

SUBJECT TO CHANGE
BOROUGH OF WEST LONG BRANCH
COUNCIL MEETING

October 17, 2018
(Immediately Following Caucus Meeting Which Starts at 6:30 PM)

MAYOR JANET W. TUCCI PRESIDES

MAYOR TUCCI REPORTS SUNSHINE LAW COMPLIED WITH

PRESENT: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
ABSENT:

READING AND APPROVAL OF MINUTES:

Caucus Minutes
October 3, 2018

Executive Session Minutes
October 3, 2018

Council Minutes
October 3, 2018

REPORTS OF STANDING COMMITTEES:

MAYOR TUCCI:

COUNCILMAN BRAY (FINANCE & ADMINISTRATION):

COUNCILWOMAN JULIANO (FIRE & FIRST AID):

COUNCILWOMAN MANGO (RECREATION, ENVIRONMENTAL, & SHADE TREE):

COUNCILMAN MIGLIACCIO (PUBLIC PROPERTY):

COUNCILMAN NEYHART (POLICE):

COUNCILMAN PENTA (PUBLIC WORKS):

BOROUGH ADMINISTRATOR MURRAY:

BOROUGH CLERK COLE:

BOROUGH ATTORNEY BAXTER:

BOROUGH ENGINEER MULLAN:

COMMUNICATIONS:

1. Monmouth County Library's Letter – 50th Anniversary

ORDINANCES:

1. Ordinance No. O-18-11
An Ordinance Amending Ordinance 2-9 Regarding the
Fire Department and the Borough of West Long
Branch
Second & Final Reading

RESOLUTIONS:

1. Resolution Accepting Proposal for Geese Control
Services (R-18-119)
2. Resolution Approving Payment Certificate of Titan
Demolition (R-18-120)
3. Resolution Approving Payment Certificate of Meco, Inc.
(R-18-121)

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS AND CLAIMS:

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

MOTION TO CLOSE THE PUBLIC PORTION AND ADJOURN:

ORDINANCE NO. O-18-11

**AN ORDINANCE AMENDING ORDINANCE 2-9 REGARDING
THE FIRE DEPARTMENT AND THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the Fire and First Aid Committee of the Borough Council, in consultation with the Fire Official and members of the Fire Department, has undertaken a complete review of the existing ordinances regarding the West Long Branch Fire Department; and

WHEREAS, this review included recommended changes to update the ordinance, in order to comply with new national and state regulations; and

WHEREAS, the revised ordinance includes corrections to the existing ordinance to conform with the positions currently being manned within the department, together with other recommended changes;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch that the attached Ordinance amending Ordinance 2-9 of the West Long Branch Fire Department be and is hereby adopted; and

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon passage and publication according to law.

[All words which are lined through are being removed from the existing ordinance. All underlined words are being added to the existing ordinance.]

2-9 FIRE DEPARTMENT.*

2-9.1 Fire Districts Established.

The incorporated limits of the Borough as now established under an act entitled "An Act to Incorporate the Borough of West Long Branch, in the County of Monmouth, and to Provide for the Holding of an Election," approved April 17th, 1908, and constituting Chapter 102 of the Laws of 1908, shall be the fire district of this Fire Department.

2-9.2 Composition of Fire Department.

The Fire Department of this Borough shall consist of the Borough Chemical and Truck Co. No. 1 and West Long Branch Fire Co. No. 2.

2-9.3 Membership.**

Membership of the fire companies shall consist of the following six (6) classes:

****Editor's Note: For incentives for volunteer Fire Department members see Sections 2-19 and 2-19A.**

a. Active.

1. The active membership of each company shall consist of no more than seventy-five (75) members.

2. No person shall become an active member unless above the age of eighteen (18) years and not over the age as set forth in N.J.S.A. 40A:14-56, a citizen of the United States, a resident of the Borough of West Long Branch, County of Monmouth for upwards of six (6) months. He shall be physically fit to perform the duties of fireman evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after a physical examination for that purpose. Fees associated with the physical examination will be covered by the Borough.

3. The above age limit of and the six (6) months resident requirement shall not apply to a duly enrolled member of another fire department in the State of New Jersey upon a transfer to the Department provided he is at the time of transfer a member in good standing of the other department. A letter from the company's secretary will be necessary.

4. Every person seeking to join the Fire Department or transfer thereto from another department shall make application to the company which he desires to join upon application form furnished by N.J. State Firemen's Association available from the Borough Clerk's office. He shall become a member of the Fire Department upon confirmation by the Mayor and Council, and his name shall be entered on a roll of firemen kept by the Borough Clerk. He shall be given a badge of membership by the Borough Council which badge shall be delivered up to the Chief at any time upon demand of the Chief, or whenever said person shall be under charges involving mortal turpitude or neglect of duty. At this time, all company and Department-issued equipment will be relinquished to the Chief.

5. All persons upon being admitted to active membership shall complete an initial probationary period. During said probationary period, the probationary firefighter will follow guidelines established in Subsection 2-9.3a,10. If said candidate has completed a probationary period in another department and can present documentation certifying same, he/she will be exempt from the aforementioned probationary procedures. Said initial probationary period shall not be less than one (1) year nor more than two (2) years. A member shall be considered to have successfully completed the initial probationary period if he:

(a) Complies with requirements set forth by the New Jersey Division of Fire Safety Firefighter requirements (NJDFS) ~~National Incident Management System (NIMS)~~, and

(b) Successfully completes a training review, established in Subsection 2-9.3a,10 administered by the Captain, and

(c) Attends not less than fifty (50%) ~~sixty (60%)~~ percent of the regular alarms of fires during the probationary period, per year, and

(d) Attends not less than fifty (50%) ~~sixty (60%)~~ percent of the regular monthly meetings during the probationary period, per year, and

(e) Attends not less than fifty (50%) ~~sixty (60%)~~ percent of the drills during the probationary period, per year.

6. Every active member shall attend not less than fifty (50%) ~~sixty (60%)~~ percent of regular alarms of fires answered by the company during the calendar year. The total number of alarms used in computing said percentage may include not more than twelve (12) fire drills called by the Chief, Training Committee, or his Captain. Any active member who shall have been absent from a fire alarm or drill for any reasons must contact the Captain setting forth the excuse before the Captain's report of alarms and drills is presented at the next regular company meeting. The

total number of excusable reasons used in computing said percentage shall not exceed forty (40%) percent of the total number of regular alarms of fires.

7. Active members, after successful completion of the initial probationary period, who thereafter fail to maintain fifty (50%) ~~sixty (60%)~~ percent fire duty for two (2) successive years shall be stricken from the rolls of active members.

8. Any active member who has completely met all the qualifications of this section for a period of not less than three (3) years, and moves to a town within the listed communities below ~~bordering the Borough of West Long Branch~~ may make notice in a written letter of intent to retain his active membership rights. Said letter must be received by the active member's own company secretary within a six (6) month period to be eligible to retain active status.

- Deal
- Eatontown
- Little Silver
- Long Branch
- Monmouth Beach
- Ocean Twp. (all)
- Oceanport

9. When said active member has met all requirements set forth in Subsection 2-9.3a,8. of this section, he shall have all rights to be nominated and elected to any company and/or departmental level officer's position.

10. Firefighter Training Qualifications. Active members must comply with the requirements set forth in NIMS (blood borne pathogens training, right to know training, hazardous materials training, ~~confined space training~~, incident management system training, etc.). Also must meet the requirements of ~~N.J.A.C. 5:73~~ New Jersey Division of Fire Safety Firefighter requirements (NJDFS) .Any amendments or modifications to the requirements above, in this section, shall be deemed changes to this section, requiring compliance by active members. Course requirements above may be conducted by the National Fire Academy, Monmouth County Fire Academy, ~~Fort Monmouth Fire Academy~~, New Jersey Division of Fire Safety, or equivalent.

b. Active Exempt.

1. The active exempt membership shall consist of all those active members who shall have been awarded exempt certificates for service from the Borough of West Long Branch Borough Clerk who still fulfill the obligations of an active member, and shall be subject to payment of dues.

2. Active exempt members who fail to meet the annual regulatory training requirements shall be transferred to the roles of exempt membership.

c. Exempt.

1. The exempt membership shall consist of all those active members who shall have been awarded exempt certificates, and who have not continued their active status.

2. Exempt members shall be subject to the payment of dues, and shall be entitled to all the rights and privileges of the company except that they shall not hold the office of Chief, Assistant Chief, Captain, ~~First Lieutenant~~, or ~~Second Lieutenant~~.

3. Exempt members shall attend not less than three (3) monthly company meetings a year prior to the election meeting to be eligible to vote in company or departmental elections of officers.

4. If an exempt member wishes to change his exempt status back to active membership status, said member will have to meet the qualifications of the active membership category in Subsection 2-9.3a of this section for a period of not less than one (1) complete year from the date of the change of status.

d. Associate.

1. The associate membership shall consist of not more than twenty-five (25) members of each company.

2. No person shall become an associate member unless above the age of eighteen (18) years, citizen of the United States, and a resident of the Borough or ~~bordering community~~ listed communities or a full-time student at Monmouth University or employee within the Borough who is able to respond to emergencies.

3. All persons seeking associate membership shall do so in accordance with the procedures set forth in Subsection 2-9.3a,4. and must meet the educational and regulatory requirements of Subsection 2-9.3a,5.

4. Associate members shall be entitled to all the rights and privileges of the company except that they shall not be entitled to vote in the elections for the office of Chief, Assistant Chief, Captain, or Fire Lieutenant or ~~Second Lieutenant~~ nor shall they be eligible to hold such offices.

5. Associate members shall perform any and all duties incumbent upon them as members of the Department, and they shall be subject to payment of dues.

6. Requirements set forth in Subsection 2-9.8c,3. shall not apply to any existing associate member prior to the adoption of this Ordinance, O-06-11.*

e. Honorary.

1. Honorary members shall not perform any firematic related duties.

2. Honorary members shall have no voting privileges, nor shall they hold any fire company executive office, and shall be subject to pay all company dues and fines.

f. Life.

1. Any active or active exempt member who shall have completed twenty-five (25) years of service and whose years of service and age when added total seventy-five (75) or greater and who desires to be free of the obligation or membership may at his request, by action of the company, be transferred to the status of a life member.

2. Life members shall be entitled to all rights and privileges of active members except that they shall not hold any Chief or Line Officer position ~~the office of Chief, Assistant Chief, Captain, First Lieutenant, or Second Lieutenant~~, and they shall not be subject to dues or fines but must attend two (2) company meetings per year to be eligible to vote for company or departmental officers.

3. Any active or active exempt member who suffers a permanent disability which prohibits his performing the normal duties may, by the action of the Fire Company, be transferred to the status of Life Member.

2-9.3A Disclosure Information Regarding Applicants.

a. Purpose. This subsection is enacted in part pursuant to N.J.S.A. 40:42-1 et seq. for the health, welfare and safety of its citizens and to implement N.J.S.A. 15:8-1.1.

b. Membership Defined. Membership in a volunteer fire company or first aid squad means membership in the West Long Branch Fire Department (either company) or in the West Long Branch First Aid Squad. Applicants for employment within the Borough refers to all applicants other than those seeking employment with the West Long Branch Police Department, which employees have similar requirements under separate legislation.

c. Application Contents. Any adult person desiring membership in a volunteer fire company or the First Aid Squad, or as an employee of the Borough, shall complete in duplicate, filing the same with the Borough Clerk, a separate records check application, which shall contain the following information about the applicant:

- 1. Name.**
- 2. Home address.**
- 3. Birth date.**
- 4. Social Security number.**
- 5. Driver's license number.**
- 6. Any conviction of violation of N.J.S.A. 2C:17-1:**
 - (a) Aggravated arson, or**
 - (b) Arson, or**
 - (c) Failure to control or report dangerous fire, or**
 - (d) Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.**
- 7. Any conviction or violation of N.J.S.A. 2C:33-3 (False Public Alarms).**
- 8. Any conviction of a crime, as defined in N.J.S.A. 2C:1-4a, or a felony or misdemeanor under Federal law, however, such person may be an honorary member, if permitted by the company.**
- 9. Any conviction of a disorderly persons offense, petty disorderly persons offense or ordinance violation.**
- 10. As to the volunteer fire company's application, such other information as the volunteer fire company deems relevant to the application, provided none of such information is prohibited by law.**
- 11. As to the First Aid Squad's application, such other information as the First Aid Squad deems relevant to the application, provided none of such information is prohibited by law.**

d. **Investigation by Chief of Police.** Following the filing of such records check application, the Borough Clerk shall transmit one (1) copy of the application to the Chief of Police of the Borough of West Long Branch, who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If, as the result of such investigation, the applicant is found to have been convicted of any violation of any matter referred to in paragraph c,6, c,7 or c,8 or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the Borough Clerk. The Borough Clerk shall, thereafter, provide that information to the President of the applicable Fire Company or the President of the First Aid Squad, if the applicant is seeking membership in such organization.

e. **Fingerprinting of Applicant.** In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit applicant's fingerprint card and receive State criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this section.*

f. **This section is intended to make the volunteer fire company and the First Aid Squad an Authorized Agency as defined by N.J.A.C. 13:59-1.1.**

g. **Time Limit for Investigation.** The above investigation by the Chief of Police shall be completed within thirty (30) days of receipt of the application and the fingerprinting of the applicant, unless such time shall be extended by formal action of the governing body.

h. **Fees.** Any fees required for fingerprinting shall be paid by the Borough and not by the Fire Company, Fire Department or First Aid Squad.

2-9.4 Elections; Terms of Office.

On the first Tuesday after the first Monday of December in each Election year, the companies shall elect one (1) person to be known as Chief of the Fire Department and one (1) person to be known as Assistant Chief. The Chief shall serve for a term of one (1) year and the position shall alternate between companies on a yearly basis. The Chief and Assistant Chief shall not be members of the same company. Exempt, active, active exempt, exempt and life members in good standing of said Fire Companies shall be eligible to vote for said officers. The secretary of each Fire Company in the Fire Department of the Borough of West Long Branch shall not later than November 15, file with the Borough Clerk, as a

matter of public record, a list of all such members who are then in good standing and entitled to vote at the election.

2-9.5 Eligibility for the Office of Chief or Assistant Chief.

No person shall be eligible for the office of Chief or Assistant Chief who has not met all requirements of the position of Captain and the following requirements:

a. Chief.

1. Three (3) ~~Four (4)~~ years' service in the Borough of West Long Branch as Line Officer or Assistant Chief, and meets all requirements.

2. Meet all firefighter training qualifications listed in this ordinance. Meet all years of service requirements set forth in Subsection 2-9.5.

3. If for any reason the term of Chief cannot be completed by the elected Chief, a qualified nominee from the company which the vacancy arose from will be voted upon in a special departmental election, to serve the remainder of the Chief's term. Said election shall be held within thirty (30) days of the vacancy.

b. Assistant Chief.

1. Two (2) ~~Three (3)~~ years' service in this Borough as Company Line Officer, and has completed all requirements.

2. Meet all firefighter training qualifications. Meet all qualifications for the office of First Lieutenant. Must meet all years of service requirements set forth in Subsection 2-9.5.

3. If for any reason the term of Assistant Chief cannot be completed by the elected Assistant Chief, a qualified nominee from the company which the vacancy arose from will be voted upon in a special departmental election, to serve the remainder of the Assistant Chief's term. Said election shall be held within thirty (30) days of the vacancy.

c. The newly established educational requirements in Subsection 2-9.8b, c and d of this section shall not apply to the Chief or the Assistant Chief holding office at the time this section shall take effect.

2-9.6 Nominations for Chief and Assistant Chief.

All nominations for the offices of Chief and Assistant Chief shall be in the hands of the Borough Clerk not later than November 15 ~~each~~ that year. The

nominations for Chief and Assistant Chief to be made only from the company from which the candidate is a member.

a. A nominating committee which will be comprised of the Training Committee and two (2) executive board members from each company will establish if nominated candidates for Chief and Assistant Chief are qualified to be elected for advancement or retain their position.

b. The Training Committee shall supply an up-to-date list of qualified firefighters that meet all requirements for advancement to officer status no later than the September company meetings.

c. When the nominating committee evaluates a candidate's training records and finds them to be insufficient to advance ranks, the candidate will be replaced by a candidate elected by the company which the vacancy arose from. Such candidate will have to meet all requirements and be established as a qualified candidate by the nominating committee.

d. All nominees for the position of Chief and Assistant Chief shall meet the newly listed resident requirements listed in this ordinance ~~be residents of the Borough of West Long Branch or shall be residents of a contiguous municipality, in which later case they shall have previously held the office of Fire chief in the Borough of West Long Branch.~~

2-9.7 Election of Chief and Assistant Chief.

The election for Chief and Assistant Chief shall be held at the fire station of the nominated Chief belonging to the West Long Branch Fire Department, the polls opening at 7:00 p.m. and closing at 9:00 p.m. of the day appointed for holding the election, and shall be conducted by ballot, and a statement of the results of the election shall be signed by the judge and clerk of each company and transmitted to the Borough Clerk, and shall be by him submitted to the Mayor and Council at the next regular meeting held after the election, and the Mayor and Council shall canvass the returns and declare the results, and the persons so declared to be elected as Chief and Assistant Chief shall hold office for ~~one~~ (4) year from the first day of January next ensuing.

a. The President and Secretary or designated company executive board member of each company shall act as judge and clerk of the election held under the provisions of this section.

2-9.8 Line Officers.

