



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

REVISED AGENDA • MAY 2, 2024

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. Call to Order & 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.
- II. 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.
- III. Roll Call**
- IV. Public Comment on Action Items:** At this time, comments are invited on agenda 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.
- V. Action Items**
- #2024-121** Resolution authorizing payment of BILL LIST 05-02-2024
 - #2024-122** Resolution appointing Patrolman Connor Rogers to permanent status
 - #2024-123** Resolution confirming appointment of Kelle Burrough as Recreation Coordinator
 - #2024-124** Resolution for temp. permission for alcoholic consumption at SRLL Softball Tournament
 - #2024-125** Resolution authoring shared service for purchase of ambulance from Borough of Little Silver
 - #2024-126** Resolution authorizing a Site Access Agreement for Osprey Nest Survey
 - #2024-127** Resolution appointing Robert Spellmon as a temporary Electrical Inspector
- VI. Clerk's Report**
1. Resolution authorizing waiver of the 2024 Budget Reading in Full
 2. Resolution authorizing Tax Sale Redemption #21-00005
 3. Resolution to Cancel Uncollectible Taxes
 4. Resolution to Refund Lienholder Due To Error
 5. Resolution authorizing an extension of the 3rd Qtr Grace Period
- Old Business**
6. Discussion: Update on Wardell Circle / Nicholson Place Issue, Mayor Tvrdik
 7. Discussion: NJDEP Incident #834649, Shore Road Improvements, Councilman Salnick
- New Business**
8. Discussion: Proposed Amendments to Police Rules and Regulations
 9. Discussion: An Ordinance to Increase Fees for Liquor Licenses

- 10. Discussion: An Ordinance Repealing and Replacing Chapter 328 Stormwater Control
- 11. Discussion: Tree Removal & Replacement Ordinance
- 12. Discussion: Lighting at Maria Gatta Park, Councilman O'Brien
- 13. Discussion: ByLaws, Mayor Tvrdik

VII. Administrator's Report

VIII. Mayor's Report

- IX. Public Comment:** 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.

X. Adjourn to Executive Session

#2024-128 Resolution authorizing an Executive Session, May 2, 2024

☐ N.J.S.A. 10:4-12(b)(5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property*

- Potential Open Space Acquisitions

☒ N.J.S.A. 10:4-12(b)(7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*

- Potential Open Space Acquisitions

XI. Return from Executive Session

XII. Adjournment

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR MAY 2, 2024**

**Resolution #2024-121
05/2/24**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of May 2, 2024.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list for \$3,015,853.07.

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.



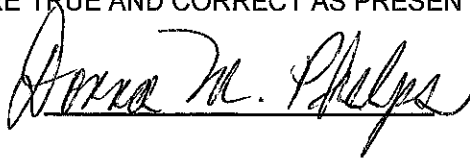
Catherine D. LaPorta, CFO

BOROUGH OF OCEANPORT BILL LIST

2-May-24

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$150,725.87 9th Pay
DCRP	\$283.86
MANUAL CHECKS	
Building Safety Confernce	\$275.00
Leaf	\$199.73
GRANT FUND	\$168,936.14
CAPITAL	\$15,996.25
DOG REGISTRY TOTAL	\$0.00
OPEN SPACE TRUST TOTAL	\$18,713.41
SUI	\$0.00
UCC TRUST	\$7,594.54
TRUST OTHER TOTAL	\$4,392.00
ESCROW TRUST TOTAL	\$12,645.79
NON BUDGETARY	\$2,269,163.88
2023 VOUCHERS PAID THIS MEETING	\$934.00
2024 VOUCHERS PAID THIS MEETING	\$365,992.60
TOTAL	\$3,015,853.07

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



Pending Payments (*Not Finalized*) - (..) ALL FUNDS

From 04/01/2024 to 04/30/2024 With a Line Amount > 10000.00

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
4/23/2024		16632		02-213-40-700-069	BLDG 550 & 551 DEMO COLLIERS ENGINEERING & DESIGN	20,812.79	20,812.79	02-160-05-000-001
4/23/2024		16471		01-201-20-120-227 01-201-20-120-227 01-201-20-120-227 01-201-20-120-227 01-201-20-120-227	SDL Desktop License, Clerk's Office SDL Desktop Licenses, DPW SDL Desktop Licenses, Code/Fire SDL Desktop License, CFO SDL Desktop License, REC Spatial Data Logic, Inc.	5,520.00 3,680.00 1,840.00 1,840.00 1,840.00	14,720.00	01-101-01-000-011
4/24/2024		16654		01-208-55-000-041	COUNTY OPEN SPACE TAXES - MAY 2024 MONMOUTH COUNTY TREASURER	120,236.25	120,236.25	01-101-01-000-011
4/24/2024		16655		01-208-55-000-042	COUNTY HEALTH TAXES MAY 2024 MONMOUTH COUNTY TREASURER	16,867.39	16,867.39	01-101-01-000-011
4/24/2024		16656		01-208-55-000-043	COUNTY LIBRARY TAXES - MAY 2024 MONMOUTH COUNTY TREASURER	61,303.41	61,303.41	01-101-01-000-011
4/24/2024		16657		01-208-55-000-039	COUNTY TAXES DUE - MAY 2024 MONMOUTH COUNTY TREASURER	847,571.35	847,571.35	01-101-01-000-011
4/24/2024		16659		01-207-55-000-045	MAY 2024 TAX REMITTANCE OCEANPORT BOARD OF EDUCATION	900,715.50	900,715.50	01-101-01-000-011
4/24/2024		16658		01-201-29-405-201 01-201-29-405-201 01-201-29-405-201	JAN TRANSPORTATION APR TRANSPORTATION MAY TRANSPORTATION SHORE REGIONAL BOARD OF ED	4,060.19 4,060.19 4,060.19	12,180.57	01-101-01-000-011
4/24/2024		16660		01-206-55-000-046	MAY 2024 TAX REMITTANCE SHORE REGIONAL HIGH SCHOOL	319,527.93	319,527.93	01-101-01-000-011
4/26/2024		16696		04-215-55-474-007 04-215-55-474-007	SEWER CONNECTION FEE - POLICE DEPARTMENT SEWER CONNECTION FEE - MUNICIPAL BUILDING TWO RIVER WATER RECLAMATION	5,850.00 5,850.00	11,700.00	04-101-01-100-011
4/26/2024		16480		01-201-45-930-213	INTEREST ON BONDS US BANK OPERATIONS CENTER	34,555.56	34,555.56	01-101-01-000-011
4/26/2024		16481		01-201-45-930-213	US BANK OPERATIONS CENTER	80,874.53	80,874.53	01-101-01-000-011
4/26/2024		16482		01-201-45-930-213	US BANK OPERATIONS CENTER	107,299.43	107,299.43	01-101-01-000-011
4/26/2024		16483		01-201-45-930-213	US BANK OPERATIONS CENTER	55,999.27	55,999.27	01-101-01-000-011
4/30/2024		16723		02-213-40-700-070	Payment Certificate #1 VAUGHAN CONSTRUCTION AND EXCAVATION	141,120.00	141,120.00	02-160-05-000-001

APRIL SUMMARY BY ACCOUNT:

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

Pending Payments (*Not Finalized*) - (..) ALL FUNDS

5.1.b

From 04/01/2024 to 04/30/2024 With a Line Amount > 10000.00

APRIL SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
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	
APRIL 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

List of Bills - (All Funds)

5.1.c

Vendor	Description	Payment	Check Total
Current Fund			
1459 - ACCLAIM INVENTORY,LLC	PO 15924 2024 INVENTORY AUDIT	2,700.00	2,700.00
1007 - ACTION UNIFORMS, LLC	PO 16337 Purchase Uniform Equip	443.98	443.98
1767 - ADT SECURITY CORPORATION	PO 16629 FIRE MONITORING - 04/30-05/29/24	68.13	68.13
1658 - AMAZON CAPITAL SERVICES, INC	PO 15762 ADMIN SUPPLIES	200.49	200.49
1029 - BEATRIZ C CRANEY	PO 16540 INTERPRETING - MAR 2024	140.00	140.00
1469 - BLAZE EMERGENCY, LLC	PO 16283 GENERATOR WORK 38-75	928.90	928.90
1525 - BOUND TREE MEDICAL	PO 16582 FIRST AID SUPPLIES	853.32	853.32
2172 - BROOKDALE COMMUNITY COLLEGE	PO 16474 Judicial/Medical Interpreting Cert Class	2,279.00	2,279.00
1516 - CANON FINANCIAL SERVICES, INC	PO 16628 PD COPIER SERVICE - APRIL 2024	58.92	58.92
1044 - CAROL SMITH	PO 16630 MCAA LUNCHEON - 04/12/24	40.00	
	PO 16721 MCAA LUNCHEON - 04/26/24	15.00	55.00
1987 - CINTAS CORPORATION NO 2	PO 16640 MONTHLY CLEANING	238.23	
	PO 16722 DRAWDOWN FROM BLANKET PO 16534 FOR MONT	238.23	476.46
1807 - COLLIER'S ENGINEERING & DESIGN	PO 16631 GENERAL ENGINEERING - MARCH 2024	6,000.00	
	PO 16632 BLDG 550 & 551 ASBESTOS ABATEMENT & DEMO	20,812.79	
	PO 16634 FMERA - 600 AREA WATER	3,752.50	
	PO 16635 FMERA STORMWATER INFRASTRUCTURE STUDY	2,607.50	33,172.79
1071 - D&D GLASS	PO 16419 GLASS REPLACEMENT - BORO HALL EMPLOYEE E	789.20	789.20
1446 - DIRECT ENERGY BUSINES	PO 16600 TRAFFIC LIGHTS - 03/02-28/24	44.03	
	PO 16601 STREET LIGHTS - 02/29-03/28/24	16.32	
	PO 16602 PARK - 02/29-03/28/24	40.75	
	PO 16603 OLD WHARF - 02/29-03/28/24	90.45	191.55
1453 - DONNA PHELPS	PO 16686 REMOTE COURT SESSIONS- 04/20-05/19/24	90.09	90.09
1084 - DYNAMIC TESTING SERVICE LLC	PO 16596 TESTING - 04/03/24	180.00	180.00
1097 - ENTENMANN ROVIN CO, INC.	PO 15610 Badge order	934.00	934.00
1099 - EUROFINS ENVIRONMENT TESTING PHILAD	PO 16506 WATER TESTING - FEB 2024	394.00	394.00
1105 - FIREFIGHTER ONE LLC	PO 16230 2024 ANNUAL SCOTT AIR PAK FLOW	875.00	875.00
1116 - GAMMETT NEW YORK/NEW JERSEY LOCALiQ	PO 16553 Legal Notice - BID for Liquor License	170.52	170.52
1122 - GENERAL CODE	PO 16380 Bulk Uploader Tool	250.00	250.00
1128 - GOODYEAR AUTO SERVICE CENTER	PO 16555 new tires for unit 3 & 8	1,402.00	1,402.00
1941 - GOTO TECHNOLOGIES USA, INC	PO 16683 MONTHLY SERVICES - 4/21/24-05/20/24	199.00	199.00
1506 - GRANICUS, LLC	PO 16473 AGENDA & MINUTE SOFTWARE - JAN / FEB 202	871.50	871.50
1889 - GREAT AMERICA FINANCIAL SERVICES	PO 16605 MONTHLY RENTAL	159.00	159.00
1141 - HOFFMAN RADIO NETWORK, LLC	PO 15984 RADIO EQUIPMENT	1,793.70	1,793.70
1649 - INTRON TECHNOLOGY, LLC	PO 16703 MONTHLY MANAGED PHONE SERVICES	1,300.87	
	PO 16705 IT MANAGED SERVICES & SOFTWARE LICENSES	4,805.00	6,105.87
1685 - JANITOR SUPPLY CORP	PO 16642 SUPPLIES FOR BOROUGH FACILITIES	663.67	663.67
1153 - JERSEY CENTRAL POWER & LIGHT	PO 16593 200-000-956-009 - 03/02-31/24	1,025.57	
	PO 16637 200-000-957-015 - 01/30-02/28/24	503.55	
	PO 16639 200-000-957-015 - 02/29-03/28/24	504.83	2,033.95
1158 - JOHN'S AUTO & TRUCK REPAIR LLC	PO 16609 AMBULANCE REPAIR	409.00	409.00
1499 - KEVIN E KENNEDY, ESQ	PO 16675 PB Legal - General Services	150.00	150.00
1182 - LAURA McCRAE	PO 16594 BULLETIN - APR 2024 / MAY 2024	425.00	425.00
1814 - LEAF	PO 16702 COPIERS	223.01	223.01
1538 - MONMOUTH COUNTY TREASURER	PO 15673 BULK PICK UP - JANUARY 2024	764.97	
	PO 15878 BULK PICK UP - FEBRUARY	815.14	
	PO 16386 BULK PICK UP -MARCH	1,077.65	2,657.76
1222 - MONMOUTH COUNTY TREASURER	PO 16508 PILOT PAYMENT 1ST QTR OF 2024	2,942.05	
	PO 16654 COUNTY OPEN SPACE TAXES - MAY 2024	120,236.25	
	PO 16655 COUNTY HEALTH TAXES - MAY 2024	16,867.39	
	PO 16656 COUNTY LIBRARY TAXES - MAY 2024	61,303.41	
	PO 16657 COUNTY TAXES DUE - MAY 2024	847,571.35	1,048,920.45
1245 - NJ AMERICAN WATER CO	PO 16616 24 PORT AU PECK - 03/13/04/10/24	181.58	
	PO 16617 OLD WHARF #1 - 03/12-04/10/24	181.58	
	PO 16618 CHARLES PARK - 03/12-04/10/24	22.67	
	PO 16619 OLD WHARF - 03/12-04/10/24	56.71	
	PO 16620 PORT AU PECK FIRE HOUSE - 03/12-04/10/24	199.54	
	PO 16621 FIRE - 03/12-04/10/24	242.58	
	PO 16622 BLACKBERRY BAY - 03/13-04/10/24	74.67	
	PO 16623 MUNICIPAL COMPLEX #1 - 03/09-04/09/24	271.39	1,230.72

List of Bills - (All Funds)

5.1.c

Vendor	Description	Payment	Check Total
1245 - NJ AMERICAN WATER CO	PO 16624 LIBRARY - 03/13-04/10/24	22.67	
	PO 16625 MUNICIPAL COMPLEX #2 - 03/09-04/09/24	199.55	222.22
1245 - NJ AMERICAN WATER CO	PO 16626 OLD WHARF #2 - 03/09-04/09/24	22.67	
	PO 16718 HYDRANT SERVICE - 03/23-04/23/24	8,776.10	8,798.77
1251 - NJ NATURAL GAS CO	PO 16712 LIBRARY - 03/14-04/16/24	182.95	
	PO 16713 FAS UTILITIES - 03/15-04/17/24	352.73	
	PO 16714 315 E. MAIN - 03/15-04/17/24	240.03	
	PO 16715 433 MYRTLE AVE - 03/15-04/17/24	395.05	
	PO 16716 21 MAIN STREET - 03/15-04/17/24	438.28	1,609.04
1261 - OCEANPORT BOARD OF EDUCATION	PO 16659 MAY 2024 TAX REMITTANCE & DEBT SERVICE	900,715.50	900,715.50
1264 - OCEANPORT SENIORS	PO 16561 LUNCHEON - 03/20/24	680.00	680.00
1279 - PL CUSTOM BODY & EQUIPMENT INC	PO 16341 38-57 COMPRESSOR REPAIR	786.07	786.07
1938 - PRIMEPOINT, LLC	PO 16704 PAYROLL SERVICES - 03/31, 04/12, 04/26/2	620.00	620.00
2130 - REARDON ANDERSON, LLC	PO 16574 CIVIL LITIGATION	650.00	650.00
1879 - RESERVE ACCOUNT - POSTAGE METER	PO 16615 POSTAGE REFILL -TAX ASSESSOR	350.00	
	PO 16700 POSTAGE REFILL	1,000.00	1,350.00
2041 - RILEIGHS OUTDOOR DECOR	PO 16237 MAIN STREET CHRISTMAS HOLIDAY DECORATION	2,854.94	2,854.94
1315 - SEABOARD WELDING SUPPLY, INC.	PO 16520 MONTHLY CYLINDER RENTAL	40.25	40.25
1320 - SHORE BUSINESS SOLUTIONS,INC	PO 16597 PRINTERS CONTRACT	59.22	
	PO 16731 QUOTE FOR PRINTER INK DPW- STEVE PRINTER	62.00	121.22
1322 - SHORE REGIONAL BOARD OF ED	PO 16658 JAN 2024 STUDENT TRANSPORT	12,180.57	12,180.57
1323 - SHORE REGIONAL HIGH SCHOOL	PO 16660 MAY 2024 TAX REMITTANCE	319,527.93	319,527.93
1325 - SHREWSBURY AUTO PARTS	PO 16489 SUPPLIES DPW	66.64	
	PO 16490 SUPPLIES DPW	28.28	
	PO 16612 CONSTRUCTION VEHICLE MAINTENANCE	140.87	
	PO 16641 SUPPLIES	436.49	672.28
1326 - SIPS PAINT & HARDWARE	PO 16486 PAINT SUPPLIES FOR CONSTRUCTION OFFICE	66.53	
	PO 16519 CONSTRUCTION OFFICIAL OFFICE	247.58	314.11
1588 - Spatial Data Logic, Inc.	PO 16471 SDL software licenses	14,720.00	14,720.00
1343 - TAYLOR COMMUNICATIONS	PO 16042 COURT MAILERS	643.35	643.35
1358 - TREASURER: COUNTY OF MONMOUTH	PO 16545 SCAT 1ST QTR BILLING - 2024	1,860.00	1,860.00
1373 - TWO RIVER WATER RECLAMATION	PO 16688 BLACKBERRY BAY - 2ND QTR - 2024	100.00	
	PO 16689 PORT AU PECK FIRE HOUSE - 2nd QTR - 2024	100.00	
	PO 16690 LIBRARY - 2ND QTR - 2024	100.00	
	PO 16691 OLD WHARF HOUSE - 2ND QTR - 2024	100.00	
	PO 16719 POLICE - 1ST & 2ND QTRS - 2024	200.00	
	PO 16720 BORO HALL - 1ST & 2ND QTRS - 2024	200.00	800.00
1380 - US BANK OPERATIONS CENTER	PO 16480 2023 DEBT SERVICE	34,555.56	
	PO 16481 2022 DEBT SERVICE	80,874.53	
	PO 16482 2021 DEBT SERVICE	107,299.43	
	PO 16483 2019 DEBT SERVICE	55,999.27	
	PO 16484 2013 DEBT SERVICE	1,749.80	280,478.59
2187 - VAUGHAN CONSTRUCTION AND EXCAVATION	PO 16723 FMERA 600 AREA WATER SERVICE	141,120.00	141,120.00
1387 - VERIZON	PO 16598 OLD WHARF HOUSE FIRE MONITORING - 04/08-	116.64	
	PO 16599 LIBRARY PHONE - 04/07-05/06/24	263.81	
	PO 16684 910 OCEANPORT WAY FIRE MONITORING - 04/1	116.35	
	PO 16685 910 OCEANPORT WAY INTERNET - 04/13-05/12	149.00	
	PO 16717 POLICE FIOS - 04/24-05/23/24	318.75	964.55
1392 - W.B. MASON CO, INC	PO 16348 SUPPLIES - ADMIN, BLDG, CLERK, DPW, PD,	801.25	801.25
Capital Fund			
1807 - COLLIERS ENGINEERING & DESIGN	PO 16633 2023 ROAD PROGRAM	4,111.25	
	PO 16636 ALLENHURST AVE BULKHEAD	185.00	4,296.25
2149 - TWO RIVER WATER RECLAMATION	PO 16696 SEWER CONNECTION FEE - MUNICIPAL COMPLEX	11,700.00	11,700.00
OPEN SPACE TRUST			
1153 - JERSEY CENTRAL POWER & LIGHT	PO 16606 280 PORT AU PECK - APR 2024	18.25	18.25
2003 - POOR JOHN PORTABLE TOILETS	PO 16531 ADDITIONAL MARCH RENTAL TOILETS	266.00	
	PO 16532 MARCH RENTAL PORTABLE TOILETS - MARCH 20	326.00	592.00
1284 - POWERHOUSE SIGNWORKS	PO 16525 SIGNS AT BORO PARKS	395.00	395.00
1310 - RYSER'S LANDSCAPE SUPPLY INC	PO 16464 MATERIALS @ BLACKBERRY BAY PARK	375.00	
	PO 16491 FOR MATERIALS @ BLACKBERRY BAY PARK	187.50	
	PO 16492 MATERIALS @ BLACKBERRY BAY PARK	225.00	787.50

List of Bills - (All Funds)

5.1.c

Vendor	Description	Payment	Check Total
2115 - SUNBELT RENTALS	PO 16282 MARCH LIGHTS - MARIA GATTA	7,672.56	7,672.56
1348 - THE HOME DEPOT	PO 16699 SHEDS - PICKLEBALL/TENNIS	1,248.44	1,248.44
1380 - US BANK OPERATIONS CENTER	PO 16479 2014 BOND/OPEN SPACE DEBT SERVICE	7,999.66	7,999.66
UCC Trust			
1814 - LEAF	PO 16702 COPIERS	223.00	223.00
1588 - Spatial Data Logic, Inc.	PO 16471 SDL software licenses	7,360.00	7,360.00
1392 - W.B. MASON CO, INC	PO 16348 SUPPLIES - ADMIN, BLDG, CLERK, DPW, PD,	11.54	11.54
OTHER TRUST			
2167 - STONE GRAPHICS COMPANY, INC	PO 15826 ASSEMBLY & INSTALLATION OF SIGNS	1,197.00	1,197.00
2171 - THE PANNIER CORPORATION	PO 15953 EXHHIBIT SUPPLIES	3,195.00	3,195.00
DEVELOPERS ESCROW TRUST			
1720 - CGP&H	PO 16588 ADM AGENT FOR AFFORDABLE HOUSING - 02/02	270.00	
	PO 16589 HOUSING REHABILITATION SERVICES	2,444.80	2,714.80
1807 - COLLIERS ENGINEERING & DESIGN	PO 16448 PB Engineering - Manvan LLC	277.50	
	PO 16664 PB Engineering - Somerset-Pulte Lodging	2,751.25	
	PO 16665 PB Engineering - 552 Caren Franzini Way	92.50	
	PO 16666 PB Engineering - MARTELLI	92.50	
	PO 16667 PB Engineering - FMBC	2,395.00	
	PO 16668 Engineering - Oport Partners LLC - PH II	46.25	
	PO 16669 Engineering - 196 Monmouth Blvd, LLC	46.25	
	PO 16670 Engineering - MPCCII	92.50	5,793.75
1807 - COLLIERS ENGINEERING & DESIGN	PO 16671 PB Engineering - JCP&L	1,110.00	
	PO 16678 PB Engineering - 30 Pocahontas	138.75	1,248.75
1807 - COLLIERS ENGINEERING & DESIGN	PO 16680 PB Engineering - 502 Branchport Ave	138.75	
	PO 16681 PB Engineering - 27 Werah Place	323.75	462.50
1499 - KEVIN E KENNEDY, ESQ	PO 16672 PB Legal - JCP&L	570.00	
	PO 16674 PB Legal - 79 Iroquois	300.00	
	PO 16677 PB Legal - 30 Pocahontas	300.00	
	PO 16679 PB Legal - 502 Branchport Ave	300.00	
	PO 16682 PB Legal - 27 Werah Place	90.00	1,560.00
2194 - SHAW CONSTRUCTION, LLC	PO 16608 ESCROW RELEASE	865.99	865.99
TOTAL			2,864,368.61

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	2,636,090.48
01-192-09-000-008	SEN CIT HOUSING IN LIEU OF TAX			2,942.05	
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	4,372.18			
01-201-20-120-200	MUNICIPAL CLERK OE	21,459.82			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	3,320.00			
01-201-20-145-200	COLLECTION OF TAXES OE	33.28			
01-201-20-155-200	LEGAL SERVICES OE	650.00			
01-201-20-165-200	BOROUGH ENGINEER OE	6,000.00			
01-201-21-180-200	PLANNING BOARD OE	150.00			
01-201-25-240-200	POLICE OE	4,438.96			
01-201-25-255-200	FIRE HYDRANT SERVICE OE	8,776.10			
01-201-25-260-200	FIRST AID ORGANIZATION OE	4,194.82			
01-201-25-265-200	FIRE DEPARTMENT OE	875.00			
01-201-25-265-209	REPAIRS & MAINTENANCE	928.90			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	40.25			
01-201-26-300-273	SUPPLIES	876.04			
01-201-26-300-289	STREETS & ROADS OFFICE SUPPLIES	62.00			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	3,995.07			
01-201-26-310-252	REPAIRS & EQUIPMENT	1,171.44			
01-201-27-335-300	WATER WATCH COMMITTEE-OTHER	394.00			
01-201-28-372-200	SENIOR CITIZEN COMMITTEE OE	680.00			

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-29-405-200	TRANS OF HS STUDENTS OE	12,180.57			
01-201-31-430-201	ELECTRICITY	1,425.38			
01-201-31-430-203	TELEPHONE/INTERNET	2,265.42			
01-201-31-430-204	WATER/SEWER	2,275.61			
01-201-31-430-205	NATURAL GAS	1,256.31			
01-201-31-430-207	STREET LIGHTING	800.12			
01-201-31-465-200	SANITATION DUMPING FEES	2,657.76			
01-201-43-490-200	MUNICIPAL COURT OE	234.98			
01-201-45-920-200	DEBT SERVICE OE	280,478.59			
01-203-25-240-200	(2023) POLICE OE		934.00		
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	
TOTALS FOR	Current Fund	365,992.60	934.00	2,269,163.88	2,636,090.48
02-160-05-000-001	DUE TO/FROM CURRENT FUND			0.00	168,936.14
02-213-40-700-015	ALCOHOL ED			643.35	
02-213-40-700-069	FMERA MOU-550 & 551			20,812.79	
02-213-40-700-070	FMERA MOU-600 AREA WATER			144,872.50	
02-213-40-700-071	FMERA - STORMWATER INFRASTRUCTURE STUDY			2,607.50	
TOTALS FOR	FEDERAL AND STATE GRANTS	0.00	0.00	168,936.14	168,936.14
04-101-01-100-011	CAPITAL CASH - TD			0.00	15,996.25
04-215-55-474-000	MUNICIPAL COMPLEX ORD #970			11,700.00	
04-215-55-988-A00	ROADS, DRAINAGE, TRAFFIC SIGNAL, BULKHEA			185.00	
04-215-55-995-A00	2023 ROAD PROGRAM			4,111.25	
TOTALS FOR	Capital Fund	0.00	0.00	15,996.25	15,996.25
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	18,713.41
06-270-00-500-020	RESERVE FOR OPEN SPACE			18,713.41	
TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	18,713.41	18,713.41
18-101-01-100-101	CASH UCC TRUST			0.00	7,594.54
18-270-55-600	RESERVE FOR UCC TRUST			7,594.54	
TOTALS FOR	UCC Trust	0.00	0.00	7,594.54	7,594.54
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	4,392.00
60-270-55-600-135	RES.FOR HISTORICAL COMMITTEE			4,392.00	
TOTALS FOR	OTHER TRUST	0.00	0.00	4,392.00	4,392.00
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	12,645.79
61-270-55-600-205	RES.FOR DEV.ESCROW			12,645.79	
TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	12,645.79	12,645.79

Total to be paid from Fund 01 Current Fund	2,636,090.48
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	168,936.14
Total to be paid from Fund 04 Capital Fund	15,996.25
Total to be paid from Fund 06 OPEN SPACE TRUST	18,713.41
Total to be paid from Fund 18 UCC Trust	7,594.54
Total to be paid from Fund 60 OTHER TRUST	4,392.00
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	12,645.79

5.1.c

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
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5.1.c

2,864,368.61

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTING PATROLMAN CONNOR ROGERS TO PERMANENT STATUS**

Resolution #2024-122
05/2/24

WHEREAS, according to the Police Ordinance of the Borough of Oceanport all police officers are classified as probationary for a period of one year beginning with their date of hire; and

WHEREAS, at the end of that one-year period the Chief of Police reviews the performance of said police officer and makes a recommendation to the Mayor and Council as to the status of said police officer; and

WHEREAS, based upon the review of performance of Officer Connor Rogers, the Chief of Police has recommended that said police officer be appointed a permanent officer of the Oceanport Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that based upon the recommendation of the Chief of Police, Connor Rogers is hereby appointed a permanent police officer.

BOROUGH OF OCEANPORT

Michael P. Kelly
Chief of Police

Michael S. Chenoweth
Captain

Michael Fagliarone
Lieutenant



POLICE DEPARTMENT

930 OCEANPORT WAY, OCEANPORT, NEW JERSEY 07757

732.222.6300
Main

732.222.6301 ext 3015
Records

732.222.0945
Fax

INTER-DEPARTMENT MEMORANDUM

To: Mayor Thomas Tvrdik, Councilman Bryan Keeshen, Public Safety Chair

From: Chief Michael P. Kelly

cc: Captain Michael Chenoweth, Lt. Michael Fagliarone, Donna Phelps, Borough Administrator

Date: April 16, 2024

Re: Completion of Ptl. Rogers's Probation Status and permanent appointment to the Police Department

Borough Ordinance **78-6: Positions and Appointments** states that each police officer in the borough shall first be employed for a probationary period of at least 12 months so that his/her fitness for duty may be determined before he/she is permanently attached to the police department. Paraphrasing the ordinance, it further states that the "Mayor and Council may extend the probation, appoint the officer as permanent by resolution, or that the continued employment after the expiration shall be deemed permanent."

As this is a decision of the Governing Body, I respectfully request that Ptl. Connor Rogers be considered for permanent appointment as he has completed the 12-month probationary term of his initial appointment of April 20, 2023.

Ptl. Rogers has successfully completed his field training program, 12-month probationary period ending April 20, 2024, and has proven that he possesses the skills necessary to perform the functions of police officer effectively and efficiently as promulgated within the Police Department Rules and Regulations.

As the Chief of Police, I am confident, at this time, that he is fit for duty and can be permanently attached to the police department.

If the Governing Body requires further information to decide as to the status of Ptl. Rogers, please contact me at your convenience to discuss what is requested.

Thank you for your time and consideration in this matter.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
CONFIRMING THE MAYOR'S APPOINTMENT OF KELLE BURROUGH AS RECREATION
COORDINATOR**

Resolution #2024-123
05/2/24

WHEREAS, there is a need to fill the vacancy of the Recreation Coordinator position; and

WHEREAS, pursuant with the Borough's Employment Procedures policy, qualified Borough personnel are considered first whenever there is an opportunity for advancement; and

WHEREAS, Kelle Burrough currently serves as an Administrative Assistant, has worked in the Clerk's Office and assisted with recreation programs, activities, special events and facility rentals, has expressed interest in the position; and

WHEREAS, Mayor Tvrdek has appointed Kelle Burrough to serve as the Borough's Recreation Coordinator effective May 2, 2024; and

WHEREAS, the Borough Council having considered same, believes it to be in the best interest of the Borough to confirm the appointment,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council that Mayor Tvrdek's appointment of Kelle Burrough Lynch as full time Recreation Coordinator is hereby confirmed effective May 2, 2024 with compensation in accordance with the salary ordinance for an annual salary of \$43,000.00.

BE IT FURTHER RESOLVED, that a certified true copy of the within Resolution be furnished to the Borough Administrator, the Chief Financial Officer, and the payroll clerk.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
GRANTING TEMPORARY PERMISSION FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC
BEVERAGES ON OCEANPORT BOROUGH PROPERTY FOR THE SHORE REGIONAL LITTLE LEAGUE
CO-ED SOFTBALL TOURNAMENT FUNDRAISER ON MAY 19, 2024 AT BLACKBERRY BAY PARK**

**Resolution #2024-124
05/2/24**

WHEREAS, the New Jersey Alcoholic Beverage Control Act Title 33 provides for the regulation of alcoholic beverage within the State of New Jersey; and

WHEREAS, the Alcoholic Beverage Control Law provides for an Issuing Authority in each municipality, to issue, renew and transfer retail licenses and provide for enforcement of the alcoholic beverage law, ABC rules and regulations and local Ordinances pertaining to the control of alcoholic beverages; and

WHEREAS, the Issuing Authority in the Borough of Oceanport is the Governing Body of the municipality, which is vested with the authority to enforce the ABC rules and regulations and the local Ordinances pertaining to the control of alcoholic beverages within the Borough of Oceanport and has the authority to grant temporary permission for the possession and consumption of alcoholic beverages on Borough property; and

WHEREAS, the Borough of Oceanport has enacted Ordinances under Chapter 115, entitled "Alcoholic Beverages" dealing with the distribution and consumption of alcoholic beverage within the Borough; and

WHEREAS, the Borough is desirous for allowing the limited private possession and consumption of alcoholic beverages at the Co-Ed Softball Tournament Fundraiser, sponsored by the Oceanport's Shore Regional Little League, within the Borough of Oceanport; and,

WHEREAS, the Shore Regional Little League's Co-Ed Softball Tournament Fundraiser has secured by permit the use of the two ball fields at Blackberry Bay Park, property and lands owned by the Borough of Oceanport, and the temporary permission for possession and consumption of alcoholic beverages for this event on Borough property will be during the hours of 12:00 p.m. to 8:00 p.m. only, by those individuals who are over the age of 21 and would otherwise be lawfully allowed to consume alcohol in a public, licensed premises.

NOW THEREFORE BE IT, RESOLVED, that the Mayor and Council of the Borough of Oceanport hereby approve and give temporary permission for the possession and consumption of alcoholic beverages at the Shore Regional Little League's Co-Ed Softball Tournament Fundraiser to be held on the land and property of the Borough of Oceanport known as the softball and baseball fields at Blackberry Bay Park on May 19, 2024 with the hours of possession and consumption being between 12:00 p.m. and 8:00 p.m., by individuals of lawful drinking age; and

BE IT FURTHER RESOLVED, that nothing contained herein nor the issuance of this temporary permission for the possession and consumption of alcoholic beverages at the softball and baseball fields at Blackberry Bay Park shall in any way hinder or inhibit the Borough of Oceanport Police or other law enforcement agencies from their lawful duties in keeping peace and order, only that it shall be lawful to have open containers of alcohol in an individuals' possession for personal consumption at the softball and baseball fields at Blackberry Bay Park during the time period outlined within this Resolution.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A SHARED SERVICE WITH THE BOROUGH OF LITTLE SILVER FOR THE PURCHASE
OF AN AMBULANCE**

Resolution #2024-125
05/2/24

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A.40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any services or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Borough of Little Silver has a **2007 Ford 450 Ambulance**, that is no longer needed and the Borough of Oceanport has expressed interest in purchasing said vehicle for use by the Oceanport Volunteer First Aid Squad; and

WHEREAS, the Borough of Oceanport has offered to purchase the following:

- **2007 Ford 450 Ambulance**, last 4 digits of VIN#7469, with 27,819.9 miles for \$27,500

WHEREAS, the Borough of Little Silver has agreed to accept the offer,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport hereby agrees to purchase the ambulance from the Borough of Little Silver for a total amount of \$27,500.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded along with payment to the Borough of Rumson, the Oceanport Borough Administrator and Oceanport 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 funds are available in the budget line Account# _____ for a total amount not to exceed \$27,500.00.

Catherine D. LaPorta, CFO

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A SITE ACCESS AGREEMENT BETWEEN NETFLIX, INC. AND THE BOROUGH OF
OCEANPORT FOR CONDUCTING OSPREY NEST SURVEYS**

**Resolution #2024-126
05/2/24**

WHEREAS, the Borough of Oceanport (BOROUGH) and NETFLIX, Inc. are currently negotiating an Easement Agreement regarding the construction and monitoring of Osprey Nests on certain parcels of real property located in the BOROUGH and more specifically described in Exhibit A (collectively, the "Property"); and

WHEREAS, in advance of the execution of the Easement Agreement, NETFLIX has requested access to the Property to perform surveys and the BOROUGH is agreeable to permit NETFLIX to have access to the Property for the purpose(s) set forth in the agreement (attached hereto), all on the terms and conditions set forth in this Agreement.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Oceanport that the Mayor and Borough Clerk are hereby authorized to execute the Site Access Agreement for Osprey Nest Surveys for the purpose of performing surveys for the construction and monitoring of osprey nests on certain parcels of real property located in the Borough.

SITE ACCESS AGREEMENT

This SITE ACCESS AGREEMENT (the “Agreement”) is dated May __, 2024 by and between the BOROUGH OF OCEANPORT (“BOROUGH”) and NETFLIX, INC., a Delaware Corporation (“NETFLIX”).

RECITALS

A. The BOROUGH and NETFLIX are currently negotiating an Easement Agreement regarding the construction and monitoring of Osprey Nests on certain parcels of real property located in the BOROUGH and more specifically described in Exhibit A (collectively, the “Property”).

B. In advance of the execution of the Easement Agreement, NETFLIX has requested access to the Property to perform surveys. BOROUGH has agreed to permit NETFLIX to have access to the Property for the purpose(s) set forth below, all on the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows.

AGREEMENT

1. **Grant of Access.** BOROUGH hereby grants to NETFLIX and its affiliates, consultants and contractors (collectively, the “NETFLIX Representatives”) a temporary non-exclusive license to enter the Property during regular business hours to perform survey and survey-related activities (“Permitted Activities”). In no event shall NETFLIX or NETFLIX Representatives collect any samples, conduct any tests, excavate or drill below the ground surface, or otherwise disturb the Property. NETFLIX shall take commercially reasonable efforts necessary to schedule and perform the Permitted Activities in such a manner as to minimize any disruption of BOROUGH’S activities or operations at the Property. The access granted under this Agreement is limited to and for the purpose of undertaking the Permitted Activities.

2. **Term and Termination.** The Term of this Agreement shall commence on the date it is signed by both Parties and shall continue until it expires upon the earlier occurrence of the following: (i) sixty (60) days after the date this Agreement is signed, or (ii) the date an Easement Agreement is executed by the parties. Should the parties execute an Easement Agreement, this Site Access Agreement shall become null and void with no further effect.

3. **Terms of Access.** NETFLIX will provide at least two (2) business days’ advance notice to BOROUGH prior to entering the Property and shall advise BOROUGH in writing of the time and duration of the proposed entry, the identity of the persons that will be entering onto the Property, and the activities to be performed by such persons. NETFLIX shall not, and shall not permit any NETFLIX Representative, to unreasonably interfere with Borough

operations or activities being conducted on the Property by BOROUGH or any of its tenants. NETFLIX or NETFLIX Representatives will coordinate all access to the Property with a designated representative of BOROUGH, and a representative of BOROUGH shall have the right to accompany NETFLIX and NETFLIX's Representatives while they are present on the Property.

4. **Liability and Indemnification.** NETFLIX shall, at its cost, promptly repair and/or replace any damage done to the Property by NETFLIX or any NETFLIX Representative in the performance of any of the Permitted Activities on the Property. NETFLIX shall not cause any liens or encumbrances to be placed upon or imposed against the Property by reason of NETFLIX's performance of the Permitted Activities on the Property. NETFLIX shall indemnify BOROUGH, its successors and assigns, employees, engineers, consultants, agents, contractors, and designees, as the case may be, against any and all claims, liabilities, actions, demands, causes of action, damages (including, but not limited to, damages on account of personal injury or death, or property damage), fees, costs and expenses (including, but not limited to reasonable attorneys', consultants', experts' and engineering fees and disbursements) asserted against or incurred by BOROUGH to the extent caused by or arising out of any act or omission of Permitted Activities by NETFLIX under this Agreement. NETFLIX'S obligation to indemnify the BOROUGH shall survive the termination of this Agreement.

5. **Insurance.** NETFLIX shall obtain and maintain, or cause its contractors entering or accessing the Property to obtain and maintain, during such time as any activities are undertaken by NETFLIX and NETFLIX'S representatives pursuant to this Agreement: (A) comprehensive general liability insurance coverage with limits of at least \$1,000,000 per occurrence/\$3,000,000 aggregate, (B) workers' compensation insurance at statutory limits, (C) automobile liability insurance for all owned, non-owned, leased, or hired vehicles with per occurrence limits of not less than \$1,000,000, and (D) professional liability insurance with a minimum limit of \$1,000,000. All insurance coverage shall be issued by an insurer that is licensed to do business in New Jersey. The BOROUGH shall be included as an additional insured on the insurance listed in items (A) and (C) above.

6. **Not a Sale.** The BOROUGH and NETFLIX hereby acknowledge and understand that the rights granted pursuant to this Agreement shall not constitute a sale, lease, assignment, transfer or disposition of all or any part of the Property.

7. **Multiple Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which taken together shall constitute one instrument. A facsimile or electronic signature to this Agreement shall have the same legal effect as an originally drawn signature for all purposes.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey and no application of the conflicts of laws rules shall cause any law to apply other than that of the State of New Jersey. Venue in any lawsuit

relating to this Agreement shall be in the Superior Court of New Jersey, Monmouth County, New Jersey.

9. **Binding Effect.** By acceptance of this Agreement, the BOROUGH and NETFLIX agree to abide by the terms and conditions herein, and the provisions of this instrument shall inure to the benefit of and be binding upon the respective parties hereto and their heirs, executors, administrators, successors, and assigns.

10. **Severability.** If any of the provisions of this Agreement shall be deemed invalid or unenforceable, such invalidity or unenforceability shall not invalidate or render unenforceable the entire Agreement, but rather the entire Agreement shall be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligations of the BOROUGH and NETFLIX shall be construed and enforced accordingly.

IN WITNESS WHEREOF, the parties have caused this Site Access Agreement to be duly executed as of the date set forth on the first page hereof.

BOROUGH OF OCEANPORT

Attest: _____
Jeanne Smith, Borough Clerk

By: _____
Thomas J. Tvrdik, Mayor

NETFLIX, INC.

By: _____
Name:
Title:

EXHIBIT A

Property

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF A TEMPORARY ELECTRICAL INSPECTOR FOR THE CONSTRUCTION
DEPARTMENT**

Resolution #2024-127
05/2/24

WHEREAS, there is a temporary need for a temporary electrical inspector available on an "as needed" basis due to the fluctuating demands for inspections related to redevelopment of the former Fort Monmouth; and

WHEREAS, the Borough Administrator has recommended the appointment of Robert Spellmon as a temporary Inspector to fulfill those duties on an "as needed" basis; and

WHEREAS, Mr. Spellmon is willing and able to accept the position and has the appropriate license requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Oceanport, that Robert Spellmon is hereby appointed as a temporary Electrical Inspector at a rate of \$47.00 per hour effective May 2, 2024.

BE IT RESOLVED, that a copy of this resolution shall be forwarded to the Construction Official, Borough Administrator, Chief Financial Officer and the Payroll Clerk.

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

Resolution

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

**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

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 APPROVING CANCELLATION OF
UNCOLLECTIBLE TAXES**

Resolution

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 REFUND LIEN HOLDER DUE TO TAX SALE
CERTIFICATE 23-00008 & 23-00009 BEING SOLD IN ERROR**

Resolution

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

Resolution

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



Mayor & Council
910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED

DISCUSSION ITEM (ID # 3212)

Meeting: 05/02/24 07:00 PM
Department: Mayor & Council
Category: Policy
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3212

Discussion: Proposed Amendments to Police Rules and Regulations

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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."

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."

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.

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.

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.

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.

1:4 DEFINITION OF TERMS

1:4.1 Administrative Leave

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

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.

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.

1:4.6 Commanding Officer

Any rank of Lieutenant and above.

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.

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.

1:4.11 Incompetence

Incapable of satisfactory performance of police duties.

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.

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.

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.

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.

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.

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.

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.

1:4.22 Probationary Police Officer

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

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.

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.

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.

1:4.27 Subordinate

A member lower in rank than his superior officer.

1:4.28 Superior Officer

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

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.

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.

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.)

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*

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

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. These positions are by assignment only and are not promotions.

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.

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 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. Prepares reports on a variety of police Department activities.
6. Supervises patrol officers assigned to him.
7. Maintains active, working knowledge of Departmental rules, policies, procedures, and developments in the law that affect him and members under his supervision.
8. 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.
9. 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.
10. 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.
11. 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.
 12. Accountable for the actions or omissions of the officers under his supervision which are contrary to Departmental regulations or policy.
 13. Responds to emergencies, incidents, or dispatches as required. Takes command of the situation until relieved by an officer of superior rank.
 14. Ensures that all patrol officers receive, serve, or deliver warrants, summonses, subpoenas, or other official papers and perform relevant duties promptly and accurately.
 15. 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....

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

- 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

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 takin 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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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

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.

3:7.4 Civil Rights

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

3:7.5 Work Expectation

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

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.

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.

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.

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;

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.

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

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.

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.

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.

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.

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.

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.

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.

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.).

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.

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:

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 Counselling

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.

ORDINANCE

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:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 2, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

ORDINANCE

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.

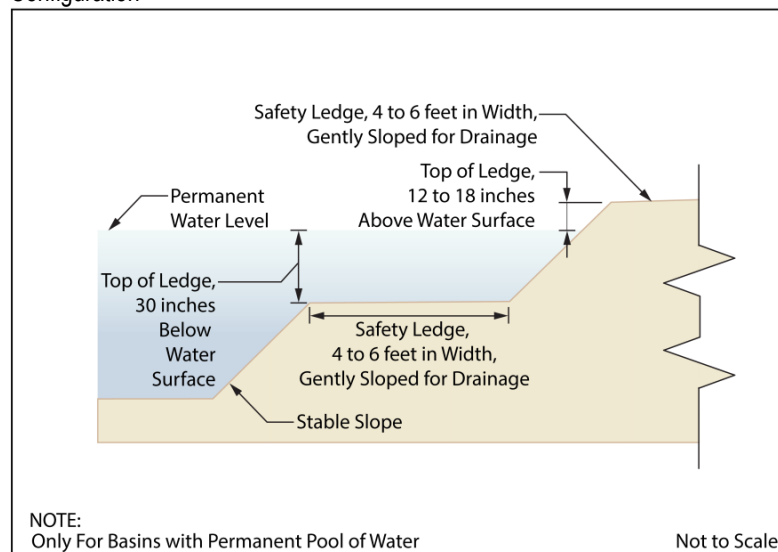
Section V. Safety Standards for Stormwater Management Basins:

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: May 2, 2024

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor



Mayor & Council
910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED

DISCUSSION ITEM (ID # 3213)

Meeting: 05/02/24 07:00 PM
Department: Mayor & Council
Category: Policy
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3213

Discussion: Tree Removal & Replacement Ordinance

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)



Mayor & Council
910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED

DISCUSSION ITEM (ID # 3204)

Meeting: 05/02/24 07:00 PM
Department: Mayor & Council
Category: Policy
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3204

Discussion: ByLaws

BOROUGH OF OCEANPORT

2024 BY-LAWS OF THE MAYOR & COUNCIL



Borough of Oceanport
County of Monmouth, State of New Jersey

Mayor Thomas J. Tyrdik
Councilman William Deerin
Councilman Richard A. Gallo
Councilman Bryan Keeshen
Councilman Michael O'Brien
Councilman Keith Salnick
Vacant

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ARTICLE I – RULES OF ORDER

The deliberations of the Governing Body shall be governed by “Roberts Rules of Order”, except when the same are in conflict with the laws of the State of New Jersey or these By-laws, in which even said Roberts Rules of Order shall be inapplicable.

ARTICLE 2 – THE GOVERNING BODY

Section 1. The Mayor and six Council members shall constitute the Governing Body of the Borough of Oceanport, which Governing Body shall be known as “The Mayor and Council”.

ARTICLE 3 – THE MAYOR

Section 1. The Mayor shall be the chief executive officer of the Borough. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by statute.

Section 2. The Mayor shall see that the laws of the State of New Jersey and the ordinances of the Borough are faithfully executed and shall recommend to the Council such measures, as the Mayor may deem necessary or expedient for the welfare of the Borough.

Section 3. The Mayor shall use his or her authority to maintain peace and good order in the Borough and has the power to suppress all riots and tumultuous illegal assemblies in the Borough.

Section 4. The Mayor shall have the authority to execute contracts in behalf of the Borough, approved by the Governing Body, and to sign checks and warrants or payments approved by the Governing Body.

Section 5. The Mayor shall preside at all meetings of the Governing Body.

Section 6. The Mayor shall not vote except in the case of a tie among those Council Members voting.

Section 7. The Mayor shall on all occasions preserve the order and decorum at the deliberations of the Governing Body. The Mayor shall cause the removal of any persons who interrupt the proceedings of the Governing Body.

Section 8. When two or more members of the Governing Body arise or attempt to speak at the same time, the Mayor shall name the one entitled to the floor and recognition.

Section 9. The Mayor shall decide all questions of order without debate, subject to an appeal to the Council.

Section 10. In the absence of the Mayor or if the Mayor is unable to perform his or her duties, the Council President (or, in his or her inability to act, the Council member having the longest term of service) shall act as Mayor as provided by Statute.

Section 11. The Mayor shall be an ex officio member of all committees, both standing and special and shall be informed in advance of all meetings of such committees.

ARTICLE 4 – THE COUNCIL

Section 1. The Council shall be the legislative body of the municipality.

Section 2. The Council may, subject to general law and the provisions of this act:

- (1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
- (2) Control and regulate the finances of the municipality and raise money by borrowing or taxation;
- (3) Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Council. Other than the borough attorney, engineer, and building inspector, these officers shall be residents of the borough and shall serve at the pleasure of the Council, except the Clerk, who also shall be exempt from the borough residency requirement, the Tax Collector and Tax Assessor who shall serve for terms provided in Chapter 9 of Title 40A of the New Jersey Statutes. The Council may exempt officers from the residency requirements but only pursuant to the adoption of an ordinance to that effect;
- (4) Investigate any activity of the municipality;
- (5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and
- (6) Override a veto of the Mayor by a two-thirds majority of all the members of the Council.

Section 3. The Council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the Mayor.

Section 4. The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within 30 days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie.

ARTICLE 5 – THE BOROUGH CLERK

Section 1. The Clerk shall perform the duties enjoined upon that office by the Revised Statutes of New Jersey, these By-laws and such ordinances as the Council may, from time to time, enact.

Section 2. The Clerk shall keep the minutes and ordinance books properly and fully indexed and shall perform all the duties usually devolving upon such officer; and in addition, such other duties or services as the Governing Body may require or direct.

Section 3. Upon the introduction of an ordinance, the same shall be properly numbered and recorded at length by the Borough Clerk in the Ordinance Book. The assigned number shall appear in the advertisement of such ordinance.

Section 4. The Clerk shall be the Borough employee responsible for responding to all lawful requests under the New Jersey Open Public Records Act.

ARTICLE 6 – BOROUGH ADMINISTRATOR

Section 1. The Borough Administrator shall perform such duties as are set forth in Chapter 5 and as set forth in other Chapters of the Code of the Borough of Oceanport as required by ordinance.

Section 2. The Borough Administrator need not reside in the Borough of Oceanport but must be a resident of New Jersey.

Section 3. The Borough Administrator serves at the pleasure of the Mayor and Council and carries out the policies of the Mayor and Council.

Section 4. Nothing in this Article shall derogate from or authorize the Administrator to exercise powers of the elected officials of the municipality.

ARTICLE 7 – MEETINGS

Section 1. The Governing Body shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as the Governing Body may by resolution direct.

Section 2. At the annual meeting of the Governing Body, the Council shall elect one of its members as Council President to serve for one year and until the next annual meeting and fix the time and place for holding regular and workshop meetings during the ensuing year, which time and place shall not be changed except by the action of the Borough Council taken at a regular meeting. Public notice of the aforesaid meetings schedule and any revision thereto shall be provided in accordance with the Open Public Meetings Act.

Section 3. The Mayor shall, when necessary, call special meetings of the Governing Body. In case of the Mayor's neglect or refusal to do so, any four members of the Borough Council may call such meeting at such time and place in the Borough as they may designate. Public notice of a special meeting shall be provided in accordance with the Open Public Meetings Act.

Section 4. A quorum of the Governing Body shall be as provided by Statute, to wit: three Borough Council Members and the Mayor, and, in the absence of the Mayor, four Borough Council Members. However, a small number of the Governing Body may meet, discuss and adjourn from time to time, but in no event may they take any official action as a Governing Body in the absence of a quorum. If no quorum shall be present at any meeting, those assembled shall have power and are hereby authorized to set a new meeting date and then adjourn.

Section 5. The order of business at any meeting as set forth in Article 8 may be changed by a majority vote of the members of the Governing Body present at such meeting or by the Mayor with consent of the Borough Council.

Section 6. Upon demand of one member of the Borough Council or when ordered by the Mayor, or when directed by Statute, a roll call vote shall be taken and yeas and nays entered in the Minutes of the meeting.

Section 7. If the Governing Body at its annual meeting fails to elect a President of the Council, the Mayor shall appoint the President from the members of the Borough Council and in that case no confirmation by the Governing Body shall be necessary.

Section 8. The only business which can be transacted at a special meeting is that for which the special meeting is called.

Section 9. The Clerk shall notify the Governing Body, in writing or by email through the Borough email addresses for each member of the Governing Body, of each special meeting, stating the subject, at least one day before the time fixed for holding same.

Section 10. It is in the best interest of its residents and taxpayers that the fullest participation and attendance in all meetings of the Governing Body be achieved whenever possible. To that end, insofar as the use of electronic conferencing for meeting attendance and voting requirements, at least in some governmental meetings, is not prohibited so long as the meeting is conducted in accordance with the Open Public Meetings Act, members of the Governing Body may attend meetings by means of electronic equipment, subject to the following conditions:

A. All pertinent provisions of the Open Public Meetings Act must be complied with, including specifically the proper notice of any regular or special meeting, the proper record keeping or minutes of each meeting, the appropriate agenda preparation for each meeting, which in addition shall be posted along with the notice of the meeting, and, in particular, any use of closed sessions shall be in compliance with the provisions of the Act.

B. That sufficient security and identification procedures be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all members attending for discussion or voting purpose are in fact an authorized member with right to speak and vote.

C. A quorum of members of the Governing Body **MUST** be physically present at the location of the meeting for all regularly scheduled meetings, advertised on January 1st each year. Only additional members, i.e., those members not part of the required physically present quorum, may attend by video and/or audio conferencing or by other electronic means. Only at Special Meetings, not regularly scheduled, will teleconferencing be allowed to create a quorum.

D. All members of the Governing Body attending meetings by electronic conferencing shall be entitled to vote as if they were personally and physically present at the meeting site so long as a physical quorum is present, but their votes shall be recorded by the Secretary as done by electronic attendance.

E. A member of the Governing Body who attends a meeting by video or audio conference must provide notice to the Borough Clerk at least 24 hours prior to the meeting unless such advanced noticed is impracticable.

F. A member of the Governing Body may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to i) personal illness or disability; ii) employment purposes or the business of the Governing Body; or iii) a family or other emergency.

G. The meeting minutes shall include, but need not be limited to: i) the date, time and place of the meeting; ii) the members of the Governing Body who were either present or absent from the meeting and whether those members in attendance were physically present or present by audio conference, video conference or by other electronic means; and iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

H. This policy shall not be construed to mean that conferencing by electronic means shall be regularly used or used at every meeting of the Governing Body but shall be used only as necessary to allow the participation of members of the Governing Body who are unable to attend in person due to such circumstances listed in Provision F herein.

I. The location of the meeting included on the notice shall be equipped with a suitable transmission system (e.g., a speakerphone) in order that the public audience, the members of the Governing Body in attendance and any staff will be able to hear any input, vote or discussion of the conference and that the member attending by electronic means shall have a similar capability of hearing such input, vote or discussion.

ARTICLE 8 – AGENDAS

Section 1.

