

**Municipal Building
Borough of Park Ridge
November 23, 2010-8:20p.m.**

A Regular Meeting of the Mayor and Council of the Borough of Park Ridge was called to order at the above time, place and date.

Council President Kane led those attending in the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: Councilmember Misciagna, Councilmember Hopper, Councilmember Maguire, Councilmember Viola, Council President Kane

Absent: Mayor Ruschman, Councilmember Maughan

Also Present: Borough Clerk O'Donnell, Borough Attorney Mancinelli

Council President read the Compliance Statement, as required by Open Public Meetings Act, P.L. 1975, Chapter 231, as required by Open Public Meetings Act, P.L. 1975, Chapter 231.

AGENDA CHANGES

The Borough Clerk advised that under the consent agenda we have the addition of resolution #010-311 – Police Department Uniform Maintenance Allowance. Borough Clerk further stated that the resolution entitled “Authorize Bid for Sale of Master Lease – Cell Tower” has been pulled from the Consent Agenda at this time.

ORDINANCES – INTRODUCTION

ORDINANCE NO. 2010 – 039

AN ORDINANCE ESTABLISHING THE CLASSIFICATION AND COMPENSATION FOR CERTAIN EMPLOYEES OF THE BOROUGH OF PARK RIDGE, BERGEN COUNTY, NEW JERSEY FOR THE YEAR 2010.

Council President Kane asked for a motion to introduce on first reading Ordinance No. 2010-039, an ordinance establishing the Classification and Compensation for certain employees of the Borough of Park Ridge, Bergen County, New Jersey for the year 2010.

A motion was made by Councilmember Hopper and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

Council President Kane asked the Clerk to read the ordinance by title.

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2010-039**

AN ORDINANCE ESTABLISHING THE CLASSIFICATION AND COMPENSATION FOR CERTAIN EMPLOYEES OF THE BOROUGH OF PARK RIDGE, BERGEN COUNTY, NEW JERSEY FOR THE YEAR 2010.

BE IT ORDAINED by the Mayor and Council of the Borough of Park Ridge in the County of Bergen, State of New Jersey that the compensation paid certain employees of the Borough of Park Ridge shall be as follows:

SECTION 1. That the minimum and maximum range of salary, wage or compensation to be paid to certain officials, appointees and employees of the Borough of Park Ridge, is hereby established, created, ratified and confirmed for the year 2010 as follows:

POSITION	MINIMUM	MAXIMUM	BASIS
General Supervisor, Water and Sewer Maintenance	\$65,000	\$86,600	Annual
General Supervisor, Roads, Parks, Recycling, Bldgs. & Grounds, Vehicle Maintenance	\$50,000	\$86,610	Annual

SECTION 2. That the minimum and maximum range of salary, wage or compensation to be paid to certain officials, appointees and employees of the Borough of Park Ridge, is hereby established, created, ratified and confirmed for the year 2010 as follows:

POSITION	MINIMUM	MAXIMUM	BASIS
Police Matron	\$15.00/hour	\$25.00/hour	Hourly

SECTION 3. All other applicable portions of Ordinance No. 2009-21 shall remain in effect.

SECTION 4. All ordinances or parts thereof inconsistent herewith are expressly repealed.

SECTION 5. This ordinance shall become effective after final passage and publication as required by law.

Council President Kane asked the CFO Ennis to give a brief description of this ordinance.

Ms. Ennis: Historically this ordinance is passed each year setting the annual salary ranges for the exempt employees. Since this employee group did not receive any adjustments for 2010 except for these three positions, the ordinance includes only changes for these three positions.

Council President Kane asked if anyone present wished to be heard concerning the introduction of this ordinance.

Speaker: No one.

Council President Kane asked for a motion to pass this ordinance on first reading and that it be published in full in the Ridgewood News with notice of Public Hearing to be held on December 14, 2010.

A motion was made by Councilmember Maguire and seconded by Councilmember Misciagna to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

ORDINANCES – PUBLIC HEARING

ORDINANCE NO. 2010 - 36

AN ORDINANCE AMENDING CHAPTER 45, BICYCLES AND MOTORCYCLES OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

Council President Kane asked for a motion to open the Public Hearing on Ordinance No. 2010-36, an ordinance amending Chapter 45, Bicycles and Motorcycles, of the Code of the Borough of Park Ridge.

A motion was made by Councilmember Misciagna and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

Council President Kane asked the Clerk to read the ordinance by title.

BOROUGH OF PARK RIDGE

ORDINANCE NO. 2010-036

AN ORDINANCE AMENDING CHAPTER 45. BICYCLES AND MOTORCYCLES OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen and State of New Jersey that Chapter 45, Bicycles and Motorcycles, of the Code of the Borough of Park Ridge be and is hereby amended as follows

SECTION 1.

That "Section 45-2. License and registration tag required" be deleted and replaced in its entirety as follows:

No bicycle owned by a resident of the Borough shall be operated within the Borough unless the owner thereof first obtains a registration card and a registration tag, as provided in this chapter, and, in addition thereto, attaches said registration tag to such bicycle, as provided in the chapter. The foregoing shall not apply to vehicles otherwise licensed by the State.

SECTION 2.

That "Section [§ 45-3. Application for license; term](#)" be deleted and replaced in its entirety as follows:

An application for a license under this chapter shall be made to the Police Department. The application forms, registration cards and registration tags shall be provided for the Police Department by the Borough Clerk. The applicant shall furnish proof of ownership of the bicycle upon making the application. A license shall be issued without fee or charge to the applicant and shall be issued for as long as the bicycle is owned by the original applicant.

SECTION 3.

That "Section [45-4. Issuance of license, registration tag; removal forbidden](#)" be deleted and replaced in its entirety as follows:

A. The applicant shall demonstrate to the Police Department that the bicycle is in safe mechanical condition and that the applicant is capable of operating the bicycle and is familiar with the traffic laws of the state relative to the operation of and equipment of the bicycle, as well as such rules and regulations as the Police Department may promulgate, with the approval of the Council, concerning the operation, equipment and maintenance of bicycles.

B. Upon compliance by the applicant with these requirements, the Police Department shall issue to the applicant a registration tag, which shall be fastened to the frame of the bicycle in a conspicuous place. Removal of the tag shall be grounds for a revocation of the license.

SECTION 4.

That "Section 45-6. Safety rules" be deleted its entirety and reserved.

SECTION 5.

That "Section 45-7. Change of ownership; report" be deleted and replaced in its entirety as follows:

Every licensee who sells or transfers ownership of a bicycle shall report the sale or transfer to the Police Department within seventy-two (72) hours. At the time of said report, he shall return the registration card and registration tag issued to him and shall furnish the Police Department with the name and address of the person to whom the bicycle was sold or transferred. Registration tags and cards shall not be transferable. The foregoing shall not apply to vehicles otherwise licensed by the State.

SECTION 6.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 7.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid.

SECTION 8.

This ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

Council President Kane asked the Borough Attorney to give a brief description of this ordinance.

Mr. Mancinelli: Explained that this ordinance implements recommendations made by the Police Chief for statutory changes.

Council President Kane asked the Clerk if she had received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Council President Kane asked if anyone present wished to be heard concerning the adoption of this ordinance.

Speaker: No one.

Council President Kane asked for a motion to close the Public Hearing on this ordinance and that it be adopted and that notice of final passage be published in The Ridgewood News.

A motion was made by Councilmember Misciagna and seconded by Councilmember Hopper to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

ORDINANCE NO. 2010 - 037

AN ORDINANCE ESTABLISHING THE CLASSIFICATION AND COMPENSATION FOR CERTAIN EMPLOYEES OF THE BOROUGH OF PARK RIDGE, BERGEN COUNTY, NEW JERSEY FOR THE YEARS 2009, 2010 AND 2011

Council President Kane asked for a motion to open the Public Hearing on Ordinance No. 2010-37, an ordinance Establishing the Classification and Compensation for Certain Employees of the Borough of Park Ridge, Bergen County, New Jersey for the years 2009, 2010 and 2011.

A motion was made by Councilmember Misciagna and seconded by Councilmember Hopper to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

Council President Kane asked the Clerk to read the ordinance by title.

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2010-037**

AN ORDINANCE ESTABLISHING THE CLASSIFICATION AND COMPENSATION FOR CERTAIN EMPLOYEES OF THE BOROUGH OF PARK RIDGE, BERGEN COUNTY, NEW JERSEY FOR THE YEARS 2009, 2010 2011.

BE IT ORDAINED by the Mayor and Council of the Borough of Park Ridge in the County of Bergen, State of New Jersey that the compensation paid certain employees of the Borough of Park Ridge shall be as follows:

SECTION 1. Each of the positions of employment hereinafter named that is not established or created by virtue of any statute or of any ordinance, resolution or other lawful authority heretofore exercised by the Borough of Park Ridge, is hereby established, created, ratified and confirmed.

SECTION 2. As provided in a collective bargaining agreement between the Borough of Park Ridge and the Park Ridge Police Benevolent Association – New Jersey State Policemen’s Benevolent Association Local #206, the salary to be paid employees covered under this agreement for the year 2011:

NEW JERSEY STATE POLICEMEN’S BENEVOLENT ASSOCIATION LOCAL 206 PARK RIDGE UNIT – 2011 contractual amounts

For Employees Hired on or before December 31, 2009

POSITION	MAXIMUM	BASIS
Lieutenant	\$128,978	Per Annum
Sergeant	\$119,114	Per Annum
Police Officer 1	\$109,475	Per Annum
Police Officer 2	\$97,718	Per Annum
Police Officer 3	\$85,963	Per Annum
Police Officer 4	\$74,209	Per Annum
Police Officer 5	\$62,454	Per Annum
Police Officer 6	\$55,894	Per Annum
Police Officer 7	\$46,974	Per Annum
Probationary	-	-

For Employees Hired on or after January 1, 2010

POSITION	MAXIMUM	BASIS
Lieutenant	\$128,978	Per Annum
Sergeant	\$119,114	Per Annum
Police Officer 1	\$109,475	Per Annum
Police Officer 2	\$99,167	Per Annum
Police Officer 3	\$89,141	Per Annum
Police Officer 4	\$79,113	Per Annum
Police Officer 5	\$69,488	Per Annum
Police Officer 6	\$59,060	Per Annum
Police Officer 7	\$51,678	Per Annum
Police Officer 8	\$44,294	Per Annum
Probationary	\$32,510	Per Annum

SECTION 3. Except as stated in Section 2 above, all other manner of compensation, fringe benefits, vacation, holidays and administration of departmental affairs shall be continued in written agreements between the Borough of Park Ridge and the Park Ridge Police Benevolent Association – New Jersey State Policemen’s Benevolent Association Local #206 (which agreement will expire on December 31, 2012). All manner of remuneration shall be effective as indicated hereinbefore. Mileage reimbursement, when approved, shall be at the IRS minimum as established for that specific calendar year.

