

FILED

JUN 13 2012

GARRY S. ROTHSTADT, J.S.C.

SEGRETO, SEGRETO & SEGRETO, ESQS.
329 Belmont Avenue
Haledon, NJ 07508
(973) 389-1999
Attorneys for Plaintiffs

NORTH HALEDON FIRE COMPANY)	SUPERIOR COURT OF NEW JERSEY
NO. 1, JOHN BLEEKER, DAVID)	LAW DIVISION: PASSAIC COUNTY
STEVENSON, KYLE BLEEKER,)	DOCKET NO. PAS-L-004911-10
ANTONIO VALENTI, JOHN DECKER,)	
EDWARD STUTZ, THOMAS BOUSE,)	
MATTHEW SCUDIERI, ALEX)	
MALETTO, PETER SPALT, JOHN)	
DeKORTE and ROBERT BULMER)	
)	
Plaintiffs)	
vs.)	<u>Civil Action</u>
)	
BOROUGH OF NORTH HALEDON,)	
A Municipal Corporation of the State of)	CONSENT JUDGMENT
New Jersey)	
)	
Defendants)	

THIS MATTER having come before the Court for Trial and the parties having reached an amicable resolution of this matter, except as set forth below; and the parties having consented to the terms, form and contents hereof and for other good cause having been shown.

It is on this 13 day of June, 2012 **ORDERED AND ADJUDGED** as follows:

1. There shall be a one (1) year Activation Period for former members of the North Haledon Volunteer Fire Department from Company No. 1 and any new members recruited by

the Plaintiffs who comply in all respects with the application process currently in place for the North Haledon Fire Department or as required by law.

2. Any and all individuals complying with the aforementioned application process, shall be subject to a one (1) year Activation Period. The Defendant, Borough North Haledon, will take all possible actions to ensure that applications filed pursuant to the terms hereof are processed in a timely fashion. Notwithstanding said obligation of the Defendant, Borough of North Haledon, all individuals shall diligently pursue their own respective application.

3. The one (1) year Activation Period shall not commence until the application process is complete and all required training is complete but in no event later than 6 months from the date of the entry of this Judgment. The one (1) year Activation Period may commence sooner if the minimum numbers set forth in paragraph 12 have been achieved.

4. All individuals completing the application process pursuant to the terms hereof, shall attend all required training and be certified for active status in accordance with the applicable rules, regulations, and standards of the North Haledon Volunteer Department as implemented by the Fire Chief. All training shall occur at the Firehouse located on High Mountain Road or at such other location as may be determined by the Fire Chief. The said training and certification shall be under the observation of a State Certified instructor from the Passaic County Fire Academy.

5. The Defendant, Borough of North Haledon, shall adopt a grievance procedure for the North Haledon Volunteer Fire Department.

6. All individuals who complete the application process pursuant to the terms hereof shall be deemed to be part of the North Haledon Volunteer Fire Department for the one (1) year

Activation Period, provided they comply will all applicable standards, regulations and requirements of the North Haledon Volunteer Fire Department.

7. All individuals who have completed the application process and have been certified for active status pursuant to the terms hereof shall, during the one (1) year Activation Period, report for training, alarms and drills from the High Mountain Road Firehouse or as otherwise ordered by the Fire Chief.

8. During the one (1) year Activation Period the said individuals shall be required to respond to 20% of the alarms and 50% of the drills conducted by the Fire Department. Reporting to the Firehouse in response to an alarm and being on "stand-by" status at the Firehouse shall be deemed responding to the alarm for purposes of meeting the alarm criteria.

9. The Plaintiff, North Haledon Fire Company No. 1, shall immediately execute a deed to the Defendant, Borough of North Haledon, whereby the former conveys to the latter all of its right, title and interest in and to the real property commonly known as 811 Belmont Avenue, North Haledon, New Jersey together with all improvements thereto. Said Deed shall be held in escrow by the Honorable Joseph J. Riva, Retired Superior Court Judge. Said Deed shall only be released from escrow and recorded by Court Order, written agreement of the parties or in accordance with Paragraph 14 or 15 hereof.

10. During the one (1) year Activation Period, the Fire Chief shall submit a written report to the Council on a monthly basis by the fifth (5th) day of each month concerning the status of the individuals participating in the Activation process. The said report shall be sent to the Mayor of the Borough of North Haledon and copied to John J. Segreto, Esq., and Company No. 1 at the Firehouse at 811 Belmont Avenue prior to being placed on the agenda for a Council

meeting. A meeting with the Mayor, Fire Chief and designee of said individuals shall occur prior to the monthly regular Council meeting concerning the report.

11. During the one (1) year Activation Period, the Plaintiff North Haledon Fire Company No. 1 shall continue to occupy the Firehouse located at 811 Belmont Avenue and be responsible for all expenses associated with the same. Notwithstanding the terms of this Paragraph, all firematic equipment shall be assigned to and stored at the Firehouse on High Mountain Road unless otherwise ordered by the Fire Chief.

12. The minimum number of members to be obtained prior to the Activation Period and maintained during the one (1) year Activation Period and thereafter shall be 8
1 Class "A" Firemen and 2 Class "B" Firemen. It is acknowledged that parties hereto could not agree upon such minimum number of members and the parties have agreed to permit the Court to make this determination based upon applicable standards, Standard Operating Guidelines of the North Haledon Volunteer Fire Department, Borough of North Haledon Ordinances and other applicable standards and statutes and based upon Company No. 1 having one (1) apparatus, namely Engine No. 3 which was previously housed at the Company No. 1's Firehouse located at 811 Belmont Avenue.

13. If at the end of the one (1) year Activation Period, the individuals participating in same are deemed by the Mayor and Council of the Borough of North Haledon to have satisfied the criteria for eligibility, Engine No. 3 is to be returned to the 811 Belmont Avenue Firehouse and said individuals shall, thereafter, respond from Company No. 1's Firehouse at 811 Belmont Avenue under the supervision of the Fire Chief. At that time the Deed referenced in Paragraph 9 shall be released to the Plaintiff, North Haledon Fire Company No. 1.

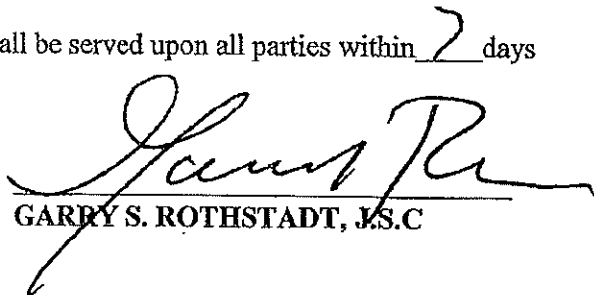
Class "A" is understood to mean individuals qualified to enter a burning structure. The number reflects twice the established minimum necessary for one apparatus at equal to current (2011) National response penalty which is greater than 3 people per fire.

14. If at the end of the one (1) year Activation Period, the individuals participating in same are deemed by the Mayor and Council to have **not** satisfied the eligibility criteria and they disagree with said determination, they must proceed by the filing of a Complaint and Order to Show Cause with the Superior Court of New Jersey within (30) days of said determination and the matter will be decided in Summary Manner pursuant to the Rules of Court, concerning only what occurred in the one (1) year Activation Period. The Deed referenced in Paragraph 9 hereof shall remain in escrow pending an Order of the Court.

15. If at the end of the one (1) year Activation Period, the individuals participating in the same are deemed by the Mayor and Council to have **not** satisfied the criteria for eligibility and they do not file a Complaint and Order to Show Cause within thirty (30) days of said determination as set forth in Paragraph 14, hereof, Judge Riva shall release the Deed referenced in Paragraph 9 hereof from escrow and deliver the same to the Municipal Clerk of the Borough of North Haledon and the Defendant, Borough of North Haledon shall be authorized to record the same in the office of the Passaic County Clerk.

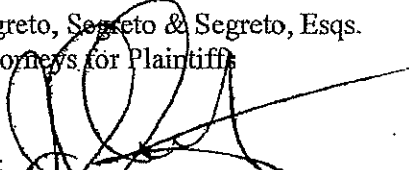
16. Plaintiff, North Haledon Fire Company No. 1 shall, at its costs and expense, hire and utilize a Borough of North Haledon Special Police Officer to be on duty at all hall rentals where alcoholic beverages will be served and/or consumed.

17. A copy of this Consent Judgment shall be served upon all parties within 2 days of the date hereof.


GARRY S. ROTHSTADT, J.S.C

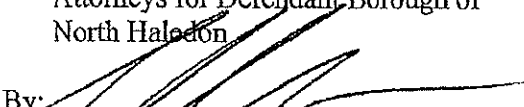
I hereby consent to the form, contents and entry of this Judgment.

Segreto, Segreto & Segreto, Esqs.
Attorneys for Plaintiff

By: 
JOHN N. SEGRETO

Dated: May 25, 2012


DeMarco & DeMarco, Esqs.
Attorneys for Defendant Borough of
North Haledon

By: 
MICHAEL P. DeMARCO

Dated: ^{June} ~~May~~ 12, 2012


JOHN BLEEKER, PLAINTIFF

Dated: May 24, 2012


RANDY GEORGE, MAYOR

Dated: ^{June} ~~May~~ 12, 2012

North Haledon Fire Company No. 1

By: 
RICK GENBERG, PRESIDENT

Dated: May 21, 2012