



BOROUGH OF EAST NEWARK
 COUNTY OF HUDSON
 STATE OF NEW JERSEY

**REGULAR MEETING
 OF THE
 MAYOR AND BOROUGH COUNCIL**

DATE: WEDNESDAY, FEBRUARY 14, 2018
 TIME: 5:30 PM

AGENDA

	ORDINANCE (FIRST READING/INTRODUCTION)
02-2017	An Ordinance Amending And Replacing Chapter 2, Section 19 "Police Departments" Of The Municipal Code Of The Borough East Newark
03-2017	An Ordinance To Amend Chapter 33 (Zoning) Of The Revised General Ordinances Of The Borough Of East Newark So As To Amend Certain Bulk Requirements
	ORDINANCE (SECOND READING/PUBLIC HEARING)
	RESOLUTIONS
33-18	Appointment To Fill Council Vacancy
34-18	Tax Identification Statement
35-18	Authorizing A Shared Services Agreement Between The Borough Of Paramus And The Borough Of East Newark For Mechanic Work
36-18	Authorizing The Purchase Of A Vehicle Under The Cranford Cooperative Purchasing Agreement
37-18	Approval of Minutes
38-18	Approval of the Payment of Bills
	DEPARTMENTAL REPORTS
	Office of the Borough Clerk
	Finance Department
	Welfare Department (Dec 2017 & Jan 2018)
	Police Department
	Water Department
	CONFIDENTIAL CORRESPONDENCE
	Special Activity Fund Report from Mayor Joseph R. Smith

ANY OTHER BUSINESS PRESENTED BY THE MAYOR AND BOROUGH COUNCIL
 FORMAL ACTION MAY OR MAY NOT BE TAKEN

FIRST READING/INTRODUCTION

**BOROUGH OF EAST NEWARK
HUDSON COUNTY, NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 19, SECTION 2 OF THE MUNICIPAL
CODE OF THE BOROUGH EAST NEWARK**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of East Newark that Chapter 2, Section 19 of the Code of the Borough of East Newark is hereby amended and replaced by the following:

SECTION 1

§ There is hereby created in and for the Borough of East Newark, a Police Department which shall consist of no more than one Chief of Police, two (2) Sergeants, and ten (10) patrol officers to be appointed to these positions by the Mayor and Borough Council.

§ The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of East Newark; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers. (N.J.S.A. 40A:14-152)

§ The Public Safety Committee shall be designated as the Appropriate Authority as provided in the New Jersey Statutes. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members. (N.J.S.A. 40A:14-118)

§ The Chief of Police¹ shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day to day operations. Pursuant to policies established by the Appropriate Authority, the Chief of Police shall:

Administer and enforce the Rules and Regulations of the Police Department and any special emergency directive for the disposition and discipline of the Department and its members and officers;

Have, exercise and discharge the functions, powers and duties of the Police Department;

Prescribe the duties and assignments of all members and officers;

Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control; and Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be (N.J.S.A. 40A:14-118).

- § No member or officer of the Police Department shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or disobedience as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. (N.J.S.A. 40A:14-147)
- § No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The Appropriate Authority may also require that an applicant for appointment to the Police Department shall successfully complete a physical, mental and psychological examination. (N.J.S.A. 40A:14-122 and N.J.S.A. 40A:14-127)
- § The Mayor and Borough Council may appoint from time to time special law enforcement officers in accordance with New Jersey Statutes for terms not exceeding one year. They shall possess and exercise all the powers and duties provided by said statutes during their term in office, but shall not be continued as regular members of the Police Department and shall not be entitled to tenure. The Chief of Police may authorize special law enforcement officers when on duty to exercise the same powers and authority as regular members of the Police Department including the carrying of firearms and the power of arrest. (N.J.S.A. 40A:14-146.8 et seq.)

SECTION 2

I. Establishment of police department rules and regulations

A. Police department authority

1. The Police Department of the Borough of East Newark is established pursuant to N.J.S.A. 40A:14-118 and Chapter 2, Section 19 of the Borough Code. The Borough of East Newark Police Department shall after this be called the "department."

B. Department rules

1. Rules and Regulations Established. The appropriate authority of the Borough of East Newark hereby adopts and promulgates the department Rules and Regulations, known as the Borough of East Newark Police Department Rules and Regulations and after this called the "Rules."
2. Right to Amend or Revoke. In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority to amend or to revoke any of the rules contained herein.
3. Previous Rules, Policies and Procedures. All rules previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked to the extent of any inconsistency. All other policies and procedures shall remain in force.
4. Application.
 - a These rules are applicable to all police officers of the department and to all civilian employees of the department where appropriate.
 - b All general orders, directives, special orders (including those on Departmental forms) and manuals not in conflict with these police regulations shall have the same authority as police regulations.

- c Police policy or general orders shall not be canceled, amended, or issued without the approval and signature of the Chief of Police.
 - d Failure of an officer or employee either willfully or through negligence or incompetence to perform the duties of his/her rank or assignment, or violation by an officer or a civilian employee of any Department regulation or order, may be considered sufficient cause for disciplinary action.
5. Distribution. One copy of these rules shall be distributed to each employee of the department.
 6. Responsibility for Maintenance. It is the continuing responsibility of each employee to maintain a current copy of the rules, including all additions, revisions and amendments as issued.
 7. Familiarization. Employees shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule which is not fully understood.

II. Definitions

- A. Authority. The right to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.
- B. Chain of command. Vertical lines of communication, authority and responsibility within the organizational structure of the department.
- C. Day Off. Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- D. Directive. A document detailing the performance of a specific activity or method of operation. "Directive" includes:
 1. General order: Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the department.
 2. Special order: A directive dealing with a specific circumstance or event that is usually self-canceling.
 3. Personnel order: A directive initiating and announcing a change in the assignment, rank or status of personnel.
- E. Employee/Member. All employees or members of the department, whether sworn regular or special police officers or civilian employees.
- F. May/Should. As used herein words "may" and "should" mean that the action indicated is permitted.
- G. Order. Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

- H. Policy. A statement of department principles that provides the basis for the development of procedures and directives.
- I. Procedure. A written statement providing specific direction for performing department activities. Procedures are implemented through policies and directives.
- J. Shall/Will. The words "shall" and "will" as used herein, shall indicate that the action required is mandatory.
- K. Seniority. Seniority in the Department is established first by rank and second by time served in rank, whether on a regular, assigned or temporary basis. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the appointment eligibility list from which the appointments were made, is deemed to be the senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher- ranking command or supervisory officer.
- L. Supervisor. Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

III. General duties and responsibilities

A. Rank and Seniority

- 1. When officers are of the same grade, they shall rank according to their seniority determined by time in rank. When two or more officers are appointed to the same grade on the same day, each shall rank according to this respective position on the eligibility list, and the officer with the higher position on the eligibility list shall be given the lower Departmental identification number, which shall be determinative of seniority in accordance with **Section II above**.
- 2. Rank Established. Rank in the East Newark Police Department shall descend in the following order:
 - a. Chief of Police
 - b. Sergeant
 - c. Patrol Officer
 - d. Class II Special Law Enforcement Officer (SLEO II)
 - e. Civilians

B. Police officers shall:

- 1. Take appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;
 - c. Prevent crime;
 - d. Detect and arrest violators of the law;
 - e. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
 - f. Safely and expeditiously regulate traffic;
 - g. Aid citizens in matters within police jurisdiction;
 - h. Take appropriate police action in aiding fellow officers as needed.
 - i. Provide miscellaneous services.

2. Support and defend individual protections, rights and privileges guaranteed by the Constitutions of the United States and New Jersey.
3. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department.
4. Abide by all rules, regulations and departmental procedures and directives governing police officer employees.
5. Be accountable and responsible to their supervisors for obeying all lawful orders.
6. Coordinate their efforts with other employees of the department to achieve department objectives.
7. Conduct themselves in accordance with high ethical standards, on and off-duty.
8. Strive to improve their skills and techniques through study and training.
9. Familiarize themselves with the area of authority and responsibility for the current assignment.
10. Perform their duties promptly, impartially, faithfully and diligently.
11. Perform all related work as required. B. Supervisors in the department shall:
 1. Enforce department rules and insure compliance with department policies and procedures.
 2. Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.
 3. Exercise necessary control over their subordinates to accomplish the objectives of the department.
 4. Guide and train subordinates to gain effectiveness in performing their duties.
 5. Use department disciplinary procedures when necessary.
 6. When using discipline, comply strictly with the provisions of the department disciplinary process.

C. Chief of Police

1. Pursuant to N.J.S.A. 40A:14-118 and municipal ordinance, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and day to day operations of the department. Pursuant to policies established by the appropriate authority, the Chief of Police shall:
 - a. Administer and enforce the Rules and Regulations of the Police Department and any special emergency directives for

the disposition and discipline of the Department and its members and officers;

- b. Have, exercise and discharge the functions, powers and duties of the Police Department;
- c. Prescribe the duties and assignments of all members and officers;
- d. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the direction and control of the Chief; and
- e. Report at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the appropriate authority.

2. Responsibilities. The Chief of Police is responsible to:

- a. Establish and maintain the efficient operation of the department.
- b. Organize, control and maintain all property and resources of the department.
- c. Develop the written organizational structure of the department, including chain of command and duty assignments.
- d. Develop and implement policies and procedures necessary to govern and direct the day to day operations of the police department.
- e. Provide for the proper training of all department employees.
- f. Provide for periodic inspections of all police operations to insure compliance with department rules, policies, and procedures.
- g. Maintain the overall discipline of the department.
- h. Maintain a constructive relationship with the public, community organizations, the media and other law enforcement agencies.
- i. Prepare and submit the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- j. Allocate funds within the budget which are appropriated by the governing body.
- k. Provide for performance evaluations of all department employees.

D. Commanding Officer - Authority and Responsibilities

Subject to direction from higher command, a Division Commander has direct control over all members and employees within his/her command. In addition to the general and individual responsibilities of all

members and employees and supervisory officers, a Division Commander is responsible for the following:

1. Command. The direction and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command and supervision in his/her absence.
2. Loyalty and Esprit de Corps. The development and maintenance of esprit de corps and loyalty to the Department.
3. Discipline and Morale. The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.
4. Intra-Departmental Action. The promotion of harmony and cooperation with other divisions of the Department. Initiation of proper action in cases not regularly assigned to his/her command.
5. Organization and Assignment. Organization and assignment of duties within his/her division to assure proper performance of Department functions and those of his/her command.
6. Reports and Records. Preparation of required correspondence, reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
7. Maintenance. Assurance that quarters, equipment supplies and material assigned to his/her command are correctly used and maintained.

E. Police Sergeant

Under direction, supervises and is responsible for the activities of field or headquarters personnel, overseeing and taking part in police activities intended to provide order maintenance, assistance and protection for persons and property, observance of law, and the detection and apprehension of law violators. The Police Sergeant is responsible for the following:

1. Assign and instruct subordinates in police patrol methods and procedures, investigation practices, and related law enforcement problems. Provides Training as needed. Leads subordinates by example.
2. Directs criminal and non-criminal investigations; makes investigations regarding improper police services or actions.
3. Supervises technical aspects of some police operations.
4. When necessary, takes proper police action against law violators.
5. Visits and inspects police patrol units, assignments, posts, and sectors; noting and correcting or reporting any conditions which require police attention.
6. Directs the preparation of reports and maintains necessary reports and records; performs related work as required.

F. Tour Commander - Authority and Responsibilities

The Tour Commander, during his/her tour of duty, exercises the same authority and has the same responsibilities as his/her commanding officer, subject to higher authority. In the absence of the Section Commander, the senior available member of the section is in charge unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the Section Commander is specifically responsible for the following:

1. Good Order. The general good order of his/her command during his/her tour of duty to include proper discipline, conduct, welfare, field training and efficiency.
2. Roll Call. Conduct of prescribed roll calls, communications and all orders, or other information at roll call and inspection and correction of his/her command as necessary.
3. Reporting. Reporting as required by a commanding officer.
4. Personnel Complaints. Inquiry into personnel complaints against members and employees under his/her command in accordance with the provisions of this manual.

G. Supervisory Officers - Authority and Responsibilities

In addition to the general and individual responsibilities of all members and employees, supervisory officers are specifically responsible for the following:

1. Supervision. Closely supervise the activities of their subordinates, making corrections where necessary and commending where appropriate.
2. Leadership. Provide on the job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.
3. Direction. Exercise direct command in a manner that assures the good order, conduct, discipline and may extend to subordinates outside their usual spheres of supervision if the police objective or reputation of the Department so requires or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his/her own to leave a regular assignment, the supervisor so directing, will inform the subordinate's own supervisor as soon as possible.
4. Enforcement of Rules. Enforcement of Department rules and regulations and requiring compliance with the Department policies and procedures.
5. Inspection. Inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error violation, misconduct, or neglect of duty by a subordinate.
6. Assisting Subordinates. Having a working knowledge of the duties and responsibilities of his/her subordinates. Observing contacts made with the public by his/her subordinates and being available for assistance or instruction as may be required. He/she shall respond to calls of serious emergencies, crimes in progress, assaults, and others unless actively engaged in a police incident. He/she should observe the conduct of the assigned

personnel and take active charge when necessary.

H. Detective (Assignment)

Under direction, is assigned to investigative or technical units and is responsible for the investigation and clearance of criminal and noncriminal complaints, or other duties which may be assigned because of a particular expertise.

1. Shall intelligently and thoroughly investigate each assignment, initiating the investigation by prompt contact with the complainant.
2. Uses all legal means at his disposal to detect and solve crime and prosecutes offenders, thoroughly investigating information received from any source.
3. Shall keep detailed day-to-day records of his investigations, acquainting supervisors and interested units with information developed.
4. Must study and apply sound investigative techniques and improve his efficiency by attention to:
 - a. Use of records and reports;
 - b. Conduct of interviews;
 - c. Cultivation of informants;
 - d. Development of perceptive abilities; and
 - e. Proper collection, identification, analysis, preservation and presentation of evidence.
5. Shall prepare all cases in a manner which insures the best possible presentation in court.
6. Shall learn the rules of evidence, court procedure, and the art of testifying, which makes for an effective witness. He shall also cooperate with the prosecution in trial preparation.
7. Notwithstanding his assignment, he shall provide an immediate response to an emergent or observed need for police service.
8. When he/she shall be called upon to serve in a uniformed capacity, he/she shall be governed by all rules pertinent to his regular assignment and those governing uniformed police officers.

I. Patrol Officer - Responsibilities and Duties

Patrol Officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. They will perform these duties as prescribed in Department orders and as directed by their supervisors. In addition to these and the general and individual responsibilities of all members and employees, Patrol Officers are specifically responsible for the responsibilities listed in these Rules.

1. Police Mission. A Patrol Officer is responsible for the accomplishment of the police mission on his/her beat. He/she shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. He/she shall be held accountable for crime, accidents, disorders, and other criminal conditions on his/her beat.

2. Reporting for Duty. He/she shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. He/she shall listen attentively to orders and instructions of his/her superior officers and read such materials as are made available to him/her. He/she shall make written memoranda of such information as necessary and shall immediately proceed to his/her beat upon completion of these tasks.
3. Familiarization with Beat. A Patrol Officer shall thoroughly familiarize him/herself with his/her beat. He/she shall be familiar with all public business offices and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, he/she shall familiarize him/herself with the locations of safes and night-lights. Changes in night-lights will be particularly noticed.
4. Methods of Patrol. During his/her tour of duty, the Patrol Officer shall continuously patrol every part of his/her assigned area, giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, he/she shall not patrol his/her beat according to any fixed route or schedule but shall alternate frequently and backtrack to be at the location least expected.
5. Unlocked Buildings
 - a. When a door or window is found open under suspicious or unusual circumstances on any tour of duty, the Patrol Officer shall investigate and determine whether a burglary or other crime has been committed. He/she shall notify Headquarters. The Shift Commander or Radio Dispatcher shall dispatch sufficient Patrol Officers or Investigators to the scene for support.
 - b. Under circumstances indicating that an intruder is still inside a building, the officer discovering it, shall immediately summon assistance and then stand guard. When the assistance arrives, he/she may enter and search the building.
6. Field Interviews. When the occasion demands it, the Patrol Officer shall courteously but firmly, question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relating to the circumstances. In all cases, good judgment and discretion should be used in making a decision to arrest.
7. Ethical Standards. He/she shall conduct himself in accordance with high ethical standards, on and off duty, and shall, by study and observation, become familiar with laws and ordinances and improve techniques and ideas which will enable him/her to improve performance.
8. Maintenance of Equipment. He/she shall maintain all equipment assigned to him in functional and presentable condition.
9. Vice Suppression. Uniformed officers shall give particular attention to places where vice violators might congregate. They shall use every lawful means to suppress the illegal activities of such persons, prosecute them, and require all such establishments to be in accordance with municipal ordinances and state laws and shall report all violations.
10. Traffic Law Enforcement. Patrol Officers are charged with the

enforcement of all provisions of local and state traffic codes. Failure to take appropriate action in traffic violation cases is considered neglect of duty. Appropriate action is defined as that action to preclude reoccurrence such as issuance of a traffic summons, warning, etc.

11. Complaint Actions. A Patrol Officer shall carefully investigate all complaints on or near his/her beat which are assigned to him/her or which are brought to his/her attention by citizens. He/she shall take suitable action in those cases that come under his/her jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint is not within the jurisdiction of the Police Department, he/she shall advise the complainant accordingly and refer him/her to the proper authority.
12. Preliminary Investigations. At the scenes of major crimes, subject to direction of higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer present, will begin the preliminary investigation except in the case of homicide or apparent homicide. In those instances, a member of the Investigative Division will be called to the scene immediately. In all instances, members not assigned will not enter the premises nor perform any actions which may interfere with the investigation or destroy evidence. In cases of homicide, the first duty of the Patrol Officer is to guard the scene excluding all unauthorized persons and to detain all witnesses for interview/interrogation.
13. Radio Failure. Patrol Officers shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions or time signals for a period not to exceed thirty minutes, they shall immediately call the dispatcher for a special test. If after three attempts, he/she fails to receive an acknowledgement, he/she shall immediately contact the desk officer by telephone. In case of radio trouble, the officer shall notify his/her section commander and/or dispatcher of the nature of the trouble.

J. Civilian employees shall:

1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
3. Be accountable and responsible to their supervisors for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.

8. Abide by all rules, regulations and departmental procedures and directives governing civilian employees.
9. Perform all related work as required.

IV. Rules of conduct

A. General conduct

1. Standard of Conduct. Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Department into disrepute.
2. Loyalty. Loyalty to the Department and to associates is an important factor in Department morale and efficiency. Members and employees shall maintain loyalty to the Department and their associates as is consistent with the law and personal ethics.
3. General Responsibilities. Members shall at all times take appropriate action to:
 - A. Protect life and property.
 - B. Preserve the peace.
 - C. Prevent crime.
 - D. Detect and arrest violators of the law.
 - E. Enforce all federal, state and local laws and ordinances within Department jurisdiction.
4. Duty Responsibilities. Members of the Department are always subject to duty although periodically relieved of its routine performance. They shall, at all times, respond to the lawful orders of superior or supervisory officers and other proper authorities as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department, does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment.
5. Neglect of Duty. Members and employees shall not commit any act, nor shall they be guilty of any omission that constitutes neglect of duty.
6. Performance of Duty. All employees shall promptly perform their duties as required or directed by law, department rule, policy or directive, or by lawful order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.
7. Action Off Duty. While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department policy.
8. Obedience to Laws and Rules. Employees shall obey all laws, ordinances, rules, policies, and procedures and directives of the department.

9. Withholding Information. Employees shall report any information concerning suspected criminal activity of others.
10. Reporting Violations of Law or Rules. Employees knowing of other employees violating laws, ordinances, or rules of the department, shall report same in writing to the Chief of Police through official channels. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, official channels may be bypassed.
11. Insubordination. Employees shall not:
 - a. Fail or refuse to obey a lawful order given by a supervisor
 - b. Use any disrespectful or abusive language or action toward a supervisor.
12. Conduct Toward Other Department Employees. Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
13. Compromising Criminal Cases. Employees shall not interfere with the proper administration of criminal justice.
 14. Recommending Attorney and Bail Bond Brokers Prohibited. Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.
 15. Posting Bail. Employees shall not post bail for any person in custody, except relatives.
 16. Use of Force. Employees shall follow department policy and procedure on the use of force.
 17. Fitness for duty. Police officers shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of a law enforcement officer.
 18. Driver's License. Employees operating department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full particulars.
 19. Address and Telephone Numbers. Employees are required to have a telephone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.
 20. Assistance. All members are required to take appropriate action toward aiding a fellow officer exposed to danger or in a situation where danger might be impending.
 21. Cooperation. Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore,

all members are strictly charged with the establishing and maintaining a high spirit of cooperation within the Department.

B. Orders

1. Issuing Orders

- a. Manner of Issuing Orders. Orders from a supervisor to a subordinate shall be in clear and understandable language, civil in tone, and issued in pursuit of Department business.
- b. Unlawful Orders. No supervisor shall knowingly issue any order which is in violation of any law or ordinance.
- c. Improper Orders. No supervisor shall knowingly issue any order which is in violation of any department rule, policy, or procedure.

2. Receiving Orders

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

C. Police Records and Information

1. Release of Information. Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department policy and procedure.
2. Department Records. Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under department policy and procedures.
3. Reports. No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.
4. Reporting Violations of Laws, Ordinances, Rules or Orders. Members and employees knowing of other members or employees violating laws, ordinances, or rules of the Department, or disobeying orders, shall report same in writing to the Chief of Police through official channels. If the member or employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be by-passed.

Gifts, rewards, etc.

1. Soliciting or Accepting Benefits. Members and employees shall not directly or indirectly solicit, accept or agree to accept any benefit not allowed by law to influence the performance of their official duties. Members and employees shall not solicit anyone to intercede with the Chief of Police, Mayor or members of the Council in relation to promotion assignments, disposition of pending charges, or findings in a Department trial or other related matter. All solicitations must stay within the perimeters of Federal and State law, directives from the NJ Attorney General and Hudson County Prosecutor's Office.

Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment or any activity connected with said employment. Members and employees shall not accept any gift, gratuity, loan, fee or other object of value, the acceptance of which might tend to influence the actions of said members or employees or any other member or employee in any matter of police business, or which might tend to cast an adverse reflection on the Department or any member or employee thereof. No member or employee of the Department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Chief of Police.

2. Persons and Places of Bad Reputation. Members and employees shall not frequent places of bad reputation, nor associate with persons of bad reputation, except as may be required in the course of police duty.
3. Rewards. Employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty, except that which may be authorized by law and department policy.

4. Disposition of Unauthorized Gifts, Gratuities. Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.
5. Other Transactions. Members and employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their Departmental employment except as may be specifically authorized by the Chief of Police.

E. Alcoholic Beverages and Drugs

1. Consuming Alcoholic Beverages Before Duty. Employees shall not consume alcoholic beverages within four hours prior to reporting for duty.
2. Being Under the Influence. Employees shall not report for duty under the influence of any alcoholic beverage or drugs nor shall any employee or member be unfit for duty because of his or her excessive use of drugs or alcoholic beverages.
3. Consuming Alcoholic Beverages on Duty. Employees of the department shall not consume any alcoholic beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police.
4. Exception. Employees while assigned to duty in civilian clothes may consume alcoholic beverages only if such consumption:
 - a. is absolutely necessary in the performance of duty, and
 - b. has been approved by the appropriate supervisor, and
 - c. does not render the employee unfit for proper and efficient performance of duty.
5. Consuming Alcoholic Beverages Off Duty in Uniform. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.
6. Alcoholic Beverages in Police Buildings. Alcoholic beverages shall not, at any time, be consumed in police buildings or facilities.
7. Supervisors' Responsibility. Supervisors shall not assign to duty or allow to remain on duty any employee whose fitness for duty is questionable due to the use of alcohol or medication.
8. Possession of Alcoholic Beverages. Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any police department building or vehicle, except for evidential or other authorized purpose. Alcoholic beverages or drugs brought into Department premises in the furtherance of an authorized purpose shall be properly identified and stored according to Department policy.

9. Entering Licensed Premises. Employees in uniform shall not enter any licensed premises where alcoholic beverages are sold or stored, except in the performance of duty and in compliance with department policy.
10. Taking Medication on Duty. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician. A member or employee of the Department, taking a prescribed prescription drug, and later, while on duty, suffers an illness, may at the discretion of the Chief of Police be excused without penalty.
11. Notification about Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.
12. This department shall conduct random drug testing of police officers in accordance with the Drug Testing Policy of the Attorney General and as follows:
 - a. At random or without suspicion, an officer may be ordered or requested to submit to a blood, urine, breathalyzer, or other test, to determine the percentage of alcohol or drugs in said test sample, except as provided otherwise by specific statutory or procedural law. Such test MUST be given if requested by the officer. A refusal by an officer to submit a test sample on request, or who renders a positive test for illegal drug use or alcohol consumption may be dismissed from the police force upon final adjudication.
 - b. All law enforcement applicants may be required to submit to a urinalysis prior to appointment.
 - c. An applicant who produces a confirmed positive test result indicating unlawful drug use or who refuses to submit a urine sample shall be rejected for employment.
 - d. Subsequent to appointment, all officers shall be subjected to unannounced drug testing by urinalysis during and whenever there is individualized reasonable suspicion to believe that an officer is unlawfully using drugs.
 - e. A trainee who produces a positive test result indicating unlawful drug use or who refuses to submit a urine sample shall be dismissed from the training academy and/or from his/her law enforcement position.
 - f. Permanently appointed officers who produce a positive test result indicating unlawful drug use or who refuse to submit a urine sample shall be dismissed from employment.
 - g. Any police officer who believes he/she has a reasonable suspicion that another officer is using illegal drugs, or is

abusing prescription or over-the-counter medication, must immediately report those facts and circumstances to the office of the Chief of Police or his/her designee.

h. Any police officer that is prescribed medication or who is ingesting over-the-counter medication which **impairs his/her ability to function effectively**, must inform the Borough Physician of the type of medication and prescribed dosages.

F. Duty conduct

1. Reporting for Duty. Employees shall report for duty at the time and place specified, properly uniformed and equipped.
2. Absence from Duty. An employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is "absent without leave." Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave.
3. Prohibited Activity on Duty. Employees who are on duty are prohibited from engaging activities which are not directly related to the performance of their duty (e.g., sleeping, conducting private business, or gambling).
4. Smoking While On Duty. Employees shall not smoke except in authorized areas. Employees shall not smoke on duty while in direct contact with the public.
5. Distracters. The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.
6. Relief. Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.
7. Meals. All meals are to be consumed within authorized areas, subject to modification by the supervisor.
8. Training. Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.
9. Inspections. Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.
10. Physical and Mental Fitness for Duty. Members shall maintain good physical and mental condition so that they can handle the strenuous physical and mental contacts often required of a law enforcement officer. Those officers suspected of being unable to perform their assigned duties because of restrictions manifesting themselves because of poor physical or mental condition, shall be reported to the Chief of Police, through the chain of command, for his/her actions.

11. Loitering. Members on duty or in uniform shall not enter theaters or other public places except to perform a police-related task. Loitering and unnecessary conversation in such locations are forbidden. Members and employees off duty and not on any official standby shall not loiter in Police Department areas.
12. Possession of Keys. No member, unless authorized by his/her commanding officer, shall possess keys to any premises, not his/her own, on or near his/her beat.

G. Uniforms, appearance and identification

1. Regulation Uniforms Required. All police officers and uniformed civilians shall maintain uniforms prescribed in department policy and procedure. Uniforms shall be kept neat, clean and well-pressed at all times.
2. Manner of Dress on Duty. Employees shall wear the uniform or civilian clothing on duty as prescribed by department policy and procedure for the employee's current assignment.
3. Wearing Jewelry on Duty. Police officers on duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform officers on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with department policy.
4. Personal Appearance. Employees, while on duty, shall be neat and clean in person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform officers on duty from dressing appropriately for the conditions of their current assignment in accordance with department policy.
5. Wearing or Carrying Identification. Employees shall wear or carry their department identification at all times, provided that it is practical under the circumstances.
6. Identification as Police Officer. Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

H. Department equipment and property

1. Equipment on duty. Employees shall carry all equipment on duty as prescribed in department policy and procedure based on their assignment.
2. Equipment off duty. Employees shall carry equipment off duty as prescribed in department policy and procedure based on their assignment.
3. Firearms. Employees shall follow department policy and procedure on the care and handling of firearms.
4. Department Property and Equipment. Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty.

5. Use of Department Property and Equipment. Employees shall not use any department property or equipment for personal business or pleasure.
6. Damaged or Inoperative Property or Equipment. Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment or property.
7. Care of Department Buildings. Employees shall not mark or deface any surface in any department building. No material shall be affixed to any wall in department buildings without specific authorization from the appropriate supervisor.
8. Notices. Employees shall not mark, alter or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining units.
9. Use of Department Vehicles. Employees shall not use any department vehicle without the permission of a supervisor. Department vehicles shall never be used for personal business or pleasure except as provided for in department policy.
10. Operation of Department Vehicles. When operating department vehicles, employees shall not violate traffic laws except in cases of emergency and then only in conformity with state law and department policy and procedure regarding same.
11. Emergency Calls and Use of Red Light and Siren. Members driving any Department vehicle when responding to emergency calls shall exercise judgment and care with due regard to the safety of life and property. They shall slow down at all street intersections to such degree that, when crossing same, they will have safe control of their vehicle, especially when crossing street intersections where the traffic signal lights are against them or where there are stop signs. They shall use the emergency red lights and sound the siren on such calls and take the utmost precaution.
12. Transporting Citizens. Citizens will be transported in department vehicles only in conformance with department policy.
13. Reporting Accidents and Damage. Accidents involving department personnel, property, equipment and vehicles must be reported in accordance with department policy and procedure.
14. Inspection. Departmental property and equipment is and remains the property of the department and is subject to entry and inspection without notice.
15. Liability. If department property is damaged or lost as a result of misuse or negligence by an employee, that employee will be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.
16. Presumption of Responsibility. In the event that the Borough property is found bearing evidence of damage which has not been reported, it shall be prima-facie evidence that the last person using the property or vehicle was responsible for the damage.

17. Personal Entertainment Devices. The use of portable radios, televisions and any other form of entertainment other than equipment authorized by the Department are prohibited while on duty.

18. Surrender of department property.

a. Upon Separation from the Department. Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.

b. Under Suspension. Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

I. Communications, correspondence

1. Restrictions. Employees shall:

a. Not use department letterheads for private correspondence.

b. Only send correspondence out of the department under the direction of the appropriate supervisor.

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

3. Use of Department Address. Employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any private vehicle registration or driver license.

4. Telephones. Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.

J. Radio Discipline. Employees operating the police radios shall strictly observe the procedures and restrictions for such operations as set forth in department policy and procedure and by the Federal Communications Commission. Investigations

1. Command of Scene. At the scene of any crime, accident, or other police incident, the ranking officer present shall assume command and direction of police personnel to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision coordinates the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

2. Responsibilities of Members Arriving at Crime Scenes. The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

a. Summoning medical assistance and administering first aid as

required preventing further injury or loss of life.

- b. Arrest of violator(s)
 - c. Security of the scene
 - d. Conducting a preliminary investigation
3. Responsibilities of Assigned Members at Crime Scenes. The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incidents, are responsible for the duties in subsection 2 above and the completion of the preliminary or other investigation as directed. This shall include securing statements and other information, which will aid in the successful completion of the investigation, locating, collecting and preserving physical evidence, and identifying, locating, and apprehending the offender.
 4. Identification as Police Officer. Except when impractical or where the identity is obvious, officers shall identify themselves by displaying the official badge or identification card before taking police action. Upon request, employees are required to supply their identification in a courteous manner.
 5. Release of Information at Crime Scene. Unauthorized persons, including members of the press, shall be excluded from crime scenes. The superior officer in charge of the investigation in accordance with Department policy shall provide information to the press, which will not hinder or nullify an investigation.
 6. Confidential Information
 - a. Members and employees shall not reveal any confidential business of the Department. They shall not impart confidential information to anyone except those for whom it is intended, or as directed by their superior or supervisory officer.
 - b. Members shall not make known to any person, any Department order which they may receive, unless so required by the nature of the order.
 - c. Contents of any Department record or report filed in the Police Department, shall not be exhibited or divulged to any person other than a duly authorized police officer, except on approval of the Chief of Police, or under due process of law, or as permitted under Department regulations.
 7. Compromising Criminal Cases. Members and employees shall not interfere with the proper administration of criminal justice.
 - a. Members and employees shall neither attempt to interrupt the legal process except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.
 - b. Members and employees shall not attempt to have any traffic summons or notice to appear reduced, voided, or stricken from the calendar; except in a lawful manner prescribed by law or Court Rules.
 - c. Any member or employee having knowledge of such action and failing to inform his/her superior or supervisory officer thereof, shall be subject to disciplinary action.

K. Arrests

1. Arrests. In making arrests, members shall strictly observe the laws of arrest and the following provisions:
 - a. The arresting officer shall employ only such force and necessary restraint to assure the safety of other person, other police officer and him/herself.
 - b. Every member shall refrain from using unnecessary force or violence in making arrests and must not strike a prisoner or any other person except when necessary in self-defense or to overcome actual physical resistance in making an arrest. However, he/she must be firm, resolute, and energetic, exercising the necessary means to perform his/her duty properly. When it is necessary to use force, the circumstances shall be included in the arrest report of the case.
 - c. The arresting officer is responsible for the safety and protection of the arrested person while in his/her custody. He/she shall notify the transporting officers of any injury, apparent illness, or other conditions which indicate that the arrested person may need special care.
2. Assisting Criminals. Members and employees shall not communicate any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.
3. Complaints by Members for Crimes Against Themselves - On/Off Duty. Members shall arrest perpetrators of crimes and criminal offenses directed against them. The perpetrators shall be charged accordingly. Whenever it is impossible to consummate the arrest at the time of the offense, the member shall make a complete report of the incident to his/her commanding officer.

L. Detentions

1. Custody of Prisoners. Members charged with the custody of prisoners shall observe all laws and Department orders regarding this activity. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint.
2. Transportation of Prisoners. Members transporting prisoners shall do so in accordance with Department policy. Prisoners requiring medical attention shall be transported to the appropriate treatment center, and the transporting officers shall be responsible for the security of the prisoners until properly relieved by an officer unless otherwise directed by a superior or supervisory officer.
3. Use of Derogatory Terms. Members or employees shall:
 - a. Neither speak disparagingly about anyone or use pejorative terms regarding ethnicity, sexual orientation, race or minority group nor refer to them in insolent or insulting terms of speech.
 - b. Neither use uncomplimentary terms of speech when referring to any prisoner or other person or willfully antagonize any person whom he/she comes in contact with.
4. Reports and Bookings. No member or employee shall knowingly falsify

any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the Department.

5. Recommending Attorneys and Bail Bond Brokers Prohibited. Members and employees shall not suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.
6. Acting as Bailor Prohibited. Members and employees cannot act as bailors for any person in custody except immediate relatives and in no case where any fee, gratuity, or reward is solicited or accepted.

M. Firearms

Departmental regulations concerning the care and use of firearms are designed to protect the lives of police officers and the lives and property of the public.

1. Handling of Firearms. Police officers shall exercise caution and the utmost care in handling firearms on and off-duty. Handling, carrying and care of firearms shall be consistent with Department Firearm's Policy at all times.
2. Official Authorization of Firearms. The Chief of Police may authorize a police officer to carry a firearm other than the official police firearm, providing that the police officer follows the steps prescribed herewith:
 - a. He/she submits a written report through channels requesting permission to carry a firearm.
 - b. He/she restricts his/her selections of a firearm of an approved manufacturer.
 - c. He/she submits to the superior officer in charge of firearms training for inspection the firearm that he/she intends to carry in order to determine whether it meets the same standards for safety and serviceability that apply to the official firearm.
 - d. He/she submits the firearm for test firing and inspection upon his/her appearance for scheduled firearms training.
 - e. He/she carries the firearm only after he/she has secured the approval of the Chief of Police and only during the time this approval remains in effect.
 - f. He/she observes and is bound by any part of or any section of the Operations Manual which pertains to the official police firearm, and he/she understands that these same regulations also apply to the use of any firearm which may be authorized by the Chief of Police.
 - g. Qualifications prior to carry.
3. Official Police Firearms. The official police firearm shall be the firearm designated by the Chief of Police. Carrying personal firearms on duty or during emergencies is prohibited, unless otherwise authorized by the Chief of Police.
4. On-Duty and Off-Duty Holsters. The official police firearm or authorized off duty firearm shall be carried only in Department issued

holsters or in authorized holsters which conform to Department specifications.

5. Non-regulation Firearms Prohibited. Police officers who carry and employ firearms other than those that have been issued or approved by the Police Department shall be subject to disciplinary action.
6. Tampering with Police Firearms. Department authorized firearms shall never be altered beyond manufacturers specifications with the express permission of the Chief of Police. The superior officer in charge of firearms training shall approve all repairs and adjustments to the official police firearm. Police officers shall not use unauthorized molded grips, special-type grips, or pearl handled grips. Police Officers shall not make any change in the trigger pull mechanism or effect any other unauthorized alteration or addition. Grip adapters may be used in special cases, but only after the police officer first has obtained the approval of the superior officer in charge of the Firearms training.
7. Care of Firearms Off-Duty Outside Home. A police officer when off duty and outside his/her home, may keep his/her Department issued service firearm or authorized off duty firearm holstered and on his/her person readily available for necessary use. To avoid an accidental discharge, a police officer shall not carry his/her firearm in his/her waistband or in any of his/her pockets, unless holstered.
8. Care of Firearms Off-Duty at Home. A police officer shall keep his/her firearm in a secure place readily available in case of emergency.
9. Discharge of Firearm Report. When a firearm is discharged by a police officer either in the performance of police duty or accidentally, the police officer shall:
 - a. Promptly notify the superior officer on duty in command of the occurrence.
 - b. Be guided by the instruction of the Department policy.
10. Firing of the Weapon Under Other Circumstances. A police officer may fire his/her firearm to dispose of an animal that is dangerous or that is seriously injured when other means of disposition are unavailable. However, this shall only be done in accordance with Department Firearm's Policy.
11. Carrying Firearms - General. Police officers shall carry their official police firearm or authorized off duty firearm fully loaded and in a serviceable, operating condition so that they may be prepared when called upon to carry out a police duty, service, function or responsibility. Police officers who may be sick, injured, or on vacation leave may, but are not required to, carry a firearm. Police officers who are suspended or whose weapons have been officially taken from them for other reasons shall not carry a firearm under any circumstances.
12. Carrying Firearms - On Duty. Police officers in uniform shall carry their firearm in holsters attached to their uniform belts. Investigators and other police officers not in uniform shall carry their firearm in authorized holsters.
13. Loss of Firearm. Loss of the official police firearm through carelessness or neglect shall be deemed a serious violation of Department regulations.
14. Ammunition Issue. The Department without expense shall make the

initial issue and the replacement of ammunition for Department firearms to the police officer. The Department shall replace rounds of ammunition that have become unserviceable and rounds that have been expended in the line of police duty. Only Department issued ammunition shall be used.

N. Conduct toward public

1. Courtesy. Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, avoiding profane language and shall always remain calm regardless of provocation.
2. Request for Identification. Upon request, employees are required to supply their name and identification number in a courteous manner.
3. Impartiality. Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, influence or political affiliation.
4. Use of Derogatory Terms. Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.
5. Affiliation with Certain Organizations Prohibited.
 - a. No employee shall knowingly become a member of any organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.
 - b. No member or employee shall knowingly become a member of or connected with any subversive organization except when necessary in the performance of duty and then only under the direction of the Chief of Police.
 - c. No police officer or civilian employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in fostering hatred, prejudice, or oppression against any racial or religious group.
6. Representing the Police Department. Employees shall not give public speeches or demonstrations on behalf of the department, nor shall they endorse any product or service as a representative of the department, without prior approval from the Chief of Police. All requests for public speeches, demonstrations, and the like, will be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that a party submit his/her request to the Chief of Police.

O. Political activities

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

2. Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.
3. Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.
4. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
5. Employees shall not engage in any polling duties except in the performance of their official duties.
6. Employees shall not display any political material on any government property or on their person while on duty or in uniform. Employees shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the county prosecutor.
7. Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.
8. Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.
9. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
10. Employees shall not engage in any polling duties except in the performance of their official duties.
11. Employees shall not display any political material on any government property or on their person while on duty or in uniform.

P. Judicial appearance and testimony

1. Duty of Employee to Appear and Testify. Attendance at a court or quasi-judicial hearing as required by subpoena, resulting from Department employment, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case, or other competent court officials. Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation.
2. Subpoena. Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials.

3. Court Appearance. When appearing in court on department business, employees shall wear either the department uniform or appropriate business attire.
4. Testifying for the Defendant. Any employee subpoenaed to testify for the defense or against the municipality or department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena.
5. Department Investigations. Employees are required to answer questions, file reports, or render material and relevant statements, in a departmental investigation when such questions and statements are directly related to job responsibilities. Employees shall be advised of, and permitted to invoke, all applicable constitutional and statutory rights, including consultation with their designated representative.
6. Truthfulness. Employees are required to be truthful at all times whether under oath or not.
7. Civil Action, Subpoenas. Employees shall not volunteer to testify in civil actions arising out of department employment and shall not testify unless subpoenaed. If the subpoena arises out of department employment or if employees are informed that they are a party to a civil action arising out of department employment, they shall immediately notify the appropriate supervisor.
8. Civil Depositions and Affidavits. Employees shall confer with the appropriate supervisor before giving a deposition or affidavit on a civil case relating to their police employment.
9. Civil Action, Expert Witness. Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the county prosecutor.
10. Civil Process. Employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate supervisor.
11. Duty of Member or Employee to Appear and Testify. It shall be the duty of every member or employee to appear and testify upon matters directly related to the conduct of his/her office, position or employment before any court or grand jury. Any member or employee failing or refusing to appear and testify may be subject to removal from his/her office, position or employment.

V. Personnel Regulations

A. Hours and Leave

1. Hours of Duty. Employees shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. Employees are subject to be recalled to duty as needed.
2. Scheduled Days Off. Employees are entitled to days off pursuant to appropriate collective bargaining agreements and are to take such days according to a schedule arranged by the appropriate supervisor.

3. Vacation Leave. Employees are entitled to vacation days off pursuant to appropriate collective bargaining agreements, department policy and procedure, and approval of the vacation schedule by the appropriate supervisor.
4. Other Leaves. Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by department policy and procedure, subject to approval of the schedule by the appropriate supervisor.
5. Sick Leave. Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and department policy and procedures.
6. Abuse of Sick Leave. Employees who take sick leave in violation of department policy shall be subject to disciplinary action.
7. Suspension of Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by appropriate department authority, and which unavoidably requires utilization of additional employees who are not scheduled to work.

B. Secondary Employment

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

C. Resignation

1. Resignation to be in Writing. All resignations of employees must be in writing and bear the signature of the person resigning. Employees shall provide no less than two weeks written notice to the Chief of Police.
2. The employer retains the discretion to pursue disciplinary charges against an employee even if he or she resigns while such charges are pending.

VI. Discipline

A. DEPARTMENTAL DISCIPLINE

1. Disciplinary Action. Department members, regardless of rank, shall be subject to disciplinary action, according to the nature of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or municipal ordinances, or failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment; or for violation of any general order or rules of the Department; or failure to obey any lawful instruction, order or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case and in conformity with controlling State law. These rules and regulations, Department policy and the NJ Attorney General Guidelines shall govern disciplinary action investigation for internal investigations.

2. Establishing Elements of Violation. Existence of facts establishing a violation of the law, ordinance, or rules is all that is necessary to support any allegation of such violation as a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein if such conduct is otherwise without lawful purpose and violates some law, ordinance, or rule governing the officer's conduct at the time it occurred.
3. Penalties. The Department shall adhere to a system of progressive discipline. The Department, however, reserves its right to deviate from the standards of progressive discipline depending upon the nature and severity of the misconduct committed. Accordingly, the following penalties may be assessed against any member of the Department as disciplinary action:
 - a. Counseling;
 - b. Oral reprimand or performance notice;
 - c. Written reprimand;
 - d. Transfer/reassignment;
 - e. Loss of Vacation Time;
 - f. Suspension with/without pay;
 - g. Demotion;
 - h. Dismissal.
2. Departmental Authority To Discipline. Except as otherwise provided in N.J.S.A. 40A:14-147 to 151, inclusive, and Borough of East Newark Ordinances, the Department disciplinary authority and ability rests with the Chief of Police. With the exception of oral reprimands and emergency suspensions, Department discipline must be taken or approved by the Chief of Police.
3. Discipline By Supervisory Personnel. Other supervisory personnel (such as Internal Affairs) may take the following disciplinary measures:
 - a. Oral reprimand - A recommendation of a verbal admonishment given to a subordinate by a superior or supervisory officer. Written documentation is to be made and forwarded to the Chief of Police via the normal chain of command.
 - b. Written reprimand (subject to approval by the Chief of Police)- A written notice of misconduct (See 5:1.1) given to a subordinate by other supervisory personnel, based on the recommendation of a superior or supervisory officer. It is to be written on official Police Department letterhead and issued with the approval of the Chief of Police.
 - c. Emergency suspension until the next business day.
 - d. Written recommendations for other penalties.
4. Oral Reprimand. When the superior officer of one unit orally reprimands a member or employee of another unit, he/she shall notify the supervisor of the member so disciplined as soon as possible. He/she shall also submit a written report of this action and reason therefore, to his/her commanding officer and also to the commanding officer of the member or employee.
5. Emergency Suspension. Members shall not be suspended or suffer any loss of benefits until after the member has had a Departmental hearing and has been found guilty, except in cases of severe

nature when the Chief of Police deems a suspension of the member of immediate necessity for the safety of the public or the welfare of the Department. The Chief of Police shall immediately submit a report explaining such action to the appropriate representative of the Governing Body.

6. Follow-Up On Emergency Suspension. A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at a time scheduled by the Chief of Police. The Commanding or Supervisory Officer imposing or recommending the suspension shall also report to the Chief of Police at the same time.
7. Reports of Disciplinary Action Taken Or Recommended. Whenever disciplinary action is taken or recommended (except for oral reprimand), a written report must be submitted immediately in triplicate containing the following information:
 - a. The name, rank, badge number, and present assignment of the person being disciplined;
 - b. The date, time and location of the misconduct;
 - c. The section number of the violated rule and common name of the infraction;
 - d. A complete statement of the facts of the misconduct;
 - e. The punishment imposed or recommended;
 - f. The name, signature, badge number, and rank of the preparing officer and his position in relation to the member being disciplined.
8. Distribution Of Reports Of Disciplinary Action. Reports shall be distributed as follows by the officer imposing or recommending the disciplinary action:
 - a. Original to the Chief of Police through the chain of command;
 - b. Duplicate to subject's Commanding Officer;
 - c. Triplicate retained by officer imposing or recommending the action.
9. Endorsement and Forwarding Of Disciplinary Reports. Each level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No member or employee shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current Department directives.
10. Misconduct Observed By Police Personnel. Whenever any Commanding Officer or supervisory officer observes or is informed of the misconduct of another member or employee which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his Commanding Officer.
11. Informing The Person Being Disciplined. The member or employee being disciplined shall be served with a copy of the

complaint/charges, and in cases seeking the members suspension or removal, the officer shall be provided with all rights and safeguards afforded under N.J.S.A. 40A:14-147.

12. Appeals from Penalties. Appeals from penalties imposed as disciplinary measures, may be taken as provided in N.J.S.A. 40A-14-147 to 151 inclusive, and the Borough ordinances.
13. Investigator's Authority. Investigators assigned to a complaint are the direct representatives of the Chief and as such, shall receive the cooperation of all members of the Department while conducting their investigations. The sole responsibility of the investigator shall be the gathering of all the facts regarding the allegations. In so doing, he/she must be objective and thorough when submitting his/her report. His/her opinions, conclusions or personality shall not be interjected into the case. By adhering to the foregoing principles, the case can be concluded with optimum fairness for all persons concerned.
14. Suspension. The Chief of Police shall have the option to suspend personnel or a member of the Department and will act in accordance with N.J.S.A. 40A:14-149.1, regarding the suspension of an officer.

VII. DISCIPLINARY CODE

A. RELATIONSHIP OF OFFENSES TO PENALTIES.

1. The offenses herein shall guide the Chief of Police in administering fair and uniform penalties for violations of Department Rules of Conduct.
2. Penalties for offenses listed shall in no way limit any penalty which the Chief of Police may impose.
3. Offenses not included in the following list shall result in penalties similar to those specified for similar offenses of comparable seriousness.
4. Repeated violations of the rules of conduct shall be indicative of a member's disregard of the obligations of all members and shall be cause for dismissal. This shall apply regardless of the severity of the offenses, regardless of any reckoning period, and regardless of whether these violations are of the same type.
5. Suspension, Fine or Demotion For Disciplinary Purposes - An appointing authority may suspend without pay, fine or with reduced pay or demote an employee due to incapacity, misconduct or disobedience of the rules and regulations of the department or for other just cause.

B. Causes for Removal

Any one of the following shall be cause for removal from the service, although removals may be made for sufficient causes other than those listed:

1. Neglect of duty;
2. Incompetency or inefficiency.
3. Incapacity due to mental or physical disability;

4. Insubordination or serious breach of discipline;
5. Intoxication while on duty;
6. Chronic or excessive absenteeism;
7. Disorderly or immoral conduct;
8. Willful violation of any of the provisions of the rules or regulations or other statutes relative to the employment of public employees;
9. The conviction of any criminal act or offense;
10. Negligence of, or willful damage to public property or waste of public supplies;
11. Conduct unbecoming an employee in the public service;
12. The use or attempt to use one's authority or official influence to control or modify the action, political or otherwise, of any person;

C. RULES, CHARGES AND DISCIPLINARY ACTIONS.

The following is a list, not exhaustive, of rules, charges and disciplinary actions which may be taken against police officers:

Rule 1: Accepting bribes or gratuities for permitting illegal acts. Disciplinary action for 1st offense - dismissal.

Rule 2: Involved in a crime of moral turpitude that negatively affects the operation of the Department. Disciplinary action for 1st offense - dismissal.

Rule 3: Repeated violations of Departmental Rules & Regulations, or any other course of conduct indicating that a member has little or no regard for his responsibility as a member of the Department. Disciplinary action - dismissal.

Rule 4: Sexual harassment. Disciplinary action for first offense - reprimand to dismissal - second offense - dismissal.

Rule 5: Failure to report, in writing, offers of bribes or gratuities to permit illegal acts. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 6: Knowingly and willfully making a false entry in any Departmental report or record. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 7: Intoxication on duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 8: Failure to comply with the Chief's orders, directives, regulations, etc., oral and written, and also those of superiors and supervisors. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 9: Allowing prisoner to escape through carelessness or neglect. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 10: Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of

the same to commanding officer. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 11: Improper use, handling or display of firearms. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 12: Communicating or imparting confidential police information, either in writing or verbally, to unauthorized persons. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 13: Willfully damaging Department property and/or equipment. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 14: Interference with police radio broadcasting and tampering with police radio. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 15: Removing official documents from the Department without permission. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 16: Failure of members and employees to remain at their assignments and on duty until properly relieved by other members or employees or until dismissed by competent authority. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 17: Failure to possess and maintain a current and valid New Jersey State vehicle operator's license. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.

Rule 18: Association with known illegal gamblers while on or off duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 19: Associating, fraternizing, or business transactions at any time, or in any manner whatsoever with known criminals or persons engaged in unlawful activities. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 20: Participating in illegal games of chance or illegal gambling while on duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 21: Fighting or quarreling with members of the Department as prescribed in this code. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 22: Soliciting for attorneys, bondsmen or other business. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 23: Intoxication off duty in uniform. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 24: Intoxication off duty, not in uniform, and arrested. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 25: Refusal to obey proper orders from a superior. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 26 Failure to take police action when necessary, at any time, in or out of uniform, and/or failure to make a written report of same to commanding officer. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 27: Failure to properly supervise subordinates; or to prefer disciplinary charges; or to take other appropriate disciplinary action. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 28: Failure to thoroughly search for, collect, preserve, and identify evidence; or persons' property and locations in any arrest or investigation. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 29: If stolen due to above. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 30: Failure to properly care for assigned equipment and vehicles, damaging same due to neglect. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 31: Neglect of duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 32: Failure to follow Department procedures for the handling of evidence, personal effects and all other property taken into custody. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 33: Prior to written approval of the Chief of Police or his representative designated for that purpose, appearing to give testimony as a character witness for any defendant in a criminal trial or inquiry. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 34: Failure to properly patrol district; unauthorized absence from assignment; failure to respond to radio calls; idle conversation or loafing. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

Rule 35: Idle conversation with known illegal gamblers while on or off duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 36: Using rude or insulting language or conduct offensive to the public. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 37: Publicly criticizing the official action of a superior officer. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 38: Odor of alcoholic beverage on breath while on duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 39: Failure to recognize and satisfy any just debts which negatively affect the Department. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 40: Conduct subversive of good order and the discipline of the Department. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 41: Intoxication off duty - in part of uniform. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 42: Using profane or insulting language to a superior officer. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 43: Asleep on duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 44: Absence without leave for less than five (5) consecutive working days. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 45: Failure to conduct proper, thorough and complete investigations. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 46: Failure to report as witness when subpoenaed or ordered by superior officer. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 47: Failure to remove key from patrol car when unattended. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 48: Soliciting money or other valuable things without proper authorization. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 49: Instituting civil action arising from police duty without notifying the Chief of Police. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 50: Giving a verbal or written report of any incident without approval of the commanding officer. Disciplinary action for 1st offense - reprimand to 5 days; 2nd offense - reprimand to 10 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 51: Being found in any alcoholic beverage licensed establishment in full uniform while not in performance of police duty. Disciplinary

action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 52: Possession of alcoholic beverages on the person in police vehicle or on any police property, not duty required. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 53: Failure to be home without legitimate reason after reporting sick. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 54: Failure to obtain any required medical treatment or certificate while on sick leave. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 55: Failure to submit properly written required report within a reasonable or prescribed period of time as per regulations. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 56: Having or operating private auto on beat, on duty, or driving to or from beat or post without authorization. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 57: Failure to carry badge, firearm and other required equipment when on duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 58: Unexcused tardiness. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 59: Changing residence or telephone number without giving prompt and proper notification. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 60: Unauthorized persons in radio car. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 61: Untidy appearance and dress while in uniform. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 62: Not in full prescribed uniform. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 63: Failure to give prescribed identification when answering telephone. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 64: Refusal to give name and badge number when properly requested. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 65: Reading newspapers, books or periodicals while in view of public where it would represent an affront to same. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 66: Unauthorized press releases and statements. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

D. DEPARTMENT DISCIPLINARY HEARINGS.

1. Whenever an internal investigation establishes probable cause that a member is guilty of violating a Departmental rule or regulation, penalty for which is to be permanently reflected on the member's personnel record, charges shall be prepared by the proper authority and personally served upon the respective member. The charges shall contain:
 - a. The member instituting the action.
 - b. The name, address and title of the member against whom the action is being instituted.
 - c. The charges (rules and regulations) allegedly violated.
 - d. Specification of the alleged facts upon which the charges are based.
 - e. Notification as to whether the member is suspended pending the determination of the hearing.
 - f. The time, date and place at which the hearing is scheduled to be held.
 - g. The penalties to which the member is being exposed as a result of the alleged charges.
 - h. The signature of the proper authority and his/her official title.
2. The disciplinary hearing shall be scheduled during the business day, but no sooner than ten (10) days, nor later than thirty (30) days, after said notice is personally served upon said member, subject, of course, to the granting of reasonable requests for postponements by said member.
3. Where a disciplinary hearing has been postponed at the request of the respective member pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the charges, said hearing must be held within thirty (30) days after the Borough Administrator receives notice of such disposition. The duty to advise the Borough Administrator that said judicial determination has been made is that of the respective member.
4. "Personal service" means actual service upon the member, as well as actual service upon any members of the member's family over 18 years of age residing in the residence of said member.
5. Disciplinary hearings may, at the option of the charged member, be public in nature; however, within the bounds of reasonableness and good order.

6. Every member formally charged with the violation of a Department rule or regulation shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.
7. The Chief of Police may prosecute the complaint himself or delegate the duty to any member of the Department. The Borough Administrator or his/her designee shall preside as the Hearing Officer.
8. In order that all parties may be afforded a fair and equal opportunity to be heard and that the Hearing Officer may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules or procedure.
9. The Hearing Officer may, at his/her discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the Hearing Officer may exclude all persons not having a direct interest in the matter being heard.
10. The Hearing Officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
11. The Hearing Officer shall give effect to the rules of privilege as provided by law. If it is clear that an internal affairs investigation may be turned over to the Prosecutor's Office or other law enforcement agencies for the purpose of pursuing criminal action against a police officer, then that officer is entitled to remain silent on the grounds of self-incrimination during questioning initiated by his/her employer in a disciplinary context.
12. The member is presumed innocent, and the burden of proof is upon the Department to prove the member's guilt by a preponderance of the credible evidence presented during said hearing. All hearings may, in the discretion of the Hearing Officer, be recorded by:
 - a. A certified shorthand reporter.
 - b. Stenographers duly sworn to make an accurate stenographic recording of the proceeding.
 - c. Sound recording device to be operated under the supervision and direction of the Hearing Officer.
13. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective Hearing Officer shall consider same and render his/her verdict as soon as practical thereafter.
14. Although the verdict may be verbal at the time of the hearing, the determination must be reflected in a written decision which must be personally served upon the respective member as soon as practical after the termination of said disciplinary hearing.

15. Although the verdict shall be rendered in the manner referred to above, where the sentence or penalty is in excess of five (5) days suspension without pay, or its monetary equivalent, said sentence or penalty shall not be imposed or carried out until the time for filing of an appeal has elapsed. This shall not apply to immediate and/or emergency suspensions.

E. APPEAL PROCEDURES -Appeal to Superior Court

1. Any member of the Department who has been tried and convicted upon any disciplinary charge or charges may obtain review in the Superior Court pursuant to N.J.S.A. 40A:14-150.
2. Such review shall be obtained by serving a written notice of an application therefore upon the officer or board whose action is to be reviewed within 10 days after written notice to the member of the conviction. The officer or board shall transmit to the court a copy of the record of such conviction, and of the charge or charges for which the member was tried.
3. The court shall hear the cause de novo on the record below and may either affirm, reverse or modify such conviction. If the member shall have been removed from his position, the court may direct that he be restored to such position and all his rights pertaining thereto, and may make such other order judgment as said court shall deem proper.
4. Either the Borough or the member may supplement the record with additional testimony subject to the rules of evidence. All rights and privileges granted under the Collective Negotiations Agreement entered into between PBA Local 22 and the Borough of East Newark shall be granted.

F. MEMBERS' RIGHTS DURING DEPARTMENTAL INVESTIGATIONS AND DISCIPLINARY HEARINGS.

1. Each member is entitled to a hearing before the Hearing Officer or, if applicable, for any charge which shall become a permanent record in the member's personnel file.
2. Other than the official findings and attendant penalties, every internal investigation and subsequent Department hearing shall be considered privileged and confidential information, and same shall not be made public and/or released to any non-governmental agency.
3. No member shall be found guilty of violating a Department rule or regulation unless the Hearing Officer finds that a preponderance of credible evidence substantiates the specific charges of the particular case.
4. Although every member has a duty to answer truthfully and directly all questions and submit to any and all forms of investigative efforts when so ordered or questioned by a supervising or commanding officer, said duty only applies to questions and investigation which directly relate to one's official duties or directly bears on one's fitness for continued employment.
5. Although the Department can utilize any form of investigative procedure pursuant to an internal investigation which is fair and reasonably calculated to achieve its objective, the nature or utilization of same must not violate the basic concepts of procedural and substantive due process of law.

6. All questions and investigative efforts must be limited to the investigation of matters in which the Department has a legitimate interest. Accordingly, questions must be specifically, directly and narrowly related to the performance of the member's official duties.
7. Although cooperation of a member is demanded under threat of disciplinary action (including job forfeiture), said member shall not be questioned or subjected to investigative efforts under circumstances which would render such statements void as being coerced. Prolonged interrogation, threats of force, hostility or over-aggressiveness by interrogators shall render any statement or member's response void for all purposes.
8. Exclusive of normal duties, no member shall be expected to answer questions or submit to other forms of investigative efforts until he is advised of the following:
 - a. Whether he is being questioned or required to submit to investigative efforts as a suspect or witness.
 - b. The identity of his interrogator, as well as the identity of all persons present at the time of the interrogation.
 - c. The nature of the investigation and facts sufficient to apprise the member of the existing allegations.
 - d. All questioning or other investigative efforts shall be completed with reasonable dispatch and, where practical, said member should be made as comfortable as possible so as not to offend the concepts of procedural and substantive due process of law.
 - e. Under circumstances where the alleged violation of Department rules and regulations involve or could possibly involve criminal prosecution, the member shall be advised of his constitutional right against self-incrimination (Miranda Warning) which he may invoke with respect to possible criminal prosecutions.
 - f. No questioning or other investigative effort shall be initiated arbitrarily for personal or other reasons that are unrelated to the maintenance of Departmental efficiency or integrity.
 - g. All questioning and investigative efforts shall be limited in scope to activities, circumstances, and events which pertain to a member's conduct which may form the basis for disciplinary action under one or both of the following two (2) categories:
 - i. Commission of a crime or quasi-criminal offense of misconduct that would be grounds for removal.
 - ii. Not being qualified for continued employment with the Department.
 - h. A formal charge must be filed against a member within a reasonable time after which the existence of the alleged or suspected misconduct is made known, or should have been made known, to the Department, in accordance with State Statutes.
 - i. A member is entitled to legal counsel or organizational representation, at his or her own expense, during the investigative stages of an internal investigation, and every member has a right to legal counsel and/or organizational representation, at his or her own expense, during a disciplinary hearing before a Hearing Officer.

- j. At no time during an internal investigation shall any member be subjected to offensive language, nor shall he be threatened with transfer, dismissal or other disciplinary punishment. No promise or reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing the member that his conduct can become the subject of disciplinary action resulting in disciplinary punishment.
- k. No member shall be ordered or asked to submit to a polygraph (lie detector) test for any reason. Such test may be given, however, if requested by the member.
- l. A member may be ordered or asked to submit to a blood test, a breathalyzer, or any other test to determine the percentage of alcohol or drugs in the blood for any reason except as otherwise provided by specific statutory law. Such test(s) must be given if requested by the member.
- m. As a general rule, when a member is charged with the violation of a Departmental rule or regulation, said member shall continue to perform the assigned duties of his position until such time as the judicial determination duly rendered pursuant to a Departmental hearing necessitates a discontinuance of same. However, where the nature of the member's position is such that the public trust relationship, when considered against the nature of the alleged charge of misconduct, would dictate the immediate temporary termination of such duties, said member shall be temporarily re-assigned to another less sensitive position within the Department, pending the Departmental hearing referred to above.
- n. Notwithstanding the above mentioned general policy, whenever it proves physically impossible to re-assign said member to any duties whatsoever, and/or the alleged misconduct indicates a physical, mental or emotional condition inconsistent with the continued performance of any Departmental duty whatsoever, the interest of the public welfare may require suspension from duty pending a Departmental hearing. In such case, the member may continue on salary, at the discretion of the appointing authority, in accordance with State Statutes.

VIII. Grievance Procedure(s)

The Chief of Police shall recognize and deal with the members and employees of the Police Department for the adjustment of any grievances that may arise in accordance with the appropriate contracts. Those employees not subject to contract guidelines shall be governed in accordance with Borough policy.

IX. Relationship to Collective Negotiations Agreements

Should any direct conflict arise between these Rules and the collective negotiations agreement entered into by PBA Local 22 and the Borough in effect at the time of the conflict, the terms of the Agreement will supersede and govern.

SECTION 3 Should any provision or provisions of this Ordinance be declared unconstitutional or invalid by a Court with proper jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 4 All prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed.

SECTION 5 This ordinance shall take effect immediately upon passage and publication as required by law.

ROLL CALL	Aye	Nay	Abstain	Absent	Intro	Second
Lucas						
Salas						
Silva						
Tighe						
Zincavage						

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS INTRODUCED ON THE FIRST READING AND APPROVED ON THE FIRST READING BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

 ROBERT B. KNAPP, BOROUGH CLERK

FIRST READING/INTRODUCTION

BOROUGH OF EAST NEWARK

AN ORDINANCE TO AMEND CHAPTER 33 (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EAST NEWARK SO AS TO AMEND CERTAIN BULK REQUIREMENTS.

BE IT ORDAINED by the Mayor and Council of the Borough of East Newark, County of Hudson, and State of New Jersey, as follows:

SECTION 1. Chapter 33, "Zoning", shall be amended to amend certain bulk requirements and provisions as follows:

33-15 BULK REQUIREMENTS.

1. Minimum Front Yard Setback.

Under the column heading, "Minimum Front Yard Setback", in the space pertaining to the "R-2 Single and Two Family Dwelling" zoning district, a footnote "4" shall be inserted after the words, "5 foot bldg. off open porch." At the bottom of the page of the Bulk Requirements, footnote 4 shall be inserted after footnote 3, as follows:

4 In such case in the R-2 zoning district where the existing dwellings on the same side of the street and within 200 feet on either side of the subject lot create an established setback line, the minimum front yard setback for a new dwelling or addition to an existing dwelling shall conform to such established setback line, or 20 feet, whichever is greater, but in no case shall it be required for the front yard setback to exceed 35 feet.

2. Minimum Side Yard Setback.

Under the column heading, "Minimum Side Yard Setback", in the space pertaining to the "R-2 Single and Two Family Dwelling" zoning district, a footnote "5" shall be inserted after the words, "3 feet each side." At the bottom of the page of the Bulk Requirements, footnote 5 shall be inserted after the new footnote 4, as follows:

5 In the R-2 zoning district, the minimum side yard setback for a new dwelling or addition to an existing dwelling shall be five (5) feet on each side.

3. Minimum Rear Yard Setback.

Under the column heading, "Minimum Rear Yard Setback", in the space pertaining to the "R-2 Single and Two Family Dwelling", zoning district, a footnote "6" shall be inserted after the words, "15 feet." At the bottom of the page of the Bulk Requirements, footnote 6 shall be inserted after the new footnote 5, as follows:

6 In the R-2 zoning district, the minimum rear yard setback for a new dwelling or addition to an existing dwelling shall be 25 feet.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any part, sections, provisions, or the total of any of the above-mentioned publications are held to be invalid or unenforceable in any court, the findings or judgments of which court are applicable to the State of New Jersey, the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of East Newark.

SECTION 4. This Ordinance shall become effective upon adoption and publication according to law.

ROLL CALL

	Aye	Nay	Abstain	Absent	Intro	Second
Lucas						
Salas						
Silva						
Tighe						
Zincavage						

I HEREBY CERTIFY THAT THE ABOVE ORDINANCE WAS INTRODUCED ON THE FIRST READING AND APPROVED ON THE FIRST READING BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

 ROBERT B. KNAPP, BOROUGH CLERK

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

RESOLUTION: APPOINTMENT TO FILL COUNCIL VACANCY

INTRODUCED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

WHEREAS, on January 24, 2018, the Borough Clerk received a letter from Kenneth M. Sheehan, Sr., advising that he was resigning as Councilman of the Council of the Borough of East Newark, thereby creating a vacancy in the office of Borough Council, in accordance with NJSA 40A:16-3; and

WHEREAS, the vacancy created by Mr. Sheehan's resignation is subsequent to September 1, of the next-to-the last year of Mr. Sheehan's term; and

WHEREAS, pursuant to NJSA 40A:16-5a, the governing body may fill the vacancy for its unexpired term by appointment by the governing body, in accordance with NJSA 40A:16-11; and

WHEREAS, Mr. Sheehan was elected to office as the nominee of the Democratic Party; and

WHEREAS, the Democratic Municipal Committee submitted to the governing body the names of three nominees for the selection of a successor to fill the vacancy; and

WHEREAS, the Council desires to fill the vacancy in the office of Council created by the resignation of Kenneth M. Sheehan, Sr.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of East Newark, that Rose M. Evaristo being one of the three nominees presented by the Democratic Municipal Committee, is hereby appointed, to fill the vacancy in the office of Council, until the next general election.

ROLL CALL	Aye	Nay	Abstain	Absent
Lucas				
Salas				
Silva				
Tighe				
Zincavage				

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

ROBERT B. KNAPP, BOROUGH CLERK

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION: TAX IDENTIFICATION STATEMENT

INTRODUCED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of East Newark that Borough of East Newark hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2017 in the amount of \$3,249.57. Documentation supporting this submission is available at East Newark Borough Hall, 34 Sherman Avenue, East Newark, New Jersey 07029 and shall be maintained for no less than five years from this date.

ROLL CALL	Aye	Nay	Abstain	Absent
Lucas				
Salas				
Silva				
Tighe				
Zincavage				

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

ROBERT B. KNAPP, BOROUGH CLERK

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**RESOLUTION: AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN
THE BOROUGH OF PARAMUS AND THE BOROUGH OF EAST NEWARK FOR
MECHANIC WORK**

INTRODUCED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

WHEREAS, the Borough of East Newark is desirous of furthering shared services and has a need for mechanic work that cannot be completed internally; and

WHEREAS, the Borough of Paramus has the ability to perform mechanic work on the Borough's vehicles and Police Fleet that the Borough is unable to conduct internally; and

WHEREAS, the Borough of Paramus is supplementing, not supplanting, the existing Borough operations; and

WHEREAS, the Borough of Paramus has provided proposals for mechanic work to the Borough of East Newark Chief Finance Officer outlining the proposed rate/purchase structure as provided in the attachments included with and made part of this resolution.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey that the proposed shared service agreement between the Borough of Paramus and the Borough of East Newark be and is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the formal agreement between the Borough of Paramus and the Borough of East Newark necessary to undertake the shared service initiative.

ROLL CALL	Aye	Nay	Abstain	Absent
Lucas				
Salas				
Silva				
Tighe				
Zincavage				

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

ROBERT B. KNAPP, BOROUGH CLERK

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**RESOLUTION: AUTHORIZING THE PURCHASE OF A VEHICLE UNDER THE
CRANFORD COOPERATIVE PURCHASING AGREEMENT**

INTRODUCED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

WHEREAS, the Borough of East Newark wishes to purchase one (1) 2018 Ford Explorer Police Interceptor from an authorized vendor under the Cranford Cooperative Pricing System; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Beyer Ford has been awarded the bids for 2018 Ford Explorer Police Interceptor; and

WHEREAS, the estimated cost of the equipment without fees incurred for financing is expected not to exceed \$41,176.75; and

WHEREAS, the Certified Finance Officer has certified, as evidenced by the attached Certifications of Funds, the availability of funds as provided in said certification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of East Newark, County of Hudson, State of New Jersey that Beyer Ford of East Hanover be awarded a contract for the purchase of one 2018 Ford Explorer Police Interceptor.

ROLL CALL	Aye	Nay	Abstain	Absent
Lucas				
Salas				
Silva				
Tighe				
Zincavage				

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

ROBERT B. KNAPP, BOROUGH CLERK

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

RESOLUTION: APPROVAL OF MINUTES

INTRODUCED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

WHEREAS, copies of the minutes of the following meetings of the Mayor and Council of the Borough of East Newark have been provided to the members of the council and reviewed;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey that the minutes of the Reorganization Meeting of January 3, 2018 and the Regular Meeting of January 17, 2018 be and are hereby approved.

ROLL CALL	Aye	Nay	Abstain	Absent
Lucas				
Salas				
Silva				
Tighe				
Zincavage				

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

ROBERT B. KNAPP, BOROUGH CLERK

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON STATE OF NEW JERSEY**

THE RE-ORGANIZATION MEETING OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF EAST NEWARK WITHIN THE COUNTY OF HUDSON, STATE OF NEW JERSEY WAS HELD ON WEDNESDAY, JANUARY 3, 2018 IN COUNCIL CHAMBERS OF THE EAST NEWARK MUNICIPAL BUILDING, 34 SHERMAN AVENUE, EAST NEWARK, NEW JERSEY 07029

Minutes of the Re-Organization Meeting of the Mayor and Borough Council of the Borough of East Newark

The Re-Organization Meeting was called to order by the Honorable Joseph R. Smith, Mayor, Presiding at 5:30 P.M.

PUBLIC NOTICE: Adequate Notice of the Re-Organization Meeting was transmitted to the Jersey Journal, Star Ledger, Observer and posted on the official Borough Website and the bulletin board of the Municipal Building in accordance with applicable laws under the Open Public Meetings Act (Sunshine Law)

NOTICE is further given that the Mayor and Borough Council met in caucus on January 3, 2018 for the purposes of establishing a final agenda for the Re-Organization Meeting.

Roll Call:

Council President Charles F. Tighe-Present
Councilmember Hans Peter Lucas-Present
Councilmember Yamara Salas-Present
Councilmember Kenneth M. Sheehan, Sr.-Present
Councilmember Jose A. Silva-Present
Councilmember Jeanne Zincavage-Present

DECLARATION OF QUORUM: There being six (6) Members of the Borough Council PRESENT and Mayor Joseph R. Smith PRESENT, a QUORUM was declared. Also present were Borough Counsel Neil D. Marotta, Esq, Borough Administrative Assistant/QPA/Treasurer/CFO Brigitte I. Goncalves

APPROVAL OF AGENDA FOR RE-ORGANIZATION MEETING OF JANUARY 4, 2017

Motion by Councilmember Tighe

Seconded by Councilmember Sheehan, Sr.

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

Councilmembers Jeanne Zincavage and Hans Peter Lucas were administered the Oath of Office by Borough Administrative Assistant and Notary Public Brigitte I. Goncalves

CONSENT AGENDA:

RESOLUTION: APPOINTMENT OF 2018 COMMITTEES

RESOLUTION: APPOINTMENT OF CHAPLAIN

RESOLUTION: APPOINTMENT OF BOROUGH AUDITOR

RESOLUTION: APPOINTMENT OF BOROUGH ATTORNEY

RESOLUTION: APPOINTMENT OF CONSTRUCTION CODE OFFICIAL

RESOLUTION: APPOINTMENT OF WELFARE DIRECTOR

RESOLUTION: APPOINTMENT OF TREASURER

RESOLUTION: APPOINTMENT OF SECRETARY TO THE PLANNING BOARD
RESOLUTION: APPOINTMENT OF SPECIAL COUNSEL-PLANNING/ZONING
RESOLUTION: BANK DEPOSITORIES
RESOLUTION: OFFICIAL NEWSPAPERS
RESOLUTION: APPOINTMENT OF P.A.C.O
RESOLUTION: APPOINTMENT OF REDEVELOPMENT ATTORNEY
RESOLUTION: APPOINTMENT OF BOND COUNSEL
RESOLUTION: APPOINTMENT OF PHYSICIAN
RESOLUTION: SOUTH BERGEN FIRE CHIEF'S ASSOCIATION
RESOLUTION: CASH MANAGEMENT PLAN
RESOLUTION: APPOINTMENT OF REGISTRAR AND DEPUTY REGISTRAR
RESOLUTION: APPOINTMENT OF MUNICIPAL PROSECUTOR
RESOLUTION: APPOINTMENT OF MUNICIPAL ENGINEER

INTRODUCED BY COUNCILMEMBER TIGHE

SECONDED BY COUNCILMEMBER SILVA

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

CONSENT AGENDA RESOLUTION PASSED

No further business to be presented before the Mayor and Borough Council

Borough General Counsel addresses Mayor and Borough Council about professionals that need to be rebid and suggestion to move Regular Meeting to January 17, 2017

MOTION TO READVERTISE FOR PROFESSIONAL SERVICES NOT SUBMITTED AND TO RESCHEDULE REGULAR MEETING TO JANUARY 17, 2018 by Councilmember Tighe

Seconded by Councilmember Sheehan, Sr.

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

MOTION TO CLOSE/ADJOURN MEETING by Councilmember Silva

Seconded by Councilmember Zincavage

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

Meeting Closed at 5:37 P.M.

Respectfully submitted, Robert B. Knapp, RMC, Borough Clerk

Minutes noted by Brigitte I. Goncalves, Borough Administrative Assistant

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON STATE OF NEW JERSEY

THE REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF EAST NEWARK WITHIN THE COUNTY OF HUDSON, STATE OF NEW JERSEY WAS HELD ON WEDNESDAY, JANUARY 17, 2018 AT THE EAST NEWARK MUNICIPAL BUILDING, 34 SHERMAN AVENUE, EAST NEWARK, NEW JERSEY 07029

Minutes of the Regular Meeting of the Mayor and Borough Council held on January 17, 2018

PUBLIC NOTICE: Adequate Notice of this Regular Meeting was transmitted to the Jersey Journal, Star Ledger, Observer and posted on the official Borough website and the bulletin board of the Municipal Building in accordance with applicable laws under the Open Public Meetings Act (Sunshine Law).

Further note that due to the rescheduling of this Regular Meeting from January 10, 2018 to January 17, 2018 a public notice was published on January 10, 2018 in the Jersey Journal.

Notice is further given that the Mayor and Borough Council met in Caucus on January 17, 2018 for the purpose of establishing a Final Agenda for this Regular Meeting.

The Honorable Joseph R. Smith, Mayor, Presiding

The Pledge of Allegiance to the Flag of the United States of America was recited

Roll Call:

Council President Charles F. Tighe-Present
Councilmember Hans Peter Lucas-Present
Councilmember Yamara Salas-Present
Councilmember Kenneth M. Sheehan, Sr.-Present
Councilmember Jose A. Silva-Present
Councilmember Jeanne Zincavage-Present

DECLARATION OF QUORUM: There being six (6) Members of the Borough Council PRESENT and Mayor Joseph R. Smith PRESENT, a QUORUM was declared. Also present were Borough Council Neil D. Marotta, Esq, Borough Administrative Assistant/QPA/Treasurer/CFO Brigitte I. Goncalves and Borough Clerk Robert B. Knapp

MOTION TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF PERSONNEL MATTERS,
CONTRACT ISSUES AND PURCHASE OF PROPERTY

Motion by Councilmember Lucas

Seconded by Councilmember Silva

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr., Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

Executive Session commenced at 5:33 P.M.

MOTION TO TERMINATE EXECUTIVE SESSION AND RETURN TO BUSINESS PORTION OF MEETING

Motion by Councilmember Silva

Seconded by Councilmember Lucas

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

Executive Session terminated at 6:32 P.M.

APPROVAL OF AGENDA FOR REGULAR MEETING OF JANUARY 17, 2018

Motion by Councilmember Lucas

Seconded by Councilmember Silva

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

ORDINANCE: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, SECTION 8.10 OF THE MUNICIPAL CODE OF THE BOROUGH OF EAST NEWARK

No action taken on this proposed ordinance

CONSENT AGENDA:

RESOLUTION: APPOINTMENT OF SPECIAL COUNSEL-LABOR MATTERS

RESOLUTION: APPOINTMENT OF MUNICIPAL PLANNER

RESOLUTION: REFUND OF TAX OVERPAYMENT 29 SHERMAN AVENUE, BLOCK 6 LOT 27

RESOLUTION: AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A 40a:11-12a

RESOLUTION: REFUND OF 2017 TAXES DUE TO COUNTY APPEARL-BLOCK 1, LOT 9, 405 NORTH THIRD STREET

RESOLUTION: APPOINTMENT OF CLASS IV MEMBER TO THE EAST NEWARK PLANNING BOARD

RESOLUTION: APPROVAL OF MINUTES OF THE REGULAR MEETING OF DECEMBER 13, 2017 AND THE SPECIAL MEETING OF DECEMBER 27, 2017

RESOLUTION: APPOINTMENT OF SPECIAL COUNSEL

RESOLUTION: CONFIRMATION AND RATIFICATION OF MAYORAL EXECUTIVE APPOINTMENT OF GEORGE KONDEK AS FIRE OFFICIAL/INSPECTOR FOR THE BOROUGH OF EAST NEWARK FOR THE ANNUAL PERIOD 2018

RESOLUTION: CONFIRMATION AND RATIFICATION OF MAYORAL APPOINTMENT OF LAWRENCE HANDLIN AS FIRE INSPECTOR FOR THE BOROUGH OF EAST NEWARK FOR THE ANNUAL PERIOD 2018

Introduced by Councilmember Tighe

Seconded by Councilmember Silva

Roll Call: Lucas-Aye, Salas-Aye and Abstain on Resolution #30-18 Appointment of Special Counsel Sheehan, Sr.-Aye and Nay on Resolution #30-18 Appointment of Special Counsel, Silva-Aye with abstain on Minutes of 12/13 and 12/27 Tighe-Aye, Zincavage-Aye with abstain on Minutes of 12/13

Aye: 6 Nay: 1 Abstain: 1 Absent: 0

Note: Councilmember Sheehan, Sr. voted aye on all resolutions with the exception of #30-18 Special Council

Councilmember Silva voted aye on all resolutions with the exception of the approval of minutes for 12/13 and 12/27

Councilmember Zincavage voted aye on all resolutions with the exception of the approval of minutes for 12/13

CONSENT AGENDA PASSED

RESOLUTION: Approval of Payment of Bills

Introduced by Councilmember Zincavage

Seconded by Councilmembr Tighe

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

RESOLUTION PASSED

No Further Business to be Presented Before the Mayor and Borough Council

No Member of the Public Desired to Speak Before the Mayor and Borough Council

MOTION TO CLOSE/ADJOURN MEETING by Councilmember Lucas

Seconded by Councilmember Tighe

Roll Call: Lucas-Aye, Salas-Aye, Sheehan, Sr.-Aye, Silva-Aye, Tighe-Aye, Zincavage-Aye

Aye: 6 Nay: 0 Abstain: 0 Absent: 0

MOTION CARRIED

Meeting Adjourned/Closed at 6:51 P.M.

Respectfully recorded and submitted,

Robert B. Knapp, RMC

Borough Clerk

Reports From Borough Departments:

Office of the Borough Clerk

Finance Department

Fire Department for October and December, 2017

Municipal Court

Police Department

Correspondence: Recommendations for Residential Parking Memo and May (December 10, 2010)

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

RESOLUTION: APPROVAL OF THE PAYMENT OF BILLS

INTRODUCED BY COUNCILMEMBER: _____

SECONDED BY COUNCILMEMBER: _____

BE IT RESOLVED, by the Mayor and Council of the Borough of East Newark in the County of Hudson, State of New Jersey that the below listed Purchase Orders, properly completed and approved by the proper Department Chairpersons and by the Financial Chairperson, and as submitted by the Chief Financial Officer of the Borough of East Newark or her designated representative, and as in full compliance with all purchasing Policies and Procedures of the Borough of East Newark, and as listed below in the total amount of \$516,077.92 be and is hereby approved for payment and checks are authorized to be drawn on the Borough Treasury for the payment thereof:

ROLL CALL	Aye	Nay	Abstain	Absent
Lucas				
Salas				
Silva				
Tighe				
Zincavage				

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON FEBRUARY 14, 2018.

ROBERT B. KNAPP, BOROUGH CLERK

BOROUGH OF EAST NEWARK
Bill list
REGULAR MEETING FEBRUARY 14, 2018

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>
ADP, INC	356.96	506771021, 508056704	FINANCIAL ADMIN. O/E
ALEX'S DELI	3,562.00	1802051034 (JAN 2018)	SENIOR CITIZENS OE
ANTHONY MONTEIRO	140.00	MEDICAL REIMBURSEMENTS	INSURANCE - EMPLOYEE GROUP HEA
ATLANTIC SALT INC.	1,622.27	INV067332	SNOW REMOVAL OE
BEYER FORD	41,176.75	2018 POLICE	POLICE DEPT. O/E
BUG-ELIMINATORS	85.00	69905, 69906 (JAN	PUBLIC BLDG & GRNDS OE
BUG-ELIMINATORS	65.00	69905, 69906 (JAN	SENIOR CITIZENS OE
C.M.E. ASSOCIATES	454.75	0218903	FEMA - HMGP (GENERATOR)
CHIEFS OF POLICE	500.00	2018 DUES	POLICE DEPT. O/E
CODED SYSTEMS	800.00	HOSTING FEE	ADMIN. & EXEC. O/E -
COMCAST	102.58	8499 05 356 0005431	POLICE DEPT. O/E
COMCAST	10.37	8499 05 356 0013062	SENIOR CITIZENS OE
COUNTY OF HUDSON	186,118.15	1ST QUARTER, 2018	COUNTY TAXES
DRAEGER SAFETY	120.00	5950182179	POLICE DEPT. O/E
DRAEGER SAFETY	179.00	5950189730	POLICE DEPT. O/E
E-Z PASS	53.60	T131733877347-01	MOTOR VEHICLE POOL OE
EAST NEWARK BOARD	119,932.50	FEBRUARY 2018	SCHOOL TAXES
EAST NEWARK	1,249.96	PAY PERIOD ENDING JAN.	ADMIN S&W MAYOR & COUNCIL
EAST NEWARK	3,411.46	PAY PERIOD ENDING JAN.	ADMIN BORO CLERK S&W
EAST NEWARK	2,887.25	PAY PERIOD ENDING JAN.	FINANCIAL ADMIN. S/W
EAST NEWARK	1,887.75	PAY PERIOD ENDING JAN.	COLLECTION OF TAXES S/W
EAST NEWARK	1,142.42	PAY PERIOD ENDING JAN.	ASSESSMENT TAXES S&W
EAST NEWARK	1,946.16	PAY PERIOD ENDING JAN.	CONSTRUCTION OFFICIALS S/W
EAST NEWARK	1,480.00	PAY PERIOD ENDING JAN.	POLICE DEPT- S&W
EAST NEWARK	24,120.93	PAY PERIOD ENDING JAN.	POLICE DEPT- S&W
EAST NEWARK	3,081.45	PAY PERIOD ENDING JAN.	POLICE CROSSING GUARD S&W
EAST NEWARK	637.75	PAY PERIOD ENDING JAN.	UNIFORM FIRE SAFETY ACT S&W
EAST NEWARK	1,472.00	PAY PERIOD ENDING JAN.	ROAD REPAIR & MAINT. S&W
EAST NEWARK	833.33	PAY PERIOD ENDING JAN.	SEWER SYSTEM O/E
EAST NEWARK	1,333.33	PAY PERIOD ENDING JAN.	SEWER SYSTEM O/E
EAST NEWARK	870.00	PAY PERIOD ENDING JAN.	PUBLIC BLDG & GRNDS S&W
EAST NEWARK	2,142.92	PAY PERIOD ENDING JAN.	ADMIN - PUBLIC ASSISTANCE S&W
EAST NEWARK	953.94	PAY PERIOD ENDING JAN.	SENIOR CITIZENS S&W
EAST NEWARK	2,534.68	PAY PERIOD ENDING JAN.	SOCIAL SECURITY SYSTEM
EAST NEWARK	3,735.64	PAY PERIOD ENDING JAN.	MUNIC COURT S&W
EAST NEWARK	3,357.76	PAY PERIOD ENDING FEB.	ADMIN BORO CLERK S&W
EAST NEWARK	135.00	PAY PERIOD ENDING FEB.	CONSTRUCTION OFFICIALS S/W
EAST NEWARK	4,480.00	PAY PERIOD ENDING FEB.	POLICE DEPT- S&W
EAST NEWARK	24,120.93	PAY PERIOD ENDING FEB.	POLICE DEPT- S&W
EAST NEWARK	3,584.54	PAY PERIOD ENDING FEB.	POLICE CROSSING GUARD S&W
EAST NEWARK	1,472.00	PAY PERIOD ENDING FEB.	ROAD REPAIR & MAINT. S&W
EAST NEWARK	870.00	PAY PERIOD ENDING FEB.	PUBLIC BLDG & GRNDS S&W

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>
EAST NEWARK	956.80	PAY PERIOD ENDING FEB.	SENIOR CITIZENS S&W
EAST NEWARK	1,407.24	PAY PERIOD ENDING FEB.	SOCIAL SECURITY SYSTEM
EAST NEWARK	2,061.65	PAY PERIOD ENDING FEB.	MUNIC COURT S&W
ECONOMY SUPPLY CO.	81.49	18350, 16362	PUBLIC BLDG & GRNDS OE
ELENA ROSAS	2,175.47	RESOLUTION 23-18	PRIOR YEAR TAXES
F. BASSO JR.	1,566.50	0118-3014, 0118-3013	MANDATORY RECYCLING OE
F. BASSO JR.	5,540.83	0118-3014, 0118-3013	GARBAGE COLLECT CONTRACT OE
GUARDIAN	1,674.06	319546 (FEB. 2018)	INSURANCE - EMPLOYEE GROUP HEA
HARRISON PUBLIC	45.00	4TH QUARTER 2017	RECREATION OE
HASSAN HASHMI	598.02	2017 TAX REFUND -	PRIOR YEAR TAXES
HAYDEN EQUIPMENT	899.03	31659	SNOW REMOVAL OE
HOME DEPOT CREDIT	208.65	8311417, 8311416	PUBLIC BLDG & GRNDS OE
HOME DEPOT CREDIT	284.03	9741455, 9610687,	ROAD REPAIR & MAINT. OE
HORIZON BCBSNJ	10,963.46	28E249807 (FEB 2018)	INSURANCE - EMPLOYEE GROUP HEA
HORIZON BLUE CROSS	2,722.74	28E162718	INSURANCE - EMPLOYEE GROUP HEA
JERSEY JOURNAL	67.48	1147825 (01/18/2018)	AMIN & EXEC ADVERTISING OE
JUNIOR FIORI	15.00	MEDICAL REIMBURSEMENT	INSURANCE - EMPLOYEE GROUP HEA
JUNIOR FIORI	70.00	MEDICAL REIMBURSEMENT	INSURANCE - EMPLOYEE GROUP HEA
JUNIOR FIORI	194.15	MEDICAL REIMBURSEMENT	INSURANCE - EMPLOYEE GROUP HEA

Total fund01

480,551.73

KEARNY WATER DEPT. 8,882.03 003071600000000

WATER SERVICES

Total fund05

8,882.03

KENNETH M.	420.00	MEDICAL RECEIPTS -	INSURANCE - EMPLOYEE GROUP HEA
KENNETH M.	304.76	MEDICAL RECEIPTS (JAN	INSURANCE - EMPLOYEE GROUP HEA
LAGO SERVICE	218.00	833, 825, 830	MOTOR VEHICLE POOL OE
LAGO SERVICE	50.00	0851	MOTOR VEHICLE POOL OE
M. MATIAS TRUCKING	3,087.50	2018-1825	SNOW REMOVAL OE
MGL PRINTING	79.00	152157	ADMIN. & EXEC. O/E -
MICHAEL A. CIFELLI	686.92	JANUARY 2018	MUNIC PROSECUTOR S&W
MICHAEL O'DONNELL	416.67	JANUARY 2018	INSURANCE - EMPLOYEE GROUP HEA
NEIL D. MAROTTA,	2,500.00	JANUARY 2018	LEGAL SERVICES & COSTS O/E
NJ LEAGUE OF	70.00	MARCH 8, 2018	FINANCIAL ADMIN. O/E
NJ STATE ASSOC OF	275.00	2018	POLICE DEPT. O/E
NJAE0	100.00	2018 JOURNAL AD	ADMIN. & EXEC. O/E -

Total fund01

8,207.85

ONE CALL CONCEPTS 8.75 8015070 (JAN 2018)

WATER SERVICES

Total fund05

8.75

P.S.E.&G.	2,029.83	JANUARY 2018	UTILITIES - ELECTRICITY
P.S.E.&G.	3,834.43	JANUARY 2018	UTILITIES - ELECTRICITY
P.S.E.&G.	4,357.00	JANUARY 2018	UTILITIES - STREET LIGHTING

Total fund01

10,221.26

PASSAIC VALLEY 278.50 13698 (DEC 2017)

WATER SERVICES

Total fund05

278.50

SMITH, JOSEPH R. 2,060.00 MARRIAGE/CU RECEIPTS

ADMIN O/E MAYOR & COUNCIL

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>
SOUTH BERGEN FIRE	200.00	2018	FIRE DEPT. OE
STAPLES CREDIT	140.36	1977611381,1977880941,	ADMIN. & EXEC. O/E -
STAPLES CREDIT	106.88	1977611381,1977880941,	FINANCIAL ADMIN. O/E
STAPLES CREDIT	82.01	1977611381,1977880941,	POLICE DEPT. O/E
STAPLES CREDIT	6.19	1977611381,1977880941,	SENIOR CITIZENS OE
STAPLES CREDIT	22.99	1977611381,1977880941,	MUNICIPAL COURT OE
STEPHANIE VERA	68.75	JANUARY 30, 2018	MUNICIPAL COURT OE
TENNANT SALES &	952.70		CLEAN COMMUNITIES
THE HARTFORD	828.80	14013895 (2018)	INSURANCE - GEN LIABILITY
TOWN OF HARRISON	250.00	04	POLICE DEPT. O/E
TREASURER, STATE	75.00	227-000-56R 0902	Marriage Licenses
UNITED IRISH	100.00	2018	ADMIN. & EXEC. O/E -
VERIZON	562.54	JANUARY 2018	ADMIN. & EXEC. O/E -
VERIZON	506.08	JANUARY 2018	POLICE DEPT. O/E
VERIZON	48.69	JANUARY 2018	PUBLIC BLDG & GRNDS OE
VERIZON	91.81	JANUARY 2018	SENIOR CITIZENS OE
VERIZON	89.71	JANUARY 2018	RECREATION OE
VERIZON WIRELESS	99.13	3681257510 (JAN 2018)	POLICE DEPT. O/E
VISION SERVICE	156.32	12 219588 0001 (FEB	INSURANCE - EMPLOYEE GROUP HEA
WEINER LESNIAK LLP	502.27	212015 (DEC 2017 & JAN	LEGAL SERVICES & COSTS O/E
XEROX CORP.	74.58	091884130	ADMIN. & EXEC. O/E -
XEROX CORP.	400.49	152531765	POLICE DEPT. O/E
XEROX CORP.	10.50	091990029	ADMIN. & EXEC. O/E -
ZIPP & TANNENBAUM,	492.00	DECEMBER 2017	LEGAL SERVICES & COSTS O/E

Total fund01

7,927.80

Total Bill List:

516,077.92



Borough of East Newark

34 Sherman Avenue
East Newark, New Jersey 07029
Phone: (973) 481-2902 ext. 221
Fax: (973) 481-0627
www.boroughofeastnewark.com

Joseph R. Smith
Mayor

Robert B. Knapp
Borough Clerk

Brigite I. Goncalves
Administrative Assistant

Memo

To: Honorable Mayor Joseph R. Smith
From: Brigitte I. Goncalves, Administrative Assistant
CC: East Newark Borough Council
Date: February 7, 2018
Re: East Newark Borough Clerk's Office Monthly Report – January 2018

In the month of January 2018 please note that the Office of the Borough Clerk collected a total of \$62,677.80 in cash for various items. Attached please find a list of the fees collected. All monies have been deposited to the East Newark General Account.

All reporting has been filed by the required due date in connection with the Generator Installation Project at the Borough Hall. We are currently in the final testing phase of the project. The quarterly reporting for this grant has been filed in accordance with the requirements set forth by FEMA.

Senior Citizens have been mailed a monthly newsletter and the monthly trip to Wal-Mart was scheduled for January 26, 2018.

All current employees have been reissued employee identification cards as the previous identification cards expired on December 31, 2017.

Form 300A as required by OSHA has been updated and posted on the bulletin board. We are fully compliant with OSHA reporting regulations.

Mayor Smith, Chief Monteiro and I have met with the new Borough Engineer, French & Parrello. They have begun their research on the remediation project at the Borough garage.

We have received the approval for disposition of our records from the State of New Jersey. I will be contacting a company to provide the shredding of the documents authorized for shredding.

On January 30, 2017 Mark Duffy and Kerrin McCarthy from Duffy & Livingston, the Borough's Health Benefits Broker prepared and hosted a health benefits seminar. Employees covered by the Borough's health benefits were invited. Information was provided on our current benefits plan along with additional resources that will allow employees to maximize their benefits.

The 2010 Crown Victoria Police Interceptor was sold on an online auction through GovDels.com. The vehicle sold for \$3000.00. It will be removed from the Borough's insurance policy once the successful bidder removes the vehicle from our premises.

All up to date information has been transmitted to the Hudson County Office on Aging through the online portal (SAMS) as required.

Monthly and quarterly reports have been filed for Senior Services through the Community Development Block Grant and Peer Leadership initiatives.

All reporting required for the Peer Grouping Grant for Senior Citizens and Disabled Residents has been filed.

Board of Health call(s) received by this office were transmitted to the Kearny Board of Health.

All mailings of vital statistics records have been made as required by the New Jersey State Department of Health and Senior Services.

The Affirmative Action binder has been reviewed and requests for Certificates of Employee Information Report Cards have been made to vendors who have exceeded payments in the amount of \$17,500.00 as per the State of New Jersey, Department of Treasury regulations.

Open Public Records Act (OPRA) requests received by this office have been provided with a timely response.

Kindly further note that resolutions and ordinances passed at the Reorganization Meeting of January 3, 2018 and the Regular Meeting of January 17, 2018 have been advertised as required and transmitted to the respective parties and have been added to the resolutions and ordinance binders for the current calendar year.

The Minute Book has been updated through December 2017.

Our website has been updated to include all recent minutes, meeting agendas, calendars, contacts and public notices. Our website is updated on a monthly basis and as needed.

Attached you will find an updated vacation list of all full time employees with the Borough. The attached includes vacation dates used as well as requested by the municipal employees.

MONTHLY SUMMARY REPORT
BOROUGH OF EAST NEWARK

02/07/18 04:23:23 PM

From: 01/01/18 Through: 01/31/18

From: 01- - - - Through: 99- - - -

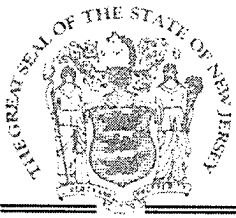
Roll up: General Ledger

Account	Tot	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01-1920 ANTICIPATED REVENUES:	52253.91	52253.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-1940 MISC REVENUES NOT	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01-2010 BUDGET:	10348.89	10348.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14-1606 ANTICIPATED REVENUES:	65.00	65.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Grand Totals:	62,677.80	62,677.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2018

Employee Vacation Sick Time

	2018 Vacation Days		Carried Vacation Days		Used Vacation Days		Vacation Days Balance		2018 Sick Days		Carried Sick Days		Used Sick Days		Sick Days Balance		Personal Days	
	Vacation Days		Vacation Days		Vacation Days		Vacation Days	Balance	Sick Days		Sick Days		Sick Days		Sick Days	Balance	Personal Days	
Goncalves, B	15		2.5		0		17.5		12		131		0.5		142.5		-	
Farinhas, D	10		0		0		10		12		50		0		62		-	
Evaristo, J	15		1		0		16		12		63.5		1.5		74		-	
Aparicio, B	10		0		0		10		10		35		0		45		3	
Erezuma, B	21		0		2		19		15		125		0		140		3	
Fiori, J	21		0		0		21		15		123		0		138		0	
Monteiro, A	30		8		0		38		15		216		0		231		5	
O'Donnell, M	23		0		1		22		15		172		0		187		0	
Tomasko, R	21		4		0		25		15		15.75		7		23.75		4	
Gutierrez, S	8		1		0		9		10		30		0		40		4	
DeFreitas, Y	8		0		0		8		10		14		0		24		1	



Borough of East Newark

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Joseph R. Smith
Mayor

Brigite I. Goncalves
Treasurer/Chief Finance Officer

Memo

To: Honorable Mayor Joseph R. Smith
From: Brigitte I. Goncalves, Treasurer
CC: East Newark Borough Council
Date: February 7, 2018
Re: East Newark Borough Department of Treasury Monthly Report –January 2018

Following please find a list of items addressed for the month of January 2018 for the East Newark Finance Department.

- All State of New Jersey Pension Reports have been submitted by the monthly and quarterly deadline.
- All individuals/corporations with fees deposited in the Borough's Developers Escrow Account have been notified in writing of the balance of their account(s). Any account with a balance of \$1000 or less is notified on a quarterly basis and any account in excess of \$1000 is notified on a monthly basis.
- The Annual Debt Statement was filed through the NJ FAST portal by the statutory deadline.
- The Borough Auditor is currently assisting me in the preparation of the Annual Financial Statement. It is anticipated that the AFS will be filed according to the statutory deadline as well.
- The Uniform Construction Code Report was filed for the CY2017.
- The 2017 Budget was rolled into Appropriation Reserves.
- The 2018 Peer Grouping Contract was prepared and presented to the Hudson County Office of Disability Services.
- 1099's and W-2's for 2017 have been mailed to respective employees and contractors.
- The CDBG reporting have been maintained by the monthly and quarterly basis.

- The Peer Grouping funding has been invoiced on a monthly basis. All quarterly reports have been maintained and submitted as well.
- Past due invoices were re-issued to any vendor with an open invoice.
- The East Newark Borough General Account has been updated through December 2017.
- The East Newark Payroll Account has been updated through December 2017.
- The PNC East Newark Water Account used through the East Orange Water Commission Account has been reconciled through December 2017.
- The East Newark Water Department Account and Animal Trust Accounts have been updated through December 2017.
- The East Newark Animal Control Account has been updated through December 2017.



Joseph R. Smith
Mayor

BOROUGH OF EAST NEWARK

34 SHERMAN AVENUE
EAST NEWARK, NEW JERSEY 07029

Phone: (973) 481-2902 ext. 221

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www.boroughofeastnewark.com

Robert B. Knapp

Borough Clerk/Municipal Welfare Director

To: Honorable Joseph R. Smith, Mayor
Honorable Members of the East Newark Borough Council

From: Robert B. Knapp, Municipal Welfare Director/Director of Human Services

Re: Report of East Newark Municipal Welfare Department/Department of Services for December, 2017

Date: February 5, 2018

Mayor and Members of Borough Council:

Please find the following monthly report for the East Newark Welfare Department/Department of Human Services for December, 2017:

- 3 residents assisted for Food Stamp assistance
- 2 residents assisted for General Assistance
- 1 resident referred to the Social Security Administration

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. B. Knapp".

Robert B. Knapp, Director
East Newark Municipal Welfare Department/Human Services



Joseph R. Smith
Mayor

BOROUGH OF EAST NEWARK

34 SHERMAN AVENUE
EAST NEWARK, NEW JERSEY 07029

Phone: (973) 481-2902 ext. 221

Fax: (973) 481-0627

www.boroughofeastnewark.com

Robert B. Knapp

Borough Clerk/Municipal Welfare Director

To: Honorable Joseph R. Smith, Mayor
Honorable Members of the East Newark Borough Council

From: Robert B. Knapp, Municipal Welfare Director/Director of Human Services

Re: Report of East Newark Municipal Welfare Department/Department of Services for January, 2018

Date: February 5, 2018

Mayor and Members of Borough Council:

Please find the following monthly report for the East Newark Welfare Department/Department of Human Services for January, 2018:

- 1 resident assisted for Food Stamp assistance
- 1 resident assisted for General Assistance
- 1 resident referred for Temporary Assistance for Needy Families

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. B. Knapp".

Robert B. Knapp, Director
East Newark Municipal Welfare Department/Human Services



BOROUGH OF EAST NEWARK

DEPARTMENT OF POLICE

34 Sherman Avenue
East Newark, New Jersey 07029
Phone: (973) 481-2900
Fax: (973) 481-0627

Anthony Monteiro
CHIEF OF POLICE

February 1, 2018

Honorable Mayor and Council
Borough of Dear Council Members,

I herewith submit the following report for the month of January 2018.

Table with 2 columns: Incident Type and Count. Rows include Hospital Runs, Escorts, Motor Vehicle Summons Issued, Motor Vehicle Accidents, Adult Arrest, Juvenile Arrest, Stolen Motor Vehicles, Recovered Stolen Vehicles, Burglaries, Larcenies, Robberies, Homicides, Assaults, Burglar Alarms, Borough Ordinance's, Fee's Ordinance's.

Respectfully Submitted,

Handwritten signature of Anthony Monteiro
ANTHONY MONTEIRO
Chief of Police

Cycle : 101

Route : 101

Previous Month Transaction Summary

TransCode	Description	StartDate	EndDate	#OfTran	Balance
				0	0.00

Current Month Transaction Summary

TransCode	Description	StartDate	EndDate	#OfTran	Balance
14	Water Adj	01/12/2018	01/12/2018	1	33490.85
103	CREDIT CARD PAYMENT	01/11/2018	01/29/2018	324	-4967.36
139	CASH PAYMENT	01/17/2018	01/30/2018	380	-4052.55
140	CHECK PAYMENT	01/02/2018	01/31/2018	28050	-44514.83
165	REGULAR BILLING	01/03/2018	01/25/2018	119025	101726.64
173	OVERDUE INTEREST CHARGE	01/31/2018	01/31/2018	1	-5.03
287	eCheck Payment	01/13/2018	01/29/2018	16	-931.87
500	WEB PAYMENT	01/22/2018	01/22/2018	1	-500.00
1173	REVERSE OVERDUE INTEREST	01/26/2018	01/26/2018	1	-0.45
				147799	80251.40

Type #OfAccts AccountBalance

Active	354	80313.31
Closed	7	-61.91
Total	361	80251.40

CONFIDENTIAL

Dear Council Members:

ENCLOSED IS A COPY OF THE 2017 XMAS FUND REPORT FOR YOUR INFORMATION.

*** SPECIAL NOTE**

THE EAST NEWARK SCHOOL BOARD DONATED \$1,000.00 TO THE SCHOLARSHIP FUND THIS YEAR. (12) EAST NEWARK HIGH SCHOOL STUDENTS APPLIED AND WERE GIVEN \$ 200.00 EACH, WE DONATED \$ 1,400.00 FROM THE SPECIAL FUND.

I WANT TO THANK EVERYONE FOR THE HELP AND HOPE WE CAN HAVE THE SAME SUCCESS NEXT YEAR.

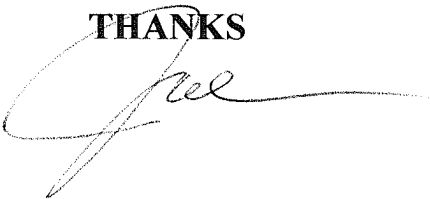
AS OF 2/7/18

MAYORS SPECIAL ACCOUNT BALANCE \$ 10,457.72

COPY OF STATEMENT ENCLOSED DATED 2/7/18

IF YOU HAVE ANY QUESTIONS PLEASE CALL ME AT 973-342-5126

THANKS

A handwritten signature in black ink, appearing to be 'J. P. ...', written over the word 'THANKS'.

2017 CHRISTMAS FUND REPORT
EXPENDITURES
AS OF 2/1/18

NAME	AMOUNT	CHECK	PURPOSE
WALMART GIFT CERTIFICATES WALMART DOLLS WALMART FIRE TRUCKS	\$ 2,390.00	1267	GIFT CERT. FOR 5-8 Grades SCHOOL CHILDREN, E.N. P.D. & F.D.. CHILDREN GIFT CARDS
SHOP-RITE Paid from Donations from the Hotel	* \$ 495.00		*GIFT CERTIFICATES FOR SENIORS AND FAMILIES
AMAZON	\$ 358.20	1267	Toys for infants to 4 years
AMAZING SAVINGS	\$ 226.72	1267	Toys for pre k to 4 years
WALMART	\$ 1,007.26	1267	Toys for pre k to 4 years
WALMART	\$ 37.00	1269	
TOTAL CHECK	\$ 4,019.18		
XXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXXXXXXX		XXXXXXXXXXXXXXXXXXXXXXXXXXXX
EAST NEWARK FIRE DEPT.	\$ 250.00	1258	
FATHER JOHN DeSOUSA	\$ 100.00	1260	
ST. JOSEPH'S HOME	\$ 100.00	1261	
8 TH GRADE CLASS	\$ 100.00	1262	
SACRED HEART LEAGUE	\$ 50.00	1263	
PARALYZED VETERANS ASSOC.	\$ 100.00	1264	
LYONS VETERANS HOSPITAL	\$ 50.00	1265	
VOLUNTIER SERVICES	\$ 50.00	1266	
FOOD FOR SANTA	\$ 70.00	1268	
TOTAL	\$ 870.00		
TOTAL AS OF 2/5/15	\$ 4,889.18		

2017 XMAS REPORT

DONATIONS AS OF 2/7/18

NAME OF COMPANY	ADDRESS			2017
MORAN TOWING	34 ARLINGTON AVE	11/13/17		\$ 500.00
PIC-NIC RESTAURANT	GRANT AVENUE	12/21/17		\$ 400.00
ROBERT KNAPP	EAST NEWARK	11/22/17		\$ 150.00
KENNETH LINDENFELSER	KEARNY	12/1/17		\$ 250.00
*ROGUT McCARTHY	CRANFORD	11/20/17		\$ 150.00
S. KLEIN & CO.	NEWARK	11/16/17		\$ 1,250.00
BRIGITE CONGALVES	EAST NEWARK			\$ 100.00
GARY CUCCHIARA	LYNDHURST			\$ 200.00
ANN BABINEAU		12/10/17		\$ 150.00
CODED SYSTEMS		12/20/17		\$ 300.00
DENNIS Mc GUIRE	CASH	12/20/17		\$ 20.00
ALEX'S LIQUIOR	CHECK	11/27/17		\$ 100.00
DUFFY & LIVINGTON	MANASQUAN	12/1/17		\$ 150.00
JOHN PINTO		11/28/17		\$ 50.00
ALEX'S LIQUIOR	CHECK	4/27/17		\$ 150.00
CME	CHECK			\$ 300.00
	TOTAL			
DONATIONS FOR 2017				\$ 4,220.00
TOTAL 2017	TOTAL COST			\$ 4,889.18
FOR 2017	DEFICIT			-\$669.18
XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXX	XXXX		

Donations for Mayors Children Fund Christmas - 2017

Business	Name	Address	Amount	Other Donation
ARC Liquors		300-306 Passaic Avenue East Newark, New Jersey 07029		
Alex Deli		200 Grant Avenue East Newark, New Jersey 07029	\$150.00	
Alex Deli		200 Grant Avenue East Newark, New Jersey 07029	\$100.00	
Alex Deli		206 Grant Avenue East Newark, New Jersey 07029	\$100.00	
Brigitte I. Goncalves		1460 Route 9 South Howell, New Jersey 07731	\$300.00	
CME Associates		608 State Highway No. 71 Spring Lake Heights, New Jersey 07762	\$300.00	
Coded Systems	Michelle Wood	34 Sherman Avenue East Newark, New Jersey 07029	\$20.00	
Dennis McGuire		Mallard Park Professional Building 200 Atlantic Avenue Manasquan, New Jersey 08736	\$150.00	
DLS Benefit Services	Mark Duffy	256 Grant Avenue East Newark, New Jersey 07029		
E & K Medical Supply LLC		Post Office Box 421 Glen Gardner, NJ 08826	\$200.00	
Law Offices of Gary Cucchiarra		301 North Frank E. Rodgers Boulevard Harrison, New Jersey 07029	\$50.00	
John M. Pinho, Esquire		570 Kearny Avenue Kearny, New Jersey 07032	\$250.00	
Kenneth J. Lindenfeser		34 Arlington Avenue Kearny, New Jersey 07032	\$500.00	
Moran Automotive & Towing	Dave Moran	174 Route 17 North Rochelle Park, New Jersey 07662		
Munirdeh, Inc.	Vince Buono	224 Grant Avenue East Newark, New Jersey 07029	\$400.00	
Pic-Nic Restaurant		34 Sherman Avenue East Newark, New Jersey 07029	\$150.00	
Robert B. Knapp		37 Alden Street Cranford, New Jersey 07016	\$150.00	
Rogut McCarthy Troy LLC	Steve Rogut	550 Broad Street, 11th Floor Newark, New Jersey 07102	\$1,250.00	
Samuel Klein & Co	Joseph Faccone	89 Woodbridge Center Drive Woodbridge, New Jersey 07095	\$150.00	
Wflentz, Goldman & Spitzer	Anne S. Babinreau, Esq.			
Total			\$4,220.00	



BOROUGH OF EAST NEWARK
 MAYORS SPECIAL ACTIVITY FUND
 34 SHERMAN AVE
 EAST NEWARK NJ 07029-2718

0

Page: 1
 Chks Paid: 1
 Statement Date: 01/31/18
 Account Number: 40337618

Indicate to the right any changes of address.
 Cut at the dotted line and return this form to:
 Valley National Bank, Customer Service Department,
 1445 Valley Road, Wayne, NJ 07470

Street: _____
 City, State, Zip: _____
 Signature: _____

***** Government Interest Checking 40337618 *****
 Non-Check Transactions

Date	Description	Amount
01/10	Deposit	100.00

Checks in Order

Date	Number	Amount	Date	Number	Amount
01/12	1260	100.00			

Daily Balance Summary

Date	Balance	Date	Balance	Date	Balance
12/29	10,457.72	01/10	10,557.72	01/12	10,457.72

Interest Rate Summary

DATE 0-	\$9,999,999	\$10,000,000 and up
12/30	0.000%	1.260%
DATE 0-	\$9,999,999	\$10,000,000 and up
01/01	0.000%	1.520%

Account Summary

Previous Statement Date: 12/29/17

Beginning Balance	+	Deposits	+	Interest Paid	-	Withdrawals	-	Service Charge	=	Ending Balance
10,457.72		100.00		.00		100.00		.00		10,457.72

Statement from 12/30/17 Thru 01/31/18
 YTD Interest Paid .00

We're working hard to improve your customer experience every day. In the coming months, we'll be launching new services that will enhance and simplify the way you bank at Valley. As part of this effort, we're renaming our checking and savings accounts. Nothing about your accounts will change except for the name.

Report lost or stolen Valley Visa® Debit Card to: 888-379-9903

See other side for important information.