SECTION 4. As provided in the contract between the Borough of Park Ridge and the Chief of Police, the all inclusive salary to be paid is \$144,000 for calendar year 2009, \$149,616 for calendar year 2010 and \$155,227 for calendar year 2011. All other manner of compensation, fringe benefits, vacation, holidays and administration of departmental affairs shall be continued in the written agreement between the Borough of Park Ridge and the Park Ridge Police Chief, dated December 1, 2009.

SECTION 5. All ordinances or parts thereof inconsistent herewith are expressly repealed.

SECTION 6. This ordinance shall become effective after final passage and publication as required by law.

Council President Kane asked CFO Ennis to give a brief description of this ordinance.

Ms. Ennis: Explained that this ordinance established the contractual salaries for the Police Officers and the Police Chief.

Council President Kane asked the Clerk if she had received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Council President Kane asked if anyone present wished to be heard concerning the introduction of this ordinance.

Speaker: No one.

Mayor Ruschman asks for a motion to close the Public Hearing on this ordinance and that it be adopted and that notice of final passage be published in The Ridgewood News.

A motion was made by Councilmember Misciagna and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

ORDINANCE NO. 2010 - 038

AN ORDINANCE AMENDING CHAPTER 92, TOWING OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

Council President Kane asked for a motion to open the Public Hearing on Ordinance No. 2010-38, an ordinance amending Chapter 92, Towing, of the Code of the Borough of Park ridge, New Jersey.

A motion was made by Councilmember Viola and seconded by Councilmember Hopper to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.
 Council President Kane asked the Clerk to read the ordinance by title.

**BOROUGH OF PARK RIDGE
 ORDINANCE NO. 2010-038**

AN ORDINANCE AMENDING CHAPTER 92. TOWING OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen and State of New Jersey that Chapter 92, Towing, of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION I.

Article I. That Section 92-10 Towing and storage fee schedule be deleted and replaced in its entirety as follows:

§ 92-10. Towing and storage fee schedule.

A. Fees for towing and storage of private passenger vehicles, damaged in an accident or recovered after being stolen, may not exceed the fees established by the New Jersey Department of Insurance pursuant to N.J.S.A. 17:33B-47. Those towing and storage fees, which are set forth in N.J.A.C. 11:3-38.1, are incorporated herein by reference:

(1) The following is the fee schedule for towing services:

Days

Towing Distance	Fee
First mile or less	\$ 100.00
Each additional mile	\$ 3.00

Nights, Weekends and New Jersey State Holidays

Towing Distance	Fee
First mile or less	\$ 125.00
Each additional mile	\$ 3.00

(2) The following is the fee schedule for storage services:

Storage Facility Capacity	Fee
Inside building:	\$ 45.00

Storage Facility Capacity	Fee
Outside secured:	\$ 35.00

(3) Pursuant to law, the fee schedules shall be reviewed by the New Jersey Commissioner of Insurance on an annual basis and may be revised if necessary. In the event that the above schedules are revised by the Commissioner of Insurance, the revised fees shall be the maximum fees that may be charged by official towers and this chapter shall be amended accordingly.

(4) The following is the fee for winching services off road – up to \$150 depending upon need.

(5) If speedy dry or similar is required – up to \$35.

B. Fees for towing and storage of private passenger vehicles, other than those damaged in an accident or recovered after being stolen, shall be the same as those set forth in Subsection A if the official tower is called to the scene by the Police Department of the Borough of Park Ridge in accordance with this chapter. Any other towing services to private passenger vehicles not involved in accidents or recovered after being stolen when requested privately by individuals shall be at the rates as agreed to between the individual and the tower.

C. Fees for all other types of vehicles other than private passenger vehicles, pursuant to Subsections A and B of this section, shall be determined in accordance with this subsection:

(1) The following is the fee schedule for towing services:

Type of Towing Service	Class 1 (All vehicles 6,000 to 16,000 pounds gross vehicle weight)	Class 2 (All vehicles 16,000 to 80,000 pounds gross vehicle weight)
Days:		
Standard tow	\$200.00	\$300.00
Wheel lift	\$200.00	\$300.00
Flatbed	\$200.00	\$300.00
Nights:		
Standard tow	\$250.00	\$350.00
Wheel lift	\$250.00	\$350.00
Flatbed	\$250.00	\$350.00

(2) The following is the fee schedule for storage services:

Storage Facility Capacity	Class 1	Class 2
Inside building:	\$ 45.00	\$ 65.00
Outside building:	\$ 45.00	\$ 65.00

(3) The fees set forth for nonpassenger vehicles in this section are the maximum charges that shall apply for basic towing services. The official towers, however, shall be allowed for winching and wrecking services over and above the basic towing services an additional fifty dollars (\$50.) per hour for light-duty wrecker, one hundred dollars (\$100.) per hour for medium wrecker and one hundred fifty dollars (\$150.) per hour for heavy-duty wrecker. There shall be no additional charges for any other services, including but not limited to waiting time, cleanup costs and additional labor, when only basic towing services, as defined, are provided.

D. The fees set forth in Subsections A and B of this section for towing rates are the maximum charges that shall apply to a private passenger automobile for basic towing services. There shall be no additional charges other than those provided herein, including but not limited to flatbedding, waiting time, winching, cleanup cost and additional labor, when only basic towing services as defined are provided. The official towers, however, shall be

allowed to charge for services other than basic towing services, as defined in this chapter, the sum of twenty-five dollars (\$25.) per hour for any additional winching services required over and above the basic towing services when removing a vehicle from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm. In addition, the official towers may charge a flat fee of thirty dollars (\$30.) for any road service for private passenger vehicles which do not need to be towed.

(1) Other than for commercial vehicles, the towing rates shall be calculated based on the total distance traveled from the tow vehicle's base of service to the job site and return, by way of the shortest available route. Fractions shall be rounded up to the nearest whole mile.

(2) Tow vehicles transporting multiple passenger cars at one (1) time shall receive the applicable fees for each vehicle transported.

(3) When towing services are required at the scene of an accident, the day rate shall apply when the time of accident is between 8:00 a.m. and 4:30 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rate shall otherwise apply.

(4) When towing services are otherwise required, the day rate shall apply when the vehicle is transported (pickup to delivery) entirely between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rate shall otherwise apply.

E. The fees set forth on the schedule for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to a private passenger automobile that is stored by a person.

SECTION II.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION III.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid.

SECTION IV.

This ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

Council President Kane asked the Borough Attorney to give a brief description of this ordinance.

Mr. Mancinelli: Explained that this ordinance seeks to amend statutory fees in our Borough Code based upon recommendation from the Police Chief, Borough Clerk and Borough Administrator.

Council President Kane asked the Clerk if she has received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Council President Kane asked if anyone present wished to be heard concerning the adoption of this ordinance.

Speaker: No one.

Council President Kane asked for a motion to close the Public Hearing on this ordinance and that it be adopted and that notice of final passage be published in The Ridgewood News.

A motion was made by Councilmember Maguire and seconded by Councilmember Hopper to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

CONSENT AGENDA:

Council President Kane asked if any Councilmember would like to have any resolution removed from the consent agenda and placed under New Business.

Speaker: None.

Council President Kane asked if any Council member would like to abstain from voting on any resolution on the consent agenda.

Speaker: None

Council President Kane asked for a motion to accept the Consent Agenda.

A motion was made by Councilmember Misciagna and seconded by Councilmember Hopper to confirm.

Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

RESOLUTIONS:

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-293**

AUTHORIZE TAX OVERPAYMENT REFUND

WHEREAS, as a result of a duplicate payment in accordance to R.S. 54:4-21; there has resulted in the overpayment of taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer is hereby authorized and directed to return the following 4th quarter 2010 tax overpayment:

Block	Lot	Name	Amount
1102 1757	12	BAC Tax Services Corp. Tapo Canyon Rd. Simi Valley, CA 93063 for William & Janice Wittenberg 40 No. Fifth Street	\$ 2,225.95

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-294**

NJ Direct Install Program – Energy Efficient Improvements to Borough Hall, Library, Road Department Garage, Utility Garage and Fire Department

Donnelly Energy Solutions

WHEREAS, the New Jersey Board of Public Utilities (NJBPUP), Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits in municipally owned buildings to encourage implementation of energy conservation measures; and

WHEREAS, the Borough of Park Ridge has participated in said program and had an energy audit performed by Steven Winter Associates, Inc. of Norwalk, Connecticut on all of the municipal buildings at a total cost of \$28,002.00; and

WHEREAS, the Program included a rebate of 75% of the program costs (\$21,001.50) after the energy audit was completed; and

WHEREAS, under the Program, the Borough is also eligible for reimbursement for the remaining 25% of the audit cost (\$6,996.50) if we implement energy-saving measures recommended in the Energy Audit Report, spending in excess of 25% of the cost of the Energy Audit (net of any Clean Energy Program incentives), and submit the documentation noted below within a year of receipt of the Energy Audit Report; and

WHEREAS, in addition to Program, there are two additional NJBPUP programs available for the funding of energy improvement upgrades to the municipal buildings; and

WHEREAS, one of these programs is the Energy Efficiency Conservation Block Grant (EECBG) whereby municipalities can get \$20,000 to make energy efficiency improvements as recommended in the Energy Audit Report; and

WHEREAS, the second program is the Direct Install Program, whereby NJ State approved contractors can be hired to directly perform energy efficiency improvements and the NJBPU will cover 60% of the cost of the improvements; and

WHEREAS, using the \$20,000 from the EECBG and the \$6,996.50 funding available from the energy audit Program, the Borough can spend up to \$67,491.25 for improvements using the Direct install program and there will be no cost to the Borough; and

