 1 Offense** – Violation of any rule designated as a Class 1 Offense may result in disciplinary action as follows:
 - 1st offense – dismissal**
- B. **Class 2 Offense** – Violation of any rule designated as a Class 2 Offense may result in disciplinary action as follows:
 - 1st offense – 3 day suspension to dismissal**
 - 2nd offense – 10 day suspension to dismissal**
 - 3rd or subsequent offense – dismissal**
- C. **Class 3 Offense** – Violation of any rule designated as a Class 3 Offense may result in disciplinary action as follows:
 - 1st offense – training to 6 month suspension**
 - 2nd offense – 3 day suspension to dismissal**
 - 3rd or subsequent offense – dismissal**
- D. **Class 4 Offense** – Violation of any rule designated as a Class 4 Offense may result in disciplinary action as follows:
 - 1st offense – training to 30 day suspension**
 - 2nd offense – training to 6 months suspension**
 - 3rd or subsequent offense – 20 day suspension to dismissal**
- E. **Class 5 Offense** – Violation of any rule designated as a Class 5 Offense may result in disciplinary action as follows:
 - 1st offense – training to 5 day suspension**
 - 2nd offense – training to 30 day suspension**
 - 3rd or subsequent offense – 5 day suspension to dismissal**

4.1.9 Authority to impose major discipline

The Appropriate Authority may suspend with or without pay, demote or dismiss an employee due to inefficiency, incompetence, misconduct, negligence, insubordination, violation of the rules and regulations or for other sufficient cause.

Section 2 Disciplinary Procedure

4.2.1 Establishing a violation

Existence of facts establishing a violation of a law, ordinance, or rule is all that is necessary to support any allegation of such violation as a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein if such conduct is otherwise without lawful purpose and violates some law,

ordinance, or rule governing the officer's conduct at the time it occurred or is otherwise such an egregious or blatant act that would be universally recognized as misconduct.

4.2.2 Discipline by supervisory personnel

Supervisory personnel may take the following corrective/disciplinary measures:

- A. Training
- B. Counseling
- C. Oral reprimand.
- D. Written reprimand (subject to the approval of the Chief of Police).
- E. Emergency suspension until the next business day.
- F. Written recommendations for other penalties.

4.2.3 Emergency suspensions

- A. Any superior officer may immediately suspend an employee from duty if they determine one of the following exist:
 - 1. The employee is unfit for duty; or
 - 2. The employee is a hazard to any person if permitted to remain on the job; or
 - 3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 - 4. The member has been formally charged with a crime of the first, second or third degree, or a crime of the fourth degree or a disorderly persons offense while on-duty or the act touches upon his or her employment.
- B. In accordance with N.J.S.A. 40A:14-149.1 Notwithstanding any other law to the contrary, whenever any municipal police officer is charged under the law of this State, another state, or the United States, with an offense, said police officer may be suspended from performing his duties, with pay, until the case against said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided , however, that if a grand jury returns an indictment against said officer , or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated. The Chief of Police shall immediately submit a report explaining such action to the Mayor.

4.2.4 Emergency inter-departmental disciplinary action

When the improper conduct of a member or employee of one division\bureau\unit is of such nature that immediate or emergency disciplinary action is required of a command or supervisory officer of another division\bureau\unit, such action may be taken at once within the following limitations:

- A. Oral reprimand.
- B. Emergency suspension until the next business day.

4.2.5 Inter-departmental oral reprimand

When the commanding or supervisory officer of one division orally reprimands a member or employee of another division, he shall notify the supervisor of the member or employee so disciplined as soon as possible. He shall also submit a written report of this action and the reason therefore to his commanding officer and also the commanding officer of the member or employee.

4.2.6 Follow-up on emergency suspensions

A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at a time scheduled by the Chief of Police. The commanding or supervisory officer imposing or recommending the suspension shall also report

to the Chief of Police at the same time. In the absence of the Chief of Police it shall be the responsibility of the Acting Chief of Police.