Each company in the Fire Department of the Borough of West Long Branch shall elect the Line Officers of Captain, and Lieutenant ~~First Lieutenant, and Second Lieutenant~~ to serve for a term of two (2) years. All candidates for line officers shall have been in active firefighter status in this Borough for at least three (3) years in order to be nominated, and eligible for election to the position, and shall have been qualified as per Subsection 2-9.8a and b.

- a. The newly established requirement in Subsection 2-9.8 requiring active firefighter status in this Borough for three (3) years shall not apply to the Line Officers holding office at the time this Subsection shall take effect.
- b. A nominating committee which will be comprised of the Training Committee and two (2) executive board members from each company will establish if nominated candidates for Captain, and Lieutenant ~~First Lieutenant and Second Lieutenant~~ are qualified to be elected for advancement or retain their position.
- c. No person shall be eligible for the office of Captain who has not met the following qualifications:
 1. Meet all firefighter and driver training qualifications listed in the ordinance.
 2. Meet all qualifications for the office of ~~First Lieutenant~~.
 3. Complete 8-hour Incident Safety Officer Course.
 4. Complete 12-hour course on Fire Ground Tactics and Strategy ~~Commanding the Emergency Incident~~.
 5. Complete 8-hour course on Management of the Fire Service or equivalent.
 6. Course requirements above shall be conducted in accordance with the requirements for fire services training as defined in N.J.A.C. 5:73-1.6.
 7. Meet all requirements of NEW JERSEY DIVISION OF FIRE SAFETY FIRE OFFICER REQUIREMENTS N.J.A.C. 5:73-1.6 as outlined in NIMS Incident Management System Training and meet all levels 1, 2 and 3 based on on the position being elected to or assigned to as outlined.
- d. No person shall be eligible for the office of ~~First Lieutenant~~ who has not met the following qualifications:
 1. Meet all minimum qualifications for firefighter and driver ~~the office of Second Lieutenant,~~ in addition to the following minimum requirements:

2. ~~Meet all firefighter training qualifications. Complete 8-hour certified course on Vehicle Extrication.~~

3. ~~Reserved. Complete 8-hour course on Fire Ground Tactics and Strategy.~~

4. ~~Reserved. Complete, at a minimum, N.J.D.O.F.S. FIRE INSTRUCTOR 1 course.~~

5. ~~Complete 8-hour course on basic building construction.~~

5. 6. Course requirements above shall be conducted in accordance with the requirements for fire services training as defined in N.J.A.C. 5:73.

e. ~~No person shall be eligible for the office of Lieutenant who has not met the following qualifications:~~

1. ~~2. Complete 8-hour certified course on Vehicle Extrication.~~

2. ~~3. Complete 8-hour course on basic building construction.~~

3. ~~4. Meet requirements of NEW JERSEY DIVISION OF FIRE SAFETY FIRE OFFICER REQUIREMENTS N.J.A.C. 5:73-1.6 as outlined in NIMS Incident Management System Training and meet all levels 1, 2, AND 3 based on the position being elected to or assigned to.~~

4. 5. Meet all firefighter training qualifications and driver/operator qualifications CERTIFIED PUMP SCHOOL AND TRUCK SCHOOL, and any other training required by the borough's insurance carrier. as set forth in the West Long Branch Fire Department Training Annex.

5. ~~6. Course requirements above shall be conducted in accordance with the requirements for fire services training as defined in N.J.A.C. 5:73.~~

6. ~~7. Complete 8-hour course on Fire Ground Tactics and Strategy.~~

7. ~~8. Complete, at a minimum, N.J.D.O.F.S. FIRE INSTRUCTOR 1 16-hour course. on Instructional Techniques for Company Line Officers.~~

2-9.9 Election of Line Officers.

Election of company line officers, as well as other company officers, shall be by ballot, and such officers shall be chosen by a majority of the votes cast. If upon any ballot there be no election, a new ballot shall be cast and on each successive ballot the candidate receiving the lowest number of votes shall be dropped from the balloting. Such balloting shall continue until one (1) candidate shall have received a majority of votes cast. Nominations for officers and the Chief and

Assistant Chief shall be made on the first Monday in October, the nominations to remain open until annual meeting for election of officers to be held on the first Monday in November. The regular term of elected officers shall commence the first day of the year following the election. All voting members, with the exception of life members, shall be required to attend no less than three (3) company meetings per year prior to an election meeting to be eligible to vote for company or departmental officers.

2-9.10 Management of Companies.

The two (2) companies of the Fire Department shall manage their own affairs, subject to the terms and conditions of this section and regulations of the department and the approval of the Borough Council if the Council shall see fit to exercise such right of approval in the interest of the general welfare of the Borough.

2-9.11 Refusal to Obey or Enforce This Section.

Any company which shall refuse to obey or enforce obedience of any provisions of this section or direction of the Borough Council in accordance herewith, may be suspended from fire duty in the Borough of West Long Branch in the discretion of the Borough Council, and its control over the fire apparatus and fire equipment of the Borough in its charge shall thereupon cease and revert to the Borough.

2-9.12 Duty of the Officers to Preserve Orderly Conduct.

It shall be the duty of the officers of each company to prevent unauthorized persons riding on any fire apparatus going to or returning from a fire, or alarm of the fire; to prevent any racing of their company with any other company, and to abstain from and prevent any conduct that may be likely to cause a breach of the peace or reflect discredit on the Fire Department.

2-9.13 Duty of the Chief and Assistant Chief; Apparatus.

It shall be the duty of the Fire Chief, or in his absence the Assistant Fire Chief to examine all the fire apparatus, equipment and stations ~~in use~~ for the protection of the same, and report any defect thereof to the Fire Department Records Administrator and Fire Commissioner, Mayor and Council at its next regular meeting; he shall also file with the Mayor and Council, a the Fire Chief shall be responsible for the over all operations of the two fire companies' manpower, equipment and apparatus.