A. Workshop. The following order of business shall be observed:

1. Meeting called to order
2. Statement of Compliance with Open Public Meetings Act
3. Flag Salute, Statement to the Public
4. Roll Call
5. Public Comment on Action Items
6. Action Items
 - a. Resolution for payment of bills
 - b. Resolutions of a timely nature
 - c. Ordinances of a timely nature
7. Clerk's Report
 - a. Old Business
 - b. New Business
8. Administrator's Report
9. Mayor's Report
10. Public Comment
11. Executive Session by Resolution as needed
12. Adjourn to Executive Session
13. Return from Executive Session
14. Adjournment

B. Regular. The following order of business shall be observed:

1. Meeting called to order
2. Statement of Compliance with Open Public Meetings Act
3. Flag Salute, Statement to the Public
4. Roll Call
5. Public Comment on Action Items
6. Administrator's Report
7. Clerk's Report
8. Consent Agenda
9. Minutes
10. Resolutions

11. Ordinances

12. Council Standing Committee reports

- a. Parks & Recreation
- b. Public Works & Engineering
- c. Public Safety
- d. Finance & Administration
- e. Health & Human Services
- f. Planning & Development

13. Mayor's Report

14. Public Comment

15. Executive Session by Resolution as needed

16. Adjourn to Executive Session

17. Return from Executive Session

18. Adjournment

C. The aforesaid order of business at any meeting may be changed by motion with majority vote of the members of the Governing Body present at such meeting or at the discretion of the Mayor.

Section 2. An agenda for each meeting of the Governing Body shall be prepared by the Clerk in consultation with the Mayor and provide the specific order of business and action for that particular meeting. The Clerk will accept agenda items only as submitted by appropriate Chairpersons of standing Council committees, the Mayor, the Council President, the Administrator, the Chief Financial Officer, Municipal Attorney or Municipal Engineer.

Section 3. Agenda items with supporting documentation including summary of item development, purpose, cost/savings details, appropriate budget account(s) to be charged for financial matters with statement from the CFO that funds are available and any proposals/quotes, shall be submitted to the Clerk by the end of business on the seventh (7th) calendar day before a workshop or regular meeting. The Clerk shall prepare a printed agenda which shall be provided to the Governing Body and be available to the general public by the close of business on the third (3rd) calendar day before a workshop or regular meeting. (By way of example, if a meeting is scheduled for a Thursday, the agenda should be completed and distributed by the preceding Monday.) In the event that exigent circumstances prevent issuance of an agenda on the third (3rd) calendar day before a meeting, it shall be issued as soon thereafter as possible. Agenda items and supporting documentation shall be provided with the agenda whenever possible or as it becomes

available. Any item may be added to the agenda of any meeting by vote of a majority of the Council members present during the meeting.

Section 4. The Governing Body, by majority vote, may adopt at any meeting a time limitation of public comment in terms of a time limit for each member of the public and an hour at which public comment will be terminated.

Section 5. 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.

Section 6. Prior to being allowed to address the Governing Body, a person addressing the Governing Body shall step up to the microphone, face the Governing Body and provide his or her name and address.

Section 7. Unless permitted by the Mayor after a request, no remarks may be addressed directly to any individual member of the Governing Body, but only to the Governing Body as a whole. In the event a request to address an individual member of the Governing Body is made, the Mayor may only grant the request if the individual member of the Governing Body to whom the remark is to be made advises the Mayor that he or she assents to the request.

Section 8. Members of the Governing Body may, if they wish, respond to any member of the public. If present and called upon by the Mayor or other presiding officer, a Borough employee may provide information in response to any inquiry from the public.

ARTICLE 9 – STANDING COMMITTEES

Section 1. The Mayor shall appoint all Standing Committee members subject to the approval and concurrence of the majority of the Governing Body. The Mayor shall have no vote in any such committee appointment except in the case of a tie vote and then only for the purpose of breaking such tie vote. Should a majority of the Governing Body not concur in the appointment by the Mayor of any Council member to any committee, the Governing Body members, by majority, shall make such appointment.

Section 2. The following Standing Committees of the Council shall be appointed at the annual meeting:

- | | |
|------------------------------|--|
| 1. FINANCE & ADMINISTRATION: | Finance, Administration, Capital Improvement, Insurance |
| 2. HEALTH & HUMAN SERVICES: | Health, Education (Schools & Library), Water Watch, Environmental Commission |

- | | |
|--------------------------------|--|
| 3. PARKS & RECREATION: | Parks and Recreation, Shade Tree, Seniors, Special Events & Public Information related thereto |
| 4. PLANNING & DEVELOPMENT: | Planning Board, Economic Development, Ordinances, Utilities, Construction |
| 5. PUBLIC SAFETY: | Police, Fire, First Aid, OEM |
| 6. PUBLIC WORKS & ENGINEERING: | Buildings & Grounds, Public Works, Engineering, Sanitation, Recycling |

Section 3. Each Councilperson shall be the Chairperson of one Standing Committee and a member of two other Standing Committees named in this article.

Section 4. The Standing Committees are appointed to expedite and facilitate the work of the Governing Body but only within statutory limits as the entire Governing Body is held responsible for any or all of its acts performed within the scope of authority.

A. A Standing Committee Shall:

1. Meet when requested by the Chairperson, or a majority of the committee, and all members thereof shall participate actively in the committee deliberation, performance of duties and the formulation of its recommendations to the Governing Body.
2. Plan, study, direct, make commitments within budgetary limitation, and carry on the routine activities for which it has primary responsibility.
3. Perform such acts as may be assigned to it by Council.
4. Report and make recommendations to the Council regarding its responsibilities and activities.

B. Except as provided above, a Standing Committee shall not:

1. Exceed its budgetary appropriations without prior approval of the Governing Body.
2. Make promises or commitments to anyone which directly, or by inference, bind the Governing Body.
3. Act in such a manner or make decisions, which set a precedent, or violate established Governing Body policy.

Section 5. The Mayor or Council, or both, may appoint special Committees for purposes other than those included in the duties of the Standing Committees.

Section 6. The Mayor and Council may change existing Committee assignments and or Council liaison when it is in the best interest of the Borough to do so.

Section 7. The Chairperson of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each regular meeting on principal activities and achievements of his or her committee.

Section 8. The Chairperson of each Committee shall also report or cause to be prepared and submitted in writing to the Mayor and Council at the Regular meeting in December of each year an annual report of his or her committee's activities. Such annual report shall be filed in the office of the Borough Clerk and be there assembled as a permanent annual document covering the activities of all Standing Committees.

ARTICLE 10 – DUTIES OF COUNCIL STANDING COMMITTEES

A Standing Committee shall function as an advisory body to the Council as a whole in reviewing policy matters referred to them by the Governing Body, and such other matters as the Governing Body, by simple majority vote, may direct. A Standing Committee, within its respective areas of responsibility, shall formulate recommendations to the Governing Body regarding action proposed to be taken in general. The purpose of each Standing Committee shall be to review matters within the subject areas set forth below. Each Standing Committee shall have primary responsibility for the activities and matters listed under each committee heading which shall include the administration, practices, procedures and records.

Section 1. FINANCE AND ADMINISTRATION

The Finance and Administration Committee is generally charged with the duty of overseeing Finance, Administration, Capital Improvements and Insurance and, specifically shall:

- A. Examine, audit and report upon all bills and demands referred to them and render a report when requested by Governing Body, on the financial condition of the Borough and approve all categories of bills for payments.
- B. Coordinate the annual fiscal budget (operational and capital) process as follows:
 1. The Borough Administrator, in consultation with the Chief Financial Officer, works with Department Heads to determine budgetary needs.
 2. Members of the Committee will coordinate the financial information with the Mayor, Borough Administrator, Department Heads and Chief Financial Officer throughout the budget process.

3. The Committee, Mayor, Borough Administrator and Chief Financial Officer finalize the budget and submit same to Borough Clerk for distribution to all Council members and for scheduling of budget introduction.
- C. Serve as liaison between the Governing Body and the Registered Municipal Accountants.
- D. Maintain, review and, as necessary, revise all insurance coverage of the Borough.
- E. Investigate and review services that can be shared with other surrounding towns.
- F. Assist with obtaining grants in order to fund projects.
- G. Compile and review requests and information from all relevant Standing and/or other committees and recommend capital projects to the Governing Body.
- H. Participate in the negotiation and recommend for approval/denial all collectively negotiated bargaining agreements on behalf of the Borough.

Section 2. HEALTH AND HUMAN SERVICES

The Health and Human Services Committee is generally charged with the duty of overseeing matters pertaining to Health, Education, the Coastal Drug Alliance, the Water Watch Committee and the Environmental Commission and, specifically, shall:

- A. Serve as a liaison between the Governing Body and the Oceanport Board of Education and Shore Regional Board of Education.
- B. Serve as liaison between the Governing Body and the Shore Regional Alliance.
- C. Serve as liaison between the Governing Body and the Water Watch, Environmental Commission, Flood Mitigation Committee and/or with any other such agencies or associations concerned with the preservation and improvements of the waterways within and surrounding the Borough.
- D. Serve as liaison between the Governing Body and the County Board of Health.
- E. Review documentation and make recommendations to the Governing Body pertaining to technological advancements, information technologies and communication technologies to which the Borough should avail itself.
- F. Serve as liaison between the Oceanport Library Association, County Library and the Governing Body.

Section 3. PARKS AND RECREATION

The Parks and Recreation Committee is generally charged with the duty of overseeing matters pertaining to Parks and Recreation, Shade Trees, Senior Citizens, and Special Events and, specifically, shall:

- A. Oversee and coordinate the maintenance, management and operation (excluding field scheduling) of all parks and playgrounds within the Borough.
- B. Serve as liaison to all Recognized Sports Organizations within the Borough.
- C. Oversee and coordinate recreation activities sponsored or conducted by the Borough including seasonal programs and Summer Action Camp.
- D. Serve as a liaison between the Governing Body and such groups or associations serving Senior Citizens that may exist in the Borough.
- E. Oversee, plan and sponsor programs and activities designed to benefit all senior citizens residing in the Borough.
- F. Oversee and coordinate the purchase, removal and placement of trees in and along the public Right of Way and upon such other public property as the Governing Body may approve.
- G. Publish and distribute a bulletin containing current events and activities in the Borough.
- H. Oversee, plan and coordinate Memorial Day, Veterans Day, End of Summer and other Borough events/activities.
- I. Review and make recommendations regarding the budgets of projects, programs, departments and functions under its jurisdiction.

Section 4. PLANNING & DEVELOPMENT

The Planning & Development Committee is generally charged with the duty of overseeing matters pertaining to the Planning Board, Economic Development and Construction and, specifically, shall:

- A. Serve as liaison between the Planning Board and Governing Body
- B. Make recommendations to the Governing Body for the preparation, enactment, updating and/or codification of ordinances and/or Borough procedures and/or policies pertaining to zoning and planning, development, sub-division control, site plan approval, building codes and construction.

- C. Keep the Governing Body informed on matters affecting Zoning and Planning related to the Borough, adjacent municipalities and County and State governments.
- D. Serve as liaison to the Department of Community Affairs regarding the development and grants for community projects.
- E. Provide and encourage the development and expansion of local trade and industries.

Section 5. PUBLIC SAFETY

The Public Safety Committee is generally charged with the duty of overseeing matters pertaining to Police, Fire, First Aid and Office of Emergency Management and, specifically, shall:

- A. Oversee, coordinate and manage the purchase/lease and maintenance of Borough fire equipment and other property.
- B. Oversee, coordinate and manage the purchase/lease and maintenance of Borough first aid equipment and/or property.
- C. Review and make recommendations regarding the budgets of the Police Department, Volunteer Fire Department, Volunteer First Aid Squad and Office of Emergency Management.
- D. Serve as liaison between the Borough's Volunteer First Aid Squad and the Governing Body.
- E. Serve as liaison between the Borough's Volunteer Fire Departments and the Governing Body.
- F. Serve as the liaison between the Borough's Police Department and the Governing Body.
- G. Serve as the liaison between the Governing Body and the Municipal Court.
- H. Coordinate and oversee, in conjunction with the Chief of Police, the hiring of all Police Department personnel, including members of the Department, Special Police and School Crossing Guards.
- I. Coordinate and oversee, in conjunction with the Chief of Police, highway traffic and safety and all matters relating to parking regulations, including on-street and off-street parking.
- J. Coordinate and oversee, in conjunction with the Chief of Police and the Office of Emergency Management, all civil defense activities.

- K. Coordinate and oversee, in conjunction with the Chief of Police, regulatory signs directing the flow of traffic, including the location, design and specification thereof.
- L. In conjunction with the Chief of Police, review and, when appropriate, recommend the granting of licenses and the inspection of licensed premises and persons as designated by the Governing Body from time to time.

Section 6. PUBLIC WORKS:

The Public Works Committee is generally charged with the duty of overseeing matters pertaining to Buildings and Grounds, Public Works, Engineering, Sanitation and Recycling and, specifically, shall:

- A. Oversee, coordinate and manage the maintenance and upkeep of all public buildings.
- B. Oversee, coordinate and manage the construction, reconstruction, improvement, maintenance and cleaning of all roadways within the Borough.
- C. Oversee, coordinate and manage the maintenance of all Borough vehicles and other mechanical equipment.
- D. Oversee, coordinate, and manage storm debris collection and disposal.
- E. Oversee, coordinate and manage the cutting of grass, shrubs and weeds on Borough roadways and properties.
- F. Review contracts for solid waste and recycling collection.
- G. Serve as a liaison between the Governing Body and utility companies.

ARTICLE 11 – BILLS, CLAIMS AND VOUCHERS

Section 1. All bills, claims, invoices, purchase orders, vouchers, etc. shall be generated, processed, reviewed and paid consistent with the procedures set forth in the Borough of Oceanport's Purchasing Manual.

ARTICLE 12 – BOROUGH SEAL

Section 1. The seal of the Borough shall be as hereinafter impressed.

Section 2. The seal shall be in the custody of the Borough Clerk and shall be impressed on all appropriate documents or papers.

ARTICLE 13 – AMENDMENTS

Section 1.

- A. The Mayor, or any member of the Council may propose amendments to these By-laws at any regular meeting or adjourned meeting.
- B. The Mayor will then appoint a Special Committee comprised of three members of the Council to consider the proposed amendments. This Special Committee may submit other suggested changes, additions and/or deletions to the Council.

Section 2. Such Special Committee shall present its recommendation at a regular meeting or adjourned regular meeting of the Governing Body within (30) thirty days of appointments of the Special Committee by the Mayor.

Section 3. These By-laws shall be altered and amended only by a majority vote of the entire Council, on a roll call taken at two (2) consecutive regular meetings of the Council.

ARTICLE 14 – ADOPTION AND TERM

Section 1. The By-laws shall be adopted by resolution of the Council concurred in by a majority of the Council.

Section 2. The By-laws shall become effective immediately after adoption and shall remain in effect until not longer than December 31st of the calendar year in which the By-laws, as amended, supplemented or otherwise modified, were adopted. As such, the By-laws and any amendments, supplement, and/or modifications thereto shall be adopted by the Council as part of its annual meeting.

Section 3. The By-laws of the Borough of Oceanport, as amended, supplemented or modified shall be posted on and made available to the general public on the Borough of Oceanport's website.

ARTICLE 7 – MEETINGS

Questions of order, methods of organization and the conduct of the business of the Governing Body shall be determined by the Mayor unless there is an objection to a determination made by the Mayor, in which case the matter in issue shall be determined by majority vote of the Governing Body members present at any regular or special meeting. Robert's Rules of Order may be consulted for general guidance and to aid in the disposition or resolution of any issue; however, Robert's Rules of Order shall not have binding effect in any matter or issue before the Governing Body.

Section 1. The Governing Body shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as the Governing Body may by resolution direct.

Section 2. At the annual meeting of the Governing Body, the Council shall elect one of its members as Council President to serve for one year and until the next annual meeting and fix the time and place for holding regular and workshop meetings during the ensuing year, which time and place shall not be changed except by the action of the Borough Council taken at a regular meeting. Public notice of the aforesaid meetings schedule and any revision thereto shall be provided in accordance with the Open Public Meetings Act.

Section 3. The Mayor shall, when necessary, call special meetings of the Governing Body. In case of the Mayor's neglect or refusal to do so, any four members of the Borough Council may call such meeting at such time and place in the Borough as they may designate. Public notice of a special meeting shall be provided in accordance with the Open Public Meetings Act.

Section 4. A quorum of the Governing Body shall be as provided by Statute, to wit: three Borough Council Members and the Mayor, and, in the absence of the Mayor, four Borough Council Members. However, a small number of the Governing Body may meet, discuss and adjourn from time to time, but in no event may they take any official action as a Governing Body in the absence of a quorum. If no quorum shall be present at any meeting, those assembled shall have power and are hereby authorized to set a new meeting date and then adjourn.

Section 5. The order of business at any meeting as set forth in Article 8 may be changed by a majority vote of the members of the Governing Body present at such meeting or by the Mayor with consent of the Borough Council.

Section 6. Upon demand of one member of the Borough Council or when ordered by the Mayor, or when directed by Statute, a roll call vote shall be taken and yeas and nays entered in the Minutes of the meeting.

Section 7. If the Governing Body at its annual meeting fails to elect a President of the Council, the Mayor shall appoint the President from the members of the Borough Council and in that case no confirmation by the Governing Body shall be necessary.

Section 8. The only business which can be transacted at a special meeting is that for which the special meeting is called.

Section 9. The Clerk shall notify the Governing Body, in writing or by email through the Borough email addresses for each member of the Governing Body, of each special meeting, stating the subject, at least one day before the time fixed for holding same.

Section 10. It is in the best interest of its residents and taxpayers that the fullest participation and attendance in all meetings of the Governing Body be achieved whenever possible. **Members of the Governing Body shall personally attend all workshop, regular and special meetings of the Governing Body. For the purposes of this entire section, the word "attend" shall be defined as physical presence. Except as set forth in Subsection 10(A) hereof, any member of the Governing Body who is not physically present at a meeting of the Governing Body shall be deemed to be absent for such meeting.** ~~To that end, if~~ Insofar as the use of electronic conferencing for meeting attendance and voting requirements, at least in some governmental meetings, is not prohibited so long as the meeting is conducted in accordance with the Open Public Meetings Act, members of the Governing Body may attend meetings by means of electronic equipment, subject to the following conditions:

A. A Governing Body member's physical presence may be excused only if the member concerned has provided a written request to the entire Governing Body and the Borough Clerk 24 hours in advance of the scheduled meeting, unless such advance notice is impractical or impossible, stating the reason(s) why such Governing Body member will not be in attendance. Upon a showing of what it deems, in its sole discretion, to be good cause, the Governing Body majority present at a meeting for which an attendance excuse is requested may vote to excuse a Governing Body member's attendance at such meeting. Provided, however, that the Governing Body may not refuse to excuse an absence when a Governing Body member's failure to attend is due to (a) legitimate personal illness or disability, (b) a legitimate business purpose required for employment, or (c) family or other emergency.

B.

In the event an excuse from attendance at any meeting of the Governing Body is requested for the reasons set forth in subparagraph 10(A), the Governing Body, by majority vote, may require that subsequent written verification and justification of same be provided by the Governing Body member. In the event

that the excuse is that a legitimate illness or disability is preventing attendance, proof thereof shall be provided by the Governing Body member from a physician or appropriate health care professional. In the event satisfactory written verification of the inability to attend due to one of the reasons set forth above is not provided within five calendar days following the date of the meeting that a member of the Governing Body did not attend, the Governing Body member concerned shall be deemed to have been absent for that meeting.

- c. Participation by telephone or other electronic means in meetings of the Governing Body shall not be permitted unless an absence from a meeting of the Governing Body has first been excused by vote of a majority of the Governing Body pursuant to Subsection 10(A) hereof and the Governing Body member has requested the ability to participate in the meeting by telephone or other electronic means at the time that the written request for an excused absence is submitted. In such case, a majority of the Governing Body may, in its sole discretion, vote to allow or disallow telephone or other electronic participation on the part of an excused member. Provided, however, that no member of the Governing Body who is not physically present at a meeting of the Governing Body shall be permitted to participate in any closed or executive session of the Governing Body.
- d. In the event any Governing Body member fails to physically attend and participate in meetings of the Governing Body for a period of eight consecutive weeks without being excused from attendance as set forth in Subsection 10(A) hereof, then, in such case, the seat held by such Governing Body member shall be deemed vacant pursuant to N.J.S.A. 40A:16-3(g).
- E. ~~A:~~ All pertinent provisions of the Open Public Meetings Act must be complied with, including specifically the proper notice of any regular or special meeting, the proper record keeping or minutes of each meeting, the appropriate agenda preparation for each meeting, which in addition shall be posted along with the notice of the meeting, and, in particular, any use of closed sessions shall be in compliance with the provisions of the Act.
- F. ~~B:~~ That sufficient security and identification procedures be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all

members attending for discussion or voting purpose are in fact an authorized member with right to speak and vote.

- G. ~~⊖~~ A quorum of members of the Governing Body MUST be physically present at the location of the meeting for all regularly scheduled meetings, advertised on January 1st each year. Only additional members, i.e., those members not part of the required physically present quorum, may attend by video and/or audio conferencing or by other electronic means. Only at Special Meetings, not regularly scheduled, will teleconferencing be allowed to create a quorum.
- H. ~~⊖~~ All members of the Governing Body attending meetings by electronic conferencing shall be entitled to vote as if they were personally and physically present at the meeting site so long as a physical quorum is present, but their votes shall be recorded by the Secretary as done by electronic attendance. G. The meeting minutes shall include, but need not be limited to: i) the date, time and place of the meeting; ii) the members of the Governing Body who were either present or absent from the meeting and whether those members in attendance were physically present or present by audio conference, video conference or by other electronic means; and iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
- I. ~~⊕~~ This policy shall not be construed to mean that conferencing by electronic means shall be regularly used or used at every meeting of the Governing Body but shall be used only as necessary to allow the participation of members of the Governing Body who are unable to attend in person due to such circumstances listed in Provision F herein.
- J. ~~⊕~~ The location of the meeting included on the notice shall be equipped with a suitable transmission system (e.g., a speakerphone) in order that the public audience, the members of the Governing Body in attendance and any staff will be able to hear any input, vote or discussion of the conference and that the member attending by electronic means shall have a similar capability of hearing such input, vote or discussion.

~~E. A member of the Governing Body who attends a meeting by video or audio conference must provide notice to the Governing Body and Borough Clerk at least 24 hours prior to the meeting unless such advanced notice is impracticable.~~

~~F. A member of the Governing Body may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to i) personal illness or disability; ii) employment purposes or the business of the Governing Body; or iii) a family or other emergency.~~

ARTICLE 9 – STANDING COMMITTEES

Section 1. The Mayor shall appoint all Standing Committee members subject to the approval and concurrence of the majority of the Governing Body. The Mayor shall have no vote in any such committee appointment except in the case of a tie vote and then only for the purpose of breaking such tie vote. Should a majority of the Governing Body not concur in the appointment by the Mayor of any Council member to any committee, the Governing Body members, by majority, shall make such appointment. **All Committee Chairs recognize their obligation to attend conscientiously and consistently all meetings of (a) the Governing Body, (b) the Standing Committees, and (c) the meetings of other commissions, committees and/or boards for which they serve as Council liaison.**

Section 2. The following Standing Committees of the Council shall be appointed at the annual meeting:

1. FINANCE & ADMINISTRATION: Finance, Administration, Capital Improvement, Insurance
2. HEALTH & HUMAN SERVICES: Health, Education (Schools & Library), Water Watch, Environmental Commission
3. PARKS & RECREATION: Parks and Recreation, Shade Tree, Seniors, Special Events & Public Information related thereto
4. PLANNING & DEVELOPMENT: Planning Board, Economic Development, Ordinances, Utilities, Construction
5. PUBLIC SAFETY: Police, Fire, First Aid, OEM
6. PUBLIC WORKS & ENGINEERING: Buildings & Grounds, Public Works, Engineering, Sanitation, Recycling

Section 3. Each Councilperson shall be the Chairperson of one Standing Committee and a member of two other Standing Committees named in this article.

Section 4. The Standing Committees are appointed to expedite and facilitate the work of the Governing Body but only within statutory limits as the entire Governing Body is held responsible for any or all of its acts performed within the scope of authority.

A. A Standing Committee Shall:

1. Meet when requested by the Chairperson, or a majority of the committee, and all members thereof shall participate actively in the committee deliberation, performance of duties and the formulation of its recommendations to the Governing Body.
2. Plan, study, direct, make commitments within budgetary limitation, and carry on the routine activities for which it has primary responsibility.
3. Perform such acts as may be assigned to it by Council.
4. Report and make recommendations to the Council regarding its responsibilities and activities.

B. Except as provided above, a Standing Committee shall not:

1. Exceed its budgetary appropriations without prior approval of the Governing Body.
2. Make promises or commitments to anyone which directly, or by inference, bind the Governing Body.
3. Act in such a manner or make decisions, which set a precedent, or violate established Governing Body policy.

Section 5. The Mayor or Council, or both, may appoint special Committees for purposes other than those included in the duties of the Standing Committees.

Section 6. The Mayor and Council may change existing Committee assignments and or Council liaison when it is in the best interest of the Borough to do so.

Section 7. The Chairperson of each Standing or Special Committee shall be prepared to report to the Mayor and Council at each regular meeting on principal activities and achievements of his or her committee.

Section 8. The Chairperson of each Committee shall also report or cause to be prepared and submitted in writing to the Mayor and Council at the Regular meeting in December of each year an annual report of his or her committee's activities. Such annual report shall be filed in the office of the Borough Clerk and be there assembled as a permanent annual document covering the activities of all Standing Committees.

ARTICLE 10 – DUTIES OF COUNCIL STANDING COMMITTEES

A Standing Committee shall function as an advisory body to the Council as a whole in reviewing policy matters referred to them by the Governing Body, and such other matters as the Governing Body, by simple majority vote, may direct. A Standing Committee, within its respective areas of responsibility, shall formulate recommendations to the Governing Body regarding action proposed to be taken in general. The purpose of each Standing Committee shall be to review matters within the subject areas set forth below. Each Standing Committee shall have primary responsibility for the activities and matters listed under each committee heading which shall include the administration, practices, procedures and records.

Section 1. FINANCE AND ADMINISTRATION

The Finance and Administration Committee is generally charged with the duty of overseeing Finance, Administration, Capital Improvements and Insurance and, specifically shall:

A. Examine, audit and report upon all bills and demands referred to them and render a report when requested by Governing Body, on the financial condition of the Borough and approve all categories of bills for payments.

B. Coordinate the annual fiscal budget (operational and capital) process as follows:

1. The Borough Administrator, in consultation with the Chief Financial Officer, works with Department Heads to determine budgetary needs.
 2. Members of the Committee will coordinate the financial information with the Mayor, Borough Administrator, Department Heads and Chief Financial Officer throughout the budget process.
 3. The Committee, Mayor, Borough Administrator and Chief Financial Officer finalize the budget and submit same to Borough Clerk for distribution to all Council members and for scheduling of budget introduction.
- C. Serve as liaison between the Governing Body and the Registered Municipal Accountants.
- D. Maintain, review and, as necessary, revise all insurance coverage of the Borough.
- E. Investigate and review services that can be shared with other surrounding towns.
- F. Assist with obtaining grants in order to fund projects.
- G. Compile and review requests and information from all relevant Standing and/or other committees and recommend capital projects to the Governing Body.
- H. Participate in the negotiation and recommend for approval/denial all collectively negotiated bargaining agreements on behalf of the Borough.

Section 2. HEALTH AND HUMAN SERVICES

The Health and Human Services Committee is generally charged with the duty of overseeing matters pertaining to Health, Education, the Coastal Drug Alliance, the Water Watch Committee and the Environmental Commission and, specifically, shall:

- A. Serve as a liaison between the Governing Body and the Oceanport Board of Education and Shore Regional Board of Education.
- B. Serve as liaison between the Governing Body and the Shore Regional Alliance.
- C. Serve as liaison between the Governing Body and the Water Watch, Environmental Commission, Flood Mitigation Committee and/or with any other such agencies or associations concerned with the preservation and improvements of the waterways within and surrounding the Borough.
- D. Serve as liaison between the Governing Body and the County Board of Health.
- E. Review documentation and make recommendations to the Governing Body pertaining to technological advancements, information technologies and communication technologies to which the Borough should avail itself.
- F. Serve as liaison between the Oceanport Library Association, County Library and the Governing Body.

3. PARKS AND RECREATION

The Parks and Recreation Committee is generally charged with the duty of overseeing matters pertaining to Parks and Recreation, Shade Trees, Senior Citizens, and Special Events and, specifically, shall:

- A. Oversee and coordinate the maintenance, management and operation (excluding field scheduling) of all parks and playgrounds within the Borough.
- B. Serve as liaison to all Recognized Sports Organizations within the Borough.
- C. Oversee and coordinate recreation activities sponsored or conducted by the Borough including seasonal programs and Summer Action Camp.
- D. Serve as a liaison between the Governing Body and such groups or associations serving Senior Citizens that may exist in the Borough.
- E. Oversee, plan and sponsor programs and activities designed to benefit all senior citizens residing in the Borough.
- F. Oversee and coordinate the purchase, removal and placement of trees in and along the public Right of Way and upon such other public property as the Governing Body may approve.
- G. Publish and distribute a bulletin containing current events and activities in the Borough.
- H. Oversee, plan and coordinate Memorial Day, Veterans Day, End of Summer and other Borough events/activities.
- I. Review and make recommendations regarding the budgets of projects, programs, departments and functions under its jurisdiction.

Section 4. PLANNING & DEVELOPMENT

The Planning & Development Committee is generally charged with the duty of overseeing matters pertaining to the Planning Board, Economic Development and Construction and, specifically, shall:

- A. Serve as liaison between the Planning Board and Governing Body
- B. Make recommendations to the Governing Body for the preparation, enactment, updating and/or codification of ordinances and/or Borough procedures and/or policies pertaining to zoning and planning, development, sub-division control, site plan approval, building codes and construction.
- C. Keep the Governing Body informed on matters affecting Zoning and Planning related to the Borough, adjacent municipalities and County and State governments.
- D. Serve as liaison to the Department of Community Affairs regarding the development and grants for community projects.
- E. Provide and encourage the development and expansion of local trade and industries.

Section 5. PUBLIC SAFETY

The Public Safety Committee is generally charged with the duty of overseeing matters pertaining to Police, Fire, First Aid and Office of Emergency Management and, specifically, shall:

- A. Oversee, coordinate and manage the purchase/lease and maintenance of Borough fire equipment and other property.
- B. Oversee, coordinate and manage the purchase/lease and maintenance of Borough first aid equipment and/or property.
- C. Review and make recommendations regarding the budgets of the Police Department, Volunteer Fire Department, Volunteer First Aid Squad and Office of Emergency Management.
- D. Serve as liaison between the Borough's Volunteer First Aid Squad and the Governing Body.
- E. Serve as liaison between the Borough's Volunteer Fire Departments and the Governing Body.
- F. Serve as the liaison between the Borough's Police Department and the Governing Body.
- G. Serve as the liaison between the Governing Body and the Municipal Court.
- H. Coordinate and oversee, in conjunction with the Chief of Police, the hiring of all Police Department personnel, including members of the Department, Special Police and School Crossing Guards.
- I. Coordinate and oversee, in conjunction with the Chief of Police, highway traffic and safety and all matters relating to parking regulations, including on-street and off-street parking.
- J. Coordinate and oversee, in conjunction with the Chief of Police and the Office of Emergency Management, all civil defense activities.
- K. Coordinate and oversee, in conjunction with the Chief of Police, regulatory signs directing the flow of traffic, including the location, design and specification thereof.
- L. In conjunction with the Chief of Police, review and, when appropriate, recommend the granting of licenses and the inspection of licensed premises and persons as designated by the Governing Body from time to time.

Section 6. PUBLIC WORKS

The Public Works Committee is generally charged with the duty of overseeing matters pertaining to Buildings and Grounds, Public Works, Engineering, Sanitation and Recycling and, specifically, shall:

- A. Oversee, coordinate and manage the maintenance and upkeep of all public buildings.
- B. Oversee, coordinate and manage the construction, reconstruction, improvement, maintenance and cleaning of all roadways within the Borough.
- C. Oversee, coordinate and manage the maintenance of all Borough vehicles and other mechanical equipment.
- D. Oversee, coordinate, and manage storm debris collection and disposal.

- E. Oversee, coordinate and manage the cutting of grass, shrubs and weeds on Borough roadways and properties.
- F. Review contracts for solid waste and recycling collection.
- G. Serve as a liaison between the Governing Body and utility companies.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE GOVERNING BODY TO ENTER EXECUTIVE SESSION, MAY 2, 2024**

**Resolution #2024-128
05/2/24**

WHEREAS, the Mayor & Council of the Borough of Oceanport are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of a meeting at which time the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A. 10:4-12b, which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Mayor & Council of the Borough of Oceanport to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Oceanport, pursuant to the Open Public Meetings Act of the State of New Jersey, as follows:

- 1.) The Mayor & Council shall hold a closed meeting from which the public shall be excluded on **May 2, 2024**.
- 2.) The general nature of the subjects to be discussed at said closed meeting shall be related to

☐ N.J.S.A. 10:4-12(b)(1)	<i>Matters Required by Law to be Confidential</i>
☐ N.J.S.A. 10:4-12(b)(2)	<i>Matters Where the Release of Information Would Impair the Right to Receive Funds</i>
☐ N.J.S.A. 10:4-12(b)(3)	<i>Matters Involving Individual Privacy</i>
☐ N.J.S.A. 10:4-12(b)(4)	<i>Matters Relating to Collective Bargaining Agreements</i>
☒ N.J.S.A. 10:4-12(b)(5)	<i>Matters Relating to the Purchase, Lease or Acquisition of Real Property</i>
	<i>- Potential Open Space Acquisitions</i>
☐ N.J.S.A. 10:4-12(b)(6)	<i>Matters Relating to Public Safety and Property</i>
☒ N.J.S.A. 10:4-12(b)(7)	<i>Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege</i>
	<i>- Potential Open Space Acquisitions</i>
☐ N.J.S.A. 10:4-12(b)(8)	<i>Matters Relating to the Employment Relationship</i>
☐ N.J.S.A. 10:4-12(b)(9)	<i>Matters Relating to the Potential Imposition of a Penalty</i>

3.) The minutes of said closed meeting shall be made available for disclosure to the public consistent with N.J.S.A. 10:4-13, when the items which are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists.

BE IT FURTHER RESOLVED that formal action may be taken after the Executive Session.