WHEREAS, the Project Engineer and Director of Operations have contacted Donnelly Energy Solutions, a NJ qualified Direct Install contractor, to review the potential energy efficiency improvements that could be performed on the municipal buildings up to a total cost of \$67,491.00; and

WHEREAS, as a result of this review, Donnelly Energy Solutions has provided the Borough a Scope of Work for energy efficiency improvements to the Borough Hall/Library, Road Department Garage, Utility Garage, and Fire Department copies of which are attached to this resolution; and

WHEREAS, the total cost for the work included in these proposals is \$66,272.66 (\$42,277.62 for Borough Hall; \$10,412.30 for the Road Department Garage; \$12,805.25 for the Utility Garage; and \$777.49 for the Fire Department); and

WHEREAS, said total cost of \$66,272.66 is under the limit whereby all of the cost will be funded through the NJBPU; and

WHEREAS, of the \$66,272.66, \$39,763.60 will be paid directly to Donnelly from the State through the Direct Install program and \$20,000 will be paid directly to Donnelly from the State through the EECBG; and

WHEREAS, the Borough is responsible for authorizing \$6,508.06 which is the balance of the total costs which will later be refunded to the Borough from the State through the Municipal Energy Audit Program; and

WHEREAS, the Project Engineer and Director of Operations recommends that the Borough proceed with work proposed by Donnelly Energy Solutions; and

WHEREAS, the Board of Public Works has recommended by adoption of a resolution at their November 17, 2010 meeting that the Mayor and Council of the Borough of Park Ridge authorize the contract with Donnelly Energy Solutions of Wayne, NJ as per the attached scope of work agreements and the Board has agreed to fund the \$6,508.06 from the Electric Department Operating Fund which represents the Borough's total obligation and the Chief Financial Officer has certified that funds are available in the 2010 Budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that it hereby authorizes said contract, subject to the review and approval of the Borough Attorney as to form and content.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-295**

**APPOINT DESIGNATED CERTIFYING AND APPROVAL OFFICER
APPROVAL OF CLAIMS FOR ELECTRIC AND WATER DEPARTMENTS**

WHEREAS, the Mayor and Council of the Borough of Park Ridge adopted Ordinance No. 2010-35 amending Chapter 6 of the Borough Code to provide for, among other changes, the appointment of a designated Certifying and Approval Officer for claims approval for the Electric and Water Departments; and

WHEREAS, Ordinance No. 2010-35 will be effective on December 2, 2010; and

WHEREAS, the Board of Public Works, by adoption of their resolution at their November 17, 2010 meeting has recommended that the Board of Public Works Finance Committee Chairman be appointed as the designated Certifying and Approval Officer; and

WHEREAS, the Mayor and Borough Council have reviewed said recommendation and concur.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Board of Public Works Finance Chairman be appointed as the designated Certifying and Approval Office for the approval of claims for the Electric and Water Departments on the effective date of Ordinance No. 2010-035.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-296**

**AUTHORIZE SOLID WASTE SERVICE AGREEMENT
BCUA – DISPOSAL FACILITY**

WHEREAS, the Borough of Park Ridge is required to have a designated location for the acceptance, processing and disposal of its municipal solid waste; and

WHEREAS, heretofore the Waste Management of New Jersey Inc., transfer station facility located at 94 Perry Street, Park Ridge, NJ was the facility utilized by the Borough of Park Ridge; and

WHEREAS, effective October 1, 2010, this facility is no longer in use; and

WHEREAS, the Borough of Park Ridge’s municipal solid waste is being transported to the Waste Management of New Jersey, Inc., solid waste transfer station located at 77 Brookside Place, Hillsdale, NJ; and

WHEREAS, the Borough of Park Ridge wishes to enter into a solid waste service agreement with the Bergen County Utilities Authority (BCUA) to provide for the Borough of Park Ridge, through a separate contract, to deliver municipally generated solid waste to the Hillsdale facility in a cooperative effort relating to municipal solid waste management; and

WHEREAS, NJSA 40:14B et seq., the Municipal and County Utilities Authority Law authorizes and permits the BCUA and the Borough of Park Ridge to enter into a Service Agreement for the such services and NJSA40A:11-1 et seq., the NJ Local Public Contracts Law, authorizes and permits the BCUA and the Borough of Park Ridge to enter into a Service Agreement for the services contemplated herein without competitive bidding for the same, pursuant to NJSA 40A:11-5(2); and

WHEREAS, the Borough of Park Ridge agrees to deliver NJDEP Type 10 and 13 municipal solid waste collected by or on behalf of the Borough of Park Ridge and generated from within the Borough’s municipal borders to the Hillsdale facility for processing, transportation and disposal of solid waste; and

WHEREAS, the cost per ton is \$70.27; and

WHEREAS, the initial term of said Agreement shall be from January 1, 2011 through May 31, 2011.

WHEREAS, the Chief Financial Officer has certified to the availability of funds, said certification attached to the original of this resolution in Account No. 01-32-465-000-302 and subject to the Mayor and Borough Council appropriating said funds in the 2011 Municipal Budget.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Park Ridge does authorize the Mayor and Borough Clerk to authorize a contract on behalf of the Borough of Park Ridge, said contract to be in the form as approved by the Borough Attorney.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-297**

WITHDRAW APPLICATION FOR BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND PROJECT - PARK RIDGE HIGH SCHOOL TRACK AND AUTHORIZE AMENDED APPLICATION FOR MILL POND AND DAVIES (MEMORIAL) FIELD TRAILWAY PROJECT AND PARK AVENUE PAVER WALKWAY TO VETERANS PARK

WHEREAS, the Mayor and Council of the Borough of Park Ridge previously authorized the submission of a Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund grant to fund the Synthetic Track Resurfacing at Park Ridge High School as a joint project with the Park Ridge Board of Education; and

WHEREAS, the Borough of Park Ridge also submitted a grant application to the County of Bergen in the amount of to fund the Mill Pond and Davies (Memorial) Field Trailway Project and Park Avenue Paver Walkway to Veterans Park; and,

WHEREAS, due to the limited funds available to the Region in which the Borough of Park Ridge is assigned by the County, the Borough must select one project for consideration; and

WHEREAS, the Mayor and Borough Council, with the advice of staff, have determined to withdraw the application for the Synthetic Track Resurfacing at Park Ridge High School and amend its application for the Mill Pond and Davies (Memorial) Field Trailway Project and Park Avenue Paver Walkway to Veterans Park to request funding to phase-in this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge authorize the Borough Administrator to submit a letter to the Bergen County Open Space Trust Fund to withdraw

the Synthetic Track grant application and to request that the Mill Pond and Davies (Memorial) Field Trailway Project and Park Avenue Paver Walkway to Veterans Park grant application funding be phased.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-298**

Amend Police Department Rules and Regulations

WHEREAS, Section 26-18 of the Code of the Borough of Park Ridge requires that the Governing Body shall adopt written rules and regulations prepared by the head of the Police Department, for the government and control of the Police Department; and

WHEREAS, the Police Chief has prepared amendments to the Borough of Park Ridge Police Department Manual of Rules and Regulations; and

WHEREAS, said amendments have been reviewed by the Borough Attorney and Council Liaison and recommended to the Mayor and Borough Council for adoption, a copy of said original attached to the original of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that it hereby adopts the amended Borough of Park Ridge Police Department Manual of Rules and Regulations copy of which is attached to the original of this Resolution.

BE IT FURTHER RESOLVED that the Police Chief shall be responsible to ensure that a copy of said revised Manual be distributed to each uniformed member of the Park Ridge Police Department upon adoption of this resolution.

BOROUGH OF PARK RIDGE

POLICE DEPARTMENT

MANUAL

OF

RULES AND REGULATIONS

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POLICE MANUAL
Park Ridge Police Department

PREFACE

This manual generally states the basic duties and responsibilities of the members of the Police Department. The guidelines are to be used by all police officers in the performance of their duties.

The police organization is composed of numerous superior and supervisory ranks, bureaus and units, which are collectively and individually responsible for certain elements of the police function. To coordinate these general and specialized duties toward a common good, it is necessary that each police officer knows the type of conduct expected of him in the performance of his duties. Therefore, each police officer has the responsibility to acquaint himself with the contents of this manual so that he may effectively fulfill his obligation to the Park Ridge Police Department.

The rules and regulations stated have been prepared by the Chief of Police, with input from department personnel, P.B.A. Local 206 and established by the appropriate authority pursuant to New Jersey Statute 40A:14-118.

"Where there is a conflict between this Manual and the collective bargaining agreements between the Borough and P.B.A. Local 206, the CBA shall govern."

This manual is the property of the Park Ridge Police Department.

I

CHAPTER 1

**ESTABLISHMENT OF POLICE DEPARTMENT
RULES AND REGULATIONS**

1:1 POLICE DEPARTMENT AUTHORITY-POWER-DUTIES

- 1:1.1 Legal-Authorization.** N.J.S.A. 40A:14-118 states: "The governing body of any municipality, by ordinance, may create and establish an executive and enforcement function of municipal government, a police force, whether as a department or as a division, bureau or other agency thereof, and provide for the maintenance, regulation and control thereof. Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its members. The ordinance may provide for the appointment of a chief of police and such members, officers, and personnel as shall be deemed necessary, the determination of their terms of office, the fixing of their compensation and the prescription of their powers, functions and duties, all as the governing body shall deem necessary for the effective government of the force. Any such ordinance, or rules and regulations, shall provide that the chief of police, if such position is established, shall be head of the police force and that he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof."
- 1:1.2 Ordinance.** The Police Department is established by authority of chapter 26 Ordinance entitled "Police Department." An Ordinance to Establish, Regulate, and Control the Police Department of the Borough of Park Ridge.

The authority and responsibility of the Police Department personnel is established by authority of said ordinance, which directs the police department.
- 1:1.3 Rules and Regulations Established.** The Police Department of the Borough of Park Ridge hereby establishes the department Rules and Regulations under cover to be known as the Police Department of the Borough of Park Ridge Rules and Regulations.
- 1:1.4 Right to Amend or Revoke.** For the good of the service, in accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or to revoke any of the rules, regulations, or procedures, or add thereto as circumstances require or in conformance with the collective bargaining agreement in effect at that time.
- 1:1.5 Previous Orders.** All rules and regulations previously issued are hereby revoked.

