



**2016
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA	✓			
DI PAOLO	✓			
HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Ordinance No. 1500 (Previously tabled)

Date: November 9, 2016

Page: 1 of 7

Subject: Chapter 75, Section 6 of the Borough of Dumont Code

Purpose: Amend

Dollar Amount: _____

Prepared By: Gregg Paster, Esq.

Offered by: Hayes

Seconded by: Morrell

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**ORDINANCE AMENDING CHAPTER 75, SECTIONS 6 AND 9 OF THE BOROUGH
OF DUMONT CODE**

WHEREAS, the Mayor and Council have determined to revise the police department hiring policy in order to ensure the highest quality and character of candidates for police officer positions within the Dumont Police Department; and

WHEREAS, the Mayor and Council now seek to accommodate that determination by revising the standards and requirements for new police recruits and hires on the Borough force; and

WHEREAS, it is necessary to amend this section of Chapter 75 of the Borough Code governing the required process for police promotions.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Chapter 75 PERSONNEL POLICIES of the Borough of Dumont Code shall be amended as hereinafter provided:

Chapter 75-2 B. Mandatory assignments.

(2) One police officer may be assigned as a D.A.R.E. or L.E.A.D. or any other school related anti-drug training officer.

Chapter 75-6 Eligibility; Military service ending in honorable discharge, National Reserve service, and Dumont Police Reserve service will be a satisfactory substitute for having completed a Bachelor's Degree; and

Chapter 75-6 shall be supplemented with the addition of three new paragraphs to be in addition to and not in place of existing section 75-6, and further clarified via the removal of a superfluous vestigial paragraph, the following provisions and sections shall augment the existing Code, **75-6 Appointment and confirmation; new officers:**

I. Eligibility

Criteria for appointment and confirmation of new officers for the Dumont Police Department:

- (1) No less than 18 nor more than 34 years of age;
- (2) Must possess a valid New Jersey driver license;
- (3) Must possess a Bachelor's Degree from an accredited college or university;
- (4) Must be a United States citizen;
- (5) In lieu of the educational requirement, an applicant who has been honorably discharged from the United States armed services (Army, Navy, Air Force, Marine Corps or Coast Guard) will be accepted as an eligible applicant. Applicants who have served as a reservist in any of the above mentioned military services who have completed 4 years of active duty service shall be considered an eligible applicant for hire.

- (6) In addition to items 1, 2 and 4, and in lieu of items 3 and 5, a member of the Dumont Police Reserve or a Dumont Police Department Dispatcher or Records Clerk who has been a member/employee in good standing for at least 18 months shall be considered an eligible applicant for the Dumont Police Department.

- (7) An applicant who has a valid PTC certification or is enrolled in an Alternate Route Program shall be considered an eligible applicant for the Dumont Police Department.

Chapter 75-9. Promotions.

The text comprising Chapter 75-9 A.(1)(a)[1][b] "College, less than 60 credits: two points" will be removed.

Chapter 75-9 A(1)(a)[1][f] will be moved between [c] and [d] and the text will be changed to the following:

United States Military service resulting in an honorable discharge: 5 points. If the candidate has educational credits due to them having a Bachelor's degree or for a Master's degree they shall receive the educational point value rather than the military point value.

Chapter 75-9 B(1)(b)

[2] Oral Evaluation.

[a] The personnel files, including but not limited to job evaluations and commendations.

[4] Education.

[b] will be removed.

[c] Associate's degree or in excess of 60 credits accumulated toward a bachelor's degree: four points.

[d] United States Military service resulting in an honorable discharge: five points. If the candidate has educational credits due to them for a Bachelor's degree or for a Master's degree they shall receive the educational point value rather than the military point value.

[e] Bachelor's degree: six points.

[f] Master's degree: eight points.

Chapter 75-11. Personnel regulations.

A. Hours and leave.

(6) Any employee of the department taken sick or injured while on duty shall seek the appropriate medical attention/assistance as deemed necessary based on the severity of the sickness or injury.

