



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • MAY 16, 2024

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Statement of Compliance with Open Public Meetings Act: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2024 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute, Statement to the Public: Often times it may appear that the Mayor & Council take action with very little comment and in many cases by unanimous vote. Many items are of routine business that are placed on a Consent Agenda as they do not require additional discussion. Items not of a routine nature are first listed for discussion at a Workshop meeting prior to being listed for action at a Regular Meeting. Where appropriate, items are referred to a Council Committee for further study and investigation before being returned with a recommendation for the full Council to consider. The members of the Borough Council work via committees along with the Mayor, Borough Clerk and Administration to assure that the members fully understand the matter. There are occasions where matters are presented to the Mayor & Council for discussion and action at the same meeting when of a timely nature.

IV. Roll Call

V. PUBLIC COMMENT - Action Items Only: At this time, comments are invited on action items only. Upon being recognized by the Mayor, anyone wishing to address the Governing Body, please state your name and address. No member of the public may address or question individual Governing Body members or administration. Although public participation is welcomed and encouraged, the governing body may, through the Mayor or presiding officer, terminate remarks to and/or by any individual not keeping with the conduct of a proper and efficient meeting. The Borough bears no responsibility for comments made by members of the public. In order to permit the fair and orderly expression of public comment, questions from the public will be responded to, if feasible, after the public comment portion of the meeting is closed.

VI. Administrator's Report

1. Discussion: Proposed Amendments to Police Rules and Regulations

VII. Clerk's Report

VIII. 2024 MUNICIPAL BUDGET

1. **#2024-129** Resolution authorizing waiver of the 2024 Budget Reading in Full
2. **#1095** Ordinance Establishing a COLA/CAP Bank for CY2024
3. OPEN PUBLIC HEARING:
4. CLOSE PUBLIC HEARING
5. **#2024-130** Resolution Adopting the 2024 Municipal Budget

IX. Consent Agenda: All items listed under Consent Agenda, are considered routine by the Borough Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items.. If discussion is desired, that item will be removed from the Consent Agenda by request of the Council member and considered separately. There will be one motion for all items listed.

- | | | |
|------------------|----|--|
| #2024-131 | 1. | Resolution authorizing payment of BILL LIST 05-16-2024 |
| #2024-132 | 2. | Resolution authorizing an extension of the 3rd Qtr Grace Period |
| #2024-133 | 3. | Resolution authorizing Tax Sale Redemption #21-00005 |
| #2024-134 | 4. | Resolution to Refund Lienholder Due To Error |
| #2024-135 | 5. | Resolution to Cancel Uncollectible Taxes |
| #2024-136 | 6. | Resolution awarding contract for engineering services for FMERA MOU for Demolition of 800 Area Bldgs |
| #2024-137 | 7. | Resolution approving First Aid Membership - King, Kevin |

X. Resolutions

- #2024-138** 8. Resolution Setting Compensation for Action Camp 2024 Employees
- #2024-139** 9. Resolution authorizing competitive contracting for a Turf Fields Sports Consultant
- #2024-140** 10. Resolution amending certain fees for extra duty assignments for 2024
- #2024-141** 11. Resolution appointing Gianna Tafuri as Deputy Court Administrator
- #2024-142** 12. Resolution authorizing contract for electrical services to Gatta Park
- #2024-143** 13. Resolution awarding a contract to the Borja Group for Recreational Consulting Services
- #2024-144** 14. Resolution authoring change order for FMERA MOU Project: Bldg 555 Demo
- #2024-145** 15. Resolution authoring change order for FMERA MOU Project: Bldg 886 Demo
- #2024-146** 16. Resolution authoring change order for FMERA MOU Project: Engineering #1

XI. First Reading Ordinances

- #1096** Introduction of An Ordinance Adopting a Tree Removal & Replacement Policy
- #1097** Introduction of An Ordinance Concerning Privately-Owned Salt Storage
- #1098** Introduction of An Ordinance Repealing and Replacing Chapter 328 Stormwater Control
- #1099** Introduction of An Ordinance to Increase Fees for Liquor Licenses

XII. Second Reading & Public Hearing Ordinances

- #1092** 2nd Reading and PUBLIC HEARING of An Ordinance to amend the Development Application Fee Schedule
- #1093** 2nd Reading and PUBLIC HEARING of Ordinance Accepting Real Property for Right of Way and Road Width of Foggia Way
- #1094** 2nd Reading and PUBLIC HEARING of An Ordinance Amending Chapter 295, Article V Housing and Commercial Certificates of Occupancy

XIII. Council Standing Committee Reports

- 1. Councilman Deerin, Parks & Recreation
- 2. Councilman Gallo, Public Works & Engineering
- 3. Councilman Keeshen, Public Safety
- 4. Councilman O'Brien, Finance & Administration
- 5. Councilman Salnick, Health & Human Services
- 6. Council, Planning & Development

XIV. Mayor Tvrdik's Report

- XV. Public Comments:** The meeting has been opened for comments from the public. Upon being recognized by the Mayor or presiding officer, anyone wishing to address the Mayor & Council, please state your name and address. Any member of the public wishing to speak a second time or more will only be recognized after all members of the public wishing to be heard for a first time have been recognized. No member of the public may address or question individual Council members or administration. Although public participation is welcomed and encouraged, the governing body may, through the Mayor or presiding officer, terminate remarks to and/or by any individual not keeping with the conduct of a proper and efficient meeting. The Borough bears no responsibility for comments made by members of the public. In order to permit the fair and orderly expression of public comment, questions from the public will be responded to, if feasible, after the public comment portion of the meeting is closed.

XVI. Adjournment



Mayor & Council
910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED

DISCUSSION ITEM (ID # 3221)

Meeting: 05/16/24 07:00 PM
Department: Administration
Category: Policy
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3221

6.1

Discussion: Proposed Amendments to Police Rules and Regulations

From: [Michael P. Kelly](#)
To: [Donna Phelps](#); [Oceanport Mayor](#); [Bryan Keeshen](#)
Cc: [ADMIN](#); [Michael Chenoweth-OPPD](#); [Michael R. Fagliarone](#); [Jeanne Smith](#)
Subject: RE: Agenda Item - RE: Revised Police Department Rules and Regulations
Date: Thursday, May 9, 2024 11:38:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[Department Rules and Regulations-2018-corrected 1-18-2019.pdf](#)
[Rules and Regulations Revised-with notes.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Donna, see the attached. I have attached the Current Rules and Regulations, and the updated Rules and Regulations are attached with all the changes, additions, modifications in Red. Next to those changes, additions, modifications are the listed reasons for that change.

The entire updated format is based off Standardized Professional best practices as well as the format models on Accredited Police Departments within the State. This is an easier to use format with an Index and Numbering system. This revision follows the realization that even after the revision that was completed in 2018, our department rules and regulations were insufficient related to tasks, discipline, title 40 references and other regulated statutory requirements.

The current rules and regulations list the improper Appropriate Authority, statutory requirements as related to title 40, mandatory entries such as specifics related to drug and alcohol testing, specified rules infractions, including what are minor verses serious infractions, updated mission statement, a quick reference guide in the terms of a table of contents, a easy to reference numbering system, updated rank and command structure, the addition of Class III Special officer position, disciplinary procedures. (the last coming into play with disciplinary actions issues within the department over the last couple of years).

As per Title 40, and Borough Ordinance, The Appropriate Authority adopts and promulgates the Department Rules and Regulations. As such, and changes to the Rules and Regulations shall be brought forth by the Chief of Police to the Appropriate Authority.

Please pass this along to the Governing Body members for their review. They can look over the changes and refer to the current Rules and Regulations to see the notable and required changes.

Once the Rules and Regulations are reviewed and approved by the Appropriate authority and the Governing Body, we will forward the Rules and Regulations to our department members for view and familiarization.

Please contact me with any questions. Thank You.

Michael P. Kelly
 Chief of Police
 Oceanport Police Department
 930 Oceanport Way
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 Oceanport NJ 07757
 Phone: 732-222-6301 ext 3835

Fax-732-222-0945

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From: Donna Phelps <dphelps@oceanportboro.com>

Sent: Monday, May 6, 2024 10:40 AM

To: Michael P. Kelly <mkelly@oceanportpolice.org>; Oceanport Mayor
<mayor@oceanportboro.com>; Bryan Keeshen <ckeeshen@oceanportboro.com>

Cc: ADMIN <admin@oceanportpolice.org>; Michael S. Chenoweth
<mchenoweth@oceanportpolice.org>; Michael R. Fagliarone <mfagliarone@oceanportpolice.org>;
Jeanne Smith <JSmith@oceanportboro.com>

Subject: Agenda Item - RE: Revised Police Department Rules and Regulations

Hi Chief – Hope you are doing better and continuing the long process of recuperation. The revised PD Rules and Regs was discussed at last week’s Council meeting and distributed to the members for their review. Is there anyway the specific changes can be noted on the revised PD Rules and Regulations so the members can take a look at those changes. We are hoping to be able to have a Resolution approving the revised rules and regs at the next council meeting. Thanks.

Donna

From: Michael P. Kelly <mkelly@oceanportpolice.org>

Sent: Friday, April 19, 2024 9:12 AM

To: Oceanport Mayor <mayor@oceanportboro.com>; Bryan Keeshen <ckeeshen@oceanportboro.com>; Donna Phelps <dphelps@oceanportboro.com>

Cc: ADMIN <admin@oceanportpolice.org>

Subject: Revised Police Department Rules and Regulations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Following several months of research, review, and revision we have completed an overhaul and update to the Police Department Rules and Regulations. This is our “Bible” that includes everything that we are , perform, and follow.

This revision follows the realization that even after the revision that was completed in 2018, our department rules and regulations were insufficient related to tasks, discipline, title 40 references and other regulated statutory requirements.

The current rules and regulations list the improper Appropriate Authority, statutory requirements as related to title 40, mandatory entries such as specifics related to drug and alcohol testing, specified rules infractions, including what are minor verses serious infractions, updated mission statement, a quick reference guide in the terms of a table of contents, a easy to reference numbering system, updated rank and command structure, the addition of Class III Special officer position, disciplinary procedures. (the last coming into play with disciplinary actions issues within the department over the last couple of years).

As per Title 40, and Borough Ordinance, The Appropriate Authority adopts and promulgates the Department Rules and Regulations. As such, and changes to the Rules and Regulations shall be brought forth by the Chief of Police to the Appropriate Authority.

My Command Staff and I have reviewed the attached Rules and Regulations and agree that these rules and regulations are up to professional standards, modeled on current rules and regulations accreditation and contain all the required and necessary information for the effective and efficient operations of our police department.

Please carefully review the attached Rules and Regulations. I attached the document in word so that you may add comments, or any changes.

Once the Rules and Regulations are reviewed and approved by the Appropriate authority and the Governing Body, we will forward the Rules and Regulations to our department members for view and familiarization.

Thank You.

Michael P. Kelly
Chief of Police
Oceanport Police Department
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OCEANPORT POLICE DEPARTMENT
RULES AND REGULATIONS

1.0 Establishment of Police Department Rules and Regulations

1.1 Police Department Authority

1.1.1 The Police Department of the Borough of Oceanport is established pursuant to N.J.S.A. 40A:14-118 and (Chapter 16 of the Municipal Ordinances of the Borough of Oceanport).

1.2 Police Department Rules

1.2.1 Police Department Rules and Regulations Established. The Borough Council or its designee (a designated committee thereof or Borough Administrator) is designated as the appropriate authority as provided in the New Jersey statutes. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Borough Council or its designee shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members (N.J.S.A. 40A:14-118).

1.2.2 Right to Amend or Revoke. In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority to amend or to revoke any of the rules contained herein.

1.2.3 Previous Rules, Policies and Procedures. All rules previously issued, and policies, procedures and guidelines that are contrary to the rules contained herein, are hereby revoked. All other policies and guidelines shall remain in force.

1.2.4 Application. These rules are applicable to all police officers of the department and to all civilian employees of the department where appropriate.

1.2.5 Distribution. One copy of these rules shall be distributed to each employee of the department. Copies will also be maintained on file in the Department Training database, by the records clerk and in the Squad room.

1.2.6 Responsibility for maintenance. Employees shall be responsible for maintaining a current copy of the rules, including all additions, revisions, and amendments as issued.

- 1.2.7 The Chief of Police will advise the Appropriate Authority of any necessary changes or additions to the rules.
- 1.2.8 Familiarization. Employees shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules.

2.0 Definitions

- 2.1 Authority. The right to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies, and guidelines. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.
- 2.2 Chain of command. Vertical lines of communication, authority and responsibility within the organizational structure of the department.
- 2.3 Day Off. Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- 2.4 Directive. A document detailing the performance of a specific activity or method of operation. "Directive" includes:
 - 2.4.1 General Order: Broadly based directive dealing with policy and guidelines and affecting one or more organizational subdivisions of the department.
 - 2.4.2 Personnel order: A directive initiating and announcing a change in the assignment, rank or status of personnel.
 - 2.4.3 Special order: A directive dealing with a specific circumstance or event that is usually self-canceling.
- 2.5 Employee. All employees of the department, whether sworn regular or special police officers or civilian employees.
- 2.6 Governing Body: The Mayor and Borough Council of the Borough of Oceanport
- 2.7 Guideline. A written statement providing specific direction for performing department activities. Guidelines are implemented through policies and directives.

- 2.8 May/Should. As used herein words “may” and “should” mean that the action indicated is permitted.
- 2.9 Order. Any written or oral directive issued by a supervisor to any subordinate, or group of subordinates, in the course of police duty.
- 2.10 Policy. A statement of department principles that provides the basis for the development of guidelines and directives.
- 2.11 Shall/Will. The words “shall” and “will” as used herein, shall indicate that the action required is mandatory.
- 2.12 Supervisor. Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.
- 3.0 Rank and command
- 3.1 The order of Rank in the Police Department shall be:
- A. Chief-
 - B. Captain
 - C. Lieutenant-
 - D. Detective Sergeant (Assignment)
 - E. Sergeant-
 - F. Detective- (Assignment)
 - G. Patrolman-
 - H. Probationary Officer
 - I. Special Officer Class II-
 - J. Special Officer Class I-
 - K. Records Clerk-
- 3.2 Command in the Police Department shall be exercised by virtue of rank and in cases of equal rank by length of service in such rank, and where equal by length of service in the next preceding rank.
- 3.4 The Chief of Police, or his designee, may assign personnel to temporary positions such as Detective Sergeant and/or Detective. These positions are by assignment only and are not promotions.
- 4.0 Powers and Duties of Officers
- 4.1 Authority and Duties of the Chief of Police
- 4.1.1 Summary

The Chief of Police is the Chief Administrative Officer of the department and is directly responsible to the Police Committee for its efficiency and day-to-day operations. He is the final authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the department.

Through the Chief of Police, the department is responsible for the enforcement of all laws coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for the department's relations with local citizens, the local government and other related agencies.

The Chief is responsible for training of all members of the department. The Chief shall have general charge of the station house and all property of the police department.

4.1.2 General Duties and responsibilities:

1. Protect life and property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the department.
3. Abides by all rules, regulations and departmental guidelines and directives governing police officers.
4. As necessary, recommends and makes recommendations for the adoption of new town ordinances or the amendment of existing ones.
5. Supervises the maintenance of police vehicles and any other equipment needed for the operation of the department.
6. Prepares periodic and special reports, and assures that adequate records are maintained of all department activities. Forwards monthly activity reports to the Public Safety Committee.
7. Controls the expenditure of department appropriations and prepares annual budget estimates of needs.

8. Plans and coordinates training of members in procedures, duties and proper use of equipment.
9. Cooperates with other laws enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
10. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
11. Formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the police department
12. Ensures compliance with all laws that the department or its officers have the authority to enforce.
13. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.
14. Establishes a routine of daily duties to be performed by officers.
15. Assigns, details or transfers any member or employee of the department to or from any assignment wherever he shall deem such action necessary for the efficiency, discipline or morale of the department
16. Ensures that all members have copies of the department's Rules and Regulations and Guideline manuals.
17. Oversees Investigations all cases of alleged or apparent misconduct by department personnel, and makes determination of all disciplinary actions following Departmental Investigations.
18. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.

19. Promulgates all general and special orders of the department and issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities.
20. Supervises the safekeeping of all evidence and any property recovered, found or confiscated.
21. Maintains a personnel record system in which shall be kept all pertinent information on all departmental members and employees.
22. Notifies the Chairman of the Public Committee and the Borough Clerk any time that he intends to leave the borders of the State of New Jersey.
23. Reports immediately to the Chairman of the Public Safety Committee the death, resignation or suspension of any member and takes into custody all the equipment of the department issued to that officer.
24. Reports promptly to the Chairman of the Public Safety Committee the name of any member who, by reason of age, disease, injury or other cause, does not or is unable to fully and efficiently perform his duties. In his discretion, he may order the member to be examined by a physician selected by the borough for the purpose of determining his ability to perform his duties.
25. Reports in writing to the Governing Body all instances of special faithfulness to duty, exceptional skill and bravery in the performance of duty, and any recommendation as to special award or commendation to be made.
26. Certifies the correctness of all bills and vouchers relating to the Department and maintains an accurate record of all supplies ordered by and delivered to police headquarters.
27. Investigates and reports to the Public Safety Committee all cases involving personal injury or damage to property whereby the borough may be held liable.
28. Reports in person, when possible, at all serious incidents.
29. Reviews, plans, implements safety protocols and measures for Special Events within the Borough.

30. Ensures that Department Payroll is completed in a timely manner, maintains the schedule and makes any necessary changes regarding overtime, sick time, vacation time, Kelly time, Special Details, outside work assignments, meetings, Training, military time and/or any other leave of absence reflected on the Department work schedule.
31. Maintains an inventory of all property and belongings of the police department.
32. Causes an investigation into the background of each applicant for appointment to the Police Department, and reports the results to the Public Safety Committee.

4.1.3 Knowledge, Skills, and Abilities

The Police Chief must maintain comprehensive knowledge of laws, rules, and court decisions relating the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification, and radio communications; comprehensive knowledge of controlling laws and ordinances, thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgement in emergencies; demonstrated integrity; tact, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

4.2 Authority and Duties of the Captain

4.2.1 Summary

The Captain is the second highest rank authorized in the police department. The Captain possesses the authority in matters of policy, operations, and discipline delegated to him by the Chief of Police. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of department personnel.

The Captain is responsible for the enforcement of all laws coming within the legal jurisdiction of the department. He is responsible for planning, directing, coordinating, controlling and staffing all activities assigned to his command. The Captain shares responsibility with the Chief of Police for the continued and efficient

operation of the department, the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for the department's relations with local citizens, the local government, and other related agencies.

The Captain shares responsibility for the training of all members of the department.

4.2.2 General Duties and Responsibilities

1. Protect life and property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the department.
3. Abides by all rules, regulations and departmental guidelines and directives governing police officers.
4. As necessary, recommends and makes recommendations for the adoption of new policies and procedures or the amendment of existing ones.
5. Supervises the maintenance of police vehicles and any other equipment needed for the operation of his command.
6. Prepares periodic and special reports, and assures that adequate records are maintained of all command activities
7. Plans and coordinates training of members of his command in procedures, duties and proper use of equipment
5. Cooperates with other laws enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
6. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
7. In consultation with the Chief of Police, formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the police department
8. Ensures compliance with all laws that the department or its officers have the authority to enforce.

9. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.
10. Establishes a routine of daily duties to be performed by officers under his command.
11. Assigns, details or transfers any member or employee of the department to or from any assignment wherever he shall deem such action necessary for the efficiency, discipline or morale of the department with the prior approval of the Chief of Police.
12. Ensures that all members have copies of the department's Rules and Regulations and Guidelines manuals
13. Investigates all cases of alleged or apparent misconduct by department personnel and forwards that information to the Chief of Police for determination of all disciplinary actions.
14. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
15. Promulgates general and special orders for his command and issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities conveyed to him by the Chief of Police.
16. Supervises the Field Training Officers and the Field Training program and its proper implementation to train new officers.
17. Is the Commander of the Department's Internal Affairs Function, in which capacity the Captain shall:
 - a) Supervises internal affairs investigations.
 - b) Maintains Internal Affairs Reports and Files
 - c) Reports to the County Prosecutor in regards to internal affairs reporting on a quarterly and Annual Basis.
 - d) Recommends to the Chief of Police Internal Affairs discipline and disposition.
18. Reviews, plans, implements safety protocols and measures for Special Events within the Borough.

19. Ensures that Department Payroll is completed in a timely manner, maintains the schedule and makes any necessary changes in regards to overtime, sick time, vacation time, Kelly time, Special Details, outside work assignments, meetings, Training, military time and/or any other leave of absence reflected on the Department work schedule.
20. During the absence or disability of the Chief of Police, possesses temporarily all the powers, authority and responsibility and shall perform temporarily all of the duties of the Chief of Police.

4.2.3 Knowledge, Skills and Abilities;

The Captain must maintain comprehensive knowledge of laws, rules, and court decisions relating to the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification, and radio communications; comprehensive knowledge of controlling laws and ordinances, thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgement in emergencies; demonstrated integrity; tact, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

4.3 Authority and Duties of the Lieutenant.

4.3.1 Summary

The Lieutenant is the third highest rank authorized in the police department. The Lieutenant supervises the patrol operations of the Department and supervises the detective bureau and possesses such authority in matters of policy, operations, and discipline as delegated to him by the Chief of Police. He exercises all lawful powers of his assignment and issues such lawful orders as are necessary to assure the effective performance of personnel assigned to the Patrol and the Detective Bureau. The Lieutenant also supervises the Records Bureau.

The Lieutenant is responsible for the enforcement of all laws coming with the legal jurisdiction of the department. In consultation with the Chief and Captain, the Lieutenant is responsible for the planning, direction, coordinating, control and supervision of the Detective Bureau. The Lieutenant shares responsibility with the command above for the continued efficient operation of the Department, the enforcement of rules and regulations within

the department, for the completion and forwarding of such reports as may be required by proper authority and for the Departments relations with local citizens, the local government, and other related agencies.

The Lieutenant, in consultation with the Chief and Captain, shares responsibility for implementation of mandatory and in-service training of all members of the Department. The Lieutenant will work with, and supervise, the Sergeants of the Department and ensures that the Sergeants are properly following all supervisory functions within patrol, as well as all aspects assigned to them, and are knowledgeable on policy, procedures, and laws.

4.3.2 General Duties and Responsibilities:

1. Protect life and Property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the department.
3. Abides by all rules, regulations and departmental guidelines and directives governing police officers.
4. Supervises the Patrol Sergeants and the Departments Patrol Functions.
5. Supervision of all investigations assigned to the Detective Bureau.
6. Informs the Chief and Captain about progress of all investigative responsibilities.
7. Prepares periodic and special reports, and assures that adequate records are maintained of all command activities.
8. Ensures that Department Payroll is completed in a timely manner, maintains the schedule and makes any necessary changes in regards to overtime, sick time, vacation time, Kelly time, Special Details, outside work assignments, meetings, Training, military time and/or any other leave of absence reflected on the Department work schedule.
9. Oversee and supervises the operations of the Records Bureau.
10. Plans and coordinates training of members of the Department in procedures, duties and proper use of equipment.

11. Cooperates with other laws enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
12. Investigates all cases of alleged or apparent misconduct by department personnel and forwards that information to the Chief of Police for determination of all disciplinary actions.
13. Ensures compliance with all laws that the department or its officers have the authority to enforce.
14. Organizes, directs, and controls all resources assigned to his command to preserve the peace, protect persons and property and enforce the law.
15. Establishes a routine of daily duties to be performed by officers under his command.
16. Reviews, plans, implements safety protocols and measures for Special Events within the Borough.
17. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
18. Supervises the safekeeping of all evidence and any property recovered, found or confiscated by members of the Department.

4..3.3 Knowledge, Skills and Abilities

The Lieutenant must maintain comprehensive knowledge of laws, rules, and court decisions relating the administration of criminal justice and law enforcement; comprehensive knowledge of controlling laws and ordinances, thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgement in emergencies; demonstrated integrity; tact, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

4.4 Authority and Duties of the Sergeant

4.4.1 Summary

The Sergeant serves as the front-line level of supervision in the Department. His primary responsibility is exacting the proper performance of police duty from patrol officers.

The Sergeant is charged with enforcing Department rules and ensuring compliance with the Department's regulations. He handles all infractions and reports violations to the Captain or Lieutenant.

He shall thoroughly acquaint himself with the duties of patrol officers and shall assist and instruct the officers under his supervision in the proper performance of their duties.

He shall be responsible for the proficiency, discipline, conduct, appearance, and strict attention to duty of all officers.

A Sergeant with the Department may be assigned to specialized assignment, or supervise a specific assignment that is a required function within the Department such as:

1. Supervisory Firearms Instructor
2. Supervisor of Traffic Safety
3. Internal Affairs Officer
4. Field Training Officer
5. TAC Officer
6. Other specialized assignments as determined by the Chief of Police, or Captain.
7. Training officer in any police related specialization or topic.

4.4.2 General duties and Responsibilities of Sergeants

1. Protect Life and Property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
3. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
4. Instructs and trains new police officers and assists those concerning difficult police problems and cases.
5. Performs all work required of a police officer.

6. Prepares reports on a variety of police Department activities.
7. Supervises patrol officers assigned to him
8. Maintains active, working knowledge of Departmental rules, policies, procedures, and developments in the law that affect him and members under his supervision.
9. Continuously audits the performance of officers under his supervision to determine whether they are properly, effectively, and consistently carrying out their police duties. In particular, compares field practices with the standards established through written orders.
10. Ensures that when the performance of an officer under his command is unsatisfactory, measures are taken through encouragement, explanation, referral to his superior officer or other means consistent with departmental policy to see that the officer's future conduct is up to standard.
11. Submits a written report to the Captain or Lieutenant regarding any member of the Department who commits a serious breach of the rules and regulations of the Department, or where informal corrective measures prove inadequate. Includes in this report the complete details of the misconduct and of corrective measures attempted. Examples of types of misconduct which would ordinarily be considered "serious" include, but are not limited to the following:
 - a. Flagrant refusal to obey orders.
 - b. The commission of any criminal offense.
 - c. Oral or physical abuse of a member of the public.
 - d. Excessive use of force with a prisoner or other person.
 - e. Absence without leave.
 - f. Excessive tardiness
 - g. A Conflict of interest.

- h. Failure amounting to negligence to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public.
 - i. Repeated failure to respond to orders, instructions or other admonitions to correctly execute duties.
12. Implements all orders received from the Chief or Captain and/or Lieutenant. To this end, thoroughly explains to Departmental personnel under his command the content and meaning of new orders that affect their responsibilities.
 13. Accountable for the actions or omissions of the officers under his supervision which are contrary to Departmental regulations or policy.
 14. Responds to emergencies, incidents, or dispatches as required. Takes command of the situation until relieved by an officer of superior rank.
 15. Ensures that all patrol officers receive, serve, or deliver warrants, summonses, subpoenas or other official papers and performs relevant duties promptly and accurately.
 16. Performs other duties as may be assigned by the Chief, Captain or Lieutenant.

4.4.3 Knowledge, Skills and Abilities

The Sergeant must maintain thorough knowledge of the rules and regulations of the Department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent state laws, municipal ordinances and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; commands respect of the officers and assigns, directs and supervises their work; handles the public courteously and firmly and establishes and maintains satisfactory public relations; analyzes complex police problems and situations and adopts quick, effective, and reasonable courses of actions; skilled in the use of police equipment, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

4.5 Authority and Duties of the Detective

4.5.1 Summary

Assignments received usually consist of specific cases to be followed to conclusion, normally closing with the preparation of a case for prosecution. This aspect of the work distinguishes the investigator from other police personnel who make preliminary investigations of cases at the scene of the crime.

4.5.2 General Duties and Responsibilities

1. Protect life and property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
3. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
4. Investigates all assigned cases to the best of one's ability.
5. Demonstrates skills in interviewing and interrogating, properly observing legal safeguards.
6. Testifies in various state and federal court proceedings; presenting a professional competent image of the Department.
7. Develops and maintains case files and other files or paperwork appropriate to investigative matters, Knowledgeable about relevant legal processes such as grand juries, obtaining warrants, understands and safe guards the constitutional rights of suspects under investigation.
8. Informs the Lieutenant about progress of all investigative responsibilities and completes bi-weekly reports that are forwarded to the Lieutenant of relevant cases, incidents being investigated.
9. Maintains liaison with investigators of the County Prosecutor's officer, State Police and other local and federal law enforcement agencies on matters of mutual concern.
10. Performs all duties required of police officers.
11. Timely completion of background investigations for firearms permits, solicitor permits, and volunteer organizations.

12. Collects, stores, inventories evidence, and maintains records for evidence submission, collection, and destruction.
13. Services as the Departments Juvenile officer, handling cases which involve juvenile involvement or cases where the schools are involved.
13. Performs other duties as assigned by the Lieutenant, Captain or Chief of police.

4.5.3 Knowledge, Skill and Abilities:

Possess substantial knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; general knowledge of geography of the municipality and important buildings; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise reports; skill in the use of police equipment; physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

4.6 Authority and Duties of Police Officer

4.6.1 Summary

A Police officer is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary to the safe and good order of the community. A police officer shall:

1. Protect life and property
2. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
3. Reduce the opportunity for the commission of crime through preventative patrol and other measures.
4. Aid people who are in danger of physical harm.
5. Facilitate the movement of vehicular and pedestrian traffic.

6. Identify potentially serious law enforcement or governmental problems.
7. Promote and preserve the peace.
8. Provide emergency service.

Although the police officer position is non-supervisory, he or she may be the senior officer working in absence of a Sergeant, Lieutenant, or the Captain. That senior officer, when working with a less experienced officer, shall be responsible for the supervision, proficiency, discipline, conduct, appearance, and strict attention to duty of all subordinate officers working with them. Police officer duties are performed on an assigned shift under the general guidance of the Police Chief, Captain, Lieutenant, and/or Sergeant.

4.6.2 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.
4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report to the proper borough officials, any violations of any of the borough codes which may come to his attention.

10. Strives to improve their skills and techniques through study and training
11. Maintains weapons and equipment in a functional, presentable condition.
12. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.
13. Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
14. Answers questions asked by the general public, counsels juveniles and adults when necessary and refers them to persons or agencies where they can obtain further assistance.
15. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels
16. Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
17. Confers with prosecutors and testifies in court.
18. Accomplishes other general duties as they are assigned or become necessary.
19. Performs other duties as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants
20. Cooperates with the efforts of other law enforcement agencies.
21. Police officers may be assigned to specific tasks within the Department by the Chief of Police, Captain, and/or Lieutenant. These assignments include:
 - a. Backup Detective duties and rendering assistance in the Detective Bureau.
 - b. Traffic Safety Officer.
 - c. Field Training Officer

d. Drug Awareness and Resistance Education, or School drug and alcohol education officer.

e. Firearms Instructor, Radar Instructor, Drug Recognition Expert, or any other Police related Instructor or assignment that is beneficial to the Department or the Community.

f. T.A.C. Officer

g. Any Multi-agency assistance entity, such as M.O.C.E.R.T (SWAT). County RDF (Rapid Deployment Force), Narcotics Task Force, S.C.A.R.T. (County Accident Response Team).....etc...

4.6.3 Specific duties and responsibilities: Preventative Patrol.

1. Patrols an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:
 - a. Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths etc. Conditions that contribute to crime should be reported. The location of telephones and other emergency services should be noted.
 - b. Apprehending persons violating the law or wanted by the police.
 - c. Completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered or additional information is discovered pertaining to a previously reported offense, and completes any necessary follow-up reports.
 - d. Preserving any serious crime scene until the sergeant or detective arrives.
 - e. Public assembly checks.
 - f. Building security checks.
 - g. Observing and interrogating suspicious persons.
 - h. Issuing traffic citations.

- i. Being alert for and repressing fires.
 - j. Reporting street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety
 - k. Checking schools, parks and playgrounds
 - l. Responding to any public emergency
- 2. Conducts a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collects evidence and records data, which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
- 3. Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions and informs superiors as soon as the situation permits.
- 4. Responds to situations brought to the officer's attention while in the course of routine patrol or when assigned by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
- 5. Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty has issued authorization for a temporary absence.
- 6. Patrols area giving particular attention to and frequently rechecking locations where the crime hazard is great. Insofar as possible, a patrol officer shall not patrol an area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.
- 7. Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.
- 8. Concerning a patrol vehicle:
 - a. See that it is well maintained mechanically and that it is kept clean both inside and out.

- b. Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
 - c. Removes the keys whenever the patrol car is left unattended for any reason.
 - d. Uses only vehicles assigned by the Captain or senior police officer on duty
 - e. Operates the radio according to FCC regulations and current Departmental procedures.
 - f. Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.
- 9. Keeps radio equipment in operation at all times and remains thoroughly familiar with Departmental policy concerning its use.
 - 10. Takes measures to direct the flow of traffic during periods of congestion.
 - 11. Notifies the Sergeant or officer-in-charge on duty if more than a temporary absence from regular duties is required.

4.6.4 Specific duties and responsibilities: Traffic Patrol.

- 1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
- 2. Enforces the parking ordinances and motor vehicle laws in the patrol areas in specified areas, or where the need to conduct the necessary targeted enforcements actions are required. (Radar enforcement, traffic light enforcement,
- 3. Alert to traffic safety conditions which may endanger or inconvenience the public and reports such conditions to the Sergeant or officer-in-charge.
- 4. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant, or officer-in-charge, at the earliest possible opportunity.

5. Wears the prescribed traffic safety clothing and equipment.

4.6.5 Knowledge, Skills and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Some knowledge of the philosophy, objectives and practices of counseling, particularly as related to juveniles; some knowledge of the fundamental principles of adolescent psychology; knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise oral and written reports; skill in the use of firearms and police equipment; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

4.7 Duties of the Special Officer Class II

4.7.1 Summary

A Special Officer Class II, who is appointed by the Governing Body on a yearly basis, is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary to the safe and good order of the community. A Special Officer Class II police officer shall:

1. Protect life and property
2. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
3. Reduce the opportunity for the commission of crime through preventative patrol and other measures.
4. Aid people who are in danger of physical harm.
5. Facilitate the movement of vehicular and pedestrian traffic.