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception; the weak against oppression or intimidation; the peaceful against violence or disorder and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unblemished as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as public trust to be held as long as I am true to the ethics of police services. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, Law Enforcement.

1:2 APPLICATION

1:2.1 **Police Regulations.** Police Regulations are applicable to all officers of the department and where specified, to all civilian employees of the department.

All general and special orders, instructions (including those on departmental forms) and manuals not in conflict with these police regulations shall have the same authority as police regulations.

Except as set forth in 1:1.4 above, Police regulations or general orders shall not be cancelled, amended, or issued without the approval and signature of the Chief of Police.

Failure of an officer, either willfully or through negligence or incompetence, to perform the duties of his rank or assignment, or violation by an officer or civilian employee of any police regulation order, may be considered sufficient cause for disciplinary action.

1:3 THE POLICE RULES AND REGULATIONS MANUAL

1:3.1 **Distribution of Manual.** One copy of the Police Rules and Regulations Manual shall be distributed to each member and employee of the department.

1:3.2 **Responsibility for Maintenance.** All members and employees who are assigned a manual shall be responsible for its maintenance and care. It will become a part of the officers personal department inventory. All manuals shall be kept current, and supplementary pages, concerning additions, revisions or amendments, shall be promptly and properly inserted.

1:3.3 **Familiarization.** Each police officer and each civilian employee is duty bound to thoroughly familiarize himself with the provisions of the Rules and Regulations Manual. Failure to comply shall be considered a neglect of duty.

1:3.4 **Ignorance of Contents of Manual.** In the event neglect of duty is charged against a member for failure to observe the rules and regulations, department policy, procedures or orders, ignorance of any provision of this manual or any department, policy procedure or order, will not stand as a defense to the charge(s).

1:3.5 **Severability.** If for any reason any section of these Rules and Regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to effect any other sections or provisions of this document.

1:3.6 **Promotions.** Officers meeting Department of Personnel qualifications and testing guidelines are eligible for promotion based on Department Standard Operating Guidelines.

1:3.7 **Compensation.** As per Negotiated Labor Contract

CHAPTER II

DEFINITIONS

2:1 DEFINITIONS

2:1.1 **Annual Vacation.** Vacation period granted to all members annually as per contracts.

2:1.2 **Appropriate Authority.** Appropriate Authority means the Governing body of the Borough of Park Ridge

2:1.2 **Attitude.** This is the individual with a "service oriented" philosophy who is community minded, compassionate, and reflects empathy for our citizens, regardless of their social or economic status.

2:1.3 **Authority.** Authority is the statutory right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the manual and those persons in violation shall be subject to disciplinary actions.

2:1.4 **Auxiliary Police.** Unsworn members of the Police Department under the direction of the Chief of Police with those powers of authority set forth in the New Jersey Civil Defense and Disaster Control Plan.

2:1.5 **Bureau.** A specific working group within the Table of Organization with personnel assigned to it.

2:1.6 **Command.** To be in charge.

2:1.7 **Chain of Command.** The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.

2:1.8 **Chief of Police.** The Police Chief of the Borough of Park Ridge, New Jersey, is the ranking officer of the department.

2:1.9 **Command Officer.** Any officer appointed to the rank of lieutenant or higher.

2:1.10 **Days Off.** Those days on which a given member is excused from duty.

2:1.11 **Department.** The Police Department of Park Ridge.

2:1.12 **Detail.** A temporary assignment of personnel for a specialized activity.

2:1.13 **Detective.** A police officer assigned to the Detective Bureau

2:1.16 **Employee.** Any employee other than a member to include but not limited to; police officer, police clerical staff, crossing guards.

2:1.17 **Equipment/Personnel (Issued).** As supplied by the department and inventoried.

2:1.18 **Evaluation.** A judgement or determination of the worth or quality of the work product of an officer and employee.

2:1.19 **Gender.** Use of the masculine gender herein shall also include, where applicable, the female gender.

2:1.20 **Governing Body.** Refers to the Mayor and Council.

2:1.21 **General Orders.** General Orders are written directives that pertain to the permanent policy and procedures of the police department. General orders are prepared and issued under the direction of the Police Chief and remain in force until rescinded or revised.

2:1.22 **Headquarters.** The police building that houses the headquarters staff, employees, and members of this department.

2:1.23 **Incompetence.** Incapable of satisfactory performance of police duties.

2:1.24 **Insubordination.** A. Failure or deliberate refusal of any member or employee to obey all lawful orders given by a superior officer.
B. Any disrespectful, malicious, insolent, or abusive language or action toward a superior officer or tour commander.

2:1.25 **Inventory.** An annual accounting of all officers basic department issued equipment.

2:1.23 **Lawful Order.** Any written or oral directive issued by superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

2:1.24 **Loyalty.** This is to include consideration of support of organizational policy, ability to accept constructive criticism and putting the Park Ridge Police Department above outside interests (particularly pecuniary interests).

2:1.25 **May/Should.** As used herein words may and should mean that the action indicated is permitted.

2:1.26 **Member.** Any duly appointed police officer of the department.

2:1.27 **Memorandum.** Written information not warranting a formal order. Used to direct any segment of all of the department personnel in specific situations or to inform them of coming events.

2:1.28 **Military Leave.** The period of time during which an officer is excused from duty by reason of serving the armed forces of the United States in an active capacity as provided by law.

2:1.29 **Neglect of Duty.** Failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the beat during the tour of duty; failure to perform duties or comply with provisions prescribed in the Police Manual; failure to conform to the department's operating procedures.

2:1.30 **Off Duty.** The status of a member during the period he is free from the performance of specified duties. However a police officer is subject to be called out at any time.

2:1.31 **On Duty.** The status of a member during the period of day when he is actively engaged in the performance of his duties.

2:1.32 **Oral Reprimand.** A verbal correction from a superior or supervisory personnel.

2:1.32 **Order.** Any written or oral directive issued by the Police Chief or any superior officer or tour commander to any subordinate or group of subordinates in the course of police duty.

2:1.33 **Personnel Orders.** Includes a change in position, transfer, promotion, etc.:

- A. The appointment of new personnel.
- B. The assignment or transfer of members from one command, division, bureau or unit to another.
- C. Promotions.
- D. Suspension and dismissal.
- E. Resignation or retirement.

2:1.34 **Post.** A geographical area of coverage by a police officer.

2:1.35 **Procedure.** The official method of dealing with any given situation prescribed by the Police Chief's order or Standard Operating Procedures.

2:1.36 **Productivity.** Personnel are expected to meet productivity standards with particular emphasis on quality and then quantity of productivity.

2:1.37 **Probation Period - Promotions.** All appointments shall be probationary, in accordance with the NJ Dept of Personnel Rules and Regulations.

2:1.38 **Probation Period - Recruits.** One (1) year period, in accordance with the Park Ridge Police department rules and regulations.

- 2:1.39 **Rules and Regulations.** Department legislation consisting of detailed directives binding members and employees of all rank in terms of authority, responsibility and conduct.
- 2:1.40 **Rules and Regulations Manual.** Reference guide specifying the Rules and Regulations governing the conduct of personnel and the operations of the department as well as specifying department policies and procedures. This manual is established by the appropriate authority pursuant to N.J.S.A. 40A:14-118.
- 2:1.41 **Sector.** A specific territorial assignment of a mobile patrol officer.
- 2:1.41 **Seniority.** Seniority in the department is established first by rank and second by time served in rank.
- 2:1.42 **Shall/Will.** The words shall and will as used herein shall indicate that the required action or conduct is mandatory.
- 2:1.43 **Shift.** A shift designates one of the basic time units for assignment of personnel.
- 2:1.44 **Sick Leave.** The period of time during which an employee is excused from active duty due to illness as per contract, injury or maternity.
- 2:1.45 **Special Assignment.** A member being excused from the performance of their regular duties and assigned a special detail.
- 2:1.46 **Special Orders.** Those directives affecting a specific unit, a specific event, or circumstance of a temporary or self-canceling nature or involving only specific segments of activities.
- 2:1.47 **Standard Operating Procedures.** The Chief of Police holds the authority to write and update as necessary, the operation of the department in these guidelines, to include specifying department policies and procedures, county mandates, and Attorney General's Guidelines.
- 2:1.48 **Subordinate.** A member lower in rank than his superior officer.
- 2:1.49 **Superior Officer.** A person holding a rank higher than the subordinate officer.
- 2:1.50 **Supervisory Officer.** Member of the department assigned to a position requiring the exercise of immediate supervision over the activities of members and employees.
- 2:1.51 **Suspension.** Suspension is the act of temporarily denying a member the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time.
- 2:1.52 **Tour of Duty.** The number of days of work on a given shift during which an individual member is on duty as per negotiated labor contract.

CHAPTER III

GENERAL RULES AND REGULATIONS

- 3:1 **PROFESSIONAL CONDUCT AND RESPONSIBILITIES**
- 3:1.1 **Standards of Conduct.** Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.
- 3:1.2 **Loyalty.** Loyalty to the department and to associates is an important factor in department morale and efficiency. Members and employees shall maintain loyalty to the department and their associates.
- 3:1.3 **Cooperation.** Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the department.
- 3:1.4 **Assistance.** All members are required to take appropriate police action toward aiding a fellow police officer exposed to danger or in a situation where danger might be impending.
- 3:1.5 **General Responsibility.** 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 coming within department jurisdiction.
- 3:1.6 **Duty Activities.** Although certain hours are assigned for the performance of regular duty tours, officers must act promptly anytime their services are required by law or the department. Officers shall not engage in off duty activities or work, which may conflict or interfere with the satisfactory performance of assigned police duties. Any off duty or outside employment must be approved by the Chief of Police or their designee.
- 3:1.7 **Neglect of Duty.** Officers may be charged with neglect of duty for any act or omission in violation of law, orders, policy, procedures or rules and regulations.
- 3:1.8 **Performance of Duty.** All members and employees shall perform their duties as required or directed by law, department rule, policy, procedure, or by order of superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

- 2:1.53 **Training Bulletin.** Bulletins published are designed to keep officers of the department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official departmental policy on the subject matter under consideration in the absence of other instruction to the contrary.
- 2:1.54 **Tour Commander.** The officer in charge of a shift of duty.
- 2:1.55 **Uniform.** Prescribed or regulation uniform worn by members of the Police Department.
- 2:1.56 **Unit.** A unit designates an independent element of a bureau directly responsible and subordinate to the supervisory officer reporting to the Chief of Police.
- 2:1.56 **Weapon.** Any department issued tool or equipment to be utilized in conjunction with the use of force continuum.
- 2:1.57 **Vacation.** Vacation period granted to all officers as negotiated under current labor contract.
- 2:2 **Hierarchy of Directives:**
 - A. **Borough Ordinances** – Legal foundation providing for the establishment of the Police Department and providing for the line of authority relating to the police function and the establishment of the Appropriate Authority.
 - B. **Rules & Regulations** – Conceptual direction established and promulgated by the Appropriate Authority and instituted in detail by the Chief of Police.
 - C. **General Orders** – Broadly based directive dealing with policy and procedures affecting one or more members of the department.
 - D. **Special Orders** – A directive dealing with a specific circumstance or event that is usually self-canceling.
 - E. **Personnel Order** – A directive initiating and announcing a change in the assignment, rank, or status of personnel.
 - F. **Order** – A written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty and which is lawful in nature.