II. Selection Process

(1) The selection process for new officers in the Dumont Police Department shall according to the following steps, in the order set forth herein.

a) Physical examination- Physical fitness examinations. The physical fitness assessment will be administered by an outside testing agency, under observation of the Bergen County or other authorized police academy, pursuant to existing policies and standards as promulgated by the appropriate State of New Jersey agencies and authorities. The medical examination will be performed by an outside medical professional selected by the Chief of Police, at the applicant's expense. Each police candidate will also be required to provide a written medical report from his/her own private physician, based upon a physical examination not more than six (6) months prior to the date of the report, certifying that the candidate is, in the

physician's opinion, physically capable of performing rigorous physical activity consistent with law enforcement duties. The physical examination portion of the procedure will be worth 20 percent of the score. No more than the top 50 candidates will advance to the written examination;

b) Written examination- The written examination shall be of such nature as will fairly assess a candidate's cognitive ability to perform as a police officer. The content and procedure will be determined and administered by the New Jersey State Association of Chiefs of Police or other third party testing group as selected by the Dumont Chief of Police. The written examination shall be worth 30 percent of the candidate's overall score. No more than the top 25 candidates will advance to the agency oral interview portion of the procedure;

c) Agency Oral Interview- The Agency Oral interview shall consist of a single oral interview of each candidate before an Agency panel of not more than three (3) representatives, appointed by the Chief of Police including command and supervisory level personnel who will assign a numeric score between 0 and 40 to each candidate's interview performance. Each panel member will individually and confidentially score the candidates, and the average of all panel scores will be the candidate's Agency Oral Interview score. The Agency Oral Interview shall be worth 40 percent of the candidate's overall score. No more than the top 15 candidates advance to the Police Agency/Police Committee interview portion of the procedure.

d) Police Agency/Police Committee Oral Interview- The interview panel will consist of the members of the Borough Police Committee, the Chief of Police and two members of the Dumont Police Department chosen by the Chief of Police. In the event of the inability of any member of the Police Committee to participate in the oral interview process, the Governing Body shall select a qualified member of its own number to participate instead. Each committee member will individually and confidentially score the candidates with a score from 0 to 10, and the average of all panel scores will be the candidate's Agency/Committee score. The Agency/Committee interview process shall constitute 10 percent of the candidate's overall score.

e) The ten top candidates based upon cumulative, aggregate score of all four phases of the qualification process will be ranked in descending order from one through ten. This candidate list shall be valid for up to 18 months from the establishment of the list. Scores for candidates 11-15 shall be held in abeyance in case the top candidates become unavailable for any reasons and then the list shall be moved up that number of candidates. In the event of a tie score, both or all of the tied score candidates will be permitted to proceed to the next phase of testing.

f) Upon the ranking list completion, the number of candidates intended to be hired in the next round of hires shall be extended a conditional offer of employment. Acceptance of the conditional offer of employment shall allow candidates to continue in the process, but shall not obligate the Borough to extend an actual offer of employment. Candidates accepting the conditional offer will complete a Pre-Employment Background Investigation Application.

III. Background Investigation

(a) The background investigation is designed to determine whether behavior patterns or events would preclude an applicant from successfully performing the duties of a Dumont Police Officer, and to confirm eligibility to carry a weapon and to access confidential information.

(b) The background investigation will include, but not be limited to the following:

Review of candidate's application to confirm eligibility for the position;
Employment, Driving, Military, Education Credit and Family Histories;
Fingerprint check for criminal background;
Confirmation of at least 3 personal references;
Drug/Narcotic and Alcohol use;
Confirmation of residency/citizenship;
Organization membership.

(c) Candidates shall be checked against the New Jersey Central Drug and Domestic Violence Registries as part of the criminal background check, and will be directly questioned regarding any positive findings. Positive findings related to domestic violence, sexual assault, stalking, elder abuse or child abuse shall be rendered ineligible for further consideration in the hiring process. Candidates not meeting with all eligibility requirements as set forth in the Borough police policy will be disqualified from further consideration.

(d) Candidates successfully completing the background investigation portion of the process shall continue into the psychological evaluation. Those not successfully completing the background investigation will not be further considered for employment.

IV. Psychological Evaluation

(a) All candidates for probationary officer positions will be subject to a psychological fitness examination by a Psychologist/Psychiatrist of the Borough/Department's choice and the applicant's expense, except that all candidates for a given round of eligibility/evaluation will be examined by the same psychiatric professional. Such examination will be authorized only after a conditional offer of employment is extended.

(b) The psychological fitness examination results will be considered confidential personnel records and will be maintained in the individual candidate's personnel file and treated as such, with access restricted accordingly.

(c) A candidate who successfully completes the psychological evaluation shall continue in the process on to the physical medical examination. Any candidate failing the psychological examination portion of the process will be ineligible for further consideration.

V. Physical Medical Examination

(a) A medical examination will be performed on any candidate who has successfully completed the psychological evaluation and has been granted a conditional offer of employment. Said medical examination shall be satisfactory to meet the standards of the Board of Trustees of the Police and Firemen's Retirement System, and shall be at a facility or by a physician of the Borough's choosing.

(b) The physician and/or facility performing the examination, at the applicant's expense, shall review medical history, interview the candidate and perform a physical examination of each candidate to determine whether any conditions exist that are likely to interfere with the candidate's ability to perform the duties of a police officer. Each candidate for a given round of eligibility shall be examined by the same physician/facility. The physician shall be licensed to practice medicine by the appropriate board of the State of New Jersey.

(c) As part of the physical examination, blood and urine samples will be collected and analyzed by the New Jersey State Police Laboratory for use of drugs and alcohol. A consent form will be provided for signature by each candidate to authorize the collection and analysis of the samples. The consent form shall advise the candidate of the following:

(i) A negative result, with an exception for legally prescribed medications to treat a current condition, is a mandatory condition of employment; and

(ii) A positive result will eliminate the candidate from further consideration for employment; cause the candidate to be reported to the central drug registry of the New Jersey State Police; and preclude the candidate from consideration for law enforcement employment in New Jersey for at least the ensuing two (2) years;

(iii) The consent form shall further indicate that if the candidate is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for drug use except as prescribed under the care of a licensed physician, the officer's employing agency will be notified of the positive result and that the officer may be subject to termination and permanent ineligibility from future law enforcement employment in New Jersey.

(d) A candidate who successfully completes the medical evaluation shall continue in the process. Any candidate who fails to successfully complete the medical evaluation shall be ineligible for further consideration for employment.

VI. Appointment as a Probationary Officer

(a) Probationary Officers duly appointed by resolution of the Governing Body shall serve a probationary period commencing on the date of appointment, and for 12 months following graduation from an approved Police Academy. The probationary period shall not

exceed 18 months. Candidates possessing a PTC Certification at the time of hire shall serve a 12 month probationary period.

(b) A Police Recruit/Probationary Officer must successfully complete basic training at the Bergen County Law and Public Safety Institute or other suitable New Jersey Police Training Academy, as established by the Dumont Chief of Police.

(c) The Police Recruit shall be required to complete the Field Training Officer program as established by agency policy upon completion of police academy training.

(d) Upon successful completion of the Field Training Officer program, the Probationary Officer will be assigned to the patrol squad to complete his/her probationary period.

Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. In the event of a conflict with any prior enactment, the provisions hereof shall prevail.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT

ATTEST:

James J. Kelly, Mayor

Susan Connelly, RMC
Municipal Clerk

Introduced: November 9, 2016
Adopted:_____, 2016



2016
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA		✓		
DIPAULO	✓			
HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY		✓		
MAYOR KELLY				
TOTALS	4	2		

Offered by: Hayes
Seconded by: Morrell

Ordinance No. 1509 (Revised)
Date: November 9, 2016
Page: 1 of 7
Subject: Real Property Tax Exemption and Payments in Lieu of taxes for Block 212, Lot 20 and Block 215, Lot 1
Purpose: Authorization
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF DUMONT
AUTHORIZING REAL PROPERTY TAX EXEMPTION AND PAYMENTS IN LIEU OF
TAXES FOR PROPERTY KNOWN AS BLOCK 212 LOT 20 AND BLOCK 215 LOT 1
PURSUANT TO THE LONG TERM TAX EXEMPTION LAW,
N.J.S.A. 40A:20-1, ET SEQ.**

WHEREAS, Landmark Dumont, LLC (the "Owner") owns or has the right and intends to acquire, property known as Block 212, Lot 20 and Block 215, Lot 1, on the tax map of the

Borough of Dumont, County of Bergen, and State of New Jersey and plans to construct on the Property a housing complex including an unrestricted 15% set aside for low and moderate income families, which will meet in part the Borough's obligation to provide low and moderate income housing in the Borough; and

WHEREAS, the referenced property was the subject of a certain litigation entitled Landmark Dumont, LLC v. Borough of Dumont, Planning Board of the Borough of Dumont, et als., Docket number BER-L-1297-14, seeking, among other things, a declaration of a builder's remedy, rezoning of the property, court imposed supervision of the rezoning process, and related relief; and

WHEREAS, the above captioned litigation was settled, and the settlement was approved by the Superior Court of New Jersey, Law Division-Bergen County, after a fairness hearing on May 12, 2016, by an opinion of June 16, 2016 and an Order of the Court; and

WHEREAS, the Owner has been designated as the Redeveloper of the referenced property, which has been declared an Area in Need of Redevelopment by the municipal governing body under laws of the State of New Jersey for the purpose of proceeding with the real property acquisition and construction of the market rate and affordable housing development thereon; and

WHEREAS, the proposed development will be constructed by a duly authorized corporate entity or entities eligible to received such benefits and subject to the rules and regulations of the New Jersey Fair Housing Act and the Local Redevelopment and Housing Act; and

WHEREAS, the Long Term Tax Exemption Law of New Jersey, N.J.S.A. 40A:20-1, *et seq.* permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is a qualified low and moderate income affordable housing project including a recognized percentage of unrestricted low and moderate income rental housing for families under the aforesaid statutes; and

WHEREAS, it has been negotiated and agreed, as part of the Settlement Agreement, that in exchange for certain concessions and infrastructure improvements to be performed by the Owner, the Borough will prepare, execute and deliver an agreement under the LTTE for a Payment In Lieu Of Taxes program, as duly adopted by Ordinance of the Borough of Dumont.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Dumont as follows:

1. The Borough Council of the Borough of Dumont finds, consistent with the opinion and judgment of the Court, that the proposed development will meet an existing housing need pursuant to the provisions of the Fair Housing Act of 1985 and that the development will be an improvement made for the purpose of providing unrestricted low and moderate income rental housing to qualified families of the Borough and will serve to meet in part the Borough's obligation to provide low and moderate income housing under its fair share obligations with the New Jersey Council on Affordable Housing, as set forth by the New Jersey Supreme Court in its Mount Laurel IV decision, 221 NJ 1 (2015).

2. The Borough Council makes such determination and findings by virtue of and pursuant to and in conformity with the Long Term Tax Exemption Law of the State of New Jersey, N.J.S.A. 40:20-1, *et seq.*

3. The land and the proposed development and improvements, after acquisition by the Owner and construction of the market rate and low and moderate income housing development thereon, shall be exempt from real property taxation as provided in N.J.S.A. 40A:20-1, *et seq.*

4. The Clerk of the Borough shall deliver a certified copy of this Ordinance approving the tax exemption and financial agreement to the Tax Assessor.

5. Prior to adoption hereof and execution of the financial agreement hereunder, the Owner, through a qualified entity, shall make the required application under N.J.S.A. 40A:20-8, and provide all of the information under that section for review by the Mayor who shall make the appropriate recommendation to the governing body under that section.