6. Identify potentially serious law enforcement or governmental problems.
7. Promote and preserve the peace.
8. Provide emergency service.

4.7.2 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.
4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report to the Supervisor, who in turn will report to the proper borough officials, any violations of any of the borough codes which may come to his attention.
10. Strives to improve their skills and techniques through study and training
11. Maintains weapons and equipment in a functional, presentable condition.

12. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.
13. Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
14. Answers questions asked by the general public, counsels' juveniles and adults when necessary and refers them to persons or agencies where they can obtain further assistance.
15. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels
16. Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
17. Confers with prosecutors and testifies in court.
18. Accomplishes other general duties as they are assigned or become necessary.
19. Performs other duties as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants
20. Cooperates with the efforts of other law enforcement agencies.

4.7.3 Specific duties and responsibilities: Preventative Patrol.

1. Patrols an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:
 - a. Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths etc. Conditions that contribute to crime should be reported. The location of telephones and other emergency services should be noted.

- b. Apprehending persons violating the law or wanted by the police.
 - c. Completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered or additional information is discovered pertaining to a previously reported offense, the officer must produce any necessary follow-up reports.
 - d. Preserving any serious crime scene until the sergeant or detective arrives.
 - e. Public assembly checks.
 - f. Building security checks.
 - g. Observing and interrogating suspicious persons.
 - h. Issuing traffic citations.
 - i. Being alert for and repressing fires.
 - j. Reporting street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety
 - k. Checking schools, parks and playgrounds
 - l. Responding to any public emergency
2. Conducts a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collects evidence and records data, which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
 3. Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions and informs superiors as soon as the situation permits.
 4. Responds to situations brought to the officer's attention while in the course of routine patrol or when assigned by

radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.

5. Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or officer-in-charge on duty has issued authorization for a temporary absence.
6. Patrols area giving particular attention to and frequently rechecking locations where the crime hazard is great. Insofar as possible, a patrol officer shall not patrol an area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.
7. Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.
8. Concerning a patrol vehicle:
 - a. See that it is well maintained mechanically and that it is kept clean both inside and out.
 - b. Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
 - c. Removes the keys whenever the patrol car is left unattended for any reason.
 - d. Uses only vehicles assigned by the Captain, Lieutenant, Sergeant or senior police officer on duty
 - e. Operates the radio according to FCC regulations and current Departmental procedures.
 - f. Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.
 - g. Keeps radio equipment in operation at all times and remains thoroughly familiar with Departmental policy concerning its use.

- h. Takes measures to direct the flow of traffic during periods of congestion.
- i.. Notifies the sergeant or officer-in-charge on duty if more then a temporary absence from regular duties is required.

4.7.4 Specific duties and responsibilities: Traffic Patrol.

1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
2. Enforces the parking ordinances and motor vehicle laws in the patrol areas
3. Alert to traffic safety conditions which may endanger or inconvenience the public and reports such conditions to the sergeant.
4. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant or officer-in-charge at the earliest possible opportunity.
5. Wears the prescribed traffic safety clothing and equipment.

4.7.5 Knowledge, Skills and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Some knowledge of the philosophy, objectives and practices of counseling, particularly as related to juveniles; some knowledge of the fundamental principles of adolescent psychology; knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise oral and written reports; skill in the use of firearms and police equipment; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of

successfully performing all of the essential functions required for the position of police officer.

4.8 Duties of Class I special Officers

A Special Officer Class I, who is appointed by the Governing Body on a yearly basis, is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general assigned police responsibilities necessary to the safe and good order of the community. A Special Officer Class I officer is a part time employee who is assigned to special details, events, and/or outside details as scheduled by the Chief, Captain, Lieutenant, Sergeants, or other officers following Department policy. Special officer Class I shall:

1. Protect life and property
2. Identify criminal offenders and criminal activity and, where appropriate, notify a superior officer (Patrol Officer or Class II Special Officer) of such offense.
3. Aid people who are in danger of physical harm.
4. Facilitate the movement of vehicular and pedestrian traffic.
5. Identify potentially serious law enforcement or governmental problems.
6. Promote and preserve the peace.
7. Provide emergency service.

4.8.2 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.

4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report the Supervisor, who in turn will report to the proper borough officials, any violations of any of the borough codes which may come to his attention.
10. Strives to improve their skills and techniques through study and training
11. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.
12. Answers questions asked by the general public, and when necessary and refers them to persons or agencies where they can obtain further assistance.
13. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels
14. Performs other duties as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants

4.8.3 Specific duties and responsibilities: Preventative Patrol.

1. Patrols an assigned event or work area for general purposes of crime prevention and public safety. These may include:

- a. Being thoroughly familiar with the assigned route of the event. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths etc. Conditions that contribute to hazards should be reported.
 - b. Observing persons violating the law or wanted by the police and making notification to Officers on duty.
 - c. Issuing traffic citations or parking citations.
 - d.. Being alert for and repressing fires.
 - e. Reporting street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety
 - f. Checking the assigned areas for hazards, criminal activity, suspicious activity
- 2. Responding to any public emergency.
- 3. Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions and informs superiors as soon as the situation permits.
- 4. Responds to situations brought to the officer's attention while in the course of the assigned event or detail and notify the supervisor or officer by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
- 5. Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty has issued authorization for a temporary absence.
- 6. Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.
- 7. Concerning a patrol vehicle:
 - a. See that it is well maintained mechanically and that it is kept clean both inside and out.

- b. Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
 - c. Removes the keys/secure vehicle whenever the patrol car is left unattended for any reason.
 - d. Uses only vehicles assigned by the Captain, Lieutenant, Sergeant or senior police officer on duty
 - e. Operates the radio according to FCC regulations and current Departmental procedures.
 - f. Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.
- 8. Keeps radio equipment in operation at all times and remains thoroughly familiar with Departmental policy concerning its use.
 - 9. Takes measures to direct the flow of traffic during periods of congestion.
 - 10. Notifies the sergeant or senior officer on duty if more than a temporary absence from regular duties is required.

4.8.4 Specific duties and responsibilities: Traffic Patrol.

- 1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
- 2. Enforces the parking ordinances and motor vehicle laws in the patrol areas
- 3. Alert to traffic safety conditions which may endanger or inconvenience the public and reports such conditions to the sergeant.
- 4. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant at the earliest possible opportunity.

5. Wears the prescribed traffic safety clothing and equipment.

4.8.5 Knowledge, Skills and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Understanding of relevant laws of search and seizure; ability to deal effectively with juveniles and adults; maintenance of police equipment; use of handcuffs, O.C. spray and side handle baton; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of successfully performing all of the essential functions required for the position of Special Officer Class I.

4.9 Duties of Records Clerk.

4.9.1 Summary

The Records Clerk shall be responsible for the accurate maintenance, filing and retrieval of all criminal, accident and other incident reports and records resulting from or relating to the operations of the Department and shall perform such other duties as may be assigned from time to time by the Chief of Police, Captain and/or Lieutenant.

4.9.2 General duties and Responsibilities:

1. Collect, Maintain, and disseminate case files and reports within the Department.
2. Prepare, organize, and answer to requests for discovery, and other reports.
3. Work with the courts and Officers to ensure proper paperwork is available for court case presentation.
4. Prepare monthly incident/status reports for the Chief of Police.
5. Notify Officers of subjects requesting police assistance when arriving at Headquarters.

6. Disseminate request made under Open Public Records and provide responses to the appropriate requester.

7. Preparing completed firearms applications related to all types that fall within the scope of New Jersey Firearms laws.

8. Any and all other functions as related to the efficient and organized operations within the Records Bureau.

4.9.3

In addition to the Department's Rules and Regulations, members of the Police Department, and Records Clerks are also included in the scope of the Borough of Oceanport Personnel Policy.

5.0 Rules of Conduct

5.1 General Conduct

- 5.1.1 Performance of duty. All employees shall promptly perform their duties as required or directed by law, Department rule, policy, directive, guideline, or by lawful order of a superior officer.
- 5.1.2 Action off duty. While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and Department policy.
- 5.1.3 Obedience to laws and rules. Employees shall report any information concerning suspected criminal activity of others.
- 5.1.4 Withholding Information. Employees shall report any information concerning suspected criminal activity of others.
- 5.1.5 Reporting violations of law or rules. Employees knowing of other employees violating laws, ordinances, or rules of the Department, shall report same in writing to the Chief of Police, Captain or Lieutenant through official channels. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, Captain or Lieutenant through official channels may be bypassed.
- 5.1.6 Insubordination. Employees shall not:
 - a. Fail or refuse to obey a lawful order given by a supervisor;

- b. Use any disrespectful or abusive language or action toward a supervisor.
 - 5.1.7 Conduct toward Other Department Employees. Employees shall treat other Department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
 - 5.1.8 Compromising Criminal Cases. Employees shall not interfere with the proper administration of criminal justice.
 - 5.1.9 Recommending attorney and bail bond brokers prohibited. Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.
 - 5.1.10 Use of force. Employees shall follow the Monmouth County Prosecutors Office, and Department policies and procedures on the use of force.
 - 5.1.11 Physical fitness. Police officers shall maintain good physical condition so that they can handle the strenuous physical activities often required of a law enforcement officer.
 - 5.1.12 Driver's license. Employees operating Department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate Supervisor giving full particulars.
 - 5.1.13 Address and telephone numbers. Employees are required to have a telephone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.
- 5.2 Orders
- 5.2.1 Issuing orders
 - a. Manner of issuing orders. Orders from a supervisor to a subordinate shall be in clear and understandable language.
 - b. Unlawful orders. No supervisor shall knowingly issue any order which is in violation of any law or ordinance.

- c. Improper orders. No supervisor shall knowingly issue any order which is in violation of any Department rule, policy, or procedure.

5.2.2 Receiving orders

- a. Questions regarding orders. Employees in doubt as to the nature or detail of an order shall seek clarification from their supervisors by going through the chain of command.
- b. Obedience to unlawful orders. Employees are not required to obey any order which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.
- c. Obedience to improper orders. Employees who are given any order which is contrary to Department rule, policy, or procedure must first obey the order to the best of their ability and then report the improper order as provided.
- d. Conflicting orders. Upon receipt of an order conflicting with any previous order, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued only when reasonable necessary for the good of the Department.
- e. Reports of unlawful or improper orders. An employee receiving an unlawful or improper order shall, at first opportunity, report in writing to the next highest ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted by the Chief of Police
- f. Criticism of official acts or orders. Employees shall not criticize the actions or orders of any Department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the Department.

5.3 Police Records and Information

- 5.3.1 Release of information. Employees shall not release any information nor reveal any confidential business of the Department

to the public or the press except as provided in Department policy and guideline.

- 5.3.2 Department records. Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under Department policy and guidelines.
- 5.3.3 Reports. No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the Department.
- 5.4 Gifts, rewards, etc.
 - 5.4.1 Soliciting or accepting benefits. Employees shall not directly or indirectly solicit, accept or agree to accept any benefit not allowed by law to influence the performance of their official duties.
 - 5.4.2 Rewards. Employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty, except that which may be authorized by law and Department policy.
 - 5.4.3 Disposition of unauthorized gifts, gratuities. Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a special unnumbered report explaining the circumstances. A desk log entry shall also be made, noting the item received.
- 5.5 Alcoholic beverages and drugs
 - 5.5.1 Consuming alcoholic beverages before duty. Employees shall not consume alcoholic beverages within eight hours prior to reporting for duty.
 - 5.5.2 Being under the influence. Employees shall not report for duty under the influence of any alcoholic beverage.
 - 5.5.3 Consuming alcoholic beverages on duty. Employees of the Department shall not consume any alcoholic beverage while on duty.
 - 5.5.4 Exception. Employees while assigned to duty in civilian clothes may consume alcoholic beverages only if such consumption:

- a. is absolutely necessary in the performance of duty, and
 - b. has been approved by the appropriate supervisor, and
 - c. does not render the employee unfit for proper and efficient performance of duty.
- 5.5.5 Consuming alcoholic beverages off duty in uniform. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.
- 5.5.6 Alcoholic beverages in police headquarters. Alcoholic beverages shall not, at any time, be consumed in police buildings or facilities.
- 5.5.7 Supervisors' responsibility. Supervisors shall not assign to duty or allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or medication.
- 5.5.8 Possession of alcoholic beverages. Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any police Department building or vehicle, except for evidential or other authorized purpose.
- 5.5.9 Entering licensed premises. Employees in uniform shall not enter any licensed premises where alcoholic beverages are sold or stored, except in the performance of duty and in compliance with Department policy. Employees may enter a licensed establishment for the purpose of picking up a purchased meal, provided that the meal is removed from the premises and consumed at an appropriate other location.
- 5.5.10 Taking medication on duty. Employees of the Department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
- 5.5.11 Notification about medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the

employee reporting for duty. This information so provided shall be confidential.

5.6 Drug Testing

5.6.1 The Oceanport Police shall ensure that its members are free from illegal drug use. The critical mission of law enforcement justifies the maintenance of a drug-free work environment through the use of a drug-testing program. It is the goal of these rules and regulations to prevent the hiring of those engaged in illegal drug use, deter illegal drug use by law enforcement officers and to identify and remove those officers engaged in the illegal use of drugs.

5.6.2 Procedure:

a. Trainees will be required to submit to one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the Rules and Regulations established by the Police Training Commission.

b. Individual trainees shall be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, Chief of Police, or the Academy Director.

c. Urine specimens shall be ordered from a sworn Law Enforcement Officer or Class II Special Law Enforcement Officers when there exists reasonable suspicion to believe that the officer or employee is illegally using drugs. Urine specimens shall not be ordered without the approval of the County Prosecutor or the Chief of Police.

d. Urine specimens may be ordered from sworn Law Enforcement Officers or Class II Special Law Enforcement Officers who have been randomly selected to submit to a drug test. Random selection is defined as a method of selection in which each and every member of the Department, regardless of rank or assignment, has an equal chance to be selected each and every time a selection is conducted.

5.6.3 Notification of Drug Testing Procedures.

A. Trainees: Drug testing of trainees will be governed by the Police Academy the trainee is attending. Positive results on the drug test will result in:

- (1) The trainee's termination from employment;
- (2) Inclusion of the name in the Central Drug Registry maintained by the Division of State Police;
- (3) The trainee being permanently barred from future law Enforcement in New Jersey.

B. Sworn Police officers/Class II special Officers Reasonable Suspicion Testing:

- (1). Individual Police officers and Class II Special Law Enforcement officers are required to submit to a drug test when there is reasonable suspicion to believe that the officer/employee is illegally using drugs.
- (2). Before an officer or employee is ordered to submit to a drug test, a written report shall be prepared which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor and/or the Chief of Police before a reasonable suspicion test may be ordered.
- (3). A negative test result is a condition of employment and a positive result will result in termination from employment. A positive result for a sworn officer will result in:
 - (a) Termination of employment
 - (b) Inclusion of the officer's name in the Central Drug Registry by the Division of State Police
 - (c) Being permanently barred from future Law Enforcement employment in New Jersey.
 - (d) Any officer or employee who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so shall be subject to the same penalties as those who test positive for the illegal use of drugs.

D. Sworn Law Enforcement Officers/Class II Special Law Enforcement Officers: Random Drug Testing.

1. All sworn officers and Class II officers of the Oceanport Police, regardless of rank or assignment, are eligible for random drug testing.
2. Random drug testing shall be conducted semi-annually. The dates of the selections shall be determined by the Chief of Police. Each selection shall result in testing of one (2) officer(s).
3. The Oceanport Police shall use a computer program which randomly selects social security numbers from its database.
4. All employees will have an equal chance to be selected for testing each and every time a selection takes place.
5. Members of the Employees Collective Bargaining Unit shall be permitted to witness the selection process.
6. Any member who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action.
7. Officers selected who are on Sick leave, Vacation, or other authorized leave will appear as soon as they return from approved leave.
8. Any officer, who refuses to submit to a drug test when randomly selected, is subject to the same penalties as those who test positive for illegal use of drugs. An officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

5.6.4 Preliminary Requisition Procedures

1. The Internal Affairs Commander (Captain) shall serve as monitor of the specimen acquisition process. In the event the Internal Affairs Commander is selected for testing the Chief of Police shall serve as monitor. When the Chief of

Police is selected the Captain shall serve as monitor. The Chief of Police may designate another officer to monitor applicant specimen collection.

2. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from this Department to monitor the specimen collection, a member of the same sex will be requested from another law enforcement agency to serve as monitor of the process.

3. Prior to specimen submission, all current employees shall complete a medical questionnaire which clearly describes all medications both prescription and over-the-counter which were ingested in the past fourteen (14) days.

5.6.5 Specimen collection:

1. Throughout the test process, the identity of individuals who have submitted specimens shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.

2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.

3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.

4. Individuals will provide the sample without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. Reasons for direct observation must be documented.

5. Individuals that initially are unable to produce a urine specimen shall remain under the supervision of the monitor until the monitor is satisfied that the individual cannot

produce a sample. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to produce a specimen after a reasonable amount of time the monitor shall have the individual examined by a Physician contracted by, or approved through the Governing body, to determine whether the inability to produce a specimen was the result of a medical condition or constituted as a refusal to cooperate with the drug testing process.

6. Sworn Law Enforcement Officers / Class II Special Law Enforcement Officers shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.

5.6.6 Submission of specimens for Analysis

1. The New Jersey State Toxicology laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of Law Enforcement drug tests. Law Enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.

2. Urine specimens should be submitted to the State Toxicology Laboratory within one (1) working day of their collection. In the event a specimen cannot be submitted to the laboratory within one (1) working day of its collection, the Department shall store the specimen in a controlled access refrigerated storage area until submission to the laboratory.

3. Submissions of the specimens to the laboratory shall be accomplished by personnel designated by the Chief of Police.

5.6.7 Analysis of Specimens

1. The State Toxicology Laboratory shall utilize test procedures as determined by their Standard Operating Procedures.

2. Following their test procedures, positive test results are reviewed by a Medical Review Officer. Results of the test are compared to the medical questionnaire submitted with

the specimen to determine if any substance listed on the questionnaire would explain the test result. The Medical Review Officer may direct the Department to obtain additional information from the individual being tested in the event the questionnaire does not explain the test result indicating that the specimen tested positive.

3. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:

- Amphetamine/Meth Amphetamine Barbiturates
- Benzodiazepine
- Cannabinoids
- Cocaine
- Methadone
- Phencyclidine
- Opiates

4. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test, specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

5. The Chief of Police may request that one or more specimens be analyzed for the presence of steroids.

5.6.8 Drug Test Results

1. The State Toxicology Laboratory shall notify the Department of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the agency within fifteen (15) working days of the submission. The State Toxicology Laboratory will, upon request, provide the submitting agency with written documentation that one or more specimens submitted tested negative.

2. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the Medical Review Officer has reviewed the results of that test.

3. The Department shall notify the individual of the results of a positive test result as soon as possible after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.

4. Under no circumstances may a specimen be resubmitted for testing.

5.6.9 Consequences of a Positive Test Result:

When a trainee tests positive for illegal drug use:

1. The trainee shall be immediately dismissed from Basic Training and suspended from employment.
2. The trainee shall be terminated from the Department upon final disciplinary action.
3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
4. The trainee shall be permanently barred from Law Enforcement employment in New Jersey.

When a Sworn Officer / Class II Special Officer tests positive for illegal drug use:

1. The Officer / Class II Special Officer shall be immediately suspended from all duties.
- 2 The Officer / Class II Special Officer shall be terminated upon final disciplinary action.
- 3 The Officer shall be reported to the Central Drug Registry maintained by the Division of State Police.
- 4 The Officer shall be permanently barred from future Law Enforcement employment in New Jersey.

5.6.10 Consequences of Refusal to Submit to a Drug Test.

1. Trainees who refuse to submit to a drug test shall be immediately removed from the academy and, immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit to a drug test, the trainee

shall be terminated and permanently barred from Law Enforcement employment In New Jersey, The trainee's name shall be submitted to the Central Drug Registry.

2. Sworn officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated and permanently barred from Law Enforcement employment In New Jersey. The officer's name shall be forwarded to the Central Drug Registry.

5.6 Duty conduct

- 5.7.1 Reporting for duty. Employees shall report for duty at the time and place specified, properly uniformed and equipped.
- 5.7.2 Absence from duty. An employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave.
- 5.7.3 Prohibited activity on duty. Employees who are on duty are prohibited from engaging activities which are not directly related to the performance of their duty (e.g., sleeping, conducting private business, or gambling).
- 5.7.4 Smoking while on duty. Employees shall not smoke, chew tobacco or Vape except in authorized areas. Employees shall not smoke, chew tobacco or Vape on duty while in direct contact with the public. Employees shall not smoke or Vape or chew tobacco while in Department vehicles.
- 5.7.5 Personal radios. The use of portable radios and any other form of entertainment other than equipment authorized by the department is prohibited while on duty. An exception will be allowed for officers standing a Monmouth Park Race Track traffic post, provided the volume is kept reasonable.
- 5.7.6 Relief. Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.

- 5.7.7 Meals. All meals are to be consumed within authorized areas, subject to modification by the supervisor.
- 5.7.8 Training. Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.
- 5.8 Uniforms, appearance and identification.
 - 5.8.1 Regulation uniform required. All police officers and uniformed civilians shall maintain uniforms prescribed in Department policy and guidelines. Uniforms shall be kept neat, clean and well-pressed at all times.
 - 5.8.2 Manner of dress on duty. Employees shall wear the uniform or civilian clothing on duty as prescribed by Department policy and guidelines for the employee's current assignment.
 - 5.8.3 Wearing jewelry on duty. Police officer on duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform officers on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with Department policy.
 - 5.8.4 Personal appearance. Employees, while on duty, shall be neat and clean in person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform officers on duty from dressing appropriately for the conditions of their current assignment in accordance with Department policy.
 - 5.8.5 Wearing or carrying identification. Employees shall wear or carry their Department identification at all times, provided that it is practical under the circumstances.
 - 5.8.6 Identification as police officer. Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.
- 5.9 Department equipment and property

- 5.9.1 All equipment and uniforms, firearms and ammunition, batons, shields and badges which may be supplied to the members of the Police Department shall be the property of the Borough of Oceanport. All equipment used in the Police Department shall be as prescribed by the Captain or Chief of Police.
- 5.9.2 Equipment on duty. Employees shall carry all equipment on duty as prescribed in Department policy and guideline based on their assignment.
- 5.9.3 Equipment off duty. Employees shall carry equipment off duty as prescribed in Department policy and guidelines based on their assignment.
- 5.9.4 Firearms. Employees shall follow Monmouth County Prosecutor's Office and Department policy and guidelines on the care and handling of firearms.
- 5.9.5 Department Property and Equipment. Employees are responsible for the proper care of Department property and equipment assigned to them.
- 5.9.6 Use of department property and equipment. Employees shall not use any Department property or equipment for personal business or pleasure.
- 5.9.7 Damaged or Inoperative property or equipment. Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any Department equipment or property.
- 5.9.8 Care of Department buildings. Employees shall not mark or deface any surface in headquarters. No material shall be affixed to any wall in headquarters without specific authorization from the appropriate supervisor.
- 5.9.9 Notices. Employees shall not mark, alter or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining units.
- 5.9.10 Use of Department vehicles. Employees shall not use any department vehicle without the permission of a supervisor.

Department vehicles shall never be used for personal business or pleasure except as provided for in department policy.

- 5.9.11 Operation of Department Vehicles. When operating department vehicles, employees shall not violate traffic laws except in cases of emergency and then only in conformity with state law and department policy and procedure regarding same.
- 5.9.12 Transporting citizens. Citizens will be transported in department vehicles on in conformance with Department policy.
- 5.9.13 Reporting Accidents. Accidents involving Department personnel, property, equipment and vehicles must be reported in accordance with department policy and guideline.
- 5.9.15 Inspection. Department property and equipment is and remains the property of the Department and is subject to entry and inspection without notice.
- 5.9.16 Liability. If Department property is damaged or lost as a result of misuse or negligence by an employee, that employee will be held liable to reimburse the Department for the damage or loss and is subject to disciplinary action.
- 5.9.17 Surrender of Department property.
 - a. Upon separation from the Department. Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the Department for then fair market value of the article.
 - b. Under suspension. Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other Department property to the appropriate supervisor pending disposition of the case.
- 5.10 Communications, correspondence.
 - 5.10.1 Restrictions. Employees shall:
 - a. Not use Department letterheads for private correspondence.
 - b. Only send correspondence out of the Department under the direction of the appropriate supervisor.

- 5.10.2 Forwarding Communications. Any employee who receives a written communication for transmission to another employee shall forward same without delay.
- 5.10.3 Use of Department Address. Employees shall not use the Department as a mailing address for private purposes. The Department address shall not be used for any private vehicle registration or driver license.
- 5.10.4 Telephones. Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.
- 5.10.5 Radio discipline. Employees operation the police radios shall strictly observe the procedures and restrictions for such operations as set forth in Department policy and procedure and by the Federal Communications Commission.
- 5.10.6 Social Media: Employees shall follow the Department policy on the use and transmission of all social media.
- 5.11 Conduct toward public.
 - 5.11.1 Courtesy. Employees shall be courteous and orderly in their dealing with the public. They shall perform their duties politely, avoiding profane language and shall always remain calm regardless of the provocation.
 - 5.11.3 Request for Identification. Upon request, employees are required to supply their identification in a courteous manner.
 - 5.11.4 Impartiality. Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.
 - 5.11.5 Use of Derogatory Terms. Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.
 - 5.11.6 Affiliation with Certain Organizations Prohibited. No employee shall knowingly become a member of any organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.

5.11.7 Representing the Police Department. Employees shall not give public speeches or demonstrations on behalf of the department, nor shall they endorse any product or service as a representative of the department, without prior approval from the Chief of Police.

5.12 Political Activities.

5.12.1 Employees shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the Monmouth County Prosecutor.

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

5.12.3 Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.

5.12.4 Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.

5.12.5 Employees shall not engage in any polling duties except in the performance of their official duties.

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

5.13 Judicial appearance and testimony

5.13.1 Duty of employees to appear and testify. Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation.

5.13.2 Subpoena. Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case of other competent court officials.

- 5.13.3 Court Appearance. When appearing in court on Department business, employees shall wear either the Department uniform or appropriate business attire.
- 5.13.4 Testifying for the Defendant. Any employee subpoenaed to testify for the defense or against the municipality or Department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena.
- 5.13.5 Department Investigations. Employees are required to answer questions, file reports, or render material and relevant statements, in a Departmental investigation which such questions and statements are directly related to job responsibilities. Employees shall be advised of, and permitted to invoke, all applicable constitutional and statutory rights, including consultation with their designated representative.
- 5.13.6 Truthfulness. Employees are required to be truthful at all times whether under oath or not.
- 5.13.7 Civil action, Subpoenas. Employees shall not volunteer to testify in civil actions arising out of Department employment and shall not testify unless subpoenaed. If the subpoena arises out of Department employment or if employees are informed that they are a party to a civil action arising out of Department employment, they shall immediately notify the appropriate supervisor.
- 5.13.8 Civil Depositions and Affidavits. Employees shall confer with the appropriate supervisor before giving a deposition or affidavit on a civil case relating to their police employment.
- 5.13.9 Civil action, Expert witness. Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Monmouth County Prosecutor.
- 5.13.10 Civil Process. Employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate supervisor.

6.0 Personnel Regulations.

6.1 Duty Hours

- 6.1.1 Hours of Duty. Employees shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. Employees are subject to be recalled to duty as needed.

6.1.2 Scheduled Days Off. Employees are entitled to days off pursuant to appropriate collective bargaining agreements and are to be taken according to a schedule arranged by the appropriate supervisor.

6.2 Annual Vacation.

6.2.1 All full-time police officers are authorized an annual vacation allowance without loss of pay. For policemen, this vacation allowance or leave will accrue to the individual on calendar-year basis as listed in the employee's collective bargaining agreement.

6.2.2 All periods of vacation must be arranged for in advance in accordance to procedures established by the Chief of Police.

6.2.3 Unused vacation time cannot be accumulated from one year to another. Any unused allowance will be cancelled on January 1 of the following year unless it is established that the individual's duties, injury or illness have prevented him from using his leave in full. In such cases, and upon the recommendation of the Public Safety Committee, the Governing Body may approve the carrying over of such unused vacation allowance into the next calendar year, which must then be taken before June 1 of that year. Anyone allowed to carry vacation time into the next calendar year will not be allowed to take more than three consecutive weeks of vacation at any one time without prior approval of the Governing Body.

6.2.4 Any member of the Police Department whose employment is terminated within six months of his hiring will not be entitled to annual vacation or pay in lieu thereof.

6.2.5 The Chief of Police and/or the Captain will establish and maintain a register of annual vacation allowance earned and taken by all members of the Police Department and shall furnish a copy to the Borough Clerk

6.3 Holidays

6.3.1 Holidays will be administered as outlined in the collective bargaining agreement.

6.4 Sick Leave. Definition: Sick leave is the absence from work of an employee because of illness, injury while off-duty or the employees need to care for a member of the immediate family who is seriously ill.

- 6.4.1 Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and Department policy and procedures.
- 6.4.2 Abuse of Sick Leave. Employees who take sick leave in violation of Department policy shall be subject to disciplinary action.
- 6.4.3 Full time members of the Police Department are entitled to sick leave benefits, which accrue as follows:
 - a. New employees will accrue ½ day per month during the first calendar year of employment
 - b. After the first calendar year and through the fifth calendar year, 12 days of sick leave will be accrued each year.
 - c. The sixth calendar year, and thereafter, sick leave is accrued at 15 days per year. Unused sick leave can be accumulated from year to year.
- 6.4.4 Permanent part-time employees are not eligible for sick leave benefits.
- 6.4.5 The Chief of Police and/or Captain. will maintain a record of all sick leave earned, taken and accrued by all members of the Police Department. A copy will be furnished to the Borough Clerk. All members of the Police Department will be given an annual statement in writing as to the status of his sick leave earned, taken and accrued.
- 6.4.6 Disposition of accrued sick leave benefit at retirement, will be administered as outlined in the collective bargaining agreement.
- 6.5 Excused Absence.
 - 6.5.1 Leave of absence, without pay, may be granted to full time members of the Police Department, at the discretion of the Governing Body.
 - 6.5.2 Full-time members of the Police Department may be excused on workdays, without loss of pay, at the discretion of the Public Safety Committee. For guidance, excused absence includes, but is not limited to, time required for activities that cannot be handled during off-duty hours such as:
 - 1. Deaths or grave illness in the immediate family.
 - 2. Religious observance.

3. When representing the borough in an important event.
 4. When required to appear for jury duty
- 6.5.3 In the event of a death in the employee's immediate family, and upon notification by the employee to the Chief of Police, the employee will be granted a leave of absence with pay not to exceed three days. Additional leave may be granted when necessary with the approval of the Governing Body.
 - 6.5.4 "Immediate Family" shall include employee's spouse, children, stepchildren, grandchildren, parents, stepparents, grandparents, brothers, sisters, mother-in-law, father-in-law, aunts, uncles, nephews, and nieces.
 - 6.5.5 "Illness in the immediate family" is illness which is serious enough to require the presence at home of the employee. "Immediate family" in this case shall be limited to the employee's spouse or children or other members of the employee's household.
 - 6.5.6 Employees receiving jury duty notification will immediately provide their Department head with a copy of the summons to report. If an employee is released early from jury duty, the employee shall contact the Department head to determine whether the employee's services are required for the remainder of the day.
- 6.6 On-the-job injury leave.
 - 6.6.1 When a full time employee shall be injured or disabled resulting from or arising due to his/her employment with the borough, said employee shall be entitled to receive full pay for up to thirty days from the date of injury of disability, less any money received from workman's Compensation. The injured employee shall:
 1. Notify the Chief of Police or Supervisor of the injury immediately.
 2. Any injury, no matter how minor, will be noted in the report on the incident and a separate report on the injury will be filed by the officer injured, if possible, or by the other officer on the shift.
 3. The Chief of Police will notify the appropriate Borough Representative of the injury and any pertinent information.

4. Notify the appropriate Borough contracted company for notification of the injury and any pertinent information.
5. File for workmen's compensation after the proscribed waiting period
6. Notify his employer of money received from compensation.
7. Submit to the employer, a physician's certificate stating the nature of the injury or disability that prevents the employee from returning to work.

6.6.2 If at the end of thirty days, the employee has not returned to work, full pay will continue to be paid to the employee provided that a physician's certificate states that the injury or disability continues to keep the employee from work. The physician should also stated the estimated length of the disability

6.7 Leave of Absence

- 6.7.1 Military leave, Maternity leave and any other absence without pay shall be granted as provided in United States and News Jersey Statutes.
- A. Planned leave without pay for any other reason for periods exceeding two weeks will be extended to full time employees only after an administrative decision has been reached by the Governing Body after hearing the recommendation of the Police Committee Chairman
 - B. All employees covered by this Agreement shall receive paid leave in accordance with N.J.S.A. 38:23-2 and N.J.S.A. 40A:14-177

6.8 Other Leaves

6.8.1 Other Leaves. Employees are entitled to other leave as provided for in collective bargaining agreement, by law and by Department policy and procedure subject to approval of the schedule by the appropriate supervisor.

- 6.9 Suspension of Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonable could not have been foreseen is declared by appropriate department authority, and which unavoidably requires utilization of additional employees who are not scheduled to work.

6.10 Secondary Employment.

6.10.1 Secondary employment. Employees may engage in secondary employment consistent with Department policy.

6.11 Resignation.

6.3.1 Resignation to be in Writing. All resignations of employees must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two weeks written notice who will then forward the resignation to the Borough Clerk..

7.0 Discipline

7.1 Disciplinary Action

7.1.1 Disciplinary Action. Employees, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for:

- a. committing an offense/crime punishable under the laws or statutes of the United States, the State of New Jersey, or in any other State, including disorderly and petty disorderly persons offenses, or municipal ordinance;
- b. failure, either willingly or through negligence, or incompetence, to perform the duties of their rank or assignment;
- c. violation of any rule, policy, guideline or directive of the department; or
- d. Failure to obey any lawful instruction, order, or command of a supervisor.
- e. Excessive force: Complaint regarding the use or threatened use of excessive force against a person.
- f. Improper arrest: Complaint that the restraint of a person's liberty was improper, unjust, or violated the person's civil rights.

- g. Improper entry: Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.
- h. Improper search: Complaint that the search of a person or property was improper, unjust, violated established agency procedures or violated the person's civil rights.
- i. Differential treatment: Complaint that the taking of police action, the failure to take police action or method of police action was predicated upon irrelevant factors such as race, appearance, age or sex.
- j. Demeanor: Complaint that a Department member's bearing, gestures, language or other actions were inappropriate.
- k. Serious rule infractions: Complaint for conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering.
- l. Minor rule infractions: Complaint for conduct such as untidiness, tardiness, faulty driving, or failure to follow procedures.

7.1.2 Repeated Violations. Repeated violations of the rules of conduct shall be indicative of employees' disregard for their duty and may be cause for dismissal. This shall apply regardless of the type or severity of the offenses.

7.1.3 The Department shall use the disciplinary process of Progressive Discipline to achieve the basic goals of instruction and address inappropriate behavior before minor problems escalate into major problems. At the same time, the subject officer is made aware that repeated violations of the agency's rules will result in this progressive discipline. An internal affairs complaint that has a disposition of exonerated, unfounded or not sustained should not be used to effect progressive discipline.

A system of progressive discipline shall include the following elements:

- 1. Oral reprimand or performance notice
- 2. Written reprimand
- 3. Monetary fine
- 4. Suspension without pay
- 5. Loss of a promotional opportunity

6. Demotion

7. Discharge from employment

7.2 Disciplinary Procedures.

- 7.2.1 No member or officer of the Police Department shall be suspended, removed, fined, or reduced in rank for any cause other than for incapacity, misconduct, or disobedience as provided in the New Jersey Statutes and the Police Departments Rules and regulations.
- 7.2.2 All complaints or charges against members of the Police Dept. will be handled in accordance with the Department Guidelines for Internal Affairs.
- 7.2.3 The Department will utilize the following disciplinary process to achieve the basic goals of instruction and address inappropriate behavior before minor problems escalate into major problems. Employees will be made aware that repeated violations of the Department rules, regulations, policies, orders and guidelines, will result in progressive discipline.

8.0 Grievance Procedures

8.1 Purpose

- 8.1.1 Whenever a member of the Police Department has a grievance, he shall notify the Chief of Police, in writing, within 10 calendar days of the event giving rise to the grievance. Failure to act within the 10 calendar days shall be deemed to constitute and abandonment of the grievance. The aforementioned ten calendar day limitations may be extended upon presentation to the Chief of a physician's certificate attesting to the incapacity of the aggrieved to file within the prescribed time.
- 8.1.2 No Grievance shall be heard or considered unless the procedures set forth have been followed.

8.2 Procedures

- 8.2.1 The aggrieved shall institute action under the provisions hereof within ten calendar days after the event giving rise to the grievance has occurred and earnest effort shall be made to settle the differences between the aggrieved employee and his immediate

supervisor for the purpose of resolving the matter informally. The Chief or his designee shall render a decision within ten days after receipt of the grievance.

- 8.2.2 If the grievance is not settled at the first step, the aggrieved may make written request for a second step meeting within ten calendar days after the answer at the first step.
- 8.2.3 The chief or his designee shall set a meeting within ten calendar days after the request, or for such other time as is mutually agreeable. Said second step meeting shall be between the Borough Public Safety Committee and the Chief with the aggrieved, the P.B.A. Representative and the P.B.A. Attorney, if requested by the aggrieved. The Public Safety Committee's answer to the second step shall be delivered to the aggrieved within ten calendar days after the meeting.
- 8.2.4 If the aggrieved is not satisfied with the handling or result of the grievance on the second level, he may within ten calendar days notify the Governing Body that he wishes to have them rule on the aggrieved matter. A meeting shall be set within thirty days after the Governing Body has received the request that it rule on the matter. At such meeting, the aggrieved may appear with a representative of the P.B.A. and the P.B.A. Attorney, if requested by the aggrieved. The Governing Body answer to the third step shall be delivered to the aggrieved within seven calendar days after the said meeting.
- 8.2.5 Should the aggrieved be dissatisfied with the decision of the Governing Body, such person may file where appropriate for review.

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Commented [KMP2]: This second page added as a reference as per Accreditation standards

CHAPTER 1 INTRODUCTION

1:1. ESTABLISHMENT OF THE OCEANPORT POLICE DEPARTMENT

1:1.1 Legal Authorization

The Police Department of the Borough of Oceanport is established pursuant to N.J.S.A. 40A:14-118 and the Borough of **Oceanport Municipal Code Article 78** and shall hereafter be referred to as the "Oceanport Police Department."

Commented [KMP3]: Change required to reflect correct Code Article (Chapter)

1:1.2 Rules and Regulations Established

The "Appropriate Authority" of the Borough of Oceanport hereby adopts and promulgates the Department Rules and Regulations, in accordance with the **Borough of Oceanport Municipal Code article 78-2 and shall be known as the "Oceanport Police Department Rules and Regulations."**

Commented [KMP4]: Added to reflect the appropriate Borough Code

1:1.3 Right to Amend or Revoke

In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or revoke any of the rules and regulations contained herein.

1:1.4 Previous Rules, Policies and Procedures

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

Commented [KMP5]: Slight wording changes to reflect proper action.

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter, Section and Subsection Designation

Title and number shall designate each chapter, section, and subsection. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 Subsection Sequence

The number placed to the right of the decimal point shall be designated as the subsection.

1:2.4 Series Lettering

Letters listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 Flexibility of System

This system shall provide a simple and quick method of referral to material contained herein. This format has been designed to make specific reference to sections or subsections possible and to facilitate expansion and revision of the contents.

Commented [KMP6]: This section is added regarding the proper number/reference system and is to accreditation standards

1:3 RULES AND REGULATIONS MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn employees, including special law enforcement officers, and to all civilian employees of the department, where appropriate.

1:3.2 Distribution

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

Commented [KMP7]: Added to reflect our in-house policy and communications software system.

1:3.3 Responsibility for Maintenance

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

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations.

1:3.5 Severability

If for any reason any section of these Rules and Regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to affect any other sections or provisions of this document. No section of these Rules and Regulations shall supersede any current collective bargaining agreements.

Commented [KMP8]: Added as legal requirement and as per Accreditation standards

1:4 DEFINITION OF TERMS

1:4.1 Administrative Leave

Paid leave from regular duty that is authorized by the Chief of Police.

Commented [KMP9]: Added as a necessary action/reference

1:4.2 Appropriate Authority

In accordance with the provisions of N.J.S.A. 40A:14-118, and the Borough of Oceanport Municipal Code Article 78-2, the Mayor or his/her designee; and in the absence of the Mayor, the Borough Administrator, and in the absence of the Borough Administrator, the Public Safety Committee Chair, is designated as the appropriate authority to whom the Chief of Police will be directly responsible.

The appropriate authority shall be responsible for the overall performance of the police department.

Commented [KMP10]: Added as a necessary action/reference

1:4.3 Authority

Authority is the statutory or written directive vested right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those designated. Acts performed without proper authority or authorization shall be considered in violation of the rules and regulations, and those persons in violation shall be subject to disciplinary action.

1:4.4 Chain of Command

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

1:4.5 Chief of Police

The Chief of Police of the Oceanport Police Department shall be the highest-ranking officer of the department.

Commented [KMP11]: Added as a necessary action/reference

1:4.6 Commanding Officer

Any rank of Lieutenant and above.

Commented [KMP12]: Added as a necessary action/reference

1:4.7 Days Off

Those days on which a given employee is excused from duty by the Chief of Police or designee or is not required to report to duty.

1:4.8 Detail

A temporary assignment of personnel for a specialized activity.

Commented [KMP13]: Added as a necessary action/reference

1:4.9 Employee

All employees of the department, whether sworn officers or civilian employees.

1:4.10 Gender

The use of the masculine gender in any written directive or rules and regulations includes the female gender, when applicable.

Commented [KMP14]: Added as a necessary action/reference
And per current Standards

1:4.11 Incompetence

Incapable of satisfactory performance of police duties.

Commented [KMP15]: Added as a necessary action/reference
And per current Standards

1:4.12 Insubordination

Failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language towards a superior officer is insubordination.

Commented [KMP16]: Added as a necessary action/reference
And per current Standards

1:4.13 Lawful Order

Any written or verbal directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

Commented [KMP17]: Added as a necessary action/reference
And per current Standards

1:4.14 May/Should

As used herein, the words “may” and “should” mean that the action indicated is permitted, expected, or encouraged.

1:4.15 Member

Any duly sworn police officer of the department.

1:4.16 Military Leave

The period during which an employee is excused from duty for service with the active or reserve armed forces of the United States or of the State of New Jersey, as provided by law, ordinance, or collective bargaining agreement.

Commented [KMP18]: Added as a necessary action/reference
And per current Standards

1:4.17 Neglect of Duty

Neglect of duty is the failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from the zone/post during the tour of duty; failure to perform duties or comply with provisions prescribed in the rules and regulations and written directives, and failure to conform to the department operating procedures.

Commented [KMP19]: Added as a necessary action/reference
And per current Standards

1:4.18 Off-Duty

The status of an employee during the period he is free from the performance of specified duties. Members are always subject to recall.

Commented [KMP20]: Added as a necessary action/reference
And per current Standards

1:4.19 On-Duty

The status of an employee during the period of the day when he is actively engaged in the performance of his duties.

Commented [KMP21]: Added as a necessary action/reference And per current Standards

1:4.20 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.

1:4.21 Plurality of Words

The singular includes the plural, and the plural includes the singular.

Commented [KMP22]: Added as a necessary action/reference And per current Standards

1:4.22 Probationary Police Officer

Any member of the department serving probationary period prior to permanent appointment to police officer.

Commented [KMP23]: Added as a necessary action/reference And per current Standards

1:4.23 Shall/Will

As used herein, the words “shall” and “will,” mean the action required is mandatory.

1:4.24 Shift

Any assigned tour of duty in accordance with existing collective bargaining agreements.

Commented [KMP24]: Added as a necessary action/reference And per current Standards

1:4.25 Special Law Enforcement Officer

Persons vested with special police authority pursuant to N.J.S.A. 40A:14-146.8 et seq.

Commented [KMP25]: Added as a necessary action/reference And per current Standards

1:4.26 Staff Supervision

Staff supervision is an advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.

Commented [KMP26]: Added as a necessary action/reference And per current Standards

1:4.27 Subordinate

A member lower in rank than his superior officer.

Commented [KMP27]: Added as a necessary action/reference And per current Standards

1:4.28 Superior Officer

A member holding the rank of Sergeant or any rank above Sergeant.

Commented [KMP28]: Added as a necessary action/reference And per current Standards

1:4.29 Supervisor

An employee, usually holding the appropriate rank, is assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

1:4.30 Tense of Words

The words used in the present tense include the future.

Commented [KMP29]: Added as a necessary action/reference And per current Standards

Commented [KMP30]: Added as a necessary action/reference And per current Standards

1:4.31 Unpaid Leave of Absence

The period during which an employee is excused from duty and during which time no pay is received.

Commented [KMP31]: Added as a necessary action/reference And per current Standards

1:5 CODE OF ETHICS**1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.**

1:5.2 AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

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

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

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

1:5.3 All employees of the Police Department shall read and abide by The New Jersey Ethics Law.

(N.J.S.A. 40A:9-22.1 et. seq.)

Commented [KMP32]: Added as required within title 40 and accreditation standards

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 Mission Statement and Core Values

Our fundamental mission as a municipal police agency is to serve the public. Stating our mission is simple, but performing it is a complex task that requires us to recognize and define the functions that we perform in our society.

We will perform our law enforcement role by protecting life and property, by suppressing criminal activity and disorder with vigilant patrol, and by arresting law breakers through effective response to, and investigation of, reported crimes. We will seek to resolve conflict, and work with all citizens to provide a safe and secure community for all of us. We will protect the innocent, give aid and comfort to the sick and injured, and assist the disadvantaged. Finally, we will recognize that we are the most visible and accessible of all government services, and that this gives us a unique responsibility to assist citizens with their problems and to work to maintain the quality of life in their community. We will always try to assist any person who comes to us for help or advice. This is what makes us a full-service agency.

We will be guided by these goals and values while performing our mission. Our belief in these goals and values lies at the core of our organization. The principles contained in them will guide us in everything that we do.

- *The preservation and advancement of democratic values*
- *The improvement of the quality of life*
- *Compassion towards others*
- *Professionalism*
- *Pride*
- *Teamwork*
- *Commitment*
- *Excellence*
- *Providing quality service*

Commented [KMP33]: Added as per accreditation standards and best practices

CHAPTER 2 ORGANIZATION

2.0 Rank and command

2:1 The order of Rank in the Police Department shall be:

- A. Chief
- B. Captain
- C. Lieutenant
- D. Detective Sergeant (Assignment)
- E. Sergeant
- F. Detective- (Assignment)
- G. Patrolman
- H. Probationary Officer
- I. Special Officer Class II
- J. Special Officer Class I
- K. special Officer Class III
- L. Records Clerk

Commented [KMP34]: Added as required to reflect a new position within the department beginning October 2023

2:2 Command in the Police Department

The Oceanport police Department rank structure shall be exercised by virtue of rank and in cases of equal rank by length of service in such rank, and where equal by length of service in the next preceding rank.

2:3 The Chief of Police

The Police Chief or his designee, may assign personnel to temporary positions such as Detective Sergeant and/or Detective and/or School Resource Officer. These positions are by assignment only and are not promotions.

Commented [KMP35]: Added as required for the new assignment created in January 2024

2:4 GENERAL DUTIES AND RESPONSIBILITIES

2:4.1 Authority and duties of the Chief of Police

2:4.2. Summary

Pursuant to N.J.S.A. 40A:14-118 and Borough of Oceanport Municipal Code Article 78-4, the Chief of Police shall be the head of the Police Department, and shall be directly responsible to the Mayor, or his/her designee; and in the absence of the Mayor, the Borough Administrator, and in the absence of the Borough Administrator, the Public Safety Committee Chair, for the efficiency and routine day-to-day operation of the Oceanport Police Department. The Chief of Police is the final authority in all matters of policy, operations, and discipline. The Chief of Police exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the department.

Commented [KMP36]: Added to reflect title 40 requirement and the appropriate Borough Code

Commented [KMP37]: Added to reflect the proper terminology of the Appropriate authority as per the Borough Ordinance.

Through the Chief of Police, the department is responsible for the enforcement of all laws coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling, and staffing all activities of the department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for the department's relations with local citizens, the local government, and other related agencies.

The Chief is responsible for training of all members of the department. The Chief shall have general charge of the station house and all property of the police department.

2:4-3 General Duties and Responsibilities:

1. Protect life and property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the department.
3. Abides by all rules, regulations and departmental guidelines and directives governing police officers.
4. As necessary, recommend and make recommendations for the adoption of new town ordinances or the amendment of existing ones.
5. Supervises the maintenance of police vehicles and any other equipment needed for the operation of the department.
6. Prepares periodic and special reports and assures that adequate records are maintained of all department activities. Forwards monthly activity reports to the Mayor and Council.
7. Controls the expenditure of department appropriations and prepares annual budget estimates of needs.
8. Plans and coordinates training of members in procedures, duties, and proper use of equipment.
9. Cooperates with other laws enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.

10. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
11. Formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the police department.
12. Ensures compliance with all laws that the department or its officers have the authority to enforce.
13. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.
14. Establishes a routine of daily duties to be performed by officers.
15. Assigns, details, or transfers any member or employee of the department to or from any assignment wherever he shall deem such action necessary for the efficiency, discipline, or morale of the department.
16. Ensure that all members have copies of the department's Rules and Regulations and Guideline manuals.
17. Oversees Investigations of all cases of alleged or apparent misconduct by department personnel and makes determination of all disciplinary actions following Departmental Investigations.
18. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
19. Promulgates all general and special orders of the department and issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities.
20. Supervises the safekeeping of all evidence and any property recovered, found, or confiscated.
21. Maintains a personnel record system in which shall be kept all pertinent information on all departmental members and employees.
22. Notifies the Mayor and Council any time that he intends to leave the borders of the State of New Jersey.
23. Reports immediately to the Appropriate Authority the death, resignation or suspension of any member and takes into custody all the equipment of the department issued to that officer.
24. Reports promptly to the Appropriate Authority the name of any member who, because of age, disease, injury, or other cause, does not or is unable to perform his duties fully and efficiently. In his discretion, he may order the member to be examined by a physician selected by the Borough for the purpose of determining his ability to perform his duties.
25. Reports in writing to the Governing Body all instances of special faithfulness to duty, exceptional skill, and bravery in the performance of duty, and any recommendation as to special award or commendation to be made.
26. Certifies the correctness of all bills and vouchers relating to the Department and maintains an accurate record of all supplies ordered by and delivered to police headquarters.
27. Investigates and reports to the Appropriate Authority all cases involving personal injury or damage to property whereby the Borough may be held liable.
28. Reports in person, when possible, on all serious incidents.

29. Reviews, plans, implements safety protocols and measures for Special Events within the Borough.
30. Ensures that Department Payroll is completed in a timely manner, maintains the schedule, and makes any necessary changes regarding overtime, sick time, vacation time, Kelly time, Special Details, outside work assignments, meetings, Training, military time and/or any other leave of absence reflected on the Department work schedule.
31. Maintains an inventory of all property and belongings of the police department.
32. Causes an investigation into the background of each applicant for appointment to the Police Department and reports the results to the Appropriate Authority.

2:4.4 Knowledge, Skills, and Abilities

The Police Chief must maintain comprehensive knowledge of laws, rules, and court decisions relating the administration of criminal justice and law enforcement, comprehensive knowledge of scientific methods of crime detection, criminal identification, and radio communications. As well as comprehensive knowledge of controlling laws and ordinances, thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgement in emergencies; demonstrated integrity; tact, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:5.1 Authority and Duties of the Captain

2:5.2 Summary

The captain is the second highest rank authorized in the police department. The captain possesses the authority in matters of policy, operations, and discipline delegated to him by the Chief of Police. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of department personnel.

The captain is responsible for the enforcement of all laws coming within the legal jurisdiction of the department. He is responsible for planning, directing, coordinating, controlling, and staffing all activities assigned to his command. The Captain shares responsibility with the Chief of Police for the continued and efficient operation of the department, the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by proper authority and for the department's relations with local citizens, the local government, and other related agencies.

The captain shares responsibility for the training of all members of the department.

2:5.3 General Duties and Responsibilities

1. Protect life and property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the department.
3. Abides by all rules, regulations and departmental guidelines and directives governing police officers.
4. As necessary, recommend and make recommendations for the adoption of new policies and procedures or the amendment of existing ones.
5. Supervises the maintenance of police vehicles and any other equipment needed for the operation of his command.
6. Prepares periodic and special reports and assures that adequate records are maintained of all command activities.
7. Plans and coordinates training of members of his command in procedures, duties, and proper use of equipment
8. Cooperates with other laws enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
9. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
10. In consultation with the Chief of Police, formulates written administrative guidance in the form of policies, regulations, and other orders governing activities of the police department.
11. Ensures compliance with all laws that the department or its officers have the authority to enforce.
12. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.

13. Establishes a routine of daily duties to be performed by officers under his command.
14. Assigns, details, or transfers any member or employee of the department to or from any assignment wherever he shall deem such action necessary for the efficiency, discipline, or morale of the department with the prior approval of the Chief of Police.
15. Ensure that all members have copies of the department's Rules and Regulations and Guidelines manuals.
16. Investigates all cases of alleged or apparent misconduct by department personnel and forwards that information to the Chief of Police for determination of all disciplinary actions.
17. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
18. Promulgates general and special orders for his command and issues on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities conveyed to him by the Chief of Police.
19. Supervises the Field Training Officers and the Field Training program and its proper implementation to train new officers.
20. Is the Commander of the Department's Internal Affairs Function, in which capacity the captain shall:
 - a) Supervises internal affairs investigations.
 - b) Maintains Internal Affairs Reports and Files
 - c) Reports to the County Prosecutor regarding internal affairs reporting on a quarterly and Annual Basis.
21. Recommends to the Chief of Police Internal Affairs discipline and disposition.
22. Reviews, plans, implements safety protocols and measures for Special Events within the Borough.
23. Ensures that Department Payroll is completed in a timely manner, maintains the schedule, and makes any necessary changes in regards to overtime, sick time, vacation time, Kelly time, Special Details, outside work assignments, meetings, Training, military time and/or any other leave of absence reflected on the Department work schedule.
24. During the absence or disability of the Chief of Police, possesses temporarily all the powers, authority and responsibility and shall perform temporarily all the duties of the Chief of Police.

2:5.4 Knowledge, Skills, and Abilities.

The Captain must maintain comprehensive knowledge of laws, rules, and court decisions relating to the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification, and radio communications; comprehensive knowledge of controlling laws and ordinances, thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgement in emergencies; demonstrated integrity; tact, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:6.1 Authority and Duties of the Lieutenant.

2:6.2 Summary

The Lieutenant is the third highest rank authorized in the police department. The Lieutenant supervises the patrol operations of the Department and supervises the detective bureau and possesses authority in matters of policy, operations, and discipline as delegated to him by the Chief of Police. He exercises all lawful powers of his assignment and issues such lawful orders as are necessary to assure the effective performance of personnel assigned to the Patrol and the Detective Bureau. The Lieutenant also supervises the Records Bureau.

The Lieutenant is responsible for the enforcement of all laws coming with the legal jurisdiction of the department. In consultation with the Chief and Captain, the Lieutenant is responsible for the planning, direction, coordination, control, and supervision of the Detective Bureau. The Lieutenant shares responsibility with the command above for the continued efficient operation of the Department, the enforcement of rules and regulations within the Department. The Lieutenant, in consultation with the Chief and Captain, shares responsibility for implementation of mandatory and in-service training of all members of the Department. The Lieutenant will work with, and supervise, the Sergeants of the Department and ensures that the Sergeants are properly following all supervisory functions within patrol, as well as all aspects assigned to them, and are knowledgeable on policy, procedures, and laws.

2:6.3 General Duties and Responsibilities:

1. Protect life and Property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the department.
3. Abides by all rules, regulations and departmental guidelines and directives governing police officers.
4. Supervises the Patrol Sergeants and the Departments Patrol Functions.
5. Supervision of all investigations assigned to the Detective Bureau.
6. Informs the Chief and Captain about the progress of all investigative responsibilities.
7. Prepares periodic and special reports and assures that adequate records are maintained of all command activities.
8. Ensures that Department Payroll is completed in a timely manner, maintains the schedule, and makes any necessary changes in regard to overtime, sick time, vacation time, Kelly time, Special Details, outside work assignments, meetings, Training, military time and/or any other leave of absence reflected on the Department work schedule.
9. Oversee and supervises the operations of the Records Bureau.
10. Plans and coordinates training of members of the Department in procedures, duties, and proper use of equipment.
11. Cooperates with other laws enforcement agencies in the apprehension and detention of wanted persons and with other agencies as appropriate.
12. Investigates all cases of alleged or apparent misconduct by department personnel and forwards that information to the Chief of Police for determination of all disciplinary actions.
13. Ensures compliance with all laws that the department or its officers have the authority to enforce.

14. Organizes, directs, and controls all resources assigned to his command to preserve peace, protect persons and property, and enforce the law.
15. Establishes a routine of daily duties to be performed by officers under his command.
16. Reviews, plans, implements safety protocols and measures for Special Events within the Borough.
17. Keeps himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
18. Supervises the safekeeping of all evidence and any property recovered, found, or confiscated by members of the Department.

2:6.4 Knowledge, Skills, and Abilities

The Lieutenant must maintain comprehensive knowledge of laws, rules, and court decisions relating the administration of criminal justice and law enforcement; comprehensive knowledge of controlling laws and ordinances, thorough knowledge of the geography of the town.

demonstrated ability to lead and direct the activities of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgement in emergencies; demonstrated integrity; tact, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:7.1 Authority and Duties of the Sergeant

2:7.2 Summary

The Sergeant serves as the front-line level of supervision in the Department. His primary responsibility is exacting the proper performance of police duty from patrol officers.

The Sergeant is charged with enforcing Department rules and ensuring compliance with the Department's regulations. He manages all infractions and reports violations to the Captain or Lieutenant.

He shall thoroughly acquaint himself with the duties of patrol officers and shall assist and instruct the officers under his supervision in the proper performance of their duties.

He shall be responsible for the proficiency, discipline, conduct, appearance, and strict attention to duty of all officers. A Sergeant with the Department may be assigned to specialized assignment, or supervise a specific assignment that is a required function within the Department such as:

- Supervisory Firearms Instructor
- Supervisor of Traffic Safety
- Internal Affairs Officer
- Field Training Officer
- TAC Officer
- Other specialized assignments as determined by the Chief of Police, or Captain.
- Training officer in any police related specialization or topic.

2:7.3 General duties and Responsibilities of Sergeants

1. Protect Life and Property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
3. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
4. Instructs and trains new police officers and assists those concerning difficult police problems and cases.
5. Performs all work required of a police officer.
6. Prepares reports on a variety of police Department activities.
7. Supervises patrol officers assigned to him.
8. Maintains active, working knowledge of Departmental rules, policies, procedures, and developments in the law that affect him and members under his supervision.
9. Continuously audits the performance of officers under his supervision to determine whether they are properly, effectively, and consistently performing their police duties. In particular, compares field practices with the standards established through written orders.
10. Ensures that when the performance of an officer under his command is unsatisfactory, measures are taken through encouragement, explanation, referral to his superior officer or other means consistent with departmental policy to see that the officer's future conduct is up to standard.
11. Submit a written report to the Captain or Lieutenant regarding any member of the Department who commits a serious breach of the rules and regulations of the Department,

or where informal corrective measures prove inadequate. Included in this report are the complete details of the misconduct and of corrective measures attempted. Examples of types of misconduct which would ordinarily be considered "serious" include, but are not limited to the following:

- a) Flagrant refusal to obey orders.
 - b) The commission of any criminal offense.
 - c) Oral or physical abuse of a member of the public.
 - d) Excessive use of force with a prisoner or other person.
 - e) Absence without leave.
 - f) Excessive tardiness
 - g) A Conflict of interest
 - h) Failure amounting to negligence to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public.
 - i) Repeated failure to respond to orders, instructions, or other admonitions to correctly execute duties.
12. Implements all orders received from the Chief or Captain and/or Lieutenant. To this end, thoroughly explains to Departmental personnel under his command the content and meaning of new orders that affect their responsibilities.
 13. Accountable for the actions or omissions of the officers under his supervision which are contrary to Departmental regulations or policy.
 14. Responds to emergencies, incidents, or dispatches as required. Takes command of the situation until relieved by an officer of superior rank.
 15. Ensures that all patrol officers receive, serve, or deliver warrants, summonses, subpoenas, or other official papers and perform relevant duties promptly and accurately.
 16. Performs other duties as may be assigned by the Chief, Captain, or Lieutenant.

2:7.4 Knowledge, Skills, and Abilities

The Sergeant must maintain thorough knowledge of the rules and regulations of the Department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent state laws, municipal ordinances and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; commands respect of the officers and assigns, directs and supervises their work; handles the public courteously and firmly and establishes and maintains satisfactory public relations; analyzes complex police problems and situations and adopts quick, effective, and reasonable courses of actions; skilled in the use of police equipment, physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:8.1 Authority and Duties of the Detective

2:8.2 Summary

Assignments received usually consist of specific cases to be followed to conclusion, normally closing with the preparation of a case for prosecution. This aspect of the work distinguishes the investigator from other police personnel who make preliminary investigations of cases at the scene of the crime.

2:8.3 General Duties and Responsibilities

1. Protect life and property.
2. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
3. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
4. Investigates all assigned cases to the best of one's ability.
5. Demonstrates skills in interviewing and interrogating, properly observing legal safeguards.
6. Testifies in various state and federal court proceedings, presenting a professional competent image of the Department.
7. Develops and maintains case files and other files or paperwork appropriate to investigative matters, Knowledgeable about relevant legal processes such as grand juries, obtaining warrants, understands and safeguards the constitutional rights of suspects under investigation.
8. Informs the Lieutenant about the progress of all investigative responsibilities and completes reports that are forwarded to the Lieutenant of relevant cases and incidents being investigated.
9. Maintains liaison with investigators of the County Prosecutor's officer, State Police, and other local and federal law enforcement agencies on matters of mutual concern.
10. Performs all duties required of police officers.
11. Timely completion of background investigations for firearms permits, solicitor permits, and volunteer organizations.
12. Collects, stores, inventories evidence, and maintains records for evidence submission, collection, and destruction.
13. Services as the Departments Juvenile officer, handling cases which involve juvenile involvement or cases where the schools are involved.
14. Performs other duties as assigned by the Lieutenant, Captain, or Chief of police.

2:8.4 Knowledge, Skill, and Abilities:

Possess substantial knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; general knowledge of geography of the municipality and important buildings; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise reports; skill in the use of police equipment; physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:9.1 Authority and Duties of Police Officer

2:9.2 Summary

A Police officer is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary for the safe and good order of the community. A police officer shall:

1. Protect life and property.
2. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
3. Reduce the opportunity for the commission of crime through preventative patrol and other measures.
4. Aid people who are in danger of physical harm.
5. Facilitate the movement of vehicular and pedestrian traffic.
6. Identify potentially serious law enforcement or governmental problems.
7. Promote and preserve peace.
8. Provide emergency service.

Although the police officer position is non-supervisory, he or she may be the senior officer working in absence of a Sergeant, Lieutenant, or the captain. That senior officer, when working with a less experienced officer, shall be responsible for the supervision, proficiency, discipline, conduct, appearance, and strict attention to duty of all subordinate officers working with them. Police officer duties are performed on an assigned shift under the general guidance of the Police Chief, Captain, Lieutenant, and/or Sergeant.

2:9.3 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.
4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully, and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report to the proper borough officials, any violations of any of the borough codes which may come to his attention.
10. Strives to improve their skills and techniques through study and training.
11. Maintains weapons and equipment in a functional, presentable condition.

12. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.
13. Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
14. Answers questions asked by the public, counsels juveniles and adults when necessary and refers them to persons or agencies where they can obtain further assistance.
15. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels.
16. Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
17. Confers with prosecutors and testifies in court.
18. Accomplishes other general duties as they are assigned or become necessary.
19. Performs other duties as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants.
20. Cooperates with the efforts of other law enforcement agencies.
21. Police officers may be assigned to specific tasks within the Department by the Chief of Police, Captain, and/or Lieutenant.

These assignments include:

- Backup Detective duties and rendering assistance in the Detective Bureau.
- Traffic Safety Officer.
- Field Training Officer
- Drug Awareness and Resistance Education, or School drug and alcohol education officer.
- Firearms Instructor, Radar Instructor, Drug Recognition Expert, or any other Police related Instructor or assignment that is beneficial to the Department or the Community.
- T.A.C. Officer
- **School Resource Officer (SRO)**
- **Resilience officer**
- **Human Law enforcement Officer (HELO)**
- Any multi-agency assistance entity, such as M.O.C.E.R.T (SWAT). County RDF (Rapid Deployment Force), Narcotics Task Force, S.C.A.R.T. (County Accident Response Team) etc....

Commented [KMP38]: Added as a new assignment 1-2024

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2:9.4 Specific Duties and Responsibilities: Preventative Patrol.

1. Patrols an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:
 - a) Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths etc. Conditions that contribute to crime should be reported. The location of telephones and other emergency services should be noted.
 - b) Apprehending persons violating the law or wanted by the police.
 - c) Completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered, or

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additional information is discovered pertaining to a previously reported offense and completes any necessary follow-up reports.

- d) Preserving any serious crime scene until the sergeant or detective arrives.
 - e) public assembly checks.
 - f) Building security checks.
 - g) Observing and interrogating suspicious persons.
 - h) Issuing traffic citations.
 - i) Being alert for and repressing fires.
 - j) Reporting streetlight and traffic signals out-of-order, street hazards and any conditions that endanger public safety.
 - k) Checking schools, parks, and playgrounds
 - l) Responding to any public emergency.
2. Conducts a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collects evidence and records data, which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
 3. Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions and informs superiors as soon as the situation permits.
 4. Responds to situations brought to the officer's attention while during routine patrol or when assigned by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
 5. Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty has issued authorization for a temporary absence.
 6. Patrols are giving particular attention to and frequently rechecking locations where the crime hazard is great. As far as possible, a patrol officer shall not patrol an area according to any fixed route or schedule but shall alternate frequently and backtrack to be at the location least expected.
 7. Be alert for all nuisances, impediments, obstructions, defects, or other conditions that might endanger or hinder the safety, health, or convenience of the public within the patrol area.
 8. Concerning a patrol vehicle:
 - a) See that it is well maintained mechanically and that it is kept clean both inside and out.
 - b) Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
 - c) Removes the keys whenever the patrol car is left unattended for any reason.
 - d) Uses only vehicles assigned by the captain or senior police officer on duty.
 - e) Operates the radio according to FCC regulations and current Departmental procedures.
 - f) Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.

9. always Keeps radio equipment in operation and remains thoroughly familiar with Departmental policy concerning its use.
10. Takes measures to direct the flow of traffic during periods of congestion.
11. Notifies the Sergeant or officer-in-charge on duty if more than a temporary absence from regular duties is required.

2:9.5 Specific Duties and Responsibilities: Traffic Patrol.

1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
2. Enforces the parking ordinances and motor vehicle laws in the patrol areas in specified areas, or where the need to conduct the necessary targeted enforcements, actions are required. (Radar enforcement, traffic light enforcement,
3. Alert traffic safety conditions which may endanger or inconvenience the public and report such conditions to the Sergeant or officer-in-charge.
4. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant, or officer-in charge, at the earliest possible opportunity.
5. Wear the prescribed traffic safety clothing and equipment.

2:9.6 Knowledge, Skills, and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Some knowledge of the philosophy, objectives and practices of counseling, particularly as related to juveniles; some knowledge of the fundamental principles of adolescent psychology; knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise oral and written reports; skill in the use of firearms and police equipment; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:10.1 Duties of the Special Officer Class II**2:10.2 Summary**

A Special Officer Class II, who is appointed by the Governing Body on a yearly basis, is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary for the safe and good order of the community. A Special Officer Class II police officer shall:

1. Protect life and property.
2. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
3. Reduce the opportunity for the commission of crime through preventative patrol and other measures.
4. Aid people who are in danger of physical harm.
5. Facilitate the movement of vehicular and pedestrian traffic.
6. Identify potentially serious law enforcement or governmental problems.
7. Promote and preserve peace.
8. Provide emergency service.

2:10.3 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.
4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully, and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report to the Supervisor, who in turn will report to the proper borough officials any violations of any of the borough codes which may come to his attention.
10. Strives to improve their skills and techniques through study and training.
11. Maintains weapons and equipment in a functional, presentable condition.
12. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.
13. Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.

14. Answers questions asked by the public, counsels 'juveniles and adults when necessary and refers them to persons or agencies where they can obtain further assistance.
15. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels.
16. Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
17. Confers with prosecutors and testifies in court.
18. Accomplishes other general duties as they are assigned or become necessary.
19. Performs other duties as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants.
20. Cooperates with the efforts of other law enforcement agencies.

2:10.4 Specific Duties and Responsibilities: Preventative Patrol.

1. Patrols an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:
 - a) Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths etc. Conditions that contribute to crime should be reported. The location of telephones and other emergency services should be noted.
 - b) Apprehending persons violating the law or wanted by the police.
 - c) Completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered or additional information is discovered pertaining to a previously reported offense, the officer must produce any necessary follow-up reports.
 - d) Preserving any serious crime scene until the sergeant or detective arrives.
 - e) public assembly checks.
 - f) Building security checks.
 - g) Observing and interrogating suspicious persons.
 - h) Issuing traffic citations.
 - i) Being alert for and repressing fires.
 - j) Reporting streetlight and traffic signals out-of-order, street hazards and any conditions that endanger public safety.
 - k) Checking schools, parks, and playgrounds
 - l) Responding to any public emergency.
2. Conducts a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collects evidence and records data, which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
3. Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions and informs superiors as soon as the situation permits.

4. Responds to situations brought to the officer's attention while during routine patrol or when assigned by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
5. Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or officer-in-charge on duty has issued authorization for a temporary absence.
6. Patrols areas giving particular attention to and frequently rechecking locations where the crime hazard is great. As far as possible, a patrol officer shall not patrol an area according to any fixed route or schedule but shall alternate frequently and backtrack to be at the location least expected.
7. Be alert to all nuisances, impediments, obstructions, defects, or other conditions that might endanger or hinder the safety, health, or convenience of the public within the patrol area.
8. Concerning a patrol vehicle:
 - a) See that it is well maintained mechanically and that it is kept clean both inside and out.
 - b) Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
 - c) Removes the keys whenever the patrol car is left unattended for any reason.
 - d) Uses only vehicles assigned by the Captain, Lieutenant, Sergeant, or senior police officer on duty.
 - e) Operates the radio according to FCC regulations and current Departmental procedures.
 - f) Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.
 - g) always Keeps radio equipment in operation and remains thoroughly familiar with Departmental policy concerning its use. Takes measures to direct the flow of traffic during periods of congestion.
 - h) Notifies the sergeant or officer-in-charge on duty if more than a temporary absence from regular duties is required.

2:10.5 Specific Duties and Responsibilities: Traffic Patrol.

1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
2. Enforces the parking ordinances and motor vehicle laws in the patrol areas.
3. Alert traffic safety conditions which may endanger or inconvenience the public and report such conditions to the sergeant.
4. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant or officer-in-charge at the earliest possible opportunity.
5. Wear the prescribed traffic safety clothing and equipment.

2:10.6 Knowledge, Skills, and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Some

knowledge of the philosophy, objectives and practices of counseling, particularly as related to juveniles; some knowledge of the fundamental principles of adolescent psychology; knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise oral and written reports; skill in the use of firearms and police equipment; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of successfully performing all of the essential functions required for the position of police officer.

2:11.1 Duties of Class I Special Officers

A Special Officer Class I, who is appointed by the Governing Body on a yearly basis, is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general assigned police responsibilities necessary to the safe and good order of the community. A Special Officer Class I officer is a part time employee who is assigned to special details, events, and/or outside details as scheduled by the Chief, Captain, Lieutenant, Sergeants, or other officers following Department policy. Special officer Class I shall:

1. Protect life and property.
2. Identify criminal offenders and criminal activity and, where appropriate, notify a superior officer (Patrol Officer or Class II Special Officer) of such an offense.
3. Aid people who are in danger of physical harm.
4. Facilitate the movement of vehicular and pedestrian traffic.
5. Identify potentially serious law enforcement or governmental problems.
6. Promote and preserve peace.
7. Provide emergency service.

2:11.2 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations, and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.
4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully, and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report to the Supervisor, who in turn will report to the proper borough officials any violations of any of the borough codes which may come to his attention.
10. Strives to improve their skills and techniques through study and training.
11. Assists citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.
12. Answers questions asked by the public, and when necessary, and refers them to people or agencies where they can obtain further assistance.
13. Preserves the peace at public gatherings, neighborhood disputes, and family quarrels.

14. Performs other duties as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants.

2:11.3 Specific Duties and Responsibilities: Preventative Patrol.

1. Patrols an assigned event or work area for general purposes of crime prevention and public safety. These may include:
 - a) Being thoroughly familiar with the assigned route of the event. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths etc. Conditions that contribute to hazards should be reported.
 - b) Observing persons violating the law or wanted by the police and making notification to Officers on duty.
 - c) Issuing traffic citations or parking citations.
 - d) Being alert for and repressing fires.
 - e) Reporting streetlight and traffic signals out-of-order, street hazards and any conditions that endanger public safety.
 - f) Checking the assigned areas for hazards, criminal activity, suspicious activity.
2. Responding to any public emergency.
3. Alert to the development of conditions tending to cause crime or indicative of criminal activity. Takes preventive action to correct such conditions and informs superiors as soon as the situation permits.
4. Responds to situations brought to the officer's attention during the assigned event or detail and notify the supervisor or officer by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
5. Remains on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty has issued authorization for a temporary absence.
6. Be alert to all nuisances, impediments, obstructions, defects, or other conditions that might endanger or hinder the safety, health, or convenience of the public within the patrol area.
7. Concerning a patrol vehicle and/or Bicycle:
8. See that it is well maintained mechanically and that it is kept clean both inside and out.
9. Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
10. Removes the keys/secure vehicle whenever the patrol car is left unattended for any reason.
11. Uses only vehicles/bicycles assigned by the Captain, Lieutenant, Sergeant, or senior police officer on duty.
12. Operates the radio according to FCC regulations and current Departmental procedures.
13. Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.
14. always Keeps radio equipment in operation and remains thoroughly familiar with Departmental policy concerning its use.
15. Takes measures to direct the flow of traffic during periods of congestion.
16. Notifies the sergeant or senior officer on duty if more than a temporary absence from regular duties is required.

2:11.4 Specific Duties and Responsibilities: Traffic Patrol.

1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
2. Enforces the parking ordinances and motor vehicle laws in the patrol areas.
3. Alert traffic safety conditions which may endanger or inconvenience the public and report such conditions to the sergeant.
4. Responds immediately when called from a traffic post to render emergency police service. Notifies the sergeant at the earliest possible opportunity. Wear the prescribed traffic safety clothing and equipment.

2:11.5 Knowledge, Skills, and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Understanding of relevant laws of search and seizure; ability to deal effectively with juveniles and adults; maintenance of police equipment; use of handcuffs, O.C. spray and side handle baton; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of successfully performing all of the essential functions required for the position of Special Officer Class I.

2:12.1 Duties of Records Clerk.**2:12.2 Summary**

The Records Clerk shall be responsible for the accurate maintenance, filing and retrieval of all criminals, accident and other incident reports and records resulting from or relating to the operations of the Department and shall perform such other duties as may be assigned from time to time by the Chief of Police, Captain and/or Lieutenant.

2:12.3 General Duties and Responsibilities:

1. Collect, Maintain, and disseminate case files and reports within the Department.
2. Prepare, organize, and answer requests for discovery, and other reports.
3. Work with the courts and Officers to ensure proper paperwork is available for court case presentation.
4. Prepare monthly incident/status reports for the Chief of Police.
5. Notify Officers of subjects requesting police assistance when arriving at Headquarters.
6. Disseminate requests made under Open Public Records and provide responses to the appropriate requester.
7. Preparing completed firearms applications related to all types that fall within the scope of New Jersey Firearms laws.
8. All other functions related to the efficient and organized operations within the Records Bureau.
9. Answer calls from the public regarding serves or calls of assistance and relay that information to the patrol officers.

2:12.4 Rules and Regulations as Applied to Non-Sworn Members.

In addition to the Department s Rules and Regulations, members of the Police Department, and Records Clerks are also included in the scope of the Borough of Oceanport Personnel Policy.

2:13.1 Duties of the Class III Special Officers

Commented [KMP41]: This entire section added for the new position of Class III Special Officer as of 10-2023

2:13.2 Summary

A Special Officer Class III, who is appointed by the Governing Body on a yearly basis, is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein while on Oceanport School property and Oceanport Schools events. Duties shall consist of, but are not limited to, general police responsibilities necessary for the safe and good order of the Oceanport Schools community. A Special Officer Class III police officer shall:

1. Protect life and property while on duty of Oceanport School grounds and events.
2. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
3. Reduce the opportunity for the commission of crime on school grounds through preventative patrol and other measures.
4. Aid students, staff and visitors to the schools who are in danger of physical harm.
5. Facilitate the movement of vehicular and pedestrian traffic in and near school property.
6. Identify potentially serious law enforcement or governmental problems that affect the daily operations at the Oceanport Schools.
7. Promote and preserve peace.
8. Provide emergency service.

2:13.3 General Duties and Responsibilities

1. Exercises authority consistent with obligations imposed by the oath of office and in conformance with the policies of the Department.
2. Abides by all rules, regulations and Departmental guidelines and directives governing police officers.
3. Is accountable to superior officers. Promptly obeys legitimate orders.
4. Coordinates efforts with those of other members of the Department so that teamwork may ensure continuity of purpose and achievement of police objectives.
5. Communicates to superiors and to fellow officers all information obtained in the field-school grounds, which is pertinent to the achievement of police objectives.
6. Responds punctually to all assignments. Performs their duties promptly, faithfully, and diligently.
7. Acquires and records information concerning events that have taken place since the last tour of duty.
8. Records activity during the tour of duty in the manner prescribed by proper authority.
9. Report to the Supervisor, who in turn will report to the proper borough officials any violations of any of the borough codes which may come to his attention.
10. Strives to improve their skills and techniques through study and training.
11. Maintains weapons and equipment in a functional, presentable condition.
12. Assists students, faculty, and citizens requesting assistance or information. Courteously explains any instance where jurisdiction does not lie with the police Department and suggests other procedures to be followed.

13. Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
14. Answers questions asked by the public, counsels juveniles and adults when necessary and refers them to persons or agencies where they can obtain further assistance.
15. Preserves the peace at school events, gatherings, any disputes, and quarrels.
16. Accomplishes other general school assigned security duties as they are assigned or become necessary.
17. Performs other duties, as related to the Oceanport Schools, as may be assigned by the Chief, Captain, Lieutenant, and/or Sergeants.

2:13.4 Specific Duties and Responsibilities: Preventive and Security Patrol.

1. Patrols an assigned detail at the schools or school event for general purposes of crime prevention and public safety. These may include:
 - a) Being thoroughly familiar with the school grounds, staff, students, and areas of a school sponsored event. Such familiarity includes knowledge of students, staff, parents, custodians, and visitors to the school or in the schools. Conditions that contribute to hazards should be reported.
 - b) Observing persons violating the law or wanted by the police and making notification to Officers on duty.
 - c) Monitoring and taking action related to traffic and pedestrian safety on school properties.
 - d) Being alert for and repressing fires.
 - e) Being alert to any threat to the schools or people in the schools and taking the appropriate action.
 - f) Checking the assigned areas for hazards, criminal activity, suspicious activity.
2. Responding to any public emergency on school grounds.
3. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing police services.
4. Remains on assigned school grounds, throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty has issued authorization for a temporary absence.
5. Be alert to all nuisances, impediments, obstructions, defects, or other conditions that might endanger or hinder the safety, health, or convenience of the public within the school grounds area.
6. Concerning a patrol vehicle:
 - a) See that it is well maintained mechanically and that it is kept clean both inside and out.
 - b) Inspects the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately reports all defects and damage sustained to the proper authority and completes all reports and forms required by current procedures.
 - c) Removes the keys/secure vehicle whenever the patrol car is left unattended for any reason.

- d) Uses only vehicles assigned by the Captain, Lieutenant, Sergeant, or senior police officer on duty.
 - e) Operates the radio according to FCC regulations and current Departmental procedures.
 - f) Ensures that the assigned vehicle's gas tank is full before completion of each tour of duty.
- 7. always Keeps radio equipment in operation and remains thoroughly familiar with Departmental policy concerning its use.
 - 8. Notifies the sergeant or senior officer on duty if more than a temporary absence from regular duties is required.

2:13.5 Knowledge, Skills, and Abilities:

Knowledge of the laws of the federal government, the State of New Jersey, and all ordinances of the Borough of Oceanport which may be related to the intelligent performance of police duties. Understanding of relevant laws of search and seizure; ability to deal effectively with juveniles and adults; skill in the use of firearms and police equipment, maintenance of police equipment; use of handcuffs, O.C. spray and side handle baton; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public; physically fit and is capable of successfully performing all of the essential functions required for the position of Special Officer Class III.

CHAPTER 3 RULES OF CONDUCT

3:1 PROFESSIONAL AND GENERAL CONDUCT

3:1.1 Standards of Conduct

Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

Commented [KMP42]: Added-necessary standard for overall conduct

3:1.2 Loyalty

Loyalty to the department and to associates is a crucial factor in department morale and efficiency. Employees shall maintain loyalty to the department, their associates, and the Borough of Oceanport as is consistent with the law and personal ethics.

Commented [KMP43]: Added as a necessary requirement.

3:1.3 Cooperation

Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation within the department.

Commented [KMP44]: Added as a necessary requirement.

3:1.4 Assistance

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

Commented [KMP45]: Added as a necessary requirement.

3:1.5 Performance of Duty

All employees shall promptly perform their duties as required or directed by law, rules and regulations or written directive, or by lawful order of a superior officer.

3:1.6 Action Off-Duty

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

While off-duty, police officers who take any police related action or any other action which may touch upon or reflect upon their position with the Oceanport Police Department shall notify the highest-ranking officer on duty as soon as possible and shall submit a written report as soon as practical.

Commented [KMP46]: Added as a professional required standard

3:1.7 Obedience to Laws, Ordinances, Rules, and Written Directives

Employees shall obey all laws, ordinances, rules, and written directives of the department, New Jersey Attorney General's office and the Monmouth County Prosecutors Office.

3:1.8 Withholding Information

Employees shall report all information concerning suspected criminal activity of others.

3:1.9 Reporting Violations of Laws, Ordinances, Rules, and Written Directives

Employees knowing of other employees violating laws, ordinances, rules, and written directives of the department, shall report same to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, the chain of command may be bypassed. Employees charged with violating laws or ordinances shall report the same immediately to the Chief of Police through the chain of command.

3:1.10 Neglect of Duty

Members and employees shall not commit any act, nor shall they be guilty of any omission that constitutes neglect of duty.

Commented [KMP47]: Added as a professional standard and updated standards.

3:1.11 Insubordination

Employees shall not:

1. Fail or refuse to obey a lawful order given by a supervisor.
2. Use any disrespectful or abusive language/action towards a supervisor.

3:1.12 Conduct Toward Other Department Employees

Employees shall treat other department employees with respect. They shall be always courteous and civil in their relationships with one another. When on duty and in the presence of the public, an officer shall be referred to by rank.

3:1.13 Compromising Criminal or Traffic Cases/Investigations

Employees shall not interfere with the proper administration of justice.

3:1.14 Recommending Attorney and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.

3:1.15 Posting Bail

Employees shall not post bail for any person in custody, except relatives.

3:1.16 Use of Force

Members shall follow New Jersey State Law and the New Jersey Attorney General's Directive as well as the department written directive on the use of force.

3:1.17 Physical and Mental Fitness for Duty

Police officers are required to be capable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Officers, who are aware of any reason they are incapable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others, shall notify their supervisors. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other action. The department reserves the right in appropriate cases to require

medical clearance before allowing the member to return to regular duties. Nothing contained herein shall supersede any current collective bargaining agreements.

Commented [KMP48]: This was expanded from the original document to reflect unfit for duty standards as well as officers emotional well being-professional standards update.

3:1.18 Driver's License

Employees operating department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost the employee shall immediately notify the appropriate supervisor giving full particulars.

3:1.19 Address and Telephone Numbers

Employees are required to have a telephone or cellular phone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within twenty-four (24) hours of the change. Upon receipt of this information, the supervisor will immediately forward the change to the Office of the Chief of Police.

3:2 ISSUING ORDERS

3:2.1 Manner of Issuing Orders

Orders from a supervisor to a subordinate shall be in clear and understandable language.

3:2.2 Unlawful Orders

No supervisor shall knowingly issue an order which is in violation of any law or ordinance.

3:2.3 Improper Orders

No supervisor shall knowingly issue an order which is in violation of any department rules and regulations or written directive.

3:3 RECEIVING ORDERS

3:3.1 Questions Regarding Orders

Employees, in doubt as to the nature or detail of an order, shall seek clarification from their supervisors by going through the chain of command.

3:3.2 Obedience to Unlawful Orders

Employees are not required to obey any order, which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

3:3.3 Obedience to Improper Orders

Employees who are given any order which is contrary to department rules and regulations or written directive, must first obey the order to the best of their ability, and then report the improper order as provided in 3:3.5.

3:3.4 Conflicting Orders

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

3:3.5 Reports of Unlawful or Improper Orders

An employee receiving an unlawful or improper order shall advise the issuing supervisor of his/her belief that the order in question is unlawful or improper. If the matter is not resolved, the officer shall at first opportunity, report in writing to the next highest-ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted in the direction of the Chief of Police.

3:3.6 Criticism of Official Acts or Orders

Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

3:4 POLICE RECORDS AND INFORMATION**3:4.1 Release of Information**

Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department written directives.

3:4.2 Department Records

Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under department written directives.

3:4.3 Reports

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on the records of the department.

3:5 GIFTS, REWARDS, ETC.**3:5.1 Soliciting Gifts, Gratuities, Fees, Rewards, Loans, Etc.**

Except as stated herein, employees shall not under any circumstances solicit any gift, gratuity, fees, rewards, loans, etc. where there is any direct or indirect connection between solicitations and their department membership or employment. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Monmouth County Prosecutor's Office. Employees shall not solicit any organization that in any way references their employment as an employee of the Borough of Oceanport without the knowledge of the Chief of Police pursuant to the standards set forth above. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq.

3:5.2 Acceptance of Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Employees shall not accept either directly or indirectly any gift, gratuity, fees, rewards, loans, etc. or any other thing of value arising from or offered because of his police employment or any activity connected with said employment or employment with the Borough or which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift, gratuity, fees, rewards, loans, etc. from other employees without the express prior written permission of the Chief of Police.

Employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business, or agency except lawful salary and that which may be authorized by the law and the Chief of Police.

3:5.3 Other Transactions

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

3:5.4 Disposition of Unauthorized Gifts and/or Gratuities

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.

3:5.5 Debts - Incurring and Payment

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
3. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.
5. Employees shall promptly pay all just debts and legal liabilities incurred by them.

Commented [KMP49]: Added as a updated professional conduct standard

3:5.6 Intercession – Soliciting

Employees shall not attempt to circumvent, undermine, or improperly influence department procedures for determining promotions, assignments, disposition of disciplinary charges, appeals from department hearings, or related matters. Examples of circumventing, undermining or improperly influencing such procedures include, but are not limited to, soliciting unauthorized persons to intercede in such procedures, communicating or supplying information in a manner not authorized or permitted under such procedures, refusing to participate and/or cooperate in any investigation into alleged improper behavior. Members and employees may utilize the review, appeal and grievance procedures provided by statute, department rules and procedures, Borough ordinance or policy, and collective bargaining agreements. Nothing in this section shall prohibit

employees from lawful consultation with attorneys and union representatives. Any lawyer or union representative consulted shall not be permitted to speak on behalf of the employee and shall not interfere in any investigatory process, including a prohibition against delaying the process.

Commented [KMP50]: Added as a updated professional conduct standard

3:6 ALCOHOLIC BEVERAGES AND DRUGS

3:6.1 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage (any beverage containing alcohol) (hereinafter “alcohol”) or illegal drugs (including the illegal use of prescription drugs) (hereinafter “drugs”) or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence of or has alcohol or drugs in the employee’s system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol or drugs as tested by blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of alcohol or drugs and shall immediately relieve of duty and service weapon any employee found on duty in such condition.
2. Supervisors shall not allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or drugs. The superior officer shall submit a written report of the incident to the Chief of Police. (See Procedures for Employees Using Prescription Drugs in a Legal Manner Under Section 4 below)
3. Employees of the department shall not drink alcohol while on duty, or take any drug as defined herein, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink alcohol or take drugs while in uniform or during any activity where the employee is acting as a representative or has identified himself as an employee of the Department. An employee, while assigned to duty in civilian clothes, may use alcohol or drugs only, when necessary, in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. In certain social and community policing situations, exceptions may be made by the Chief of Police, wherein, alcohol may be consumed at off premises events and while wearing attire which identifies sworn personnel of the Oceanport Police Department. (i.e., Annual Wine Tasting Event). Employees should not, to the extent possible, engage in any behavior that could put him/herself in danger or the public in danger after consuming alcohol or drugs, for example, driving. All use of alcohol or drugs used in the performance of an employee’s duty must be documented in writing, detailing the reasons therefore and the amounts consumed as soon as possible after such consumption. An employee may be subject to testing to confirm the level of alcohol/drugs in their system.
4. Taking Prescription or other Medication While on Duty/Notification about Medication – Pursuant to the Americans with Disabilities Act, 42 U.S.C. §12112, (“ADA”) employees of the department shall disclose to the Chief of Police or his/her designee that they are taking medication (prescription or non-prescription) that may affect their ability to perform their duties, including but not limited to using a firearm, operating a radio, or operating a motor vehicle. Such employees shall also disclose the expected duration of their use of such medication. Medical information may be disclosed to supervisors where they need such information to provide reasonable accommodation or to meet an employee’s work restrictions. The department reserves the right in appropriate cases to require medical clearance before allowing the employee to return to regular duties. The department

Commented [KMP51]: This entire section was re-drafted to reflect updated current professional and legal standards as related to State Law and Attorney General Directive standards.

reserves the right to take appropriate action in the case of any employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication who has failed to give proper advance notification.

5. Alcohol may not be consumed at or in the police station or ancillary facilities.
6. No uniformed employee shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which alcohol is served or sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcohol is not the primary function (e.g., certain diners and restaurants which have a liquor license). If an employee is unclear whether an establishment would violate this section, he should contact his supervisor.
7. Employees shall not bring into or keep any alcohol or drugs on department premises except, when necessary, in the performance of a police officer related task. Alcohol or drugs brought into department premises in the furtherance of a police officer related task shall be properly identified and stored according to department written directives.
8. Any employee reporting for duty with the odor of alcohol on his breath or appearing to be under the influence may be subject to testing as set forth in Section 3:6.1.
9. No liquor license shall be held by any police officer, or by any profit corporation or association in which any police officer is interested, directly or indirectly.
10. Pursuant to law, members of the Oceanport Police Department may not be employed by a business located in the Borough, which is licensed to sell alcoholic beverages in New Jersey. Members of the Oceanport Police Department may be employed by such licensed businesses, which are located outside the Borough of Oceanport with prior notice to the Chief of Police and under the following legal conditions:
 - a) Police officers so employed shall not, while engaged in the selling, serving, possessing, or delivering of any alcoholic beverages: (1) have in his possession any firearm, or (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b) No police officer so employed shall be permitted to work more than twenty-four (24) hours per week in any such establishment.
 - c) When a licensee has circumstances that require the use of trained police officers to provide crowd or traffic control or security for money, the municipality may assign regular police officers to the licensed premises for these purposes. The municipality may either bill the licensee for such cost or may require the licensee to prepay for the services. In no event, however, may the licensee directly hire or pay these police officers. (See N.J.A.C. 13:2-23.31; N.J.S.A. 33:1-26.1).
 - d) The Chief of Police retains the right to advise any police officer that for the good of the Department or for other operational reasons (including but not limited to the ability to work overtime), the officer cannot obtain or retain such employment.

3:6.2 Substance Testing

1. Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the Office of the New

Commented [KMP52]: This entire section was re-drafted to reflect updated Attorney General Directive mandates, (2019) Removal of the testing for Marijuana (State Law 2021-new Marijuana Legalization Law) and updated procedures and best practices.

Jersey Attorney General's Guidelines on Drug Testing and any policy mandated by the Monmouth County Prosecutor.

2. Random drug screening shall be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and the Oceanport Police directive on Drug Testing for Law Enforcement as well as any policy mandated by the Monmouth County Prosecutor.

3:6.3 Procedure:

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the Rules and Regulations established by the Police Training Commission.
2. Individual trainees shall be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, Chief of Police, or the Academy Director.
3. Urine specimens shall be ordered from a sworn Law Enforcement Officer or Class II Special Law Enforcement Officers when there exists reasonable suspicion to believe that the officer or employee is illegally using drugs. Urine specimens shall not be ordered without the approval of the County Prosecutor or the Chief of Police.
4. Urine specimens may be ordered from sworn Law Enforcement Officers or Class II Special Law Enforcement Officers who have been randomly selected to submit to a drug test. Random selection is defined as a method of selection in which each member of the Department, regardless of rank or assignment, has an equal chance to be selected each time a selection is conducted.

3:6.4 Notification of Drug Testing Procedures.

1. Trainees: Drug testing of trainees will be governed by the Police Academy the trainee is attending. Positive results on the drug test will result in:
 - a) The trainee's termination from employment.
 - b) Inclusion of the name in the Central Drug Registry maintained by the Division of State Police.
 - c) The trainee being permanently barred from future law Enforcement in New Jersey.
2. Sworn Police officers/Class II special Officers Reasonable Suspicion Testing:
 - a) Individual Police officers and Class II Special Law Enforcement officers are required to submit to a drug test when there is reasonable suspicion to believe that the officer/employee is illegally using drugs.
 - b) Before an officer or employee is ordered to submit to a drug test, a written report shall be prepared which documents the basis for the reasonable suspicion. The report shall

be reviewed by the County Prosecutor and/or the Chief of Police before a reasonable suspicion test may be ordered.

- c) A negative test result is a condition of employment, and a positive result will result in termination from employment. A positive result for a sworn officer will result in:
 - 1) Termination of employment
 - 2) Inclusion of the officer's name in the Central Drug Registry by the Division of State Police
 - 3) Being permanently barred from future Law Enforcement employment in New Jersey.
 - 4) Any officer or employee who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so shall be subject to the same penalties as those who test positive for the illegal use of drugs.
3. Sworn Law Enforcement Officers/Class II Special Law Enforcement Officers: Random Drug Testing.
- a) All sworn officers and Class II officers of the Oceanport Police, regardless of rank or assignment, are eligible for random drug testing.
 - b) Random drug testing shall be conducted semi-annually. The Chief of Police shall determine the dates of the selections. Each selection shall result in testing of one (2) officer(s).
 - c) The Oceanport Police shall use a computer program which randomly selects social security numbers from its database.
 - d) All employees will have an equal chance to be selected for testing each time a selection takes place.
 - e) Members of the Employees Collective Bargaining Unit shall be permitted to witness the selection process.
 - f) Any member who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action.
 - g) Officers selected who are on Sick leave, Vacation, or other authorized leave will appear as soon as they return from approved leave.
 - h) Any officer, who refuses to submit to a drug test when randomly selected, is subject to the same penalties as those who test positive for illegal use of drugs. An officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

3:6.5 Analysis of Specimens

- 1. The State Toxicology Laboratory shall utilize test procedures as determined by their Standard Operating Procedures.
- 2. Following their test procedures, positive test results are reviewed by a Medical Review Officer. Results of the test are compared to the medical questionnaire submitted with the specimen to determine if any substance listed on the questionnaire would explain the test

result. The Medical Review Officer may direct the Department to obtain additional information from the individual being tested in the event the questionnaire does not explain the test result indicating that the specimen tested positive.

3. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - Amphetamine/Meth Amphetamine Barbiturates
 - Benzodiazepine
 - Cocaine
 - Methadone
 - Phencyclidine
 - Opiates
4. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test, specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.
5. The Chief of Police may request that one or more specimens be analyzed for the presence of steroids.

3:6.6 Drug Test Results

1. The State Toxicology Laboratory shall notify the Department of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the agency within fifteen (15) working days of the submission. The State Toxicology Laboratory will, upon request, provide the submitting agency with written documentation that one or more specimens submitted tested negative.
2. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the Medical Review Officer has reviewed the results of that test.
3. The Department shall notify the individual of the results of a positive test result as soon as possible after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
4. Under no circumstances may a specimen be resubmitted for testing.

3:6.7 Consequences of a Positive Test Result:

1. When a trainee tests positive for illegal drug use:
 - a) The trainee shall be immediately dismissed from Basic Training and suspended from employment.
 - b) The trainee shall be terminated from the Department upon final disciplinary action.
 - c) The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - d) The trainee shall be permanently barred from Law Enforcement employment in New Jersey.

2. When a Sworn Officer / Class II Special Officer /Class II Special Officer tests positive for illegal drug use:
 - a) The Officer / Class II Special Officer/Class II Special Officer shall be immediately suspended from all duties.
 - b) The Officer / Class II Special Officer /Class II Special Officer shall be terminated upon final disciplinary action.
 - c) The Officer shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - d) The Officer shall be permanently barred from future Law Enforcement employment in New Jersey.

3:6.11 Consequences of Refusal to Submit to a Drug Test.

1. Trainees who refuse to submit to a drug test shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit to a drug test, the trainee shall be terminated and permanently barred from Law Enforcement employment In New Jersey, The trainee's name shall be submitted to the Central Drug Registry.
2. Sworn officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated and permanently barred from Law Enforcement employment In New Jersey. The officer's name shall be forwarded to the Central Drug Registry.

3:7 DUTY CONDUCT

3:7.1 Reporting for Duty

Employees shall report for duty at the time and place specified, properly uniformed, and equipped.

3:7.2 Absence from Duty

Every member who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence must be reported in writing to the supervisor immediately. Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave. Absences without leave of more than one day must be reported in writing to the Chief of Police. Except as otherwise provided by law, any member who is absent from duty without just cause or leave of absence, for a continuous period of 5 days shall cease to be a member of the Department, pursuant to N.J.S.A. 40A:14-122.

3:7.3 Harassment in the Workplace

All employees of the department shall adhere to the written directive established by the Chief of Police and the Borough of Oceanport regarding Harassment in the Workplace.

Commented [KMP53]: Added as per required standards and State law.

3:7.4 Civil Rights

All employees shall observe and respect the civil rights of all persons.

Commented [KMP54]: Modified to reflect current standards

3:7.5 Work Expectation

Employees are expected to always perform their duties to the best of their abilities.

Commented [KMP55]: Added as top professional standards

3:7.6 Retaliation

No employee shall take any official action or initiate or engage in any conduct with the intention to retaliate against any person for criticizing or complaining about any employee. This shall not apply to situations where employees are disciplined for engaging in actions which constitute insubordination.

Commented [KMP56]: Added as to updated professional standards

3:7.7 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship, or civil union during employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees may be transferred to another shift or assignment. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the Chief of Police. Failure to report such a relationship may subject the involved employees to discipline.

Commented [KMP57]: Modified to reflect updated professional conduct standards.

3:7.8 Smoking

P.L. 2009, C.182 "NJ Smoke-Free Air Act" approved July 20, 2010, provides for an employer's obligation to establish a policy protecting the health, welfare, and comfort of employees from those employees who smoke tobacco, to include electronic smoking devices. That written directive must establish designated non-smoking areas. It is the policy of this department not to allow smoking in any office or vehicle assigned to the Oceanport Police Department.

Commented [KMP58]: Modified from the original document to reflect NJ law.

Employees desiring to smoke may do so outside or in an area designated for smoking. It is the rule of this department not to allow smoking in any designated crime scene area.

3:7.9 Distracters

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.

3:7.10 Relief

Employees are to remain on their assignments and on duty until properly relieved by other employees or until dismissed by a competent authority.

3:7.11 Training

Employees shall attend training under the direction of the appropriate supervisor. Such attendance is considered a duty assignment unless the prevailing collective bargaining agreements provides otherwise.

3:7.12 Inspections

Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

3:7.13 Prohibited Activity On-Duty

1. Employees who are on-duty are prohibited from engaging in activities, which are not related to the performance of their duty with exceptions as noted:
2. Meeting with other officers (except in performance of their police duties) without permission of supervisor, sleeping, loafing, idling.
3. Conducting personal business while on duty.
4. Unlawful gambling, unless to further a police purpose such as investigating of suspected criminal activity as authorized through the chain of command.
5. Smoking in public view.
6. Sexual activity of any kind.
7. Pursuing personal relationships with or without coercion created by an officer's official authority.
8. While on patrol, leaving the Borough without supervisory approval.
9. Soliciting or otherwise enhancing secondary employment interests while on duty or because of an official duty.
10. Conducting secondary employment activities while on duty.
11. Taking any photographs, pictures, digital images that are not related to the job, including but not limited to pictures of any crime scenes, traffic crashes, people, or job related incidents or occurrence with any personal analog or digital device, camera or cellular telephone, except as may be necessary for the furtherance of official duties, and only in accordance with established department procedures pertaining to preservation of evidence and chain of custody;

Commented [KMP59]: Modified and corrected from the original document to condense in one sub-category the prohibited conduct

12. Releasing any personal or department photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job-related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police or his designee.
13. Video or audio recording, which is not connected with an official investigation or duties, is prohibited.
14. Employees are forbidden to video or audio record conversations with other employees unless related to the job and approved in advance by the Chief of Police. This prohibition does not apply to video recorded interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the department telephone system via any recording system approved by the Chief of Police, or to the use of mobile video recorders/body worn cameras as authorized by the Chief of Police. The exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or representatives of the involved prosecutorial authorities.
15. Any other activity deemed inappropriate by the Chief of Police.