- 3:1.9 **Questions Regarding Assignments.** Members and employees in doubt as to the nature or detail of their assignment shall seek clarification from their superiors through the chain of command.
- 3:1.10 **Insubordination.** Members and employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:
 - A. Failure or deliberate refusal to obey a lawful order given by a superior officer.
 - B. Any disrespectful, malicious, insolent, or abusive language or action toward a superior officer.
- 3:1.11 **Conduct Toward Superior and Subordinate Officer and Associates.** Members and employees shall treat superior officers, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other members, employees, or the public, officers should be referred to by rank.
- 3:1.12 **Obedience to Laws and Regulations.** Members and employees shall observe and obey all laws and ordinances, all rules and regulations, policy, procedure, and orders of the department.
- 3:1.13 **Criticism of Official Acts or Orders.** Members and employees shall not criticize actions, instruction, or orders of any department member in a manner which is defamatory, obscene, unlawful, or which tends to impair the efficient operation of the department.
- 3:1.14 **Manner of Issuing Orders.** Orders from superior to subordinate shall be in clear, understandable language, civil in tone and issued in pursuit of department business.
- 3:1.15 **Unlawful Orders.** No command or supervisory officer shall knowingly issue any order, which is in violation of any law, ordinance or department rule.
- 3:1.16 **Obedience to Unlawful Orders.** Obedience to any unlawful order is never a defense of an unlawful action; therefore, no member or employee is required to obey any order, which is contrary to Federal or State law or Local ordinance. Responsibility for refusal to obey rest with the member. He shall be strictly required to justify his action.
- 3:1.17 **Obedience to Unjust or Improper Orders.** Members or employees who are given orders which they feel to be unjust or contrary to Rules and Regulations must first obey the order to the best of their ability, and then may proceed to appeal as provided.
- 3:1.18 **Conflicting Orders.** Upon receipt of an order conflicting with any previous order or instruction, the member or employee affected will advise the person issuing the second order of this fact. Responsibility of countermanning the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanned,

or conflicting orders will be issued, only when reasonably necessary or for the good of the department.

- 3-1.19 **Reports and Appeals - Unlawful, Unjust Improper Orders.** A member or employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report, in writing, to the next highest rank in the chain of command. This report shall contain the facts of the incident and may be made at the same time. Interdepartmental action regarding such an appeal shall be conducted through the office of the Police Chief.
- 3-1.20 **Soliciting Gifts, Gratuities, Fees, Rewards, Loans.** Members and employees shall not solicit any gift, gratuity, loan, reward, or fee where a connection between the solicitation and their department members or employment exists. The only exception to this rule is solicitation for a charity organization which does not benefit the department in any way.
- 3-1.21 **Acceptance of Gifts, Gratuities, Fees, Loans.** 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 Police Chief.
- 3-1.22 **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 department except as may be specifically authorized by the Police Chief.
- 3-1.23 **Rewards.** Members and employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty to the community or any person, business, or agency except lawful salary and that which may be authorized by law.
- 3-1.24 **Disposition of Unauthorized Gifts, Gratuities.** Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any member or employee shall be forwarded to the office of the Police Chief together with a written report explaining the circumstances.
- 3-1.25 **Free Admission and Passes.** Members and employees shall not solicit or accept free admission to theaters and other places of amusement for themselves and other except in the line of duty.
- 3-1.26 **Debt Obligation.** Members and employees shall pay all their just debts and meet all their legal liabilities.

- D. It is a violation of department policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
- E. Police Officers are required to carry firearms while in the performance of their duties and may carry a concealed firearm when off duty. If an officer is taking a prescription medication that can impair their ability to safely use a firearm, on or off duty, or jeopardize their safety or the safety of the public, they must notify the Chief of Police in writing. Employees using prescription drugs that may affect job performance or safety must notify the Chief verbally immediately. The officer is also required to provide a confidential written memorandum to the Chief that lists the names of prescription drugs that affect job performance or safety, and details of the side effects that could affect job performance and safety. The Chief is required to maintain confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protections Act. Failure to notify the Chief of prescription medications an officer is taking that can affect performance or safety could lead to disciplinary action up to and possible termination of employment.

3-2 **GENERAL CONDUCT ON DUTY.** While on duty members and employees are prohibited from engaging in certain activities which include but are not limited to:

- 3-2.1 **Alcoholic Beverages and Drugs**
 - A. Members or employees of the department shall not drink any kind of intoxicating beverage while on duty except when required in the performance of duty. A member while assigned to duty in civilian clothes may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render him unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication as set forth in N.J.S.A. 39:4-50, as amended and supplemented be considered justifiable.
 - B. Members or employees of the department shall not take any drugs that are not prescribed and necessary for their health at any time.
 - C. Members shall not consume intoxicating beverage or other intoxicant while in uniform.
 - D. In the normal course of duty alcoholic beverages shall not, at any time, be consumed within Police Headquarters.
 - E. Members shall not report for duty under the influence of intoxicants. This condition shall cause the member to be unfit for duty. Superior officers shall not assign to duty any members in an unfit condition due to the use of intoxicants and shall immediately relieve from duty any member found on duty in such condition.

3-1.27 **Intercession-Soliciting.** Members and employees shall not solicit anyone to intercede with the Police Chief, Borough Administrator, Mayor or member of the governing body in relation to promotion, assignments, disposition of pending charges, or findings in a departmental trial or other related matters.

3-1.28 **Persons and Places and Bad Reputation.** Members and employees shall not frequent places where criminal activity knowingly occurs, nor associate with persons involved in criminal activities, except as may be required in the course of police duty.

3-1.29 **Withholding Information.** Members and employees shall not, at any time, withhold any information concerning criminal activity.

3-1.30 **Reporting Violations of Laws, Ordinances, Rules, Policies, Procedures or Orders.** Members and employees knowing of other members and employees violating laws, ordinances, or rules of the department, or disobeying orders, shall report same in writing to the Police Chief 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, official channels may be bypassed.

- 3-1.31 **Supervisors in the department shall:**
 - A. Enforce department rules and insure compliance with department policies and procedures.
 - B. Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.
 - C. Exercise necessary control over their subordinates to accomplish the objectives of the department.
 - D. Guide and train subordinates to gain effectiveness in performing their duties.
 - E. Use department disciplinary procedures when necessary.
 - F. When using discipline, strictly comply with provisions of the department disciplinary process.

3-1.32 **Drug Abuse and Drug Testing**

- A. It is not the policy of the Park Ridge Police Department to conduct random drug testing. Drug testing will only be allowed based on the guidelines defined in the New Jersey State Attorney General's Guidelines. All law enforcement applicants who will be responsible for the enforcement of the criminal laws of this State and who will be authorized to carry a firearm pursuant to N.J.A.C. 2C:39-6 must submit to a random urinalysis during the police academy.
- B. It is a violation of department policy for any employee to legally possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.
- C. It is a violation of department policy for anyone to report to work under the influence of illegal drugs.

- F. Members or employees shall not have intoxicants on their person while on duty or in uniform, or in any police department building or vehicle, except for evidential or other authorized purpose.
- G. Liquor or drugs brought into department premises in the furtherance of a police task shall be properly identified and stored in accordance with department policy.
- H. Members in uniform shall not enter any premises where intoxicants are sold or stored, except in the performance of duty.
- I. The law and regulations promulgated by the Division of Alcoholic Beverage Control shall govern members of the police department.
- J. A police officer so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages, wear or display any uniform badge or insignia, which would identify him as a police officer.
- K. Members must report evidence of suspected drug use by other members of the department to the Police Chief, providing all facts and circumstances.

3-2.2 **Absence from Duty.** Every member or employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is "absent without leave." Such absence must be reported in writing to the Commanding Officer within one (1) day. Absences without leave in excess of one day must be reported in writing to the Chief of Police.

3-2.3 **Roll Call.** Unless otherwise directed, members shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement.

3-2.4 **Physical Fitness for Duty.** Members shall maintain sufficient physical condition so that they can perform all essential functions per their job description.

3-2.5 **Loitering.** Members on duty or in uniform shall not enter theaters or other public places except to perform a police task. Loitering and unnecessary conversation in such locations is forbidden. Member and employees, on duty and while on official police business, shall not loiter in Police Department areas.

3-2.6 **Smoking while on Duty.** Members shall not smoke on duty while in direct contact with the public nor when in uniform. An exception is at meal times and when patrolling in police vehicles and at that time they shall be as inconspicuous as possible.

3-2.7 **Relief.** Members and employees are to remain at their assignments and on duty until properly relieved by other members or employees or until dismissed by competent authority.

3-2.8 **Suspending Patrol for Lunch or Coffee Break.** Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift as set forth contractually and by law. However, at no time shall such member go out of service for such purpose, and he shall arrange to

suspend patrol only at such time as it will cause the least interference with their regular duties.

- 3-2.9 **Training.** Members shall attend in-service training in the theory and practice of law enforcement at the direction of the Police Chief or designee. Such attendance is considered a duty assignment.
- 3-2.10 **Inspections.** From time to time the Police Chief may call for full dress inspections of the department or any part thereof. Members directed to attend such inspections shall report in the uniform prescribed, carry the equipment specified. Unauthorized absences from such inspection are chargeable as absence without leave.
- 3-2.11 **Military Courtesy.** When meeting in public, members shall conform to normal courtesy standards and refer to each other by rank.
- 3-2.12 **National Colors and Anthem.** Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.
- 3-2.13 **Possession of Keys.** No member, unless authorized by his Commanding Officer, shall possess keys to any premises not his own, on or near his post or district.
- 3-2.14 **Address and Telephone Numbers.** Immediately upon reporting for duty members and employees shall record their correct residence address and telephone number with the Commanding Officer and administration office. Changes in address or telephone number shall be reported to the Commanding Officer and administration office within 24 hours of the change. This shall be done in writing on the appropriate form and with the specified time whether the member or employee is working or on leave.

3-3 UNIFORMS, EQUIPMENT AND APPEARANCE

- 3-3.1 **Regulation Uniform Required.** All members shall maintain regulation uniforms. Uniforms shall be kept neat, clean and well pressed at all times.
- 3-3.2 **Manner of Dress on Duty.** Normally, members will wear the duty uniform on a tour of duty. However, Commanding Officers may prescribe other clothing as required by the nature of the duty to which a particular member is assigned. Employees will wear and maintain a uniform when so directed by the Police Chief.
- 3-3.3 **A. Wearing or Carrying Badge.** A member, when in uniform, shall wear the regulation badge on the outside of the outermost garment over the left breast pocket and always in sight. When working in plain clothes badge can be worn on the belt. When off duty, he may carry his badge or identification card which must be kept in his pocket.

- 2. Hairstyles shall not be such length as to cover any portion of the ears.
- 3. A neat pattern, shaped at the rear of the neck shall be maintained. Growth near the collar line must be neatly trimmed and shall not extend over the shirt or coat collar.
- 4. Unusual haircuts are strictly prohibited.
- 5. In order to conform with the above requirements regarding hair lengths and styles, female members on duty/in uniform shall wear their hair pinned up in a appropriate manner. Female member on duty/in plain clothes shall wear their hair as prescribed by the Commanding Officer when necessary to meet a particular police objective.
- 6. Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed one and one half inches at the broadest point.
- B. Mustaches**
 - 1. The pattern shall be neatly trimmed.
 - 2. The extent of the growth shall be limited to being even with the line of the corner of the mouth.
 - 3. Length of the hair shall be no more than one half inch, nor appear bushy. The ends may not be waxed or twisted.
- C. Beards**
 - 1. Full beards or other growths of hair below the lower lip, on the chin, or lower jawbone are prohibited. The Chief of Police may authorize exceptions for furtherance of investigatory incidents, i.e. narcotics.
- D. Clean Shaven**
 - 1. Except for the areas of facial growth of hair permitted, all members shall be clean shaven.
 - 2. Personnel with medical condition which precludes shaving shall be required to present a written statement, signed by a medical doctor.
- E. Earrings**
 - 1. The wearing of earrings by either male or female officers, while on duty, is prohibited, except as permitted with approval as may be necessary due to assignment.
- F. Cosmetics**
 - 1. May be worn and must be subdued and blended to match natural skin color. False eyelashes are not permitted. Nails should be

B. Wearing of Name Tag. Any sworn member or auxiliary officer, when in uniform, shall wear a name tag or embroidered name their uniform shirt.

- 3-3.4 **Altering Style of Uniform.** Uniforms shall be made of the material and the style prescribed in police orders, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by the Police Chief.
- 3-3.5 **Carrying Required Equipment When In Uniform.** While on duty, members who are required to wear the specified uniform shall always carry full equipment, as required by policy.
- 3-3.6 **Carrying Required Equipment When in Civilian Clothes.** While on duty, members who are required to wear civilian clothes shall carry full equipment as required by policy.
- 3-3.7 **Carrying Equipment Off Duty.** When off duty each member may carry or have in his immediate possession his department issued firearm when in the state of New Jersey.
- 3-3.8 **Civilian Clothing-Manner of Dress.** Members and employees permitted to wear civilian clothing during a tour of duty shall wear clothing that is suitable for a business environment and neat in appearance. Commanding Officers may prescribe other types of clothing when necessary to meet a particular police objective.
- 3-3.9 **Equipment.** All equipment must be clean, in good working order and conform to department specifications. He shall, as often as necessary, examine and clean equipment and keep it in good serviceable condition. Equipment shall include, but not limited to:
 - A. Asp
 - B. Pepper Spray
 - C. Flashlight
 - D. Holster
 - E. Gun belt
 - F. Handcuffs
 - G. Insignia or rank
 - H. Magazine Carrier
 - I. Rain gear
 - J. Weapons

3-3.10 Personal Appearance. Every member and employee of the department, while on duty, must at all time be neat and clean in person, his clothes clean and pressed, and his uniform in conformity with the Rules and Regulations. Male members and employees shall conform to the following additional standards of appearance:

- A. Hair**
 - 1. Bushy hair protruding from the sides, back or front of the head is prohibited.

clean and trimmed and must not extend beyond the tips of the fingers. Fingernail polish shall be clear.

- G. Jewelry**
 - 1. 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 condition of their current assignment in accordance with departmental policy.

- 3-3.11 **Department Property and Equipment.** Members and employees are responsible for the proper care of departmental property and equipment assigned to them. Damage or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.
- 3-3.12 **Damaged-Inoperative Property or Equipment.** Members and employees shall immediately report to their Commanding Officers on designated forms any loss of or damage to department property assigned to or used by them. This will be done by the end of their tour, when practical. The immediate superior will be notified of any defects or hazardous conditions existing in any department equipment or property.
- 3-3.13 **Care of Department Building.** Members and employees shall not mark or deface any surface in any department building. All areas within headquarters shall be kept neat and orderly. No material shall be affixed in any way to any wall in department buildings without specific authorization from a Commanding Officer.
- 3-3.14 **Notices.** Members and 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 a Commanding Officer.
- 3-3.15 **Department Vehicle-Use.** Use of department vehicles will be permitted in accordance to department policy.
- 3-3.16 **Operation of Motor Vehicles.** Members and employees, when driving vehicles of the department shall not violate the traffic laws except in cases of absolute emergency and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles.
- 3-3.17 **Emergency Calls and Use of Red Light and Siren.** Members driving any department vehicle, when responding to an emergency call, 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 cars. They shall use the red light and sound the siren on such calls and take the utmost precaution. They must follow all motor vehicle laws as prescribed in Title 39.

- 3:3.18 **Transporting Citizens.** Citizens will be transported in department vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with department policy.
- 3:3.19 **Reporting Accidents.** Accidents involving municipal personnel, property, and equipment must be reported in accordance with department procedures.
- 3:3.20 **Presumption of Responsibility.** In the event that municipal property is found bearing evidence of damage, it shall be incumbent upon the discoverer to report same immediately. Failure to do so will result in disciplinary action.
- 3:3.21 **Liability for Negligence in the Care, Maintenance, and Safekeeping of Property and Equipment.** All departmental property or equipment issued to or placed at the disposal of any member of the department shall be properly cared for, maintained and secured by said member. In the event of any misuse or loss of said property by any member, that member will be held liable to reimburse the department for damage and loss.
- 3:4 **COMMUNICATIONS, CORRESPONDENCE**
- 3:4.1 **Restrictions. Members and Employees shall:**
- A. Not use department letterheads for private correspondence.
- B. Only send correspondence out of the department under the direction of superior officers.
- 3:4.2 **Forwarding Communications to Higher Commands.** Any member or employee receiving a written communication for transmission to a higher command shall, in every case, forward such communication. A member receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgement.
- 3:4.3 **Department Address-Private Use Of.** Members and employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any purposes. The department address shall not be used for any private vehicle registration or drivers license.
- 3:4.4 **Communications Equipment.** All members of the department operating any form of communications equipment shall strictly observe regulations for such operations as set forth in department orders and by the Federal Communications Commission.
- A. Except in an emergency, all members shall use appropriate departmental codes when using the police radio.
- B. The use of portable radios and any other non-authorized equipment for entertainment purposes in police vehicles is prohibited.

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- 3:5.7 **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 Command 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 record or report filed within any department in the police department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the Police Chief, or under due process of law, or as permitted under department regulations.
- 3:5.8 **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, 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 summonses or notices to appear reduced or stricken from the calendar, unless to further a police purpose.
- C. Any member or employee having knowledge of such action and failing to inform his superior officer thereof shall be subject to disciplinary action.
- 3:6 **ARRESTS**
- 3:6.1 **Arrests.** In making arrests, members shall strictly observe the laws of arrest and the following provisions:
- A. The arresting officer shall employ only such reasonable force and necessary restraints to assure the safety of other persons, other police officers, and himself.
- B. Every member shall refrain from using unnecessary force or violence in making arrests and shall not use physical force against a prisoner or any other person except when necessary, in self defense, or to overcome actual physical resistance in making an arrest. However, he must be firm, resolute, and energetic in exercising the necessary means to perform his duty properly. When it is necessary to use force the circumstances shall be included in the arrest report on the case.
- C. The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the station

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- 3:5 **INVESTIGATIONS**
- 3:5.1 **Command of Scene.** At the scene of a 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 investigation 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 ensure that appropriate action is being taken or is initiated.
- 3:5.2 **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 to prevent further injury or loss of life.
- B. Arrest of violator(s).
- C. Security of the scene.
- D. Conducting a preliminary investigation.
- 3:5.3 **Responsibilities of Assigned Members at Crime Scene.** The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incidents are responsible for the duties in Section 3:5.2 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.
- 3:5.4 **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.
- 3:5.5 **Release of Information at Crime Scene.** Unauthorized persons, including members of the press, shall be excluded from crime scenes. Information which will not hinder or nullify an investigation shall be given to the press by the department spokesperson, or in his absence, a superior officer designated by the Police Chief or in accordance with departmental policy. In order not to jeopardize the prosecution of a criminal case and to insure that an accused will not have cause to challenge the fairness of the court proceeding against him, every member of the department must be guided by Rule 3:5.6
- 3:5.6 **Statements to Media.** An officer shall only make a statement to the media regarding police incidents as set forth by Governor's Executive Order 123.

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- commander or shift commander of any injury, apparent illness or other condition which indicates that the arrested person may need special care.
- D. The arresting officer is responsible for the security of the personal property in possession or under the control of the arrested person at the time of arrest. In the case of vehicles, this responsibility transfers to the towing company when it accepts custody of the vehicle.
- 3:6.2 **Assisting Criminals.** Members and employees shall not communicate any information which might assist a person guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secure evidence of unlawful activity or money, merchandise or other property unlawfully obtained.
- 3:6.3 **Complaints by Members of Assaults Against Them.** Members shall arrest perpetrators of assault 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 and make a complaint in the proper manner according to procedure. A warrant which may be issued as a result of filing such a complaint shall, in no case, be served by the aggrieved member.
- 3:7 **DETENTION**
- 3:7.1 **Custody of Prisoners.** Members charged with the custody of prisoners shall observe all laws and department orders regarding this activity. Prisoners shall be kept secure, treated firmly and humanely and shall not be subjected to unnecessary restraint.
- 3:7.2 **Custody and Detention of Juveniles.** The custody and detention of juveniles shall be governed by the Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq.
- 3:7.3 **Custody of Juveniles.**
- A. Any duly-appointed police officer may take a juvenile into custody pursuant to an order or warrant of any court having jurisdiction; or for delinquency, as defined in N.J.S.A. 2A:4A-23, where no process has been issued by a court. In taking a juvenile into custody, the police officer shall conform his conduct to the laws governing arrest and to the Rules of Court, (Reference: N.J.S.A. 2A:4A-31 (a).)
- B. Where no delinquent conduct is alleged, a juvenile may be taken into short-term custody by a police officer without order of the court when:
- The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his protection;
 - The officer has reasonable grounds to believe the juvenile has left the home and care of his parent or guardian without the consent of such persons; or

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- 3. An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from out of home placement; provided any police officer taking a juvenile into custody shall immediately notify the juvenile's parents or guardian, if any, that the juvenile has been taken into custody.
- C. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well being of the juvenile.

Under no circumstances shall any juvenile taken into short-term custody be held for more than six (6) hours. A juvenile taken into short-term custody shall not be retained in a detention facility or jail. The release of juveniles held in short-term custody is governed by N.J.S.A. 2A:4A-32 b. d.

3:7.4 **Juvenile Complaints.** Whenever a juvenile has been taken into custody for an offense that shall be adjudicated, the police officer taking the juvenile into custody, shall proceed to file a complaint. The complaint shall be filed with the clerk of the court and contain the information set forth in N.J.S.A. 2A:4A-30 a. (1-5) to 2A:4A-30A (1)-(5).

3:7.5 **Juveniles Released.**

- A. Where it will not adversely affect the health, safety or welfare of a juvenile, the juvenile shall be released pending the disposition of a case, if any, to a person or agency provided for in the Code of Juvenile Justice upon assurance being received that such a person or person accept responsibility for the juvenile and will bring him before the court as ordered.
- B. A police officer may release a juvenile charged with delinquency on his own recognizance if all of the following circumstances have been met:
 - 1. The nature of the offence charged is not such that a danger to the community would exist if the juvenile were released;
 - 2. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measure have been exhausted by either police or court personnel to locate and contact any such person;
 - 3. The juvenile is at least 14 years of age;
 - 4. The identity and address of the juvenile are verified through a positive form of identification; and
 - 5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his hearing.

D. Whenever a prisoner is transported, the transporting officer, prior to starting the transport, shall transmit to communications his destinations, the odometer's starting mileage, and the time. The officer, upon completing the transport, shall again give the mileage reading and time. All prisoners before being transported must be thoroughly searched and properly secured.

3:7.10 **Use of Derogatory Terms.** Members or employees shall not speak in a disparaging manner to any person because of his/her race, religion, creed, national origin, or sexual orientation. Nor shall they refer to them in insolent or insulting terms of speech whether prisoners or otherwise.

3:7.11 **Reports and Booking.** No member or employee shall knowingly falsify any official report or memo or cause to be entered any inaccurate, false, or improper information on records of the department.

3:7.12 **Recommending Attorney 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.

3:7.13 **Acting as Bailor Prohibited.** Members and employees cannot act as bailor for any person in custody, except relatives, or in any case where any fee, gratuity, or reward is solicited or accepted.

3:7.14 **Assisting in the Escape of Prisoners.** Members shall not communicate any information nor shall they aid a person to escape custody or arrest, nor shall they delay in taking action to apprehend an offender.

3:7.15 **Safekeeping of Prisoners.** Members shall be responsible for maintaining the safekeeping of prisoners and preventing their escape. The department shall view such an escape as presumptive evidence of gross neglect of duty. As such, the burden will lie upon the officer(s) concerned to satisfactorily rebut the presumption with exculpatory evidence.

3:7.16 **Searches and Removal of Property.** Officers shall cause all prisoners to be thoroughly searched before being lodged in a cell. The following items shall be removed from a prisoner's possession:

- A. All drugs, liquors, weapons;
- B. All property unlawfully carried, or which is required as evidence;
- C. All other property which is lawfully carried but is dangerous to life, or which would facilitate escape;
- D. All other property which can be used to damage or deface department property.

3:7.6 **Juvenile Detention.** No juvenile shall be placed in detention without the permission of a judge or the court intake service and only in conformity with N.J.S.A. 2A:4A-34.

3:7.7 **Juvenile Place of Detention or Shelter.**

- A. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Corrections or Department of Human Services.
- B. A juvenile being held for a charge under this act, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station, in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime, for a brief period if such holding is necessary until release to parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity as designated by the Department of Corrections.
- C. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18.

3:7.8 **Rights of Juveniles.** All defenses available to an adult charged with a crime, offense or violation, shall be available to a juvenile charged with committing an act of delinquency. All rights guaranteed to criminal defendants, by the Constitution of the United States and the Constitution of this State, except the right to indictment, the right to trial by jury and the right to bail, shall be applicable to cases arising under this act.

3:7.9 **Transportation of Prisoners.** Members transporting prisoners shall do so in accordance with department policy.

- A. Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital and the transporting officers shall be responsible for the security of prisoners until properly relieved by a guard officer unless otherwise directed by a superior officer.
- B. Prisoners are the responsibility of the arresting officer or custodial officers until secured in a cell or turned over to a detective for investigation. The arresting officer shall be responsible for the thorough searching of the prisoner and the securing of his personal property.
- C. Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by an officer unless police exigencies dictate otherwise. In the latter case a guard will be arranged for the prisoner as soon as possible.

3:7.17 **Strip Searches.** If a strip search of a prisoner is necessary, it must be conducted in accordance with departmental policy, attorney general's guidelines and law.

3:7.18 **Searching Female Prisoners.** The search of a female prisoner by male officers should be conducted pursuant to departmental policy, attorney general's guidelines and law.

3:7.19 **Unconscious or Injured Prisoners.** A police officer shall not transport an unconscious or seriously injured prisoner to Police Headquarters or other designated place for detention. An ambulance or other conveyance shall be summoned and such prisoner shall be removed to the nearest hospital for medical attention.

3:7.20 **Assisting a Citizen in an Arrest.** When a citizen charges another with the commission of a crime and insists that the person charged be taken into custody and probable cause exists to warrant an arrest, a police officer shall take the accused to Police Headquarters, and shall require the accuser to accompany him as the complainant.

3:7.21 **The Citizen's Arrest.** Prisoners arrested by citizens shall be processed and detained in the usual manner.

3:7.22 **Citizens as Arresting Person.** Citizens making arrests shall be carried on all forms as the arresting person and shall be instructed by a superior officer or police officer where he is to make a sworn complaint, and when and where to appear for the arraignment of the prisoner.

3:8 **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.

3:8.1 **Handling of Firearms.** Police officers shall exercise caution and the utmost care in handling firearms on or off duty.

3:8.2 **Official Police Firearm.** The official police firearm shall be the firearm(s) issued by the department. Carrying personal firearms on duty or during emergencies in the furtherance of police duties is only permitted with the permission of the Chief and after qualifying with the weapon. Members shall carry only authorized firearms off duty.

3:8.3 **Carrying Firearm-On Duty.** Police officers shall carry their official police firearms 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. They shall also carry sufficient extra ammunition to fully reload their department-issued firearm.

- 3-8.4 **Carrying Firearm-In Civilian Attire.** When carrying a firearm while dressed in civilian attire, members shall keep the weapon properly concealed.
- 3-8.5 **Holsters.** The on-duty firearms must be carried in a holster which conforms to acceptable specifications.
- 3-8.6 **Tampering With Police Firearm.** All repairs and adjustments to the official police firearm shall be made by a department armorer. Police officers shall not use unauthorized grips. Also, they shall not make any changes in the trigger pull mechanism or effect any other unauthorized alteration or addition. Special grips may be used in special cases, but only after the police officer first has obtained the approval of the Chief of Police.
- 3-8.7 **Care of Firearms Off-Duty, At Home.** A police officer shall keep his firearm in a secure place.
- 3-8.8 **Loss of the Firearm.** Loss of the official police firearm through carelessness or neglect shall be deemed a serious violation of department regulations.
- 3-8.9 **Ammunition Issue.** The initial issue and the replacement of ammunition for official police firearms shall be made by the department without expense 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.
- 3-8.10 **Discharge of Firearm: Report.** When a member discharges a firearm, either in the performance of police duty or accidentally, the member shall:
 - A. Promptly notify the Chief of Police via the Chain of Command.
 - B. Be guided by the instruction of his superior officer.
 - C. Submit reports as required by the department and attorney general's guidelines.
- 3-8.11 **Use of Firearm to Dispose of Animals.** A police officer may discharge a weapon to destroy an animal that represents a threat to public safety. All such discharges of a firearm and the subsequent reporting requirements shall be in compliance to current department policy concerning firearms.
- 3-8.12 **Qualification (Semi - Annual).** All members must qualify with their service sidearm and their approved off duty weapon at least twice a year during every twelve-month period, as prescribed by the New Jersey Attorney General Guidelines.
- 3-8.13 **Unauthorized Discharge of Firearms.** Example of instances in which firearms shall not be discharged are situations that include but are not limited to:
 - A. The commission of a misdemeanor.