It shall also be the responsibility of the Fire Chief or, in his absence, the Assistant Fire Chief to submit a detailed monthly report of the number of responses, drills and operations for said month to the Fire Department Records Administrator and Fire Commissioner ~~fires, and the causes of the fires, and such other information as he shall think proper; he shall, under the direction of the Committee on Fire and Water, of the Mayor and Council, direct all necessary repairs to the apparatus which may be ordered to be built or repaired; he shall, in all cases of fire threatening danger or destruction to property, take efficient and prompt measures and use the means of the Department to extinguish the same and shall at such times on occasions of alarm of fire have sole and absolute control and command over all the fire apparatus, and all members of the Fire Department, and over all other fire apparatus and persons aiding and assisting the Fire Department in cases of actual fire.~~

2-9.14 Chain of Command in Chief's Absence.

In the absence of the Chief, his command shall devolve upon, and his duties be performed by the Assistant Chief, or in his absence, by the Senior Line Officer or a qualified ex-chief that meets the N.J.D.F.S. NIMS AND OFFICER REQUIREMENTS. ~~or former Chief first to arrive at the fire.~~

2-9.15 Chief and Assistant Chief Should Attend All Fires.

The Chief and Assistant Chief should attend all fires within the corporate limits when they are within responding distance, and are hereby empowered and required to take charge of any building which may be on fire. The Chief or Assistant Chief may in writing direct the removal or securing of any such material or materials, and in case the possessors of the same neglect or refuse to comply with such written directions, the party or parties so refusing or neglecting shall, on due conviction, be punished as provided in Subsection 2-9.27, the Chief and Assistant Chief are hereby vested with all the power of police officers of the Borough while going to, attending and returning from a fire, and shall preserve the peace, and protect private and public property.

2-9.16 Identification of Chief and Assistant Chief.

The Chief, Assistant Chief, and all Line Officers shall carry official identification when on duty.

2-9.17 Power of Chief to Suspend Any Member.

The Chief shall have power to suspend from duty any company or any member of any company for disobedience of his orders or the orders of the officer in

command when on duty. All appeals from his decision shall be made in writing within ten (10) days of notification to the Fire Department Board of Appeals, who shall try the same and affirm, reverse or change said decision of said Chief by majority vote.

a. The Fire Department Board of Appeals shall be comprised of the three (3) most recent former Chiefs, one (1) active or active exempt member from each company, and the Secretary (whose sole responsibility is to take notes of the proceedings) from the fire company from which the Chief belongs, who are empowered by this subsection to make the final decision on personnel matters. The active or active exempt members are to be elected by their respective company for a term of one (1) year. Said election will be held in conjunction with the annual company elections. Neither the current Fire Chief nor the current Assistant Fire Chief may serve as one of the active or exempt member(s) of the Fire Department Board of Appeals.

b. The Board of Appeals shall set forth honest and reasonable decisions on suspensions, which decisions will be voted upon, and must be unanimous.

c. The Board of Appeals, when necessary, may retain the Borough Attorney to mediate legal matters.

2-9.18 The Chief's Annual Report.

The outgoing Fire Chief shall file a complete year-end report no later than the second week in January to the Fire Department Records Administrator and Fire Commissioner. ~~upon the adoption of this section and annually thereafter at the Annual Meeting of the Mayor and Council, file a duly verified list and report, under oath with the Borough Clerk of all active members of the companies under his control and supervision which shall set forth the name and residence of all such firemen, whether a citizen of the United States, whether of good moral character, date of becoming a fireman, age at that time, company of which they are a member and percentage of fire duty performed during that year by each fireman.~~

2-9.19 Permission of Chief for Apparatus to Leave Borough.

No fire apparatus shall leave the Borough limits except by permission of the Chief; in case of emergency the Mayor or any member of the Fire and Water Committee of the Council, the Chief or Assistant Chief, or Line Officers may permit any apparatus to leave the Borough limits, the officer in charge to determine the company or companies to respond to the call. No fire apparatus

shall be used for any mere trial of skill or power except by consent of the Chief and Captain.

2-9.20 Department Training Division.

The Chief shall appoint a Department Training Committee consisting of a number not to exceed six (6) of Department training personnel within thirty (30) days upon taking office, with an equal number of training personnel appointed from each company if they meet the qualifications. Such personnel shall carry out efficiently and effectively the duties and responsibilities of the Fire Department. The Training Committee shall be subject to the terms and conditions of this section, and regulations of the Fire Department, and approval of the Borough Council, if said Council shall see fit to exercise such right of approval in the interest of the general welfare of the Borough. All appointments under this subsection shall include a statement of duties, responsibility, authority, and minimum qualifications. No person shall be eligible for the position of Department training personnel who does not meet the following minimum qualifications:

- a. Completion of courses resulting in certification as a fire service instructor per ~~New Jersey Subchapter N.J.A.C. 5:73 N.J. Uniform Fire Code Fire Service Training and Certification.~~ NEW JERSEY DIVISION OF FIRE SAFETY FIRE OFFICER REQUIREMENTS N.J.A.C. 5:73-1.6
- b. Such instructors shall meet or exceed all qualifications to be Captain per Subsection 2-9.8a, b and c.

2-9.21 Interference with Fire Apparatus Prohibited.

No person shall interfere with, impede or delay any apparatus in the Borough of West Long Branch in any manner or for any cause under their control, nor willfully drive or cause to be driven any vehicle over any hose or other fire apparatus nor in any manner willfully damage, deface or injure any hose or other apparatus at any time nor give nor cause to be given any false alarms of the fire in this Borough, nor meddle with, injure nor destroy any of the property appertaining to or belonging to the Fire Department or any fire alarm system connected therewith.

2-9.22 Fire Department Drivers.

Each company in the Fire Department of the Borough shall elect qualified drivers for each apparatus, and the approved list shall be timely forwarded to the Borough Administrator. Said drivers shall undergo an operator's proficiency test

administered by the Fire Company Line Officers annually, and said drivers to be experienced licensed drivers, and said drivers to be subject to the rules and regulations of the Fire Department and their respective companies.

a. Driver/operators must meet the following qualifications:

1. Have a valid New Jersey driver's license.

2. Meet NFPA 1002, Chapters, 1, 2, 3 and 4.

3. CDL license is not required for drivers of fire apparatus in the State of New Jersey.

b. Driver/operators of pumping apparatus must complete an advanced pump operator's course or similar course conducted by a recognized school or training organization.

c. Driver/operators of aerial apparatus must complete an advanced truck company operations course or similar course conducted by a recognized school or training organization.

d. Driver/operators of all other Department apparatus not specified in this section must be qualified and checked out by a certified instructor prior to driving or operating said apparatus.

e. All driver/operator qualification forms must be kept in a central training file location in Borough Hall, along with the annual driver's license check forms. An additional copy may be kept in each firehouse file system.

f. Only those officers for drivers holding the requirements to conduct training shall have the authority to conduct apparatus or any type of training to members of the department. At no time will any training be conducted without the approval of the Fire Chief or Assistant Fire Chief and company Captain. All required training documentation shall be completed by the Level II instructor or officer in charge. ~~Head drivers shall be designated by the Captain in each company and shall, together with the Line Officers, be the only persons who have the authority to conduct driver training and certification.~~

2-9.23 Fire Police.

It shall be the duty of each company in the Fire Department to elect or appoint Fire Police, the selections to be approved by the Mayor and Council.

2-9.24 Assistance from Out of Town Fire Departments.

Should a fire or emergency develop in the Borough limits that requires mutual aid ~~assistance from out of town Fire Departments~~, the Fire Chief or Officer in Charge (OIC) in his absence, the Assistant Chief, or in his absence the Line Officer(s) in charge shall have the authority to request any greater alarm assignment or special call resources as defined in the District 53 Response Plan that is on file with the dispatch center. ~~is hereby vested with power to call such out of town assistance as he shall deem necessary to aid in the extinguishing of the fire.~~

2-9.25 Penalty.

The penalty for any violation of this section to which no distinct penalty is attached shall be, in the case of an officer, degradation from his office and suspension from the Department, and, in case of a fireman, suspension from the Department, and these penalties shall be enforced at the option of the Board of Appeals as per Subsection 2-9.17b and c.

2-9.26 Reporting of Violations.

It shall be the duty of the officers of the Department to promptly report any violation of this section to the Chief, and that officer shall report the same to the Mayor and Council at its next meeting, and the Mayor and Council shall examine into such charge or charges and shall take such action thereon as it may deem advisable, provided that no penalty other than such as are herein provided shall be enforced.

2-9.27 Violations; Penalty.

Any persons who shall violate this section shall be liable, upon conviction, to a penalty as established in Chapter I, Section 1-5 of this Code.

2-9.28 Emergency Services Records Administrator.

- a. **Position Created.** There is hereby created the position of Emergency Services Records Administrator of the Borough of West Long Branch.
- b. **Duties of Emergency Services Records Administrator.** The duties of the Emergency Services Records Administrator shall include the following:
 1. All duties previously set forth in Subsection 2-9.28e.* and its subsections, both for the West Long Branch Fire Department, the First Aid Squad, and the Department of Public Works.

2. Maintain all national and State fire incident reporting, and record the same into the Borough's computer.
 3. Maintain all Federal and State mandated training records for all departments, and record the same into the Borough's computer.
 4. Coordinate with the Fire Department and First Aid Squad to insure that all fire and first aid vehicles are properly maintained. As authorized by the Fire Chief and First Aid Captain, schedule all repairs, maintenance and testing for the Fire Department and First Aid vehicles, and record the same into the Borough's computer.
 5. Maintain all records required by LOSAP, and record the same into the Borough's computer.
 6. Develop a schedule and maintain results of all Fire Department required testing of vehicles and equipment, as required by PEOSHA (Public Employees Occupational Safety & Health Act), including mandated and NFPA (National Fire Prevention Association) standards for ladders, pumps, hose, and SCBA (Self-Contained Breathing Apparatus), and record the same into the Borough's computer. Included therein is any other testing deemed appropriate by the Borough.
 7. At the beginning of each calendar year, advise the Fire Department and First Aid Squad officers of any testing which is to be scheduled for that coming calendar year.
 8. Maintain records regarding all purchases of equipment and vehicles for the West Long Branch Fire Department and the West Long Branch First Aid Squad, and set up a data base of all equipment purchased each year. These records will be maintained in the Borough's computer program.
- c. Appointment. The Emergency Services Records Administrator shall be appointed by the Mayor, with the advice and consent of the Council, pursuant to N.J.S.A. 40A:60-6(d). At least three (3) affirmative votes shall be required to appoint. He shall serve a term not exceeding one (1) calendar year, such appointment to terminate on December 31 of each year, or until his successor is appointed and qualified. Vacancies shall be filled for the balance of any unexpired term.

d. **Compensation.** The Emergency Services Records Administrator shall receive a salary as established in the annual salary ordinance, together with any approved stipend(s).

2-9.29 Compliance with Fire Department Occupational Safety and Health Program, NFPA 1500.

Compliance with the Fire Department Occupational Safety and Health Program, NFPA 1500, will be the responsibility of the Fire Chief and the Assistant Fire Chief, who will establish a committee, to see that all standards are met pertaining to NFPA 1500 for the West Long Branch Fire Department.

2-9.30 Consolidation of First and Second Lieutenant Positions.

Henceforth there shall be only a Lieutenant, and no longer a First Lieutenant or Second Lieutenant. All references in the ordinance to First Lieutenant or Second Lieutenant shall now be read simply as "Lieutenant."

2-9.31 Termination of Membership.

Any conviction under subsection 2-9.3Ac,6, c,7 or c,8 by any member, other than an honorary member, shall result in automatic termination of membership within the Fire Department. The company shall determine whether honorary membership shall be terminated or not.

10/17/18

Councilmember offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING PROPOSAL FOR GEESE CONTROL SERVICES

WHEREAS, the Borough has a need to contract for geese control services for Franklin Lake Park, Ronan-Shirvanian Park, Valenzano Park, and Sorrentino Park; and

WHEREAS, the Borough Administrator solicited a proposal from the Borough's current vendor, GEESE PATROL; and

WHEREAS, Robert Sullivan, of GEESE PATROL, submitted the attached proposal, dated September 19th, which provides for geese control services for Franklin Lake Park, Ronan-Shirvanian Park, Valenzano Park, and Sorrentino Park for the period of one year from acceptance and guarantees three visits per day, seven days per week or more as needed, nest removal and egg addling at a cost of \$1,945.00 per month; and

WHEREAS, funds are or will be available for this service;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached proposal submitted by GEESE PATROL, P.O. Box 11, Oceanport, New Jersey 07757, for the provision of geese control services for Franklin Lake Park, Ronan-Shirvanian Park, Valenzano Park, and Sorrentino Park at a cost of \$1,945.00 per month for a one year period from the date of acceptance; and

BE IT FURTHER RESOLVED that acceptance of this proposal is conditioned upon GEESE PATROL providing the Borough with monthly reports; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the attached Acceptance of Proposal for this service.

Seconded by Councilmember and carried upon the following roll call vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION APPROVING PAYMENT CERTIFICATE
OF TITAN DEMOLITION**

10/17/18

WHEREAS, TITAN DEMOLITION, 35 Cutters Dock Road, Woodbridge, New Jersey 07095, has completed work in connection with the 95 Poplar Avenue – Building Demolition project; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 3, in the amount of \$149,073.00, is in proper form and that the stated work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Payment Certificate No. 3, in the amount of \$149,073.00, as set forth in the Borough Engineer's letter dated October 11, 2018, is hereby approved; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to make payment in accordance with this resolution.

Seconded by Councilmember and carried upon the following roll call vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Councilmember offered the following resolution and moved its adoption:

10/17/18

RESOLUTION APPROVING PAYMENT CERTIFICATE OF MECO, INC.

WHEREAS, MECO, INC., P.O. Box 536, Clarksburg, New Jersey 08510, has completed work in connection with the 2017/2018 Road Improvement Program; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 2, in the amount of \$223,395.14, is in proper form and that the stated work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Payment Certificate No. 2, in the amount of \$223,395.14, as set forth in the Borough Engineer's letter dated October 11, 2018, is hereby approved; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to make payment in accordance with this resolution.

Seconded by Councilmember and carried upon the following roll call vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
Range: First to Last Rcvd: Y Held: Y Aprv: N
Format: Condensed Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00461	04/05/18	I0045	IMPERIAL BAG & PAPER	LIBRARY SUPPLIES	Open	115.26	0.00
18-00631	05/04/18	T0058	T&M ASSOCIATES	VARIOUS ENGINEERING PROJECTS	Open	8,647.00	0.00 B
18-00662	05/09/18	T0058	T&M ASSOCIATES	FRANKLIN LAKE HYDRILLA	Open	1,784.50	0.00
18-00668	05/10/18	M0237	MOTOROLA SOLUTIONS, INC	POLICE - EQUIPMENT	Open	1,524.00	0.00
18-00834	06/11/18	M0236	MECO INC.	2018-19 RD IMPROVEMENT PROGRAM	Open	223,395.14	0.00
18-00900	06/28/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	298.50	0.00
18-00912	06/29/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	298.50	0.00
18-01037	07/25/18	E0016	EDC ELECTRIC	PUB BLDGS - PARK MAINTENANCE	Open	2,129.00	0.00
18-01085	08/03/18	A0011	ADPRO IMPRINTS INC	F.A.S. UNIFORMS	Open	169.00	0.00
18-01090	08/05/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOR - P.D BRENNESSEL	Open	880.00	0.00
18-01095	08/05/18	E0007	EDWARDS TIRE CO. INC.	DPW-TIRES	Open	671.60	0.00
18-01105	08/06/18	F0075	FOREMOST PROMOTIONS	FIRE - ANNUAL FIRE SFTY SUPPLY	Open	1,641.91	0.00
18-01111	08/11/18	F0036	FOLEY MACHINERY COMPANY	DPW-EQUIPMENT REPAIR	Open	91.46	0.00
18-01141	08/14/18	A0011	ADPRO IMPRINTS INC	F.A.S. UNIFORMS	Open	338.00	0.00
18-01150	08/25/18	T0138	TITAN DEMOLITION	WLBR G1801 95 POPLAR BLDG DEMO	Open	149,073.00	0.00
18-01162	08/25/18	C0156	CUSTOM BANDAG	GBG / REC - TIRES - DPW	Open	627.26	0.00
18-01245	09/10/18	G0117	GRAINGER	P.D. EQUIPMENT	Open	134.00	0.00
18-01246	09/11/18	C0120	COMPLETE SECURITY SYSTEMS, INC.	POLICE - EQUIPMENT REPAIRS	Open	520.00	0.00
18-01250	09/15/18	S0070	STAPLES ADVANTAGE	PUB BLDGS - SUPPLIES	Open	240.62	0.00
18-01251	09/15/18	M0161	MR. JOHN, INC.	PUBLIC BLDG-PARK MAINTENANCE	Open	535.77	0.00
18-01262	09/18/18	W0040	WLB HISTORICAL SOCIETY	HISTORICAL LAWN CARE REIM	Open	300.00	0.00
18-01264	09/19/18	N118	NEW JERSEY GRAVEL & SAND	PARK MAINTENANCE	Open	95.55	0.00
18-01266	09/19/18	S0027	SIP'S PAINTS AND HARDWARE	PUB BLDGS - MAINTENANCE	Open	228.23	0.00
18-01267	09/19/18	J0034	JOHN'S AUTO REPAIR	DPW-VEHICLE REPAIR	Open	4,101.67	0.00
18-01270	09/19/18	G0051	GEORGE WALL LINCOLN MERCURY	DPW-SHOP SUPPLIES	Open	19.02	0.00
18-01273	09/19/18	K0022	KEMPTON FLAG & FLAGPOLE SUPPLY	PARK MAINTENANCE	Open	1,068.00	0.00
18-01274	09/19/18	S0106	SEA COAST CHEVROLET	P.D. REPAIRS AND SERVICE	Open	56.69	0.00
18-01279	09/22/18	W0040	WLB HISTORICAL SOCIETY	HISTORICAL MISC SUPPLIES REIM	Open	42.13	0.00
18-01281	09/22/18	N0037	NJ SHADE TREE FEDERATION	FEDERATION ANNUAL MEETING	Open	125.00	0.00
18-01292	09/24/18	P0116	PICASSO BUSINESS SOLUTIONS	A&E-COPIER	Open	23.22	0.00
18-01311	09/27/18	G0078	GEESE PATROL	ENVIRON-GEESE CONTROL	Open	1,445.00	0.00
18-01338	09/29/18	N0022	NJ INK SHOP, LLC	RECREATION - CLOTHING	Open	494.40	0.00
18-01345	09/29/18	S0106	SEA COAST CHEVROLET	P.D. REPAIRS AND SERVICE	Open	89.34	0.00
18-01350	09/29/18	S0070	STAPLES ADVANTAGE	P.D OFFICE SUPPLIES	Open	196.90	0.00
18-01352	10/01/18	T0038	TRS.ST OF NJ-DEPT HUMAN RES.	DUE STATE - MARRIAGE LICENSES	Open	325.00	0.00
18-01353	10/01/18	N0060	NJ STATE DEPARTMENT OF HEALTH	DOG FUND-DUE STATE	Open	5.40	0.00
18-01356	10/06/18	M0055	MON.CTY.REGIONAL HEALTH COMM.	HEALTH COMMISSION	Open	21,258.50	0.00
18-01371	10/13/18	D0015	DELTA DENTAL PLAN OF N.J.	DENTAL PREMIUM - 11/2018	Open	1,985.85	0.00
18-01372	10/13/18	T0001	TWO RIVERS WATER RECLAMATION	SEWER - ALL DEPARTMENTS	Open	540.00	0.00
18-01376	10/13/18	T0058	T&M ASSOCIATES	ENGINEERING PROF SERVICES	Open	2,411.64	0.00
18-01377	10/13/18	T0058	T&M ASSOCIATES	DEV ESCROW 856 ENGINEERING	Open	1,608.25	0.00
18-01378	10/13/18	R0076	RED BANK VETERINARY HOSPITAL	DOG FUND-MUN EXP	Open	326.80	0.00
18-01379	10/13/18	M0161	MR. JOHN, INC.	PUBLIC BLDG-PARK MAINTENANCE	Open	714.85	0.00
18-01380	10/13/18	M0054	BCM ONE	TELEPHONE	Open	1,818.91	0.00
18-01381	10/13/18	C0083	COMCAST	150CEAN: 8499-05-216-0042612	Open	94.90	0.00
18-01382	10/13/18	V0026	VERIZON WIRELESS	CELL PHONES SEPT, 2018	Open	1,242.09	0.00
18-01383	10/14/18	C0053	CITY OF LONG BRANCH	GAS/DIESEL - ALL DEPTS 9/2018	Open	7,859.95	0.00
18-01385	10/14/18	A0170	ACCSES NJ	PUB BLDGS - CLEANING SERVICES	Open	2,224.00	0.00
18-01386	10/14/18	T0031	TREAS.CTY OF MONMOUTH-DUMPING	LANDFILL - SEPTEMBER, 2018	Open	19,887.48	0.00
18-01387	10/14/18	A0071	AVAYA, INC	LIBRARY-TELEPHONE	Open	54.13	0.00

October 14, 2018
12:48 PM

BOROUGH OF WEST LONG BRANCH
Bill List By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-01389	10/14/18	C0083	COMCAST	965BROAD: 8499-05-216-0043313	Open	134.85	0.00
18-01390	10/14/18	N0029	NEW JERSEY AMERICAN WATER CO.	HYDRANTS 1018-210026568664	Open	7,342.72	0.00
18-01391	10/14/18	P0116	PICASSO BUSINESS SOLUTIONS	A&E-COPIER	Open	33.00	0.00
18-01392	10/14/18	V0027	VERIZON	TELEPHONE-SHARED SERV 10/2018	Open	392.20	0.00
18-01393	10/14/18	C0083	COMCAST	8499-05 216 0041994 379 MON RD	Open	206.46	0.00
18-01394	10/14/18	A0113	ATLANTIC SECURITY & FIRE, INC.	PUB BLDGS ALARMS - BORO HALL	Open	90.00	0.00
18-01396	10/14/18	G0002	GALL'S INC..	P.D CLOTHING 2018 GALL'S	Open	2,357.86	0.00
18-01398	10/14/18	T0058	T&M ASSOCIATES	DEV ESCROW 956 ENGINEERING	Open	8,335.00	0.00
Total Purchase Orders:		58	Total P.O. Line Items:	0	Total List Amount:	482,649.51	Total Void Amount: 0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
	8-01	248,098.92	0.00	248,098.92	0.00	0.00	248,098.92
	8-13	<u>332.20</u>	<u>0.00</u>	<u>332.20</u>	<u>0.00</u>	<u>0.00</u>	<u>332.20</u>
Year Total:		248,431.12	0.00	248,431.12	0.00	0.00	248,431.12
	C-04	223,395.14	0.00	223,395.14	0.00	0.00	223,395.14
	G-01	880.00	0.00	880.00	0.00	0.00	880.00
	T-03	9,943.25	0.00	9,943.25	0.00	0.00	9,943.25
Total of All Funds:		<u>482,649.51</u>	<u>0.00</u>	<u>482,649.51</u>	<u>0.00</u>	<u>0.00</u>	<u>482,649.51</u>