6. Upon adoption of the financial agreement, a certified copy of this Ordinance and the financial agreement shall be transmitted to the Director of the Division of Local Government Services.

7. In lieu of real property taxes, the Owner shall make payment to the Borough of Dumont an annual service charge for municipal services supplied to the housing development, pursuant to N.J.S.A. 40A:20-9, in an amount equal to the greater of: two (2%) percent of gross construction cost; ten (10%) percent of gross rent collected or Three Thousand Five Hundred (\$3,500.00) Dollars per market rate unit for a period of fifteen (15) years, and an amount equal to the greater of two (2%) percent of gross construction cost; ten (10%) percent of gross rent collected or Three Thousand Seven Hundred Fifty (\$3,750.00) Dollars per market rate unit for a period of ten (10) years thereafter, and an amount equal to the greater of two (2%) percent of gross rents collected or Three Hundred Fifty (\$350.00) Dollars per affordable unit, per year for

fifteen (15) years, and an amount equal to the greater of two (2%) percent of gross rents collected or Three Hundred Seventy Five (\$375.00) Dollars per affordable unit for a period of ten (10) years thereafter, from operating revenue or from such other source as may be available, said payments to commence upon the initial issuance of certificates of occupancy of the development. The Borough shall remit five percent (5%) of this annual service charge to the County of Bergen. The existing assessed taxation shall remain in effect on a pro-rata basis throughout the construction process until the first day of the calendar quarter next beginning after the issuance of certificates of occupancy for each building completed under the Settlement Agreement and Court Order until the completion of the construction and all certificates of occupancy are issued.

8. The tax exemption from real property taxation hereby granted shall continue for the earlier to occur of (a) the passage of twenty seven (27) years from the execution of the Financial Agreement executed and delivered pursuant to this Ordinance; (b) the expiration of twenty five (25) years from completion of the development, defined as the date of issuance of the final certificate of occupancy for any dwelling unit of the development, (c) a determination by the Owner and the Borough that the development is no longer useful or (d) if any dwelling unit covered hereunder is sold individually or in a group less than the entire inventory of the units referenced herein.

9. The Borough of Dumont shall require of the Owner the following:

- a. A copy of its Certificate of Incorporation be filed with the Municipal Clerk;
- b. The Owner shall submit annually, within ninety (90) days after the close of its fiscal year, its auditor's reports to the Mayor and Borough Council

of the Borough and to the Director of the Division of Local Government Services in the NJ Department of Community Affairs.

- c. Proof shall be provided to the Borough of adherence to the provisions of any state or federal regulations serving to regulate the operation of the development, including, but not limited to COAH eligibility and selection criteria and reporting requirements. Such proof shall be provided as often as may be reasonably requested but in no case less often than required under COAH or FHA regulations.
- d. The Owner shall, upon request of the Borough, permit inspection of the property, equipment, buildings and other facilities of the entity, and also permit examination and audit of its books, contracts, records, documents, and papers by authorized representatives of the Borough, the County of Bergen or the State of New Jersey.

10. The Owner, COAH, the Superior Court of New Jersey, or any other interested party, may rely upon this Ordinance for the approval of the an application by the Borough for substantive certification and/or a judgment of repose in its affordable housing obligations under the FHA and court decisions interpreting same.

11. The appropriate Borough officials are hereby authorized and directed to execute a Tax Abatement Agreement reflecting the aforesaid annual service charge in lieu of taxes and the contributions and concessions by the Owner.

12. One copy of this Ordinance shall be placed on file with the Borough Clerk and with the Tax Assessor of the Borough of Dumont.

13. Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Borough of Dumont and a newspaper of general circulation in Bergen County.

ATTEST:

APPROVED:

SUSAN CONNELLY, RMC
Municipal Clerk

JAMES J. KELLY, Mayor

Introduced: November 9, 2016

Adopted: