



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • OCTOBER 21, 2021

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Statement of Compliance with Open Public Meetings Act:

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Roll Call

V. GUEST: FMERA Staff Monthly Update

VI. Engineer's Report

1. 2021 Road Program

VII. Administrators Report

1. 2021 Best Practices Questions

VIII. Clerk's Report

1. Health Insurance Renewal

IX. Consent Agenda

- #2021-206** 1. Resolution authorizing payment of BILL LIST
- #2021-207** 2. Resolution Approving Issuance of Liquor License for The Loft Partnership
- #2021-208** 3. Resolution authorizing an MOU for Ballot Box Security Camera
- #2021-209** 4. Resolution approving Special Event Permit for Residents of Oneida Ave for a Block Party
- #2021-210** 5. Resolution cancelling capital grant balances
- #2021-211** 6. Resolution cancelling capital improvement authorization
- #2021-212** 7. Resolution authorizing cancellation of grant balances
- #2021-213** 8. Resolution authorizing membership application with Keystone Purchasing Network
- #2021-214** 9. Resolution authorizing purchase of garbage truck from Shrewsbury Boro
10. Approval of First Aid Membership Application, Crochet, Darlene
11. Approval of First Aid Membership Application, Crochet, Kyle
12. Receipt & Acceptance of Minutes, Historical Committee, Aug. 12, 2021
13. Receipt & Acceptance of Minutes, Historical Committee, Sept. 9, 2021
14. Receipt & Acceptance of Minutes, Historical Committee, Sept. 23, 2021
15. Receipt and Acceptance of Minutes, Parks & Recreation Committee, August 11, 2021

X. Minutes

1. Workshop Minutes, September 2, 2021
2. Regular Meeting Minutes, September 16, 2021

XI. Resolutions

- #2021-215** Resolution authorizing NJSAGE Grant application for Fish Kill expenses
- #2021-216** Resolution amending Personnel Policy for updated JIF policies
- #2021-217** Resolution appointing Chris Henry as Patrolman I
- #2021-218** Resolution appointing Relief Crossing Guard Darlene Crochet
- #2021-219** Resolution appointing Brian Trivett as seasonal labor for the Public Works Dept
- #2021-220** Resolution appointing Tyler Poyner as seasonal labor for the Public Works Dept
- #2021-221** Resolution authorizing competitive contracting for 2022 services

XII. First Reading Ordinances

- #1046** Introduction of An Ordinance Providing for Investigative Procedures for Liquor Licensing

XIII. Second Reading & Public Hearing Ordinances**XIV. Committee Reports**

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

XV. Mayor Coffey's Report

1. Planning Board Appointment: Maura Kelly, Alternate II, unexpired term ending 12/31/2021
2. Check-Valve Project

XVI. Petitions from the public**XVII. Adjournment**



Mayor & Council

SCHEDULED

REPORT (ID # 2197)

Meeting: 10/21/21 07:00 PM
Department: Administration
Category: Policy
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2197

7.1

2021 Best Practices Questions

ATTACHMENTS:

- ANSWERS - BEST PRACTICE INVENTORY 2021 (PDF)

Best Practices Inventory Online Platform

2021 Survey

Oceanport Borough

Printable Current Answers

001	Core Competencies	Personnel
	The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?	[0.00] No
002	Core Competencies	Personnel
	Has your municipality reviewed and updated its employee personnel manual/handbook within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date which the personnel manual was officially updated. If not yes, please type "Did Not Answer Yes" into the comment box.	[1.00] Yes Comment: 10/21/2021
003	Core Competencies	Budget
	Does your municipality complete an initial draft of its annual budget no later than the first week of January (or first week of July if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?	[1.00] Yes

004	Best Practices	Budget
Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5? Only answer N/A if your municipality 1) does not offer (for any employee hired after a certain date) payouts upon retirement for accumulated sick leave, and 2) no current employee has a grandfathered right to sick leave payouts upon retirement.		[0.00] No
005	Core Competencies	Capital Projects
Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings?		[1.00] Yes
006	Core Competencies	Transparency
Are your municipality's codified and uncoded ordinances, including all current salary ordinances, available online?		[1.00] Yes
007	Best Practices	Transparency
Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content? Answer N/A if your municipality does not have a social media account.		[0.50] Yes
008	Core Competencies	Procurement
Do your municipality's professional services contracts include a "not to exceed" amount?		[1.00] Yes
009	Best Practices	Procurement
If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law (LPCL) bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law? Only answer N/A if your municipality does not contract with an insurance broker for health insurance or, if it does, the contract does not exceed your municipality's LPCL bid threshold.		[0.50] N/A

010	Best Practices	Procurement
	Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees? Only answer N/A if your municipality does not contract with an insurance broker for health insurance.	[0.50] N/A
011	Core Competencies	Cybersecurity
	A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. These plans address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?	[1.00] Yes
012	Core Competencies	Cybersecurity
	Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?	[1.00] Yes
013	Core Competencies	Financial Administration
	Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?	[1.00] Yes
014	Core Competencies	Budget
	Is your municipality ensuring that insurance reimbursements are credited back to the budget appropriation line item in the budget in accordance with N.J.S.A 40A:5-32, instead of applied as miscellaneous revenue not anticipated? Compliance with this statutory obligation relieves pressure on current year appropriations. Only answer N/A if your municipality had no insurance reimbursements in 2020 or 2021.	[1.00] Yes

015	Core Competencies	Capital Projects
	Has your municipality reviewed all completed capital project bond ordinances for remaining balances that can be cancelled by resolution, and revert to their respective balance sheet accounts?	[1.00] Yes
016	Best Practices	Personnel
	Has your municipality established by ordinance an anti-nepotism policy that, at minimum, only authorizes the hiring the family members/relatives of municipal officials and employees if the individuals involved would do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The term "family member/relatives" should be defined to include but not necessarily be limited to spouses, children, siblings, parents, in-laws, and step-relatives.	[0.00] No
017	Core Competencies	Procurement
	Has your municipality reviewed with legal counsel and other appropriate officials (e.g. engineer) the boilerplate language in its bid or RFP documents to ensure such language meets legal requirements under the Local Public Contracts Law and pay-to-play, along with other relevant statutes and caselaw?	[1.00] Yes
018	Core Competencies	Transparency
	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	[1.00] Yes
019	Core Competencies	Transparency
	N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions.	[1.00] Yes

Core Competencies

Cybersecurity

020

Does your municipality perform off-network daily incremental backups with weekly full backups of all data?

[1.00] Yes

Core Competencies

Shared Services

021

N.J.A.C. 5:30-3.8(d)(20) requires each municipal user-friendly budget to include a listing of each shared service provided or received, what entity or entities are providing or receiving the service, the beginning and end date of the agreement as applicable, and the amount either received or paid for the service. Does your municipality list on its user-friendly budget each shared services agreement it is a party to, along with the other information required by the above-referenced regulation?

[1.00] Yes

Core Competencies

Fire Districts

022

If a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election, before the district can adopt its annual budget. The fire district shall submit to the municipal governing body for approval the amount of compensation fixed by the Board regardless of whether the amount of compensation is being modified. Oughton v. Board of Fire Comrs., etc., 178 N.J. Super. 565, 570-571 (App. Div. 1981). If any members of the Board of Fire Commissioners in one or more of your municipality's fire districts are authorized by the Board to receive compensation, does your municipality 1) require its fire district(s) to submit such compensation for review on an annual basis; 2) ensure that each Board has adopted a resolution or resolutions fixing the amount of compensation requested for governing body approval; and 3) adopt a resolution approving, disapproving, or modifying the compensation amount fixed by the Board of Fire Commissioners?

[1.00] N/A

Core Competencies

Shared Services

023

N.J.S.A. 40A:65-4(b) requires a copy of each shared services agreement to be filed with the Division of Local Government Services. Has your municipality filed with the Division the most current copy of each shared services agreement under which the municipality provides one or more services to another local unit as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act? Only answer N/A if your municipality does not provide a shared service to another local unit.

[1.00] Yes

024	Core Competencies	Financial Administration
Audit findings address areas needing improvement and ignoring these findings devalues the process. Municipalities should correct noted deficiencies. Have the audit findings in your municipality's 2018 audit been identified in a corrective action plan and not been repeated in the 2019 audit? If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings in the 2019 audit. If you did not answer no, please type "Did Not Answer No" into the Comment Box.		[1.00] Yes Comment: Did Not Answer No
025	Best Practices	Transparency
Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at https://www.state.nj.us/treasury/taxation/relief.shtml?		[0.50] Yes
026	Best Practices	Fire Districts
Local Finance Notice 2017-23 describes the avenues through which a municipality can consolidate multiple fire districts into a single fire district. Does your municipality have a single fire district or, if your municipality has multiple fire districts, is it reviewing the feasibility of consolidating its multiple districts into a single district? Only answer N/A if your municipality does not have a fire district.		[0.50] N/A
027	Best Practices	Environment
Have public electric vehicle charging stations been installed, or are they currently being installed, on municipal property?		[0.00] No
028a	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (a) Chief Financial Officer		[0.00] No Comment: N/A
028b	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (b) Tax Collector		[0.00] No Comment: N/A

028c	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (c) Tax Assessor		[0.00] No Comment: N/A
028d	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (d) Municipal Clerk		[0.00] No Comment: N/A
028e	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (e) Municipal Treasurer		[0.00] No Comment: N/A
028f	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (f) Qualified Purchasing Agent		[0.00] No Comment: N/A
028g	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (g) Certified Public Works Manager		[0.00] No Comment: N/A
028h	Unscored Survey	Shared Services
Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (h) Public Works Superintendent		[0.00] No Comment: N/A

029	Unscored Survey	Shared Services
If the answer to at least one part of Question 28 is yes, did one or more of the identified shared service agreements result in the dismissal of a tenured official? If yes, please insert under Comments 1) the position or positions where an agreement resulted in the dismissal of a tenured official; and 2) an estimate of the cost savings anticipated to be achieved by the participating municipalities at the outset of the agreement. If the answer is No or N/A, please insert "No" or "N/A" under Comments. See LFN 2018-3R for more information on this provision of the Common Sense Shared Service Act.		[0.00] N/A Comment: N/A

030	Unscored Survey	Environment
How much did your municipality spend on operational costs associated with managing and treating stormwater runoff in the prior fiscal year, and how much did your municipality appropriate toward same for the current fiscal year? Examples of such costs include street cleaning, conveyance system clean-out, routine maintenance of storm drains and outfall pipes, and stormwater runoff-related educational programs. Also list under Comments the FCOA codes your municipality is using to classify these stormwater-related prior year expenditures and current year appropriations.		Comment: 2020 - PRIOR YEAR EXPENDITURES \$3,044 Street Sweep S&W \$12,992.94 Disposal 2021 - CURRENT YEAR APPROPRIATIONS \$25,000 S&W Street sweep \$25,000 - S&W Sewer Jet \$6,215.43 Disposal to date FCOA: 01- 201-26-300-102-2 S&W Street Sweep 01-201-26-300-102- 3 S&W Sewer Jet 02-213-40-700-025 - Clean Communities - Disposal

031	Unscored Survey	Financial Administration
Does your municipality currently retain a chief financial officer through a professional services contract?		[0.00] No

032a	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (a) Public Health (EC 1)		[0.00] No

032b	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (b) Negative Econ. Impacts (EC 2)		[0.00] No
032c	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (c) Services to Disproportionately Impacted Communities (EC 3)		[0.00] No
032d	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (d) Premium Pay (EC 4)		[0.00] No
032e	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (e) Water/Sewer/Broadband Infrastructure (EC5)		[0.00] Yes
032f	Unscored Survey	American Rescue Plan Act
Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (f) Revenue Replacement (EC 6)		[0.00] No
032g	Unscored Survey	American Rescue Plan Act
Is your municipality currently undecided on how to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the previously referenced expenditure categories? Please answer Yes if none of the previous subparts were Yes, otherwise answer No		[0.00] No
032h	Unscored Survey	American Rescue Plan Act
Did your municipality decline ARP Local Fiscal Recovery Fund (LFRF) dollars instead? Please answer Yes if none of the previous subparts were Yes, otherwise answer No		[0.00] No

033	Unscored Survey	American Rescue Plan Act
What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2021?		[0.00] 0%
034	Unscored Survey	American Rescue Plan Act
What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2022?		[0.00] Currently Undecided
035	Unscored Survey	Financial Administration
Does your municipality pay one or more of its vendors or contractors via an automated clearing house (ACH) transfer and/or a procurement card? Please select one or more of the options provided , as applicable. This question excludes debt service, pension bills, and employee health benefits.		[0.00] None of the Above
036a	Unscored Survey	Procurement
N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (a) Minority Business Enterprises		[0.00] No Comment: N/A
036b	Unscored Survey	Procurement
N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (b) Women's Business Enterprises		[0.00] No Comment: N/A

036c

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (c) Small Business Enterprises

[0.00] No
Comment: N/A

036d

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (d) Veteran Business Enterprises

[0.00] No
Comment: N/A

037

Unscored Survey

Procurement

If your municipaity has established a set-aside program for qualified business enterprises pursuant to N.J.S.A. 40A:11-41 et seq, did your municipality's contract awards meet or exceeded the set-aside goals established by the governing body in the prior fiscal year for each of your municipality's set-aside programs? Only answer N/A if your municipality does not have a set-aside program.

[0.00] N/A

038	Unscored Survey	Procurement
For a municipality having established a set-aside program for qualified business enterprises, N.J.S.A. 40A:11-48 requires each municipal authority, board, committee or commission authorized to independently award contracts to issue a report to the municipal governing body by January 31 of each year 1) describing their efforts in attaining the municipality's set-aside goals for the prior calendar year; and 2) the percentage of the dollar value of total procurements awarded in the prior calendar year under each set-aside program established by the municipality. Did each of the above-referenced entities submit this report to the municipal governing body in 2021? Answer N/A if your municipality does not have a set-aside program or does not have any authorities, boards, committees or commissions authorized to independently award contracts.		[0.00] N/A

039	Unscored Survey	Tax Collection
Has your municipality established a ten-day grace period for the payment of property taxes and other municipal charges as authorized by N.J.S.A. 54:5-19?		[0.00] Yes

040	Unscored Survey	Tax Collection
Complete the Excel-based Tax Sale Report. Upload the completed report using the "Attach File" button toward the bottom of your screen. Type "File Uploaded" in the Comment Box		Comment: File Uploaded

041	Unscored Survey	Opportunity Zones
Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment?		[0.00] No

042	Unscored Survey	Opportunity Zones
If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.		Comment: NA

043	Unscored Survey	Planning & Economic Development
Does your municipality currently plan to sell any municipally-owned vacant conforming lots by December 31, 2022?		[0.00] No

044a	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (a) Dedication of Space or Open-Space		[0.00] No

044b	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (b) Fee In-Lieu of Dedicating Space or Open Space		[0.00] No

044c	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (c) Fee In-Lieu of Parking		[0.00] No

044d	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (d) Impact Fee(s) (pro rata share of infrastructure improvement costs)		[0.00] No

044e	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (e) Provision of Affordable Housing Units		[0.00] Yes

044f	Unscored Survey	Planning & Economic Development
Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (f) Affordable Housing Trust Fund Payments		[0.00] Yes

045	Unscored Survey	Planning & Economic Development
Does your municipal land use ordinance provide for an historic preservation commission that is governed under N.J.S.A. 40:55D-107?		[0.00] No

046	Unscored Survey	Planning & Economic Development
Does your municipality have an environmental commission, or is your municipality part of a joint environmental commission, that is governed under N.J.S.A. 40:56A-1 et seq.?		[0.00] No

047	Unscored Survey	Planning & Economic Development
Does your municipality have an industrial commission that is governed under N.J.S.A. 40:55B-1 et seq.?		[0.00] No

048	Unscored Survey	Recreation
Does your municipality have a recreation commission that is governed under N.J.S.A. 40:61-17 et seq.?		[0.00] No

**LFN 2021-17****September 29, 2021**

Local Finance Notice

Philip D. Murphy
Governor

Lt. Governor Sheila Y. Oliver
Commissioner

Jacquelyn A. Suárez
Director

Contact Information

Director's Office

V. 609.292.6613

F. 609.633.6243

Local Assistance Bureau

V. 609.292.6858

F. 609.633.6243

Financial Regulation and Assistance

V. 609.292.4806

F. 609.984.7388

Local Finance Board

V. 609.292.0479

F. 609.633.6243

Administrative Services Unit

V. 609.292.6126

F. 609.633.6243

Mail and Delivery

101 South Broad St.

PO Box 803

Trenton, New Jersey

08625-0803

Web:

www.nj.gov/dca/divisions/dlgs

E-mail: dlgs@dca.nj.gov

Distribution

Administrators/Managers

Municipal CFOs

Municipal Clerks

Tax Collectors

Munic. Procurement Officials

Municipal Elected Officials

2021 Municipal Best Practices Inventory

Language authorizing the Best Practices Inventory is included in the [FY2022 Appropriations Act](#). In anticipation of its inclusion in the final Appropriations Act, as has occurred in prior years, the Division of Local Government Services ("Division") has promulgated an updated Best Practices Inventory to all municipalities, through which the State obtains vital information about the status of municipal government practices in New Jersey.

The 2021 Inventory assesses each municipality's compliance with various laws and evaluates implementation of fiscal and operational best practices. Inventory answers provide taxpayers an additional means of evaluating their municipality's performance. The Inventory also identifies areas where municipalities may require further technical assistance. Furthering this objective, the Inventory contains an unscored survey section soliciting information on a variety of topics.

All municipalities, including those on a State Fiscal Year budget cycle, must submit their completed Inventory to the Division by close of business **Wednesday November 3, 2021**. The Division strongly recommends completing and filing the Inventory as soon as possible so any technical or substantive issues can be resolved in a timely fashion. No post-submission answer changes will be permitted.

Furthering the Division's implementation of technology solutions, the Best Practices Inventory continues to be hosted on the internet-based platform debuted in 2019. Click on <https://njdca.dynamics365portals.us/> to access the platform sign-in page. Please review the detailed [step-by-step instructions](#) on completing and submitting the Best Practices Inventory before accessing the platform. A helpful [FAQ document](#) concerning log-in and access is also provided.

As in prior years, the Division must determine whether some portion of a municipality's CMPTRA and ETR Aid will be withheld based on the results of its Inventory. The municipality's final formula aid payment represents the maximum amount of aid that is subject to withholding.

Question Content and Scoring

The 2021 Best Practices Inventory features new and repeat questions on the following topics:

- Personnel
- Budget
- Financial Administration
- Capital Projects
- Transparency
- ARP LFRF Funds
- Procurement
- Cybersecurity
- Shared Services
- Tax Collection
- Opportunity Zones
- Fire Districts
- Environment
- Planning & Economic Development

A total of 48 questions are distributed amongst three scoring categories: Core Competencies (19 questions), Best Practices (8 questions), and Unscored Survey (21 questions). Four unscored survey questions are divided into multiple subparts to facilitate data tabulation. The Division has introduced a total of three (3) new scored questions to the 2021 Inventory. Each municipality must receive a minimum score of 15 on the Inventory to receive its full Final Aid payment.

Core Competencies address statutory and regulatory compliance obligations and other areas critical to sound municipal finance and operations. These questions score 1 point each, with positive credit awarded for “Yes” answers as well as “Prospective” and “N/A” responses when permitted by the question. Answers of “Prospective,” which apply to new questions, should only be used when a municipality is committed to making good faith efforts to implement the practice in the upcoming year.

The 2021 Inventory also includes a Best Practices category, which involve fiscal and operational practices that are of significant benefit to many municipalities but not foundational in nature, or uniformly applicable to all municipalities. All questions in the Best Practices category are worth one-half (1/2) point, with positive credit awarded for “Yes” answers as well as “N/A” responses when permitted by the question. Please note that “Prospective” responses are not permitted responses under the Best Practices category.

Answers of “N/A” are only appropriate if a specific requirement does not apply to a given municipality; however, please note that some questions limit “N/A” responses to certain circumstances. Municipalities answering “N/A” should provide an explanation in the Comment space as to why the question is not applicable.

There is a total of 27 scored questions (Core Competencies + Best Practices) for a total of 23 points. The thresholds for aid withholding are as follows:

Inventory Score	Final Payment Amount Disbursed	Impact on final 5% aid payment
15 and greater	100%	No withholding
11-14	75%	Lose 25% of final CMPTRA & ETR payment
7-10	50%	Lose 50% of final CMPTRA & ETR payment
0-6	0%	Lose 100% of final CMPTRA & ETR payment

Questions in the Best Practices category are considered “extra credit” because the Inventory’s scoring threshold is based on the number of Core Competencies for which the Division determined a municipality should earn positive credit, rather than Core Competencies + Best Practices combined. Thus, positive credit for Best Practices questions helps offset Core Competencies for which a municipality does not earn positive credit.

Unscored Survey questions are meant to gather information and do not count toward a municipality’s final score, although their completion is a required component of the Inventory. Answers to these questions will help determine where municipalities may require additional assistance and where the Division of Local Government Services and the Department of Community Affairs may need to prioritize technical assistance resources. Responses vary from “Yes/No” to multiple-choice to fill-in.

The Unscored Survey questions primarily emphasize Shared Services, ARP Funds, Tax Collection and Planning and Economic Development. Question 40 requires each municipality to upload a completed Excel-based Tax Sale Report (an upload file button will appear for the question). If your municipality can affirmatively answer Question 42, which pertains to known Opportunity Zone tax incentive projects, please complete and upload the [Opportunity Zone Project Status Spreadsheet](#).

Completing and Submitting the Inventory

A municipality must answer all questions before the Best Practices platform will permit submitting the Inventory. Certain questions require information to be typed into the Comment section before the online platform counts the question as completely answered. Please refer to the [Instructions](#) for further details. Failing to submit the Inventory is deemed equivalent to a zero score.

The municipality’s Chief Finance Officer and Chief Administrative Officer must both certify the Inventory using the Online Platform. The Chief Administrative Officer is an individual who, regardless of title, is responsible for the municipality’s day-to-day operations. If a municipality does not have a business administrator or municipal manager, this person would be whichever individual (e.g. municipal clerk, chief financial officer) is responsible for running day-to-day operations. Every municipality has a Chief Administrative Officer.

The Municipal Clerk must certify that the Inventory and the results thereof were or will be discussed at a public meeting, inserting the date on which the meeting was or will be held; the inventory results and the certification of same by the chief administrative and financial officers referenced in the meeting minutes. Municipal Clerks likewise make their certification using the online platform and do not file a separate certification document. The purpose of the acknowledgement requirement is to ensure that local officials are apprised of their municipality’s Best Practices Inventory response. Please do not wait for the Best Practices Inventory to be discussed at a governing body meeting before submitting the Inventory.

State Fiscal Year municipalities have the same Wednesday November 3 deadline as Calendar Year municipalities.

Appeals of Best Practices Scores

A municipality may appeal its score to the Director on or before the submission deadline, but not before submitting their Best Practices Inventory. Appeals must be submitted by close of business **Wednesday November 3, 2021** via email to bestpractices@dca.nj.gov with the heading “Best

Practices Appeal". The Director may exercise discretion upon finding that a municipality's individual circumstances so warrant. Municipalities that wish to submit an appeal should do so in conjunction with their Inventory submission.

Approved: Jacquelyn A. Suárez, Director

Document	Internet Address
FY22 App. Act	https://www.njleg.state.nj.us/2020/Bills/AL21/133 .PDF
Best Practices Platform	https://njdca.dynamics365portals.us/
BPI Platform Instructions	https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/BPI%20Online%20Platform%20Instructions%20-%202021.pdf
Log-In & Access FAQ	https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/BPI_Log-In_and_Access_FAQ-2021.pdf
Tax Sale Report	https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/Tax%20Sale%20Results%20Spreadsheet.xlsx
Opportunity Zone Status Spreadsheet	https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/OZ%20Best%20Practices%20Survey%20Form.xlsx
BPI Question List	https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/2021%20DLGS%20Best%20Practices%20Inventory%20Questions%20.xlsx

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING PAYMENT OF BILL LIST
FOR OCTOBER 21, 2021**

**Resolution #2021-206
10/21/21**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of October 21, 2021.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated October 21, 2021 totaling \$667,497.93. .

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**

	21-Oct-21
PAYEE	AMOUNT
PAYROLL ACCOUNT	\$125,565.04 21ST
MANUAL CHECK MONMOUTH PARK - GALA	\$14,928.62
CAPITAL TRUST TOTAL	\$0.00
GRANT FUND	\$0.00
DOG REGISTRY TOTAL	\$460.55
TRUST OTHER TOTAL	\$189.00
ESCROW TRUST TOTAL	\$7,138.51
OPEN SPACE TRUST TOTAL	\$47,752.44
SUI	\$0.00
UCC TRUST	\$0.00
2020 VOUCHERS PAID THIS MEETING	\$0.00
2021 VOUCHERS PAID THIS MEETING	\$471,463.77
TOTAL	\$667,497.93

9.1.b

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

From 10/01/2021 to 10/31/2021 With a Line Amount > 10000

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
10/13/2021	9491			01-201-45-930-213 01-201-45-920-211 01-201-20-130-206	INTEREST ON BOND (11/15/21) BOND PRINCIPAL TRUSTEE FEES US BANK OPERATIONS CENTER	71,249.95 170,000.00 300.00	241,549.95	01-101-01-000-011
10/13/2021	9493			01-201-45-930-213 01-201-45-920-211 01-201-20-130-206	BOND INTEREST (11/15/21) BOND PRINCIPAL TRUSTEE FEES US BANK OPERATIONS CENTER	6,375.00 60,000.00 300.00	66,675.00	01-101-01-000-011
10/13/2021	9492			01-201-45-930-213 01-201-45-920-211 01-201-20-130-206	INTEREST ON BOND (11/15/21) BOND PRINCIPAL TRUSTEE FEES US BANK OPERATIONS CENTER	7,999.99 100,000.00 350.00	108,349.99	01-101-01-000-011
10/13/2021				06-270-00-500-020 06-270-00-500-020	OPEN SPACE INTEREST OPEN SPACE PRINCIPAL US BANK OPERATIONS CENTER	10,625.00 35,000.00	45,625.00	06-101-01-100-011

OCTOBER SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
01-101-01-000-011	CASH OPERATING				416,574.94
06-101-01-100-011	OPEN SPACE CASH - TD				45,625.00
01-201-20-130-206	PROFESSIONAL SERVICES		950.00		
01-201-45-920-211	PAYMENT OF BOND PRINCIPAL		330,000.00		
01-201-45-930-213	INTEREST ON BONDS		85,624.94		
06-270-00-500-020	RESERVE FOR OPEN SPACE			45,625.00	
OCTOBER TOTALS (FOR RANGE):			416,574.94	45,625.00	462,199.94
		=====	=====	=====	=====

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				416,574.94
06-101-01-100-011	OPEN SPACE CASH - TD				45,625.00
01-201-20-130-206	PROFESSIONAL SERVICES		950.00		
01-201-45-920-211	PAYMENT OF BOND PRINCIPAL		330,000.00		
01-201-45-930-213	INTEREST ON BONDS		85,624.94		
06-270-00-500-020	RESERVE FOR OPEN SPACE			45,625.00	
TOTALS (FOR RANGE):			416,574.94	45,625.00	462,199.94
		=====	=====	=====	=====

List of Bills - (All Funds)

9.1.c

Vendor	Description	Payment	Check Total
Current Fund			
1004 - ACME LOCKSMITH SERVICE	PO 8123 KEYS	5.95	5.95
1009 - ADP, INC	PO 9437 PAYROLL SERVICES - PERIOD ENDING 09/15/2	409.50	409.50
1658 - AMAZON CAPITAL SERVICES, INC	PO 9286 Mic holders for patrol vehicles	244.65	244.65
1116 - ASBURY PARK PRESS	PO 9225 Legal Notice - Tax Sale	191.60	
	PO 9329 Legal Notices	140.30	331.90
1795 - ATLANTIC PRINTING & DESIGN	PO 9122 BUSINESS CARDS FOR FIRE BUREAU	107.01	107.01
1013 - AUTO TURF SPECIALISTS	PO 9294 EQUIPMENT PARTS	429.42	429.42
1029 - BEATRIZ C CRANEY	PO 9333 INTERPRETING - SEPTEMBER 2021	100.00	100.00
1033 - BOB'S UNIFORM SHOP, INC	PO 9326 Uniform Purchase Fagliarone, Svenson & P	339.50	
	PO 9463 Uniform maintenance for Petrucelli & Res	9.00	348.50
1487 - BSN Sports	PO 8701 TENNIS COURT SUPPLIES	263.94	263.94
1816 - BULLET LOCK & SAFE COMPANY	PO 9455 KEYS	30.00	30.00
1042 - C&S ELECTRICAL CONTRACTOR, INC	PO 9443 BBB SERVICE - TENNIS COURT LIGHT	313.00	313.00
1052 - CHARLES SVENSON	PO 9461 Uniform Purchase Chuck Svenson (reimburs	404.93	404.93
1837 - COASTAL REFRIGERATION CORP	PO 8947 AC SERVICE - BBB & PORT AU PECK	658.00	
	PO 9193 BBBP 440 PAP Ave., Ocpt., NJ 07757	2,674.73	
	PO 9469 PAP FIREHOUSE, 433 MYRTLE AVE. MEETING	328.72	3,661.45
1089 - EDWARDS TIRE CO, INC	PO 9480 REPLACEMENT FRONT TIRES, TRK 126 STATE CON	581.24	581.24
1646 - ERIN K SERFASS	PO 9336 INSPECTIONS - ADDED ASSESSMENTS 2021	3,000.00	3,000.00
1128 - GOODYEAR AUTO SERVICE CENTER	PO 9335 Unit # 1 4 new tires	668.56	668.56
1136 - GROFF TRACTOR MID ATLANTIC	PO 9197 2006 CASE 521D S/N JEE0200015	1,800.13	1,800.13
1143 - I.D.M. MEDICAL SUPPLY INC	PO 9365 FAS OXYGEN - AUGUST 2021	269.41	
	PO 9397 FAS OXYGEN - SEPT 2021	101.72	371.13
1649 - INTRON TECHNOLOGY, LLC	PO 9435 MANAGED PHONE SERVICE - SEPT 2021	1,126.15	
	PO 9453 IT MANAGED SERVICES; SEPT 2021	3,029.23	4,155.38
1151 - JAY SILVERMAN	PO 9359 SUMMERS END	24.07	24.07
1153 - JERSEY CENTRAL POWER & LIGHT	PO 9471 07/31-08/31/21 - 200-000-957-015	531.74	
	PO 9495 MAIN ST INTERSECTION SEPT 2021	55.65	
	PO 9517 08/03-09/01/21 - 200-000-956-009	364.20	951.59
1529 - JOHN GUIRE SUPPLY LLC	PO 9374 PARTS FOR CHAIN SAWS, CHAINS FOR CHAIN S	199.94	
	PO 9460 STRING TRIMMER PARTS	256.74	456.68
1881 - JOSEPH W SHERMAN	PO 9526 UNIFORM & BOOT REIMBURSEMENT	254.46	254.46
1880 - KKG RE LLC	PO 9502 REDEMPTION B7 L2.01 RESOLUTION #2021-19	2,201.11	2,201.11
1814 - LEAF	PO 9497 OEM COPIER	157.32	157.32
1200 - McMANIMON*SCOTLAND*BAUMANN LLC	PO 9313 FT MONMOUTH REDEVELOPMENT - AUG 2021	516.00	516.00
1206 - MICHAEL KELLY	PO 9523 Reimbursement for FedEx shipment for alc	30.45	30.45
1218 - MONMOUTH COUNTY POLICE ACADEMY	PO 9413 GANG AWARENESS SEMINAR	30.00	30.00
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 9215 GASOLINE - JULY FD	416.45	416.45
1539 - MRA INTERNATIONAL INC	PO 8128 HP Probook	1,414.00	1,414.00
1241 - NAPA AUTO PARTS (#15456)	PO 9478 FIRE - CLEANING SUPPLIES	301.95	
	PO 9479 BATTERY - CHIEF'S CAR	148.86	450.81
1791 - NESTLE WATERS NORTH AMERICA	PO 9484 WATER DELIVERY 09/16/21	136.85	136.85
1245 - NJ AMERICAN WATER CO	PO 9427 FIRE SERVICE- 08/12-09/10/21	181.50	
	PO 9428 MUNICIPAL COMPLEX #2 - 08/12-09/10/21	193.53	
	PO 9429 MUNICIPAL COMPLEX #1 - 08/12-09/10/21	157.23	
	PO 9430 OLD WHARF #1 - 08/12-09/10/21	142.61	
	PO 9431 OLD WHARF #2 - 08/12-09/10/21	17.83	
	PO 9432 CHARLES PARK - 08/12-09/10/21	17.83	
	PO 9446 LIBRARY - 08/12-09/10/21	25.14	
	PO 9447 PORT AU PECK FIRE HOUSE - 08/12-09/10/21	164.55	900.22
1245 - NJ AMERICAN WATER CO	PO 9448 OLD WHARF- 08/12-09/10/21	44.55	
	PO 9499 HYDRANT SERVICE - 08/12-09/10/21	7,172.99	7,217.54
1245 - NJ AMERICAN WATER CO	PO 9500 BLACKBERRY BAY - 08/12-09/10/21	59.17	59.17
1248 - NJ LEAGUE OF MUNICIPALITIES	PO 9380 LEAGUE REGISTRATION	250.00	250.00
1818 - NORCIA CORPORATION	PO 9371 LIGHTING FOR DPW VEHICLES	461.07	461.07
1865 - PMC ASSOCIATES	PO 9189 MIC	1,004.00	1,004.00
1286 - PRO JANITORIAL SERVICES, LLC	PO 9436 CLEANING SERVICE - SEPT 2021	2,450.00	2,450.00
1879 - RESERVE ACCOUNT - POSTAGE METER	PO 9503 RESERVE POSTAGE	1,000.00	1,000.00
1406 - SAFE-T	PO 8827 TURNOUT GEAR RESOLUTION #2021-152	3,027.09	3,027.09
1874 - SHERATON ATLANTIC CITY	PO 9379 Encumbrance for Nov. Conference Housing	143.00	143.00