3:7.14 All Other Conduct

Misconduct by a police officer need not be predicated on the violation of any department rule or regulation. Police officers are called upon to exercise tact, restraint, and good judgment in their relationship with the public and must present an image of personal integrity and dependability to have the respect of the public. The department will take appropriate disciplinary action against any officer whose actions violate this standard of good behavior.

Commented [KMP60]: Added-generalized statement to include all other prohibited conduct while on duty.

PERSONNEL REGULATIONS

3:8 UNIFORMS, APPEARANCE, AND IDENTIFICATION

3:8.1 Regulation Uniforms Required

All uniformed personnel of the department shall maintain in good order a regulation uniform. All uniformed personnel shall be neat appearing, and well-groomed while in uniform. All personnel assigned to a patrol shift shall wear the same uniform type. All articles of uniform shall conform to the department uniform regulations. Uniforms shall be made of the material and the style prescribed in the department Uniform and equipment directive, and such style shall not be altered or changed in any manner whatsoever, unless authorized by the Chief of Police.

3:8.2 Manner of Wearing the Uniform

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

3:8.3 Manner of Wearing Civilian Attire

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

3:8.4 Wearing or Carrying Identification

Members shall always wear or carry their department identification if it is practical for the circumstances.

3:8.5 Identification as Police Officer

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

3:8.6 Personal Appearance

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

1. Male Employees

- a) Hair shall be neatly trimmed and groomed. Hair shall be cut to present a tapered appearance on the side and back and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. There shall be no designs cut into the head hair. Designs such as

Commented [KMP61]: Modifications and additions from the original document to show specific appearance standards for both male and female employees and well a specific requirements and prohibitions of tattoos, piercings and other body markings to fall within current professional standards,

numbers, insignias, or other inscriptions are forbidden. Hair coloring, if used, must appear natural.

- b) Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed one and one quarter inches at the broadest point. The growth shall not be more than a quarter inch in depth. Mustaches shall be neatly trimmed, and the extent of the growth shall be limited to being even with the line of the corner of the mouth. Length of the hair shall be no more than one quarter inch, nor appear bushy. The ends may not be waxed or twisted.
- c) Beards shall not be permitted, unless with the express consent of the Chief of Police. Personnel with a medical condition, which precludes shaving, shall be required to present a written statement, signed by a medical doctor, verifying such condition. Beards may be permitted for religious reasons and public awareness campaign (i.e., "Mo" vember) upon approval of the Chief of Police.

Non-uniformed employees may deviate from the above beard standard as authorized by the Chief of Police or designee.

- d) Hair growing from the chest, neck, ears, or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie, or exposed t-shirt.
- e) Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.

2. Female Employees

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

3. Jewelry and Apparel (All)

- a) Police Officers on duty shall not wear loose fitting jewelry which may be grasped during a struggle, or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform employees on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with department written directive.

- b) No visible body piercing jewelry shall be worn while on duty. This shall include but not limit to nose, eyebrow, and tongue piercing.

4. Tattoos or Similar Markings (All)

Definitions:

- a) Tattoo - the act or practice of marking the skin with designs, forms, figures, art, etc.
- b) Scarification - the act of intentional cutting of the skin for the purpose of creating a design, form, figure, or art.
- c) Branding - the act of intentional burning of the skin for the purpose of creating a design, form, figure, or art.

The following tattoos, scarifications and brands are prohibited:

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

3:9 DEPARTMENT EQUIPMENT AND PROPERTY

3:9.1 Equipment On-Duty

Employees shall carry all equipment on duty as prescribed by the department written directive based on their assignment.

3:9.2 Equipment Off-Duty

Employees shall carry equipment off-duty as prescribed by the department written directive.

3:9.3 Firearms

Employees shall follow the department written directive on the care and handling of firearms.

3:9.4 Department Property and Equipment

Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty. Equipment and/or property will be handled and maintained in accordance with department written directives.

3:9.5 Use of Department Property and Equipment

Employees are prohibited from using any department property, equipment, consumable supplies and other resources for personal business or pleasure.

3:9.6 Damaged or Inoperative Property or Equipment

Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment or property. **Employees shall document damage to department equipment using the CAD system. Supervisors shall notify the Command Staff in writing of any department owned damaged equipment.**

Commented [KMP62]: Added to reflect department operating procedures.

3:9.7 Care of Department Buildings

Employees shall not mark or deface any surface in any department building. No material shall be attached to any wall in department buildings without specific authorization from the appropriate supervisor.

3:9.8 Notices

Employees shall not mark, alter, or deface any posted notice of the department. No notices or announcements shall be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining unit(s). No other form of communication of notices or announcements, including electronic communication of non-official police business shall be made unless authorized by the appropriate supervisor. No notices, pictures or other written communications may be posted that are degrading, obscene, or considered detrimental to the good order of the Police Department.

3:9.9 Use of Department Vehicles

Employees shall not use any non-assigned department vehicle without the permission of the Chief of Police or his/her designee. The Chief of Police and command personnel may use their provided vehicles in accordance with written directives and/or current collective bargaining agreements.

3:9.10 Operation of Department Vehicles

When operating department vehicles, employees shall not violate traffic laws, except in cases of emergency and then only in conformity with state law and department written directive regarding same.

3:9.11 Transporting Non-Borough Employees

Non-Borough employees shall not be transported in department vehicles, except as necessary in the performance of official police duties. Such transportation will be done in conformance with department written directive or at the direction of the commanding officer, immediate supervisor, or communications center. The Chief of Police and command personnel may transport individuals in accordance with any current collective bargaining agreements.

3:9.12 Reporting Accidents

Accidents involving department personnel, property, equipment, and vehicles must be reported in accordance with department written directives.

3:9.13 Inspection

Department property and equipment is subject to entry and inspection without notice. This includes, but is not limited to any vehicle, desk, filing cabinet, and/or locker, the use of which is provided to the employee by the department.

3:9.14 Liability

If any department property is damaged or lost as result of misuse or negligence by an employee, that employee will be held liable for the damage or loss and is subject to disciplinary action.

3:9.15 Presumption of Responsibility

In the event that Borough of Oceanport property is found bearing evidence of damage which has not been reported, it shall be prima-facie evidence that the last person using the property or vehicle was responsible.

Commented [KMP63]: Added legal standard=best practice.

3:9.16 Surrender of Department Property

1. Upon Separation from the Department - Employees are required to surrender all department property in their possession upon separation from the service
2. Under Suspension - Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

3:10 COMMUNICATIONS, CORRESPONDENCE

3:10.1 Restrictions

1. Employees shall not use department letterheads for private correspondence.
2. Employees shall only send official correspondence out of the department under the direction of the Chief of Police or his/her designee. This includes, but is not limited to, letters, subpoenas, e-mails, memorandums, and any other type of paper or electronic written communication.

3:10.2 Forwarding Communications

Any employee who receives a written communication for transmission to another employee shall forward be same without delay.

3:10.3 Use of Department Address

Employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any private vehicle registration or driver's license.

3:10.4 Telephones

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor. Department telephone numbers may not be given out as numbers for police officer's personal use or contact.

3:10.5 Radio Discipline

Employees operating the police radios shall strictly observe the procedures and restrictions for such operations as set forth in department written directive and by the Federal Communications Commission.

3:10.6 Social Media:

Employees shall follow the Department Directives on the use and transmission of all social media.

3:11 PUBLIC ACTIVITIES

3:11.1 Publicity

Employees may identify themselves as employees of the Oceanport Police Department. However, members and employees shall not use or refer to their affiliation with the Oceanport Police Department for purposes of furthering or gaining advantage in personal pursuits or for any other reason that has or reasonably may have an adverse impact on the department or of the Borough of Oceanport. The Chief of Police shall determine whether an employee's conduct has violated this standard. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq. or the New Jersey State Constitution.

Commented [KMP64]: Added best practice-professional standards

3:11.2 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with this department or their position as a police officer or employee of a police department.

Commented [KMP65]: Added best practices-professional standards

3:11.3 Public Appearance Requests

All requests for public speeches, demonstrations, etc., will be forwarded to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that the party submit their request to the Chief of Police.

Commented [KMP66]: Added best practices-professional standards

3:11.4 Courtesy

Employees shall be courteous and orderly in all dealings with the public. They shall perform their duties professionally, avoiding harsh, violent, profane, or insolent language, and always remain calm regardless of provocation to do otherwise. Upon request, employees are required to supply their name and identification in a courteous manner. They shall address requests from the public quickly and accurately, avoiding unnecessary referrals to other parts of the department.

Commented [KMP67]: Added best practices-professional standards

3:11.5 Impartial Attitude

All employees must remain completely impartial toward all people coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1 et seq.) is conduct unbecoming a public employee. Similarly, unwarranted interference in the confidential business of others when not in the interests of justice is conduct unbecoming a public employee.

Commented [KMP68]: Added best practices-professional standards

3:11.6 Disparaging Comments Regarding Protected Personal Characteristics

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1 et seq.).

Commented [KMP69]: Added best practices-professional standards

3:11.7 Public Statements

Employees of the department shall not make public statements concerning the work, plans, policies, or affairs of the department which may impair or disrupt the operation of the department,

or which are obscene, unlawful, or defamatory. While employees have a right to maintain personal webpages, websites, and blogs, their status as employees of the police department requires that the content of those webpages and websites not be in violation of existing department written directives. The right of the collective bargaining unit(s) representative to make public statements regarding the improvement of working conditions or the betterment of the department shall be upheld.

3:11.8 Subversive Organizations

No employee shall knowingly become a member of or connected with a subversive organization, except, when necessary, in the performance of duty, and then only under the direction of the Chief of Police.

3:11.9 Affiliation with Certain Organizations Prohibited

Police officers shall not join or affiliate with any organization or enter any business relationships that would interfere with the officer's ability to fulfill his or her obligations to the department, which may impair or disrupt the operations of the department, or that is inconsistent with the mission of the department. This section shall not apply to active or reserve service in the armed forces of the United States or the State of New Jersey.

3:11.10 Affiliation with Radical Group

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates, or which is instrumental in fostering hatred, prejudice, or oppression against any group set forth in Section 3:11.7 or any political entity.

3:12 POLITICAL ACTIVITIES

3:12.1 Political Activities Prohibited

Employees should not be permitted to engage in political activity while on duty, and no employee shall be permitted to use his official position to influence another person's partisan or non-partisan political activity.

3:12.2 Election to Public Office

Police officers may run for public office, but may not campaign, nor engage in any activity connected with candidacy for such office, during any tour of police duty.

3:12.3 Soliciting Prohibited

Employees of the department shall not solicit contributions for political purposes while on duty or when such activity prevents the employee from performing his job with the department, nor shall any employee interfere with or use the influence of his office for political reasons.

3:12.4 Contributions

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

Commented [KMP70]: Added best practices-professional standards

Commented [KMP71]: The following three subsections were added as best practice-professional conduct and as required as per the new Police licensing Law of 2024

3:12.5 Displaying of Political Material

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

3:13 JUDICIAL APPEARANCE AND TESTIMONY**3:13.1 Court Appearances**

Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or appropriate business attire shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism, which might imply disrespect to the court.

3:13.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the Borough of Oceanport in any hearing or trial shall notify the Chief of Police through the chain of command upon receipt of the subpoena. He shall also notify the appropriate prosecutorial authority handling the case.

3:13.3 Duty of Employees to Appear and Testify

It shall be the duty of every employee to appear and testify upon matters related to the conduct of his office, position or employment before any court, grand jury, or the State Commission of Investigation, provided such testimony does not infringe on the employee's constitutional due process protection.

3:13.4 Department Investigations – Testifying

Employees shall be required to respond to questioning, provide reports, and render materials during department investigations in accordance with the provisions of the New Jersey Attorney General's Internal Affairs Policy & Procedures currently in effect.

3:13.5 Truthfulness

Employees are required to be always truthful whether under oath or not.

3:13.6 Civil Action, Court Appearances – Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify the Chief of Police, who in turn shall notify the proper authorities. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with department directives.

3:13.7 Civil Depositions and Affidavits

Employees shall notify their supervisor before giving a deposition or affidavit on a civil case. If the supervisor determines that the case is of importance to the Borough of Oceanport, he shall inform the Chief of Police before the deposition or affidavit is given.

3:13.8 Civil Action, Expert Witness

Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Monmouth County Prosecutor and the Chief of Police.

3:13.9 Civil Process

Members shall not serve in civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes, particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

3:13.10 Internal Affairs Investigations

The Oceanport Police Department hereby adopts and incorporates the “Internal Affairs Policy & Procedures” of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety to govern the conduct of internal affairs investigations.

CHAPTER 4
DISCIPLINARY REGULATIONS
4:1 DISCIPLINARY ACTION

4:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense, incapacity, misconduct or disobedience of established department Rules and Regulations punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank or assignment; or for violation of any written directive or rule or regulations of the department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case. The disciplinary system established herein shall reflect the overarching emphasis on improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

4:1.2 Establishing Elements of Violation

The existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such as a basis for disciplinary action. Nothing in these rules and regulations prohibits disciplining or charging employees merely because the alleged act or mission does not appear herein, in the department, or in laws and ordinances within the cognizance of the department.

4:2 DEPARTMENT AUTHORITY FOR CORRECTIVE ACTION/DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, Attorney General Guidelines, applicable case law, department written directive and the Municipal Codes of the Borough of Oceanport. Except as otherwise provided by applicable law, the department's disciplinary authority and responsibility rests with the Chief of Police or designee.

Basic guidelines include:

4:2.1 Discipline-serious infractions

4.2.2 Disciplinary Action

4.2.3 Disciplinary Action.

Employees, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for:

Commented [KMP72]: The next two sub-sections were modified and condensed to reflect changes in policy and procedure as well as NJ Attorney General Directives

Commented [KMP73]: This entire section was revised with additions and modifications to reflect easy to read procedures and discipline, what is progressive discipline distinction between minor and serious infractions, as well as other dispositions. The disciplinary process is explained in an easier to read format. There are added requirements that are listed within the disciplinary process as required by the NJ Attorney General directive as well as the grievance process.

1. committing an offense/crime punishable under the laws or statutes of the United States, the State of New Jersey, or in any other State, including disorderly and petty disorderly persons offenses, or municipal ordinance.
2. failure, either willingly or through negligence, or incompetence, to perform the duties of their rank or assignment.
3. violation of any rule, policy, guideline, or directive of the department; or
4. Failure to obey any lawful instruction, order, or command of a supervisor.
5. Excessive force: Complaint regarding the use or threatened use of excessive force against a person.
6. Improper arrest: Complaint that the restraint of a person's liberty was improper, unjust, or violated the person's civil rights.
7. Improper entry: Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.
8. Improper search: Complaint that the search for a person or property was improper, unjust, violated established agency procedures or violated the person's civil rights.
9. Differential treatment: Complaint that the taking of police action, the failure to take police action or method of police action was predicated upon irrelevant factors such as race, appearance, age, or sex.
10. Demeanor: Complaint that a department member's bearing, gestures, language, or other actions were inappropriate.
11. Serious rule infractions: Complaint for conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements, or malingering.

4:3.1 Corrective Action-minor infractions

1. In certain situations, regarding first time minor rule infractions such as complaint for conduct such as untidiness, tardiness, faulty driving, or failure to follow procedures. Formal discipline is not required in order to correct employee performance in various areas. Performance based issues may be corrected by using training and counseling outlined below:
2. Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training.
3. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances wherein corrective action (training) may be necessary. Training includes:
 - Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
 - Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
 - In-Service Training - The supervisor may refer the employee to an in-service training program.
 - Counseling - Counseling is indicated where personal actions or job performance conflict with basic police practice and agency written directives. Certain first offenses

are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling.

4. There is no right to a hearing for counseling notices except as may exist under applicable collective bargaining agreements. The final disposition notice regarding the corrective action shall be filed in the employee's personnel file.

4:3.2. Documentation of Counseling

All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

4.3.3 Repeated Violations.

Repeated violations of the rules of conduct shall be indicative of employees' disregard for their duty and may be cause for dismissal. This shall apply regardless of the type or severity of the offenses.

4:3.4 Progressive Discipline

The Department shall use the disciplinary process of Progressive Discipline to achieve the basic goals of instruction and address inappropriate behavior before minor problems escalate into major problems. At the same time, the subject officer is made aware that repeated violations of the agency's rules will result in this progressive discipline. An internal affairs complaint that has a disposition of exonerated, unfounded, or not sustained should not be used to effect progressive discipline.

A system of progressive discipline shall include the following elements:

1. Oral reprimand or performance notice
2. Written reprimand
3. Monetary fine
4. Suspension without pay.
5. Loss of a promotional opportunity
6. Demotion
7. Discharge from employment.

4:3.5 Disciplinary Procedures.

4:3.5-1 Reduction in Rank

No member or officer of the Police Department shall be suspended, removed, fined, or reduced in rank for any cause other than for incapacity, misconduct, or disobedience as provided in the New Jersey Statutes and the Police Departments Rules and regulations.

4:3.5-2 Complaints and charges

All complaints or charges against members of the Police Department will be managed in accordance with the Department Guidelines for Internal Affairs.

4:3.5-3 Prevention

The Department will utilize the following disciplinary process to achieve the basic goals of instruction and address inappropriate behavior before minor problems escalate into major problems.

Employees will be made aware that repeated violations of the Department rules, regulations, policies, orders, and guidelines will result in progressive discipline.

4:4.1 Grievance Procedures**4:4.2 Purpose****4:4.2 Process**

Whenever a member of the Police Department has a grievance, he shall notify the Chief of Police, in writing, within 10 calendar days of the event giving rise to the grievance. Failure to act within the 10 calendar days shall be deemed to constitute an abandonment of the grievance. The aforementioned ten calendar day limitations may be extended upon presentation to the Chief of a physician's certificate attesting to the incapacity of the aggrieved to file within the prescribed time.

1. No Grievance shall be heard or considered unless the procedures set forth have been followed.

4:5 Procedures**4:5.1 Process**

The aggrieved shall institute action under the provisions hereof within ten calendar days after the event giving rise to the grievance has occurred and earnest effort shall be made to settle the differences between the aggrieved employee and his immediate supervisor for the purpose of resolving the matter informally.

1. The Chief or his designee shall render a decision within ten days after receipt of the grievance.
2. If the grievance is not settled at the first step, the aggrieved may make a written request for a second step meeting within (7) seven calendar days after the answer at the first step.
3. The chief or his designee shall arrange a meeting within (7) seven calendar days after the request, or for such other time as is mutually agreeable. Said second step meeting shall be between the Appropriate Authority, or his designee, and the Chief with the aggrieved, the P.B.A. Representative and the P.B.A. Attorney, if requested by the aggrieved. The Appropriate authority, or his designee, answer to the second step shall be delivered to the aggrieved within (10) ten calendar days after the meeting.
4. If the aggrieved is not satisfied with the handling or result of the grievance on the second level, he may within (10) ten calendar days notify the Governing Body that he wishes to have them rule on the aggrieved matter. A meeting shall be set with the Governing Body in Executive Session within (30) thirty days after the Governing Body has received the request that it rule on the matter. At such a meeting, the aggrieved may appear with a representative of the P.B.A. and the P.B.A. Attorney, if requested by the aggrieved. The Governing Body

answer to the third step shall be delivered to the P.B.A. representative and the aggrieved in writing within (7) seven calendar days after the said meeting.

5. If no satisfactory resolution of the grievance is reached in step three, within (20) calendar days, the grievance may be referred to the Public Employment Relations Commission (PERC) for the selection of an arbitrator, pursuant to the rules of PERC. The decision of the arbitrator shall be final and binding upon the parties. The general expenses of such arbitration shall be borne equally by the parties, except that each party shall bear the expenses of its own representatives and witnesses. Should the aggrieved be dissatisfied with the decision of the Governing Body, such a person may file where appropriate for review.

4:5.6 Appeals Procedure

The appeal of discipline or corrective action imposed against an employee may be taken consistent with laws of the State of New Jersey and/or the grievance procedures of the current collective bargaining agreements, ordinances and/or department written directive.

4:5.7-Borough Grievances

Grievances initiated by the Borough of Oceanport shall be filed directly with the P.B.A., in writing within (10) ten calendar days after the event giving rise to the grievance has occurred. A meeting shall be held within (10) ten calendar days after the filing of the grievance between representatives of the Borough of Oceanport and the P.B.A. in an earnest effort to adjust the differences between the parties.

Chapter 5
Duty Hours and Leave

5.1 Duty Hours

5:1.1 Hours of Duty.

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

5.1.2 Scheduled Days Off

1. Employees are entitled to days off pursuant to appropriate collective bargaining agreements and are to be taken according to a schedule arranged by the appropriate supervisor.

5:1.3 Annual Vacation.

1. All full-time police officers are authorized an annual vacation allowance without loss of pay. For police officers, this vacation allowance or leave will accrue to the individual on calendar-year basis as listed in the employee's collective bargaining agreement.
2. All periods of vacation must be arranged for in advance in accordance with procedures established by the Chief of Police or his designee.
3. Unused vacation time cannot be accumulated from one year to another. Any unused allowance will be cancelled on January 1 of the following year unless it is established that the individual's duties, injury, or illness have prevented him from using his leave in full. In such cases, and upon the recommendation of the Governing Body may approve the carrying over of such unused vacation allowance into the next calendar year, which must then be taken before June 1 of that year. Anyone allowed to carry vacation time into the next calendar year will not be allowed to take more than three consecutive weeks of vacation at any one time without prior approval of the Governing Body. Any member of the Police Department whose employment is terminated within six months of his hiring will not be entitled to annual vacation or pay in lieu thereof.
4. Any member of the Police Department whose employment is terminated within six months of his hiring will not be entitled to annual vacation or pay in lieu thereof.
5. The Chief of Police and/or the captain will establish and maintain a register of annual vacation allowance earned and taken by all members of the Police Department,

5:2 Holidays

1. Holidays will be administered as outlined in the collective bargaining agreement.

5.3 Sick Leave.

Definition: Sick leave is the absence from work of an employee because of illness, injury while off-duty or the employees need to care for a member of the immediate family who is seriously ill.

1. Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and Borough Personnel Policy Manual, Department policy and procedures.
2. Abuse of Sick Leave. Employees who take sick leave in violation of Borough Personnel Policy Manual and/or Department policy shall be subject to disciplinary action.
3. Permanent part-time employees shall accrue hours of sick leave based on the Borough Personnel Policy and State Laws.
4. The Chief of Police and/or Captain. will maintain a record of all sick leave earned, taken, and accrued by all members of the Police Department. All members of the Police Department will be given an annual statement in writing as to the status of his sick leave earned, taken, and accrued.
5. Disposition of accrued sick leave benefit at retirement will be administered as outlined in the collective bargaining agreement.

5.4 Excused Absence.

1. Leave of absence, without pay, may be granted to full-time members of the Police Department, at the discretion of the Governing Body.
2. Full-time members of the Police Department may be excused on workdays, without loss of pay, as per the collective bargaining agreement and Borough Personnel Procedures manual. For guidance, excused absence includes, but is not limited to, time required for activities that cannot be managed during off-duty hours such as:
 3. Deaths or grave illness in the immediate family.
 4. Religious observance
 5. When representing the borough at an important event.
 6. When required to appear for jury duty.

5.5-Bereavement Leave:

In the event of a death in the employee's immediate family, and upon notification by the employee to the Chief of Police, the employee will be granted a leave of absence with pay not to exceed three days. Additional leave may be granted, when necessary, with the approval of the Governing Body.

1. "Immediate Family" shall include employee's spouse, children, stepchildren, foster child, grandchildren, parents, stepparents, grandparents, brothers, sisters, mother-in-law, father-in-law, aunts, uncles, nephews, and nieces.
2. "Illness in the immediate family" is an illness which is serious enough to require the presence at home of the employee. "Immediate family" in this case shall be limited to the employee's spouse or children or other members of the employee's household.

5:6 Jury Duty

Employees receiving jury duty notification will immediately provide their department head with a copy of the summons to report. If an employee is released early from jury duty, the employee shall contact the Department head to determine whether the employee's services are required for the remainder of the day.

5:7- On-the-job injury leave.

1. When a full-time employee shall be injured or disabled resulting from or arising due to his/her employment with the borough, said employee shall be entitled to receive full pay for up to thirty days from the date of injury of disability, less any money received from workman's Compensation. The injured employee shall:
 - a) Notify the Chief of Police or Supervisor of the injury immediately.
 - b) Any injury, no matter how minor, will be noted in the report on the incident and a separate report on the injury will be filed by the officer injured, if possible, or by the other officer on the shift.
 - c) The Chief of Police will notify the appropriate Borough Representative of the injury and any pertinent information.
 - d) Notify the appropriate Borough contracted company for notification of the injury and any pertinent information.
 - e) File for workers' compensation after the proscribed waiting period.
 - f) Notify his employer of the money received as compensation.
 - g) Submit to the employer a physician's certificate stating the nature of the injury or disability that prevents the employee from returning to work.
2. If at the end of thirty days, the employee has not returned to work, full pay will continue to be paid to the employee provided that a physician's certificate states that the injury or disability continues to keep the employee from work. The physician should also state the estimated length of the disability.

5:8 Leave of Absence

1. Military leave, Childbirth leave, and any other absence without pay shall be granted as provided in United States and New Jersey Statutes.
 - a) Planned leave without pay for any other reason for periods exceeding two weeks will be extended to full-time employees only after an administrative decision has been reached by the Governing Body.
 - b) All employees covered by this Agreement shall receive paid leave in accordance with N.J.S.A. 38:23-2 and N.J.S.A. 40A:14-177.

5:9-Other Leave

1. Other Leaves. Employees are entitled to other leave as provided for in the collective bargaining agreement, by law and by Department policy and procedure subject to approval of the schedule by the appropriate supervisor.
2. Suspension of Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonable could not have been foreseen is declared by appropriate department authority, and which unavoidably requires utilization of additional employees who are not scheduled to work.

5:10 Secondary Employment.

1. Secondary employment. Employees may engage in secondary employment consistent with Department policy.

5:11 Resignation.

2. Resignation shall be in Writing. All resignations of employees must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two weeks' written notice who will then forward the resignation to the Borough Administrator and the Appropriate Authority.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER OF READING IN FULL THE 2024 MUNICIPAL BUDGET**

**Resolution #2024-129
05/16/24**

WHEREAS, the public hearing for 2024 Municipal Budget is scheduled for May 16, 2024; and

WHEREAS, N.J.S.A. 40A:4-8 as amended by Chapter 259, Laws of 1995, provides that the budget may be ready by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, conditioned that at least one week prior to the date of hearing a complete copy of the approved budget has been made available for public inspection; and

WHEREAS, the Governing Body of the Borough of Oceanport desires to read the 2024 Municipal Budget by title only at the time of the public hearing and adoption of said budget; and

WHEREAS, the Municipal Clerk of the Borough of Oceanport has caused the 2024 Municipal Budget to be posted in a public place in the Borough Hall of the Borough of Oceanport and on its website at least seven (7) days prior to the date of the public hearing; and

WHEREAS, said budget was made available to any person requesting to review same at least seven (7) days prior to the public hearing scheduled for the 2024 budget; and

WHEREAS, the Municipal Clerk, Jeanne Smith, has certified she has complied with N.J.S.A. 40A:4-8.1a and 1b. (copy of Certification below as Exhibit A);

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council shall read the 2024 Municipal Budget by its title only at the public hearing at the time of the adoption of the budget and hereby declares that the conditions set forth in N.J.S.A. 40A:4-8, Subsection 1.a and 1.b have been met therewith.

Exhibit A

CERTIFICATION

I, Jeanne Smith, Borough Clerk of the Borough of Oceanport do hereby certify that I have caused to be posted in the Borough Hall and on the Borough website a copy of the 2024 Municipal Budget at least seven days prior to the public hearing of May 16, 2024. I further certify that I have made the 2024 Municipal Budget available to any person requesting same at least seven days prior to the public hearing of May 16, 2024.

JEANNE SMITH
BOROUGH CLERK

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS FOR 2024 CALENDAR YEAR (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Oceanport in the County of Monmouth finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$81,614.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$285,650.33 and that the CY 2024 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED ON FIRST READING

DATED: April 18, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 16, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

THOMAS J. TVRDIK
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT
ADOPTION OF MUNICIPAL BUDGET 2024**

**Resolution #2024-130
05/16/24**

BE IT RESOLVED by the Governing Body of the Borough of Oceanport, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$7,860,783.21 for municipal purpose levy, and \$372,307.00 for the open space trust fund levy.

SUMMARY OF CURRENT FUND REVENUES

1. General Revenues	
Surplus Anticipated	\$2,705,7586.73
Miscellaneous Revenues Anticipated	2,568,571.15
Receipts from Delinquent Taxes	225,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	7,860,783.21

TOTAL CURRENT FUND REVENUES	\$13,360,111.09
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SUMMARY OF CURRENT FUND APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$7,650,310.08
Deferred Charges and Statutory Expenditures - Municipal	910,176.00
Excluded from "CAPS"	
Operations - Total Operations Excluded from "CAPS"	1,070,590.48
Capital Improvements	1,595,756.73
Municipal Debt Service	1,573,117.33
Deferred Charges 8,363.86	
Reserve for Uncollected Taxes	560,160.47

TOTAL CURRENT FUND APPROPRIATIONS	\$13,360,111.09
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SUMMARY OF OPEN SPACE FUND REVENUES

1. Amount to be Raised by Taxation for Open Space Purposes	\$372,307.00
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TOTAL OPEN SPACE FUND REVENUES	\$372,307.00
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SUMMARY OF OPEN SPACE FUND APPROPRIATIONS

1. Debt Service	\$286,400.00
2. Reserve for Future Use	85,907.00

TOTAL OPEN SPACE FUND APPROPRIATIONS	\$372,307.00
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IT IS HEREBY CERTIFIED that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 16th day of May, 2024. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2024 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR MAY 16, 2024**

**Resolution #2024-131
05/16/24**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of May 16, 2024.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list for \$907,290.34.

CERTIFICATION OF FUNDS

I, Catherine D. LaPorta, Chief Financial Officer, of the Borough of Oceanport, do hereby certify that funds are available for the purpose stated herein.



Catherine D. LaPorta, CFO

**BOROUGH OF OCEANPORT
BILL LIST****16-May-24**

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$175,383.56 9th Pay
MANUAL CHECKS	
GRANT FUND	\$445,785.39
CAPITAL	\$122,084.48
DOG REGISTRY TOTAL	\$0.00
OPEN SPACE TRUST TOTAL	\$67,844.98
SUI	\$0.00
UCC TRUST	\$0.00
TRUST OTHER TOTAL	\$0.00
ESCROW TRUST TOTAL	\$14,470.00
NON BUDGETARY	\$0.00
2023 VOUCHERS PAID THIS MEETING	\$38,156.16
2024 VOUCHERS PAID THIS MEETING	\$43,565.77
TOTAL	\$907,290.34

I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED


Anna M. Phelps

List of Bills - (All Funds)

9.1.b

Vendor	Description	Payment	Check Total
Current Fund			
1007 - ACTION UNIFORMS, LLC	PO 16583 uniform purchases	305.00	
	PO 16648 Equipment purchase for Sgt. Grimes	12.00	317.00
1658 - AMAZON CAPITAL SERVICES, INC	PO 16447 CLERK SUPPLIES	172.44	
	PO 16524 SUPPLIES FOR SPRINKLER HEADS + TAPE FOR	1.01	
	PO 16558 ASSESSOR'S CAMERA	161.48	
	PO 16592 CLERK SUPPLIES	104.15	439.08
1023 - ATLANTIC PRINTING&GRAPHICS LLC	PO 16749 2024 OCEANPORT NEWSLETTER - BULLETIN -	1,428.00	1,428.00
1029 - BEATRIZ C CRANEY	PO 16595 INTERPRETING - APRIL 2024	140.00	
	PO 16661 INTERPRETING - MAR 2024	140.00	280.00
1750 - BOROUGH OF LITTLE SILVER	PO 16824 AMBULANCE PURCHASE	27,500.00	27,500.00
1807 - COLLIERS ENGINEERING & DESIGN	PO 16769 BLDG 550 & 551 ASBESTOS ABATEMENT & DEMO	37,370.50	37,370.50
1066 - COUNTY TAX ADMINISTRATOR	PO 16779 ASSESSMENT CARDS MAILED 2024	921.27	921.27
1446 - DIRECT ENERGY BUSINES	PO 16780 OLD WHARF - 03/29-04/29/24	92.48	
	PO 16783 TRAFFIC LIGHTS - 04/02-30/24	70.70	
	PO 16784 STREET LIGHTS - 03/29-04/29/24	16.16	
	PO 16785 PARK - 03/29-04/29/24	40.66	220.00
1453 - DONNA PHELPS	PO 16771 Reimbursement for Egg Hunt Supplies	60.00	60.00
2200 - EAST COAST MEDICAL CONSULTANTS,LLC	PO 16726 MEDICAL DIRECTION	2,200.00	2,200.00
1109 - FMERA	PO 16797 RT 537 - 04/01-30/24	273.26	
	PO 16798 BLDG 900 - 04/01-30/24 - DPW	458.06	
	PO 16799 BLDG 977 - 04/01-05/01/24 - POLICE	2,618.73	
	PO 16800 BLDG 901 - 04/01-05/01/24	927.59	4,277.64
1110 - FMERA	PO 16827 MOU FMERA ENGINEERING	38,104.88	
	PO 16828 MOU 886 REFUND	42,457.07	
	PO 16829 MOU 555 REFUND	174,171.88	254,733.83
1116 - GANNETT NEW YORK/NEW JERSEY LOCALiQ	PO 16777 Legal Notices	6.75	
	PO 16808 Legal Notice - Public Hearing MCOSG	51.28	58.03
1506 - GRANICUS, LLC	PO 16743 AGENDA & MINUTE SOFTWARE - APR 2024	435.75	435.75
1889 - GREAT AMERICA FINANCIAL SERVICES	PO 16776 MONTHLY RENTAL	159.00	159.00
1209 - GROFF TRACTOR MID ATLANTIC	PO 16578 CASE 521 G S/N NHF243303 500 HOUR SERVIC	1,696.48	
	PO 16579 521 D	311.76	2,008.24
1143 - I.D.M. MEDICAL SUPPLY INC	PO 16687 FAS OXYGEN - APRIL 2024	161.20	161.20
1891 - JAMM PRINTING	PO 16651 DOOR HANGERS - REASSESSMENT	300.00	300.00
1152 - JEANNE SMITH	PO 16775 Annual MCANJ Conference	287.60	287.60
1153 - JERSEY CENTRAL POWER & LIGHT	PO 16794 200-00-857-007 - 03/20-04/18/24	5,401.58	
	PO 16796 MAIN & INTERSECTION - MAY 2024	34.19	5,435.77
1672 - Kyle + McManus Associates LLC	PO 16838 PLANNER SERVICES	147.00	147.00
1814 - LEAF	PO 16781 DRAWDOWN FROM BLANKET PO 16488 FOR DPW P	82.41	
	PO 16788 OEM COPIER	82.32	164.73
1206 - MICHAEL KELLY	PO 16818 Reimbursement for the purchase of glass	254.37	254.37
2205 - MICHAEL THULEN	PO 16773 ASFPM MEMBERSHIP REIMBURSEMENT - THULEN	180.00	180.00
1218 - MONMOUTH COUNTY POLICE ACADEMY	PO 16647 Waiver Class-Kozak	750.00	750.00
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 16744 FD GASOLINE - MAR 2024	406.90	
	PO 16745 FA GASOLINE - MAR 2042	165.33	
	PO 16746 PD GASOLINE - MAR 2024	2,536.83	
	PO 16747 DPW - GASOLINE - MAR 2024	1,292.22	4,401.28
1228 - MONMOUTH COUNTY TREASURER	PO 16701 SHREWSBURY FLOOD WARNING SYS SERV 2024 -	1,500.00	1,500.00
1248 - NJ LEAGUE OF MUNICIPALITIES	PO 16587 RECORDS MANAGEMENT - LAPORTA	45.00	45.00
1251 - NJ NATURAL GAS CO	PO 16740 930 OCEANPORT WAY - 03/18-04/18/24	671.70	
	PO 16741 920 OCEANPORT WAY - 03/18-04/18/24	261.75	
	PO 16742 910 OCEANPORT WAY - 03/18-04/18/24	615.76	1,549.21
1520 - PASHMAN STEIN WALDER HAYDEN, PC	PO 16803 AFFORDABLE HOUSING - MAR 2024	190.00	
	PO 16804 GENERAL LEGAL - MAR 2024	6,631.00	6,821.00
1279 - PL CUSTOM BODY & EQUIPMENT INC	PO 16610 AIR LEAK 38-57	990.00	990.00
1286 - PRO JANITORIAL SERVICES, LLC	PO 16778 CLEANING SERVICES - APR 2024	3,000.00	3,000.00
1791 - READY FRESH	PO 16825 WATER DELIVERY SERVICE - APR 2024	101.43	101.43
1313 - SAKER SHOPRITE INC	PO 16627 GIFT CERTIFICATES - MINI GOLF	119.80	119.80
1320 - SHORE BUSINESS SOLUTIONS,INC	PO 16751 DRAWDOWN FROM BLANKET PO 15951 FOR DPW P	41.03	41.03
1325 - SHREWSBURY AUTO PARTS	PO 15949 FOR SUPPLIES	364.31	364.31
1326 - SIPS PAINT & HARDWARE	PO 16736 KEYS	20.76	

List of Bills - (All Funds)

9.1.b

Vendor	Description	Payment	Check Total
	PO 16752 KEYS FOR CONSTRUCTION OFFICE	24.78	
	PO 16753 LIGHT SENSORS	34.02	79.56
1334 - STAVOLA ASPHALT COMPANY, INC	PO 16645 ASPHALT	94.73	94.73
1849 - TABB INC	PO 16750 BACKGROUND CHECK - NEW EMPLOYEE	28.00	28.00
1348 - THE HOME DEPOT	PO 16755 DRAWDOWN FROM BLANKET PO 16242 FOR SUPPL	360.04	360.04
1580 - THE TWO RIVER TIMES	PO 16662 Legal Notice - Budget Intro	34.31	
	PO 16663 LEGAL NOTICES	70.68	104.99
1939 - U-DO-IT CAR WASH, INC	PO 16708 VEHICLE WASH (SELF SERVICE)	350.00	350.00
2061 - UGI ENERGY SERVICES, LLC	PO 16789 DPW - 03/18-04/18/24	132.22	
	PO 16791 PAP FIRE HOUSE - 03/15-04/17/24	187.72	
	PO 16792 FAS UTILITIES - 03/15-04/17/24	157.53	
	PO 16793 HOOK & LADDER - 03/15-04/17/24	200.84	678.31
1383 - V&B AUTO REPAIR LLC	PO 16692 Daily checks month of March	513.00	
	PO 16693 repairs to unit 3 and daily checks for m	1,299.07	1,812.07
1388 - VERIZON WIRELESS	PO 16782 POLICE WIRELESS - 04/24-05/23/24	691.61	691.61
2188 - YANNUZZI GROUP	PO 16768 ASBESTOS ABATEMENT 550/551	164,285.94	164,285.94
Capital Fund			
2040 - MECO, INC	PO 16826 2023 ROAD PROGRAM (SIDEWALKS)	122,084.48	122,084.48
OPEN SPACE TRUST			
1658 - AMAZON CAPITAL SERVICES, INC	PO 16524 SUPPLIES FOR SPRINKLER HEADS + TAPE FOR	59.99	59.99
2191 - ATLANTIC PROCUREMENT GROUP, LLC	PO 16493 COMMUNITY GARDEN	1,897.49	1,897.49
2060 - GARDEN STATE ROOFING & SIDING, INC	PO 16426 ROOF REPLACEMENT @ BLACKBERRY BAY POOL A	17,380.00	17,380.00
1129 - GOOSE CONTROL TECHNOLOGY	PO 16652 2024 SERVICES	1,700.00	1,700.00
2059 - HEADS UP IRRIGATION, LLC	PO 16754 IRRIGATION SERVICES BLACKBERRY	650.45	
	PO 16756 IRRIGATION FOR OLD WHARF PARK	125.00	775.45
2189 - JERSEY CAPE DIAGNOSTIC, TRAINING & OPPOR	PO 16432 PICKLEBALL TAGS	558.11	558.11
1153 - JERSEY CENTRAL POWER & LIGHT	PO 16795 280 PORT AU PECK - MAY 2024	22.40	22.40
1159 - JOSEPH FAZZIO - WALL LLC	PO 16732 SCREWS FOR GREEN BENCH @ CHARLES PARK	26.77	26.77
2003 - POOR JOHN PORTABLE TOILETS	PO 16728 RENTAL & CLEANING PORT POTTY APRIL	592.00	
	PO 16729 RENTAL + CLEANING PORT POTTY JAN	326.00	918.00
2112 - SPORT LINES, LLC	PO 16347 LACROSSE FILED	360.00	360.00
2111 - THE BORJA GROUP	PO 16767 FACILITY USE MANAGEMENT	43,875.00	43,875.00
1348 - THE HOME DEPOT	PO 16805 DRAWDOWN FROM BLANKET PO 16071 FOR SUPPL	271.77	271.77
DEVELOPERS ESCROW TRUST			
2169 - A-PLUS CONSTRUCTION, INC	PO 16770 HOME IMPROVEMENT CASE #0PRT-2202	4,500.00	4,500.00
2089 - FOUR STAR DEVELOPERS	PO 15865 HOME IMPROVEMENT CASE #0PRT-2202	9,970.00	9,970.00
TOTAL			731,906.78

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	81,721.93
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	756.03			
01-201-20-120-200	MUNICIPAL CLERK OE	2,245.33			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	45.00			
01-201-20-150-200	ASSESSMENT OF TAXES OE	1,382.75			
01-201-20-155-200	LEGAL SERVICES OE	6,821.00			
01-201-21-180-200	PLANNING BOARD OE	6.75			
01-201-21-181-205	PLANNER SERVICES & FEES	147.00			
01-201-25-240-200	POLICE OE	3,825.05			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	1,582.32			
01-201-25-260-200	FIRST AID ORGANIZATION OE	3,508.73			
01-201-26-300-271	REPAIRS	2,722.55			
01-201-26-300-273	SUPPLIES	42.04			
01-201-26-300-277	BITUMINOUS CONCRETE	94.73			
01-201-26-300-289	STREETS & ROADS OFFICE SUPPLIES	82.41			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	3,000.00			

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9.1.b

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-26-310-252	REPAIRS & EQUIPMENT	439.60			
01-201-28-371-200	PARKS AND PLAYGROUNDS OE	179.80			
01-201-31-430-201	ELECTRICITY	4,096.86			
01-201-31-430-205	NATURAL GAS	2,069.99			
01-201-31-430-207	STREET LIGHTING	5,836.55			
01-201-31-430-208	GASOLINE & OIL	4,401.28			
01-201-43-490-200	MUNICIPAL COURT OE	280.00			
01-203-20-120-200	(2023) MUNICIPAL CLERK OE		51.28		
01-203-30-430-000	(2023) FMERA ENGINEERING SERVICES		38,104.88		
TOTALS FOR	Current Fund	43,565.77	38,156.16	0.00	81,721.93
		=====	=====	=====	=====
02-160-05-000-001	DUE TO/FROM CURRENT FUND			0.00	445,785.39
02-213-40-700-064	AMERICAN RESCUE PLAN FUNDS			27,500.00	
02-213-40-700-067	FMERA MOU - 886			42,457.07	
02-213-40-700-068	FMERA MOU-555			174,171.88	
02-213-40-700-069	FMERA MOU-550 & 551			201,656.44	
TOTALS FOR	FEDERAL AND STATE GRANTS	0.00	0.00	445,785.39	445,785.39
		=====	=====	=====	=====
04-101-01-100-011	CAPITAL CASH - TD			0.00	122,084.48
04-215-55-995-A00	2023 ROAD PROGRAM			122,084.48	
TOTALS FOR	Capital Fund	0.00	0.00	122,084.48	122,084.48
		=====	=====	=====	=====
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	67,844.98
06-270-00-500-020	RESERVE FOR OPEN SPACE			67,844.98	
TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	67,844.98	67,844.98
		=====	=====	=====	=====
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	14,470.00
61-270-55-600-205	RES.FOR DEV.ESCROW			14,470.00	
TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	14,470.00	14,470.00
		=====	=====	=====	=====

Total to be paid from Fund 01 Current Fund	81,721.93
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	445,785.39
Total to be paid from Fund 04 Capital Fund	122,084.48
Total to be paid from Fund 06 OPEN SPACE TRUST	67,844.98
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	14,470.00

	731,906.78

Disbursements Journal - (..) ALL FUNDS

From 05/01/2024 to 05/31/2024 With a Line Amount > 10000.00

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
5/03/2024	1198	16696		04-215-55-474-007	SEWER CONNECTION FEE - POLICE DEPARTMENT	5,850.00		
			2459	04-215-55-474-007	SEWER CONNECTION FEE - MUNICIPAL BUILDING	5,850.00		
					TWO RIVER WATER RECLAMATION		11,700.00	04-101-01-100-011
5/03/2024	1228	16632		02-213-40-700-069	BLDG 550 & 551 DEMO	20,812.79		
			31175		COLLIERS ENGINEERING & DESIGN		20,812.79	02-160-05-000-001
5/03/2024	1286	16658		01-201-29-405-201	JAN TRANSPORTATION	4,060.19		
				01-201-29-405-201	APR TRANSPORTATION	4,060.19		
			31209	01-201-29-405-201	MAY TRANSPORTATION	4,060.19		
					SHORE REGIONAL BOARD OF ED		12,180.57	01-101-01-000-011
5/03/2024	1293	16471		01-201-20-120-227	SDL Desktop License, Clerk's Office	5,520.00		
				01-201-20-120-227	SDL Desktop Licenses, DPW	3,680.00		
				01-201-20-120-227	SDL Desktop Licenses, Code/Fire	1,840.00		
				01-201-20-120-227	SDL Desktop License, CFO	1,840.00		
			31212	01-201-20-120-227	SDL Desktop License, REC	1,840.00		
					Spatial Data Logic, Inc.		14,720.00	01-101-01-000-011
5/03/2024	1302	16723		02-213-40-700-070	Payment Certificate #1	141,120.00		
			31216		VAUGHAN CONSTRUCTION AND EXCAVATION		141,120.00	02-160-05-000-001
5/10/2024	1201	16656		01-208-55-000-043	COUNTY LIBRARY TAXES - MAY 2024	61,303.41		
			842		MONMOUTH COUNTY TREASURER		61,303.41	01-101-01-000-011
5/10/2024	1202	16655		01-208-55-000-042	COUNTY HEALTH TAXES MAY 2024	16,867.39		
			843		MONMOUTH COUNTY TREASURER		16,867.39	01-101-01-000-011
5/10/2024	1203	16657		01-208-55-000-039	COUNTY TAXES DUE - MAY 2024	847,571.35		
			844		MONMOUTH COUNTY TREASURER		847,571.35	01-101-01-000-011
5/10/2024	1205	16483		01-201-45-930-213	INTEREST ON BONDS	55,999.27		
			846		US BANK OPERATIONS CENTER		55,999.27	01-101-01-000-011
5/10/2024	1206	16482		01-201-45-930-213	INTEREST ON BONDS	107,299.43		
			847		US BANK OPERATIONS CENTER		107,299.43	01-101-01-000-011
5/10/2024	1207	16659		01-207-55-000-045	MAY 2024 TAX REMITTANCE	900,715.50		
			848		OCEANPORT BOARD OF EDUCATION		900,715.50	01-101-01-000-011
5/10/2024	1208	16481		01-201-45-930-213	INTEREST ON BONDS	80,874.53		
			849		US BANK OPERATIONS CENTER		80,874.53	01-101-01-000-011
5/10/2024	1209	16654		01-208-55-000-041	COUNTY OPEN SPACE TAXES - MAY 2024	120,236.25		
			850		MONMOUTH COUNTY TREASURER		120,236.25	01-101-01-000-011
5/10/2024	1210	16480		01-201-45-930-213	INTEREST ON BONDS	34,555.56		
			851		US BANK OPERATIONS CENTER		34,555.56	01-101-01-000-011
5/10/2024	1212	16660		01-206-55-000-046	MAY 2024 TAX REMITTANCE	319,527.93		
			853		SHORE REGIONAL HIGH SCHOOL		319,527.93	01-101-01-000-011

MAY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				2,571,851.19
02-160-05-000-001	DUE TO/FROM CURRENT FUND				161,932.79
04-101-01-100-011	CAPITAL CASH - TD				11,700.00
01-201-20-120-227	COMPUTER MAINT AND EQUIPMENT		14,720.00		
01-201-29-405-201	OTHER EXPENSE		12,180.57		
01-201-45-930-213	INTEREST ON BONDS		278,728.79		
01-206-55-000-046	REGIONAL SCHOOL TAX			319,527.93	
01-207-55-000-045	LOCAL SCHOOL TAX			900,715.50	

Disbursements Journal - (..) ALL FUNDS

9.1.c

From 05/01/2024 to 05/31/2024 With a Line Amount > 10000.00

MAY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-208-55-000-039	COUNTY TAX PAYABLE			847,571.35	
01-208-55-000-041	COUNTY OPEN SPACE TAX			120,236.25	
01-208-55-000-042	COUNTY HEALTH TAX			16,867.39	
01-208-55-000-043	COUNTY LIBRARY TAX			61,303.41	
02-213-40-700-069	FMERA MOU-550 & 551			20,812.79	
02-213-40-700-070	FMERA MOU-600 AREA WATER			141,120.00	
04-215-55-474-007	OTHER			11,700.00	
MAY TOTALS (FOR RANGE):			305,629.36	2,439,854.62	2,745,483.98

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				2,571,851.19
02-160-05-000-001	DUE TO/FROM CURRENT FUND				161,932.79
04-101-01-100-011	CAPITAL CASH - TD				11,700.00
01-201-20-120-227	COMPUTER MAINT AND EQUIPMENT	14,720.00			
01-201-29-405-201	OTHER EXPENSE	12,180.57			
01-201-45-930-213	INTEREST ON BONDS	278,728.79			
01-206-55-000-046	REGIONAL SCHOOL TAX			319,527.93	
01-207-55-000-045	LOCAL SCHOOL TAX			900,715.50	
01-208-55-000-039	COUNTY TAX PAYABLE			847,571.35	
01-208-55-000-041	COUNTY OPEN SPACE TAX			120,236.25	
01-208-55-000-042	COUNTY HEALTH TAX			16,867.39	
01-208-55-000-043	COUNTY LIBRARY TAX			61,303.41	
02-213-40-700-069	FMERA MOU-550 & 551			20,812.79	
02-213-40-700-070	FMERA MOU-600 AREA WATER			141,120.00	
04-215-55-474-007	OTHER			11,700.00	
TOTALS (FOR RANGE):			305,629.36	2,439,854.62	2,745,483.98

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING AN EXTENSION OF GRACE
PERIOD FOR THE THIRD QUARTER 2024 TAXES**

Resolution #2024-132
05/16/24

WHEREAS, the State of New Jersey and the County of Monmouth has not released all information needed for striking a rate, and

WHEREAS, this information is needed to produce the Final 2024/Preliminary 2025 tax bills, and

WHEREAS, as a result, the County of Monmouth could not release the tax rate, and

WHEREAS, the Tax Collector must allow 25 calendar days for payment from the date of mailing pursuant to N.J.S.A. 54:4-66.3,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Oceanport that the Tax Collector be authorized to extend the grace period for the third quarter 2024 up to and including the 25th day after the actual bills are mailed.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Oceanport that any payments received after that date, for the third quarter 2024 will be charged interest from the original due date of August 1, 2024 by the guidelines set by N.J.S.A. 54:4-67 and Resolution #2024-11 passed by the Oceanport Borough Council on January 4, 2024.

Interpretive Statement: Extension of the grace period may be needed to allow the mandated 25 days prior to payment due date. If payment for the third quarter 2024 is not received by the 25th calendar day after the delivery of the tax bills to the post office, interest will be charged back to the August 1 due date.

Jason Sutton, Tax Collector

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #21-00005 FOR
BLOCK 111 LOT 3 KNOWN AS 12 MAIN ST.**

Resolution #2024-133
05/16/24

WHEREAS, at the Borough Tax Sale held on October 1, 2021, a lien was sold on Block 111 Lot 3, otherwise known as 12 Main St.; and

WHEREAS, this lien, known as Tax Sale Certificate 21-00005 was sold to Pro Cap 8 FBO Firsttrust Bank at an interest rate of 18%; and

WHEREAS, the owner has redeemed Certificate 21-00005 in the amount of \$1,547.67.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$1,547.67 payable to Pro Cap 8 FBO Firsttrust Bank, PO Box 774, Fort Washington, PA 19034-0774 for the redemption of Tax Sale Certificate 21-00005.

**RESOLUTION OF THE BOROUGH OF OCEANPORT REFUND LIEN HOLDER DUE TO TAX SALE
CERTIFICATE 23-00008 & 23-00009 BEING SOLD IN ERROR**

Resolution #2024-134
05/16/24

WHEREAS, upon the recommendation of the Tax Collector, a refund be made to the lienholder Christiana T C/F CE1/Firsttrust, in the amount of \$17,376.86, for property taxes, interest, and cost due to the Borough of Oceanport presenting charges for the October 5, 2023 Tax Sale in error.

NOW, THEREFORE, BE IT RESOLVED, the CFO is authorized to issue a check in the amount of \$17,376.86 payable to Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021.

BLOCK	LOT	TAX SALE CERT. #	LIENHOLDER	AMOUNT
110.20	1	23-00008	Christiana T C/F CE1/Firsttrust	\$7,921.93
110.21	1	23-00009	Christiana T C/F CE1/Firsttrust	\$9,454.92

**RESOLUTION OF THE BOROUGH OF OCEANPORT APPROVING CANCELLATION OF
UNCOLLECTIBLE TAXES**

Resolution #2024-135
05/16/24

WHEREAS, N.J.S.A. 54:4-91.2 requires the collector to submit to the governing body a list of uncollectible taxes for cancellation.

WHEREAS, Block 110.20 Lot 1 and Block 110.21 Lot 1 should have been exempt from taxes for 2022 and 2023.

NOW, THEREFORE, BE IT RESOLVED, the Tax Collector for the Borough of Oceanport is hereby authorized and directed to cancel the following taxes on Block 110.20 Lot 1 and Block 110.21 Lot 1, otherwise known as 2000 Avenue of America and 2200 Avenue of America.

BLOCK	LOT	NAME	AMOUNT	REASON
110.20	1	Barker Circle Partnership, LLC	\$3,566.88 (4 th Q 2022)	Erroneous Assessment
			\$706.94 (1 st Q 2023)	
			\$706.93 (2 nd Q 2023)	
			\$642.57 (3 rd Q 2023)	
			\$642.57 (4 th Q 2023)	
110.21	1	Barker Circle Partnership, LLC	\$4,274.75 (4 th Q 2022)	Erroneous Assessment
			\$847.23 (1 st Q 2023)	
			\$847.23 (2 nd Q 2023)	
			\$747.72 (3 rd Q 2023)	
			\$747.71 (4 th Q 2023)	

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A CONTRACT TO COLLIERS ENGINEERING & DESIGN FOR ENGINEERING SERVICES
RELATED TO PROPOSAL DATED FEBRUARY 29, 2024 FOR ASBESTOS SURVEY AND DEMOLITION
OF BUILDINGS 814, 815, 820, 822, 826 AND 830 PURSUANT TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE BOROUGH OF OCEANPORT AND THE FORT MONMOUTH
ECONOMIC REVITALIZATION AUTHORITY (FMERA)**

**Resolution #2024-136
05/16/24**

WHEREAS, the Borough Council adopted Resolutions #2024-116 authorizing a Memorandum of Understanding (MOU) with the Fort Monmouth Economic Revitalization Authority (FMERA) where the Borough of Oceanport will provide engineering and related services for the Asbestos Survey and Demolition of Buildings 814, 815, 820, 822, 826 and 830; and

WHEREAS, the services to be provided are deemed to be "professional services" pursuant to the Local Public Contracts Law (N.J.S.A. 40:A 11-1, et seq.) and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a Contract for "professional services" without public advertising for bids, provided that the Resolution authorizing the Contract and the Contract itself, are available for public inspection in the Office of the Borough Clerk and that notice of the awarding of the Contract is published in a newspaper of general circulation in the Municipality; and

WHEREAS, Colliers Engineering & Design has submitted a proposal dated February 29, 2024 for provision of the requested services; and

WHEREAS, having considered the matter in concert with FMERA, the Borough now wishes to authorize the Borough Engineer, Colliers Engineering & Design to perform the engineering services for the proposal dated February 29, 2024 for an amount not to exceed \$168,235.00,

WHEREAS, funds are available for said services as indicated by the below Certification of Funds,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport has awarded a Professional Service Contract to Colliers Engineering & Design as Borough Engineer for 2024 and the work to be performed will be consistent with their existing contract and the Colliers proposal dated February 29, 2024 for engineering services related to the Borough's MOU with FMERA for Asbestos Survey and Demolition of Buildings 814, 815, 820, 822, 826 and 830.
2. That authorization is granted for an amount not to exceed \$168,235.00 pursuant with the MOU with FMERA.
3. That the Borough Clerk shall publish a notice of the award in the Two River Times and the resolution and contract shall remain on file in the Borough Clerk's office.
4. That a certified copy of this resolution shall be provided to FMERA's Executive Director, the Borough Administrator, the Borough Engineer and the Chief Financial Officer.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, certify that there are sufficient uncommitted funds available in the FMERA MOU 800 Area Account in the amount of \$168,235.00 for the stated purpose subject to budget adoption..


Catherine D. LaPorta, CFO

101 Crawfords Corner Road
Suite 3400
Holmdel, New Jersey 07733
Main: 877 627 3772



February 29, 2024

VIA EMAIL

Kara Kopach, Executive Director
FMERA
100 Barton Street
P. O. Box 267
Oceanport, New Jersey 07757

Proposal for Professional Services
Buildings 814, 815, 820, 822, 826, & 830 Demolition
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Proposal No.: OPB-0181P

Dear Ms. Kopach,

Colliers Engineering & Design, Inc. (DBA Maser Consulting) is pleased to submit this proposal for professional engineering, surveying and construction observation services associated with the Asbestos Survey and Demolition of Buildings 814, 815, 820, 822, 826, and 830 at Fort Monmouth, in Oceanport, New Jersey.

This proposal is divided into four sections as follows:

Section I – Scope of Services

Section II – Business Terms and Conditions

Section III – Technical Staff Hourly Rate Schedule and Reimbursable Expenses

Section IV – Client Contract Authorization

The order in which the following scope of services is presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Colliers Engineering & Design (CED) to meet project schedules.

Section I – Scope of Services

Based on our conversations and information noted above, we propose to complete the following:

PHASE 1.0 ENVIRONMENTAL SERVICES

1.1 Building Surveys

CED will conduct a pre-demolition asbestos survey of each of the six (6) structures identified above. The hazardous materials also will be inventoried at the time of each asbestos survey. The results of these assessments will allow CED to prepare abatement and hazardous materials specifications that will include details specific to each of the structures, as needed, and to estimate the costs for the abatement and removal actions.

Based on the conditions encountered during February 6, 2024, reconnaissance, CED personnel will be wearing Level C personal protective equipment (PPE) while surveying Buildings 814, 822 and 826. The structural integrity of roofs and roofing support systems is unknown; if roofing materials cannot be safely accessed, CED will limit roof access to roof edges and lower portions of roofs. Suspect asbestos-containing materials that cannot be sampled may be presumed to contain asbestos.

The use/rental of a hydraulic lift is not included in this proposal. In instances where roof access is limited, assistance from the FMERA maintenance personnel who have provided tall ladders and a lift during prior investigations will be appreciated.

The building surveys will include the following sub-tasks:

Pre-Survey Preparation

Prior to conducting the survey, CED will review readily available building construction information, including architectural drawings and prior asbestos sampling and analysis information that is provided by the FMERA. CED will update the Health and Safety Plan (HASP) prepared for assessing and abating Buildings 886, 555 and 550/551 as necessary for meeting OSHA requirements. The task also will include start-up project management, and in-person or telephone interviews/coordination with knowledgeable personnel.

ACM Survey and Hazardous Materials Screening

The FMERA will provide CED with unhindered access to the structures to be surveyed. All services will be conducted during standard weekday work hours. The proposed investigation schedule will be coordinated with the FMERA.

Upon access to a building or other structure, the survey team will observe readily and safely accessible interior and exterior portions of the building. CED will identify suspect asbestos-containing materials (ACMs), hazardous materials and prospective universal wastes, and outline a strategy for sampling the suspect ACMs. The team will then collect and analyze representative samples of the suspect ACMs, estimate the quantities of ACMs, and prepare a summary report of the findings.

CED will conduct the ACM survey in general conformance with guidelines established by the USEPA and NJ for structures that will not be reoccupied and will be demolished. Adjustments to the sampling strategy may be made based on area accessibility or other issues in consultation with CED's health and safety coordinator. FMERA personnel may also be consulted.

Suspect ACMs will be sampled in the manner and number required to satisfy applicable federal and state regulatory requirements. The survey will be conducted by a two- or three-person team, including at least one (1) AHERA-accredited building inspector. It is presumed that the ceilings and plenum areas can be safely accessed with portable A-frame or extension ladders. Sampling requiring a hydraulic lift or scaffolding will not be conducted, and any inaccessible suspect materials will be presumed to be ACMs.

Laboratory Analysis

The analyses will be conducted by a duly accredited laboratory on a five (5) day turnaround. Analysis may be conducted on a "positive stop basis." Friable material samples will be analyzed via polarized light microscopy (PLM). Follow-up analysis of friable materials that are negative via PLM may be conducted via transmission electron microscopy (TEM) with gravimetric reduction if deemed necessary to meet regulatory requirements.

Non-friable materials initially will be analyzed via PLM or TEM with gravimetric reduction. Non-friable materials that are negative via PLM will receive follow-up analysis via TEM.

Multiple-layered materials (with the possible exception of sheetrock and joint compound, which may be considered a "wall system") will be separated either in the field or in the laboratory, and then analyzed separately. The analysis of each layer will follow the analytical protocol specified above depending on whether the layer is a friable or a non-friable material.

Hazardous Materials Screening

CED will conduct a visual "hazardous materials screening" to identify hazardous materials stored or left in the structures. The screening will note such materials and equipment potentially containing hazardous materials and prospective "universal wastes" which, as defined by the USEPA, include batteries, pesticides, mercury-containing switches, and mercury-containing lamps.

Electrical equipment fluids will be assumed to contain polychlorinated biphenyls (PCBs), unless previously tested or otherwise documented by the FMERA not to contain PCBs or can be ruled out based on equipment age. Electrical equipment, including transformers and capacitors, are among the equipment suspected to contain PCB-bearing fluids. Fluorescent lighting ballasts will be assumed to contain PCBs unless documentation proving otherwise is available. Potentially hazardous materials, including dusts and spill residues, that may require

testing and removal/disposal prior to, or during, renovation also will be identified for assessment by the demolition contractor.

The hazardous materials inventory will consist of a checklist for each of the buildings. The approximate number of various materials will be recorded, and the checklists will be included in, or the findings otherwise incorporated into, the project reports and referenced in the abatement specifications as a guide for the bidders.

Survey Reports

A report will be prepared summarizing the results of the ACM survey and hazardous materials screening for each of the structures. A report will describe the investigation methodologies and present analytical results on data summary tables by room or area and estimate the amounts of the ACMs that are identified. Positive ACM sample locations will be shown on sketches. The reports will be included as attachments to the abatement and demolition specifications.

1.2 Preparation of Abatement Plans and Technical Specifications

Plans and specifications describing the abatement areas, materials, and methods will be prepared. The documents also will outline the required notifications, documentation, and contractor responsibilities, as well as decontamination, waste staging and waste disposal. During the preparation stage, building area walks will be conducted to select the abatement system component layouts and patterns for ingress and egress to the work areas, decontamination and waste holding areas, particularly if friable materials will be abated prior to demolition. Included in this task is attendance at a non-mandatory pre-bid walk through meeting with potential bidders to address their questions pertaining to the scope of work.

Buildings or building portions that become unsafe to enter at the time that abatement is planned or conducted may require demolition and disposal as asbestos-containing waste materials.

PHASE 2.0 CIVIL ENGINEERING SERVICES

2.1 Construction Plans/Technical Specifications

CED will prepare a single set of plans and specifications utilizing base maps utilizing available Aerials and County GIS mapping. Field investigations will be performed to document all visible site features and added to the base maps. Our office will coordinate with all utility companies, as required, regarding the shutoff of the existing utilities. The plans will include notes and details on the removal of the visible utilities and all site features. The final site restoration will include fill, topsoil, seeding, and mulch. The entire building including foundation is to be removed for each location. Existing pavement and sidewalk areas will remain. Temporary security fencing will be provided around the perimeter of the work area during construction.

The Construction Plans will be supplemented with specifications, which will be prepared in accordance with the public bidding format. The documents will be set up to permit FMERA to bid on all buildings together as a single contract.

The construction plan set shall consist of the following drawings:

- Cover Sheet;
- General Notes, Legend and Special Requirements;
- Demolition Plan;
- Soil Erosion and Sediment Control Plan; and,
- Construction Details.

Demolition Cost Estimates will be prepared based on industry accepted guidelines.

2.2 Soil Conservation Permit

Structures 822 and 826 are the only ones in the Borough of Oceanport and will have a combined area of disturbance of less than 5,000 SF and are exempt from a soil erosion permit. The remaining structures are in the Borough of Eatontown and are estimated to have a total area of disturbance of 0.5 acres. As such will require a Soil Erosion and Sediment Control Permit from Freehold Soil Conservation District. CED will prepare single application and support documentation for the four structures in Eatontown site. FMERA will have to sign as the property owner and provide the application fees, which are anticipate being approximately \$1,770.00.

2.3 Bidding Services

During this phase CED will distribute bid documents, respond to questions from prospective bidders during the review period and issue appropriate addenda to contract documents, if required. Our office will review, analyze, and tabulate the bids. The references, qualifications and prices of the lowest bidder will be reviewed. CED will provide a recommendation of award to FMERA.

Schedule of Fees

Please refer to Attachment "A" for a breakdown of the Schedule of Fees

Exclusions and Understandings

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement:

- Any items not specifically defined in the Scope of Services;

- Asbestos Oversight, Monitoring, Post Abatement Review and close out report. A separate proposal will be provided for this scope of work should FMERA deem necessary;
- Construction testing services. Expenses incurred for services, equipment, and facilities not furnished by CED are charged to FMERA at cost plus an up-charge not to exceed 25 percent of the invoice for said work;
- This proposal does not include exploratory or testing services, interpretations, or conclusions related to determination of potential chemical, toxic, radioactive or other type of contaminants on site;
- Printing and reproduction costs in excess of that contained in the contract. Such additional costs are not anticipated since contractors will be purchasing sets of the plans and technical specifications directly from this office;
- Permit and application fees and governmental fees which are to be paid directly by FMERA;
- Construction Administration/Observation for non-abatement work; and,
- Topographic and Underground GPR Surveys.

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, CED may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra services.

FMERA OBLIGATIONS

- FMERA shall provide CED with access to files and allow relevant documents to be utilized.
- FMERA shall provide application fees for any permits that may be required for the completion of the work.

Section II – Business Terms and Conditions

The Business Terms and Conditions are in accordance with the original contract agreement.

Section III – Rate Schedule

The Rate Schedule is on file with the Borough of Oceanport.



Section IV – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

If you find this proposal acceptable, please sign where indicated above in Section IV, and return one signed copy to this office. This proposal is valid until July 1, 2024.

We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

A handwritten signature in blue ink, appearing to read "W.H. White, III".

William H.R. White, III, PE, PP, CME, CFM, CPWM
Oceanport Borough Engineer

WHW/sh

cc: Jeanne Smith, RMC, Borough Clerk (via email)
Joseph Fallon, FMERA (via email)
Regina McGrade, FMERA (via email)
Joseph Torlucci, Colliers Engineering & Design (via email)

R:\Projects\M-P\Opb\OPB0181P\240229_whw_kopach_Fort Building Demo Phase 2_Prop.docx

Attachment "A" Schedule of Fees
Revised February 29, 2024

TASK		Building 814	Building 815	Building 820	Building 822	Building 826	Building 830	Task Total Cost
Environmental Tasks								
1.1 - Building Survey	hourly	\$24,150.00	\$6,440.00	\$10,080.00	\$20,690.00	\$21,140.00	\$10,080.00	\$92,580.00
1.2 - Preparation of Plans and Specifications **	hourly	\$29,740.00	see Bldg 814	see Bldg 814	see Bldg 814	see Bldg 814	see Bldg 814	\$29,740.00
Civil Tasks								
2.1 Construction Documents	LS	\$8,530.00	\$3,750.00	\$5,335.00	\$6,715.00	\$6,540.00	\$4,995.00	\$35,865.00
2.2 Soil Conservation Permit	LS	\$3,700.00						\$3,700.00
2.3 Bidding Services	LS	\$4,850.00						\$4,850.00
	Total	\$70,970.00	\$10,190.00	\$15,415.00	\$27,405.00	\$27,680.00	\$15,075.00	
Reimbursable	Cost Plus	\$1,500						\$1,500.00
(printing and postage)					Grand Total	\$168,235.00		\$168,235.00

** Task 1.2 Preparation of plans and specs are for all buildings

Clarification on testing quantities							
Max samples for testing pre & Post abatement included in cost of Task 1.1 above							
PLM		50	4	16	36	36	16
TEM		30	8	12	24	30	12
Unit cost for Additional Lab fees							
PLM		\$20.00					
TEM		\$75.00					

BUILDING 814 constructed 1966

Asbestos Survey

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Pre-Survey Preparation	--		8	185	1,480	1,480	
			8	165	1,320	1,320	
			8	145	1,160	1,160	
		HASP Prep / Project Planning					3,960
Asbestos Survey (prep, survey, sample management)			8	185	1,480	400	1,880
			16	165	2,640		2,640
			20	145	2,900		2,900
	Lab - PLM	50	20	1,000		1,000	
	Lab - TEM	30	75	2,250		2,250	
Asbestos Survey						10,670	
Report Preparation (w/ quantity estimates)	--		8	185	1,480	100	1,580
			20	165	3,300		3,300
			32	145	4,640		4,640
Report Preparation						9,520	
Survey			Total			24,150	

BUILDING 815 (Rec Shelter / Gazebo) constructed 1972**Asbestos Survey**

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Pre-Survey Preparation	--		2	185	370	370	
			2	165	330	330	
			2	145	290	290	
		HASP Prep / Project Planning					990
Asbestos Survey (prep, survey, sample management)			2	185	370	250	620
			4	165	660		660
			6	145	870		870
	Lab - PLM		4	20	80		80
	Lab - TEM		8	75	600		600
	Asbestos Survey					2,830	
Report Preparation (w/ quantity estimates)	--		2	185	370	100	470
			6	165	990		990
			8	145	1,160		1,160
		Report Preparation					2,620
Survey			Total			6,440	

BUILDING 820 (Grandstand/Bleachers and Booth) constructed 1988**Elevated Areas****Asbestos Survey**

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Pre-Survey Preparation	--		2	185	370	370	
			2	165	330	330	
			4	145	580	580	
		HASP Prep / Project Planning					1,280
Asbestos Survey (prep, survey, sample management)			2	185	370	250	620
			8	165	1,320	1,320	
			8	145	1,160	1,160	
	Lab - PLM	16	20	320		320	
	Lab - TEM	12	75	900		900	
	Asbestos Survey					4,320	
Report Preparation (w/ quantity estimates)	--		4	185	740	100	840
			8	165	1,320	1,320	
			16	145	2,320	2,320	
		Report Preparation					4,480
Survey			Total		10,080		

BUILDING 822 (Burger King) constructed 1989**Asbestos Survey**

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Pre-Survey Preparation	--		8	185	1,480	1,480	
			8	165	1,320	1,320	
			8	145	1,160	1,160	
	HASP Prep / Project Planning					3,960	
Asbestos Survey (prep, survey, sample management)			8	185	1,480	400	1,880
			14	165	2,310		2,310
			16	145	2,320		2,320
	Lab - PLM	36	20	720		720	
	Lab - TEM	24	75	1,800		1,800	
	Asbestos Survey					9,030	
Report Preparation (w/ quantity estimates)	--		8	185	1,480	100	1,580
			16	165	2,640		2,640
			24	145	3,480		3,480
	Report Preparation					7,700	
Survey			Total		20,690		

BUILDING 826 constructed 1967

Asbestos Survey

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Pre-Survey Preparation	--		8	185	1,480	1,480	
			8	165	1,320	1,320	
			8	145	1,160	1,160	
		HASP Prep / Project Planning					3,960
Asbestos Survey (prep, survey, sample management)			8	185	1,480	400	1,880
			14	165	2,310	2,310	
			16	145	2,320	2,320	
	Lab - PLM	36	20	720	720		
	Lab - TEM	30	75	2,250	2,250		
Asbestos Survey						9,480	
Report Preparation (w/ quantity estimates)	--		8	185	1,480	100	1,580
			16	165	2,640	2,640	
			24	145	3,480	3,480	
Report Preparation						7,700	
Survey			Total			21,140	

Level C Required

BUILDING 820 (Grandstand/Bleachers and Booth) constructed 1988**Elevated Areas****Asbestos Survey**

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Pre-Survey Preparation	--		2	185	370	370	
			2	165	330	330	
			4	145	580	580	
		HASP Prep / Project Planning					1,280
Asbestos Survey (prep, survey, sample management)			2	185	370	250	620
			8	165	1,320	1,320	
			8	145	1,160	1,160	
	Lab - PLM	16	20	320		320	
	Lab - TEM	12	75	900		900	
	Asbestos Survey					4,320	
Report Preparation (w/ quantity estimates)	--		4	185	740	100	840
			8	165	1,320	1,320	
			16	145	2,320	2,320	
		Report Preparation					4,480
Survey			Total		10,080		

Preparation of Plans & Specifications

Task	Sub-Task	Unit	Rate	Total	Expenses	Subtotal	
Meetings & Project Management	--		16	185	2,960	400	3,360
			8	165	1,320		1,320
			8	145	1,160		1,160
			0	125	0		0
		Meetings & Proj Management					
Prepare Plans & Specs			30	185	5,550	300	5,850
			30	165	4,950		4,950
			40	145	5,800		5,800
			0	125	0		0
		Prepare Plans & Specs					
Bidders' Meeting, etc.			30	185	5,550	300	5,850
			0	165	0		0
			10	145	1,450		1,450
			0	125	0		0
		Bidders' Mtg, etc.					
Plans & Specifications							29,740

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPROVING KEVIN W. KING FOR OCEANPORT FIRST AID MEMBERSHIP**

**Resolution #2024-137
05/16/24**

WHEREAS, Kevin W. King, Monmouth Beach, has submitted a Membership Application to join the Oceanport Volunteer First Aid & Rescue Squad; and

WHEREAS, the application has been approved and accepted by the Squad membership, approved by the First Aid Captain and received Police Chief designation of suitable for service,

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Oceanport that the First Aid Department Membership Application of Kevin W. King is hereby approved.

BOROUGH OF OCEANPORT



Michael P. Kelly
Chief of Police

Michael S. Chenoweth
Captain

POLICE DEPARTMENT

P.O. BOX 370, OCEANPORT, NEW JERSEY 07757

732.222.6300

Main

732.222.6301 ext 1015

Records

732.222.0945

Fax

Wednesday, May 08, 2024

To: Frederick Filippone, Oceanport First Aid
Donna Phelps, Oceanport Borough Administrator

Reference: Kevin W. King, First Aid Applicant

Please be advised that the record check of the above applicant for membership in a volunteer organization is complete. Our investigation has led to the following finding:

 X

The applicant is suitable for membership.

 The applicant is **NOT** suitable for membership.

If there are any further questions regarding this applicant, please contact my office.

Sincerely,


Michael P. Kelly
Chief of Police

Cc: file copy

**RESOLUTION OF THE BOROUGH OF OCEANPORT
FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE BOROUGH OF OCEANPORT FOR
2024 SUMMER ACTION CAMP**

Resolution #2024-138
05/16/24

WHEREAS, pursuant to N.J.S.A. 40A:9-165, the Borough must set salaries for non-contractual officers and employees, statutory employees and elected officials not directly subject to duly adopted collective bargaining agreements by separate ordinance; and

WHEREAS, the Mayor and Council of the Borough of Oceanport adopted an Ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, and as subsequently amended; and

WHEREAS, said Ordinance provides certain compensation for the positions set forth; and

WHEREAS, the Recreation Coordinator has made recommendation for the specific salaries for employees for the 2024 Summer Action Camp.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport hereby adopts the following titles and compensation for the 2024 Summer Action Camp program pursuant to the Recreation Coordinator's recommendations:

SECTION 5. Recreation and Education.

Director	MacDonald, Kate	\$3,400.00	Recreation Aide	Longo, Jordan	\$14.50/hr
Recreation Aide	Burrough, Debra	\$15.50/hr	Recreation Aide	McQuillan, Reilly	\$14.00/hr
Recreation Aide	Caccamise, Kevin	\$14.00/hr	Recreation Aide	Nagy, Kyle	\$13.75/hr
Recreation Aide	Collandrillo, Braden	\$14.50/hr	Recreation Aide	Nagy, William	\$14.50/hr
Recreation Aide	Dennehy, Charlotte	\$14.50/hr	Recreation Aide	Newland, Lilly	\$13.75/hr
Recreation Aide	Drucker, Eamon	\$14.00/hr	Recreation Aide	Perry, Kane	\$14.50/hr
Recreation Aide	Greene, Kiera	\$14.50/hr	Recreation Aide	Ribeiro, Briana	\$14.50/hr
Recreation Aide	Henrie, Jack	\$14.00/hr	Recreation Aide	Smith, Kara	\$14.00/hr
Recreation Aide	Kelly, Megan	\$14.00/hr	Recreation Aide	Torregrossa, Ava	\$14.00/hr
Recreation Aide	Landau, Eloise	\$13.75/hr	Recreation Aide	Wolfe, Ella	\$13.75/hr
Recreation Aide	Lawrence, Dylan	\$13.75/hr	Recreation Aide	Zilincar, Augie	\$14.00/hr
Recreation Aide	Lockwood, Mackenzie	\$14.50/hr			

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey the Borough Clerk is hereby directed to forward a copy of this Resolution to the Chief Financial Officer, Borough Administrator, Recreation Coordinator and Payroll Clerk.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR A TURF FIELD SPORTS
CONSULTANT FOR THE PERIOD JULY 1, 2024 THROUGH DECEMBER 31, 2024**

**Resolution #2024-139
05/16/24**

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et. seq. commonly known as the “State Pay to Play” Law, enacted by the New Jersey State Legislature shall become effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20. et.seq., a municipality may not award a contract with a value in excess of \$17,500 to a business entity unless that business entity has filed a business disclosure and political contribution disclosure pursuant with P.L. 2023, c.20 that has made a contribution within one year of the date the contract is to be awarded that is reportable by the recipient under P.L. 2023, c.20 and P.L. 1973, c.83 (C.19.44A-1 et seq.) to a municipal political party committee in that municipality if a member of that party is serving in an elective public office when such a contract is awarded or to any candidate committee of any person who is serving in an elective public office of the municipality when such contract is awarded, unless the contract is awarded under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et. seq.; and

WHEREAS, the Borough of Oceanport is seeking qualified individuals and/or firms to serve as the Borough's Turf Field Sports Consultant for management of the Borough's turf fields at Maria Gatta Park,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey that the use of competitive contracting for a Turf Field Sports Consultant is hereby authorized:

BE IT FURTHER RESOLVED, that the Purchasing Agent is authorized to prepare a Request for Qualifications for a Turf Field Sports Consultant and the Borough Clerk is directed to advertise pursuant to N.J.S.A. 19:44A-20.4, et.seq.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AMENDING RESOLUTION #2024-16 SETTING THE FEES FOR EXTRA DUTY ASSIGNMENTS FOR
CY2024**

Resolution #2024-140
05/16/24

WHEREAS, the fees for Extra Duty Assignments are to be set by resolution pursuant with Borough Code 78-13(C);
and

WHEREAS, the Borough Council adopted Resolution #2024-16 setting the fees for 2024 which now needs to be amended to update rates for Monmouth Park Racetrack,

NOW THEREFORE, BE IT RESOLVED, that Resolution #2024-16 be hereby amended as follows:

1. The rate for Extra Duty Assignment shall be equivalent to the top patrol overtime rate per hour for police officers, Class I and II special officers.
2. All Extra Duty Assignment shall have a minimum of four (4) hours
3. Notification of cancellations must be made not less than two (2) hours in advance or the four (4) hour minimum applies.

BE IT FURTHER RESOLVED that the following fees for such Extra Duty Assignments are set forth as follows for Monmouth Park Racetrack.

1. The rate for Extra Duty Assignment shall be ~~\$65.00~~ **\$85.00** per hour for police officers, Class I and Class II special officers on live racing days only.
2. All Extra Duty Assignments shall have a minimum of (2) hours up to 2 hours.
3. All Extra Duty Assignments beyond 2 hours shall have a minimum of 4 hours.
4. The Chief or his designee shall be paid the hourly rate for scheduling Monmouth Park Racetrack extra duty assignments.

BE IT FURTHER RESOLVED that the Collective Bargaining Unit may agree to a reduced minimum call out time and reduced rate of \$65 for Non-Profit and Educational Organizations through a letter of agreement which shall apply to members covered under the PBA and other Police Department Employees:

BE IT FURTHER RESOLVED that an administrative fee of \$12.00 will be charged for every \$100.00 dollars billed for an Extra Duty Assignment.

BE IT FURTHER RESOLVED that if it is determined by the Chief of Police or his designee that a Borough vehicle is required for an Extra Duty Assignment a fee of \$10.00 per hour shall be billed for an Extra Duty Assignment. No fee shall be charged if the vehicles are "on patrol".

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Oceanport Mayor](#); [Katie LaPorta](#)
Subject: Agenda Item - Monmouth Park
Date: Wednesday, May 8, 2024 2:59:04 PM

Please prepare a Resolution amending Resolution #2024-16 revising the rate for Extra Duty Assignment for Monmouth Park Racetrack to \$85.00 per hour for police officers, Class I and Class II special officers on live racing days. They will continue to be charged the \$12.00 administrative fee but not the \$10 per hour fee for vehicle use.

DONNA M. PHELPS

Administrator

Borough of Oceanport

910 Oceanport Way

Oceanport, NJ 07727

732-222-8221, ext. 1003

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTING GIANNA TAFURI AS DEPUTY COURT ADMINISTRATOR**

**Resolution #2024-141
05/16/24**

WHEREAS, the Borough of Oceanport has entered into a Shared Services agreement for Court Services with the Borough of West Long Branch pursuant with Resolution #2024-114; and

WHEREAS, to handle the additional workload, the Borough has determined that additional staff is necessary to provide said services and desires to appoint a Deputy Court Administrator; and

WHEREAS, the Borough Administrator along with the Municipal Court Judge and Superior Court of New Jersey, Monmouth County Vicinage, Municipal Division Management, conducted and concluded a selection process for the hiring of a Deputy Municipal Court Administrator; and

WHEREAS, the recommendation has been made that the position be filled by Gianna Tafuri,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, that Gianna Tafuri is hereby appointed as Deputy Municipal Court Administrator effective May 28, 2024, at an annual salary of \$50,000.00 in accordance with the Salary ordinance.

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution to the Borough Administrator, the Court Administrator, Chief Financial Officer and the Payroll Department.

BE IT FURTHER RESOLVED, that this appointment is subject to compliance with Borough's Personnel Policies including background investigation.

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Katie LaPorta](#); [Jason Sutton](#); [Oceanport Mayor](#)
Subject: Agenda Item - Gianna Tafuri
Date: Wednesday, May 8, 2024 2:52:13 PM

Please prepare a Resolution appointing Gianna Tafuri as Deputy Court Administrator, effective May 28th, at a salary of \$50,000 annually. We need to take action at the meeting on May 16th. Thanks.

DONNA M. PHELPS

Administrator

Borough of Oceanport

910 Oceanport Way

Oceanport, NJ 07727

732-222-8221, ext. 1003

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING A CONTRACT TO MUSCO SPORTS LIGHTING LLC FOR ELECTRICAL SERVICES FOR
MARIA GATTA PARK UNDER THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT
#041123-MSL**

**Resolution #2024-142
05/16/24**

WHEREAS, pursuant to N.J.S.A 52:34-6.2(b)(3) the Borough of Oceanport has authorized the use of Sourcewell Co-Op, previously known as National Joint Powers Alliance or NJPA, pursuant with Resolution #2017-130, to contract with various vendors for goods and services; and

WHEREAS, N.J.S.A 52:34-6(b)(3) permits the award of a contract without the necessity of competitive bidding and N.J.S.A. 40A:11-12 authorizes purchases through State contract without the need for competitive bidding; and

WHEREAS, the Borough desires to install 50fc sports field lighting at all fields at Maria Gatta Park; and

WHEREAS, Musco Sports Lighting LLC is an authorized vendor under Sourcewell CO-OP #041123-MSL for sports lighting with related supplies and services has submitted a proposal for the work for a total amount of \$997,146.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the purpose stated herein; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor & Council of the Borough of Oceanport, as follows:

1. Authorization is hereby granted to award a contract to Musco Sports Lighting LLC for installation of sports field lighting and related supplies and service at Maria Gatta Park through Sourcewell CO-OP #041123-MSL for a total amount not to exceed \$997,146.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Borough Administrator and Chief Financial Officer.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, certify that there are sufficient funds available in the Sports Betting Revenue Account #02-213-40-700-065 in the amount of \$549,533.90 and Open Space Trust Fund Account #06-270-00-500-021 in the amount of \$447,612.10 for a total amount not to exceed \$997,146.00 for the stated purposes.


Catherine D. LaPorta, CFO

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Katie LaPorta](#)
Subject: Agenda - Lighting at Maria Gatta
Date: Wednesday, May 8, 2024 1:51:15 PM
Attachments: [Maria Gatta Lighting.pdf](#)

Attached is the Quote for the lighting at Maria Gatta. We need a resolution approving work to be done for action at the May 16th meeting. The amount to be awarded to Musco Sports Lighting, LLC is \$891,074.00 which include upgrading field 2 to 50' candle lighting. The other fields will remain at 30' candle lighting. Katie is confirming that their state contract is current and we will be using sports betting and open space funds for payment.

DONNA M. PHELPS

Administrator

Borough of Oceanport

910 Oceanport Way

Oceanport, NJ 07727

732-222-8221, ext. 1003

Quote

Date: May 13, 2024

Project: Maria Gatta Community Park
 Oceanport, NJ
 Musco Project Number: 236129

Sourcewell

Master Project: 199030, Contract Number: 041123-MSL, Expiration: 06/16/2027
 Category: Sports lighting with related supplies and services

All purchase orders should note the following:
 Sourcewell purchase – contract number: 041123-MSL

Quotation Price – Materials Delivered to Job Site and Installation

Soccer Fields (30fc) – 360' x 210'	\$815,833.00
Soccer Fields (upgrading one field to 50fc) - 360' x 210'	\$891,074.00
Soccer Fields (50fc) - 360' x 210'	\$997,146.00

Sales tax and bonding are not included.

Light-Structure System™ with Total Light Control – TLC for LED™ technology

- Factory aimed and assembled luminaries
- (12) 70' Galvanized steel poles designed for 50 FC
- (10) Pre-cast concrete bases with integrated lightning grounding designed for 50 FC
- Pole length factory assembled wire harnesses
- Factory wired and tested remote electrical component enclosures
- Guaranteed light levels
- UL listed assemblies
- Enhanced corrosion protection
- Control-Link® control and monitoring system to provide remote on/off and dimming (high/medium/low) control and performance monitoring with 24/7 customer support
- Product assurance and warranty program that covers materials and onsite labor, eliminating 100% of your maintenance costs for 25 years

Installation Services Provided

[See attached scope of work]

Payment Terms

Musco's Credit Department will provide payment terms.

Email or fax a copy of the Purchase Order to Musco Sports Lighting, LLC:

Musco Sports Lighting, LLC
 Musco Contracts
 Fax: 800-374-6402
 Email: musco.contracts@musco.com

All purchase orders should note the following:
 Sourcewell purchase – contract number: 041123-MSL



**RESOLUTION OF THE BOROUGH OF OCEANPORT AWARDING A CONTRACT TO THE BORJA
GROUP FOR FACILITY USE MANAGEMENT CONSULTING SERVICES**

Resolution #2024-143
05/16/24

WHEREAS, the Borough has a need for recreation consulting services related to facility use management operations, technology, financial accounting and marketing (the "Consulting Services") which it has procured through a process exempt from public bidding pursuant to the provisions of N.J.S.A. 19:44A-20.B; and

WHEREAS, the contract is for an amount that will exceed the pay to play threshold of \$17,500; and

WHEREAS, the Borja Group submitted a proposal to the Borough to provide the Consulting Services and the Borough desires to award a contract to the Borja Group for consulting services in the amount of \$43,875 for services rendered from January 1, 2024 through June 30, 2024 which covers the 2024 Spring and 2024 Summer recreational sport seasons; and

WHEREAS, Pro Janitorial Services, LLC has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form which certifies that Pro Janitorial Services, LLC pursuant with **P.L. 2023, c.20**; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey that it hereby awards a contract to the Borja Group for Consulting Services consistent with the Borja Group's proposal to the Borough in a total contract amount not to exceed \$43,875.00.

BE IT FURTHER RESOLVED the Mayor is authorized to sign a contract with the Borja Group in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Political Contribution Disclosure Form be placed on file with the Borough Clerk with said contract.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, certify that there are sufficient funds available in the Open Space Trust Fund Account #06-270-00-500-024 for a total amount not to exceed \$43,875.00 for the stated purposes.


Catherine D. LaPorta, CFO

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING CHANGE ORDERS TO THE CONTRACTS AWARDED FOR THE FMERA MOU -
DEMOLITION OF BUILDING 555 PROJECT**

Resolution

WHEREAS, pursuant with adoption of Resolution #2023-177, the Borough of Oceanport entered into a Memorandum of Understanding (MOU) with the Fort Monmouth Economic Revitalization Authority (FMERA) for services related to the asbestos abatement and demolition of Building 555; and

WHEREAS, FMERA, in accordance with the MOU, provided funding for the project in the amount of \$523,275.00 to the Borough of Oceanport; and

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14.4); and

WHEREAS, the Borough awarded contracts to Colliers Engineering & Design (\$93,275.00) and AB Kurre Contracting (\$256,825.12) for the provision of services related to the project

WHEREAS, Change Order #1 will amend the original Colliers Engineering & Design contract of \$93,275.00 to reflect final adjustments for a total reduction of \$1,000.00; and

WHEREAS, Change Order #2 will amend the amended AB Kurre Contracting contract for \$256,825.12 to reflect final adjustments for a total reduction of \$173,174.88; and

WHEREAS, the final project amount for both contracts came in less than the awarded amounts and there is \$174,174.88 available for refund to FMERA which has been certified by the Chief Financial Officer as indicated below; and

WHEREAS, based on the foregoing, the Borough Council has determined that it is necessary and appropriate to approve Change Order #1,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport as follows:

1. Change Order #1 to reduce the contract amount between the Borough of Oceanport and Colliers Engineering & Design \$1,000.00 is hereby approved.
2. Change Order #1 to reduce the contract amount between the Borough of Oceanport and Mecor, Inc. in the amount of \$173,174.88 is hereby approved.

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall issue a check refunding the amount of \$174,174.88 to the Fort Monmouth Economic Revitalization Authority for the unused portion of funds posted for the FMERA MOU Demolition of Building 555 Project.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport certify that funds are available for refund in the FMERA MOU Building 555 Account #02-213-40-700-068, in the amount of \$174,174.88 for the purposes described herein.


Catherine D. LaPorta, CFO

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING CHANGE ORDERS TO THE CONTRACTS AWARDED FOR THE FMERA MOU -
DEMOLITION OF BUILDING 886 PROJECT**

Resolution

WHEREAS, pursuant with adoption of Resolution #2023-110, the Borough of Oceanport entered into a Memorandum of Understanding (MOU) with the Fort Monmouth Economic Revitalization Authority (FMERA) for services related to the asbestos abatement and demolition of Building 886; and

WHEREAS, FMERA, in accordance with the MOU, provided funding for the project in the amount of \$165,950.00 to the Borough of Oceanport; and

WHEREAS, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14.4); and

WHEREAS, the Borough awarded contracts to Colliers Engineering & Design (\$60,950.00) and Greg Lertch Demolition (\$63,000.00) for the provision of services related to the project

WHEREAS, Change Order #1 will amend the original Colliers Engineering & Design contract of \$60,950.00 to reflect final adjustments for a total reduction of \$457.07; and

WHEREAS, the final project amount for both contracts came in less than the awarded amounts and there is \$42,457.07 available for refund to FMERA which has been certified by the Chief Financial Officer as indicated below; and

WHEREAS, based on the foregoing, the Borough Council has determined that it is necessary and appropriate to approve Change Order #1,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport as follows:

1. Change Order #1 to reduce the contract amount between the Borough of Oceanport and Colliers Engineering & Design in the amount of \$457.07 hereby approved.

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall issue a check refunding the amount of \$42,457.07 to the Fort Monmouth Economic Revitalization Authority for the unused portion of funds posted for the FMERA MOU Demolition of Building 886 Project.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport certify that funds are available for refund in the FMERA MOU Building 886 Account #02-213-40-700-067, in the amount of \$42,457.07 for the purposes described herein.


Catherine D. LaPorta, CFO

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING CHANGE ORDER TO THE CONTRACT AWARDED TO COLLIERS ENGINEERING &
DESIGN FOR THE FMERA MOU - CIVIL ENGINEERING SERVICES FOR BUILDINGS 886, 555, 550 &
551**

Resolution

WHEREAS, pursuant with adoption of Resolution #2023-52, the Borough of Oceanport entered into a Memorandum of Understanding (MOU) with the Fort Monmouth Economic Revitalization Authority (FMERA) for civil engineering services related to demolition of four buildings; and

WHEREAS, FMERA, in accordance with the MOU, provided funding for the project in the amount of \$195,365.00 to the Borough of Oceanport; and

WHEREAS, the Colliers Engineering & Design provided civil engineering services related to the project under their existing contract with the Borough on a per service basis; and

WHEREAS, the final project amount for civil engineering services came in less than the project amount anticipated and there is \$38,104.88 available for refund to FMERA which has been certified by the Chief Financial Officer as indicated below; and

WHEREAS, based on the foregoing, the Borough Council has determined that it is necessary and appropriate to refund the balance of project funds no longer needed,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport the following:

1. Change Order #1 to the anticipated project costs for Civil Engineering Services reducing the project amount in the amount of \$38,104.88 is hereby approved.

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall issue a check refunding the amount of \$38,104.88 to the Fort Monmouth Economic Revitalization Authority for the unused portion of funds posted for the FMERA MOU for Civil Engineering Services.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport certify that funds are available for refund in the FMERA MOU Project Account #01-203-30-430-000 in the amount of \$38,104.88 for the purposes described herein.



Catherine D. LaPorta, CFO

ORDINANCE #1096

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 371 "TREES" TO INCORPORATE THE REQUIREMENTS OF THE BOROUGH'S NJDEP TIER ONE MUNICIPAL STORMWATER GENERAL PERMIT AND ESTABLISHING A TREE REMOVAL AND REPLACEMENT POLICY

APPROVED ON FIRST READING

DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 16, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

THOMAS J. TVRDIK
Mayor

Ordinance # []- Tree Removal-Replacement Ordinance

~~[Trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects. This ordinance is intended to ensure that permittees are considering these undervalued assets in their stormwater management efforts.]~~

~~The 2023 Tier A MS4 permit renewal requires permittees to, at a minimum, adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties where the municipality has jurisdiction. This model ordinance, developed by the Department, can be used by each municipality for consideration in reviewing and/or updating their existing tree ordinance, or adopting a new tree ordinance. This model may also be modified by the municipality to meet the needs of their community.]~~

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in ~~[insert name of municipality]~~Oceanport Borough to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

~~[Municipalities that are accredited with the NJ Urban and Community Forestry Program may continue to follow their town's established forestry program requirements provided their accredited program addresses tree removal and replacement.]~~

~~The details of a municipality's forestry program shall be incorporated by reference or contained within the municipality's adopted ordinance. Please contact the NJ Urban and Community Forestry Program to obtain further information regarding becoming an accredited municipality and the associated requirements.]~~

~~[Municipalities with an existing tree ordinance may contact the Department at stormwatermanager@dep.nj.gov to determine if their ordinance requires modification.]~~

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural

number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. ~~[Municipalities may choose to require a Licensed Tree Expert to make all Hazard tree determination]~~

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III. Regulated Activities:

[Application review and approval can be conducted along with existing business practices and permit application review such as, but not limited to, site plan approvals, building permit approvals, planning board application approval, etc. A separate application process is not required, but the Department has included sample language below for municipalities that prefer to do so.]

A. Optional Application Process:

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to ***[Municipal Officials]***. No tree shall be removed until municipal officials have reviewed and approved the removal. **[For larger scale clearing projects, municipalities may choose to require a tree survey be submitted as part of the application to determine number, sizes, and exemptions of trees for the assessment of fees]**

[The municipality may choose to impose application fees. If so, the following language may be used, with revisions as deemed appropriate.]

[Optional for municipalities: Applicants will be subject to an application fee as per the Table below.]

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with Appendix A. ~~-(insert municipality provided tree list as Appendix A of this ordinance). [The municipality shall provide a list of approved trees that are acceptable to be planted as replacement trees, or at a minimum develop a list of trees that shall not be used as replacement trees. This list will be included as "Appendix A". It is permissible for a municipality to include a procedure for approval of a tree not on the approved list. The list shall also contain approved planting times/seasons and proper planting standard procedures or a reference to available literature containing this information.]~~

Replacement tree(s) shall:

1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Application Fee <i>[Municipality may choose to include]</i>
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			<i>and determine appropriate fees.]</i>
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1 2.5" for each tree removed	<i>TBD by town</i>
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1 2.5" for each tree removed	<i>TBD by town</i>
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1 2.5" for each tree removed	<i>TBD by town</i>
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1 2.5" for each tree removed	<i>TBD by town</i>

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of (amount to be set by municipality) per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption **[the municipality shall define what "proper justification" is such as photos or statements from NJ licensed tree expert as per NJ Statue 45:15C-11 or arborist.]**

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;

- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

SECTION V. Enforcement:

This ordinance shall be enforced by the ~~[Police Department and/or other Municipal Officials of insert name of municipality]~~Code Enforcement Officer during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of \$ [amount per tree to be established by municipality but shall not be less than the amount of the required replacement tree(s) and cost of planting] [Municipalities may require the planting of additional trees in lieu of a fine].

SECTION VIII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Adoption Date: _____

Approved By: _____

Appendix A

Approved list of Replacement tree Species and Planting Standards for
~~(Insert Municipality Name)~~ Oceanport Borough

[The municipality shall provide a list of approved trees that are acceptable to be planted as replacement trees, or at a minimum develop a list of trees that shall not be used as replacement trees. The list shall include approved planting times/seasons and proper planting standard procedures or a reference to available literature containing this information.]

Tree Species	Planting Season	Planting Procedure (soil type, watering, pruning, staking, wrapping, exposure, depth, mulching, etc)

ORDINANCE #1097

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ADOPTING REQUIREMENTS FOR THE STORAGE OF SALT AND OTHER SOLID DE-ICING MATERIALS ON PROPERTIES NOT OWNED OR OPERATED BY THE MUNICIPALITY IN ACCORDANCE WITH THE REQUIREMENTS OF THE BOROUGH'S NJDEP TIER ONE MUNICIPAL STORMWATER GENERAL PERMIT

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in **Borough of Oceanport** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;
- 4. The structure cannot be open sided; and
- 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the **Code Enforcement Officer** during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to a penalty as set forth in Chapter 1, § 1-15, General penalty. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense. The imposition and

collection of any fine or penalty prescribed by this section shall not bar the right of the municipality to collect the cost of the removal of the materials as hereinabove specified, and said remedies shall be cumulative.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

APPROVED ON FIRST READING

DATED:

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 16, 2024

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

Ordinance # [] – Privately-Owned Salt Storage

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in **Borough of Oceanport** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;
- 4. The structure cannot be open sided; and

5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
 - C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
 - D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the **Code Enforcement Officer** during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to a penalty as set forth in Chapter 1, § 1-15, General penalty. If the violation is of a continuing nature, each day during which it continues shall constitute a separate and distinct offense. The imposition and collection of any fine or penalty prescribed by this section shall not bar the right of the municipality to collect the cost of the removal of the materials as hereinabove specified, and said remedies shall be cumulative.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Adoption Date: _____

Approved By: _____

ORDINANCE #1098

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 328 STORMWATER CONTROL OF THE CODE OF THE BOROUGH OF OCEANPORT

WHEREAS, the Borough of Oceanport has and maintains an NJDEP Municipal Stormwater General Permit pursuant with N.J.A.C. 7:14A; and

WHEREAS, stormwater regulations are reviewed biannually; and

WHEREAS, the regulations provide for a municipality to adopt a Stormwater Control Ordinance that references the last amended N.J.A.C. 7:8-5, incorporated therein by reference,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, Monmouth County, New Jersey, that Chapter 328 Stormwater Control of the Borough Code is repealed and replaced as follows:

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This ordinance shall also be applicable to all major developments undertaken by Borough of Oceanport.
3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those

imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

Section III. Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section IV. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.

- 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- 2. The standard in IV.A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting

facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

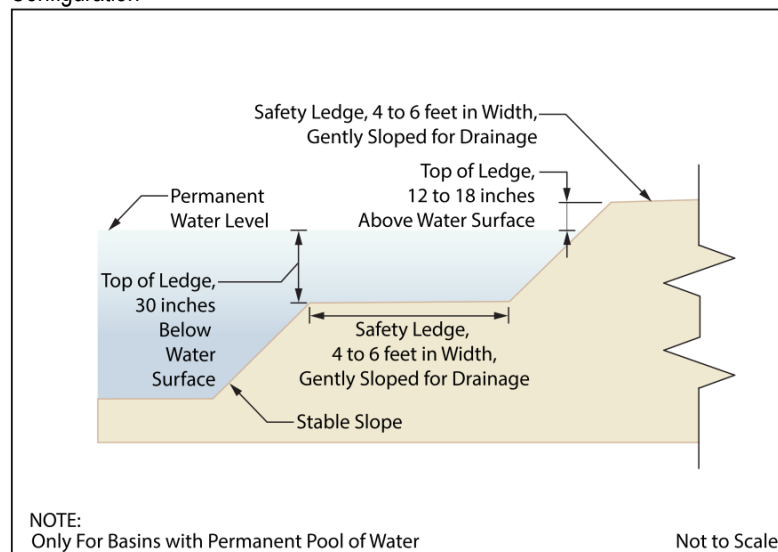
Section V. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge

Configuration



Section VI. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit ten (10) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section VII. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible

person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section VIII. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine under the general penalty provisions, Chapter 1, § 1-15, General penalty.

Section IX. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section X. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

APPROVED ON FIRST READING

DATED: May 16, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: June 20, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

THOMAS J. TVRDIK
Mayor

ORDINANCE #1099

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 115 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ALCOHOLIC BEVERAGES" FOR THE INCREASE IN FEES FOR CERTAIN LIQUOR LICENSES

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that Chapter 115, Sections 7 and 8 are hereby amended to increase the renewal fees for a plenary retail distribution license pursuant with N.J.S.A. 33:1-12 as follows:

NOTE: Additions are underlined and deletions are marked by strike through.

Article II. Licensing

§ 115-8. Fee for retail distribution license.

The annual license fee for plenary retail distribution licenses shall be and is hereby fixed at ~~\$1,543.00~~ \$1,850.00.

BE IT FURTHER ORDAINED that all other terms and provisions of Article II, Chapter 115, Alcoholic Beverages, Licensing of the Borough Code shall remain unchanged.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

APPROVED ON FIRST READING

DATED: May 16, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: June 20, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

THOMAS J. TVRDIK
Mayor

ORDINANCE #1092**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 204 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "FEES" FOR THE ADOPTION OF AN AMENDED DEVELOPMENT FEE SCHEDULE FOR THE BOROUGH OF OCEANPORT**

WHEREAS, the Borough of Oceanport is a duly organized Municipal Corporation of the State of New Jersey; and

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, and other Laws, the Borough of Oceanport is empowered to establish Application Fees, Escrow Fees, and other Charges associated with the Construction, Zoning, and Land Use Board process; and

WHEREAS, it is appropriate for representatives of the Municipal entity to periodically review and update the various Application Fees, Escrow Charges, and other Fees associated with the Construction, Zoning, and Land Use Board process; and

WHEREAS, the updated Application Fees, Escrow Charges, and other Charges are set forth on the attached Development Fee Schedule, which is attached hereto and incorporated herein at length; and

WHEREAS, it is appropriate for the said Development Fee Schedule to be officially adopted via an authorizing / confirming Ordinance; and

WHEREAS, it is believed that the Fee / Charges, as set forth on the attached Development Fee Schedule, are commercially reasonable,

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

1. That the Borough Council of the Borough of Oceanport hereby approves and adopts the revised / updated Application Fees / Escrow Charges and other Charges as set forth on the attached Development Fee Schedule.
2. That the attached Development Fee Schedule shall be effective upon adoption and publication in accordance with New Jersey Law.
3. That the attached Development Application Fee Schedule shall not affect any Development Applications which, in good faith, were submitted to the Borough of Oceanport prior to the adoption of the within Ordinance.
4. That upon adoption, Borough / Planning Board Officials are authorized to distribute the Development Fee Schedule to Planning Board Applicants (and other members of the public who wish to review the same).
5. That all Ordinances or parts of Ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

APPROVED ON FIRST READING

DATED: April 18, 2024

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 16, 2024

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

BOROUGH OF OCEANPORT DEVELOPMENT APPLICATION FEE SCHEDULE

Application Type		Application Fee	Escrow Fee	Sub-Totals	
				(Application)	(Escrow)
Zoning Permit		\$45.00	N/A		
Bulk Variance (per lot)		\$300 for 1 variance, plus \$50 for each additional Bulk Variance	\$1,000.00		
Appeals & Interpretations		\$300.00	\$750.00		
Use Variance	1 & 2 Family Home s	\$300.00	\$1,000.00		
	3 or more Family	\$600.00	\$2,500.00		
Conditional Use	Non-Residential	\$600.00	\$2,500.00		
		\$300.00	\$1,000		
Subdivision	Minor Subdivision (up to 3 lots)	\$300.00	\$2,500.00		
	Preliminary Major	\$350 plus \$45 per each additional lot created	\$3,500.00		
	Final Major	\$300.00 plus \$45 for each additional lot created	\$3,500.00		
	Tax Map (Minor & Major)	Single-family lots (1-2 lots) \$200			
		3 to 9 lots: \$500.00			
		More than 10 lots: \$1,000			
Site Plan	Residential	\$600, plus \$25 per each dwelling unit	\$100.00 per 1,000 SF of land developed		
			The minimum initial escrow submission shall be \$5,000, and the maximum initial escrow submission shall be \$10,000		
			\$100 per 1,000 SF of land developed (the minimum initial escrow submission shall be \$1,000.00 and the maximum initial escrow submission shall be \$10,000		
		\$35 per 1,000 SF of land. The minimum application fee shall be \$450 and the maximum application fee shall be \$850			
		\$35 per 1,000 SF of land			
Informal Hearing (if allowed per prevailing law/ordinance)		\$100.00	N/A		
Certified Property Owner's List		\$10 per list per lot, or other maximum amount as the NJ statute allows	N/A		
Special Meeting		\$1,000.00	N/A		
Re-Approval/Extension		\$250	\$500		
Amended Approval	Non-substantive Amendment, as reasonably determined by the Zoning Officer	\$250	\$500		
	Substantive Amendment, as reasonably determined	\$500	\$1,500		
Certificate of Pre-Existing Non-Conforming Use		\$300.00	\$1,000.00		
Other (non-specified)		\$300.00	\$750.00		
GIS		\$25 per application	N/A		
TOTAL					

Notes:

1. Each application fee and each escrow fee is to be paid by 2 separate checks or money orders.
2. Each application fee check and each escrow fee check is to be made payable to the "Borough of Oceanport".
3. The application fee is designed to help defray Borough/Board costs associated with the processing of the Development Applications, including administrative fees, copying charges, personnel time, etc.
4. The application fees are non-refundable.
5. The escrow fees are designed to reimburse the municipality for the actual professional costs billed to the municipality for the professional work associated with the Application. Depending upon the nature/complexity of any particular Development Application, professional fees could possibly include, but are not limited to, the following:
 - Engineering review of application and plans;
 - Preparation of an engineering review memorandum; Engineering field/site inspections;
 - Engineering consultation with the Applicant's Development Team; Engineering review of stormwater calculations;
 - Engineering review of environmental documentation;
 - Engineering review of Subdivision Plans, Metes/Bounds Descriptions, etc.; Engineering review of traffic information / reports;
 - Resolution compliance matters;
 - Legal review of application and plans;
 - Legal review of public notices and confirming affidavits; Preparation of Board Resolutions of Approval/Denial; Review of Subdivision Deeds;
 - Review of Easements/ Dedications, as necessary;
 - Retention of other professional service providers such as a Planner, Traffic Engineer, etc.; and Performance of other necessary professional services.
6. The escrow charges/payments/distribution are governed by local ordinance and by N.J.S.A. 40:55D-53.l (as may be amended from time to time). Per NJ law, detailed copies of invoices from the Borough/Board professionals, are to be regularly provided to the Applicant and/or the Applicant's representatives. There is a process by which any aggrieved Applicant can appeal the reasonableness of the professional charges associated with a particular application. Applicants are encouraged to review N.J.S.A. 40:55D-53.la for any additional information
7. In accordance with NJ Law, depending upon the complexity of a particular development project, and/or the need for certain/additional professional services to be rendered, if the Applicant's escrow account is depleted, or nearly depleted and additional professional work remains to be completed, the Applicant may be required to supplement the initial escrow amount. Any request to supplement the escrow amount shall be memorialized in a written statement from the designated Borough Official.
8. Upon satisfactory conclusion of the development process, and confirmation that no additional professional services are required/ necessary, upon written request, any remaining/unused escrow shall be returned to the Applicant.

BOROUGH OF OCEANPORT DEVELOPMENT FEE SCHEDULE

FEE TYPE		APPLICATION FEE	ESCROW FEE
Zoning Letter - RESIDENTIAL		\$ 25.00	
Zoning Letter - NON-RESIDENTIAL		\$ 50.00	
Zoning Application - RESIDENTIAL			
Fences/Sheds under 12'		\$ 100.00	
Accessory Structures (sheds over 12', pools, driveways, patios, decks, solar, pergola, private utilities)		\$ 150.00	
Additions/New Dwellings		\$ 200.00	
Compliance - As-Built Reviews		\$ 75.00	
Zoning Application - NON-RESIDENTIAL		\$ 300.00	
Compliance - As-Built Reviews		\$ 150.00	
Appeal Zoning Officer Decision		\$ 100.00	\$ 750.00
Interpretations		\$ 100.00	\$ 750.00
Bulk Variance, per lot		\$ 300.00	\$ 1,000.00
Additional Bulk Variances, each		\$ 50.00	
Use Variance			
1 & 2 family		\$ 300.00	\$ 1,000.00
3 or more units		\$ 600.00 plus Site Plan fees	\$ 2,500.00
Use - Non-residential		\$ 600.00 plus Site Plan fees	\$ 2,500.00
Minor Subdivision		\$ 250.00 plus \$100/new lot	\$ 2,500.00
Preliminary Major Subdivision		\$ 500.00 plus \$100/lot created	\$ 3,500.00
Final Major Subdivision		\$ 300.00 plus \$50/lot created	\$ 3,500.00
Site Plan - RESIDENTIAL (3 or more units)		\$ 500.00 plus \$25/unit	\$ 3,500.00
Site Plan - NON-RESIDENTIAL		\$ 750.00 plus \$50/1,000sf of lot area	\$ 1,000.00 plus \$50/acre of disturbance plus \$.05/SF of proposed building area
Minor or Preliminary Site Plan		\$ 500.00 plus \$25/sf of lot area	\$ 3,500.00
Major/ Final Site Plan		\$ 250 plus \$25/sf of lot area	\$ 3,500.00
Informal Review		\$ 250.00	
Special Meeting		\$ 1,000.00	
Re-Approval/Extension		\$ 250.00	
Amended Approval (Non-substantive as determined by zoning officer)		\$ 250.00	
Amended Approval (Substantive amendment as determined by zoning officer)		\$ 500.00	
Certificate of Pre-Existing Non-Conformity		\$ 300.00	\$ 500.00
Other (non-specified)		\$ 300.00	
GIS/technology fee		\$ 25.00	

Notes:

1. Each application fee and each escrow fee is to be paid by 2 separate checks or money orders.
2. Each application fee check and each escrow fee check is to be made payable to the "Borough of Oceanport".
3. The application fee is designed to help defray Borough/Board costs associated with the processing of the Development Applications, including administrative fees, copying charges, personnel time, etc.
4. The application fees are non-refundable.
5. The escrow fees are designed to reimburse the municipality for the actual professional costs billed to the municipality for the professional work associated with the Application. Depending upon the nature/ complexity of any particular Development Application, professional fees could possibly include, but are not limited to, the following:

Engineering review of application and plans;

Preparation of an engineering review memorandum; Engineering field/site inspections;

Engineering consultation with the Applicant's Development Team; Engineering review of stormwater calculations; Engineering review of environmental documentation;

Engineering review of Subdivision Plans, Metes/Bounds Descriptions, etc.; Engineering review of traffic information reports; Resolution compliance matters;

Legal review of application and plans;

Legal review of public notices and confirming affidavits; Preparation of Board Resolutions of Approval/ Denial; Review of Subdivision Deeds;

Review of Easements/ Dedications, as necessary;

Retention of other professional service providers such as a Planner, Traffic Engineer, etc.; and

Performance of other necessary professional services.

6. The escrow charges/payments/distribution are governed by local ordinance and by N.J.S.A. 40:55D-53.1 (as may be amended from time to time). Per NJ law, detailed copies of invoices from the Borough/Board professionals, are to be regularly provided to the Applicant and/or the Applicant's representatives. There is a process by which any aggrieved Applicant can appeal the reasonableness of the professional charges associated with a particular application. Applicants are encouraged to review N.J.S.A. 40:55D-53.1a for any additional information
7. In accordance with NJ Law, depending upon the complexity of a particular development project, and/or the need for certain/ additional professional services to be rendered, if the Applicant's escrow account is depleted, or nearly depleted and additional professional work remains to be completed, the Applicant may be required to supplement the initial escrow amount. Any request to supplement the escrow amount shall be memorialized in a written statement from the designated Borough Official.
8. Upon satisfactory conclusion of the development process, and confirmation that no additional professional services are required/ necessary, upon written request, any remaining/unused escrow shall be returned to the Applicant.

ORDINANCE #1093**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY FROM MANVAN, LLC TO INCREASE THE RIGHT-OF-WAY AND ROAD WIDTH OF FOGGIA WAY**

WHEREAS, the Oceanport Planning Board granted Minor Subdivision Approval to Manvan, LLC (the "Applicant") on October 11, 2022 and memorialized that approval by Resolution dated October 25, 2022 for the property designated as Block 65, Lots 40 and 41, commonly known as 190-192 Monmouth Boulevard, Oceanport, New Jersey creating two single family lots, proposed Lot 40.01 and proposed Lot 40.02 at the intersection of Foggia Way and Monmouth Blvd (the "Planning Board Approval").

WHEREAS, the Planning Board Approval noted that Foggia Way's right-of-way was deficient as it was only 43 feet and it therefore conditioned its approval of the minor subdivision on the donation and dedication of land by the Applicant to the Borough to increase Foggia Way's right-of-way width to 50 feet with a 24 feet wide road; and

WHEREAS, the Applicant's land surveyor, DPK Consulting Land Surveyors, prepared a legal description dated March 27, 2023 of the real property to be dedicated to the Borough to increase right-of-way width of Foggia Way to 50 feet with a road width of 24 feet (the "Right-of-Way Legal Description") as required by the Planning Board Approval and as attached to this Ordinance; and

WHEREAS, the Planning Board Engineer approved the Right of Way Legal Description of the land to be dedicated to the Borough to increase Foggia Way's right-of-way to 50 feet with a 24 feet road width; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to accept the donation of the real property from the Applicant to increase the Foggia Way right-of-way for public safety purposes.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey that the Borough of Oceanport is hereby authorized to accept the donation of the real property identified in the Right-of Way Legal Description from Manvan, LLC for the purpose of increasing Foggia Way's right-of-way to 50 feet with a 24 feet roadway as identified in the Planning Board Approval.

BE IT FURTHER RESOLVED the Mayor, Borough Engineer and Borough Attorney are hereby directed to take all necessary action for the Borough to accept the real property identified in the Right-of-Way Legal Description.

APPROVED ON FIRST READING

DATED: April 18, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 16, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.



Date: March 25, 2023
Job No. 21-9414

Description of a Right of Way Dedication to the Borough of Oceanport across a portion of Tax Lot 40 Block 65 in the Borough of Oceanport, County of Monmouth, and State of New Jersey.

BEGINNING at a point on the easterly sideline of Foggia Way (F.K.A. Maple Place) (43' Wide R.O.W. per Tax Map) where the same is intersected by the with the dividing line between Tax Lots 40 and 43, Block 65, as shown on a map entitled "Minor Subdivision Plan, 190 & 192 Monmouth Boulevard, Block 65, Lot 40 & 41, Borough of Oceanport, Monmouth County, New Jersey", dated June 14, 2022, Last Revised January 12, 2023, prepared by Shore Point Engineering about to be filed in the office of the Monmouth County Clerk's Office; and runs thence

1. Along the easterly sideline of Foggia Way, North 12 degrees 11 minutes 19 seconds West, 127.44 feet to a point; thence
2. North 77 degrees 48 minutes 41 seconds East, 4.00 feet to a point; thence
3. Along the new easterly sideline of Foggia Way, South 12 degrees 11 minutes 19 seconds East, 127.22 feet to a point; thence
4. Along the dividing line between Tax Lots 40 and 43, Block 65, South 74 degrees 38 minutes 40 seconds West, 4.01 feet to the place of **BEGINNING**.

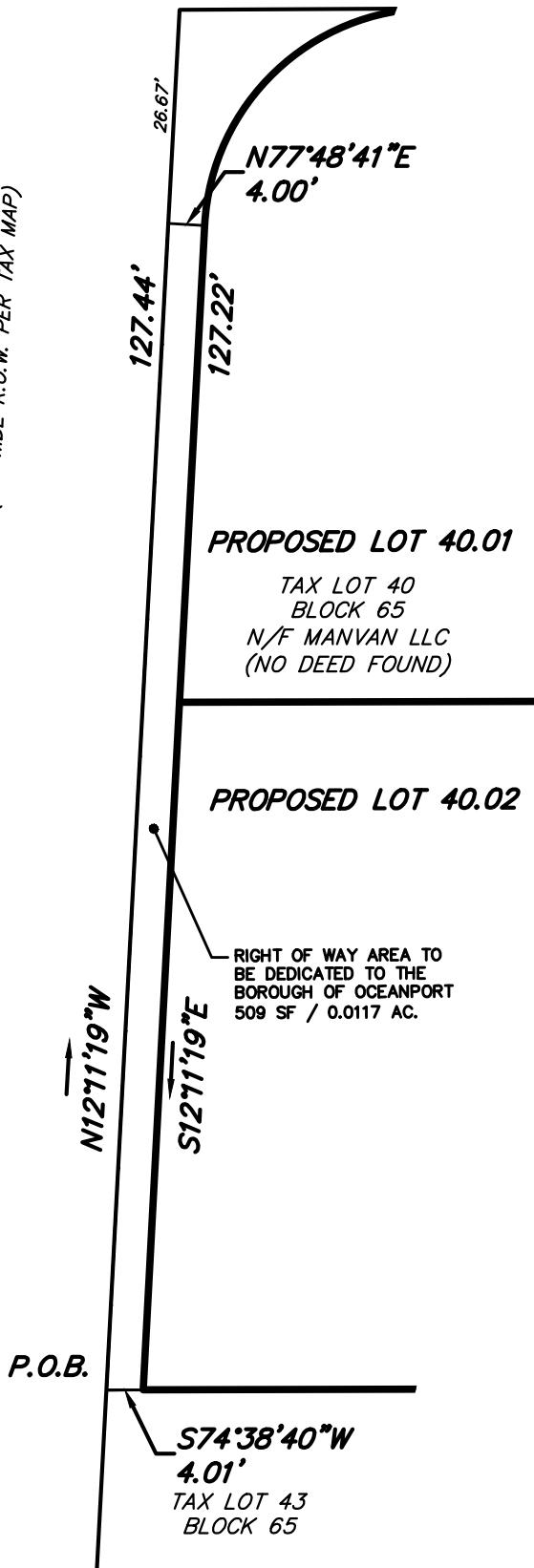
Containing 509 square feet and 0.0117 acres of land.

This description is prepared in accordance with an exhibit entitled "Borough R.O.W. Dedication Exhibit, Tax Lot 40, Block 65, 190 & 192 Monmouth Boulevard, Borough of Oceanport, Monmouth County, New Jersey", dated March 27, 2023, prepared by DPK Consulting, LLC.

James J. Heiser, PLS
NJ Professional Land Surveyor
License # 24GS04331100

MONMOUTH BOULEVARD
(MONMOUTH COUNTY HIGHWAY ROUTE 33)
(VARIABLE WIDTH R.O.W. PER TAX MAP)

FOGGIA WAY
(F.K.A. MAPLE PLACE)
(43' WIDE R.O.W. PER TAX MAP)



PROPOSED LOT 40.01

TAX LOT 40
BLOCK 65
N/F MANVAN LLC
(NO DEED FOUND)

PROPOSED LOT 40.02

RIGHT OF WAY AREA TO
BE DEDICATED TO THE
BOROUGH OF OCEANPORT
509 SF / 0.0117 AC.

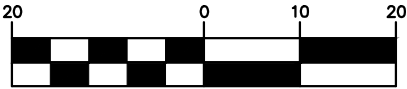
P.O.B.

S74°38'40"W
4.01'
TAX LOT 43
BLOCK 65

MAP REFERENCE:

1. THIS EXHIBIT IS PREPARED IN ACCORDANCE WITH A MAP ENTITLED 'MINOR SUBDIVISION PLAN, 190 & 192 MONMOUTH BOULEVARD, BLOCK 65, LOT 40 & 41, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY', DATED JUNE 14, 2022, LAST REVISED JANUARY 12, 2023, PREPARED BY SHORE POINT ENGINEERING.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

1	-	-	-	-
REV	DATE	DESCRIPTION	BY	CHKD



**DPK
CONSULTING**

DPK CONSULTING, LLC
200 METROPLEX DRIVE - STE. 285, EDISON, NJ 08817
P: 732-764-0100 F: 732-764-0890
NEW JERSEY CERTIFICATE OF AUTHORIZATION NO. 24GA28042200

**BOROUGH OF OCEANPORT
R.O.W. DEDICATION EXHIBIT
TAX LOT 40
BLOCK 65**

**190 & 192 MONMOUTH BOULEVARD
BOROUGH OF OCEANPORT
MONMOUTH COUNTY, NEW JERSEY**

James J. Heiser
Professional Land Surveyor
JHEISER@DPKCONSULTING.NET

N.J. Lic: 24GS04331100
PA. Lic: SU075616
N.Y. Lic: 050932-1
CT. Lic: 70476
DE. LIC: S6-0010858

Scale 1"=20'	Dr. J.L.M.	Chk. E.A.S.	Date 03/27/2023	Job No. 21-9414
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In consideration of the mutual covenants between the client listed above and the undersigned, I declare that this plan is based on a field survey made under my direct supervision on the date listed above and to the best of my professional knowledge, information and belief, correctly represents the conditions found on the date of the survey, except easements, if any, below and/or above the surface of the lands and not visible. Underground utilities and/or determination of environmentally sensitive areas were not located or made by this survey. This survey is subject to conditions which an accurate title search might disclose. This plan is made to provide relevant information to the title insurer and the mortgage holder named above. This declaration is given solely to the above named parties for this transaction only and is not transferable, except as provided herein.



Drawing File:
21-9414-EX00

S:\Projects\2021\21-9414\CAD\21-9414-EX00.dwg Apr 04, 2023--9:54am BY: (JohnLMarkeyCSTII)

ORDINANCE #1094

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 295, ARTICLE V, ENTITLED HOUSING AND COMMERCIAL CERTIFICATES OF OCCUPANCY FOR COMPLIANCE WITH N.J.S.A.

WHEREAS, the Borough continues to review and bring up to date various portions of the Borough code; and

WHEREAS, pursuant with NJAC 5:23-2.23(a), (c), (d) and (f), a Certificate of Occupancy (CO) is only to be issued for projects of new construction, reconstruction, additions and change of use as regulated under the Universal Construction Code (UCC); and

WHEREAS, the Borough's Property Maintenance Code requires inspections for rentals, resales and new tenants and issues a Certificate of Continued Occupancy (CCO) upon compliance with the Borough's housing codes; and

WHEREAS, it has been recommended that the Borough change its terminology for these types of certificates in order to differentiate from those issued under the UCC,

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey that the following sections of Chapter 295 "Property Maintenance" be amended to reflect Certificates issued under this Chapter shall be entitled "Rental / Resale / New Tenant Certificate" in order to comply with N.J.A.C. 5:23-2.23 et seq. as follows:

NOTE: Additions are underlined in bold and deletions are marked by bold strike through.

Chapter 295. Property Maintenance

Article V. Housing and Commercial **Rental / Resale / New Tenant** Certificates ~~of Occupancy~~

§ 295-18. Purpose.

This article is adopted in order to protect the health, safety and welfare of those purchasing or renting dwelling units or commercial structures within the Borough of Oceanport, County of Monmouth, State of New Jersey.

§ 295-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APARTMENT UNIT

A dwelling unit which includes living space, sleeping space, storage space, a kitchen and at least one full bathroom.

DWELLING, SINGLE-FAMILY

A detached residential structure designed to provide living facilities, including kitchen, for one family only.

DWELLING UNIT

Defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

FAMILY

One or more persons customarily living together as a single housekeeping unit whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

HOTEL OR MOTEL UNIT

A temporary dwelling unit for transient use, having limited or no storage space and at least one full bathroom.

SHORT-TERM/TRANSIENT RENTAL

A rental for 90 days or less to a person having a permanent residence elsewhere.

§ 295-20. Certificate required.

A. **A Rental / Resale / New Tenant** Certificate ~~of occupancy~~ is required for rental/resale and transfer of title for all residential and commercial units.

B. No owner, owner of rental properties, agent of owner, real estate agent or broker, firm, company, partnership, corporation or

person or persons shall sell, rent, transfer, grant, lease, let or mortgage with right of occupancy or otherwise dispose of the ownership or occupancy thereof, whether or not for a consideration and whether such disposal of ownership or occupancy be temporary or permanent, any dwelling unit, hotel, motel, rooming unit, boardinghouse or premises on which a building is located and is used for human occupancy or commercial unit unless a ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate** has been issued by the Housing Inspector verifying that the property is in compliance with all applicable zoning and property maintenance laws of this Borough, site plans, building permits and Tax Assessor records. The owner or agent of the residential, commercial or industrial building, or part thereof, or tenant is responsible for submitting an approved zoning permit or Planning Board approval resolution with the required application and fees in accordance with this section.

- C. A ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate** in accordance with Subsections A and B above shall not be issued until a certificate is secured from the Fire Official, verifying that the property is in compliance with Ch. 223, Fire Prevention, requirements.
- D. Such ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate** shall be granted or denied within 21 days from the date of the application for same. All applications are subject to review for open permits or outstanding violations, which shall be satisfactorily addressed prior to any inspection by the Housing Inspector being scheduled.
- E. For commercial units, the owner or agent of the commercial or industrial building, or part thereof, or tenant is responsible for submitting an approved zoning permit or Planning Board approval resolution with the required application and fees in accordance with this section.
- F. Whenever the Housing Inspector shall have made an inspection of any property as herein provided in connection with a proposed sale of such property and upon determining that one or more violations of this code exist, the Housing Inspector shall, upon request of the owner of such property, distinguish between those violations that may endanger the public health or safety and those which do not. All public health and safety violations shall be corrected immediately. Upon receipt of a letter signed by any prospective purchaser of such property acknowledging the existence of those violations which do not endanger the public health or safety and accepting responsibility for the corrections of such violations, the Housing Inspector may issue a conditional ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate** enumerating the violations remaining to be corrected and specifying the time within which such violations should be corrected, which time shall be commensurate with the nature of the violations to be corrected.
- G. The owner, or their agent, shall be responsible for resolving any open permits with the construction department prior to submitting an application for a ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate**

§ 295-21. Registration of landlord; proof of general liability insurance.
[Amended 12-15-2022 by Ord. No. 1065]

A. The landlord of a single-unit dwelling or two-unit dwelling not owner occupied shall be registered with the Clerk of the Borough of Oceanport, pursuant to N.J.S.A. 46:8-28, and provide a copy of the registration to each individual tenant by separate forms, the name, age and rental unit address of each occupant or tenant 18 years or older occupying a rental unit, and a floor plan of the rental unit. These forms shall be filed with the Borough Clerk and shall not be available for public inspection. For multifamily dwellings, a copy of the certificate of registration filed with the New Jersey Bureau of Housing Inspection shall be filed with the Clerk of the Borough of Oceanport.

B. General liability insurance required.

(1) Minimum limits of general liability insurance. The owner of a rental unit or units, and the owner of a multifamily home of four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

(2) Proof of general liability insurance required. The owner of a rental unit or units, and the owner of a multifamily home of four or fewer units, one of which is owner-occupied, shall annually register the certificate of insurance demonstrating compliance with Subsection B(1) above with the municipality in which the rental units, or multi family home, are located.

§ 295-22. Registration forms.

A. In accordance with N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein.

B. Every owner shall file with the Housing Inspector or his designee a registration form or other forms developed by the Borough for each rental unit contained within a building or structure, which shall include the following information:

(1) The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the

rental business, if not the same persons, shall be provided. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during day and evening hours, which telephone numbers shall include cell phone numbers. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours, which shall include providing the cell phone numbers of each such individual. All registration addresses shall be physical addresses; post office boxes alone are insufficient.

(2) If the address of the owner of record is not located in the County of Monmouth, the name, address and telephone number of a person who resides in the County of Monmouth who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record. [Amended 12-15-2022 by Ord. No. 1065]

(3) The name, address and telephone number of the managing agent of the premises, if any.

(4) The name, address and telephone number of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any.

(5) The name, address and telephone number and cellular telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

(6) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof.

(7) As to each rental unit, the maximum number of occupants as established by the New Jersey State Housing Code.

(8) Name, address and telephone number of any and all rental agencies with the authority to lease or otherwise permit occupancy of the subject premises.

(9) Number of occupants or tenants occupying the rental unit.

(10) Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member.

(11) Such other information as may be prescribed by the Borough on the appropriate form or otherwise by ordinance or resolution.

§ 295-23. Registration form amendments.

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days of any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, with the exception of a change in ownership of the premises.

§ 295-24. Short-term/transient rentals.

A. Short-term rental property prohibited uses. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use rights in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, or advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 90 days or less. Nothing in this section will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 90 days.

B. Sublease of any rental property. Any conditions pertaining to subleasing of rental property will require a new ~~certificate of occupancy~~ Rental / Resale / New Tenant Certificate and full disclosure from the property owner.

§ 295-25. Fees.

The Borough shall charge nonrefundable fees for a **CCO Certificate**. Payment of fees shall be made at the time the application is submitted, and prior to the Borough official making any inspection as follows:

A. Rentals/resales and transfers of ownership: \$65.

B. Commercial or industrial buildings or parts thereof: \$100.

C. Reinspection, each time: \$50.

D. Eligible expedited certificate: \$125.

E. Landlord registration with certificate of insurance: \$25.

[Added 12-15-2022 by Ord. No. 1065]

§ 295-26. Official to issue **CCO Certificate**.

The issuing officer for Rental/Resale/New Tenant Certificates in the Borough of Oceanport shall be the Housing Inspector or his designee, if the designee has been approved by the governing body.

§ 295-27. Access for inspection.

A. Within 10 days of the receipt of a complaint alleging a reported violation of this chapter, the Housing Inspector shall conduct an inspection as provided for below.

B. The Housing Inspector is hereby authorized to make inspections to determine the condition of rental facilities, rental units, hotels and rooming houses in order that they may promote the purposes of this chapter to safeguard the health, safety and welfare of the occupants of rental facilities, rental units, hotels and rooming houses and of the general public. For the purposes of making such inspections, the Housing Inspector is hereby authorized to enter, examine and survey rental facilities, rental units, hotels and rooming/boarded houses after giving 48 hours' notice, unless there is an emergency requiring immediate access. The owner or occupant of every rental facility, rental unit, hotels and rooming/boarded house shall give the inspecting officer free access to the rental facility, rental unit, hotel or rooming house at all reasonable times for the purpose of such inspections, examinations and surveys, including inspections of the registration forms and other forms required to be supplied to each tenant.

C. Every occupant shall give the owner of the rental facility, rental unit and rooming house access to any part of such rental facility, rental unit, hotel and rooming house after giving 48 hours' notice, unless there is an emergency requiring immediate access, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

§ 295-28. Occupant standards.

A. Only those occupants whose names are on file with the Borough Clerk as provided in this chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant, or other person residing in said premises.

B. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Borough of Oceanport.

C. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Oceanport and state and federal laws.

D. Any landlord, tenant, or other person violating the provisions of this section shall be subject to the penalty provisions of this chapter.

§ 295-29. Disclaimer of liability.

The Borough shall not be liable to any person or entity by reason of the inspections required by this article or the issuance of a housing ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate**. The issuance of a housing ~~certificate of occupancy~~ **Rental / Resale / New Tenant Certificate** by the Borough of Oceanport is not a warranty or guarantee that there are no defects in the residential dwelling or unit. The inspection of the land use, exterior and interior of the dwelling unit is limited to the visual inspection only. The Borough does not guarantee or approve, and shall not be responsible for, defects not noted in any inspection report or for any latent, structural or mechanical defects thereto.

§ 295-30. Violations and penalties.

Any person or organization that shall violate any provision of this article shall be subject to a penalty as set forth below:

Unless another penalty is expressly provided by New Jersey statute, any person, firm or corporation in violation of this section may be subject to a penalty of \$500. A second offense of this section may be subject to a fine of \$1,000. A third offense of this section may be subject to a fine of \$2,000.

APPROVED ON FIRST READING

DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 16, 2024

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

THOMAS J. TVRDIK

Mayor