Salute to the Flag
Compliance with Open Public Meetings Act
Roll Call:

Council Members:

Murphy        Buie        Witte
Bergen        Lyden       Borowiec
Gabel, Council President

In Attendance:

Mayor Andes   Administrator Ward
Township Attorney Jansen  Other: __________

Public Portion (Please limit comments to a maximum of three (3) minutes)

PRESENTATIONS & DISCUSSIONS

PROPOSED ORDINANCE

CRIMINAL BACKGROUND CHECKS
Fire and First Aid Department Members

DISCUSSION FOR PROPOSED ORDINANCE

TOWNSHIP ANIMAL LICENSING SERVICES
Potential Three-Year Animal Licenses

R-18-41: Resolution Authorizing Executive Session to Discuss Collective Bargaining Negotiations

Motion to Adjourn
ORDINANCE NO. ______-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT CHAPTER 3, POLICE REGULATIONS, OF THE REVISED ORDINANCES TO REQUIRE PRESERVICE CRIMINAL HISTORY BACKGROUND CHECKS FOR NEW FIRE DEPARTMENT AND FIRST AID SQUAD VOLUNTEERS

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 3, Police Regulations, is hereby supplemented to establish new § 3-24 to read as follows:

“§ 3-24. PRESERVICE CRIMINAL HISTORY BACKGROUND CHECKS FOR NEW FIRE DEPARTMENT AND FIRST AID SQUAD VOLUNTEERS

§ 3-24.1. Definitions.

As used in this section:

CRIMINAL HISTORY BACKGROUND CHECK
Shall mean a determination of whether a person has a criminal record by crossreferencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification (“SBI”) in the Division of State Police.

FIRE DEPARTMENT
Shall mean the Fire Department of the Township Denville, as established pursuant to § 2-26.1 of the Revised Ordinances.

FIRST AID SQUAD
Shall mean the First Aid Squad of the Township Denville, as established pursuant to § 2-26.7 of the Revised Ordinances.

VOLUNTEER
Shall mean any unpaid person who serves with the Fire Department and/or First Aid Squad.

§ 3-24.2. Criminal history background checks for new volunteers.

a. Prior to beginning service as a volunteer with the Fire Department and/or First Aid Squad, any person 18 years of age or older must undergo a mandatory
criminal history background check. Applicants who fail to submit their fingerprints or otherwise refuse to consent to or cooperate in securing a criminal history background check shall not be considered for appointment.

b. Any person subject to the terms of this Section shall request through an independent agency designated by the Township, which agency ("registered agency") must be registered with the Volunteer Review Operations ("VRO") for such purpose, that the SBI conduct a criminal history background check on each prospective volunteer. The criminal history background check shall be conducted only upon receipt of the written consent from the prospective volunteer. The VRO program processes the applicant fingerprint cards, reviews records, and responds to the registered agency with a letter reporting on the existence of any conviction for crimes and/or offenses enumerated in N.J.S.A. 14A:3A-1 et seq. Neither the registered agency nor the Township shall receive a copy of the applicant's criminal history record.

c. The Township shall bear the costs associated with conducting criminal history background checks by the registered agency.

§ 3-24.3. Qualification.

In order to serve as a volunteer with the Fire Department and/or First Aid Squad, the result of the criminal history background check of the volunteer subject to the terms of this Section must be confirmation from the VRO that no conviction exists. The registered agency shall notify the volunteer and the Fire Chief of the status of the criminal history background check.

§ 3-24.4. Ongoing Criminal History Background Checks.

The Director of Public Safety reserves the right to require, on a random basis, that volunteers consent to criminal history background checks at any time while they are serving with the Fire Department and/or First Aid Squad.

§ 3-24.5. Exemptions.

Applicants under 18 years of age for the volunteer positions set forth in §§ 2-26.12–26.15 are exempt from the criminal history background check requirements set forth in this Section until such time as they turn 18 years of age. Within ten days of turning 18 years of age, such volunteers must initiate the criminal history background check process set forth within.

Volunteers of the Fire Department and/or First Aid Squad serving as of the effective date of this Ordinance are exempt from the preservice background check requirement set forth in § 3-24.2. However, such volunteers remain subject to the random criminal history background check requirement set forth in § 3-24.4.
§ 3-24.6. Oversight.

The Township Administrator or designee and the Fire Chief shall be responsible for coordination and administration of the criminal history background check program pursuant to this section.

§ 3-24.7. Appeals.

a. If the VRO letter indicates that a conviction exists and/or that the VRO was unable to locate a disposition of an enumerated crime or offense, the Fire Chief shall provide the applicant with a reasonable opportunity to obtain his/her own record from the SBI and review and challenge the accuracy of the information contained in the record.

b. At the option of the applicant, the applicant may obtain a copy of their criminal history record and submit it to the Township with a petition to approve his/her application. Such a petition must be considered by an appeal board ("Board") consisting of the Director of Public Safety, the Chief of Police and the Fire Chief within 30 days of the receipt of the petition. The appeal may be granted if the person has affirmatively demonstrated to the Board clear and convincing evidence of the person’s rehabilitation. In making this determination, the Board shall consider the following:

1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be.
2. The nature and seriousness of the offense.
3. The circumstances under which the offense occurred.
4. The date of the offense and the age of the person when the offense was committed.
5. Whether the offense was an isolated or repeated incident.
6. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision."

SECTION 2: This ordinance may be renumbered for purposes of codification.

SECTION 3. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.
SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST: 

KATHRYN BOWDITCH-LEON, RMC MUNICIPAL CLERK

APPROVED:

MAYOR THOMAS W. ANDES TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ______________, 2018

Kathryn Bowditch-Leon, RMC Municipal Clerk
New Jersey requires the licensing of all dogs (cats are a local option). The primary impetus for the State to require such licensing is to ensure all dogs are properly inoculated against rabies. The State law specifically states, “the owner must present proof that a licensed veterinarian has vaccinated the dog against rabies and that the duration of immunity from the vaccination extends through at least ten months of the [final] licensing [year].” Even now, some animal owners get frustrated when we do not issue licenses due to the fact their animal’s rabies vaccination expires prior to October 1st for dogs and April 1st for cats. As this is a State requirement, we do not have the legal authority to grant exemptions to this requirement.

During the last year, Administration has been examining the possibility of providing an option for both 1-year and 3-year animal licensing. We believe this will be a popular program from local animal owners. However, due to some intricacies in the State law associated with animal licensing, the implementation of a 3-year licensing program will require a considerable amount of explanation and public education as not all animal owners will be automatically eligible for the 3-year licensing option.

As an item on next Tuesday’s Work Session agenda, Administration wanted to provide you with a summary of the forthcoming requested code modifications.
Therefore, not all animal owners will be eligible to obtain a 3-year license during the first year based upon the expiration date of their current rabies vaccine. In our discussion and visit to another municipality that recently implemented 3-year animal licensing, their experience is that they had approximately 30% of their animal owners purchase 3-year licenses during each of the first three years the program was offered. Even when fully implemented, some pet owners (even though potentially eligible), opted for a variety of reasons to only obtain a 1-year license.

In our meeting with the other municipality, which included members of our Health Department and our Animal Control Officer, we also learned some of the minor problems they encountered. Notably, we have come up with a plan for multi-color animal tags which will assist the Animal Control Officer to identify those animals that have current or expired licenses.

With all of the computer issues worked out in our ability to track 3-year licenses, we are proposing to introduce and adopt the ordinance with an effective date of January 1, 2019. Therefore, the first cycle of animals eligible for 3-year licenses will be dogs for the 2019 licensing year. To be eligible for a 3-year license in 2019, a dog owner would have to provide proof their animal’s rabies vaccination is valid thru at least November 1, 2021. If not, they would only be eligible for a 1-year license.

**FEES**

We’ve also reviewed the fees and propose the following. Keep in mind the maximum annual fee that is permitted to be charged under State Statute for an animal license is $21.00, of which $1.00 - $4.00 is remitted from the Township to the State of New Jersey. The balance of the funds collected help offset the costs of operating our animal control program.

**Current Fees in Denville for a 1-year license:**

- $15.00 - Altered – 1-year License
- $18.00 - Unaltered – 1-year License
- $25.00 – Late Fee

**Recommended Fees in Denville for 1-year and 3-year license option:**

- $45.00 – Altered – 3-year License
- $54.00 – Unaltered – 3-year License
- $18.00 – Altered – 1-year License
- $21.00 – Unaltered – 1-year License

$10 – Late Fee + $5.00 per month thereafter (maximum $35.00)
In the above rate proposal, we provided an incentive for individuals to seek a 3-year license by maintaining the current rate for the 3-year licensing period. For those that elect to obtain a 1-year license, we are recommended a small increase of $3.00 per license per year.

Finally, in reviewing the fees of neighboring towns, we also recognized we had the highest late fee of any municipality we surveyed. At the current time, the late fee is $25.00 if you come in for your dog license 1-day late on February 1st or if you come in 6 months late on August 1st. The proposed system would reduce the late fee to $10.00 for those who may have been only a few days or weeks late and then tack on an additional $5.00 per month for those who are considerably late. We believe this is a much more reasonable and fair late fee structure.

If you have any questions, please let us know.

cc: Mayor
   Carlos Perez, Health Officer
   Police Chief Christopher Wagner
   Meredith Petrillo, Animal Control Officer
RESOLUTION

WHEREAS, the Open Public Meetings Act P.L. 1974, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, that the public shall be excluded from discussion of the following matter(s):

- A confidential matter, under Federal Law or State Statute, or rule of court
- A matter in which the release of information would impair a right to receive funds from the Government of the United States
- Material the disclosure of which constitutes an unwarranted invasion of privacy
- Collective bargaining negotiations.
- A matter involving the purchase, lease or acquisition of real property with public funds,
- Tactics and techniques utilized in protecting the safety and property of the public, including investigations of violations or possible violations of the law,
- Pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party, specifically  
- Matters falling within the attorney-client privilege
- A matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of a specific prospective public officer or employee employed or appointed by the public body
- Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit

BE IT FURTHER RESOLVED that minutes will be kept on file in the municipal clerk’s office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of a resolution approved by the Municipal Council at their meeting held on February 13th, 2018.

Certification date: ____________________________

Kathryn Bowditch-Leon, RMC
Municipal Clerk