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List of Bills - (All Funds)

9.1.c

Vendor	Description	Payment	Check Total
1320 - SHORE BUSINESS SOLUTIONS, INC	PO 9337 Printer Supplies - CLERK	95.60	95.60
1325 - SHREWSBURY AUTO PARTS	PO 9048 MISC SUPPLIES	391.96	
	PO 9370 MOTOR OIL	132.48	524.44
1842 - STEVEN BRISKEY	PO 9512 REIMBURSEMENT	234.00	234.00
1400 - STREET COP TRAINING	PO 9240 Leadership Training Fagliarone, Lauretta	597.00	597.00
1346 - THE ARNETTE LAW FIRM LLC	PO 9534 BOROUGH ATTORNEY - SEPT 2021	7,130.00	7,130.00
1348 - THE HOME DEPOT	PO 9509 HARDWARE, COVERS, TARPS, CABLE TIES	482.31	
	PO 9527 SUPPLIES	156.94	639.25
1702 - TONI SVERAPA	PO 9494 REIMBURSEMENT - ORNAMENTS & STAMPS	1,329.10	1,329.10
1447 - TREASURER STATE OF NJ	PO 9496 MARRIAGE LICENSE FEES 3RD QTR 2021	175.00	175.00
1358 - TREASURER: COUNTY OF MONMOUTH	PO 9490 SCAT 3RD QUARTER BILLING - 2021	2,015.00	2,015.00
1380 - US BANK OPERATIONS CENTER	PO 9491 2019B DEBT SERVICE	241,549.95	
	PO 9492 2014 BOND/OPEN SPACE DEBT SERVICE	108,349.99	
	PO 9493 2013B DEBT SERVICE	66,675.00	416,574.94
1387 - VERIZON	PO 9433 POLICE SEPT 2021	309.09	
	PO 9434 POLICE AUG 2021	304.09	613.18
1388 - VERIZON WIRELESS	PO 9489 FAS WIRELESS - 09/24-10/23/21	70.02	
	PO 9529 POLICE WIRELESS - 09/27-10/26/21	687.67	757.69
DOG TRUST FUND			
1445 - Monmouth County SPCA	PO 9419 AUG 2021 - ANIMAL CONTROL SERVICES	458.15	458.15
1367 - TREASURER:STATE OF NJ HEALTH	PO 9532 STATE MONTHLY DOG REPORT September 2021	2.40	2.40
OPEN SPACE TRUST			
1164 - KEMPTON FLAGS LLC	PO 9369 FLAGS FOR 911 MEMORIAL	74.75	74.75
1310 - RYSER'S LANDSCAPE SUPPLY INC	PO 9368 MATERIAL FOR 911 MEMORIAL	453.19	
	PO 9372 MULCH FOR BLACKBERRY BAY PARK	43.50	496.69
1617 - UNITED SITE SERVICES	PO 8434 MARIA GATTA PARK - 05/12-06/08/21	311.20	
	PO 8830 MARIA GATTA PARK - 06/09-07/06/21	311.20	
	PO 8909 MARIA GATTA PARK - 07/07-08/03/21	311.20	
	PO 9102 MARIA GATTA PARK - AUGUST 2021	311.20	
	PO 9342 MARIA GATTA PARK - 09/01-28/21	311.20	1,556.00
1380 - US BANK OPERATIONS CENTER	PO 9492 2014 BOND/OPEN SPACE DEBT SERVICE	45,625.00	45,625.00
OTHER TRUST			
1434 - Jersey Printing Associates, Inc.	PO 9351 GALA TICKETS	89.00	
	PO 9426 CENTENIAL GALA INVITE PACKAGES	100.00	189.00
DEVELOPERS ESCROW TRUST			
1807 - COLLIERS ENGINEERING & DESIGN	PO 9172 CO INSPECTION - CATALOG #7764520001	125.00	125.00
1877 - DIANA SANCHEZ	PO 9533 ESCROW REFUND	406.01	406.01
1579 - ENGenuity Infrastructure, LLC	PO 9520 PB Engineering - Oport Partners LLC - PH	3,741.25	
	PO 9521 PB Engineering - Oport Partners LLC - PH	2,143.75	
	PO 9522 PB Engineering - Oport Partners LLC	722.50	6,607.50
TOTAL			527,004.27

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	471,463.77
01-113-04-000-026	TAX SALE PREMIUMS			1,600.00	
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	3,544.85			
01-201-20-120-200	MUNICIPAL CLERK OE	3,456.73			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	1,359.50			
01-201-20-150-200	ASSESSMENT OF TAXES OE	3,000.00			
01-201-20-155-200	LEGAL SERVICES OE	7,646.00			
01-201-25-240-200	POLICE OE	3,011.76			
01-201-25-240-300	POLICE EQUIPMENT	3,027.09			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	157.32			
01-201-25-255-200	FIRE HYDRANT SERVICE OE	7,172.99			

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-25-260-200	FIRST AID ORGANIZATION OE	1,445.15			
01-201-25-265-200	FIRE DEPARTMENT OE	1,414.00			
01-201-25-265-209	REPAIRS & MAINTENANCE	450.81			
01-201-25-265-400	FIRE BUREAU OE	107.01			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	838.89			
01-201-26-300-271	REPAIRS	2,056.87			
01-201-26-300-272	TIRES	632.84			
01-201-26-300-273	SUPPLIES	1,316.51			
01-201-26-300-277	BITUMINOUS CONCRETE	47.12			
01-201-26-300-281	UNIFORM RENTAL	254.46			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	2,719.95			
01-201-26-310-252	REPAIRS & EQUIPMENT	3,974.45			
01-201-28-371-200	PARKS AND PLAYGROUNDS OE	1,617.11			
01-201-31-430-201	ELECTRICITY	369.04			
01-201-31-430-203	TELEPHONE/INTERNET	1,739.33			
01-201-31-430-204	WATER/SEWER	1,003.94			
01-201-31-430-207	STREET LIGHTING	582.55			
01-201-31-430-208	GASOLINE & OIL	416.45			
01-201-43-490-200	MUNICIPAL COURT OE	100.00			
01-201-45-920-200	DEBT SERVICE OE	415,624.94			
01-214-55-000-003	DUE 3RD PARTY LIEN HOLDERS			601.11	
01-218-55-000-028	DUE STATE-MARRIAGE LICENSES			175.00	

TOTALS FOR	Current Fund	469,087.66	0.00	2,376.11	471,463.77
		=====	=====	=====	=====

05-101-00-100-011	CASH - TD			0.00	460.55
05-161-00-500-040	DUE TO STATE OF NJ			2.40	
05-270-00-500-020	RESERVE FOR EXPENDITURES			458.15	

TOTALS FOR	DOG TRUST FUND	0.00	0.00	460.55	460.55
		=====	=====	=====	=====

06-101-01-100-011	OPEN SPACE CASH - TD			0.00	47,752.44
06-270-00-500-020	RESERVE FOR OPEN SPACE			47,752.44	

TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	47,752.44	47,752.44
		=====	=====	=====	=====

60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	189.00
60-270-55-600-136	RES FOR CENTENNIAL CELEBRATION			189.00	

TOTALS FOR	OTHER TRUST	0.00	0.00	189.00	189.00
		=====	=====	=====	=====

61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	7,138.51
61-270-55-600-205	RES.FOR DEV.ESCROW			7,138.51	

TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	7,138.51	7,138.51
		=====	=====	=====	=====

Total to be paid from Fund 01 Current Fund	471,463.77
Total to be paid from Fund 05 DOG TRUST FUND	460.55
Total to be paid from Fund 06 OPEN SPACE TRUST	47,752.44
Total to be paid from Fund 60 OTHER TRUST	189.00
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	7,138.51
	=====
	527,004.27

9.1.c

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE APPROVAL AND ISSUANCE OF LIQUOR LICENSE FOR 2021-2022 AND
AUTHORIZING THE MUNICIPAL CLERK TO ISSUE 2021-2022 LIQUOR LICENSE TO LOFT
LIQUORS, LLC WHICH HAS MET ALL STATE AND BOROUGH REQUIREMENTS AND HAVE
PAID ALL APPROPRIATE FEES**

**Resolution #2021-207
10/21/21**

WHEREAS, Park Loft Liquors LLC was awarded the sale of the Fort Monmouth Special Plenary Retail Consumption Liquor License for the Dance Hall parcel redevelopment; and

WHEREAS, Park Loft Liquors LLC has published the required notice in accordance with law and has paid the appropriate State and Borough fees; and

WHEREAS, no objections to issuance of this license have been filed; and

WHEREAS, the proper Borough and State fees have been paid by all applicants,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of the Oceanport that the following license is authorized to be issued the year commencing July 1, 2021 and expiring June 30, 2022:

LICENSE #	TYPE	LICENSE NAME/TRADE NAME
1338-33- TBD	Plenary Retail Consumption	Park Loft Liquors LLC

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to issue 2021-2022 liquor license to the above-named licensee subject to compliance with the condition(s) named therein.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF
MONMOUTH AND THE BOROUGH OF OCEANPORT FOR BALLOT DROP BOX SECURITY
CAMERA**

**Resolution #2021-208
10/21/21**

WHEREAS, pursuant with P.L. 2020, c. 72, the Borough of Oceanport is required to locate a ballot drop box within its boundaries that is secured by video surveillance 24 hours per day, 7 days per week; and

WHEREAS, the law provided for the Elections 2021 Grant to fund activities consistent with its implementation; and

WHEREAS, the Borough has determined that the best location for said ballot drop box is at its municipal complex and has installed the appropriate security camera that meets the requirements of the law; and

WHEREAS, the grant funds are distributed to the County and the Borough has submitted a reimbursement request for the work performed; and

WHEREAS, the County has prepared a Memorandum of Understanding concerning their application on behalf of the Borough for reimbursement of expended funds pursuant to the Grant Program,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Oceanport that the Mayor and Borough Clerk are hereby authorized to execute the Memorandum of Understanding for the Ballot Drop Box Security Camera with the County of Monmouth.

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE COUNTY OF MONMOUTH AND THE BOROUGH OF OCEANPORT**

This Memorandum of Understanding is entered into on this _____ day of _____, 2021, by and between the County of Monmouth (hereinafter referred to as the “County”) and the Borough of Oceanport (hereinafter referred to as “Municipality”).

WHEREAS, the State of New Jersey has put an emphasis on ballot drop boxes being made available for voters to cast their completed mail-in ballot; and

WHEREAS, PL2020, c.72 provides that a ballot drop box must be located at any municipal government building which is the main municipal office in a Municipality with a population larger than 5,000 residents; and

WHEREAS, the ballot drop box must be placed at a location equipped with security cameras that allow for video surveillance of the ballot drop box 24 hours per day, 7 days per week; and

WHEREAS, a video surveillance system is required and can include existing systems on common municipal or private buildings; and

WHEREAS, the video system must be capable to capture and store video for the full time the ballot drop boxes are open to receive ballots during an election; and

WHEREAS, these videos are considered an election record, and must be retained, at a minimum, until the period to challenge the election results have passed; and

WHEREAS, the easiest way to provide the video surveillance is to position a ballot drop box within view of an existing video surveillance system; and

WHEREAS, if a Municipality needs to install a video surveillance system, that Municipality is to work to determine whether or not there are similar systems used throughout the Municipality or county; and

WHEREAS, the Elections 2021 Grant (“Grant”) has been created to fund activities consistent with the laws described in Section 906 of HAVA; and

WHEREAS, under this Grant, funds shall not be used in a manner which is inconsistent with the requirements of Title III of HAVA; and

WHEREAS, the funds available under the Grant are to be distributed to the Counties based on their Grant application and availability of funds; and

WHEREAS, Counties must follow the Federal Regulations to CFR 200.318 to 200.326 and to CFR 200, Appendix A, to procure items for which they seek reimbursement; and

WHEREAS, Applications for reimbursement can be submitted on a rolling basis as the funds are expended; and

WHEREAS, under the Grant, funds can be used for the purchase and installation of security cameras and video surveillance for ballot drop boxes pursuant to PL 2020, c.72; and

WHEREAS, the Borough of Oceanport has a population in excess of 5,000 residents; and

WHEREAS, pursuant to applicable law, the Borough of Oceanport is required to place a ballot drop box on its municipal property; and

WHEREAS, the Borough of Oceanport is required to provide video surveillance of said drop box pursuant to applicable law; and

WHEREAS, the Borough of Oceanport seeks to procure security cameras and video surveillance system, as well as storage sufficient to capture and store video for said ballot drop box while it is open to receive ballots during the election; and

WHEREAS, the Borough of Oceanport seeks to have the capacity to store that video at a minimum, until the period to challenge the election results has passed; and

WHEREAS, the Borough of Oceanport and/or the County seeks to be reimbursed for the costs associated with the video security surveillance system related to the ballot drop box; and

WHEREAS, the County, pursuant to the Grant, seeks to submit a Grant Application; and

NOW, THEREFORE, in consideration of the foregoing recitals, the County and the Borough of Oceanport agrees as follows:

I. Responsibilities/Acknowledgement of the Parties

A. To the extent applicable, the County agrees to advance the costs necessary to procure the video security surveillance system required in connection with PL 2020, c.72. This includes, but is not limited to, security cameras and a video storage system. The County will submit a Grant application for the costs incurred under the Grant Program for procurement of that equipment and video storage system.

B. In the event that the Borough of Oceanport has already purchased the equipment and video storage system, the Borough of Oceanport will provide the County with all documents associated with said procurement. The County will then submit an Application for reimbursement of the funds expended by the Municipality on behalf of that Municipality pursuant to the Grant Program.

C. The Borough of Oceanport agrees to service and maintain the camera system and video storage system by a separate service contract with their respective third-party contractors throughout the duration of this MOU.

II. Cooperation by the Parties/Access to Data

A. The video system installed by the Municipality shall be robust enough to capture and store video for the full time the ballot drop box is open to receive ballots during an election.

These videos are considered an election record, and must be retained, at a minimum, until the period to challenge the election results has passed. The Municipality shall not destroy of and/or dispose of the video recorded during the election without the written consent of County.

B. The Municipality will cooperate with the County and will make video surveillance available to the County upon written request.

III. Inspection of Equipment. Upon advance written notice, the County shall have the right to inspect the security cameras of video storage system of the Borough of Oceanport to ensure its functionality.

IV. Notices. All notices that are provided pursuant to this MOU shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:

To the County:

Office of Monmouth County Counsel
Michael Fitzgerald, Esq.
Hall of Records, Room 236
One East Main Street
Freehold, NJ 07728
Phone: 732-683-8640
Fax: 732-431-0437
Email: michael.fitzgerald@co.monmouth.nj.us

To the Borough:

Borough of Oceanport
Jeanne Smith, Borough Clerk
910 Oceanport Way, PO Box 370
Oceanport, NJ 07757
Phone: 732-222-8221
Fax: 732-222-0904
Email: jsmith@oceanportboro.com

Or to such other address or individual as any party may from time to time notify the other.

V. Indemnification. The Municipality will indemnify and hold the County harmless from and against any losses, damage, claims, actions, liability and expense, in contract or in tort,

in connection with the loss of life, bodily injury, and/or property damage, including the provisions of a defense, hereafter arising from the procurement of the equipment and software.

VI. Authority to Bind. By signing this agreement, representatives from both the County and Municipality have enacted all necessary ordinances, resolutions and/or other acts necessary to affect the lawful implementation of this agreement, and that they are authorized to sign this agreement on behalf of the Municipality and County respectively.

VII. Severability. Should any one or more of the provisions of this agreement be determined by a court of law to be null and void or otherwise unenforceable, all remaining provisions of this Agreement will continue to have full force and effect.

VIII. Risk of Loss. The Municipality shall bear risk of loss or damage to any equipment and/or software procured in connection with this Agreement.

IX. Modification. The Municipality or County from time to time may request changes to the terms of this agreement. Such changes shall be valid only if incorporated as a written amendment to this agreement.

X. Entire Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the equipment procured, and this Agreement shall contain all of the covenants and agreements between the parties with respect to this Agreement. The parties agree that no oral representations or written representations, other than contained herein, relied on by the parties, or from additional terms of this Agreement.

XI. Governing Law/Compliance with Law. The MOU shall be governed, interpreted and construed in accordance with the laws of the State of New Jersey. Venue for any cause of action which may arise out of or be connected with this MOU shall be in Monmouth County, NJ unless changed by mutual agreement by the Parties.

XII. Execution in Counterparts. This MOU may be fully executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one agreement binding upon all parties, notwithstanding that all parties have not signed the same counterpart. Such executions may be transmitted to the parties electronically or by facsimile, and such electronic or facsimile execution shall have the same force and effect as an original signature.

IN WITNESS WHEREOF, each party has caused this Agreement to be executed by its duly authorized officers or representatives as the date first written above and on behalf of Monmouth County.

ATTEST OR WITNESS:

COUNTY OF MONMOUTH

Teri O'Connor
Monmouth County Administrator

ATTEST OR WITNESS:

BOROUGH OF OCEANPORT

Jeanne Smith, RMC
Borough Clerk

John F. Coffey, II
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A SPECIAL EVENTS PERMIT TO BE ISSUED TO LOUIS CHESTMAN FOR THE
RESIDENTS OF ONEIDA AVE BLOCK PARTY TO BE HELD OCTOBER 30, 2021 WITHIN THE
BOROUGH OF OCEANPORT**

**Resolution #2021-209
10/21/21**

WHEREAS, Resident Louis Chestman made application for a Special Events Permit to hold a block party for the residents of Oneida Ave that will impact portions of Borough roadways; and

WHEREAS, as required by ordinance the Police Department has reviewed the application and have recommended that the application be approved and the fee be waived.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the Borough Clerk is hereby authorized to issue a Special Events Permit to Louis Chestman and the Residents of Oneida Ave for their October 30, 2021 Block Party in accordance with the application made and recommendation by the Traffic Safety Unit and that the fee is hereby waived. .

BOROUGH OF OCEANPORT

Michael P. Kelly
Chief of Police

Michael S. Chenoweth
Captain

Michael R. Fagliarone
Lieutenant



POLICE DEPARTMENT

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

732.222.6300

Main

732.222.6301 ext 1015

Records

732.222.0945

Fax

To: Mayor Jay Coffey, Borough Administrator Donna Phelps, and Borough Clerk Jeanne Smith,
Councilman Brian Keeshen

CC: Capt. Michael Chenoweth, Sgt. Greg Lauretta, Traffic Safety

From: Chief Michael P. Kelly, Oceanport Police Department

Date: September 17, 2021

Re: Special Permit Application-Oneida Ave Block Party-Saturday, October 30, 2021

As per Borough Code 326-3, I have reviewed the Special Event Permit Application for the Oneida Ave Block party to be held on Saturday, October 30th, 2021 from 3pm to 10pm.

The event is for residents on Oneida Ave and surrounding streets to hold a block party during the day/dates listed. The roadway will be blocked off for thru traffic by utilizing police barricades and cones supplied by the police department to the residents. The organizer was advised that there shall be no placement of fixed objects such as stands, ramps, or vehicles blocking the roadway. Emergency access will be allowed for emergency vehicles and those residents wishing to travel to and from their homes on the closed off roadway. All the residents on the street have been notified by the organizer.

I am recommending that the Mayor and Council approve the Special Permit application.

The same traffic and security plan will be forwarded to the organizers and officers will periodically check on the closure and block party during their shifts on the listed day/date. We will make the necessary changes to the traffic and security plan for the proposed route changes. The organizer was also advised to make notifications to all the residents on the closed street of the roadway closure as well as the time of the closure.

Notifications of the event, road closures, and detours will be made to the residents and motoring public.

I will notify your office of any changes concerning the event.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE CANCELLATION OF CAPITAL GRANT BALANCES**

**Resolution #2021-210
10/21/21**

WHEREAS, the Borough of Oceanport has received numerous capital grants over the years to defray the cost of certain projects; and

WHEREAS, the requirements of several capital grants have been carried out and receivable balances and reserve balances still remain; and

WHEREAS, sound accounting practices dictate the Chief Financial Officer review and recommend the disposition of inactive account balances prior to year-end; and

WHEREAS, the Chief Financial Officer recommends the following balances in the capital fund be hereby canceled:

<u>GRANT NAME</u>	<u>GRANT RECEIVABLE</u>	<u>IMPROVEMENT AUTHORIZATIONS</u>
ORD #792 - COUNTY OLD WHARF	\$ 11,000.00	\$ 9,704.00
ORD #823 - COUNTY STREET SIGNAGE	\$ 4,000.00	\$ 1,919.69
	\$ 15,000.00	\$ 11,623.69

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Oceanport that the adjustments are hereby made.

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Borough Chief Financial Officer.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE CANCELLATION OF CAPITAL IMPROVEMENT AUTHORIZATIONS**

**Resolution #2021-211
10/21/21**

WHEREAS, The Borough Council of the Borough of Oceanport, in the County of Monmouth, New Jersey (the "Borough") has heretofore finally adopted Capital Ordinance #903 which included improvements to Borough Buildings, and

WHEREAS, the improvements were to be funded by a grant from Monmouth County,

WHEREAS, the requirements of the grant have been carried out and the grant has been closed, and

WHEREAS, there remains an improvement authorization balance in the amount of \$39,412.31.

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Oceanport that the balance of the appropriation in the amount of \$39,412.31 be canceled.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE CANCELLATION OF GRANT APPROPRIATION RESERVES AGAINST
GRANTS RECEIVABLE**

**Resolution #2021-212
10/21/21**

WHEREAS, there exists various Grant Receivables and Grant Reserves on the balance sheet; and

WHEREAS, the requirements of the grants have been carried out and it is necessary to formally cancel the receivable balances and if applicable, their offsetting appropriation balances from the balance sheet; and

WHEREAS, the Chief Financial Officer recommends the following balances in the grant fund be hereby canceled:

<u>Grant Name</u>	<u>Grant Receivable</u>	<u>Grants Appropriated</u>
DHS - Emergency Management Grant	\$ 9,615.00	\$ 23,400.00
NJ FRAMES	\$37,620.00	\$ 37,620.00
DCA Zoning Enforcement Grant	\$128,714.00	\$128,714.00
Monmouth County ADA	\$ 40,159.85	\$ 16.00
	\$216,108.85	\$189,750.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that the adjustments are hereby made.

BE IT FURTHER RESOLVED that a copy of this resolution be filed with the Borough Chief Financial Officer.

**RESOLUTION OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY AUTHORIZING THE BOROUGH OF OCEANPORT TO EXECUTE OF AN
APPLICATION FOR MEMBERSHIP IN THE KEYSTONE PURCHASING NETWORK**

**Resolution #2021-213
10/21/21**

WHEREAS, the Borough of Oceanport has the opportunity to utilize cooperative purchasing to obtain discount pricing; and

WHEREAS, the Keystone Purchasing Network (KPN) is a political subdivision of the State of Pennsylvania which operates a cooperative purchasing program available to municipalities, counties, state agencies, councils of government, school districts, and other types of governments if allowed by state law; and

WHEREAS, with the adoption of the New Jersey Public Law 2011, Chapter 139, the State of New Jersey has authorized municipalities and other units of local government to utilize national cooperative purchasing programs; and

WHEREAS, the State of New Jersey has issued two (2) Local Finance Bulletins to provide guidance to municipalities and units of local government on the procedures to effectively utilize national cooperative purchasing programs; and

WHEREAS, the Qualified Purchasing Agent, utilizing the New Jersey Local Finance Bulletins and documentation received from the KPN, has verified that the KPN is a valid actual cooperative purchasing program as defined for use by P.L. 2011, Chapter 139 and that advertised competitive sealed bidding is utilized by KPN for its procurement which satisfies requirements in the Local Finance Bulletins; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Oceanport in the County of Monmouth, State of New Jersey, that an application to utilize the Keystone Purchasing Network as defined and regulated by New Jersey is hereby authorized and that the Mayor is authorized to sign the interlocal contract.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PURCHASE OF GARBAGE TRUCK FROM THE BOROUGH OF SHREWSBURY**

**Resolution #2021-214
10/21/21**

WHEREAS, the Borough of Shrewsbury has a Packer Garbage Truck that is used for solid waste collection that it no longer needed for operation by the Borough; and

WHEREAS, the Borough of Shrewsbury has offered the aforementioned vehicle to the Borough of Oceanport for the sum of Ten thousand dollars (\$10,000); and

WHEREAS, the Borough of Oceanport needs such equipment for the purpose of brush and leaf collection; and

WHEREAS, funds are available in the operating account as evidenced by the Chief Financial Officer's certification;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that authorization is hereby given for the purchase of a Packer Garbage Truck from the Borough of Shrewsbury for brush and leaf collection at a cost of Ten thousand dollars (\$10,000).

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, certify that there are sufficient uncommitted funds available in Account #01-201-26-310-254 in the amount of \$10,000.00 for the stated purpose.



Catherine D. LaPorta, CFO

APPROVED
MINUTES OF THE OCEANPORT HISTORICAL COMMITTEE MEETING
HELD 08/12/21

The Oceanport Historical Committee met on Thursday, August 12, 2021. We met at the Blackberry Bay Pavilion at 7:00 p.m. using social distancing protocols, and we wrapped things up around 9:00 p.m. The Committee planned and executed efforts to celebrate the Borough's Centennial, which occurred in 2020. It will plan and execute some of the celebratory efforts in 2021 that were delayed due to the Covid-19 pandemic and will continue to promote a better understanding of the Borough's history.

In attendance were:

Frank Barricelli
 Tom Cavanagh
 Robin Kelly
 Rosanne Letson
 Paula Lombardo
 Mike MacStudy
 Barbara Sheppard
 Ric Siciliano

(Note: If I omitted your name from the attendance for this meeting, please let me know.)

Our Agenda for this meeting was as follows:

- Sign-in sheet
- Introduction of new members and guests
- Review/approve previous month's minutes
- Review financial status
- Review action items from previous meeting
- Discuss Summer's End Festival
- Discuss plan for Gala
- Update on school support – coloring book, gift in memory of Nadine Jeffrey, time capsule
- Review status of inputs to history book
- Other items and open discussion
- Verify new action items and adjourn

We had no new members or guests.

We voted to approve the Minutes from the June 24th meeting. Rosanne will prepare them in final form and submit them to Jeanne Smith at the Borough. The July 22nd meeting was not conducted as there were not enough people, and it was carried to August 12th.

Toni wasn't at the meeting, but let Rosanne know in advance that our balance was \$26,495.95. Robin texted Mayor Coffey about the Borough's ability to accept online payments, and he told her that they had the ability to accept credit card payments online.

Action Items from 06/24/21 meeting

1. Rosanne will prepare the May 27th minutes in final form and submit them to Jeanne Smith.
2. Tom will do a short write-up about James Slattery for the book.
3. We will continue to work on the articles for the book.
4. Paula will ask Toni for a check for \$100 to make a donation to the car club.
5. Robin will contact Barbara, Toni, and Ric, and they will meet with the new caterer at Monmouth Park about the Gala.
6. Frank will email Rosanne the article he prepared on Eatontown Boulevard, and she will distribute it to all committee members for review and comment.
7. Rosanne will try to figure out how to shut down the Oceanport Historical Committee Facebook page.
8. Our next meeting is a Book Committee meeting on Thursday, July 8th, 7:00 p.m., Blackberry Bay, masks optional for those who have been fully vaccinated against Covid-19.
9. Our next regular meeting is Thursday, July 22nd, 7:00 p.m., Blackberry Bay.

1. Done.
2. Tom will email the short write-up to Rosanne and/or Frank.
3. We are continuing to work on articles for the book and on editing the most recent draft copy of it.
4. We talked about this, and discussed that the Historical Committee donated amongst ourselves two years ago \$100 to the classic car club. It was decided that we should approach Council about making a donation. Rosanne will reach out to Councilman Bill Deerin about this.
5. Done.
6. Done.
7. Rosanne is copying the photos on the Oceanport Historical Committee Facebook page that is not administered by the Oceanport Historical Committee and will then attempt to have the page deactivated. Ric said that the page is still active with active posts going out to other historical societies.
8. Done.
9. Done.

Summer's End Festival

We discussed the Summer's End Festival (September 11th), and Mike will try to reserve us a table. He will let us know if we have to bring our own tables. We contacted Toni, and she will look into having approximately 100 magnets printed up for us to sell. Frank will bring the easels with the photos he hasn't brought over to the new Borough Hall. Rosanne will bring candy to hand out. Toni does have youth sweatshirts and copies of *Oceanport in Retrospect* that we will sell. Frank, Rosanne, and Paula committed to be there, and Robin is a maybe.

Plan for Gala

The Gala will be Saturday, October 16, 2021. We decided on red carpet at 5:30, cocktail hour from 6:00 to 7:00 p.m., 7:00 to 7:30 welcome Mayor Coffey and blessing, 7:30 to 9:30 dinner buffet, and 9:30 to 11:00 coffee, cake, dancing, and mingling. Ric, Paula, and Robin have chosen the menu. There was a \$1500 charge initially to rent the venue, but Monmouth Park is giving that to us free of charge.

Open bar is \$35 per person for a 5-hour event, but drops to \$27 per person for a 4-hour event. Paula said the cost of the cocktail hour would drop from \$27 per person to \$15 per person if we limit the cocktail hour to one hour only. We discussed having open bar only for an hour or two, we discussed a cash bar for part of the event, but we decided by a vote to go with open bar for 4 hours, not 5 – no alcohol sold for the final hour of the event. We have the capacity for 200 guests. The buffet will cost \$35 a person, for a total of \$7000 for the buffet only. The buffet will have individual servers at each station. There will be 10-12 high tables set up during the cocktail hour.

Mike talked about a red carpet to begin at 5:30. We will have a step and repeat made up with the names of our sponsors on it. Ric will check on the cost for the step and repeat.

Barbara will ask Russ Meseroll about being our photographer for the event as someone we had in mind previously is no longer available. Mike will talk to Michael McElroy about being a photographer also. Ric offered to price out a photographer/videographer.

Robin suggested that we reach out to the Shore Regional Interact Club for some high school student volunteers to guide people in from their cars to the Turf Room and to help with the coat room.

We can set up the decorations the night before. The decorations, except for feathers, were purchased already for last year's date. We are going with semi-formal or costume for a Roaring '20's theme.

We decided against doing a 50/50, and we decided against multiple gift baskets. Rosanne has enough Oceanport-themed gifts (her donation to the Gala) and we will try to obtain some gift certificates from Oceanport businesses to put in the basket. The basket will be a door prize – just one.

Robin is securing a DJ, and this will be her donation to the Gala.

We can provide Monmouth Park with thumb drive to play during the Gala.

We had wanted to keep the ticket price at \$100, but we don't think we can. We decided upon \$125 per person, and at that rate, we are just covering our costs. Mike will work on designing a ticket. We'd like to start selling tickets as soon as possible. Tom mentioned the dignitaries who normally attend this type of events, but we felt we don't have enough tickets to spare and we'd

rather have Oceanport residents attend. (NOTE: The price per ticket was reduced to \$115.00 at a subsequent meeting.)

Update on school support.

We had no update. We agreed to carry discussion on the gift in memory of Nadine and the time capsule to the next meeting.

Review status of inputs to history book

We discussed that we are not sure about a recent price for the book. Frank said that members of Council requested that we have a certain number of books printed up with hard covers. We continue to work on the articles that are outstanding, and we are continuously editing the most recent draft copies provided by Pat. Frank is working on finishing up the section on Port-au-Peck.

Other items and open discussion

We discussed that we should sponsor a historical costume contest again this year if the Rec Committee is able to have a Halloween celebration.

We also discussed that we would not have a Holiday Home Tour this year due to Covid-19 and the Delta variant.

We adjourned at approximately 9:00 p.m.

Action Items for the next meeting:

1. Rosanne will prepare and submit the Minutes from the June 24th meeting to Jeanne Smith in final form.
2. Tom will prepare a short write-up on James Slattery and email it to Rosanne and/or Frank.
3. We will continue to work on the articles for the book.
4. Rosanne will reach out to Councilman Bill Deerin about having Council make a donation to the classic car club for their participation in the Memorial Day Parade.
5. Robin will contact Barbara, Toni, and Ric, and they will meet with the new caterer at Monmouth Park about the Gala.
6. Frank will email Rosanne the article he prepared on Eatontown Boulevard, and she will distribute it to all committee members for review and comment.
7. Rosanne will copy the photos used on the Oceanport Historical Committee Facebook page, and will try to figure out how to shut it down.
8. Mike will reserve us a table for Summer's End, Frank will put together the photos, maps, and easels he has, Rosanne will purchase candy, and Toni will order 100 car magnets for us to sell and will provide us with the youth sweatshirts and copies of *Oceanport in Retrospect* she has.
9. Mike will work on designing tickets for the Gala, Rosanne will put together the items she has for a door prize, Robin will finalize with Monmouth Park, Ric will check on the cost for a step

and repeat, Barb, Mike, and Ric will reach out to photographers and Ric will reach out to a videographer, and Robin will secure the DJ.

10. We will continue to work on preparing articles for the book and editing the draft copies.

11. Our next meeting is a Book Committee meeting on Thursday, August 26th, 7:00 p.m., Blackberry Bay, masks optional for those who have been fully vaccinated against Covid-19.

12. Our next regular meeting is Thursday, September 9th 7:00 p.m., Blackberry Bay.

APPROVED
MINUTES OF THE OCEANPORT HISTORICAL COMMITTEE MEETING
HELD 09/09/21

The Oceanport Historical Committee met on Thursday, September 9, 2021. We met at the Blackberry Bay Pavilion at 7:00 p.m. using social distancing protocols, and we wrapped things up around 8:30 p.m. The Committee planned and executed efforts to celebrate the Borough's Centennial, which occurred in 2020. It will plan and execute some of the celebratory efforts in 2021 that were delayed due to the Covid-19 pandemic and will continue to promote a better understanding of the Borough's history.

In attendance were:

Frank Barricelli
 John Bonforte
 Tom Cavanagh
 Rosanne Letson
 Mike MacStudy
 Ric Siciliano

(Note: If I omitted your name from the attendance for this meeting, please let me know.)

Our Agenda for this meeting was as follows:

- Sign-in sheet
- Introduction of new members and guests
- Review/approve previous month's minutes
- Review financial status
- Review action items from previous meeting
- Discuss plan for Gala
- Update on school support – coloring book, gift in memory of Nadine Jeffrey, time capsule
- Review status of inputs to history book
- Other items and open discussion
- Verify new action items and adjourn

We had no new members or guests.

We voted to approve the Minutes from the August 12th meeting. Rosanne will prepare them in final form and submit them to Jeanne Smith at the Borough.

Toni wasn't at the meeting, but Rosanne reached out to her after the meeting. The balance is still \$26,495.95.

Action Items from 08/12/21 meeting

1. Rosanne will prepare the June 24th minutes in final form and submit them to Jeanne Smith.
2. Tom will prepare a short write-up about James Slattery email it to Rosanne and/or Frank.
3. We will continue to work on the articles for the book.
4. Rosanne will reach out to Councilman Bill Deerin about having Council make a donation to the classic car club for their participation in the Memorial Day Parade.
5. Robin will contact Barbara, Toni, and Ric, and they will meet with the new caterer at Monmouth Park about the Gala.
6. Frank will email Rosanne the article he prepared on Eatontown Boulevard, and she will distribute it to all committee members for review and comment.
7. Rosanne will copy the photos used on the Oceanport Historical Committee Facebook page, and will try to figure out how to shut it down.
8. Mike will reserve us a table for Summer's End, Frank will put together the photos, maps, and easels he has, Rosanne will purchase candy, and Toni will order 100 car magnets for us to sell and will provide us with the youth sweatshirts and copies of *Oceanport in Retrospect* she has.
9. Mike will work on designing tickets for the Gala, Rosanne will put together the items she has for a door prize, Robin will finalize with Monmouth Park, Ric will check on the cost for a step and repeat, Barb, Mike, and Ric will reach out to photographers and Ric will reach out to a videographer, and Robin will secure the DJ.

1. Done.
2. Done.
3. We are continuing to work on articles for the book.
4. Rosanne reached out to Councilman Deerin. Council is unable to give money as a donation, just as the Historical Committee was unable to do. We would have to present an invoice for payment, which we cannot do with a donation. After a brief discussion, Frank volunteered to make a \$100.00 donation on behalf of the Historical Committee himself to the classic car group. Rosanne gave him the address, which she had gotten from Paula.
5. Done.
6. Done.
7. The photos have all been copied. Rosanne found that she was removed as an administrator of the page shortly after the last meeting, so she will be unable to shut the page down.
8. Because only Frank and Rosanne could commit to manning the table at Summer's End, it was decided that the Historical Committee would not have a table at Summer's End this year. Toni did order the magnets, which she has. We will ask her to attempt to sell them using Facebook.
9. At the time of the meeting, Mike was working on the tickets, and Toni was subsequently provided with a copy to give to Pat Pfleger. Pat printed them up the weekend after the meeting. Rosanne brought the items she has for the door prize/basket to the last Book Committee meeting as the Gala was discussed at the beginning of that meeting. She needs to get a basket for everything. At the time of the meeting, Robin was out of town, but was working with Monmouth Park and with Borough Hall to have all final questions answered, especially regarding the tax exempt status of the Borough. Ric was working with Renatta Kirk about the step and repeat at the time of the meeting, and he gave Rosanne a copy of a draft showing all sponsor logos, including Monmouth Park (attached). Barb was not present to tell us about her success in speaking with a photographer (Russ Meseroll). Mike spoke to Michael McElroy, who

needed more information from us about what we were looking for him to do. Michael McElroy is available for the date of the Gala. We discussed having photos taken on the red carpet/in front of the step and repeat, and at least through the cocktail hour. John suggested the Committee use a GoPro camera that he has and take the photos ourselves and distribute them to attendees in order to save on cost. Rosanne explained that the Committee's numbers had dwindled, and that we just didn't have the staff to do that. We decided that the Committee would cover the cost of the photographer for however long we decided to have one present.

Plan for Gala

John brought up a good question when he asked about seating for the Gala. We discussed that if people wanted to sit together, they needed to let us know at the time of the purchase of tickets. We will come up with some type of table marker for tables that are reserved in full or in part.

Mike will emcee the evening, and will announce the sponsors.

We will need a minister or someone to say some type of blessing over the event as Pastor Deerin is not available.

Pat Pflieger is printing up the tickets for us, and will provide us with an invoice. Note: after the meeting, Toni let us know that the tickets were done. The plan was to offer them for sale beginning Monday, September 13th.

Rosanne will talk to Mayor Coffey again about valet parking for the event. Mike noted that simulcasting clientele enters through the Clubhouse entrance in Monmouth Park's off season, so we will have to contend with that. Note: after the meeting, Rosanne spoke with Mayor Coffey and he was going to be seeing Dennis Drazin over the weekend after the meeting and said he would speak with him and get back to Rosanne about it.

Rosanne will ask Jeanne to post about the Gala on the Borough's website and on the Borough's Facebook page once the tickets are ready and we are ready to open sales.

We discussed that we needed to have masks on hand to distribute.

We talked about the invitations for sponsors. We need 10 of them. Rosanne suggested asking Toni to ask Pat if she could do them, as she's printing the tickets. Note: after the meeting, Rosanne reached out to Toni who reached out to Pat, and she will do the invitations for us and provide an invoice.

Rosanne will post about the Gala and tickets for same beginning Monday, September 13th on the Oceanport Centennial Facebook page and the Oceanport Residents Facebook page.

Update on school support.

We had no update. We agreed to carry discussion on the gift in memory of Nadine and the time capsule to the next meeting.

Review status of inputs to history book

Frank noted that he was working on finishing up the Port-au-Peck section. Rosanne asked if the Redevelopment section needed to be a property-by-property narrative, as the Eatontown Boulevard was done, and Frank said no, that she should just concentrate on the redevelopment of the area. She noted that she was very close to being done.

Other items and open discussion

Rosanne will reach out to Joanne Hunt from the Rec Committee about the Committee sponsoring a historical costume contest again this year if they are able to have a Halloween celebration.

We adjourned at approximately 8:30 p.m.

Action Items for the next meeting:

1. Rosanne will prepare and submit the Minutes from the August 12th meeting to Jeanne Smith in final form.
2. Frank will make a donation to the classic car club.
3. We will continue to work on the articles for the book.
4. Rosanne will ask Toni to sell the magnets she ordered using Facebook.
5. Rosanne will post about the Gala beginning Monday, September 13th, and Mike and Toni will sell the tickets.
6. Ric will have the step and repeat prepared.
7. Mike will speak to Michael McElroy again about taking photos.
8. Rosanne will follow up with Mayor Coffey about valet parking.
9. Rosanne will ask Jeanne to post about the Gala on the Borough's website and Facebook page.
10. Rosanne will reach out to Joanne Hunt from the Rec Committee about sponsoring a best historical costume contest.
11. Our next meeting is a Book Committee meeting on Thursday, September 23rd, 7:00 p.m., Blackberry Bay, masks optional for those who have been fully vaccinated against Covid-19.

APPROVED
MINUTES OF THE OCEANPORT HISTORICAL COMMITTEE MEETING
HELD 09/23/21

The Oceanport Historical Committee met on Thursday, September 23, 2021. We met at the Blackberry Bay Pavilion at 7:00 p.m. using social distancing protocols, and we wrapped things up around 8:30 p.m. The Committee planned and executed efforts to celebrate the Borough's Centennial, which occurred in 2020. It will plan and execute some of the celebratory efforts in 2021 that were delayed due to the Covid-19 pandemic and will continue to promote a better understanding of the Borough's history.

In attendance were:

Frank Barricelli
 Tom Cavanagh
 Robin Kelly
 Rosanne Letson
 Paula Lombardo
 Mike MacStudy
 Barbara Sheppard

(Note: If I omitted your name from the attendance for this meeting, please let me know.)

Our Agenda for this meeting was as follows:

- Sign-in sheet
- Introduction of new members and guests
- Review/approve previous month's minutes
- Review financial status
- Review action items from previous meeting
- Discuss plan for Gala
- Update on school support – coloring book, gift in memory of Nadine Jeffrey, time capsule
- Review status of inputs to history book
- Other items and open discussion
- Verify new action items and adjourn

We had no new members or guests.

We voted to approve the Minutes from the September 9th meeting. Rosanne will prepare them in final form and submit them to Jeanne Smith at the Borough.

Toni wasn't at the meeting, but Rosanne reached out to her after the meeting. The balance is \$4,038.15 "because of no deposits for ticket listed (\$7,015.00). She said that the full payment

for the Gala has been encumbered as of right now. When we have an exact number of tickets sold/people we have to pay for, it will be adjusted, as will our balance.

Action Items from 09/09/21 meeting

1. Rosanne will prepare the August 12th minutes in final form and submit them to Jeanne Smith.
2. Frank will make a donation to the classic car club.
3. We will continue to work on the articles for the book.
4. Rosanne will ask Toni to sell the magnets she ordered using Facebook.
5. Rosanne will post about the Gala beginning Monday, September 13th, and Mike and Toni will sell the tickets.
6. Ric will have the step and repeat prepared.
7. Mike will speak to Michael McElroy again about taking photos.
8. Rosanne will follow up with Mayor Coffey about valet parking.
9. Rosanne will ask Jeanne to post about the Gala on the Borough's website and Facebook page.
10. Rosanne will reach out to Joanne Hunt from the Rec Committee about sponsoring a best historical costume contest.
11. Our next meeting is a Book Committee meeting on Thursday, September 23rd at 7:00 p.m., Blackberry Bay, masks optional for those who have been fully vaccinated against Covid-19.

1. Done.
2. Done.
3. We are continuing to work on articles for the book.
4. Done.
5. Done.
6. Ric was not present at the meeting, so Rosanne will reach out to him to check on this. The status is _____.
7. Toni has a photographer who is willing to donate her time, so Mike will not follow up with Michael McElroy.
8. Mayor Coffey coincidentally called while the meeting was in progress, and said he would check on that again.
9. Done.
10. Rosanne had not had a chance to speak to Joanne Hunt, but she attended the Council meeting the week before this meeting and spoke to Councilman Bill Deerin, who is the Council liaison to the Rec Committee. He was unsure about a costume contest, so Rosanne will reach out to Joanne Hunt.
11. Our next meeting is a Book Committee meeting on October 14th, so we decided that we needed a meeting sooner than that. We decided to meet on Thursday, October 7th, and Rosanne will contact Jeanne Smith about the availability of the Blackberry Bay Pavilion that night.

Plan for Gala

We discussed having a program of some sort, and decided against it.

Rosanne will ask Mayor Coffey about having a chaplain give a blessing as Chaplain Deerin has stepped down.

Mike will thank our sponsors as part of what he says as emcee. Rosanne will send a list of the sponsors for Mike to thank at the Gala to him.

All committee members will check for photos to be used at the Gala on the video screens and get them to Rosanne.

For centerpieces, mirrors, candles, feathers, etc., were previously purchased to be used as centerpieces. Rosanne, Paula, Barbara and Robin will meet on Sunday, September 26th at 4:00 p.m. at Robin's house to put together a sample and see if anything else is needed.

We will do a 'dry run' at Monmouth Park to see what we need for the path from the Club House entrance up to the Turf Room in the way of path markers of some sort. Balloons were discussed, and Frank suggested using painters tape to just tack the balloons on the walls without having to get a helium tank. We could just use a balloon pump/air pump to blow them up and then stick them along the path for guests to follow. Robin will contact Shore Regional High School's Interact Service Club and see if we can get 6 students to assist with this and with taking tickets at the door if need be. They will be asked to wear black pants and white shirts, and we would need them from 5:15 to 7:30. We will need to prepare some type of certificate of some sort to sign off on and give them to take back to the club to get credit for their service.

We had previously discussed checking coats, but decided against it. There is a coatroom there, and people can be in charge of hanging up and retrieving their own coats/wraps.

We had discussed in the past recognizing Oceanport's oldest resident, etc., and what we decided on was that Mike can do that as emcee – ask for who has lived continuously in Oceanport since 1920, 1921, etc., and who was born in 1920, 1921, etc.

Frank recommended that we not order paper drink napkins, which was a suggestion. All agreed.

When ordering the two sheet cakes, Rosanne will use the 'Oceanport 100 years' jpeg that we used for the banners.

We need to ask Monmouth Park if they need a thumb drive or a memory card for the photos to be used.

Regarding the door prize, we decided to have people write their name on their ticket as they come in, and then we'll have Mike draw one ticket later in the evening for the winner of the door prize.

Rosanne will change our next meeting date to October 7th instead of October 14th with Jeanne Smith.

Update on school support.

We had no update. We agreed to carry discussion on the gift in memory of Nadine and the time capsule to the next meeting.

Review status of inputs to history book

We had no update on the status of inputs to the book as we are still working on it.

Other items and open discussion

We talked about offering another Christmas ornament for sale this year, and we decided upon a horse with a Christmas wreath around its neck. "Oceanport 2021" should be on the ornament.

We adjourned at approximately 8:30 p.m.

Action Items for the next meeting:

1. Rosanne will prepare and submit the Minutes from the September 9th meeting to Jeanne Smith in final form.
2. Rosanne will ask Mayor Coffey about having a chaplain give a blessing.
3. Rosanne will get a list of sponsors to Mike.
4. All committee members will check for Oceanport photos and get them to Rosanne.
5. Rosanne, Paula, Barbara and Robin will meet on Sunday, September 26th at 4:00 p.m. at Robin's house to put together a sample and see if anything else is needed.
6. We will do a 'dry run' at Monmouth Park.
7. Robin will contact Shore Regional's Interact Service Club.
8. We will prepare some type of certificate of some sort to sign off on and give the students to take back to the club to get credit for their service.
9. Rosanne will give Joe Caputo the jpeg to use for decorating the cakes.
10. We will ask Monmouth Park if they need a thumb drive or a memory card for the photos to be used.
11. Rosanne will change our next meeting date to October 7th instead of October 14th with Jeanne Smith.
12. Rosanne will reach out to Ric to check on the step and repeat.

**OCEANPORT RECREATION COMMITTEE
MEETING MINUTES
August 11, 2021**

Minutes of the regular meeting of the Oceanport Recreation Committee held on
Wednesday evening, August 11, 2021

In attendance: Members:

Jay Silverman
Jackie Patterson
Therese Wollman
Lexi Hetzel
Joanne Hunt
Scott Marcantanio

Absent:

Beth Watkins
Dave Walker
Spencer Carpenter
Debbie Peterson
Scott Marcantanio
Bill Deerin
Greg Lockwood

Also Present: Steve Briskey

Open Meeting/Flag Salute

Meeting called to order by Jay Silverman at 7:30pm. Motion to open the meeting was made by Therese Wollman and seconded by Lexi Hetzel.

Approval of Minutes

The July 21, 2021, meeting minutes were reviewed. The motion to approve the meeting minutes was made by Therese Wollman and seconded by Lexi Hetzel. All were in favor.

Correspondence:

Joanne Hunt reported on the following correspondence:

Emails and letters continue to be received from the public expressing concern that Summer's End is being held on 9-11. The Mayor has responded and requested we are diligent about a 9-11 remembrance.

The 9-11 flag and banners will be in place.

Joanne Hunt received information that Max from Public Works resigned, and a new supervisor will be hired. In the meantime- Steve Brisky will remain as point person

Public Comments: Motion to open to the public was made by Jay Silverman at 7:35 pm and seconded by Lexi Hetzel.

As there was no public present, in a motion made by Scott Marcantano and seconded by Lexi Hetzel, the meeting was closed to the public at 7:36 pm.

Recreation Coordinator Report- Joanne Hunt

The draft of the field policy is ready for Council review. It was drafted by Jeanne Smith after meeting with Joanne Hunt, Donna Phleps and Mayor Coffey.

The field requests are the highest number received to date- Jeanne Smith worked very hard to accommodate as many groups as possible giving priority to Oceanport teams, OP schools, and prior field users in good standing.

Movie Night- July 30th- SING. Best attended movie ever- approx. 250-275. 2 ice creams vendors were present, and this is something we need to consider for the future. The new Instagram account was used to post the information in addition to the banners, website, and Facebook.

Revenue

2021 Boat Permits \$10,910.00

2021 Field Revenue \$ 16,270.00 Note- an additional \$7500 has been billed for fall 2021

New Field Requests:

No new requests- all requests are being reviewed by the Borough Clerk

Council Liaison Report:

Bill Deerin not present, no report

Steve Brisky reported on the following information:

The dedication at the new Boro Hall went well. Steve thanked everyone who assisted in making the event memorable. The memorial stones may remain in place, and they are working on making the front entrance nicer.

The ring at Old Wharf is ready to be installed with a light.

Steve stated that one of the goals of DPW is attention to detail in all the parks.

Boro Hall front office staff will now answer the DPW phones to ensure better customer service. Residents will be directed to call regarding issues verses posting on Facebook.

Note- Joanne Hunt, Steve Briskey and Jay Silverman walked BBB Park prior to the meeting:

1. There are several "old" soccer nets on the property. Steve raised concerns about both the safety and aesthetics of the fields. He would like to know who owns the nets and discuss some new protocols with them.
2. There is a set of bleachers which needs to be removed from the old roller rink as well as some debris behind the tennis court.

3. There is an issue with a “dog” obstacle course which may be on part of the BBB property vs. the homeowner’s property.
4. Complaints have also been made regarding the bathroom at BBB and supplies.
5. Steve will also test the lights on the flagpole

Subcommittee Reports:

Subcommittee & Officer Review Panel- Scott Marcantanio- no report.

Nominations: Greg Lockwood- no report

Sonny Giordano Award- Greg Lockwood –no report

Egg Scramble- Dave Walker- no report.

Mini Golf- Joanne Hunt- no report

Memorial Day Parade Committee- No report

Movies- Wollman/Hunt- Previously discussed.

Summer’s End Report-Jay Silverman

Jay reported on the following:

Rock wall, rides, stage, and fireworks are all set.

“Radio Riot” Band confirmed

Envelopes-To date \$2569.00 envelopes and \$500 CK landscaping

2021 surplus- \$32,600.25

Enzo’s and Mody ice cream confirmed

Alexa confirmed a fitness event

Jay Silverman will take care of coordinating of public services.

Tent confirmed

DPW would like to use truck instead of dumpsters

Port o johns confirmed

Face painting- not confirmed

Jay working on sponsor letters- Joanne took care of envelopes and postage

Jay will reach out regarding chili cook off

50/50 confirmed

PA- Beth

Halloween- Dave Walker- Joanne Hunt opened the discussion regarding what we want to do this year and stated that at September meeting we need to make some decisions. Should we do trunk or treat? Should we have parade, contest? Location- Boro Hall or BBB?

Tree Lighting- Joanne Hunt asked again about this event and the outdoor location/tree. Therese Wollman suggested that we could consider a professionally decorated tree. This was passed to Council in July.

Decorating Contest- Jay Silverman- no report

Disc Golf- Scott Marcantanio/Alexa Hetzel- September 25th is a “go”. Scott and Joanne will handle the paperwork. Joanne ordered the “basket” for the Summer’s End demo which may generate interest.

Grants/Parks- Council is working on the 2022 Open Space grant application- the Committee still agrees that Evergreen and Trinity are good choices.

Park Maintenance Reports- Previously discussed

Finance Report- Greg Lockwood emailed the report.

Foundation balance: \$7623.00 – we need to decide what to do with this money.

Old Business:

Pickle Ball- no update

2022 Open Space- no new information

Tree Lighting- we will discuss this in September/October

New Business:

Other New Business- Jay Coffey is going to meet to discuss field use and the usage of fields moving forward.

There was no other new business.

Adjourn: Motion to adjourn was made by Therese Wollman and seconded by Scott Marcantanio at 8:44 pm. Next meeting: September 8, 2021, at BlackBerry Bay Park. Jay Silverman will bring refreshments.

Respectfully submitted,

Joanne Hunt

Refreshment Schedule

Note- *December meeting is a potluck or dinner out

Joanne Hunt	8/11/21
Jay Silverman	9/8/21
Debbie Peterson	10/13/21
Jackie Patterson.	11/10/21
Therese Wollman.	1/12/22
Lexi Hetzel	2/9/22
Spencer Carpenter	3/9/22
Greg Lockwood	4/13/22
Beth Watkins	5/11/22
Scott Marcantanio	6/8/22
Bill Deerin	7/13/22
Dave Walker	8/10/22

**BOROUGH OF OCEANPORT****MAYOR & COUNCIL****MINUTES • SEPTEMBER 2, 2021****Workshop****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Meeting Called to Order:** Council President O'Brien called the meeting to order at 7:00 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Council President O'Brien led attendees and members of Council in the flag salute.
- IV. **Invocation:** Borough Chaplain Stacy Deerin was unable to attend.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Absent	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Absent	
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Borough Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

- VI. **PUBLIC HEARING: Municipal Open Space Grant Application:** Kelsey Howard of Colliers Engineering & Design presented the proposed projects for this year's application to the Monmouth County Municipal Open Space Grant program: Application due 9/16/2021; covers 50% of eligible construction costs, up to \$250,000; total program funding: \$2 million; proposed projects include pickleball courts at Blackberry Bay Park with demolition of roller hockey rink, surfacing, installation of equipment, striping and fencing and a community garden at the municipal complex entailing site clearing, soil preparation, fencing, installation of water tap and service and curbing. Total estimated project costs of \$173,000 with the grant request to cover \$86,500.
- Councilman Tvrdik asked about the map designation of Razor Ave which is Anson Ave. Ms. Smith advised it is both currently but will be changed to just Anson at a future date. Ms. Howard will look into it. Councilman Gallo asked about the community garden fence if the height of 10' was all the way around. Ms. Howard responded yes except for the gate noted a height of 8'. Councilman Gallo commented there's a lot of deer and want to make sure they don't get it. Ms. Howard responded she would review with Mr. White. Councilman Tvrdik suggested making it 10' all the way around. Councilwoman Walker asked if the new garden was comparable to the old garden and was told the new one is larger. Councilman Tvrdik commented he thinks it looks great and was excited to see it and bring community together.
- Ms. Smith advised Notice of the hearing was published in the Asbury Park Press on August 23, 2021 and posted on the Borough's website and municipal bulletin board.
- Council President O'Brien opened the public hearing on the application for questions or comments from the public. As there was no one from the public with questions or comments, Council President O'Brien closed the public hearing on a motion by Councilman Tvrdik, second by Councilwoman Walker and approved by the Council.

VII. Resolutions:

#2021-182 Resolution authorizing payment of BILL LIST

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Deerin, Councilman
SECONDER:	Richard Gallo, Councilman
AYES:	Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT:	Keeshen

#2021-183 Resolution authorizing application for the 2021 MC Open Space Grant Program

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Meghan Walker, Councilwoman
AYES:	Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT:	Keeshen

VIII. **Administrator's Report:** Ms. Phelps reported receipt of additional funds from GovDeals; provided details of the upcoming NJLM conference which would be held in person this year subject to determining mask policy and social distancing; early registration is October 1st – please let her know if you plan on attending; the front door entry system with buzzer is now installed and operating; FEMA has approved the Borough's project workshop for tropical storm Isaias for debris expenses in the amount of \$125,409 with a reimbursement of 75%; employees have received training on lighting system, video of training on the court audio equipment completed; additional training on panic and camera systems scheduled; receipt of 2020 audit and exit meeting with CFO and auditors with no audit exceptions and complimented CFO Katie LaPorta work and that the Borough was in great shape financially; Oceanport OEM was requested to assist in Middlesex County after last night's storm with Buzz Baldanza and Ron Stubbington who left that morning with materials, equipment and boat to assist. She thanked them for being available to assist the Middlesex community.

IX. Clerk's Report:

Regular Meeting Items:

1. Resolution approving Special Event Permit for The Center in Asbury Park
2. Resolution authorizing Tax Sale Redemption #20-00001
3. Resolution authorizing indemnification to Oceanport Soccer Association
4. Resolution appointing Patrolman Glenn Mannino to permanent status - *Added*
5. Resolution requesting waiver of 390-17(F) - 51 Pine Tree Lane - *Added*
6. Resolution authorizing Housing Inspector to issue final CO for expired self-certified COs - *Added*
7. Resolution authorizing the donation of sound equipment to the OPBOE - *Added*
8. Receipt & Acceptance of Minutes, Historical Committee, June 24, 2021
9. Receipt and Acceptance of Minutes, Parks & Recreation Committee, July 21, 2021
10. Mayor & Council - Workshop - Aug 19, 2021 7:00 PM
11. Mayor & Council - Regular Meeting - Aug 19, 2021 7:30 PM

Ms. Smith reviewed four added action items for the Sept. 16th regular meeting, invited questions or corrections to which there were none.

X. Discussion Items:

1. Resolution authorizing Public Sale of Fort Monmouth Special Liquor License(s)

Ms. Smith advised that FMERA had sent a Letter of Consent for the sale of one of the special Fort liquor licenses for the commissary parcel. The resolution would authorize the Clerk to issue the RFP for the sale of the liquor license and initiate the process for same. With no objections it would be added to the regular meeting agenda.

2. Resolution acknowledging receipt of 2020 annual audit

Ms. LaPorta summarized the receipt of the 2020 audit with no exceptions or recommendations and no need for a corrective action plan and invited questions. Ms. Smith added that tonight was to acknowledge receipt and would be on for the regular meeting in order to allow time for the members to review and sign an affidavit at the next meeting certifying same.

- XI. Mayor's Report:** As Mayor Coffey was unable to attend, Council President O'Brien acknowledged upcoming events including Sept. 4th Cornhole Tournament for the Fire Department fundraiser; Sept. 11th Remembrance Ceremony in the morning and Summer's End that evening with a "Light up the Shore" event in conjunction with other Monmouth county municipalities to honor the lives of the lost and the heroism displayed that day. He also acknowledged those impacted by Hurricane Ida and urged everyone to do what they could do to help out. The Borough has done a great job keeping up with maintenance such as storm drains, trees, limbs, parks, mitigating effects of storms so they're not as damaging as ones in the past. He also recognized efforts of Wes Sherman and the efforts to clean up Old Wharf Park and the Fire Bell. There's certainly a renewed pride in town with the celebration centennial, history of the Borough, more awareness of the great community and encouraged everyone to come out as a community to keep these things in mind.
- XII. Petitions from the Public:** Council President O'Brien opened the meeting for petitions from the public. As there was no one else from the public, Council President O'Brien closed that portion of the meeting.
- XIII. Adjournment:** As there was no further business, the meeting was adjourned at 7:23 PM on a motion by Councilwoman Walker, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**BOROUGH OF OCEANPORT****MAYOR & COUNCIL****MINUTES • SEPTEMBER 16, 2021****Regular Meeting****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Mayor Coffey called the meeting to order at 7:01 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Mayor Coffey led attendees and members of Council in the flag salute
- IV. **Invocation:** Borough Chaplain Stacy Deerin was unable to attend.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Absent	
Bryan Keeshen	Councilman	Late	
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Borough Administrator	Present	

- VI. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey reported that an RFOTP for the remaining parcels not under contract in Eatontown and Oceanport including the McAfee Center, would be issued in early October.
- VII. **Administrators Report:** Ms. Phelps discussed the Borough's project for check-valves as part of a Flood Hazard Mitigation grant that was denied back in 2019, however was considered an acceptable project. The grant program has re-opened for this year, is a cost-share grant, a detailed the Borough's contracts to prepare the applications previously. She further advised that the same project was likely acceptable under the American Rescue Plan which had no cost share or matching funds requirement. The Borough has received almost \$300,000 this year and expects another \$300,000 in 2022. The project estimated cost in 2017 was \$1.14 million. The FHM grant if awarded would provide nearly \$856,000 but not guaranteed. Using the Rescue Plan funds, which are guaranteed, would cover \$600,000 of the costs. If the Borough opts to pursue the FHM grant, the Borough would need to retain Millennium grant writers to perform the cost benefit analysis work needed for the application and the timing for that was concerning. She was uncertain if she would have all of the information together for the 10/7 workshop but should be discussed further for a decision on which way the Borough wants to proceed. Ms. Phelps also reported on final receipts of the online auction; application for the pickleball court and community garden was submitted to the County and included letters of support from the Oceanport Recreation Coordinator and former Councilwoman Ellynn Kahle. Ms. Phelps also attended the Joint Insurance Fund meeting where 2022 budget discussion projects a 9.9% increase in rates before changes in exposure. Markets and exposure have been increasing in addition to court decisions and administrative actions from Trenton and a number of other factors have resulted in additional losses. Use of surplus and a proposed budget is expected to be introduced in October. Ms. Phelps advised next that Mr. Iamello had completed the bid specifications for the Old Wharf House renovations and requested a resolution at the 10/7 meeting authorizing the project to go out to bid. Ms. Smith asked that a copy of the plan be provided to accompany the resolution for their review.
- VIII. **Clerk's Report:** Ms. Smith reminded everyone of the upcoming town-wide garage sale and deadlines to register; announcements for upcoming Recreation events are up on the website; new implementation of online service requests for bulk and metal to DPW through the website home page called "Citizen Requests". Ms. Smith presented a request by the

owner of 71 Bridgewaters Drive which had a fire sometime back and they now need to proceed with shut off of the gas. However, the road was recently paved and requires Council approval to waive the moratorium for street opening. Ms. Smith obtained specific conditions for repair from the Borough Engineer should they grant the waiver and asked for it to be added to consent if all were agreeable. There was brief discussion on the repair conditions and the need to minimize disturbed roadway area and seems but with confirmation that the Borough Engineer had made the recommendation, there were no objections.

Councilman Keeshen entered at 7:18 PM.

Ms. Smith asked members to remain after the meeting to sign the Group Affidavit for the audit regarding that consent agenda item. Ms. Smith also reviewed the added items concerning authorizations to go out to bid for Colliers.

IX. Consent Agenda: Ms. Smith described a 15th item added to Consent and

- | | | |
|-----------|-----|---|
| #2021-184 | 1. | Resolution authorizing payment of BILL LIST |
| #2021-185 | 2. | Resolution authorizing permits for Facility Use - Fall 2021 |
| #2021-186 | 3. | Resolution approving Special Event Permit for Residents of Werah Place for a Block Party |
| #2021-187 | 4. | Resolution approving Special Event Permit for The Center in Asbury Park |
| #2021-188 | 5. | Resolution acknowledging receipt of 2020 annual audit |
| #2021-189 | 6. | Resolution requesting waiver of 390-17(F) - 51 Pine Tree Lane |
| #2021-190 | 7. | Resolution authorizing the donation of sound equipment to the OPBOE |
| #2021-191 | 8. | Resolution authorizing Tax Sale Redemption #20-00001 |
| #2021-192 | 9. | Resolution authorizing indemnification to Oceanport Soccer Association |
| #2021-193 | 10. | Resolution authorizing Public Sale of Fort Monmouth Special Liquor License(s) |
| #2021-194 | 11. | Resolution appointing Patrolman Glenn Mannino to permanent status |
| #2021-195 | 12. | Resolution authorizing Housing Inspector to issue final CO for expired self-certified COs |
| | 13. | Receipt & Acceptance of Minutes, Historical Committee, June 24, 2021 |
| | 14. | Receipt and Acceptance of Minutes, Parks & Recreation Committee, July 21, 2021 |
| #2021-199 | 15. | Resolution authorizing waiver of Street Opening Moratorium for 71 Bridgewaters Drive |

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Deerin, Councilman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdek, Walker
ABSENT:	Gallo

X. Minutes:

1. Mayor & Council - Workshop - Aug 19, 2021 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Meghan Walker, Councilwoman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdek, Walker
ABSENT:	Gallo

2. Mayor & Council - Regular Meeting - Aug 19, 2021 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michael O'Brien, Councilman
SECONDER:	Bryan Keeshen, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdek, Walker
ABSENT:	Gallo

XI. Resolutions:

- #2021-196 Resolution authorizing solicitation of bids for Community Center Park Improvements

RESULT: ADOPTED [UNANIMOUS]
MOVER: Meghan Walker, Councilwoman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT: Gallo

#2021-197 Resolution authorizing solicitation of bids for 2021 Road Program

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: Bryan Keeshen, Councilman
AYES: Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT: Gallo

XII. Second Reading & Public Hearing Ordinances:

#1042 An Ordinance Amending Parks & Recreation 279 - Permits for Facility Use

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Parks & Recreation and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT AMENDING CHAPTER 279 "PARKS & RECREATION AREAS" OF THE CODE OF THE BOROUGH OF OCEANPORT**" was published one time in the Two River Times on July 29, 2021.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Councilwoman Walker and seconded by Councilman Deerin.

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Council President O'Brien.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Tvrdik, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT: Gallo

#1043 Amendment to Property Maintenance Code for Housing & Commercial Certificates of Continued Occupancy

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Property Maintenance and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 295 "PROPERTY MAINTENANCE" TO CREATE NEW ARTICLE "CERTIFICATES OF OCCUPANCY"**" was published one time in the Two River Times on August 26, 2021.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Councilwoman Walker and seconded by Councilman Deerin.

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Council President O'Brien.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Tvrdik, Councilman
SECONDER: Meghan Walker, Councilwoman
AYES: Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT: Gallo

#1044 Ordinance Amending the Land Development Ordinance Concerning Nonconformities

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending Land Development and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 390 "LAND DEVELOPMENT" OF THE CODE OF**

THE BOROUGH OF OCEANPORT CONCERNING CONTINUATION OF EXISTING USES AND CERTIFICATES OF NONCONFORMITY was published one time in the Two River Times on August 26, 2021.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Councilwoman Walker and seconded by Councilman Deerin.

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Council President O'Brien.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Meghan Walker, Councilwoman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

#1045 An Ordinance Amending Salary Ranges for Police Chief & OEM Director

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance amending salary range for Police Chief & OEM Coordinator positions and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only **"AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY SETTING THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES PASSED AND APPROVED MARCH 16, 1939 AND LAST REVISED AND APPROVED ON AUGUST 19, 2021"** was published one time in the Two River Times on August 26, 2021.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Councilwoman Walker and seconded by Councilman Deerin.

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Council President O'Brien.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

XIII. Committee Reports:

1. Councilman Deerin, Parks & Recreation – Commented on a phenomenal job on Summer's End and a shout out to Jay Silverman and Joanne Hunt and all the work done to make the event happen; it was a special day for Oceanport. He also provided details for upcoming Movie Night in the Parks; Recreation is seeking to do Trunk or Treat again this year on 10/23 at Borough Hall unless there were any objections; they are looking for more participants as Trunkers. Also discussed was plans for where to hold this year's tree lighting, no tree at municipal complex and the offer by Tetherview owner to use the large tree in front of Russel Hall; bids for Old Wharf House and pickle ball going out. Thanks to Steve Briskey and DPW again on the great job in the parks.
2. Councilman Gallo, Public Works & Engineering – Absent. Mayor Coffey offered comments on his behalf on the excellent work by DPW and noted specific improvements at Old Wharf Park along the paver walkway.
3. Councilman Keeshen, Public Safety – Councilman Keeshen also complimented Public Works on the beautiful 9/11 memorial that they constructed on property; reminded everyone on behalf of the Police that school is back in session, please watch your speed, new radar signs posted; thanked the fire department for job well done on the house fire that occurred last week; First Aid seeking more volunteers and thanked them for their work. He also reported on a Public Safety Meeting with all departments; discussions with OEM on preparedness for hurricane season; encouraged public to watch website and CodeRed alerts in storm events.
4. Councilman O'Brien, Finance & Administration – Extended thanks to the Recreation Committee for organizing an excellent end of summer celebration; thanked first responders for their assistance during the night, and public works continues to shine and ensured proper lighting and safe grounds and clean up and thanked the residents that assisted with clean up the next day. The event was the Borough's first in 2 years and the weight of the day was not lost on anyone, especially those with connections to tragedy of 9/11. It was a night of equal parts acknowledgment of loss and celebration of current lives and quoted unknown author that the best way to honor those on 9/11 is to live the way we did on September 12th. Councilman O'Brien extended thanks to Ms. Phelps

for her help with the Police Chief's contract. He also thanked Katie LaPorta for the sparkling audit report. Countless hours spent with counsel and auditors ensure that the Borough's finances are managed efficiently.

5. Councilman Tvrdik, Planning & Development – Councilman Tvrdik wished Ed Ryan, Bill Deerin and Rick Gallo happy birthdays. Planning Board back to meeting twice per month, continues to be busy with applications; welcomed the Gomes family who would be improving the long-vacant 38 Morris Place; Denholtz continues to demolish former buildings at the Warehouse and Commissary parcels; two ribbon cutting ceremonies – the Fort Athletic Club and NJ City University at Squire Hall; attended the 9/11 ceremony at Mount Mitchell hosted by the County and recalled his own experience that day in the city.
6. Councilwoman Walker, Health & Human Services – Schools have opened; Environmental Committee has one member stepping down due to relocation so seeking volunteer to fill that spot. Water Watch reports high levels on water testing – of most concern were the waters at Old Wharf – she has connected the committee with the paddle club to communicate and educate the owner on best ways to conduct testing should he wish to do on his own. Counts were lower in September. She commented on the time and commitment by these volunteers and their dedication but without a lifeguard or monitor, nothing results from their reports that are sent to DEP and Clean Ocean Action. She gave the example of the beach with a lifeguard with a test result in the 100s gets shut done but testing at Old Wharf comes back in the 1,000s and nothing happens or communicates with the paddle club who has kids in the water for camps. So they are working ways to resolve that. They are also looking to work with the high school to take data and analyze it. She also brought up concerns by the Environmental Committee regarding telecommunications installations which Ms. Smith confirmed has been placed on the 10/7 workshop agenda for further discussion.

Councilwoman Walker also brought up the subject of reinstating the Environmental Committee as a Commission – the differences of which are fairly stark despite what may have been previously represented and is not in line with surrounding communities. She requested that the Council discuss at the next workshop reinstating that.

She further commented on the 9/11 memorial at Borough Hall in the morning was wonderful and meaningful and then a lovely presentation at Summer's End and couldn't think of a better way to bring the community together.

- XIV. Mayor Coffey's Report:** Mayor Coffey's report included the opening of Squire Hall, impressed by the business center; and fantastic job by Fitness Center which plans to open next month, described some of the facilities features including the gym; thanked Rich Arlt of DPW for constructing the 9/11 Memorial in such a short time; there are additional 9/11 pieces – 2 granite markers that remain to be installed; the memorial was established in honor of Jimmy Straine and the first responders that gave their lives and participated in the rescue and clean-up of that day. Mayor Coffey also commented on the Summer's End event on 9/11 and the participation in the Light Up the Shore memorial event that night coordinated by Monmouth County and other shore towns; he could think of no better way to have 600-800 town people showing up in one spot participating in honoring that day and the fireworks finale started at 9:11pm – it was a perfect evening. Mayor Coffey also highlighted a fundraiser cornhole tournament that raised funds for both firehouses – close to \$7,000 in profits with \$3,500 to each house.

- XV. Petitions from the public:** Mayor Coffey opened the meeting to petitions from the public.

Thomas Tvrdik, commented that the cornhole event went great and met many new residents. He challenged the Mayor and Council President O'Brien to a rematch of best of 3.

Rosanne Letson, 50 Deer Path Court, Tinton Falls, appeared on behalf of the Historical Committee and asked questions about doing a costume contest at the Trunk or Treat event but Councilman Deerin commented they had decided not to do that this year; she commented on the tree lighting and suggested planting a tree now at Borough hall that could grow over the years; she also provided details on the Centennial Gala and encouraged everyone to attend and get their tickets now for the event on Oct. 16th.

Ed Ryan, 24 Willow Court, appeared and commended Councilman Keeshen for efforts on public safety and nice to have someone who knows and cares what the needs are of the first responders; he also expressed appreciation for OEM Director Buzz Baldanza who tends to be quiet but knows his stuff and should be acknowledged as such.

As no one else from the public was present, Mayor Coffey closed that portion of the meeting.

- XVI. Executive Session:**

At 8:04 PM Council President O'Brien made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman Tvrdik and received the following roll call.

#2021-198 Resolution authorizing an Executive Session

Personnel Matters - N.J.S.A. 10:4-12(b)(8)

Police Chief's Contract

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

Hester, Paul vs Borough of Oceanport

At 8:29 pm, the Mayor & Council returned from Executive Session and the workshop meeting was reopened on a motion by Council President O'Brien and seconded by Councilman Keeshen and approved by Council.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Michael O'Brien, Councilman
SECONDER:	Thomas Tvrdik, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

XVII. Action Item from Executive Session:

#2021-200 Resolution authorizing Employment Agreement with Michael P. Kelly

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Keeshen, Councilman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, Keeshen, O'Brien, Tvrdik, Walker
ABSENT:	Gallo

XVIII. Adjournment: As there was no further business, the meeting was adjourned at 8:31 PM on a motion by Councilwoman Walker, seconded by Councilman Deerin and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING SUBMITTAL OF A GRANT APPLICATION THROUGH NJ SAGE FOR
REIMBURSEMENT OF EXPENSES RELATED TO FISH KILL**

**Resolution #2021-215
10/21/21**

WHEREAS, the Borough incurred expenses relative to the emergent clean up of an unusual fish kill in the Shrewsbury River that impacted the Borough's shorelines; and

WHEREAS, the Borough appealed to its legislators for relief of the unanticipated costs incurred; and

WHEREAS, the Borough received notification from the Legislature that an appropriation in the State budget was approved and requires an application for reimbursement,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oceanport formally approves the application for the above stated project reimbursement through the NJ SAGE system.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AMENDING PERSONNEL POLICY AND EMPLOYEE HANDBOOK TO UPDATE POLICIES
REQUIRED BY THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND**

**Resolution #2021-216
10/21/21**

WHEREAS, the Borough of Oceanport participates in the Municipal Excess Liability Joint Insurance Fund and its Employment Practices Liability (EPL) Program; and

WHEREAS, every two years, in order to qualify for a deductible incentive program through the MEL JIF, members are required to adopt the MEL's model employment practices to reduce the employer's liability; and

WHEREAS, after review of the Personnel Policy, the Borough Administrator has recommended significant amendments including but not limited to the following:

- New At-Will Statement and Disclaimer
- General Personnel Policies - Equal Employment Opportunity Policy
- General Personnel Policies - Americans With Disabilities
- General Personnel Policies - Policy Against Harassment
- General Personnel Policies - Policy Prohibiting Workplace Violence
- General Personnel Policies - Whistleblower Policy
- Employee Benefits - Payroll Policy
- Employee Benefits - Overtime
- Employee Benefits - Medical Benefits
- Employee Benefits - Worker's Compensation
- Leaves of Absence - Paid Holidays Policy
- Leaves of Absence - Vacation Leave Policy
- Leaves of Absence - Personal Day Policy
- Leaves of Absence - Sick Leave Policy
- Leaves of Absence - Family and Medical Leave Act
- Leaves of Absence - New Jersey Family Leave
- Leaves of Absence - Military Service Leave Policy
- Personnel Rules and Regulations - Absenteeism and Tardiness
- Personnel Rules and Regulations - Alcohol and Drug-Free Workplace
- Personnel Rules and Regulations - Computer Use, Electronic Mail and Internet Policy
- Personnel Rules and Regulations - Telephone and Personal Communication Usage Policy
- Personnel Rules and Regulations - Confidentiality of Personnel Records
- Personnel Rules and Regulations - Discipline and Termination Policy
- Personnel Rules and Regulations - Domestic Violence Policy
- Personnel Rules and Regulations - Performance Evaluation
- Personnel Rules and Regulations - Political Activity
- Personnel Rules and Regulations - Protection and Safe Treatment of Minors
- Personnel Rules and Regulations - Policy for Use of Employer Vehicles (Non-Law Enforcement)
- Personnel Rules and Regulations - Transitional Light Duty Policy

WHEREAS, proposed amendments have been incorporated within the personnel policy attached hereto as last revised and passed on May 20, 2021.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that the proposed Personnel Policy with amendments attached hereto will be effective immediately upon passage by the Governing Body.

BE IT FURTHER RESOLVED that updated copies of the Personnel Policy shall be distributed to managerial/supervisory employees.

BE IT FURTHER RESOLVED, that updated copies of the Employee Handbook shall be distributed to all employees

PERSONNEL POLICIES AND PROCEDURES MANUAL

BOROUGH OF OCEANPORT

Revised and Adopted: _____ Mayor & Council Meeting

AT-WILL STATEMENT & DISCLAIMER

The contents of this Personnel Policies and Procedures Manual ("the Manual") summarize the current benefits and guidelines within the municipality ("the Employer") and are intended as guidelines only.

The Employer reserves the right to change, delete, suspend, or discontinue any part or parts of this Manual at any time, without prior notice, and any such action shall apply to existing as well as future employees. You should be aware that these benefits and guidelines may be changed at any time, and that depending upon the circumstances of a given situation, the Employer's actions may vary from the provisions of this Manual. **As such, the contents of the Manual DO NOT CONSTITUTE THE TERMS OF A CONTRACT OF EMPLOYMENT.**

It should be noted that nothing contained in this Manual should be construed as a guarantee of continued employment; but rather, EMPLOYMENT WITH THE EMPLOYER IS ON AN AT-WILL BASIS. This means that either the employee or the Employer, with or without cause, may terminate the employment relationship at any time with or without notice, for any reason not expressly prohibited by law. Any exception must be expressly authorized and signed by the Employer.

This Manual supersedes and replaces all prior personnel policy and benefit statements, whether oral or in writing. While some of the provisions contained herein refer specifically only to federal law, employees should be aware that the Employer will comply with all federal, state and local laws. Should any provision in this Manual be found to be unenforceable and/or invalid, such finding does not invalidate the entire Manual, but only the subject provision. Many of the policies in this handbook shall also apply in equal force to volunteers of the Employer. [NOTE: the definition of volunteers should be based on the individual municipality's structure as it relates to volunteers, including volunteer fire departments]

All employees will be notified when any material changes are made to the policies contained in this Manual.

This Manual has been written so as not to conflict with the collective bargaining agreements between the Employer and its unionized employees. If there is a conflict between this Manual and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees. This Manual has been written so as not to conflict with the provisions and mandates of the laws and regulations governing employment in the State of New Jersey. If there is a conflict between this Manual and any such mandate pursuant to law, such law will prevail for covered employees.

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INTRODUCTION:

The Borough of Oceanport plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Borough has a “no tolerance” policy towards workplace wrongdoing.

This Personnel Policies and Procedures Manual (“Manual”) adopted by the Mayor and Council discusses these issues and many other Borough personnel policies. You are urged to read this Manual and become acquainted with its contents. By its very nature, a Manual cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Borough personnel policy, contact your supervisor, or if you prefer, your Department Head, or the Borough Administrator.

Neither this Manual nor any Borough document, confers any contractual right, either expressed or implied, to remain in the Borough’s employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council. All employees receiving this Manual are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.

GENERAL PERSONNEL POLICY:

It is the policy of the Borough of Oceanport to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough of Oceanport shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor and Council. No person shall be employed or promoted unless there exists a position created by a resolution adopted by the Mayor and Council as well as the necessary budget appropriation and salary resolution. The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Borough Administrator shall also have access to the Employment Attorney appointed by the Governing Body for guidance in personnel matters.

As a general principle, the Borough of Oceanport has a “no tolerance” policy towards workplace wrongdoing. Borough of Oceanport officials, employees and independent contractors are to

report anything perceived to be improper. The Borough of Oceanport believes strongly in an Open-Door Policy and encourages employees to talk with their supervisor, Borough Administrator or the Employment Attorney concerning any problem.

The Personnel Policies and Procedures Manual adopted by the Mayor and Council is intended to provide guidelines covering public service by Borough of Oceanport employees and is not a contract. This Manual contains many, but not necessarily all the rules, regulations, and conditions of employment for Borough of Oceanport personnel. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Oceanport. To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known as "employment at will." Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

Section One: GENERAL PERSONNEL POLICIES

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Employer is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) and all other applicable state or federal laws. Under no circumstances will the Employer discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law. Accordingly, decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, Director of Personnel, the Chief Administrative Officer, or any other supervisor with whom they feel comfortable, using the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of management through the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

AMERICANS WITH DISABILITIES

The Employer complies with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The Employer will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The Employer also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations do not require significant difficulty or expense. The Employer's nondiscrimination policy applies to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

Definitions. The Americans with Disabilities Act defines an individual with a disability as any person who:

- (1) has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, or speaking;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

An individual must satisfy at least one of the three prongs of the above definition to be considered an individual with a disability under the ADA. Temporary conditions, such as a broken leg, are not disabilities, nor are minor impairments, such as vision problems that are correctable with glasses.

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy

and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on the Employer, or that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Requesting Accommodation. Qualified employees or prospective employees with disabilities may request accommodations to perform the essential functions of their job or gain access to the hiring process. Employees or prospective employees should direct their written request to the Employer. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, and identify the nature of the accommodation or consideration desired.

The Employer may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The Employer will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Employer's business operation.

To further the Employer's nondiscrimination policy, the Employer will:

- Identify the essential functions of a job;
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
- Determine whether a reasonable accommodation can be made for a qualified individual.
- Reasonable accommodations that the Employer may provide in connection with modifications to the work environment or adjustments in how and when a job is performed may include the following:
 - Making existing facilities accessible and usable;
 - Job restructuring;
 - Part-time or modified work schedules;
 - Acquiring or modifying equipment or devices;
 - Appropriate adjustment or modifications of testing materials, training materials, and/or policies;
 - Reassignment to a vacant position.

The Employer is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. If any applicant or employee has

questions concerning the Employer's equal employment opportunity policy, he or she should contact the Employer.

POLICY AGAINST HARASSMENT

The Employer is committed to providing a work environment that is free of discrimination. The Employer will not tolerate harassment of or by employees towards anyone, including any supervisor, co-worker, or non-employee, including vendors and citizens.

Applicability. This policy applies to all people employed by the Employer, as well as volunteers working on behalf of the Employer, and prohibits such conduct by or towards all such employees/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Employer are also expected to abide by the policy. In addition, no employee shall be required to withstand behavior from the public which violates this policy.

Purpose. This policy is designed to ensure all employees a work environment free of any type of discrimination based upon a protected status, including freedom from sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected status is prohibited, to educate employees about harassment based upon a protected status and to provide employees with a procedure to bring complaints to management's attention.

Provisions. All employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Employer prohibits any form of harassment or discrimination related to an employee's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes, but is not limited to:

- A. Treating an individual less favorably based on a person's protected group status;
- B. Using derogatory or demeaning slurs to refer to a person's protected group status;
- C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile work environment;
- D. Using derogatory references regarding a protected group status in any job-related communication;
- E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or
- F. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status.

Any form of harassment or discrimination related to an employee's protected group status violates this policy.

This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

Sexual Harassment. The Employer prohibits sexual harassment of its employees in any form. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communications, expressed or implied, of a sexual nature when:

- (1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
- (3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating hostile or offensive employment environment.

B. Prohibited Conduct: No supervisory employee shall threaten or insinuate either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

Other sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel is also prohibited. This includes, but shall not be limited to:

- (1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;
- (2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;
- (3) The display of sexually graphic pictures or pictures of an offensive nature, or objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, text messages and e-mails;
- (4) Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated brushing against another employee's body.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

Complaint Procedure. Any employee who feels he or she has been subject to harassment should report the incident directly to the Borough Administrator. The Borough Administrator will ask the employee to

complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

Alternatively, any employee who feels he or she has been subject to harassment should report the incident directly to the Chief Administrative Officer. The Chief Administrative Officer will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The names and telephone numbers of the designated Borough Administrator and Chief Administrative Officer are contained in the Contact Information attached to this policy.

Any individual uncomfortable reporting an incident to the Borough Administrator and/or Chief Administrative Officer should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment.

All Employer employees should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. However, failure to inform the alleged harasser that the behavior is unwelcome does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on the Employer's property during regular work hours for an employee to file a complaint under this policy.

The Employer strongly encourages employees who witness conduct which they believe violates the Employer's Policy Against Harassment to report the violation pursuant to this complaint procedure. The Employer encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

Investigation Procedure. The Employer shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Borough Administrator and/or Chief Administrative Officer shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include any third party deemed appropriate.

The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused.

If the Employer determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective bargaining agreements, regulations and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location with the Employer.

In the event the Employer determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed.

Privacy. To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Employer will strive, both during and after the investigation, to maintain confidentiality, to the fullest extent possible, including confidentiality of the identities of all persons

involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

Responsibility of Supervisory Personnel. Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment.

Alternatively, the supervisor shall report the matter to the Borough Administrator and/or Chief Administrative Officer for resolution.

Retaliation Prohibited. The Employer encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline. Additionally, it is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Borough Administrator and/or Chief Administrative Officer for resolution. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Legal Effect. This Policy Against Harassment is to be construed as a unilateral expression of the policy of the Employer concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended, supplemented, modified and/or revised at any time. Any employee with questions regarding the Employer's Policy Against Harassment should contact the Borough Administrator and/or Chief Administrative Officer.

Training. The Employer recognizes the need to reinforce its policies with effective training. Training is to be provided to all supervisory and non-supervisory employees. Ultimately, the goal of effective training is to build a culture in which all employees feel safe. Training may be conducted in person or through electronic means. To the extent economically and operationally feasible, training should be conducted live whenever possible. Training should empower participants to intervene appropriately when they witness harassment or discrimination. This means not only training participants on the requirements of the policy prohibiting harassment and discrimination, but also training participants on tools for response and lodging complaints. Training should emphasize the negative impact of harassment and discrimination on employees, workplace productivity, workplace culture, and encouraging those employees who either experience harassment/discrimination or witness it to report it.

Monitor for Compliance. The Employer acknowledges the importance of ensuring that employers' policies and procedures are working as intended to prevent sexual harassment and other forms of discrimination from occurring in the workplace. It is the expectation of the Employer that all supervisors shall enforce anti-harassment policies and that setting the proper example is part of their job description and part of the evaluation of their job performance. The Employer will engage in proactive efforts to monitor and ensure compliance with its policies within their workplaces.

Contact Information

1. CHIEF ADMINISTRATIVE OFFICER – Mayor John F. Coffey, II - 201-993-9554

2. BOROUGH ADMINISTRATOR – Donna M. Phelps – 732-403-6642

Harassment Complaint Form and Witness Statement Located under Appendix

POLICY PROHIBITING WORKPLACE VIOLENCE

The Employer has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Employer, its employees or which occur on the Employer's property will not be tolerated.

Threats or Acts of Violence Defined. "Threats or acts of violence" include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions with the Employer, or to create a hostile, abusive, or intimidating work environment for one or more employees.

Examples of Workplace Violence. General examples of prohibited workplace violence include, but are not limited to, the following:

All threats or acts of violence occurring on Employer property, regardless of the relationship between the Employer and the parties involved in the incident.

All threats or acts of violence not occurring on Employer property but involving someone who is acting in the capacity of a representative of the Employer.

All threats and acts of violence not occurring on Employer property involving an employee of the Employer if the threats or acts of violence affect the legitimate interest of the Employer.

Any threats or acts resulting in the conviction of an employee or agent of the Employer, or of an individual performing services on the Employer's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the Employer.

Specific Examples of Prohibited Conduct. Specific examples of conduct which may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to:

Hitting, fighting, pushing, or shoving an individual or throwing objects;

Threatening to harm an individual or his/her family, friends, associates, or their property;

The intentional destruction or threat of destruction of property owned, operated, or controlled by the Employer;

Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;

Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Employer;

Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;

Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;

Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Employer property.

While employees of the Employer may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

Application of Prohibition. The Employer’s prohibition against threats and acts of violence applies to all persons involved in the Employer’s operation, including but not limited to Employer personnel, volunteer, contract and temporary workers, and anyone else on Employer property. Violation of this policy by any individual on Employer property, by any individual acting as a representative of the Employer while not on Employer property, or any individual acting off of the Employer property when his or her actions affect the public interest or the Employer’s business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy may lead to disciplinary action up to and including termination.

Warning Signs, Symptoms and Risk Factors. The following are examples of warning signs, symptoms, and risk factors which MAY indicate an employee’s potential for workplace violence:

Dropping hints about a knowledge of firearms;

Making intimidating statements like: “You know what happened at the Post Office,” “I’ll get even,” or “You haven’t heard the last from me”;

Possessing reading material with themes of violence, revenge and harassment;

Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;

Acting out either verbally or physically;

Disgruntled employee or ex-employee who is excessively bitter;

Being a loner;

Having a romantic obsession with a co-worker who does not share that interest;

History of interpersonal conflict;

Intense anger, lack of empathy;

Domestic problems, unstable/dysfunctional family;

Brooding, depressed strange behavior, “time bomb ready to go off.”

Supervisors should be alerted to and aware of these indicators. If an employee exhibits such behavior, the employee should be monitored and such behavior should be documented.

Procedures for Dealing with Acts of Workplace Violence. When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, call 9-1-1 or the local police department. In instances that are not emergency situations, contact your Department Head or the designated human resources official. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1 or the local police department, and contact your Department Head or the designated human resources official. The Department Head will contact the designated human resource officer, who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the designated human resources official will contact the appropriate local police department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure. Each employee and every person on Employer property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. In cases where the reporting individual is not an employee, the report should be made to the local police department. In cases where the reporting individual is an employee, the report should be made to the employee's Department Head or the designated human resources official. Each Department Head shall promptly refer any such incident to the designated human resources official.

The Employer will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, arrest and prosecution.

Nothing in the policy alters any other reporting obligation established in the Employer's policies or in state, federal or other applicable law.

Confidentiality and Retaliation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence. Employees shall refer any questions regarding his or her rights and obligations under the policy to the designated human resources official.

WHISTLEBLOWER POLICY

As a matter of policy, the Employer abides by all federal, state, and local laws, rules, and regulations applicable to it and has all its employees do the same. Every employee is responsible for assisting the Employer to implement this policy.

In the ordinary course, a violation of this policy should be reported to an employee's Department Head in writing, signed by the employee. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the designated human resources official. The written statement should detail the specific information the employee possesses so that the Employer may undertake an investigation.

The Employer or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred. More specifically, neither the Employer nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the Employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;

Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the Employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care;

Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any government entity;

Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Employer or any governmental entity.

Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes: (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care; (2) is fraudulent or criminal; or (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. See N.J.S.A. 34:19-3.

Disclosure to the Employer first, however, is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. The employee must give the Employer a reasonable opportunity to correct the activity, policy or practice. It is the Employer's responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity. A violation can taint the credibility of the Employer and cause the Employer and its employees to be subjected to adverse publicity leading to public distrust.

This policy is important to the Employer. Each employee should seek to resolve any problem within Employer channels before reporting it to any outside person or entity.

Section Two: EMPLOYEE BENEFITS

COMPENSATION

The Employer will pay its employees in accordance with the provisions of applicable collective bargaining agreements, ordinances, and in compliance with the Fair Labor Standards Act ("FLSA") and the New Jersey Wage and Hour Law.

Employees are not entitled to retroactive pay increases if an employee separates employment, voluntarily or involuntarily, from the employ of the Employer prior to the retroactive payment, unless otherwise stated in the applicable collective bargaining agreement.

PAYROLL POLICY:

- A. Biweekly payroll: all full-time employees, all members of the Police Department and school crossing guards, Plumbing Inspector, Building Inspector, Building Sub-Code Official, Construction Official, Chief of Fire Prevention Bureau, Court Administrator, Recreation Coordinator, Superintendent of Public Works and Tax Assessor.
- B. Monthly payroll: Housing Inspector, Prosecutor, Planning Board Secretary and all other employees.
- C. Quarterly payroll: Municipal Court Judge, Emergency Management Coordinator, Mayor and Council, Registrar and Deputy Registrar.

The Borough of Oceanport will not accept responsibility for any employee's personal finances. The Borough of Oceanport will acknowledge judgments against an employee's pay but will not act as a mediator between the employee and creditors.

OVERTIME

The Employer complies with all applicable federal and state laws with regard to payment of overtime work, including the New Jersey Wage and Hour Law and the federal Fair Labor Standards Act. Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties with the exception of the Public Works supervisor who shall be eligible for overtime compensation. The Borough Administrator shall notify all Exempt employees of their status under the Act. The Borough, however, recognizing the professional nature of the exempt employee's position and their requirement to perform services beyond the normal working hours, shall allow them compensatory time off during the workday on an hour-for-hour basis for their attendance at scheduled Borough meetings, elections, or when requested to work outside of normal hours by Mayor and/or Council. Exempt employees who are required to work beyond their normal hours for other than scheduled Borough meetings, elections or when requested to work outside of normal hours by Mayor and/or Council shall not be afforded compensatory time for this purpose. Exceptions to this rule will be the Court Administrator, who if called out after hours shall receive a minimum of 3 hours for such after hour call outs. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for any more than two consecutive compensatory time off days requires approval by the Mayor and/or the Governing Body. At no time shall compensatory time be converted to overtime pay. Depending on work needs, employees

may be required to work overtime. Employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Chief Administrative Officer. Employees working overtime without prior approval will be subject to disciplinary action.

Nonexempt Employees: A non-supervisory employee is not expected to provide service for the Borough beyond the normal working hours without additional compensation. Nonexempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period at a rate of 1 ½ times their salary. Non-exempt employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over forty (40) in a workweek. If a Non-Exempt employee works on Sunday or a paid holiday, the employee will receive overtime compensation of 2 hours for each hour worked. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is 80 hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours.

Employees must make a request to their supervisor at least two days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department. Compensatory time may be taken in 8-hour increments or less and may not be taken on consecutive days.

MEDICAL BENEFITS

PLEASE NOTE: FULL DETAILS OF EMPLOYEE'S HEALTH, MEDICAL AND HOSPITALIZATION PLANS CAN BE FOUND IN THE OFFICIAL INSURANCE PLAN DOCUMENTS. IF THERE IS ANY CONFLICT OR INCONSISTENCY BETWEEN THE INFORMATION IN THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND THE OFFICIAL DOCUMENTS, THE OFFICIAL DOCUMENTS WILL GOVERN. THE EMPLOYER RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, IN WHOLE OR IN PART, AT ANY TIME WITH OR WITHOUT NOTICE IN ACCORDANCE WITH APPLICABLE LAW. THE EMPLOYER ALSO RESERVES THE RIGHT TO CHANGE INSURANCE CARRIERS IN ACCORDANCE WITH APPLICABLE LAW.

Part-time and full-time temporary or seasonal employees are not entitled to medical insurance benefits. Failure to complete all necessary paperwork in accordance with the time frames advised by the Employer will result in a delay of coverage. Additionally, failure to enroll dependents or to make other changes or corrections in coverage may jeopardize available benefits. All employees must notify the Employer of any change in status (i.e., marriage, divorce, birth, adoption, death) within the time frame

designed by the health benefit plan that would affect any employer-provided health insurance. The Employer reserves the right to conduct a coverage audit to verify proper coverage for employees and eligible dependents.

A. Medical Plan.

- (1) All full-time permanent employees and their dependents, including civil union partner, shall become eligible for single enrollment in the Borough's hospitalization, medical and major medical and major medical group insurance plan, effective 60 days after the date of employment. Any participant shall have the right to upgrade their plan coverage at his or her own cost.
- (2) The Borough shall pay premium for such medical plan for the employee and his/her dependents during the term of employment. All non-contracted employees shall during the term of their employment contribute to their health insurance premium costs in accordance with Chapter 78, P.L. 2011. Employees who have completed not less than 25 years of public employment shall continue on the Borough medical plan throughout the term of such employee's retirement. Such enrollment period shall consist of not less than 20 years of employment by the Borough, as well as employment by any other public employer qualifying for participation in the public employee's retirement system, provided that the total length of all such public employment shall be not less than 25 years. If an employee has completed less than 25 years of public employment but at least 10 years of employment by the Borough by the date upon which the retirement of any such employee shall become effective, the Borough shall pay the full premium for such medical plan for the employee and his/her dependents for a period of one year following the date such retirement becomes effective, provided that such employee remains insurable. Thereafter, the retired employee may elect to continue such coverage; provided, however, that the employee remains insurable and agrees to pay for the cost of continued participation in such plan. In addition to the medical benefits provided for the employees retiring with 25 years of service or more, the Borough shall provide medical benefits (hospitalization and major medical insurance) for surviving spouses of retired employees who die, until the surviving spouse attains the age of 65. In the event the surviving spouse shall remarry while receiving medical benefits as herein provided, all such benefits shall terminate upon such marriage.

B. Dental Plan.

- (1) All full-time permanent employees and their dependents, including civil union partner, are eligible for enrollment in the Borough's dental plan effective 60 days after the date of employment.
- (2) The Borough shall pay the full premium of this plan less mandatory employee contribution in accordance with Chapter 78.

C. Waiver of Health Insurance Benefit

- (1) Any participant shall be entitled to file a waiver of health insurance benefits at his/her election. In the event a participant so elects, he/she is entitled to a waiver payment as calculated in Items (2) and (3) of this section. The Borough shall make the appropriate

“Opt-Out” payment to the participant at the conclusion of the premium year. The participant choosing to “Opt-Out” has the right to “Opt-in” to the health insurance plan without penalty to said member.

- (2) Payments for waivers filed before May 21, 2010, and maintained continuously since, shall be calculated at fifty percent (50%) of the amount saved by the local unit as a result of the participant’s waiver of coverage or \$3,500 whichever is less.
- (3) Payments for waivers filed on or after May 21, 2010, which is the effective date of P.L. 2010, c. 2, shall be calculated at twenty-five percent (25%) of the amount saved by the local unit as a result of the waiver but not more than \$1,500 for single coverage plans and not more than \$3,500 for all other plans per annum or so pro-rated during the coverage year, subject to the appropriate Federal and State taxes. “Amount saved” means the difference between the total cost of the premium for the selected coverage less the amount of the employee’s healthcare contribution obligation based on the total premium cost.

DEFERRED COMPENSATION

A deferred compensation plan is a payroll deduction savings plan that provides the employee with a federal tax-deferred rate of return that is derived from a predetermined percentage of the investment applied to their annual salary. This is an elected benefit that the employee may choose to participate in as a supplemental retirement resource. Forms for enrollment shall be available at the CFO’s office. All Borough employees may choose to join this plan.

RETIREMENT POLICY

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee’s contribution to the Plan will be deducted from the employee’s pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Borough Administrator in writing prior to the start of that year and within six months of the actual retirement. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Supervisor will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Employees who leave Borough employment early can choose to leave their contributed pension amount in the public employee’s retirement system until retirement age or elect to withdraw their pension contributions as a lump sum, plus interest. The responsibility for making the selections shall be left to the employee.

COMPENSATION FOR UNUSED SICK LEAVE

A. Upon retirement from Borough employment of any employee, such employee shall have the right to be compensated by the Borough for accumulated sick leave at such employee's current rate of compensation in accordance with the following schedule:

1. A maximum of 33 days, provided that the employee is at least 60 years old and has been employed by the Borough of a minimum of 10 years.
2. A maximum of 66 days, provided that the employee is at least 60 years old and has been employed by the Borough for a minimum of 15 years.
3. A maximum of 100 days or \$27,800, whichever is less, provided that the employee is at least 55 years old and has been employed by the Borough for a minimum of 30 years or is at least 60 years old and has been employed by the Borough of a minimum of 20 years.
4. All non-contract employees hired after January 1, 2009 shall have accumulated sick leave capped at 100 days or \$10,000.000 whichever is less.
5. All non-contract employees hired prior to January 1, 2009 that have exhausted the balance of their accumulated sick leave shall be subject to the 100 days/\$10,000.00 cap upon retirement.

B. Upon receipt of a notice of retirement from any employee eligible for compensation for unused sick leave, the Borough shall have the option of paying such compensation pursuant to either of the following schedules:

1. A lump-sum payment not later than March 1 of the calendar year following the year of retirement.
2. At the rate of 50% of such compensation not later than March 1 of the calendar year following the year of retirement and the remainder not later than March 1 of the second calendar year following the year of retirement.

C. Notwithstanding the foregoing, no provision of this section shall be construed to restrict the right of the Borough to make payment of the full amount during the year of retirement if it so elects.

D. All non-contract employees with six (6) or more years of service and at least 100 accumulated sick days may elect to cash in no more than ten (10) unused sick days annually, payable in January of the following year. The employee will notify the Borough in writing when electing this option, no later than December 15th of each year. Rate of reimbursement will be the hourly rate and longevity of the year in which the reimbursement was requested.

EDUCATIONAL ASSISTANCE AND TRAINING

Subject to sufficient funds in the budget and upon approval of the Supervisor, employees may apply for reimbursement of tuition expenses incurred for training courses directly related to the employee's work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

CONFERENCE AND SEMINAR TRAINING

Requests shall be made sufficiently in advance to take advantage of discounts for early registration and must be submitted to the Supervisor at least thirty days before the event. Requests must be in writing

including the conference schedule, registration information and estimated costs. Requests to attend a conference or seminar must be approved by the Supervisor and the Borough Administrator. The Supervisor is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

HIPAA COMPLIANCE

The Employer is committed to upholding both the letter and the spirit of the Health Insurance Portability and Accountability Act ("HIPAA") regarding the use, maintenance, transfer, and disposition of personal health care information. To the extent that the Employer maintains such information about its employees and others, its elected officials and employees are committed to protecting the privacy and confidentiality of that information.

WORKER'S COMPENSATION

An employee suffering a work-related injury or illness and being unable to perform their prescribed job due to said injury or illness, will receive Workers' Compensation loss income at one hundred percent (100%) of their salary for a six-month period from the date of the occurrence. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a workers' compensation physician appointed by the Employer or workers' compensation carrier. Workers' Compensation is not a leave entitlement but only a wage replacement arrangement. Payment for unauthorized medical treatment may not be covered. No temporary Workers' Compensation benefits other than the payment of medical bills shall be paid until the employee has been disabled for a period of seven (7) calendar days from the work-related injury, unless otherwise required by law.

While receiving workers' compensation benefits, the pension portion of an employee's benefits will still be paid by the Employer. If, however, an employee is receiving Workers' Compensation with pay, (which is defined as one hundred (100%) percent compensation of salary) the employee is responsible for all deductions, including pension.

If the employee has not been released to return to work due to this occurrence after the six-month period has expired, loss income will be replaced as prescribed by Law. The Borough in accordance with the law will continue to report and submit all required pension payments during such time. The employee will be responsible for his/her required health benefits premium contribution. The Employer will not tolerate retaliation or discrimination against an individual because the individual has filed a claim for Workers' Compensation benefits. This prohibition includes denying or limiting any request for leave because an individual asserted a claim for workers' compensation benefits.

Section Three: LEAVES OF ABSENCE

PAID HOLIDAYS POLICY

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

An employee required to work on Easter Sunday shall be paid at two (2) times their current hourly salary rate for that day.

Office and public works employees required to work on any of the recognized Borough holidays shall be paid two (2) times their current hourly salary rate for the day. The Employer reserves the right to change or delete the holidays set forth above.

This policy is not intended to conflict with the collective bargaining agreement between the Employer and its unionized employees. If there is a conflict between this Manual and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees.

Weekend Holidays. If a paid holiday falls on a Sunday, it will be observed on the following Monday. If a paid holiday falls on a Saturday, it will be observed on the preceding Friday. Employees who work on weekends will observe the holiday on the actual day.

Eligibility for Holiday Pay. To qualify for holiday pay, employees must be in pay status the scheduled workday immediately preceding and immediately following the holiday. Any employee who is absent without Borough approval on the day before or the day after a holiday shall not receive holiday pay unless the absence was approved in advance. If a paid holiday occurs while an employee is on approved vacation or sick leave, the employee shall not have that holiday charged as sick or vacation time.

Religious Holidays. Employees who wish to observe religious holidays not designated as a holiday by the Employer may do so without loss of pay by using available personal or vacation days, but only to the extent that the employee has not already used up his or her available personal or vacation days.

VACATION LEAVE POLICY

Vacation is an accrued benefit based on the following schedule:

- One half day for each full month of service during the first calendar year, upon completing a 90-day probationary period;
- Ten days for the second through the fifth calendar year;
- Fifteen days from the sixth through the tenth calendar years of service;
- Twenty days from the eleventh through the fifteenth calendar year of service;
- Twenty-five days from the sixteenth calendar year of service and thereafter.

After completing one continuous full year of permanent part-time employment, permanent part-time employees shall receive paid vacation (on a pro-rated basis, as defined herein). Specifically, permanent part-time employees shall receive paid vacation days based upon a percentage basis of hours worked, weighed against a forty (40) hour week.

If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted in lieu of the holiday.

Employees must request vacations in writing at least 14 days in advance of the desired starting date. All vacations must be scheduled and approved by the department head. Vacation requests of more than two consecutive weeks must be approved by the Mayor and/or Council or their designee and only granted for extra ordinary reasons.

All vacations must be taken during the year accrued unless an employee's duties prevented him from taking the vacation within that time.

Exceptions for a carryover of accrued vacation time must be made in writing by the employee's department head indicating the reason. The Mayor and Council or their designee must approve the carryover of vacation time. Whenever an employee's duties have prevented him/her from taking his/her accrued vacation time, such employee may, at the sole discretion of the Mayor and Council, be paid for such accrued vacation for a maximum of two weeks per year at the employee's current salary.

All personnel responsible for the removal of snow shall be entitled to vacation but must be available for snow removal from December 1st to March 31st. Exceptions to this rule must be submitted in writing and approved by the Mayor and Council or their designee.

Employees who have an approved vacation/benefit time scheduled who call in sick the day before or day following a vacation, holiday and/or leave, and/or any other authorized day of absence may be required to submit a physician's statement.

PERSONAL DAY POLICY

Employees hired prior to January 1, 2011 are entitled to 5 personal days per year and employees hired after January 1, 2011 are entitled to 3 personal days per year. Upon completing a ninety (90) day probationary period, employees are entitled to three (3) personal days per year. One (1) personal day shall accrue on the first day of January, May, and September of each year. Any unused days are forfeited at the end of each calendar year.

SICK LEAVE POLICY

Sick leave is the absence from work of an Employee for the reasons permitted by State and Borough Law. This policy is to be read in concert with P.L.2018, Chapter 10, which is incorporated herein by reference.

Borough employees are entitled to sick leave benefits as follows:

1. New full-time employees will accrue one day of sick leave for each full month of service, after completing a ninety (90) day probationary period.
2. After the First calendar year and through the Fifth calendar year, 12 days of sick leave will be accrued each year.
3. The Sixth calendar year and thereafter, sick leave is accrued at 15 days per year.
4. Part-time employees shall receive sick days accruing from the commencement of their employment as follows:

For every 30 hours worked, an employee shall accrue one hour of sick leave. An employee may accrue or use in any year, or carry forward from one year to the next, no more than 40 hours of earned sick leave.

The Employer permits an employee, pursuant to N.J.S.A. 34:11D-3(a), to use the earned sick leave accrued for any of the following instances:

- (a) Time needed for diagnosis, care, or treatment of, or recovery from, the employee's own mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (b) To aid or care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (c) If an employee or a family member are a victim of domestic or sexual violence, and are obtaining services from a designated domestic violence agency or other victim services organization, medical attention, legal services, counseling, or are relocating due to the domestic or sexual violence;
- (d) Closure of an employee's workplace, or of the school or place of care of an employee's child, due to an epidemic or public health emergency, or because of the issuance by a public health authority of a determination that the presence of the employee or their family member in the community would jeopardize the health of others; or
- (e) If an employee needs to attend a school-related conference, meeting, function or other

event requested or required by an administrator, teacher, or other professional school staff member responsible for the education of the employee's child, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

In regard to the above, the Employer requires three (3) days' notice for any foreseeable use of leave. If the use of leave is unforeseeable, the employee should notify the Employer as soon as practicable of their need to use same, but not later than 30 minutes after their scheduled work starting time each day of the required absence. Should an employee need to use three (3) or more consecutive days of leave, said employee must provide the Employer with reasonable documentation that the leave is being taken for one of the purposes permitted above. Reasonable documentation shall be as defined in N.J.S.A. 34:11D-3(b).

A medical certificate may be required of the employee stating illness or of the need for the employee's attendance upon a member of his/her immediate family member, including civil union partner. A medical certificate will be required after absences from work of three or more consecutive days. Medical certificates will be given to the department head who will in turn forward it to the Borough Administrator for inclusion into the employee's personnel file.

FAMILY AND MEDICAL LEAVE

In accordance with the federal Family and Medical Leave Act ("FMLA"), the Employer provides eligible employees with up to twelve (12) weeks of unpaid medical and family leave during any twelve (12) month period and up to twenty-six (26) workweeks to care for a Covered Service member. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees' rights and obligations under the FMLA and the Employer's policies implementing the FMLA.

Leave Available. Eligible employees may take up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for any one or more of the following reasons:

- The birth, adoption or placement for foster care of the son or daughter of an employee, and to care for such child;
- A serious health condition of a spouse, son, daughter or parent of an employee if the employee is needed to care for such family member; or
- A serious health condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee's inability to work for more than three (3) consecutive days (although there are certain exceptions to this rule);
- Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the Regular Armed forces, National Guard or Reserves on active duty status during the deployment to a foreign country, and or has been notified of an impending call to active duty status as such in support of a contingency operation.

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Servicemember shall be entitled to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for the Covered Servicemember. During this single twelve (12) month period, an eligible employee who qualifies for leave to provide care for the Covered Servicemember shall be entitled to no more than a combined total of twenty-six (26) workweeks of leave.

Definitions.

“Covered Servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family member’s initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

“Eligible Employee” means an individual who has been employed by the Employer for at least twelve (12) months, has worked at least 1,250 hours during the preceding twelve (12) month period, and is employed at a worksite with at least fifty (50) employees within seventy-five (75) miles of that worksite.

“Next of kin” means the nearest blood relative of the individual.

“Qualifying Exigency” covers a number of broad categories of reasons and activities, including short-notice deployment to a foreign country, military events and related activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities agreed to by the employer and the employee.

“Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. It generally includes a period of incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term health condition, or restorative or preventive treatment.

“Serious Injury or Illness” means an injury or illness incurred by a Covered Service member in the line of duty or on active duty in the Armed Forces, National Guard or Reserves, incurred in the line of duty on active duty or whose pre-existing condition has been aggravated by his/her active duty service, that may render the service member medically unfit to perform the duties of the member’s office, grade, rank or rating.

Eligibility. Any employee who has been employed by the Employer for twelve (12) months or more and worked 1,250 hours or more in the twelve (12) month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to twelve (12) weeks during any twelve (12) month period.

The twelve (12) month period shall be determined by using a rolling twelve (12) month period that commences with the first day of leave taken.

Leave to care for a child after birth, adoption, or foster care must conclude within twelve (12) months of the child's birth or placement. If both spouses work for the Employer, they may only take a total of twelve (12) weeks between them during the twelve (12) month period in order to care for a child after birth, adoption, or foster care or to care for a parent with a serious health condition and a combined twenty-six (26) weeks in a single twelve (12) month period for military caregiver leave or a combination of military caregiver leave and other FMLA qualifying reasons. Each spouse may be entitled to additional leave for other qualifying reasons under the FMLA, such as the employee’s own illness or for the serious illness of the employee’s child.

Notice. When the leave is foreseeable, at least thirty (30) days’ advance notice to the Employer, in writing, is required. If thirty (30) days’ notice cannot be provided, as much notice as is practical should be provided. Failure to give reasonable notice may delay the availability of the leave.

Certification. Where leave is taken to care for a family member with a serious health condition or because of the employee's own serious health condition, medical certification is required and periodic recertification may be required. In addition, where the leave is taken because of the employee's own serious health condition, a certification of fitness to return to work will be required.

The Employer, at its expense, may require an examination by a second healthcare provider designated by the Employer. If the second healthcare provider's opinion conflicts with the original medical certification, the Employer, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

For military exigency leave, an employee may be required to provide certification that the covered military member is a member of the regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation, as well as certification from the employee about the nature and details of the specific exigency, the amount of leave needed, and the employee's relationship to the military member. For military caregiver leave, the employee may be required to provide information from the health care provider and employee and/or Covered Service member to support such leave.

Absent unusual circumstances, medical certifications must be provided within fifteen (15) days. The Employer will also require periodic status reports from employees concerning their intended return date.

Failure to provide requested documentation may result in denial of leave. The Employer may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the Employer may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

Utilization of Paid Leave. Generally, FMLA leave is unpaid. However, depending upon the circumstances, employees may be entitled to receive short-term disability, workers' compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee's unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during their approved unpaid leave. Employees may not receive more than 100% of salary at any time.

Coordination with other Leave Policies. The period of time attributable to the employee's absence due to any workers' compensation, disability, or sick leave, will be counted against available leave under this policy to the extent permitted by law. In the event that additional family, medical or sick leave is available pursuant to state laws, this leave will also run concurrently with FMLA leave to the extent permitted by law.

Intermittent Leave. When medically necessary, leave taken because of a serious health condition of an employee or family member or to care for a Covered Service member may be taken on an intermittent or reduced work schedule basis. The employee and employer shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the employee's health care provider. The Employer may require an employee taking intermittent or reduced work schedule leave to transfer temporarily to an alternative position with equivalent pay and benefits that is better suited to the leave schedule.

Employment and Benefits Protection. During the leave, health benefits will continue for up to twelve (12) weeks in each rolling twelve (12) month period under the same conditions as if the employee continued to

work. Employees must, however, pay the same amount for any benefits continued as they do prior to the leave. Other benefits, if any, will continue during the leave under the same conditions as if the employee continued to work.

If paid leave is substituted for unpaid FMLA leave, the Employer will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee must pay his/her portion of the premium in accordance with a payment method that is devised and mutually agreed upon between the employee and the Employer.

Employees should consult with their Department Head and human resources official prior to taking an approved leave. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums. With regard to the employee's contribution portion of his/her health benefits pursuant to Chapter 78, P.L. 2011 and any voluntary supplemental benefits that the employee may have, the employee is solely responsible for making payment arrangements with the Employer or for any voluntary benefits, to the respective insurance company. Your healthcare coverage may cease if your premium payment is more than thirty (30) days late. With regard to any pension contribution that you may have, you must contact the human resources official to make payment arrangements concerning contributions or credits paid toward your pension benefits. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

Before returning to work following a medical leave (except for intermittent or reduced schedule leave) due to the employee's own serious health condition, the employee will be required to present a fitness for duty certification from his/her health care provider that he/she is medically able to resume work. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the Employer within two (2) business days of the change.

Subject to some exceptions, most employees will be returned to the position they left or to a position equivalent in pay, benefits and other terms of employment. Individuals identified as "key employees" (the highest paid 10% of salaried employees at the work site or within a seventy-five (75) mile radius of that work site) at the beginning of their leave may not be returned to their former or equivalent position if restoration will cause substantial economic injury to the Employer. Employees will be informed of their key employee status at the beginning of the leave period.

A failure to return from FMLA leave for reasons other than the employee's own serious health condition may result in termination of employment. In the event that an employee cannot return to work at the end of FMLA leave due to a continuation of his/her own serious health condition, they must contact the Employer before the expiration of the leave to discuss their options under state and federal law. State leave laws may provide additional leave similar to that provided under the FMLA. The Employer will comply with these state law provisions to the extent they provide for more generous benefits. State leave law benefits will run concurrently with FMLA benefits to the extent permitted by law.

Family Temporary Disability. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to six (6) weeks (twelve (12) weeks, effective July 2020) of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.

NEW JERSEY FAMILY LEAVE

The Employer provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave for specified family reasons under the New Jersey Family Leave Act (NJFLA).

Eligible Employees. To be eligible for NJFLA leave, an employee must have worked at least twelve (12) months for the Employer and have worked at least 1,000 hours for the Employer over the previous twelve (12) months.

Qualifying Reasons for Leave. An employee may take NJFLA leave to care for:

- A newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.
- A family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) with a serious health condition.

Leave taken for reasons above must be consecutive and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

Leave Benefits. An employee may take up to a maximum of twelve (12) weeks of NJFLA leave in a twenty-four (24) month period, which is measured as a rolling twenty-four (24) month period that commences with the first day of NJFLA leave taken.

You may take NJFLA leave to care for a seriously ill family member:

- As a single block of time.
- By reducing your normal weekly, [but not daily,] work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.
- Intermittently in increments lasting at least one week, but less than twelve (12) weeks in a consecutive twelve (12) month period, when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Employer's operations. The total time within which an intermittent leave is taken may not exceed a twelve (12) month period, if such leave is taken in connection with a single serious health condition.

Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty-four (24) month period, or until such time as the employee's twelve (12) week family leave entitlement is exhausted, whichever is shorter. An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty-four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty-four (24) month period. Any remaining family leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

Depending on the purpose of the employee's leave, the employee may choose to use accrued paid leave, concurrently with some or all of his/her NJFLA leave. The employee will not be eligible to accrue seniority

or benefits, including vacation and holidays, during any period of NJFLA leave. The Employer will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

Required Notice and Certifications. When requesting NJFLA leave, an employee must provide the Employer thirty (30) days' advance written notice. If advance written notice is not possible because of an emergency, the employee must provide the Employer with reasonable oral notice and then follow up with written notice.

The employee also must give the Employer a medical certification supporting the need for leave. The Employer reserves the right to require second or third medical opinions and periodic re-certifications. The employee must also provide periodic reports during the leave regarding the employee's status and intent to return to work as deemed appropriate by the Employer. If an employee fails to provide the required documentation, the Employer may delay the start of the employee's NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the absences will be treated in accordance with the Employer's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

If an employee provides false or misleading information or omits material information about an NJFLA leave, the employee will be subject to discipline up to and including immediate termination of employment.

Benefits Protection. During a family leave of absence, the employee's health benefits will be maintained under the same conditions as if the employee continued to work. If the employee decides to return to work when his/her family leave of absence ends, the employee may be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee decides not to return to work when the family leave of absence ends, the employee may be required to reimburse the Employer for the health insurance premiums paid on his/her behalf during the leave of absence (except if the failure to return to work was caused by the continuation, recurrence, or onset of serious health condition which would entitle the employee to a leave of absence under the law or other circumstances beyond the employee's control).

With regard to any pension contributions, the employee must contact the human resources official to make payment arrangements concerning contributions or credits paid toward his/her pension benefits. Employees should consult with the Employer prior to taking an approved leave.

Returning to Work after NJFLA Leave. On returning to work after NJFLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Any employee who fails to return to work as scheduled after NJFLA leave or exceeds the twelve (12) week NJFLA entitlement will be subject to the Employer's standard leave of absence and attendance policies. This may result in termination if the employee's continued absence is unauthorized (for example, if the employee has no other Employer-provided leave available to him/her).

Retaliation Prohibited. The Employer and the NJFLA prohibit the interference with, restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA. The Employer encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the human resources official.

New Jersey Family Leave Insurance. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to six (6) weeks (twelve (12) weeks, effective July 2020) of Family

Leave Insurance (“FLI”) payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.

An employee’s job is not protected while receiving FLI benefits – unless the employee is eligible for leave under the FMLA, NJFLA, or is otherwise designated for an approved family leave of absence.

Employees must provide the Employer with advance notice of need for leave, as follows:

- At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.
- In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.
- At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

BEREAVEMENT LEAVE

Employees are entitled to 3 consecutive calendar days leave of absence for each death of an employee’s immediate relative. Additional leave may be granted with the approval of the Mayor and Council. “Immediate relative” includes spouse or significant other, civil union partner, child, parent, stepparent, father-in-law, mother-in-law stepchild, foster child, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee’s household. Employees are paid for all working days during the Bereavement Leave.

MILITARY SERVICE LEAVE POLICY

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. (Thereafter, the employee shall be paid the difference between military salary and the employee’s regular salary.) The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

To be reinstated by the Employer without loss of privileges or seniority, the employee must report for duty with the Employer within the time required by law following release from active duty under

honorable circumstances. In accordance with legal requirement, employees who take military leave are required to:

- Provide the Employer with proper notice of the leave;
- Apply for reinstatement within the time required by law;
- Have a creditable military record including completion of all required training and fulltime service and be discharged under honorable conditions.

On return from a military leave of absence, the employee will be reinstated as required by law. See The Uniformed Services Employment and Reemployment Act ("USERRA"). Failure to comply with the requirement enumerated above or as required by law will jeopardize an employee's reemployment rights.

JURY DUTY LEAVE

An employee who is required to serve as a grand or petit juror shall be paid his/her regular rate of pay by the Borough, less the compensation the employee received for serving as a juror.

Employees receiving jury duty notification will immediately provide their department head with a copy of the summons to report.

If the employee is released early from jury duty, he/she should contact the department head to determine whether his/her services are required for the remainder of the day.

LEAVE OF ABSENCE POLICY

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Mayor and Council if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Mayor and Council may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Borough of Oceanport.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Borough of Oceanport Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Oceanport. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Section Four: PERSONNEL RULES AND REGULATIONS

APPEARANCE

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire. Body piercings, other than earrings, may not be visible. Tattoos that are visible will be permitted, with the exception of placement on the face, head or neck. Tattoos that depict nudity, offensive or inappropriate language or images or violate Borough policies (including policies prohibiting discrimination and harassment based on race, color, religion, sex, age, disability or any other protected category) are not permitted. With the advance approval of the Borough Administrator the Borough of Oceanport will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

ABSENTEEISM AND TARDINESS

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are Monday through Wednesday 8:30 AM to 4:30 PM; Thursday 8:30 AM to 7:30 PM; Friday 8:30 AM to 12:30. The regular workweek for those employees in the Public Works Department is Monday through Friday between the hours of 7:00 a.m. and 3:00 p.m.

An employee who is absent from duty for five (5) or more consecutive working days without approval or notification or fails to return to work for five (5) or more consecutive working days following an approved leave of absence shall be deemed to have voluntarily resigned from their employment.

To minimize the negative impact on both employees and residents, the Employer will regularly review employee time records to identify chronic absenteeism and/or tardiness problems. Employees who exhibit attendance and/or tardiness problems will be subject to established progressive disciplinary procedures.

ALCOHOL AND DRUG-FREE WORKPLACE

All applicants for positions that require a CDL license and all employees whose job requires them to possess a CDL license shall be excluded from this Alcohol and Drug-Free Workplace policy. Instead, these employees are governed by Federal and State regulations, as well as Resolution #2019-228 adopting the Controlled Substances and Alcohol Use and Testing Policies for New Jersey Municipalities, U.S. Department of Transportation (USDOT) and Federal Motor Carrier Safety Administration (FMCSA) pursuant with 49 CFR Part 382. This NJDOT Controlled Substance and Alcohol Policy is available from the Borough Administrator. Employees hired with the understanding that they must obtain a CDL license will be covered under this Alcohol and Drug-Free Workplace Policy until they obtain their CDL license.

The Borough of Oceanport (hereinafter “Borough”) is committed to maintaining a safe, pleasant, and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This is considered a Health & Safety Policy of the Borough. This Policy highlights the Borough’s New Jersey Drug-Free Workplace Policy. The Borough’s Designated Employer Representative (DER) is John Johnson. The Alternative DER is Donna M. Phelps.

The Borough recognizes the prime importance to the municipality of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the Borough has no intention of intruding into the private lives of its employees, the Borough does expect employees to report to work unimpaired able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Co-workers may feel that they have to cover up or work harder because of someone’s substance abuse. Ultimately an employee with an alcohol or drugs problem may lose their job and/or suffer devastating effects on their health. The Borough has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who are working under the influence, and employees who know that a fellow employee is working under the influence, owe such a duty. The failure to honour that duty by taking the right steps to prevent this risk can result in legal liability. All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol or drugs when carrying out work for the Borough. Managers and supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol or drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

To the extent this Policy supplements, and does not conflict with current collective bargaining agreements, it is applicable. However, to the extent this policy may conflict with a current collective bargaining agreement (CBA), the CBA shall prevail.

All testing information is considered confidential information by the Borough and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the Borough with a job related need to know, the DER and Alternate DER, to defend against any administrative action brought by the employee against the Borough, in grievance or arbitration proceeding under the terms of a collective bargaining agreement, in a court of law under subpoena, as released by the employee in writing, the MRO, Borough insurers, rehabilitation programs and as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to our Employee Assistance Program (EAP) Substance Abuse Professional (SAP) for a confidential evaluation and referral for substance abuse treatment if necessary. Notice of the Borough’s New Jersey Drug-Free Workplace testing will be provided on vacancy announcement and is posted in conspicuous locations on Borough premises.

Our program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, the Borough safer,

and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your hire or continued employment, except to the extent this policy may conflict with a current collective bargaining agreement (CBA), which CBA shall prevail. The Borough has developed its drug-free workplace policy in compliance with New Jersey Laws, *and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities*. All employees are subject to testing as outlined below. The existing drug and alcohol testing program will remain in place until the effective date of this program.

WHO DO WE TEST?

All employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed, and all other employees where reasonable suspicion exists. All DOT regulated employees are also subject to testing under this policy. Using the criteria below, the following positions have been classified by the Borough as safety-sensitive: Employees who hold a CDL license and operate the Borough's commercial vehicles and law enforcement officials of the Borough. Elected officials who are not otherwise classified as employees are not subject to testing under this Policy.

SAFETY-SENSITIVE CLASSIFICATIONS

Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery, sharp objects, working at heights, positions requiring a high level of cognitive function, mostly unsupervised responsibility for children, and handling of hazardous substances in an environment where others could be injured. Positions which have been found to be safety-sensitive include firefighters, emergency medical technicians, law enforcement officials who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, forklift operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and those involved in security functions. All Department of Transportation (DOT) regulated employees are determined to be safety-sensitive by those regulations. Unless an employee comes under drug testing regulations of some federal agency, each position, job classification or department, should be individually evaluated to determine whether the employee is safety-sensitive in accordance with the above guidelines.

HOW DO WE TEST?

Drug and alcohol testing is done through chemical analysis which determines without question if a person has drugs or alcohol in his or her system and in conformity with regulations of the New York Department of Health, New Jersey Department of Health, or CLIA. Specimens subject to testing include urine, breath, hair, oral fluids, or blood. Specimen collections, chain of custody and drug and alcohol tests will be in substantial compliance with the U.S. Department of Transportation (DOT) procedures if applicable to the type of specimen being tested. To ensure accuracy, urine lab test procedures shall include a preliminary drug screening, two highly sophisticated scientific tests including adulterant detection, and are reported to an independent certified Medical Review Officer prior to being released to the Borough. Observed urine collections will only be conducted with the consent of the donor, and the observer will be by a person whose gender matches the donor's gender as identified by the donor at the beginning of the observed collection. Observed collections will be conducted in a professional manner that minimizes discomfort to the donor, and a medical professional may serve as the monitor, regardless of gender. The Medical Review Officer may recommend the collection of an alternate specimen (e.g., oral fluid) when a donor is unable to provide a sufficient amount of urine specimen at the collection site. The MRO will verify that chain of custody procedures were adhered to, use of a certified laboratory and that the test results were valid. The

Borough provides reasonable accommodations to employees and/or applicants in the alcohol and drug testing program whose physical condition prevents them from producing a urine specimen suitable for testing. You may contact the DER if you wish to make an accommodation request. In accordance with Borough policy, a test result reported by the laboratory as a negative dilute urine test is not considered a negative test but subjects the donor to immediate retesting; and a second negative dilute urine test will render an applicant ineligible for hire and current employees, where a negative test is required, not currently fit for duty. FDA approved on-site screening devices may be utilized with all initial positive results confirmed by laboratory testing. All positive initial tests are confirmed by GC/MS at established DOT cut off levels. An Alcohol content of 0.04 or higher using a DOT approved alcohol screening device, or breath alcohol device, is classified as a positive test. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opioids, designer drugs, or a metabolite of any of the above substances and mind altering synthetic narcotics or designer drugs, or impairing effect medications or substances, taken by employees working in a safety-sensitive classified position, in order for the employer to fulfill its duty to provide a safe place to work as a safety rule. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

WHAT IF YOU TEST POSITIVE?

The Medical Review Officer will contact you confidentially to give you an opportunity to discuss your results before reporting them to the Borough as a verified positive. You may discuss the result with the MRO up to seventy-two (72) hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72-hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the Borough for the cost of the test and any lost time. Under federal regulations, the MRO has the discretionary authority to notify the Borough that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the Borough if the employee is taking an impairing effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of the Borough's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

WHAT IF YOU FAIL TO FOLLOW SAFETY GUIDELINES?

Often times, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use Borough provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of Borough Policy.

WHAT ABOUT IMPAIRING EFFECT MEDICATIONS OR SUBSTANCES?

Any employee working in a safety-sensitive position as defined by Borough Policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This includes medical and recreational Marijuana, the use of which the Borough, for safety reasons, will not be able to accommodate employees working in safety-sensitive positions. However, for employees who are qualifying medical marijuana cardholders reporting to work in those states which have statutory anti-discrimination against the use of medical marijuana laws, qualifying employees, and applicants, may request a reasonable accommodation by contacting the DER and such request will be considered. If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the Borough reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety-related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor render an opinion on the safety-related risks. The employee need not disclose to the Borough the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the Borough, will make the final determination on the safety-related risks of any particular medication or substance.

WHAT IF AN ADULTERANT IS FOUND?

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of the Policy. The same would be true if you attempted to substitute a specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. *N.J. Stat. Ann. § 2C:36-10*. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

WHAT IF I REFUSE?

A refusal to provide a specimen for testing, unless the MRO agrees a medically valid reason exists for your inability, will be considered willful misconduct connected with work. Such willful misconduct connected with work will cause an applicant's offer to be withdrawn and will subject an employee to immediate termination for cause. Under New Jersey law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time, two (2) hours, of being directed to do so is also classified as a refusal under the Borough's Policy.

DRUG EDUCATIONAL INFORMATION

Attached to this Policy you will find drug educational information to assist you in recognizing the impairing effects of drug use. The Borough will conduct employee education of substance abuse education and

awareness and supervisor training on how to recognize signs of abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance abusing employees to the EAP.

WHAT IF YOU HAVE A SUBSTANCE ABUSE PROBLEM?

The Borough will provide support for employees who need support and help with alcohol or drug dependency via confidential Employee Assistance Program (EAP), Substance Abuse Professional (SAP) or Medical/Occupational Health support services. Employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases, this may require a transfer to other duties (e.g. where a person is working in a safety critical role) while the individual is receiving treatment. However, the fact that an employee is seeking or undergoing treatment will not be a defence to a charge of wilful misconduct if the employee reports for work under the influence of alcohol or drugs. Our Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through our EAP/SAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report. For confidential help with a substance abuse problem, contact the DER or the EAP/SAP. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP, and may also be available under the health and welfare benefit program for employees, *only to the extent of the current benefits package*. The Borough will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. A list of state and national **Substance Abuse Resources** is a part of this Policy.

WHAT ABOUT A LAST CHANCE OPPORTUNITY?

No last chance opportunity is available to a probationary, part time or temporary employee, or in the case of refusal, attempted adulteration, substitution, switching, tampering with, or diluting of a specimen or attempt to defraud a drug test. Employees who receive an EAP/SAP evaluation favorable for rehabilitation may be offered a last chance agreement which will subject the employee to unannounced follow-up testing for up to 12 months, together with other educational and counseling requirements as recommend by the EAP/SAP. A negative return to duty test is required to be placed back on active duty. A positive test, refusal or failure to comply with any term of the last chance agreement during this follow-up period will subject the employee to immediate termination.

WHY AND WHEN DO WE TEST?

- Pre-employment: Drug testing will be performed on all final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment.
- Routine Fitness-for-Duty: Safety-sensitive employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.
- Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the Borough has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result, the employee will not suffer a loss of pay.
- Post-Accident/Incident Testing: Testing of a safety-sensitive employee may be conducted under any of the following circumstances: 1) the employee involved in the incident/accident was actively engaged

in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee's action or inaction was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the Borough's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or inaction, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers' Compensation Carrier or Fund.

- Random: Employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered employees. Non-DOT safety-sensitive employees may be included in a Non-DOT testing "pool." DOT regulated employees should only be placed in a DOT testing "pool."
- Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

POLICY PROHIBITIONS

Employees, applicants and Contractors for the Borough are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on Borough** premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
 - a. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.
 - b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Borough premises or property, including Borough-owned or leased vehicles, or vehicles used for Borough purposes.
 - c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.
 - d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Borough will refer such matters to the appropriate police authority.
 - e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify the Borough in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an employee's performance on the job, or which has the potential to

jeopardise the health or safety of other employees, the public or the Borough's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough and other factors related to the impact of the employee's conviction on the Borough.

f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.

g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by the Borough or its designee, is a violation of Borough Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

i. Failure to advise the Borough of pre-duty use of a prescription or over-the-counter drug which may alter the employee's ability to safely perform the essential functions of his or her job.

j. Failure of an employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.

k. We strictly prohibit employees from using hemp products, which some within the medical community have indicated may cause a positive marijuana test result. We will not generally consider use of hemp products a valid medical explanation for a positive marijuana test result.

2. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on Borough premises or property:

a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on Borough premises or property, including Borough owned or leased vehicles, or vehicles used for Borough purposes.

b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*

c. A conviction or plea of guilty relative to any criminal alcohol offense occurring in the workplace. All employees must notify the Borough in writing of any criminal alcohol conviction not later than five calendar days after such conviction. Alcohol use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or the Borough's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough and other factors related to the impact of the employee's conviction on the Borough.

d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by the Borough or its designee, is a violation of Borough Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

f. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol.

HOW CAN YOU HELP?

- I. If you are doing drugs – STOP!
- II. If you need help – ASK!
- III. If you know someone at work who is doing drugs – TAKE ACTION!
- IV. Don't let someone else's drug or alcohol problem be the cause of an ON THE JOB INJURY!
- V. Only with your help can we truly have a safe, pleasant, and productive environment at the Borough of Oceanport.

Drug Educational Information Alcohol (Depressant)

Common Forms:	Beer, wine, hard liquor
How Used:	Oral ingestion, patterns of use vary.
Desired Effect:	People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.
Time in body:	Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is effected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.
Observable effects:	Staggering gait Slurred speech Odor of alcoholic beverage Shaky hands Poor eye-hand coordination Slowed reaction time Eyes react slowly to light - wears sun glasses
Work behavior:	Arrive late, leave early, mis-outs Neglect of physical appearance Restlessness Tremors (hands, face, fingers, lips tongue) Slurred speech Uninhibited - makes inappropriate remarks
Material Indicators:	Empty liquor bottles, cans, often in paper bags Flasks, sometimes disguised as other things
Slang Terms	Booze, juice, hooch, grape, eye-opener, hair-of-the-dog, brew, suds, etc

Amphetamines (Amphetamine and Methamphetamine) Stimulant

Common forms:	Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.
How used:	Orally, sniffed up the nose, or injected.
Desired effects:	Most commonly sought after effects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizophrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.
Time in body:	Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about ½ hour. Single doses detectable for about 48 hours.
Observable effects:	Dilated pupils. Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen: person engages in repetitive tasks or mannerisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.

Work behavior: Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.

Material Indicators: Pills, capsules, white powder, granular crystals
Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections

Slang terms: Defies, bennies, speed, crank, ice, crystal, white crosses, black beauties

Cocaine - A Stimulant

Common forms: Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"

How used: Cocaine--usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" -- freebase cocaine--is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.

Desired effect: Most commonly sought after effects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.

Time in Body: Single doses detectable for 12-24 hours

Observable effects: Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose. Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness

Work issues: Frequent trips "to the restroom"—secluded place. Frequent sick-outs and unexplained absences. Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems--borrows, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep

Material Indicators: Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke spoons. Small glass pipes, and heat sources used to volatilize crack.

Slang terms: Coke, snow, toot, crack, blow, happy dust, "C"

Marijuana

Common forms: Dried green-brown flowers and leaves of the hemp (cannabis) plant--also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).

How used: Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.

Desired effects: Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.

Time in body: Marijuana dissolves in body fat cells and is detectable for extended periods of time--up to seven (7) days for occasional users and four (4) weeks or longer for chronic users

Observable effects:

Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat). Poor muscular control. Rambling, disconnected speech patterns. Euphoria--as laughing out of context. Getting "hung up" - i.e. going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.

Work issues:

Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-outs. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users--persistent cough, fatigue, frequent sickness.

Material indicators:

Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roaches" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.

Slang terms:

Dope, grass, reefer, weed, ganja, pot, etc.

Opioids (Morphine and Codeine)--Narcotic Depressants

Common forms:

Street forms are pills, liquids and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric."

Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid, and is also found in products containing poppy seeds. Heroin is a semi-synthetic derivative of morphine.

How used:

Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.

Desired effects:

Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user experiences a "rush" described as a very pleasurable whole body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.

Time in body:

Single doses are usually detectable for 48-72 hours.

Observable effects:

Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"--the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.

Work issues:

Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).

Material indicators:

Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or prophylactics used to hold drug. Bloody tissue papers, blood on shirt sleeves.

Slang terms:

Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc.

Phencyclidine (PCP)

Common forms:

Pills, liquid, powder, and PCP cigarettes

How used:	Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.
Desired effects:	Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).
Time in body:	Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.
Observable effects:	Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).
High doses:	Coma-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.
Work issues:	Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.
Material indicators:	Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.
Slang terms:	PCP, angel dust, hog, dust, DOA, shermans, sherms, peace pills, dummy, etc.

Substance Abuse Professionals

NATIONAL RESOURCES

A2Z Alcohol & Drug Abuse-Addiction.....	1-800-274-2042
Al-Anon/Alateen Family Group Headquarters	1-800-356-9996
Alcoholics Anonymous World Service.....	1-212-870-3400
American Council on Alcoholism Helpline.....	1-800-527-5344
800 Cocaine--An Information and Referral Hotline	1-800-262-2463
Nar-Anon Family Group Headquarters.....	1-310-547-5800
Narcotics Anonymous.....	1-818-773-9999
National Association of Alcoholism (NAADAC)	1-800-548-0497
www.naadac.org Fax:	1-800-377-1136
National Association of Addiction Treatment Professionals.....	1-717-581-1901
www.naatp.org	
National Council on Alcoholism and Drug Dependence, Inc.....	1-212-269-7797
www.ncadd.org	
Hope Line (24-hour affiliate referral)	1-800-NCA-CALL
Center for Substance Abuse Prevention's Workplace Hotline	1-800-WORKPLACE
National Clearinghouse for Alcohol & Drug Information.....	1-800-729-6686
Center for Substance Abuse Prevention's Drug Information, Treatment & referral Hotline	1-800-662-HELP
(Spanish-Espanol).....	1-800-66-AYUDA

EMPLOYEE ASSISTANCE PROGRAM

PREFERRED BEHAVIORAL HEALTH GROUP
P.O. BOX 2036
LAKEWOOD, NJ 08701
800-542-0184

BREAKS

Administrative personnel are entitled to a one-hour lunch that is to be arranged by the supervisor so that offices continue to function. Public Works personnel are entitled to a one-half hour lunch break, which will be scheduled by the supervisor, and are entitled to a fifteen-minute break in the morning and in the afternoon.

BULLETIN BOARD POLICY

The bulletin boards located in the Borough of Oceanport administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Borough Clerk may post, remove, or alter any notice.

COMPUTER USE, ELECTRONIC MAIL AND INTERNET POLICY

The Employer's e-mail, voicemail, computer systems and Internet service are for official Employer business and use for all other non-business purposes during working time is prohibited. "Working time" shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the Employer. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and mealtimes. This includes, but is in no way limited to, the use of computers or Employer-issued mobile devices, use of social networking, gaming or TV/video.

Note: All e-mail, voicemail, text, and internet messages are official documents subject to the provisions of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.

The Employer operates in an environment where the use of computers, e-mail and the Internet are essential tools for certain employees. Those employees are encouraged to use computers, e-mail and the Internet; however, it is the responsibility of the employee to guarantee that these systems are solely used for business-related purposes during working time, (as defined above) and are used in a proper and lawful manner at all times.

- Employees are advised that all computers owned by the Employer are to be used for business purposes only during working time (as defined above), and that they have no expectation that any information stored on an Employer computer is private. Because e-mail messages are considered as business documents, the Employer expects employees to compose e-mails with the same care as a business letter or internal memo.
- Downloading or misusing software available through the Internet could violate copyright laws or licensing requirements.
- Personal use of any computer during working time (as defined above) is prohibited, unless expressly authorized by the employee's supervisor.
- The Employer reserves the right to block or cancel an employee's access to Internet sites or the Internet as a whole while using business computers or on the Employer's time.
- The e-mail, telephone, and Internet systems, as well as the messages thereon, are the property of the Employer.
- The Employer reserves its right to monitor its computer systems, including but not limited to, e-mail messages, computer files and Internet usage, with or without notice, at any time, at the Employer's discretion. The Employer also reserves the right to access and disclose such communications and

recordings to third parties in certain circumstances. Therefore, employees shall have no expectation of privacy in any transmissions made or received using Employer computers or email accounts.

- Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.
- The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Employer or generated by the employee, do not restrict or eliminate the Employer's access to any of its electronic systems as the employees shall be on notice that they should not have any expectation of privacy when using these systems.
- Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.
- The Employer's network, including its connection to the Internet, is to be solely used for business-related purposes during working time (as defined above). If permission is granted, an employee's personal use of the Employer's computer, e-mail and connection to the Internet shall not interfere with the employee's duties and shall comply with the Employer's policies and all applicable laws.
- Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.
- Because postings placed on the Internet may display the Employer's address or other Employer-related information, and thus reflect on the Employer, make certain before posting such information that it exhibits the high standards and policies of the Employer. Under no circumstances shall data of a confidential nature (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- If you identify yourself as an employee in any manner on any internet posting or blog, comment on any aspect of the Employer's business or post a link to the Employer, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of the Employer or anyone associated/affiliated with the Employer."
- Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by Employer. Any other subscriptions are prohibited.
- All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the Employer's Network Administrator before downloading.
- Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using an Employer computer. "Unauthorized use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination-based material; attempting to disable or compromise the security of information contained on the Employer's computer systems; or sending or receiving obscene, violent, harassing, sexual or discrimination-based messages. If an employee receives a message that is representative of an "unauthorized use" of the Employer's electronic media from someone outside of the Employer, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.
- Your Internet postings SHOULD NOT VIOLATE ANY OTHER APPLICABLE EMPLOYER POLICY, including, but not limited to, the following: the Employer's Anti-Harassment and Discrimination Policies.

- Employer business which is conducted by an employee on his or her personal computer or device is subject to this policy and may be subject to the provisions of OPRA.

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination. This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions communicate with each other; or engage in other concerted activities for their mutual aid and protection.

Social Network Postings

For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a profile within that system, define a list of others users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet-based social networking activities include: blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the sites. The absence of, or lack of explicit reference to a specific site or activity does not limit the extent of the application of this provision.

The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Employer and its relationship with the community. This provision identifies prohibited activities by employees on the internet where posted information is accessible to members of the general public, including, but not limited to, public postings on social networking sites.

Specifically, the Employer reserves the right to investigate postings, private or public, that violate workplace rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Employer by other employees or third parties. Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your supervisor, coworkers, or the management team reading your words, you should not write them.

Be advised that employees can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by agency employees or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the employees' official job duties.

TELEPHONE AND PERSONAL COMMUNICATION USAGE POLICY

Land-line Telephones. Employer telephones are for official business use only during working time. Charges for all other usage, including personal calls and unauthorized use of such devices, must be reimbursed to the Employer. Working time shall be defined as any time in which the employee is

engaged in or required to be performing work tasks for the Employer, and excludes times when employees are properly not engaged in performing work tasks, including break periods and mealtimes.

Employer-Issued Mobile Phones/Devices. Employer-issued mobile devices may be issued to certain employees in the course of their employment with the Employer. Such Employer-issued devices are the sole and exclusive property of the Employer and are only to be utilized by employees in the course and scope of their employment during working time (any time in which the employee is engaged in or required to be performing work tasks for the Employer not to include times when employees are properly not engaged in performing work tasks, including break periods and mealtimes.) Employees will be charged for costs incurred due to their personal use of such devices. Accordingly, the Employer reserves the right to monitor the use of the

Employer-issued cell phones without notice, at any time, and any such data collected from the mobile device equipment is the sole and exclusive property of the Employer to be used for any purpose.

Similarly, the Employer reserves the right to review the manner and use of these mobile devices and physically inspect the equipment at any time with or without notice. Accordingly, the employee shall have no reasonable expectation of privacy in any transmissions made or received using an Employer-issued mobile device.

Employees are expected, at all times, to respect the integrity of the Employer-issued mobile devices and to maintain the equipment in proper working condition. If an employee discovers or recognizes that the mobile device is not in proper working condition, it is the employee's responsibility to bring this fact to the attention of his or her supervisor immediately.

Upon termination of employment or in the instance of an upgrade to the employee's phone or service, the employee must return the Employer-issued device to the Employer.

Prohibited Use of Personal Communication Devices. To alleviate distraction and disruption of regular work routines, personal communication devices are strictly prohibited from use during working time (any time in which the employee is engaged in or required to be performing work tasks for the Employer not to include times when employees are properly not engaged in performing work tasks, including break periods and meal times.) while in work areas, except where the Employer has provided such device(s) to employees for business use, or in case of an emergency (such as illness, accident, and calls of a similar emergent nature).

Employees are prohibited from using their personal communication device to copy and/or upload any, confidential information (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure). Employees must make reasonable efforts to obtain supervisor approval prior to making emergency calls during working time. Personal communication devices are defined as, but not limited to, cellular or two-way phones, text-messaging devices, iPhones, Android-enabled devices, BlackBerrys and pagers.

Other Personal Electronic Devices. Employees are not permitted to utilize electronic devices such as personal laptops, game systems, MP3 players, portable DVD players or any other type of personal entertainment systems while at work.

Violation of this policy may subject an employee to disciplinary action up to and including termination.

CONFIDENTIALITY OF PERSONNEL RECORDS

The Borough Administrator will ensure that adequate personnel records are maintained for each employee in accordance with applicable Federal and State requirements. These records shall include: dates of appointments, transfers, promotions and terminations, job titles, salaries, commendations, complaints, performance evaluations, disciplinary actions, amount of leave accrued and used, a record of the employee's training and other related matters, and attendance records.

A new employee's employment application, letters of reference, reference verification and any other supporting documents will be included in the personnel file. Confidential medical records are maintained in a separate file.

Personnel records, other than name, title, salary, compensation, dates of service, reason for separation, and information on specific educational or medical qualifications required for employment, are confidential and are available only to the employee, an authorized representative of the employee, and the human resources official. Personnel records may also be available to the Chief Administrative Officer, other members of management, the Employer's legal counsel, and members of the governing body on a need-to-know basis in connection with official duties. Additionally, the Employer will make the records available as required by law.

Employees are entitled to review the contents of their personnel folder, except for reference checks and other information provided to the Employer in the hiring process but may not review the contents of other employees' personnel file. Employees who want to review their own personnel folder should request an appointment with the Borough Administrator. Employees should provide the Employer with at least twenty-four (24) hours advance notice of his or her need for an appointment to review his or her personnel file. To protect the integrity of the personnel files, the employee will review the personnel file in the presence of the human resources official or his/her designee. Employees will not be permitted to photocopy the contents of their folder, take personnel folders outside of the human resources office or remove any documents from the folder.

Employees whose duties require access to personnel documents or information must maintain their confidentiality. Violators of this confidentiality will be subject to disciplinary action up to and including termination.

The official personnel file for each employee shall be maintained by the Borough Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

CONFLICT OF INTEREST POLICY

Employees, including Borough of Oceanport officials, must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Borough of Oceanport. Violations of this policy will result in appropriate discipline including termination.

The Borough of Oceanport recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Oceanport business. However, business dealings that appear to create a conflict between the employee and the Borough of Oceanport's interests are

unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Borough of Oceanport Clerk a state mandated disclosure form. The Borough of Oceanport Clerk will notify employees and Borough of Oceanport officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee, including a Borough of Oceanport official, is in a position to influence a Borough of Oceanport decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

Employees are required to disclose possible conflicts so that the Borough of Oceanport may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator or the Borough Attorney to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Oceanport responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough of Oceanport time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of Borough of Oceanport work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough of Oceanport must submit a written notice of these outside interests to the Borough Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough of Oceanport duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Oceanport or any person or firm seeking to influence Borough of Oceanport decisions. Meals and other entertainment valued in excess of \$5.00 are also prohibited. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

CONTAGIOUS/LIFE THREATENING ILLNESS POLICY

The Employer is committed to providing and maintaining a healthy and safety work environment which allows all employees to perform their jobs in a safe and productive manner. The Employer respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment. The Employer provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the Employer's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life-threatening illness, including but not limited to HIV/AIDS, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that

may affect the health, safety, and welfare of any co-employee or member of the general public. Employees with such conditions, who are able to meet appropriate standards and whose continued employment does not pose a threat to their own health and safety or that of others, are assured equal employment opportunities and reasonable accommodations in their employment. If an employee is able to work, he or she is expected to be productive. If the individual cannot work, then he or she may be eligible for disability benefits.

Consistent with the concern for employees with life-threatening illness, the Employer offers the following resources through the human resources official:

- 1) Employee education and information on terminal illnesses and specific life-threatening illnesses.
- 2) Referral to agencies and organizations which offer supportive services for life-threatening illnesses.
- 3) Consultation in assisting employees in efficiently managing health, leave and other benefits. The Employer encourages employees who need these resources to contact the human resources official.

DISCIPLINE AND TERMINATION POLICY

Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures. All disciplinary action shall be based upon total concern for the employee, the employee's relationship with his/her fellow workers, the employee's relationship with his/her supervisor, and the best interest of the Employer. Such disciplinary action shall be of a positive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include:

- Removal
- Disciplinary demotion
- Suspension of greater than five (5) days

Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days.

This policy covers non-union employees. It also covers union employees to the extent that their collective bargaining agreements do not cover this subject matter.

An employee may be subject to discipline, including termination, for any of the following reasons:

- Incompetency, inefficiency or failure to perform duties;
- Insubordination;
- Inability to perform duties;
- Chronic or excessive absenteeism or lateness;
- Conviction of a crime;
- Conduct unbecoming a public employee;
- Neglect of duty;
- Misuse of public property, including motor vehicles;
- Discrimination that affects equal employment opportunity, including sexual harassment;
- Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued thereunder;
- Falsification of public records, including attendance and other personnel records;
- Failure to report absence;
- Harassment of co-workers and/or volunteers and visitors;

- Theft or attempted theft of property belonging to the Employer, fellow employees, volunteers or visitors;
- Unauthorized absences and/or chronic or excessive absences;
- Fighting on Employer's property at any time;
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Employer property and at any time during work hours;
- Failure to report to work on the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence;
- Possession, sale, transfer or use of intoxicants or illegal drugs on Employer property and at any time during work hours;
- Entering the building without permission during non-scheduled work hours;
- Soliciting on Employer premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and for sales of products, such as those from Avon, Amway, etc.;
- Careless waste of materials or abuse of tools, equipment or supplies;
- Deliberate destruction or damage to Employer property or the property of other employees;
- Sleeping on the job;
- Carrying weapons of any kind on Employer premises and/or during work hours, unless carrying a weapon is a function of your job duties;
- Violation of established safety and fire regulations;
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
- Defacing walls, bulletin boards or any other property of the Employer or other employees;
- Unauthorized disclosure of confidential Employer information;
- Gambling on Employer premises;
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Employer premises;
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort;
- Conviction of a crime or disorderly persons offense;
- Violating any Employer rules, procedures, regulations or policies;
- Unauthorized use of computers, Internet, email, voicemail, telephone and cellular phone; and
- Other sufficient cause.

These are mere examples and not an exhaustive list or binding on the Employer. Additionally, the Employer reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Employment with the Employer may be terminated at any time with or without cause or reason by the employee or Employer.

DISCIPLINARY ACTION PROCEDURE

All employees are expected to meet the Borough of Oceanport's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Borough of Oceanport's policies

and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Borough of Oceanport's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor and the Borough Administrator, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Borough Administrator for the employee's official personnel file.
- **Borough Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be advised and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Borough Administrator for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Mayor and Council will make the decision and may seek the advice of the Employment Attorney and the Borough Administrator if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Mayor and Council will make the decision only after seeking the advice of the Employment Attorney and the Borough Administrator. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

DEFINITIONS

The following terms are defined solely for the purpose of this policy:

Domestic Violence - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

Abuser/Perpetrator - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

Human Resources Officer (HRO) –An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

Intimate Partner - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

Temporary Restraining Order (TRO) - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace

while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

PERSONS COVERED BY THIS POLICY

All employees are covered under this policy, including full and part time employees, casual/seasonal employees, interns, volunteers and temporary employees at any workplace location.

RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER

The Employer hereby designates the following employees as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

Primary HRO:

Name / Title and contact information

Donna M. Phelps, Borough Administrator 732-403-6642

Secondary HRO:

Name / Title and contact information

Katie LaPorta, CFO, 732-222-8221

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

The name and contact information of the designated HRO will be provided to all employees.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their Borough Administrator. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the Borough Administrator, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the Borough Administrator. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, the Borough Administrator shall remind employees to contact 911 if they feel they are in immediate danger.

The Borough Administrator shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.

- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The Borough Administrator or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the Borough Administrator is also required to contact the Oceanport Police Department.
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, by contacting the Oceanport Police Department at 732-222-6300 or the Monmouth County Prosecutor's Office, Family & Domestic Violence Unit at (732) 431-7160, ext. 7192.
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- H. Upon the employee's consent, the employee may provide the Borough Administrator with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

EARLY CLOSING AND DELAYED OPENING POLICY

In the event of unsafe conditions, the Borough Administrator may authorize Supervisors to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Borough Administrator shall notify Supervisors of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police and dispatchers or any personnel who may be required to assist in an emergency.

EMPLOYEE DATING POLICY

The Employer strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

Procedures.

1. During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.

2. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.
3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Employer premises, whether during working hours or not.
4. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the Employer disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.
6. Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Department Head. This disclosure will enable the Employer to determine whether any conflict of interest exists because of the relative positions of the individuals involved.
7. Where problems or potential risks are identified, the Employer will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.
8. In some cases, other measures may be necessary such as transfer to other positions or departments.
9. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.
10. Continued failure to work with the Employer to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination. The organization's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.
11. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
12. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.

13. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the human resources official or other designated individual.

EMPLOYMENT REFERENCES

To ensure that individuals who work for the Employer are well-qualified and have a strong potential to be productive and successful, it is the policy of the Employer to check the employment references of all applicants at the Employer's discretion.

Employees should not, under any circumstances, provide another individual with information regarding a current or former employee. Any employee, including Department Heads, who receives a request for reference information should forward the request to the human resources official. Generally, unless otherwise required by law, the Employer will only confirm employees' name, title, salary, compensation, dates of service, reason for separation, if applicable, and specific educational or medical qualifications required for employment. The Employer's response to a request for reference information shall be communicated in writing only. The Employer does not honor oral requests for employment references.

A current or former employee may also authorize the Employer to release additional information. Unless otherwise required by law, the Employer will only release additional information if the current or former employee provides authorization, in writing.

GRIEVANCE PROCEDURE

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure. A grievance submitted by a union employee will be addressed pursuant to grievance procedure set forth in the applicable bargaining unit agreement. A grievance from a non-union employee must be submitted within five (5) working days after arising. Failure to report a grievance within such time period shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.

- Step One: Any employee or group of employees with a grievance shall communicate their grievance to their supervisor or Department Head who will discuss the matter with the human resources official and/or the Chief Administrative Officer. The supervisor or Department Head will communicate the decision to the employee within five (5) working days.
- Step Two: If the employee is not satisfied with the decision, the employee must submit a written grievance to the human resources officer and/or the Chief Administrative Officer detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting with the human resources official and counsel, as appropriate, the Chief Administrative Officer will render a written decision to the employee within five (5) working days after receipt of the written grievance.

The above referenced grievance procedures do not apply to employee complaints made under the Employer's Anti-Harassment and Discrimination Policies.

JOB DESCRIPTION POLICY

A job description including qualifications shall be maintained for each position. All job descriptions

must be approved by the Mayor and Council. Copies will be available upon request.

NEPOTISM

Unless otherwise provided by law or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

PERFORMANCE EVALUATION

The Employer recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development. The Employer requires supervisors to conduct performance appraisals to ensure that:

- (1) each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement;
- (2) each employee receives advice from his or her supervisor on ways to improve performance and has the chance to identify with his or her supervisor areas where greater contribution is possible, or where either feels more development would be beneficial; and
- (3) essential information is recorded concerning strengths and weaknesses of all employees in relation to career development, including potential for advancement and suitability for other positions and training.

The performance evaluation provides the vehicle for a dialogue between the employee and the supervisor and ensures shared expectations of the requirements for the employee's job and the employee's performance in the job. Accordingly, the Employer will use a performance review/evaluation system for all employees.

During performance reviews, supervisors will consider, among others:

- Initiative, dependability and effort
- Knowledge of work
- Attitude and willingness
- Quantity and quality of work
- Disciplinary record
- Attendance and tardiness

A copy of an employee performance evaluation shall be maintained in the employee's personnel file.

PERFORMANCE EVALUATION PROCEDURE

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

Does Not Meet Minimum Standards means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator the form(s) are to be included in the employee's official personnel file. As part of the evaluation, employees have the right to request a conference with the Borough Administrator or Mayor and Council.

POLITICAL ACTIVITY

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. In accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the Employer's time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials.

Additionally, State law precludes employees from directly or indirectly using their position to control or affect the political action of another person. In accordance with the Hatch Act and Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

- be a candidate for public office in a partisan election. (This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.)
 - use his/her official authority to influence, to interfere with or affect election results or nominations for office.
 - directly or indirectly coerce contributions from any employee to support a political party or candidate.
- See The Hatch Act, 5 U.S.C. § 1501 et seq.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Employer. Employees should report any violation of this policy to their supervisor or Department Head.

PROTECTION AND SAFE TREATMENT OF MINORS (Revised 6/25/2021)

Purpose and Scope:

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor." A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

- The failure to meet a child's basic needs, physically or emotionally, which is called **neglect**.
- The intentional use of physical force that results in injury, which is called **physical abuse**.
- The practice of any behaviors that harm a child's feelings of self-worth or emotional well-being, which is **emotional abuse**.
- Engaging in sexual acts with a child including pornography, which is **sexual abuse**.

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. 50,000 of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to **sexual abuse** are sobering and equally as disheartening:

- ✓ **“Peer-to-Peer”** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least 4 years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.
- ✓ In contrast, **“adult-to-child”** abuse is typically thought out and planned in advance, demanding access and privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. **Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.** It is important, however, not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.

- ✓ Child sexual abusers are not always easy to spot. Though 7 out of every 8 molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% of them abuse children that they don't know, and 68% look no further than their own families for victims.
- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.
- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.
- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for dedication to children.
- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely or troubled children, especially those who live with step-parents or single parents may be targeted. Children between the ages of 7 and 13 years old are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.
- ✓ Molesters have behavioral patterns that can be identified as **“grooming”** their victims. Sexual abuse is rarely violent. The molester's goal is to solicit compliance by beginning to win the victim's trust. There might be pet names, gifts to foster exclusivity and encouragement to “keep secrets.” The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent any more, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.
- ✓ During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

In the State of New Jersey every level of government has a role in protecting minors.

- At the State level:
 - State law is enforced through the NJ Family Division of the State court system. The court has broad powers including the ability to remove children from dangerous situations.

- The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates and law enforcement.
- The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.
- At the local level:
 - Educational professionals have the most contact with children, meaning they are often the first to detect issues.
 - Housing Authority employees may also frequently come into contact with children.
 - Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
 - Recreation programs
 - Before and After Care programs
 - Youth sports leagues
 - Youth centers
 - Youth in Government programs
 - Junior law enforcement training programs
 - The role of **Police and law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds “probable cause” that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

The Employer is committed to the safety of all individuals in its community; however, the Employer has particular concern for those who are potentially vulnerable, including minor children. The Employer regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an

adult to harm a child but are typically in a caregiver role. They can have any relationship to the child including a playmate, family member, a teacher, a coach, or instructor.

The Employer is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Employer to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Employer or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Model Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

Definitions:

- **Authorized Adult** - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.
- **Child or Minor** - A person under the age of eighteen (18).
- **Department Heads** - Appointed department heads of the Employer, including the chief administrative officer, and any assistants.
- **Direct Contact** - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.
- **Dual Reporting** – Reporting possible abuse to both the NJ Department of Children and Families and law enforcement at the same time by the individual designated by the Employer to report all possible cases of abuse.
- **Employees, Staff, or Counselors** – persons working for the Employer on a full-time or part-time basis, and compensated by the Employer.
- **Facilities** - Facilities owned by, under the control of, or rented or leased to the Employer.
- **Grooming** - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.
- **NJMEL JIF** - New Jersey Municipal Excess Liability Fund Joint Insurance fund.
- **Officials** – Elected officials of the Employer, appointed Board members, and Authority Commissioners.
- **One-On-One Contact** - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.

- **Programs** - Programs and activities offered or sponsored by the Employer.
- **Volunteers** - Individuals volunteering their time to provide services to the Employer who are not on the payroll and receive no compensation.

Policy:

The Employer is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Employer is firmly committed to protecting children under the care and supervision of the Employer from all forms of physical, mental, sexual, and emotional abuse. The Employer is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Employer. The procedures outlined below shall apply to all officials, employees, and volunteers of the Employer.

Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time:

- A. All prospective employees and volunteers shall undergo a thorough and complete background check, including the following:
 1. For part-time summer employees who will be interacting with minors, including but not limited to lifeguards, camp counselors, coaches, and instructors:
 - a. National Database Criminal History Search
 - b. National Sex Offender Search
 - c. Social Security Trace/Validation
 2. For full-time employees in supervisory positions involving minors:
 - a. National Database Criminal History Search
 - b. National Sex Offender Search
 - c. Social Security Trace/Validation
 - d. Education Verification
 - e. Employment Verification
 - f. Credit Check
 - g. Motor Vehicle Record
 - h. Reference Check

Many local governments hire minor children to work in their summer or seasonal programs. It may be difficult to obtain any background information for minors. It is recommended that the local government attempt to verify any past employment for minors between 16 and 18 years of age, with the consent of the parents or guardians.

Recognizing that fingerprint identification checks may not yield results in time for hiring purposes, the NJMEL assembled a list of qualified vendors for background checks through an RFQ process, and the five vendors on the list along with their contact information can be found at the following link on the NJMEL website. A list of the vendors has also been included in Appendix D.

<https://njmel.org/wp-content/uploads/2021/05/RFQ-Results-21-02-background-Check-Services.pdf>

Written documentation of the background check shall be maintained by the Employer in perpetuity.

- B. Background checks that disclose any negative or questionable results must be reviewed and approved by the Employer prior to the individual being hired and/or working with minors. Provisional hiring should not be permitted.
- C. All prospective employees and volunteers must complete the training adopted by the Employer PRIOR TO starting employment or volunteer service. In addition to completing the training course adopted by the Employer, it is highly recommended that all volunteer coaches complete the Rutgers SAFETY Clinic course (Sports Awareness for Educating Today's Youth TM), which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.) The current Rutgers Safety Clinic Course includes a module on the sexual abuse of minors. If coaches completed the Rutgers course more than five years ago and it did not have any training on the sexual abuse of minors, it is highly recommended that the coaches be required to watch the video on the MEL website. Documentation verifying that the coaches watched and understood their responsibilities must be kept to confirm that the training was completed.
- D. The Employer shall periodically re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.
- E. Once employed, authorized Adults who are employed are required to notify the appropriate Human Resources representative of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction in order to ascertain the fitness of those employees and volunteers to interact with children.

Procedures and Responsibilities of Officials:

Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Employer. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Employer.

- Officials of the Employer are required to:
 - i. Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The training program will include the following concepts:
 - Recognizing the signs of abuse and neglect of minors.
 - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.

- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
 - Becoming familiar with the legal requirements to report suspected cases of abuse.
 - Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.
- ii. Meet annually with all Department Heads to review the "Policy Addressing Sexual Abuse of Minors", and to verify that the administration is adhering to this policy which includes all of the following provisions. If the policy is not being adhered to, it is the legal obligation of the officials of the Employer to implement whatever changes are necessary as soon as possible to make certain the policy is followed.
- iii. Conduct random and unannounced visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Employer.

Program Procedures:

All Employer programs operated by, sponsored by, or affiliated with the Employer shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could potentially interact with minors, shall adhere to the following policy.

The following policies shall apply to all programs offered by, sponsored by, or affiliated with the Employer. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Employer shall:

- b. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, the Employer shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- c. Make certain that all program participants provide a Medical Treatment Authorization form annually to the Employer.
- d. Implement and adopt a "Code of Conduct" for volunteer and paid staff members, which, at a minimum, will include the following:

Code of Conduct

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.

- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents, and staff.
- Staff members are required to refrain from texting and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

In addition to the Code of Conduct, the following shall be a part of the specific program provisions:

- The possession or use of alcohol and other drugs, fireworks, guns, and other weapons is prohibited.
- The Employer shall set forth rules and procedures governing when and under what circumstances participants may leave the the Employer's property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyberbullying is prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.
- Misuse or damage of the Employer's property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited, including the use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Employer to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- If possible, the Employer shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur, and that appropriate levels of supervision are implemented.
- Take appropriate steps to ensure that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian. This shall include annual written authorization on file in advance.
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with the rules.
- The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
 1. One staff member for every six participants ages 4 and 5
 2. One staff member for every eight participants ages 6 to 8
 3. One staff member for every ten participants ages 9 to 14
 4. One staff member for every twelve participants ages 15 to 17
- The Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all of the rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

Specific Policy and Procedures for Use of Restrooms by Children/Minors:

- All restrooms shall be checked in advance by staff persons before minor children enter to ensure that no other individuals are present.
- Staff members (of the same sex) are to stand guard at the doorway to make sure that no one else enters the restroom while a child is there. Children should not be permitted to enter restrooms in pairs or in groups, unless it is absolutely necessary.
- For field trips, staff members must monitor bathroom use by minor children and shall not permit a child to enter a restroom alone.

Procedures for Law Enforcement Officers:

Law enforcement officers of the Employer frequently interact with minors in a variety of ways. In addition to the guidance provided by the Attorney General's office, it is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To

that end, the Chief of Police or his or her designee of the Employer shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

- a. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
- b. Directives issued by the N.J. State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
- c. The following provisions from the "Code of Conduct" for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):
 - i. Officers will, at all times, respect the rights of students and use positive techniques of guidance, including positive reinforcement and encouragement.
 - ii. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - iii. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school, and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
 - iv. Officers shall make certain that they are neat, clean, and appropriately attired.
 - v. Officers will refrain from intimate displays of affection towards others in the presence of children, parents, and staff. Officers shall not buy gifts for students at any time.
 - vi. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

Training Requirements:

Individual training courses have been designed for each of the following categories, and all officials, employees, and volunteers of the Employer are required to complete training (and refresher course training) adopted by the Employer. ALL employees of the Employer shall complete the training course whether they interact with children/minors or not. Although training records will be maintained, it is recommended that each Employer and individual trainees also keep copies of their own training records.

a. **Elected Officials, Appointed Officials, Department Heads, and Supervisors:**

All elected officials, appointed officials, department heads, and supervisors shall complete the initial virtual training course offered by the NJMEL, ***“PROTECTING CHILDREN FROM ABUSE”*** and adopted by the Employer, and any updated/refresher course in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The course includes the following:

- Recognizing the signs of abuse and neglect of minors.
- Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
- Becoming familiar with the legal requirements to report suspected cases of abuse.
- Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.

b. **Volunteers and Employees of the Employer**

All employees and volunteers (regardless of whether they will be working with children or not) shall complete training provided by the NMEL in the form of the “PROTECTING CHILDREN” video on protecting children on the MEL website and found at:

<https://njmel.org/mel-safety-institute/model-policies/protecting-children-videos/>

i. Course Content shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e., Peer to Peer, Adult to Child, etc...)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

c. **Law Enforcement Officers**

i. Course Content shall include:

1. Current Status of N.J. Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

II. **Reporting Suspected Child Abuse/Neglect:**

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.

The following procedures shall be utilized in reporting suspected cases of abuse. The Employer shall also train officials, department heads, employees, and volunteers in the concept of "dual reporting," which involves reporting the suspected abuse to local law enforcement in addition to reporting the abuse to the Department of Children and Families. Reporting suspected abuse to local law enforcement is critically important in cases where there is the potential for violence.

Child Abuse is a hard thing to talk about, especially with victims. The most important thing to remember is to show calm reassurance and unconditional support. Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don't display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. Do not "investigate" an abuse situation. Do not interrogate the child. The investigation will be undertaken by those who are trained to undertake that critical task. Instead report it immediately, as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible, and report the abuse to local law enforcement.

As noted above, it is highly recommended that, whenever possible, officials, employees, and volunteers report the suspected abuse to both the N.J. Department of Children and Families and law enforcement at the same time, which is known as "dual reporting."

For ALL elected officials, appointed officials, supervisors, department heads, full or part-time employees or volunteers of programs conducted by the Employer:

- Report the suspected abuse to the New Jersey Department of Children and Families. Please be prepared to include the following information to the extent the information has been told to you.
 - a. **Who:** The child and parent/caregiver's name, age, and address and the name of the alleged perpetrator and that person's relationship to the child.
 - b. **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child, and what caused you to become concerned.
 - c. **When:** When the alleged abuse/neglect occurred and when you learned of it.
 - d. **Where:** Where the incident occurred, where the child is now, and whether the alleged perpetrator has access to the child.
 - e. **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
- Call the Hotline established by the N.J. Department of Children and Families @ 1-877-652-2873. It is not the supervisor's role to decide whether a case should be reported. All cases shall be reported.

➤ **For Law Enforcement Officers:**

- Immediately report any suspected or alleged cases of abuse or neglect to the New Jersey Department of Children and Families and to the County Prosecutor.

III. Important Information Regarding Reporting Suspected Abuse Under NJ Law:

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The Employer encourages all officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- i. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.*
- ii. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions is a disorderly person.*
- iii. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.*

IV. Acknowledgment of Receipt and Review of Policy:

All officials, employees/counselors, and volunteers shall sign and date an acknowledgment form that confirms they have received and reviewed the Policy Addressing the Protection and Safe Treatment of Minors, issued to them by the Employer. The same process shall be used for any revised policy issued in the future.

Appendix A: Indicators of Child Abuse/Neglect

The New Jersey Department of Children and Families issued the following guidelines to assist in recognizing the indicators of child abuse/neglect.

Indicators of Child Abuse / Neglect

Different types of abuse and neglect have different physical and behavioral indicators

Physical Abuse

Physical Indicators	Behavioral Indicators
Unexplained bruises and welts: • On face, lips, mouth • On torso, back, buttocks, thighs • In various stages of healing • Cluster, forming regular patterns • Reflecting shape of article used to inflict (electric cord, belt buckle) • On several different surface areas • Regularly appear after absence, weekend or vacation Unexplained burns: • Cigar, cigarette burns, especially on soles, palms, back or buttocks • Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia) • Patterned like electric burner, iron, etc. • Rope burns on arms, legs, neck or torso Unexplained fractures: • To skull, nose, facial structure • In various stages of healing • Multiple or spiral fractures Unexplained laceration or abrasions: • To mouth, lips, gums, eyes • To external genitalia	Wary of adult contacts Apprehensive when other children cry Behavioral extremes: • Aggressiveness • Withdrawal Frightened of parents Afraid to go home Reports injury by parents

Physical Neglect

Physical Indicators	Behavioral Indicators
Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in dangerous activities or long periods Constant fatigue or listlessness Unattended physical problems or medical needs Abandonment	Begging, stealing food Extended stays at school (early arrival and late departure) Constantly falling asleep in class Alcohol or drug abuse Delinquency (e.g. thefts) States there is no caregiver

Sexual Abuse

Physical Indicators	Behavioral Indicators
Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in P.E. Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver

Emotional Maltreatment

Physical Indicators	Behavioral Indicators
Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play)	Behavior extremes: - Compliant, passive - Aggressive, demanding Overly adoptive behavior: - Inappropriately adult - Inappropriately infant

Appendix B – Grooming Behavior

Grooming is when someone builds a relationship, trust, and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

Here are some common characteristics of someone attempting to "groom" a child.

- Molesters often refer to their intended victims by pet names and use gifts to foster exclusivity and build a relationship while starting the practice of keeping secrets.
- The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed so good – too good to be true, in fact.
- Inevitably, the favoritism is not enough to keep the victim, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.
- During the grooming process and abuse itself, victims often begin to show tell-tale signs, including:
 - Sexual behaviors or strong sexual language that is too adult for their age.
 - Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm.
 - Also, look for cuts and scratches or other self-inflicted injuries.

Appendix C – Frequently Asked Questions Concerning the Model Policy

1. Is the *Model Policy for the Protection and Safe Treatment of Minors* mandatory?
 - a. Yes, the policy is mandatory for all NJMEL members.
2. Can the Model Policy be modified?
 - a. The model policy is a guide that includes recommended “best practices” based on research conducted by the Safety Director’s office, in consultation with the NJMEL attorney and other experts, including a noted Child Psychologist. The form and content of the policy may be modified, so long as it is approved by legal counsel. The model policy includes certain elements that should not be modified or deleted. Before making any significant modifications or deleting any portions of the policy, it is recommended that officials consult with and seek an opinion from their local attorney.
3. Are background checks mandatory for minors?
 - a. It may be difficult to obtain any background information for minors. For minors between the ages of 16 to 18 who will be working with children, we recommend acquiring as much background information, including a check of all work references, if any, and a copy of their driver’s license.
4. The model policy specifically mentions a “fingerprint” background check. Is that the only acceptable method?
 - a. No. Municipalities and counties may also conduct a background check themselves or through a third-party agency, as long as that background check includes a criminal history check of all 50 states, a review of the applicant’s motor vehicle history, a check of Megan’s law directory for NJ and other states where the applicant or volunteer has lived, and a credit check. The NJMEL put together a list of qualified vendors, which can be found in **Appendix D**.
5. Why is a credit check recommended?
 - a. A credit check is recommended because credit check results include a listing of the applicant’s known addresses for at least the past 20 years. This information is of value in the following ways:
 - i. If a job application required a listing of all known addresses for the past 20 years, and an applicant failed to disclose that information, a prospective public employer would be justifiably concerned about the applicant’s honesty and would have immediate grounds to disqualify the applicant.
 - ii. For individuals working with children in a paid or volunteer capacity, the out-of-state addresses on the credit check would provide a basis to check Megan’s Law websites for the other states.
 - b. Please note that credit checks and background checks should comply with the ***New Jersey Fair Credit Reporting Act*** and in accordance with the guidance from your legal counsel.
6. Do we have to conduct background checks on volunteers?

- a. The recommended “best practice” is to treat volunteers **who work with children** the same way as prospective paid employees are treated for background checks. Unfortunately, there are many claims in which volunteers have been accused of sexually molesting minors. However, appointed board members, such as Planning and Zoning board members, and other similar board members who **do not** work with children in any capacity may be considered for exclusion.
7. The model policy states, “*background checks that disclose any negative or questionable results must be reviewed and approved by the (local unit type) prior to the individual being hired and/or working with minors. Provisional hiring is not permitted.*” What constitutes “negative or questionable results,” and who makes the final determination on whether to hire the individual or permit the volunteer to participate?
 - a. Some examples of “questionable results” would be:
 - i. Any results from a criminal history check that do not agree with the applicant’s statements on their job application, such as arrests or convictions not listed.
 - ii. Reference checks with prior employers that do not match the applicant’s information.
 - iii. Refusal to allow an employer to check with former employers may be a “red flag.”
 - iv. An unexplained “blank space” in an applicant’s employment history.
 - v. Personal reference checks that reveal negative information about the applicant.
 - vi. Any information that proves to be false on the job application.
 - b. It is a *local decision* as far as who decides to hire the individual or permit the volunteer to participate. In many, if not most municipalities, the public employer’s chief administrative officer is responsible for making that decision or making the final recommendation to hire someone or accept an individual as a volunteer. However, that is a local decision. We recommend that local communities establish appropriate guidelines, standards, and an appeal process with respect to decisions not to hire an individual or volunteer to participate based on the outcome of a background check.
8. If there is a break in seasonal employment, do the background checks need to be re-run? Is there an acceptable “break in service time”?
 - a. Many municipalities run background checks every year regardless of whether the employee has worked there in the past, and that is a “best practice” from the standpoint of protecting the municipality; however, as far as what the acceptable frequency is for conducting background checks on seasonal employees, that is a local decision. There is no absolute time frame in the policy pertaining to a “break in service” for the requirement of new background checks for seasonal employees because that is a local decision.
9. Do background checks carry over from other entities? For example, if, a school teacher, teaches a class for the township, can we use or assume his/her background check is valid and satisfies our needs?
 - a. Unless the local government entity has access (i.e., a copy or certification from the other entity) to the background check, we would be reluctant to recommend acceptance. If a

problem arises in the future concerning an employee, I am not sure that reliance on a background check from another employer would be a sufficient defense. It would be best to check with your local attorney on this issue before accepting a background check from another entity.

10. If a municipality does not have a police or fire department or hold any recreational activities and does not have any programs that hire children. Is this policy still required to be adopted?

a. We recommend that the municipality adopt the policy and complete the training. Unfortunately, municipalities sometimes find themselves named in cases like this by the plaintiff's attorneys, even though the municipality has nothing to do with the matter. By adopting the policy and completing the training, you will be able to provide documentation of that as part of any defense.

11. Who is required to take the training?

a. All municipal officials, employees, and volunteers are required to take the training.

1. Elected officials, managers, administrators, supervisors, and department heads must complete the **Virtual Instructor-Led training**. The course is available through the NJMEL Learning Management System, and classes are scheduled periodically. *Please note: Elected and appointed officials, supervisors, and department heads who already attended the course offered by the NJMEL at the NJSLOM conference in November of 2019 or any of the webinar sessions conducted by the Safety Director's office or Risk Managers up to now have already complied with this MEL requirement.*
2. Police superior officers will receive training as part of their annual or semi-annual training provided by the Safety Director's Law Enforcement Risk Control Unit.
3. All other employees and volunteers, regardless of whether they work with children or not, must view the 20-minute video available through the MEL MSI Learning Management System. Please make sure you register to view the video to document your training.

12. How often is "refresher training" expected?

a. For existing employees, we recommend refresher training every two years. New employees should receive training before they begin work.

13. Should every volunteer or employee sign off on the entire policy?

a. All Employees and volunteers should be required to read the entire policy and, at a minimum, sign off on the Code of Conduct.

14. Our municipality does not operate any recreational sports leagues. Other outside organizations are fully responsible for the leagues; however, the sports leagues are conducted on our fields and facilities. Is our municipality still accountable for any claims that arise?

- 1) Even if your municipality does not directly operate recreational leagues, if the activity occurs on fields or facilities owned by the municipality, it is more likely than not that the municipality may be brought into any litigation or claim. For that reason, the recommended “best practice” is for municipalities to draft and enter into written agreements annually with the organizations who are operating the leagues that set forth the following *at a minimum*:
 - i) Insurance requirements, including a copy of a Certificate of Insurance for the organization naming the municipality as an additional insured and including a “hold harmless” clause.
 - ii) A certification by the organization that they have read the Model Policy and will adhere to conduct requirements, including mandatory background checks for all coaches and volunteers involved in the program. Completing the Rutgers Safety Course (or acceptable equivalent course) by all coaches, viewing the MEL Protecting Minors video, and adherence to a “Code of Conduct” for all coaches and parents.
 - iii) The permitted dates and hours of use for the facilities and a requirement that the organization will keep the fields clean and safe for use.

15. Our Lifeguards have separate male and female locker/shower rooms, but the locker/showers do not have stalls for privacy. We have employees aging from 16 to 70 years old. What protocols would you recommend that the municipality implement to protect the minors while in the locker/shower rooms? The MEL’s model policy speaks to the procedures for the use of restrooms used by minors. Should we follow the same procedure as the locker rooms?

- a. It is essential to make sure that the municipality recognizes and implements a policy addressing the lifeguards who are minors that acknowledges the need to separate them from the adult-aged Lifeguards. If the municipality follows the Model Policy recommendations for the use of bathrooms, that should be more than sufficient to protect the minors working as Lifeguards.

Questions Raised by Library Personnel Concerning How the Policy Impacts Library Operations

- Do the provisions in the Model Policy apply to daily library operations when children are present?
 - Most of the “best practices” in the model policy were written for organized programs sponsored or conducted by a local governmental unit. All of the provisions would apply, for example, to programs sponsored by or conducted by the library or third party individuals in the library. Examples of these types of programs would be story hours, tours of the library, arts and crafts programs, and educational programs. If parents or guardians attend any of these programs along with children, and children are not left on their own, then the library would not be acting “In Loco Parentis” in those situations. However, if children are dropped off **for whatever purpose**, the library will need to provide safeguards to eliminate opportunities for abuse, including but not limited to monitoring bathrooms and making sure that children are not left alone in portions of the library where they are vulnerable.

Appropriate library personnel should be assigned to the critical task of monitoring these areas.

- Also, it is vitally important for the library to follow the hiring guidelines and training requirements pertaining to employees and volunteers in light of the number of children who typically use the library.
- Can the library request that parents opt out of any photo opportunities and/or social media exposure for their children instead of asking permission any time the Library wants to do so? The Library uses such photos and social media exposure as a way of advertising their programs.
 - This would be acceptable as long as the library would be able to document that: (1) parents and guardians have been made aware of the policy (i.e., have adequate notice) and (2) the library maintains copies of the “opt-out” documentation (i.e., signed “opt out” forms).

**Appendix D – List of Qualified Vendors for Background Checks Developed by the
NJMEL Through an RFQ Process June 2021**

Found at:

<https://njmel.org/wp-content/uploads/2021/05/RFQ-Results-21-02-background-Check-Services.pdf>

Castle Branch, Inc
1844 Sir Tyler Drive
Wilmington, NJ 28405
Phone: 888-723-4263 Email: rfp@castlebranch.com

Adam Safeguard
1187 Washington St.,
Suite # 2
Toms River, NJ 08753
Phone: 732-506-6100 Email: terrih@nsshire.com

Southern Background Services
7 Lattimer St.
Hazelhurst, GA 31359
Phone: 912-205-3113 Email: ddukes@southernbackgrounds.com

TABB Inc.
PO Box 10
555 E. Main St.
Chester, NJ 07930
Phone: 908-879-2038 Email: bbodkin@tabb.net

True View BSI, LLC
25 Newbridge Road
Suite 210
Hicksville, NY 11801
Phone: 516-289-0275 Email: wmanning@trueviewbsi.com

RESIGNATION POLICY

An employee who intends to resign must notify the Borough in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Borough Administrator will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address through the COBRA Administration. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

SAFETY POLICY

The Employer endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act ("PEOSHA"). The Employer is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Employer's facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and the Chief Administrative Officer. Failure to do so constitutes grounds for disciplinary action. Employees are encouraged to discuss safety concerns with supervisory personnel.

POLICY FOR USE OF EMPLOYER VEHICLES (Non-Law Enforcement)

The Employer owns and maintains a fleet of vehicles ("Employer Vehicles") that are used in furtherance of the business of the Employer. The following policy governs the use of all Employer Vehicles (with the exception of vehicles utilized for law enforcement purposes) and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from improper use of an Employer vehicle. The Employer also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

Driving Privileges and Licensure. The use of an Employer Vehicle by an employee is subject to the approval and discretion of the Chief Administrative Officer. Any employee operating an Employer Vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory body within the United States. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency (including any province of the Dominion of Canada) must be expressly approved by the Employer's insurance carrier before an employee will be permitted to operate an Employer Vehicle.

A. Employees are required to file a copy of a valid driver's license with the Employer prior to the use of an Employer Vehicle.

1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
2. Employees shall inform the Employer within twenty-four (24) hours of any changes in the status of their driving privileges.
3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate an Employer vehicle and may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from the use of an Employer vehicle while said employee's driving privileges were suspended or revoked.

B. The Employer reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.

1. The Employer reserves the right to suspend an employee's Employer driving privileges if the Employer deems necessary based on the employee's driving record.
2. The Employer shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.

C. The Employer occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.

D. If requested by the Chief Administrative Officer or human resources official, the employee must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.

E. In the event that the employee is under the influence of any medication (prescribed or over-the-counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the Employer and await clearance to resume driving.

Official Use Only. The use of Employer Vehicles is restricted to official Employer business only. Employees shall not be permitted to use Employer vehicles for travel or activity unrelated to Employer business. Likewise, no supervisor may authorize such use or any use of an Employer Vehicle for other than Employer business or use which is otherwise inconsistent with this policy.

Employer Vehicles assigned to employees under this policy are to be operated only by the employee while acting within the scope of their employment. No employee shall authorize or permit any other non-Employer employee, including but not limited to family members of the employee, to operate or ride as a passenger in an assigned Employer Vehicle, unless said passengers are assisting in the official business of the Employer.

Location of Vehicles. Employees who are assigned the regular use of an Employer Vehicle for official business may, with written permission of his/her Department Head, take the Employer Vehicle home at night and keep said vehicle at home while off duty.

If the employee will be absent from duty for more than two (2) working days, or more than five (5) consecutive days, including weekends and holidays, he/she must surrender the Employer vehicle to his/her direct

supervisor unless directed otherwise. An employee storing the vehicle at his residence must provide safe parking for the vehicle at all times.

Commuting. The use of an Employer Vehicle for driving to and from work is voluntary and does not entitle the employee to compensation or pay while engaged in that activity.

Accidents and Incidents. Prior to operation of any Employer vehicle, employees must consult their Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

A. In the event of an incident or accident involving the use of an Employer Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports and documentation must be submitted to the Chief Administrative Officer within two (2) business days of receipt.

B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Employer.

Citations and Violations. Operators of Employer Vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission. Drivers are responsible for paying any moving violation tickets and MUST notify the Employer of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred. The Employer should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.

Drivers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass). Upon having been notified of said violation, either by direct mail or notice from the Employer, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the Employer that the outstanding toll and any related fees have been paid.

General Policies and Procedures. Employees authorized to use an Employer Vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.

B. Employees assigned exclusive use of an Employer Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Employer, in order to maintain all manufacturers' warranties (including routine oil changes).

C. Vehicles are to be kept clean at all times, and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).

D. No smoking is allowed in Employer Vehicles at any time.

E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Employer Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.

F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."

G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.

H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

Violation of this policy may result in disciplinary action up to and including the suspension of the employee's privilege to operate an Employer Vehicle and/or termination.

Use of Borough owned vehicles is permitted by Borough employees and Borough volunteers only. It should be noted that all other persons occupying a Borough vehicle are not covered by the Borough's insurance and shall rely on their own Personal Injury Protection (PIP). The Policy of the Borough is that it shall maintain three (3) categories of vehicles. These categories are defined by the position and responsibilities of the person to whom the vehicle is issued.

Class A: Vehicle assigned to the Police Chief. The Police Chief vehicle assignment shall be dictated by their contract.

Class B: Vehicles assigned to individuals with 24-hour on call responsibilities. These include the Fire Chief, Director of Emergency Management, First Aid Squad Captain and Police Department Detective. In the event there is more than one Detective assignment, the take-home vehicle can be rotated at the Chief's discretion. In the event that the Detective needs to leave the state with a Borough vehicle, authorization shall be obtained from the Mayor and Council in advance. Usage is permitted within the County of Monmouth.

Class C: Work vehicles which are permitted for work only which are picked up and properly dispatched from the respective location (fire house, Squad building, DPW, etc.) with the authorization of the Department Head or their designee. Such vehicles will be returned at the end of the assignment/workday/shift and no unauthorized/non-work related passengers.

SPECIAL EVENTS: The Borough recognizes that there are special events that occur beyond the limits of Monmouth County such as training and conventions. Departments shall seek advance approval from the Borough Administrator and a majority of the Public Safety Committee, not less than 48 hours prior to an event for use of any class Borough vehicle for a special event located outside of Monmouth County.

EMERGENCY VEHICLE ASSIGNMENT: The Borough Administrator may direct assignment of a municipal vehicle during non-working hours for the timely handling of an unforeseeable situation or emergency condition.

AUTHORIZED DRIVER/OPERATOR LISTS: All Department Heads will be required to submit a list of authorized drivers and operator's annually to the Borough Administrator by January 31st. The Borough Administrator may, after review of driving records and in consultation with the Borough's Risk Manager, remove authorization to operate a Borough of Oceanport vehicle from any employee.

TRANSITIONAL LIGHT DUTY POLICY

The Employer will endeavor to bring employees with temporary work-related injuries or illnesses back on the job as soon as possible. The Employer may recognize a special obligation arising out of the employment relationship and create a temporary light duty position for an employee when he/she has been injured while performing work for the Employer and, as a consequence, is unable to perform his/her regular job duties.

The Employer will not treat an employee with a disability less favorably than an individual without a disability or screen out an individual on the basis of disability in granting such requests for light duty. The Employer will grant such request, at its sole discretion, and on a case-by case basis in consideration of the medical report submitted by the workers' compensation physician, the recommendation of the insuring entity, and staffing needs and requirements. The Employer reserves the right to grant, refuse or terminate a light duty assignment at any time without cause unless it is in conflict with the mandates of the ADA, FMLA, or NJFLA or other state or federal leave laws, where applicable.

The employee and/or the Third Party Administrator ("TPA") are obligated to inform the Employer of the employee's medical progress and the Employer shall have the right to review same periodically. Light duty assignments may be in any department and not just the employee's normal department. Employees on light duty will receive their regular salaries. If light duty is approved, the employee or TPA must keep the Chief Administrative Officer and/or designated human resources official informed of the medical progress. If, at the end of light duty period the employee is not able to return to work without restrictions, the employee should contact the Chief Administrative Officer and/or designated human resources official to discuss his or her options under state or federal law.

This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy, or other Federal or State law.

VIDEO SURVEILLANCE

The Borough may install video surveillance camera systems within public buildings and throughout public areas within the Borough, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Borough will ensure compliance with federal, state and local laws governing such usage.

The Borough video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Borough's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission for the designee of the Borough.

The Borough shall designate a person to be responsible for the maintenance and administration of the

video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that Borough Administration is immediately informed of such breach.

WORK FORCE REDUCTION POLICY

The Borough may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees will be determined by the Mayor and Council).

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Section Five: MANAGERIAL/SUPERVISORY PROCEDURES

EMPLOYMENT PROCEDURE

- **Recruitment:** The Borough Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Supervisor to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Mayor and Council will undertake to recruit qualified applicants in accordance with applicable Federal and State law (including New Jersey Department of Personnel regulations if the position is subject to Civil Service.) The Borough will first consider qualified Borough personnel for promotion whenever there is an opportunity for advancement. The Borough will then post the position and advertise in the media or other periodical utilized which must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Oceanport is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law and can only be obtained from the Borough Clerk's Office.

Interviews: All Departments (except Police Department)

1. Applications reviewed by Department Head and for those applications deemed complete, accurate and qualified a first interview is scheduled.
2. First interview: The Department Head and Borough Administrator will interview all applicants with a set list of questions developed by both the Department Head and Borough Administrator. The applicants will be scored on their answers to said questions on a scale of 1 to 5 with one being the highest and 5 being the lowest. The scores will then be tabulated.
3. Those applicants with scores in the top 20% will be contacted for a second interview with the Department Head, Borough Administrator and Council liaisons. Those applicants will then be ranked by each person conducting the interview with 1 being the highest and 5 being the lowest.
4. Based on the computation of the ranking a recommendation will then be made to the Mayor and Council for appointment.
5. The list in order of ranking of those not hired will remain on file for 12-months from the date it is established. Future hires for that position may be made from said list without the need to repeat the recruitment process for that 12-month period.

Police Department

1. Applications received and preliminary background checks done on all applications by Detective and findings so noted on each application.
2. Applications reviewed by Chief of Police and Borough Administrator for those applications deemed complete, accurate and truthful a first interview is scheduled.

3. 1st interview: The Sergeants of the Department conducts the first interview, which is recorded. A fifth officer sits in and scores applicant based on observation only. The questions asked during this first interview will be promulgated by the Chief of Police with concurrence by the Borough Administrator. The same questions are asked to each applicant. The five officers then score each application and rank the interviewees. The Chief and Borough Administrator review the recorded interviews and make the final determination as to the ranking of the applicants.
 4. After Step 3 is complete those candidates ranked in the top 20% will be scheduled for a second interview with the Police Chief, Borough Administrator and Council Committee for Public Safety. Of those interviewed a list will be formulated for recommendation to the full Governing Body.
 5. A recommendation will then be made to the Mayor and Council for appointment.
 6. Upon the need to hire a replacement or additional officers within a twelve-month period from the date of acceptance of the list by the Borough Council, the Borough shall hire from the initially ranked officers, 1 through 5, that remain available and interested in a position with the Borough of Oceanport Police Department.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough Administrator may require applicants to pass a physical examination in order to ensure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Borough Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough of Oceanport at the expense of the Borough of Oceanport. All medical records of employees and prospective employees are confidential and are to be maintained by the Borough Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
 - **Job Offers:** The final decision will be made by the Mayor and Council after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough of Oceanport. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
 - **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Borough Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.
 - **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right

to employment in the United States. (Amended 12-15-16 per Resolution #2016-227)

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS

Discussions by the Governing Body or any body of the Borough of Oceanport concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the Governing Body or any body of the Borough of Oceanport concerning such matters, the Borough Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

PROCESSING AND ORIENTATION OF NEW EMPLOYEES PROCEDURE

All new regular full-time and regular part-time employees will be scheduled to meet with the Borough Administrator on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Borough Administrator for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and acknowledgement of receipt;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

INITIAL EMPLOYMENT PERIOD PROCEDURE

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of 6 months. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Mayor and Council based on recommendations from the Borough Administrator and Supervisor, concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Mayor and Council may extend the initial employment period. (Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.)

EMPLOYEE HANDBOOK PROCEDURE

The Borough Administrator with the assistance of Department Heads and the Borough Attorney shall revise the employee handbook for approval of the Mayor and Council. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in

the official personnel file. The personnel policy or that part of will be revised and re-distributed whenever there is a significant change in personnel practice.

PERSONNEL FILE PROCEDURE

The official personnel files shall be maintained by the Borough Administrator and employee medical information will be maintained in a separate file. At least annually, the Borough Administrator will review files to make sure they are up-to-date. The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form but are not compelled to do so.
- **Identification/Screening:** The supervisor, or Employment Attorney must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti- Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Borough

Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.

- **Investigation:** The Borough Administrator will seek the advice of the Employment Attorney when planning the investigation. The investigation should be conducted by the Employment Attorney or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Borough Administrator will discuss the conclusions with the Employment Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough of Oceanport is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate with the advice of the Employment Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

REQUEST FOR EMPLOYMENT VERIFICATION AND REFERENCE PROCEDURE

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Borough Administrator. No employee may issue a reference letter without the permission of the Borough Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, the Borough Administrator will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Borough of Oceanport is required to release the information by law or (2) the employee or

former employee authorizes the Borough of Oceanport in writing to furnish this information and releases the Borough of Oceanport from liability.

CONTINUING EDUCATION PROCEDURE

The Borough of Oceanport, in conjunction with the Employment Attorney will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Borough of Oceanport will also offer non-mandatory training to all other

employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Oceanport employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

APPENDIX

DRAFT

EMPLOYEE AUTHORIZATION FOR MVR REVIEW

As a driver of a Borough vehicle or an employee driving a personal vehicle while performing Borough business, I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I also understand that my employer will periodically review my motor vehicle record to determine continued eligibility to drive a Borough vehicle. In accordance with the provisions of Section 604 (B) (2)(A) of the Fair Credit Reporting Act, (Public Law 91-508), I have been informed that a motor vehicle record will be periodically obtained on me for continued employment purposes.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a motor vehicle record report. This authorization is valid as long as I am an employee or employee candidate and may only be rescinded in writing.

Employee's Name (Print)

Driver's License Number

Employee's Signature Date

Reviewer's Signature Date

(Sign and Retain the Original Copy in the employees file)

CONSCIENTIOUS EMPLOYEE PROTECTION ACT

Conscientious Employee Protection Act “Whistleblower Act”



Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person
to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: Donna M. Phelps, Borough Administrator

Address: Borough of Oceanport, 910 Oceanport Way, Oceanport, NJ 07757

Telephone Number: 732-222-8221

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees.
If you need this document in a language other than English or Spanish, please call 609-292-7832.

AD-270 (10/19)

LA LEY DE PROTECCION AL EMPLEADO CONSCIENTE

La Ley de protección al empleado consciente “Ley de protección del denunciante”



Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al parágrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: Donna M. Phelps, Borough Administrator

Dirección: Borough of Oceanport, 910 Oceanport Way, Oceanport, NJ 07757

Número de teléfono: 732-222-8221

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados.

Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al 609-292-7832.

AD-270.1 (10/19)

HARASSMENT COMPLAINT FORM

***THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED DURING THE
COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED***

Name: _____

Department: _____

Job Title: _____

Supervisor: _____

Union Representative *(if any)*: _____

Time Period Covered by Complaint: _____

Individuals Who Allegedly Committed Harassment:

	<u>Name</u>	<u>Department</u>	<u>Job Title</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Describe the dates and the nature of the harassment allegedly committed by each identified individual:

Identify all employees or others with knowledge of the complained of conduct:

Are there any documents which contain information supporting the occurrences described above?

Is there any physical evidence which supports your complaint? If so, please describe:

Have you missed any work time as a result of the alleged harassment? If “yes,” identify the occasions.

Have you incurred any unreimbursed medical expenses as a result of the alleged harassment?

If you previously complained about this or related acts of general harassment to an Employer supervisor or official, please identify the individual to whom you complained, the date of the complaint, and the resolution of your complaint:

(Attach Additional Sheets if Necessary)



The information provided above is true and correct.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence the Employer deems relevant.

WITNESS STATEMENT FORM

***THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED DURING THE
COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED***

Name: _____

Department: _____

Job Title: _____

Union Representative *(if any)*: _____

Length of Time Known: Complainant _____ Respondent _____

Individuals Who Allegedly Committed Harassment:

	<u>Name</u>	<u>Department</u>	<u>Job Title</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Identities of other persons with knowledge of facts relevant to this investigation:

(Attach Additional Sheets if Necessary)

Witness Statement Form (cont'd)

Please provide a detailed description of the events you witnessed. Include the date, time, location and individuals present.

Any other information which should be considered in evaluating the validity of the complaint in this case:

Acknowledgment:

I, _____, affirm that the information I have provided is true and correct. I acknowledge that the investigation is confidential and that I am not to disclose information obtained by me during the course of this investigation. I understand that unauthorized disclosures could result in disciplinary action up to and including termination.

Signature of Witness: _____ Date: _____

APPLICATION FOR FAMILY AND/OR MEDICAL LEAVE (FMLA) AND/OR NEW JERSEY FAMILY LEAVE (NJFLA)

Name: _____ Date of Request: _____

Mailing Address: _____

Department: _____ Hire Date: _____

Title: _____

Start Date of Anticipated Leave: _____

Expected Date of Return to Work: _____

Reason for Leave:

☐ I request family leave to care for my newborn child, newly adopted child, or a newly placed foster child in my home.

☐ I request family leave to care for my family member with a serious health condition. I request family leave to care for:

☐ Spouse ☐ Child ☐ Parent

NJFLA Only: ☐ Parent-in-Law ☐ Civil Union/Domestic Partner

Name: _____ Address: _____

☐ I request medical leave to care for my own serious medical condition.

Describe serious health condition: _____

☐ I request military family leave because of a qualifying exigency arising out of the fact that my

☐ Spouse ☐ Child ☐ Parent

is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or reserves.

☐ I request military family leave because I am the

☐ Spouse ☐ Child ☐ Parent ☐ Next of Kin of a
covered service member with a serious injury or illness.

Application for FMLA and/or NJFLA (cont'd)

I understand that if my family or medical leave (total of paid and unpaid time) does not exceed twelve (12) weeks (twenty-six (26) weeks for military caregiver leave), I will be returned to my same or equivalent position.

I understand that if my family or medical leave exceeds twelve (12) weeks (twenty-six (26) weeks for military caregiver leave), the Employer may terminate my employment in accordance with the applicable law.

If my request for leave is approved, it is my understanding that unless the Employer has authorized an extension of my leave in writing, I must report to duty on the first workday following the date my leave is scheduled to end.

I understand that failure to return to work within five (5) consecutive working days following the expiration of the leave will constitute unequivocal notice of my intent not to return to work and the Employer may terminate my employment.

Signature of Employee: _____ Date: _____

Received By: _____
Employer Representative

Complete and Return To:

BOROUGH ADMINISTRATOR: DONNA M. PHELPS

RETURN TO WORK MEDICAL CERTIFICATION

Employee Name: _____ Position: _____

Date leave commenced: _____ Date employee can return to work: _____

To Be Completed by Health Care Provider:

I have completely examined this employee. In my medical opinion, his/her functional capacity is limited such that there is no possible way to modify his/her work environment to accommodate his/her physical and/or mental limitations according to the attached job description that was reviewed by me.

This employee's condition prevents him/her from safely performing the essential functions of his/her position and will be unable to return to work.

- or -

This employee is unable to return to work at this time and should be out of work until (please provide date): _____

I have completely examined this employee and in my medical opinion, his/her functional capacity is limited. This employee can continue to work safely if the job, according to the attached job description that was reviewed by me, is modified to match the modifications stated below:

Modified duty status should continue until _____ Date: _____

I have completely examined this employee. In my medical opinion I believe this employee can resume/perform all functions of his/her position without restrictions according to the attached job description that was reviewed by me.

Signature of Health Care Provider: _____ Date: _____

Name of Health Care Provider: _____ Telephone: _____

Address: _____

Type of Practice: _____

Area of Specialization: _____

RECEIPT FOR EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of Borough of Oceanport's Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the Manual that I do not understand, I will seek clarification from my supervisor, Department Head, or Borough Administrator. I understand that Borough of Oceanport is an "at will" employer and consistent with applicable Federal and State law as well as applicable bargaining unit agreements, employment with the Borough of Oceanport is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Borough of Oceanport has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Manual states Borough of Oceanport's personnel policies in effect on the date of publication. I understand that nothing contained in the Manual may be construed as creating a promise of future benefits or a binding contract with Borough of Oceanport for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Borough Administrator.

Date: _____

Signature: _____

Print Name: _____

Department: _____

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTING CHRIS HENRY AS CLASS A PATROLMAN FOR THE OCEANPORT POLICE
DEPARTMENT**

**Resolution #2021-217
10/21/21**

WHEREAS, the Police Department of the Borough of Oceanport requires an additional Class A police officer due to the retirement of Sergeant Tucci; and

WHEREAS, there is an existing candidate that is a Class II Officer that has worked with the Department since May of 2021; and

WHEREAS, that officer has completed field training, worked on the road with other Police Officers of the Borough of Oceanport and handled all the calls that regular Officers handle and has proven himself a reliable member of the Department.

WHEREAS, Police Chief Kelly and the Public Safety Council Committee have recommended that Chris Henry be appointed as Class A Patrolman,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that Chris Henry is hereby hired as an entry level Police Officer of the Borough of Oceanport.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENTS TO THE POLICE DEPARTMENT FOR THE PERIOD JANUARY 1, 2021 TO
DECEMBER 31, 2021**

**Resolution #2021-218
10/21/21**

WHEREAS, Police Chief Michael Kelly has advised that Crossing Guard Maggie Lippolis has retired and Relief Crossing Guard Buddy Brocklebank is no longer able to continue serving thereby creating a need for additional staffing; and

WHEREAS, Chief Kelly has recommended the appointment of Darlene Crochet as a Relief Crossing Guard to fill the vacancy left by Mr. Brocklebank.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Oceanport, that Darlene Crochet is hereby appointed as a Relief School Crossing Guard effective October 13, 2021 through December 31, 2021 based on the recommendation of the Mayor and Police Chief Michael Kelly.

BOROUGH OF OCEANPORT

Michael P. Kelly
Chief of Police

Michael S. Chenoweth
Captain

Michael R. Fagliarone
Lieutenant



POLICE DEPARTMENT

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

732.222.6300
Main

732.222.6301 ext 1015
Records

732.222.0945
Fax

To: Jeanne Smith, Borough Clerk, Donna Phelps, Borough Administrator
From: Kelly, Michael P., Chief of Police
cc: Captain Michael Chenoweth, Sgt. Greg Lauretta, Traffic Safety
Date: October 13, 2021
Re: Hiring of Relief Crossing Guard, Darlene Crochet.

Due to health reason Buddy Brocklebank can no longer maintain his position as a relief Crossing Guard with the Borough. That coupled with the resignation of Maggie Lippolis as full-time crossing guard has created a shortage of crossing guards to cover school crossing posts.

The Department sent out a public noticed for a temporary/part -time crossing guard position and received an application (See attached) from Darlene Crochet, 21 Center St. Oceanport NJ. We reviewed Mrs. Crochets application, interviewed her, and completed a background check.

We are advising the Mayor and Council that we have offered her the position and will begging training her soon.

We respectfully request that the mayor and council take the necessary action to acknowledge and document Darlene Crochet as a part-time employee in the position of relief crossing guard.

Should you require any other information, please let me know.

Thank You.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF BRIAN TRIVETT AS SEASONAL LABOR IN THE PUBLIC WORKS
DEPARTMENT**

**Resolution #2021-219
10/21/21**

WHEREAS, there is a need in the Public Works Department for seasonal labor; and

WHEREAS, the Public Works Superintendant and Borough Administrator have recommended the appointment of Brian Trivett as a seasonal full time employee; and

WHEREAS, Mr. Trivett is willing and able to accept the position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Oceanport, that Brian Trivett is hereby appointed to the Department of Public Works for the position of full time seasonal labor at a rate of \$18.00 per hour in accordance with the Borough's salary ordinance effective October 16, 2021.

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

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Katie LaPorta](#); [Jason Sutton](#); [Richard Gallo](#); [Michael O'Brien](#); [Oceanport Mayor](#)
Subject: New DPW Employees
Date: Wednesday, October 13, 2021 2:34:24 PM

I need two resolutions for the 10/21 meeting to hire Brian Trivett as a full time seasonal at \$18 per hour with a starting date of Saturday, October 16, 2021 and Tyler Poyner as a part time hourly employee starting 11/1/2021 at \$17 per hour. Please let me know if you need any additional information. I received approval from Councilmen Gallo and O'Brien and the Mayor. Thanks.

DONNA M. PHELPS

Administrator

Borough of Oceanport

910 Oceanport Way

Oceanport, NJ 07727

732-222-8221

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF TYLER POYNER AS SEASONAL LABOR IN THE PUBLIC WORKS
DEPARTMENT**

**Resolution #2021-220
10/21/21**

WHEREAS, there is a need in the Public Works Department for seasonal labor; and

WHEREAS, the Public Works Superintendant and Borough Administrator have recommended the appointment of Tyler Poyner as a seasonal part time employee; and

WHEREAS, Mr. Poyner is willing and able to accept the position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Oceanport, that Tyler Poyner is hereby appointed to the Department of Public Works for the position of part time seasonal labor at a rate of \$17.00 per hour in accordance with the Borough's salary ordinance effective November 1, 2021.

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

From: [Donna Phelps](#)
To: [Jeanne Smith](#)
Cc: [Katie LaPorta](#); [Jason Sutton](#); [Richard Gallo](#); [Michael O'Brien](#); [Oceanport Mayor](#)
Subject: New DPW Employees
Date: Wednesday, October 13, 2021 2:34:24 PM

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DONNA M. PHELPS

Administrator

Borough of Oceanport

910 Oceanport Way

Oceanport, NJ 07727

732-222-8221

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR 2022
SERVICES/PROFESSIONAL SERVICES FOR THE PERIOD JANUARY 1, 2022 THROUGH
DECEMBER 31, 2022**

**Resolution #2021-221
10/21/21**

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

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

WHEREAS, the Borough of Oceanport has need to engage various services including legal, financial, engineering, appraisers for tax assessments and other services and desires to do so through a fair and open process.

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

1. Borough Attorney
2. Borough Auditor
3. Borough Bond Counsel
4. Borough Engineer
5. Borough Planner
6. Borough Special Projects Engineer
7. Planning Board Attorney
8. Planning Board Engineer/Planner
9. Information Technology Services
10. Appraisal services for tax assessments
11. Any other services and extraordinary unspecifiable services as may be appropriate to award pursuant to a fair and open process.

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to advertise in accordance with Borough Code Chapter 35-8 and pursuant to N.J.S.A. 19:44A-20.4, et.seq.

ORDINANCE #1046

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 115 "ALCOHOLIC BEVERAGES", LAST REVISED FOR THE ESTABLISHMENT OF INVESTIGATIVE PROCEDURES

WHEREAS, the Oceanport Police Department has recommended that the Borough implement by ordinance various procedures for the processing of license applications regarding fingerprinting and investigations, establish service permit requirements for individuals pursuant with law and issuance of service ID cards; and

WHEREAS, the Governing Body having considered same finds the additional ordinance language to be beneficial and useful for the intended purpose,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that the following amendments be made to Chapter 115 entitled "Alcoholic Beverages":

NOTE: Additions are underlined and deletions are marked by strike through.

SECTION 1: Chapter 115 Alcoholic Beverages

Article I. Purpose

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Oceanport in accordance with the provisions of an act of the legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages," comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.

Article II. Definitions

§ 115-3. Definitions.

As used herein, the following terms shall have the meanings indicated:

LICENSEE

Includes any person, firm, association or corporation who shall be the holder of any license to sell alcoholic beverages issued by the Borough of Oceanport.

GUARDIAN

A person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.

RELATIVE

The underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

Article III. Licensing

115-1. Fingerprinting Required.

All applications for, and transferees of, plenary retail consumption licenses, club licenses, plenary retail distribution licenses, and limited retail distribution licenses shall be fingerprinted at a place designated by the Police Department, who shall forward to the Borough Police Department the prints, together with a certification that the fingerprints are the prints of the applicant.

115-2. Investigation.

The Chief of Police shall cause an investigation to be made of each applicant, which investigation shall include the records on file with the Borough, the New Jersey State Police and the Federal Bureau of Investigation, to determine whether or not said applicant has ever been convicted of a crime and shall thereafter file a report with the Borough Administrator containing the name of each person fingerprinted and investigated and reveal therein any police or criminal record of the applicant.

115-3. Corporate License.

In the event that the applicant or licensee referred to in subsection 115-2 above is a corporation, then every officer and director of the corporation shall, for the purposes of this chapter, be considered an applicant or licensee. The same requirements shall apply with respect to an unincorporated association or organization. Shareholders having more than a 5% interest in the corporation shall be considered officers for the purposes of this chapter. If any corporation, association or organization holds 5% or more of the stock of an applicant corporation, then the officers and directors of such other corporation, association or organization shall be disclosed and shall submit to fingerprinting as provided in subsection 115-5.

115-4. Suspension or revocation of licenses.

A. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provision of any applicable statute or any of the rules or regulations of the State Director of Alcoholic Beverage Control.

B. Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33:1-31 by service of a five-day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing.

C. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

Article IV. BOROUGH ALCOHOLIC BEVERAGE SERVICE PERMITS.**115-5. Purpose.**

This section is enacted to regulate the sale of alcoholic beverages in the Borough of Oceanport in accordance with the provisions of an act of the Legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages," comprising Chapter 436 of the Laws of 1983, its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control.

115-6. Required.

No licensee shall employ in the conduct of his licensed business any person who shall not have first obtained a Borough alcoholic beverage service permit from the Borough Chief of Police. No person shall permit or suffer himself to be so employed without having first obtained such a permit from the Chief of Police.

115-7. Requirements of Applicants for a Borough Alcoholic Beverage Service Permit.

No Borough alcoholic beverage service permit shall be issued to any person who:

A. Is under the age of 18 unless said person shall first have obtained a permit from the Director of the State Division of Alcoholic Beverage Control;

B. Has been convicted of a crime (with certain limited exceptions) unless the disqualification has been removed or a rehabilitation employment permit (or temporary work letter) has been issued by the State Alcoholic Beverage Control Director;

C. Is a full-time law enforcement officer in the community in which the license is located;

D. Has had an interest in any manufacturer or wholesaler of alcoholic beverages (N.J.S.A. 33-1-43) or is employed as a solicitor (N.J.A.C. 13-2-16.7; see "Tied-House Statute");

E. Has a disqualification resulting from having had an interest in a revoked license (N.J.S.A. 33-1-31).

115-8. Issuance of Borough Alcoholic Beverage Service ID Cards to Applicants.

A. Each applicant for a Borough alcoholic beverage service permit shall be photographed and fingerprinted, under the supervision of the Chief of Police, such time and place shall be designated by the Chief of Police. The fingerprints shall be done at a place designated by the Police Department and checked by State and Federal authorities. The applicant will be required to pay the appropriate fingerprinting charge. A Criminal History Check will also be completed by the Police Department under the supervision of the Chief of Police.

B. The Chief of Police is hereby authorized to issue a Borough alcoholic beverage service permit to any person making such application therefor who is not disqualified under subsection 115-11, or is not otherwise disqualified from such employment. The Borough alcoholic beverage service permit shall state: the name of the applicant, address, date of birth, Social Security

number, height, weight, hair color, eye color, and any distinguishing marks or physical characteristics. Upon approval of the application, the applicant shall be issued an ID card. The ID card shall have an expiration date and a front facing photograph. The applicant will be required to pay the Borough of Oceanport a fee of \$25 for the initial ID card and any renewal cards.

C. Identification cards shall be valid for two years from the date of issue thereof.

D. The applicant shall be required to have the Borough alcoholic beverage service ID card on their person at all times while working.

E. The requirement for the Borough alcoholic beverage service permit for all servers shall be put in place on ----. All servers must complete the process and have their ID cards prior to the renewal of the establishments' liquor license on -----.

Article I V. Operation Restrictions for Licensees

§115-4.9. Compliance required.

Hereafter it shall be unlawful for any person, firm, association or corporation to permit, allow or suffer the sale, delivery or consumption of any alcoholic beverage on the licensed premises except as hereinafter set forth.

§ 115-2-10. Hours of operation.

A. No licensee shall sell, serve, deliver or permit, allow or suffer the sale, service or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage on the licensed premises except as follows:

- (1) On weekdays and Saturdays between the hours of 8:00 a.m. and 2:00 a.m. of the following day.
- (2) On Sundays between the hours of 10:00 a.m. and 2:00 a.m. of the following day.
- (3) On the last day of the calendar year between the hours of 8:00 a.m. and 4:00 a.m. of the following day; except when the last day of the year falls on a Sunday, then between the hours of 10:00 a.m. and 4:00 a.m. of the following day.

B. No licensee shall sell or deliver or allow, permit or suffer the sale or delivery of any alcoholic beverage at retail in its original container for consumption off the licensed premises or allow, permit or suffer the removal of any alcoholic beverage in its original or opened container from retail licensed premises on or before 9:00 a.m. or after 10:00 p.m. on any day of the week; except that on Sunday the sale of malt alcoholic beverages for consumption off the premises shall be permitted from 12:00 noon to 6:00 p.m.

C. The above hours shall be in accordance with the prevailing time then existing.

D. During the hours for which the sale of alcoholic beverages is hereinafter prohibited, the entire licensed premises shall also be closed, and no person shall be admitted or permitted to remain therein except the licensee or bona fide employees of the licensee.

E. Nothing herein contained, however, shall be construed to permit the sale of alcoholic beverages on any day when otherwise prohibited by law.

§ 115-4 11. Violations and penalties.

Any person, firm, association, or corporation who shall violate this article shall, upon conviction, be subject to the provisions of Chapter 1, § 1-15, General penalty, at the discretion of the Judge before whom said matter shall be heard.

Article II VI. Licensing-~~LICENSE FEES~~

§ 115-5-12. Number of retail consumption licenses.

The number of plenary retail consumption licenses outstanding in the Borough at the same time shall not exceed seven.

§ 115-6.13. Number of retail distribution licenses.

The number of plenary retail distribution licenses outstanding in the Borough at the same time shall not exceed one.

~~§ 115-7-14. Fee for retail consumption license.~~

The annual license fee for plenary retail consumption licenses shall be and is hereby fixed at \$1,789.

~~§ 115-8-15. Fee for retail distribution license.~~

The annual license fee for plenary retail distribution licenses shall be and is hereby fixed at \$1,072.

Article III.VII Consumption or Possession by Minors

~~§ 115-9-16. Prohibition in public or private places; definitions.~~

It shall be unlawful for any person under the age of 21 years to purchase, sell, consume or have in his or her possession any alcoholic beverage in or upon any public or private street, highway, park, footway or other public or quasi-public place or in a private residence or upon any private property within the Borough of Oceanport, except as hereinafter provided or as may be permitted by state statute.

Nothing contained in this article shall prohibit an underage person from consuming or possessing an alcoholic beverage on private property in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

~~B. As used in this article, the following terms shall have the meanings indicated:~~

GUARDIAN

~~A person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.~~

RELATIVE

~~The underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.~~

~~§ 115-10-17. Prohibition in vehicles.~~

It shall be unlawful for any person under the age of 21 years to consume or to have in his or her possession any alcoholic beverage while in a motor vehicle on any public street or highway or while in a motor vehicle in any public or quasi-public place in the Borough of Oceanport.

~~§ 115-11-18. Violations and penalties; suspension or postponement of driving privileges.~~

A. Any person violating any of the provisions of this article shall, upon conviction, be punished as set forth in Chapter 1, § 1-15, General penalty.

B. In addition to the fine authorized herein, the court may suspend or postpone for six months the driving privilege of any defendant convicted of violating the provisions of this article and may take such other action regarding the driving privileges of such defendant as shall be provided in N.J.S.A. 40:48-1, as amended.

Article IV.VIII. Permits for Sale or Possession in Public Places

~~§ 115-12-19. Permit required for sale or consumption in public places.~~

No person shall serve, sell, dispense, drink or consume any alcoholic beverages on a public or quasi-public street, alley or road of the Borough of Oceanport, or upon any public or quasi-public grounds, parks or sidewalks, or in any automobile or other vehicle, or any other means of transportation, while on the public or quasi-public streets, highways, alleys, avenues, public grounds, parks or sidewalks, unless a license or permit has been issued for the same.

~~§ 115-13-20. Permit required for possession in public places.~~

No person shall possess any open bottle, can or other container which contains alcoholic beverages on any public or quasi-public street, alley or road of the Borough of Oceanport or upon any public or quasi-public grounds, parks or sidewalks, or in any automobile or other vehicle, or any other means of transportation, while on the public or quasi-public streets, highways, alleys, avenues, public grounds, parks or sidewalks, unless a license or permit has been issued for the same.

~~§ 115-14-21. Violations and penalties.~~

~~Any person violating this article shall be liable, upon conviction, to a penalty as set forth in Chapter 1, § 1-15, General penalty, together with court costs.~~

Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter 1, § 1-15, General Penalty, together with court costs. Failure of the establishment to provide proof of all servers having permits prior to each annual renewal or at any time requested may result in the revocation of their liquor license.

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: October 21, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor