

AGENDA

**BOROUGH OF PEAPACK AND GLADSTONE
REGULAR MEETING
NOVEMBER 10, 2015, 7 P.M.**

The Meeting is called to order by Mayor Muller.

The adequate notice statement is read by the Borough Clerk.

SALUTE TO THE FLAG

ROLL CALL:

CAMINITI, CORIGLIANO, GUNNING, SIMPSON, SMITH, SURIANO

MINUTES

Mayor, I move that the reading of minutes be dispensed with and that the minutes of the Regular Meeting of October 27, 2015, stand approved as submitted by the Borough Clerk to the Mayor and Borough Council.

Mayor, I move that the reading of minutes be dispensed with and that the minutes of the Executive Session of October 27, 2015, for content only, stand approved as submitted by the Borough Clerk to the Mayor and Borough Council.

NON-AGENDA ITEMS

Opportunity for public to inquire if matters they would like discussed but which do not appear on the agenda will be discussed this evening.

PRESENTATIONS

None

PETITIONS AND COMMUNICATIONS

None

COMMITTEE REPORTS

FINANCE: (Suriano/Corigliano)
RESOLUTION FOR 2015 YEAR END BUDGET TRANSFER

SANITATION/SEWER: (Smith/Caminiti)
No formal report as of now, but matters may arise for discussion during the meeting.

BOROUGH PROPERTY: (Corigliano/Smith)
A letter has been received from the Recreation Commission advising the Council of the Santa Visit festivities on December 13th, and requesting permission to place flameless luminaries around the pond at Liberty Park.

FIRE/INFORMATION SYSTEMS: (Simpson/Gunning)
No formal report as of now, but matters may arise for discussion during the meeting.

POLICE: (Gunning/Suriano)
AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING SECTION 2-31 "POLICE DEPARTMENT" OF ARTICLE III "DEPARTMENTS" OF CHAPTER II "ADMINISTRATION" OF THE BOROUGH CODE OF THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO CLARIFY THE ORGANIZATION, PRESENT POLICIES AND PRACTICES OF THE BOROUGH ON THESE SUBJECTS

1. PUBLIC HEARING
2. FINAL ADOPTION

ROADS/TRANSPORTATION: (Caminiti/Simpson)
No formal report as of now, but matters may arise for discussion during the meeting.

LEGAL: (John E. Bruder, Esq.)
No formal report as of now, but matters may arise for discussion during the meeting.

MISCELLANEOUS COUNCIL BUSINESS
Discussion on timetable for completion of employee assessments with respect to budget and salaries

Discussion on newly identified properties targeted for Open Space acquisition

PUBLIC COMMENTS

EXECUTIVE SESSION

AUDITING OF CLAIMS

Mayor, I move that the payment of Interim Claims be approved and that all vouchers submitted this date, as per voucher list, be paid after proper audit.

ADJOURNMENT

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

AUTHORIZING BUDGET TRANSFERS FOR FISCAL YEAR 2015

WHEREAS, there appears to be insufficient funds in the following account (exception the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the Current Year,

Legal General	5-01-20-155-592	O/E	\$20,000.00
General Engineering	5-01-20-165-425	O/E	\$20,000.00
Fire Hydrant Service	5-01-25-265-992	O/E	\$ 100.00
Municipal Court	5-01-43-490-101	S/W	\$ 1,200.00

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund of Interest and Debt Redemption Charges) over and above the demand deemed to be necessary for the balance of the Current Year,

Administration	5-01-20-100-220	O/E	\$40,000.00
Fire Department-UFC	5-01-25-265-660	O/E	\$ 100.00
Police	5-01-25-240-101	S/W	\$ 1,200.00

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be, and the same hereby transferred, to the account (excepting the appropriation for Contingent Expenses, Deferred Charges) mentioned as being insufficient, to meet the current demands.

BE IT FURTHER RESOLVED that the Finance Officer be and is hereby authorized and directed to make the following transfers:

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
Administration O/E	Legal General O/E	\$20,000.00
Administration O/E	General Engineering O/E	\$20,000.00
Fire Department-UFC O/E	Fire Hydrant Service O/E	\$ 100.00
Police S/W	Municipal Court S/W	\$ 1,200.00

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Gerald Gunning				
		T. William Simpson				
		Royal Smith				
		Anthony Suriano				

Adopted: November 10, 2015

**BOROUGH OF PEAPACK & GLADSTONE
ORDINANCE NO. 1014**

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING SECTION 2-31 "POLICE DEPARTMENT" OF ARTICLE III "DEPARTMENTS" OF CHAPTER II "ADMINISTRATION" OF THE BOROUGH CODE OF THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO CLARIFY THE ORGANIZATION, PRESENT POLICIES AND PRACTICES OF THE BOROUGH ON THESE SUBJECTS

WHEREAS, Subsection 2-31.1 through Subsection 2-31.19 of Section 2-31 (Police Department) of Article III (Departments) needs to be amended to clarify the organization, policies and practices of the Police Department.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of the Borough of Peapack & Gladstone in the County of Somerset and State of New Jersey that Section 2-31 (Police Department) of Article III (Departments) of Chapter II (Administration) Of The Borough Code Of The Borough Of Peapack & Gladstone, County Of Somerset, State Of New Jersey So As To Clarify The Organization, Present Policies And Practices Of The Borough On These Subjects

ALL NEW LANGUAGE IS HIGHLIGHTED IN BOLDFACE AND UNDERLINED; ALL REMAINING LANGUAGE HAS NOT BEEN HIGHLIGHTED IN ANY WAY.

**2-31 POLICE DEPARTMENT
-31 POLICE DEPARTMENT.***

2-31.1 General Organization of Department.

The Police Department of the Borough of Peapack & Gladstone, as heretofore established, is hereby continued as an executive and enforcement function of the Borough. The Police Department shall be under the day-to-day supervision and control of a Director of Public Safety if such position is filled or a Chief of Police. The Department shall consist of a Chief of Police, ~~one (1) Lieutenant, up to two (2) sergeants,~~ **and** up to eight (8) patrol officers **and special police officers as permitted by law and such other employees necessary to operate the Department as determined by the Mayor and Council.** Patrol officers may be assigned as regular patrolmen, ~~detectives, or corporals at the discretion of the Chief of Police~~ **except that the Chief of Police may, upon recommendation to and approval of the Mayor and Council, assign one (1) patrol officer to serve as detective and one (1) patrol officer to serve as corporal. The Mayor and Council reserve the right, at their sole discretion, to eliminate the titles of corporal and/or detective. To ensure greater supervision within the Police Department and to provide for greater efficiency and economy, from 8:00 a.m. until 12:00 a.m., excluding weekends, Borough holidays, vacation time or other paid time off, all tours of duty shall be supervised by a superior officer. As used in this section, superior officer**

means the Chief of Police or a sergeant. The Mayor and the Borough Council reserve the right to fill any and all available positions created by this section or to leave any and all positions vacant.

Amending, (Ord. No. 795 § 2-31.1)

2-31.2 Appropriate Authority: Police Committee.

- a. Pursuant to N.J.S.A. 40A:14-118, the Mayor and the Borough Council is hereby established as the "Appropriate Authority," having such power and duties as set forth in such Statute and in accordance with general law.
- b. There is also established a Police Committee which shall consist of up to three (3) members of the Governing Body. The Police Committee shall act as liaison between the Mayor and Council and the Borough Administrator and Police Chief. The Police Committee shall be responsible for making recommendations to the Mayor and Council of overall policy for the police function, negotiating with the recognized bargaining unit for the officers and for selecting and recommending to the Mayor and Council for Council's approval, hearing officers, special legal counsel, and appointments and promotions of officers.

(Ord. No. 795 § 2-31.2)

2-31.3 Appointment, Duties and Salaries.

The members of the Police Department shall be appointed by the Mayor and the Borough Council, according to law, and shall be responsible for the proper enforcement of the ordinances of the Borough and the laws of the State of New Jersey and the United States and shall receive such salaries as may from time-to-time be provided. (Ord. No. 795 § 2-31.3)

2-31.4 Present Personnel Continued.

The members of the Police Department of the Borough of Peapack and Gladstone, as presently constituted, are hereby continued in their respective offices or positions at the salaries heretofore established and nothing contained in this section shall be construed as affecting the status, rank, tenure or any rights heretofore acquired by any member of the existing Police Department, **including those currently assigned as detective and corporal on the effective date of the amendment of this ordinance.** Amending, (Ord. No. 795 § 2-31.4)

2-31.5 Chief of Police.

The Chief of Police, if such position is filled, shall be the head of the Police Department and **shall be** responsible to the ~~Borough Administrator~~ **Appropriate Authority** for the **efficiency and** routine day-to-day operations thereof. **The Chief shall work 40 hours per week.** Subject to such rules and regulations as are established by the ~~Mayor and Borough Council,~~ **Appropriate Authority** according to law, **and consistent with the policies of the Appropriate Authority, including those established in this ordinance,** the Chief shall:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.

- b. Have, exercise and discharge the functions, powers and duties of the force.
 - c. Prescribe the duties and assignments of all subordinates and other personnel.
 - d. **Supervise subordinate officers through mentoring, training, guidance and counsel to improve the skills and performance of subordinate officers,**
- d e Delegate such of his or her authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision.
- e f Coordinate the administrative function of the force with the Borough Administrator and provide information necessary to adequately advise the Borough Administrator and Council with respect to long range planning, staffing, continuing education, budgeting, equipment and press reporting.
- f g Recommend such policies, procedures and manuals as deemed appropriate.
- g h Report at least monthly to the ~~Borough Administrator and Police Committee~~ **Appropriate Authority** in such forms as shall be required regarding the administrative and business functions and operations of the Department.
- h i Provide monthly schedule of activities for the Chief and other officers.
- i j Perform such other duties and functions as are set forth in the resolution adopting the Police Department Rules and Regulations, as the same are from time-to-time amended. Amending, (Ord. No. 795 § 2-31.5)

2-31.6 Patrol Sergeant.

The Sergeant shall work a 40 hour per week schedule and have the following duties:

- a. **During an assigned tour of duty, is engaged in patrol activities intended to provide assistance and protection for persons, safeguard property, and assure observance of the laws, and apprehends lawbreakers; does related work as required;**
- b. **Visits and inspects homes and businesses in the Borough, and notes and reports irregularities, fires, and accidents as to their condition and operation;**
- c. **Detects and deters crime;**
- d. **Enforces the motor vehicle laws of the State of New Jersey;**
- e. **Enforces the laws of the United States and the State of New Jersey;**
- f. **Enforces the ordinances of the Borough;**
- g. **Receives complaints and makes needed investigations;**
- h. **Apprehends, warns, or takes into custody violators of the law; and**
- i. **Supervises subordinate officers.**

(New Section)

2-31.7 Patrol Officer

A patrol officer shall work a schedule as determined by the Chief of Police and consistent with the collective negotiations agreement between the Borough and the PBA and shall perform the following duties, including but not limited to:

- a. During an assigned tour of duty, is engaged in patrol activities intended to provide assistance and protection for persons, safeguard property, and assure observance of the laws, and apprehends lawbreakers; does related work as required;**
- b. Visits and inspects homes and businesses in the Borough, and notes and reports irregularities, fires, and accidents as to their condition and operation;**
- c. Detects and deters crime;**
- d. Enforces the motor vehicle laws of the State of New Jersey;**
- e. Enforces the laws of the United States and the State of New Jersey;**
- f. Enforces the ordinances of the Borough;**
- g. Receives complaints and makes needed investigations;**
- h. Apprehends, warns, or takes into custody violators of the law; and**
- i. Such other duties as may be assigned by the Chief of Police.**

(New Section)

2-31.68 Director of Public Safety.

~~If the office of Chief of Police is not filled,~~ The Mayor and the Borough Council, according to law, may employ and appoint a Director of Public Safety to act as the administrative supervisor of the Police Department. Any such Director shall serve without tenure at the pleasure of the Mayor and the Borough Council and discharge such duties to oversee and operate the Police Department as may be assigned, including such of the duties and responsibilities set forth in subsection 2-31.5 paragraphs a. through ~~i~~ **j**, above as are appropriate to his or her position. The Director of Public Safety shall not be a uniformed member of the Police Department of the Borough of Peapack and Gladstone. (Ord. No. 795 § 2-31.6)

2-31.79 Establishment of Rules and Regulations.

As the Appropriate Authority of the Police Department, the Mayor and the Borough Council, by resolution, shall establish and may amend rules and regulations for the governance, maintenance and regulation of the Police Department and for the discipline of its members. The rules and regulations existing on the effective date of this section, as represented by Resolution 80-88, adopted September 13, 1988, shall continue in effect until amended or replaced by resolution passed pursuant to this section; provided, however, that wherever such regulations conflict with this section, the terms of this section shall be controlling. Amending, (Ord. No. 795 § 2-31.7)

2-31.810 General Qualifications for Members.

Except as may be otherwise provided by law, no person shall be appointed as a member of the Peapack & Gladstone Police Department, unless that person:

- a. Is a citizen of the United States and a resident of the State of New Jersey.
- b. Is sound of body and of good health, sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey, or the Public Employees' Retirement System, whichever is appropriate, as to eligibility for membership in the retirement system.
- c. Is able to read, write and speak the English language well and intelligently.

- d. Is of good moral character and has not been convicted of any criminal offense involving moral turpitude.
 - e. Is at least twenty-one (21) but less than thirty-five (35) years of age, except as otherwise provided by N.J.S.A. 40A:14-127.1, or other applicable law.
 - f. Submits to and satisfies such additional requirements as are hereinafter set forth for initial appointment to the force.
- (Ord. No. 795 § 2-31.8)

2-31.911 Probationary Officers.

Each Police Officer hereafter appointed to the Department shall first serve a probationary period of twelve (12) months from the date of his or her appointment. During this probationary period, he or she shall be known as an Acting Police Officer and his or her employment shall be subject to termination with or without cause, at any time. The Chief shall make a written report to the Police Committee and Borough Administrator, with a copy to the officer, after three (3), six (6) and nine (9) months of evaluating the Officer's performance and making recommendations for improvement if necessary. The Officer may be dismissed at any time after the second review if not adequately performing up to Department standards. At the conclusion of the probationary period, and providing the Acting Police Officer has successfully completed an approved police training course pursuant to N.J.S.A. 52:178-66, et seq., the appointment as a Police Officer shall become permanent upon the recommendation of the Chief of Police and the Police Committee and approval by the Mayor and the Borough Council. (Ord. No. 795 § 2-31.9)

2-31.1012 Term of Office.

Except as otherwise provided by law, the employment of the permanent members and officers of the Police Department shall be indeterminate and continuous during good behavior and efficiency. (Ord. No. 795 § 2-31.10)

2-31.1113 Decrease of Membership of Department.

The Mayor and the Borough Council, if necessary for reasons of economy, may decrease the number of members and officers of the Police Department, or their grades or ranks, as provided in N.J.S.A. 40A:14-143 and as the same may be amended. (Ord. No. 795 § 2-31.11)

2-31.1214 Special Law Enforcement Officers.

The Mayor and the Borough Council may appoint special law enforcement officers, subject to the provisions of the Special Law Enforcement Officers Act, N.J.S.A. 40A:14-146.8 et seq., and as the same may be amended. (Ord. No. 795 § 2-23.12)

2-31.1315 Procedure for Initial Appointment to Department.

- a. The Mayor and the Borough Council shall decide when to advertise for, and hire additional Police Officers, and may restrict applications to only those individuals who are already PTC certified.

- b. The Borough Administrator and the Chief of Police shall advertise for candidates or seek candidates through the police training academies, and shall review applications and resumes, check necessary references, conduct initial interviews and may administer physical agility tests or other tests that they feel necessary. The candidates who, after this process, are worthy of further consideration in the opinion of the Chief of Police and the Borough Administrator shall be referred to the Police Committee with a brief summary report for each candidate.
 - c. The Police Committee shall select those candidates from the list referred to them for background checks by the Borough Administrator and the Chief of Police and shall thereafter recommend to the Mayor and the Borough Council such candidates as they deem appropriate.
 - d. The Mayor and the Borough Council shall consider and may make an offer of employment as an Acting Police Officer to one (1) or more of the candidates referred by the Police Committee. Any offer of employment shall be contingent upon a satisfactory full background check and the applicant's successfully passing a medical examination by a physician selected by the Borough, which shall include drug testing, and a psychological examination by a practitioner selected by the Borough. If the applicant does not satisfactorily complete either examination he or she shall not be appointed and the next ranking applicant may be extended an offer, subject to satisfactory completion of the medical and psychological tests until an applicant satisfactorily completes both examinations.
 - e. The name or names of any successful candidates who are not hired may be retained by the Borough for up to two (2) years. During such period, if a vacancy occurs, the Mayor and the Borough Council may, if it wishes, fill such vacancy from such prior successful candidates and after such limited inquiry as it deems appropriate. In the alternative, the selection process set forth above may be conducted in full.
- (Ord. No. 795 § 2-31.13)

2-31.1416 Promotions and Appointments to Superior Officer Positions.

- a. ~~Promotions and appointments to the positions of Lieutenant and Chief of Police, as in the case of initial appointments, shall be based upon merit and fitness. To the extent feasible, promotions shall be made from within the membership of the Borough of Peapack and Gladstone Police Department (N.J.S.A. 40A:14-129), from members who have served at least three (3) years in such Department (N.J.S.A. 40A:14-130). Effective January 1, 2006, a candidate for promotion must have at least sixty (60) credits towards a Bachelors degree in criminal justice or a related field. Selection procedures shall first be undertaken only with such person or persons. As added qualifications, candidates for Chief of Police must have at least five (5) years experience in police work and must have a Bachelors degree in criminal justice or a related field. Interviews as hereafter provided shall be conducted by the Mayor and Council.~~
- b. Candidates for ~~p~~**romotion** to the position of ~~Lieutenant or~~ **Chief of Police shall take a written and oral be made by the Mayor and Council following examination for that particular position, administered and graded by an independent entity designated by the Police Committee. Officers who have served at least three (3) years in the Peapack and Gladstone Police Department shall be eligible for consideration .**

c. The examination shall consist of a written examination given by the State Chiefs of Police Association, an oral examination given by at least three (3) members of the State Chiefs of Police Association, and an interview by the Mayor and Council. Additional consideration shall be given to education, discipline, supervisory experience, and attendance based upon a review of the candidate's personnel file and work history in Peapack and Gladstone.

1. The examination process totaling 100% shall be scored as follows:

a. The written examination shall be worth 20% of the candidate's score;

b. the oral examination shall be worth 20% of the candidate's score;

c. a bachelor's degree (120 credits) in criminal justice or related field shall be worth 10% or, but not both, an associate's degree (or 60 credits towards a bachelor's degree) shall be worth 5%;

d. supervisory experience shall be worth 10%;

e. absence of sustained discipline shall be worth 10%; and

f. work attendance history shall be worth 10%.

d Those candidates ~~suecessfully passing all examinations~~ receiving a score of at least 65% on the criteria set forth in c.1 shall be interviewed by the Mayor and Borough Council. Due consideration shall be given to the length and merit of the candidate's service and preference may be given according to seniority in service, as required by law. Each candidate shall be interviewed under similar conditions and the following factors shall be evaluated:

1. Appearance and speaking ability.
2. Comprehension and presentation of ideas.
3. Maturity of judgment.
4. Interest in law enforcement.
5. ~~Evidence of supervisory and administrative ability~~ Interest in Peapack and Gladstone.
6. ~~Employment history, including job evaluations, disciplinary record, attendance and community contributions.~~ Future vision for the Police Department.
7. ~~Educational background.~~ Future vision for the Borough, the community, and the residents.
8. ~~Results of written and oral examinations.~~ Results and scoring of the criteria set forth above in paragraph c.

d e The interview by the Mayor and Council shall be worth the final 20% of the candidate's score. The Mayor and Borough Council shall rank the applicants during the interview based on all of these factors set forth in paragraph d. above, which shall be weighted as they deem appropriate. ~~Promotions shall be offered to the candidates achieving the highest rank among those deemed fit for promotion.~~ The candidate's score will then be added to the score from the criteria in paragraph c. Candidates shall be ranked on the promotional list for Chief of Police in order of score. Following the completion of the examination process, the Mayor and Council shall appoint the top ranked candidate as the Chief of Police, subject to paragraph f. below. All other qualifications being equal between candidates, any candidate entitled to veterans preference shall be chosen. If two (2) candidates have equal scores and both are veterans, a Borough resident will be preferred over a nonresident.

e f The offer of promotion shall be contingent upon a physical and psychological examination by examiners chosen by the Mayor and the Borough Council. If the candidate is found to be physically or psychologically unfit to perform the duties of the superior office, he or she shall be disqualified and an offer subject to these conditions may be made to the next ~~ranked~~ candidate.

f g In the event that the foregoing procedures fail to result in filling of ~~any~~ **the Chief's** position, or no lawfully qualified candidates are available as members of the Peapack and Gladstone Police Department, then the Police Committee may elect to fill such position or positions by first advertising and then testing and interviewing members of any Police Department who has served a total of five (5) years in any such Police Department. The testing and interviewing procedures for non-Borough Department candidates shall be the same as for Borough Department candidates provided, however, that the references and backgrounds of non-Borough Department candidates shall be investigated by the Borough Administrator and the Chief of Police prior to the interviews by the Mayor and the Borough Council.

g h **Except for the Chief of Police,** ~~T~~the name or names of any candidates who successfully completed the testing and interviews who are not hired may be retained by the Borough for up to two (2) years. During such period, if a vacancy occurs, the Borough may, if it wishes, fill such vacancy from such prior successful applicants (first from Borough Department applicants) after such inquiry and interview as it deems appropriate. Alternatively, the Borough, in its sole discretion, may conduct a new examination consistent with paragraphs a, b, c, d, e, and f. above.

h i Candidates for a promotion to the position of Sergeant shall also be governed by paragraphs a, b, c, e, f, and g. above. ~~However~~ **T**he provisions of **Article 18 of the PBA Contract in force at the time the promotional opportunity is announced shall be followed through a posting of the promotional opportunity, together with this ordinance** supersede ~~paragraph d. of this subsection.~~

(Ord. No. 795 § 2-31.14; Ord. No. 826)

2-31.1517 Disciplinary Proceedings.

Except as otherwise provided by law, no permanent member or officer of the Police Department shall be removed from his or her office, employment or position for political reasons or for any cause other than incapacity, misconduct or disobedience of rules and regulations established for the government of the Police Department, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position thereon, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer. The complaint shall be filed with the Borough Clerk and a copy shall be served upon a member or officer so charged, with notice of a designated hearing thereon before the Mayor and Council, which shall be not less than ten (10), nor more than thirty (30), days from date of service of the complaint. A failure to comply with these provisions as to the service of the complaint shall require a dismissal of the complaint. The Mayor and the Borough Council shall have the authority to designate and appoint a hearing officer recommended by the Police Committee in lieu of hearing testimony itself.

The Mayor and the Borough Council shall have power to subpoena witnesses and documentary evidence. A Police Officer so charged shall have the right to be represented at the hearing by an attorney at law or a union representative and shall have the right to cross-examine witnesses. The Rules of Evidence shall not be strictly applied.

In the event that the Mayor and the Borough Council designates a hearing officer in lieu of hearing the charges itself, the hearing officer shall, within thirty (30) days after the conclusion of the hearing, present the Mayor and the Borough Council with a written report, which contains findings of fact with respect to the charges, copies of which shall be served on the presenter for the Borough and the Officer.

Following the conclusion of the hearing before the Mayor and Council or following receipt of the hearing officer's report by the Mayor and Council, the Officer shall have the opportunity to appear before them and offer any explanation or mitigating factors relating to the charges and any discipline sought by the presenter arising out of the charges. The Mayor and the Borough Council shall determine whether discipline is appropriate and the particular discipline to be imposed.

All disciplinary hearings, including any presentation before the Mayor and Council, shall be conducted in private unless the Officer requests a public hearing in writing.

If any officer or employee in the Police Department shall be suspended pending a hearing as a result of charges, such hearing shall be commenced within thirty (30) days after service of a copy of the complaint upon him or her; otherwise the charges shall be dismissed and the officer or employee returned to duty. Notwithstanding the thirty (30) day requirement, the officer may waive the thirty (30) day requirement and request an adjournment from the Mayor and the Borough Council or hearing officer as the case may be. All suspensions shall be with pay except when a Grand Jury has returned an indictment against the officer or the officer has been charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty. N.J.S.A. 40A:14-149, 40:A-14-149.1.

Any member of the Police Department who has been convicted after disciplinary hearing may appeal such conviction in the manner provided by law. N.J.S.A. 40A:14-150.

Recovery or reimbursement of pay shall be as provided for in N.J.S.A. 40A:14-149.2, N.J.S.A. 40A:14-149.3 and N.J.S.A. 40A:14-151 and as the same may be amended. (Ord. No. 795 § 2-31-15)

2-31.1618 Defense of Officers.

Whenever a member or officer of the Police Department is a defendant in any action or legal proceeding arising out of and directly related to the lawful exercise of police powers in the furtherance of his or her official duties, the Borough shall provide the member or officer with the necessary means for the defense of such action or proceeding but not for his or her defense in a disciplinary proceeding instituted against him or her by the Borough or in criminal proceeding instituted as a result of a complaint on behalf of the Borough. If any such disciplinary or criminal proceeding instituted by or on complaint of the Borough shall be dismissed or finally determined in favor of the member or officer, he or she shall be reimbursed for the reasonable expense of his or her defense. (Ord. No. 795 § 2-31.16)

2-31.1719 Off-Duty Assignments for Police Officers.

- a. Members of the Police Department shall be permitted to accept police related employment on behalf of private employers only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.
- b. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his designee, which approval shall be granted if, in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.
- c. Any person or entity requesting the services of an off-duty law enforcement officer shall estimate the numbers of hours such services are required, which estimate shall be approved in writing by the Chief of Police or his designee, and shall establish an escrow account with the Borough Treasurer by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in paragraph h. for the total estimated hours of service.
- d. Prior to posting any request for services of off-duty officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services, except as set forth in paragraph e. No service shall be performed unless all fees and compensation required in the manner described above have been deposited with the Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.
- e. In the event that the funds in such an escrow account should become depleted, services of off-duty officers shall cease, and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above. In the event that emergent circumstances arise which require an officer working an off-duty assignment for a period in excess of the estimated hours of service, the Police Chief or his designee may authorize an officer to continue the off-duty assignment even though the escrow account has been depleted. In the event that additional hours are worked, the person or entity contracting for the services of a Borough Police Officer shall be billed for the additional hours.
- f. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
- g. All requests for the services of off-duty law enforcement officers in the Borough of Peapack and Gladstone Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police at least ten (10) days before such services are required whenever possible. Any officers, when so employed by the Borough, shall be treated as an employee of the Borough; provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed nor shall hours worked for outside employment be considered in any way compensable as overtime.
- h. Rates for compensation for contracting off-duty police officers shall be sixty (\$60.00) dollars per hour, plus an additional ten (\$10.00) dollars per hour for administrative fees, and an additional ten (\$10.00) dollars per hour for the use of a police car (total eighty (\$80.00) dollars per hour). For any detail requiring three (3) or more officers or sixteen

(16) hours, the entity will be billed one (1) additional hour for every sixteen (16) scheduled hours. There will be a minimum billing charge of three (3) hours per officer per detail. The entity contracting for off-duty services will be charged the minimum fee per officer for any cancellation less than twelve (12) hours prior to the scheduled start time.

- i. The entity or person shall provide the Borough with proof of general liability insurance in an amount not less than one million (\$1,000,000.00) dollars combined single limit per occurrence.
(Ord. No. 887; Ord. No. 965)

Introduced: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLVED that the ordinance entitled,

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING SECTION 2-31 “POLICE DEPARTMENT” OF ARTICLE III “DEPARTMENTS” OF CHAPTER II “ADMINISTRATION” OF THE BOROUGH CODE OF THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO CLARIFY THE ORGANIZATION, PRESENT POLICIES AND PRACTICES OF THE BOROUGH ON THESE SUBJECTS

now pending before this governing body be adopted and advertised as required by statute.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Gerald Gunning				
		T. William Simpson				
		Royal Smith				
		Anthony Suriano				

Adopted: November 10, 2015

HECTOR HERRERA
BOROUGH CLERK

WILLIAM C. MULLER
MAYOR