4.2.7 Reports of disciplinary action taken or recommended

Whenever any disciplinary action is taken or recommended (except for oral reprimands), a written report must be submitted immediately to the Chief of Police containing the following information:

- A. The name, rank, badge number, and present assignment of the person being disciplined.
- B. The date, time and location of the incident.
- C. The section number and name of the violated rule.
- D. A complete statement of the facts of the misconduct.
- E. The punishment imposed or recommended.
- F. The written signature, badge number, and rank of the preparing officer and his position in relation to the member or employee being disciplined.

4.2.8 Endorsement and forwarding of disciplinary reports

Each level in the chain of command must review, sign and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No employee shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current departmental procedures.

4.2.9 Informing the person being disciplined

The member being disciplined shall be so informed of the charges, in writing, as provided by N.J.S.A. 40A:14-147 and **section 4.4.1** of these rules and regulations. The member shall be granted all procedural rights and safeguards as provided by law.

4.2.10 Misconduct observed by police personnel

Whenever any commanding officer or supervisory officer observes or is informed of the misconduct of another member or employee, which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his commanding officer.

4.2.11 Investigator's authority

Investigators assigned to an investigation are the direct representative of the Chief of Police and, as such, shall receive the cooperation of all employees of the department while conducting their investigations. The sole responsibility of the investigator shall be the gathering of all the facts regarding the allegations. In doing so, he must remain objective and thorough when submitting his report. His opinions, conclusions, or personality shall not be interjected into the case. By adhering to the foregoing principles, the case can be concluded with optimum fairness for all persons concerned.

Section 3 Departmental Disciplinary Hearings

4.3.1 Charges

When an internal investigation establishes a preponderance of evidence that a member is guilty of violating a department rule or regulation, penalty for which entitles the member to a hearing as provided for in **section 4.4.1**, a **Preliminary Notice of Disciplinary Action** shall be prepared and personally served upon the respective member. The charges shall contain:

- A. The name, address and title of the member against whom the action is being instituted.
- B. The rule, regulation, law or ordinance violated; or a description of other misconduct being charged.
- C. Specification of the alleged facts upon which the charges are based.
- D. The time, date and place at which the hearing is scheduled to be held.
- E. The signature of the proper authority and his official title.

4.3.2 Hearings

- A. The disciplinary hearing shall be scheduled during the business day, but no sooner than ten (10) days and no later than thirty (30) days after said notice is personally served upon said member, subject of course to the granting of reasonable requests for postponements.
- B. Where a disciplinary hearing has been postponed pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the departmental charges, said departmental hearing must be held within thirty (30) days after the department receives notice of such disposition. The duty to advise the department that said judicial determination has been made is that of the respective member.
- C. Personal service is actual service upon any employee as well as actual service upon any member of the employee's household over eighteen (18) years of age residing in the residence of said employee.
- D. All disciplinary hearings shall be closed to the public unless the defendant employee requests an open hearing. In such case, the department reserves the right to petition the hearing officer to conduct a closed hearing if a legitimate reason exists for such request.
- E. Every member formally charged with a violation of department rules and regulations shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.
- F. The Chief of Police may prosecute the complaint himself or request the Township to appoint a qualified representative to present the case.
- G. The Mayor shall be the hearing officer charged with the responsibility of conducting the necessary hearings with respect to the aforementioned charges. The Mayor may appoint a qualified representative to serve as hearing officer to prepare findings of fact and recommendations as to violations and quantum and type of punishment, if any.
- H. In order that all parties may be afforded a fair and equal opportunity to be heard and that the hearing officer may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules or procedure.
- I. The hearing officer may, at his/her discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the hearing officer may exclude all persons not having a direct interest in the matter being heard.
- J. The hearing officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- K. The hearing officer shall give effect to the rules of privilege as provided by law, but no person shall be excused from testifying or presenting evidence on the ground of possible self-incrimination with regard to an administrative disciplinary matter.
- L. The member is presumed innocent and the burden of proof is upon the department to prove the member's guilt by a preponderance of the credible evidence presented during said hearing.
- M. All hearings may (in the discretion of the respective hearing officer) be recorded by:
 - 1. A certified shorthand report; or
 - 2. Stenographers, duly sworn to make an accurate stenographic recording of the proceeding; or

3. Sound recording device to be operated under the supervision and direction of the hearing officer.
- N. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective hearing officer shall consider same and render his verdict as soon as practical thereafter.
 - O. Although the verdict may be verbal at the time of the hearing, the determination must be reflected upon a final notice of disciplinary action that must be personally served upon the respective member as soon as practical after the termination of said disciplinary hearing.

4.3.3 Appeals

The appeal of discipline or corrective action imposed against an employee may be taken consistent with laws of the State of New Jersey and/or the grievance procedures of the current collective bargaining agreements, ordinances and/or the Township of River Vale Policies and Procedures Manual.

Section 4 Members Rights during Departmental Investigations and Disciplinary Hearings

4.4.1 Hearing

Each member is entitled to a hearing before the Appropriate Authority or his designee, for any charge that exposes the employee to discipline as follows:

- A. Surrender of leave time
- B. Monetary fine
- C. Suspension with pay
- D. Suspension without pay
- E. Loss of promotion opportunity
- F. Demotion
- G. Termination

4.4.2 Settlement agreement

Nothing shall prohibit a member from directly negotiating a settlement agreement with the Chief of Police or Appropriate Authority concerning the disposition of a disciplinary matter. If a settlement is reached concerning the disposition of a pending disciplinary matter, a Stipulation and Agreement as to Disciplinary Action form shall be fully executed by the effected member, Chief of Police or Appropriate Authority concerning the disposition of a disciplinary matter. If a settlement is reached concerning the disposition of a pending disciplinary matter, a Stipulation and Agreement as to Disciplinary Action form shall be fully executed by the effected member, Chief of Police and Appropriate Authority.

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.

Ordinance #381-2021

Motion to Adopt: Councilman Donovan

Second: Councilman Ben-Yishay

Motion by Councilman Donovan second by Councilman Criscuolo to open the public hearing on Ordinance #381-2021.

There being no questions or comments from the public. Motion by Councilman Criscuolo second by Councilman Donovan to close the public hearing on Ordinance # 381-2021.

AN ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS REGARDING DEPLOYMENT OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY IN THE TOWNSHIP OF RIVER VALE

WHEREAS, the wireless telecommunications industry has expressed interest in submitting applications to utilize space in public rights-of-way within the Township of River Vale ("River Vale" or "Township") for the installation of small cell wireless telecommunications facilities (hereinafter "Small Wireless Facilities") in connection with the industry's efforts to expand and/or upgrade existing 4G services and as part of the construction of a nation-wide 5G network; and

WHEREAS, the Township encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities while preserving the Township's ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the Township recognizes that as usage of wireless technologies continues to rapidly increase, Small Wireless Facilities will be critical to delivering wireless access to advanced technologies, broadband services and 911 services to residences, businesses, schools and individuals within the Township; and

WHEREAS, the Township recognizes that Small Wireless Facilities often are most effectively deployed in public rights-of-way; and

WHEREAS, multiple installations of Small Wireless Facilities within the public right-of-way can impact property values, create traffic and pedestrian safety hazards, impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the Township; and

WHEREAS, the Township wishes to preserve the aesthetics of the community by encouraging the location of 5G equipment on existing or previously approved infrastructure; and

WHEREAS, A September 2018 Ruling and Order of the Federal Communications Commission ("FCC") provides that all local jurisdictions must comply with various restrictions on the exercise of local aesthetic, zoning, public works and fees when dealing with Small Wireless Facility installation siting applications by the effective date of the Order which was January 14, 2019. The FCC Order further provided that all local agencies should be capable of fully implementing its provisions within 180 days of its adoption which was on September 26, 2018. The Order also includes modifications to "shot clocks" which require local governments to approve or deny applications within certain expedited periods of time; and

WHEREAS, the Township's needs to amend its ordinances to address the legal and practical issues that arise in connection with multiple Small Wireless Facility installations deployed in the public rights-of-way; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance and its immediate implementation are in the best interest of the Township and the health, safety and welfare of its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the Members of Council of the Township of River Vale, in the County of Bergen, State of New Jersey, as follows:

Section One. Definitions.

- A. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.
- B. All definitions of the words, terms and phrases that are set forth in the portion of the Middle-Class Tax Relief and Job Creation Act of 2012, P.L. 112-96, as codified in 47 USC §455, are incorporated herein and are made a part hereof.
- C. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.
- D. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part

hereof.

- E. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

F.

Personal Wireless Services

"Personal Wireless Services," as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

Public Right-of-Way

The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Township within an easement to the public or other easement owned by the Township.

Small Wireless Facility

"Small Wireless Facility," as defined in the Code of Federal Regulations at 47 C.F.R. §1.6002(1), as supplemented and/or as amended.

Smart Pole

A decorative utility pole that conceals, disguises or camouflages one or more Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, nor external cabling. The pole should be made of an inherently rust-resistant material (i.e. aluminum alloys or stainless steel).

Utility Pole

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and like and similar appurtenances.

- G. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.

Section Two. Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required.

- A. No person shall place a Small Wireless Facility in any right-of-way without first filing a Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the Township Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this ordinance. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the Township Clerk to any Applicant unless:

1. All siting permit application fees and escrow fees, as established herein, have been paid; and

2. All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-1 I 9, et. seq., and the administrative regulations adopted thereunder, **Chapter 382, Article V, Street Openings, of the Code of the Township**, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Township Clerk for inclusion with the Applicant's application documents; and

3. The Applicant has entered into a "Right-of-Way Use Agreement," the approved form of which is set forth in Appendix "B" to this ordinance, with the Township. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of Township Council. The Township Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by the Township Council at the time that it grants consent to use a right-of-way to a siting permit Applicant.

- B. No siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall be issued to any Applicant unless the Township Council, in the manner prescribed by applicable laws of the State of New Jersey, has granted to the siting permit Applicant its consent to use public rights-of-way within the Township. No siting of a Small Wireless Facility shall be permitted within two-hundred (200) feet of another Small Wireless Facility unless it can be established by clear and convincing evidence that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of carriers of technical incompatibility or inability to collocate need to be proven by the carrier, not disproven by the Township. Responsibility for judging proof of said claims lies solely with the Township and/or its chosen representative(s).

Section Three. Installation of New Structures; Installation on Existing Structures.

- A. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is one of the types of Smart Poles that are set forth in Appendix "A" to this ordinance and such Smart Pole specifically is designed to accommodate the reasonable and customary equipment necessary for a Small Wireless Facility installation which will accommodate at least three carriers per Small Wireless Facility deployment.
- B. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is one of the pre-approved types of Smart Poles that are identified in Appendix "A" to this ordinance. A replacement pole is a new structure. Appendix "A" to this ordinance from time-to-time may be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of the Township Council. The Township Clerk shall provide a copy of Appendix "A" to all siting permit applicants.
- C. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the Township's Wireless Siting Plan, which can be found on file with the Office of the Township Clerk. All Small Wireless Facilities must be placed within a 25 ft. radius of those specific locations set forth on the Township's Wireless Siting Plan. No more than one (1) Smart Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan. No Smart Poles shall be located within 200 ft. of another.

Section Four. Siting Permit Application Process.

- A. Application Filing. An application for a siting permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the Office of the Township Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the Township Clerk. Immediately upon receipt of an application, the Township Clerk shall provide copies of the application and all supporting documents that were submitted by the Applicant with the application, to the Township Engineer, the Construction Official and the Township attorney.
- B. Application Form. The Small Wireless Facility siting permit application shall be made by a provider of personal wireless services, or its duly authorized representative as noted in a notarized statement from the provider of personal wireless services on whose behalf the representative is acting, and shall contain the following:

1. The Applicant's name, address, telephone number and e-mail address;
 2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
 3. A general description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subservice utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied;
 4. Authorization for any consultant acting on behalf of the Applicant to speak with the Township, or a designee of the Township, on the area of consultation for the Applicant even if the Applicant cannot be available;
 5. Verification from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes;
 6. The Applicant shall certify that they shall market the availability of approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.
- C. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities.
- D.

Section Five. Procedure on Permit Application; No Exclusive Rights.

- A. The Township shall review the application for a Small Wireless Facility siting permit in light of its conformity with the provisions of this Ordinance, and shall approve a siting permit on nondiscriminatory terms and conditions subject to the following requirements:
1. Within ten (10) days of receiving an Application, the Township Clerk shall determine and notify the Applicant:
 - (a) Whether the Application is complete;
 - (b) If the Application is incomplete, what specific information is missing; and
 - (c) Whether the deployment of the Small Wireless Facilities as proposed requires the Applicant to apply for other permits, such as a street opening permit or construction permit, for which the Applicant has not yet applied. No Small Wireless Facility siting permit application shall be deemed complete until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility deployment.
- B. The Township shall make its final decision to approve or deny the Application within the following timeframes:
- (a) Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.
 - (b) Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.
 - (c) Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.

The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the Applicant and Township. Such consent shall be set forth

on a form for such purposes which shall be available from the Office of the Township Clerk. Such consent on behalf of the Township shall be exercised by the Mayor in his/her reasonable discretion.

- C. The Township Clerk shall notify the Applicant in writing of the final decision, and if the Application is denied Specify the basis for denial; and Cite such specific provisions, as may be recommended by the Township attorney, from federal, state, or local laws, administrative regulations or codes as to why the Application was denied.
- D. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the Township within thirty (30) days of the denial without paying an additional application fee, provided the Township Clerk shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.
- E. If the Township fails to act upon an application within the timeframes prescribed by this section, the Applicant may provide written notice to the Township that the application review and decision period has lapsed. Upon receipt of such notice, the Township Council, by resolution adopted no later than its second regularly scheduled public meeting next following receipt of the notice, shall either deny the application or direct that the siting permit shall be approved and issued. Nothing in this paragraph is intended in any way to impact any other right or remedy that may be available to the Applicant under applicable federal or state law if the Township fails to act upon an application within the timeframes prescribed by this section.
- F. A siting permit from the Township authorizes an Applicant to undertake only certain activities in accordance with this ordinance. No approval or consent granted, or siting permit issued, pursuant to this ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Township for the delivery of telecommunications services or for any other purpose.

Section Six. Duration.

No siting permit issued under this ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

Section Seven. Routine Maintenance and Replacement.

A Small Wireless Facility siting permit shall not be required for:

- A. Routine maintenance of a Small Wireless Facility.
- B. The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight and height to the Small Wireless Facility that is being replaced.
- C. Provided, however, that on a location where the Township and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Township and/or the other provider, as the case may be, to proceed is provided to the Township, which authorization to proceed shall not unreasonably be withheld by the Township and/or the other provider.
- D. Provided further that if the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached then an application for a siting permit shall be required.

Section Eight. Application Fees.

- A. All applications for approval and issuance of a Small Wireless Facility siting permit pursuant to this ordinance shall be accompanied by a fee as follows:
 - 1. For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
 - 2. For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

Section Nine. Escrow Fee for Third-Party Professionals and Consultants.

- A. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility siting permit shall be accompanied by an escrow fee as follows:
 - 1. For applications whose proposed Small Wireless Facility deployment(s) will not require a street opening permit pursuant to Chapter 382, Article V of the Code of the Township of River Vale: \$5,000.00.
 - 2. For applications whose proposed Small Wireless Facility deployment(s) will require a street opening permit of the Code of the Township: \$7,500.00.
- B. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analyses related to the Township's review of the materials submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Township for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Township for the review process of a Small Wireless Facility siting permit application, such as, but not limited to:
 - 1. Professional fees for reviews by third-party professionals or consultants of applications, plans and accompanying documents;
 - 2. Issuance of reports or analyses by third-party professionals or consultants to the Township setting forth recommendations resulting from the review of any documents submitted by the Applicant;
 - 3. Charges for any telephone conference(s) or meeting(s), including travel expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;
 - 4. Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;
 - 5. Review or preparation of right-of-way use agreements, easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and
 - 6. Preparation for and attendance at all meetings by third-party professionals or consultants serving the Township, such as the Township Attorney, Township Engineer and Township Planner or other experts as required.
- C. The escrow account deposits shall be placed in a separate account by the Township's Chief Financial Officer at the request of the Township Clerk and an accounting shall be kept of each Applicant's deposit. Thereafter:
 - 1. All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
 - 2. Upon either final denial of a Small Wireless Facility siting permit application or

upon issuance of a Small Wireless Facility siting permit, any moneys not expended for third-party professional or consulting services shall be returned to the Applicant within 90 days upon written request by the Applicant and as authorized by the Township Council;

3. If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant;
4. No Small Wireless Facility siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges;
5. All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
6. Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
 - (a) Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within Bergen County; and
 - (b) Out-of-pocket costs, expenses and charges are billed on a dollar-for-dollar basis with no mark-up being permitted;
7. The Township shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Township.

Section Ten. Municipal Access to New Structures.

An Applicant whose siting permit includes the installation of any new Smart Pole structure of any of the types that are included in Appendix "A" to this ordinance shall provide the Township with access to any of the technological features that are a component the new Smart Pole structure such as, for example, public access Wi-Fi, 911 call service or security cameras, before the Applicant offers such access to any other person or entity. Should the Township decide to utilize any such technological features then the Township, on an annual basis, shall reimburse the Applicant or the subsequent owner of the structure, the costs, on a dollar-for-dollar basis, of providing the Township with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Township and the costs of any repairs required to be made to the components used by the Township, unless the repair costs are necessitated by the acts of the Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

Section Eleven.

All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

Section Twelve.

This Ordinance shall take effective immediately upon final passage and publication as provided 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 Councilman Ben-Yishay; 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 Councilwoman Sieg to close the meeting to the public.

Councilman Ben-Yishay commented on the comments of the two gentleman who spoke this evening. He explained that obviously the Township has opted out of all six (6) cannabis businesses. Councilman Ben-Yishay added that a Town that hosts a dispensary is allowed 2% of the gross sales revenue. He questioned Gennaro asking what amount would be a consequential amount money that would make the Town consider that this might be something to look at. Mr. Rotella feels the sales from the dispensary will be great and used the example of 2% of \$5,000,000 in sales. He also feels if one Town opens up you'll see other follow. Councilwoman Sieg added that they followed the recommendation of the Police Chief and they can change the ordinance. Gennaro offered to watch other Towns that pass an ordinance permitting the sale. Councilman Ben-Yishay asked if was worthwhile to hear what the two gentleman have to say, as they've done a tremendous amount of research and are partnered with a very well-known company in Colorado.

Council President Bromberg would also like to hear what the residents have to say as more places open up. He would also like to see what types of problems may be associated with this type of business and if they have to possibly hire more Police Officers. He doesn't want to be behind the curve and miss out on any revenue but also doesn't want to move to quickly and have the revenue wiped out by expenses. Council President Bromberg would also like to know the benefit to our residents and do they want it in their Town.

Councilman Ben-Yishay added that over 60% of people voted yes; yet the Towns are not allowing it.

Councilman Donovan suggested creating a subcommittee to gather information and help educate ourselves about not just the potential revenues but the pitfalls as well. He feels this is a more progressive way of looking at the issue rather than waiting to see what everyone does. Councilman Donovan would like to hear from a variety of groups.

Councilman Ben-Yishay added that they pay for all their expenses including security at the facility.

Council President feels the subcommittee is a good idea; and suggested Councilmembers Donovan and Ben-Yishay study the issue.

ADJOURNMENT

Motion by Councilwoman Sieg; second by Councilman Ben-Yishay to adjourn the meeting at 8:30pm.

ATTEST:
Karen Campanelli, Township Clerk

Council President Mark Bromberg