- 3-9.5 **Affiliation with Certain Organizations Prohibited.** Police officers shall not join any organization or affiliate themselves with any organization who constitutions embrace provision which might in any way exact prior consideration and prevent the proper and efficient functioning of the department. This prohibition does not apply to the active military service of the United States or this State, in time of war or an emergency, or for or during any period of training or pursuant to or in connection with the operation of any system of selective service. (Source: N.J.S.A. 38:23-4)
- 3-9.6 **Political Activity**
 - A. Members and employees shall not use their authority or influence of their positions to control or modify the political action of other persons.
 - B. Members and employees shall not engage in political activity during the hours of duty nor seek or accept the nomination or election to any local municipal office without first obtaining a leave of absence; nor shall they at any other time participate in political activities so as to impair their usefulness in the position in which employed.
 - C. Members and employees filling a position which is an elective office pursuant to state law shall not be required to obtain a leave of absence in the pursuit to re-election to that office or to a County or State office.
 - D. Members and employees shall refrain from making statements for the public press or at meetings attended by the public for or against any municipal candidate for public office during the hours of duty. This shall not be construed to prevent an employee from making any statement appropriate to the proper conduct of the Borough affairs to which his position or office relates.
 - E. Nothing in this section shall be construed to prevent members and employees from becoming or continuing to be members of any political party, club, or organization such as; attending political meetings, expressing their views in private on political matters outside of the working hours, or voting with complete freedom in any election.
- 3-9.7 **Affiliation With Radical Groups.** 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 or political entity.
- 3-9.8 **Trade Unions-Organizations Affiliated with Trade Unions.** No member of this department shall affiliate himself with any labor union or organization whose policy may be to cause a violation of any state statute or town ordinance which would cause a deterioration of police services.

- B. A violation of any municipal ordinance.
 - C. A violation of a disorderly person act.
 - D. A violation of a motor vehicle act.
 - E. A fleeing motor vehicle at any time unless there is an immediate threat to life.
 - F. A person called to halt on mere suspicion and who, without resisting arrest, simply runs or drives away to avoid arrest. Neither shall a member shoot at a person who is running or driving away to avoid arrest for any offense, unless a clear and imminent threat to life exists.
 - G. Warning shots or using the discharge as a signaling device.
 - H. All provisions of the New Jersey Attorney General's Use of Force Guidelines are applicable.
- 3-8.14 **Authorized Discharge of Firearms.** A member may discharge his firearm in the performance of police duty under the following restrictive circumstances:
- A. When at an approved firing range.
 - B. Under the circumstances outlined in the New Jersey Attorney General's Use of Force Guidelines.
 - C. When necessary for the approved destruction of an animal.
- 3:9 **PUBLIC ACTIVITIES**
- 3-9.1 **Conduct Toward the Public.** Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insulting language and shall always remain calm regardless of provocation. Upon request, they are required to supply their names and badge numbers in a courteous manner. They shall attend to the request from the public quickly and accurately, avoiding unnecessary referral to other segments of the department.
- 3-9.2 **Impartial Attitude.** All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the State and not against individual officers. All citizens are guaranteed equal protection under the law. Exhibiting partiality for or against a person because of race, creed, religion, gender, national origin, or ethnicity is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice is conduct unbecoming an officer.
- 3-9.3 **Disparaging Nationality, Race or Creed.** Courtesy and civility toward the public is required of all members of the department. Members shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of his race, religion, creed, color, national origin, ethnicity, gender or sexual orientation.
- 3-9.4 **Public Statements.** Members of the department shall not make public statements concerning the work, plans, policies, or affairs of the department, which may impair or disrupt the operation of the department or which are obscene, unlawful or defamatory.

- 3-9.9 **Commercial Testimonials.** Members and employees shall not permit their names or photographs to be used to endorse any product or service which is any way connected with law enforcement, without the permission of the Police Chief. They shall not, without the permission of the Chief, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the department.
 - 3-9.10 **Public Appearance Request.** All requests for public speeches, demonstrations, and the like, concerning police matters, will be routed to the Police Chief for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Police Chief or his designee.
- 3:10 **JUDICIAL AND INVESTIGATIVE ACTION-APPEARANCE AND TESTIFYING.**
- 3-10.1 **Court Appearance.** Attendance at a court or quasi-judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or the Court Clerk. When appearing in court the official uniform of the day shall be worn. The member shall present a neat and clean appearance and avoid any mannerism which might imply disrespect to the court. If an officer is not able to appear at a scheduled court date it is their responsibility to notify the court.
- 3-10.2 **Testifying for the Defendant.** Any member or employee subpoenaed to testify for the defense in any trial, hearing, or against the municipality or department in any hearing or trial shall notify the Chief of Police via the chain of command upon receipt of the subpoena.
- 3-10.3 **Department Investigations-Testifying.** Members or employees are required to answer questions, or render material and relevant statements, in a departmental investigation when such questions and statements are directly related to job responsibilities.
- 3-10.4 **Truthfulness.** Members and employees are required to be truthful at all times whether under oath or not.
- 3-10.5 **Civil Action, Court Appearances-Subpoenas.** A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served.
- 3-10.6 **Civil Depositions and Affidavits.** Members and employees shall confer with their supervisors before giving a deposition or affidavit on a civil case. If a supervisor determines that the case is of importance to the town, he shall inform the Police Chief before the deposition or affidavit is given.
- 3-10.7 **Civil Cases.** Members shall not serve civil process or assist in civil cases unless the specific consent of the Police Chief is obtained. They shall avoid entering into civil disputes but shall prevent or abate a breach of the peace or crime in such cases.

3:10.8 **Conduct Unbecoming.** An officer shall not engage in unbecoming conduct such as bigotry, dishonesty, fighting, insubordination, sexual misconduct, criminal conduct, verbal tirades, profanity, or mishandling of property or any act that has an adverse impact on the public employer.

**CHAPTER IV
PERSONNEL REGULATIONS**

4:1 **PERSONNEL REGULATIONS**

4.1.1 General Qualifications of Police Officers as provided by law (NISA 40A14-122, 9:17B-1 and Borough Ordinance.

4:2 **OATH OF OFFICE**

4.2.1 All new police officers and civilian employees, before their assignment to duty and prior to their promotion to higher ranks, shall be required to take an oath of office as follows:

4.2.2 "I (name) do solemnly swear or affirm that I will support the Constitution of the State of New Jersey and of the United States, and that I will faithfully, impartially and justly discharge the duties of (state rank or position) of the Borough of Park Ridge according to the best of my ability."

4:3 **PROBATIONARY PERIOD: CONDUCT**

Appointment, as set forth by ordinance of a police officer to the police department is for a probationary period of 12 months following regular appointment. Continuation in the service is dependent upon the conduct of the appointee and their fitness to perform their duties. At the termination of the probationary period, if the conduct or capacity of the probationer has not been satisfactory, they shall be notified in writing that they will not receive absolute appointment, and their services shall be terminated by the Chief of Police without a hearing. The probation period shall be 12 months (which includes completion of the academy training period.)
Reference: NISA 11A:4-13 and 11A:4-15.

4:4 **Drivers License**

4.4.1 Members and employees operating department or township motor vehicles shall have in their possession a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended or lost, he shall immediately notify his

continuous period of five days shall cease or leave of absence for a continuous period of five days, shall cease to be a member of such Police Department and force. (Reference: N.J.S.A. 40A:14-122 and N.J.A.C. 4:1-16.14)

4:6.6 **Selection of Vacation.** Annual vacation periods shall be selected according to seniority within the individual ranks. In the ranks above police officer, when the accrued seniority in rank is equal, the determining factor shall be the officer's respective position on the eligibility list which determined the order of their appointment to that grade.

4:6.7 **Vacation Scheduling.** Vacation schedules shall be arranged by Commanding Officers and coordinated with the Chief's office. The Police Chief shall determine the number of members who may be granted vacation at a given vacation period.

4:6.8 **Vacation Address.** Any member who is scheduled for an approved vacation may be required by his superior officer to leave a vacation address or phone number.

4:6.9 **Exchange of time off.** When mutually agreeable, any two officers may exchange shifts or days off but may do so only with the approval of the supervisor of the shift and the Chief of Police. This will be allowed subject to the Department Standard Operating Guidelines.

4:7 **SICK AND INJURY LEAVE**

4.7.1 **Reporting Sick or Injured.** Members and employees unable to report for duty because of sickness or injury shall make an immediate report to the department in person or by telephone as to the reason for his absence no less than two hours, if practical, prior to their scheduled tour of duty. If unable to report, a relative or other responsible person shall notify the department of all pertinent facts either in person or by telephone.

4.7.2 **Sick or Injured on Duty.** Officers taken sick or injured on duty shall report the fact to their superior and shall remain on duty until relieved, unless excused by a superior officer. The exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance. All appropriate paperwork shall be completed.

4.7.3 **Unauthorized Absence.** Members or employees who are absent from duty without permission shall be subject to disciplinary action. Unauthorized absence occurs when members or employees:

- A. Feign illness or injury;
- B. Deceive the town physician in any way as to their true condition;
- C. Are injured or become sick as the result of improper conduct or of intemperate, immoral, or vicious habits or practices;
- D. Violate any provisions concerning reporting of sickness or injury.

Commanding Officer, giving full particulars. Holding a valid driver's license is a condition of employment and/or continued employment.

4:5 **SURRENDER OF DEPARTMENT PROPERTY**

4.5.1 **Upon Separation from the Department.** Members and employees are required to surrender all department property in their possession upon separation from the department. For failure to return a non-expendable item, the member or employee concerned will be required to reimburse the department for the fair market value of the article.

4.5.2 **Under Suspension.** Any member under suspension shall immediately surrender his badge, firearm, and all other department property to a supervisor, pending disposition of the case. Any other employee under suspension shall immediately surrender all department or municipal property in his possession to a supervisor. A sworn member, while suspended from duty, may not thereafter identify himself as a police officer or take any police action even though, by law and this regulation, he remains under command and control of the police administration.

Likewise, any civilian employee under suspension shall immediately surrender all department or municipal property in his possession to his supervisor.

4:6 **DUTY HOURS, DAYS OFF, VACATIONS**

4.6.1 **Hours of Duty**

- A. Members of the department shall have regular hours assigned to them for active duty, and when not so employed, they shall not be considered off duty.
- B. The fact that they technically may be off duty shall not be held as relieving members from the responsibility of taking proper police actions on any matter coming to their attention at any time.

4.6.2 **Days Off.** Members and employees are entitled to days off which are to be taken according to a schedule arranged by the Police Chief and according to the negotiated labor contract.

4.6.3 **Suspension of Vacation, Day Off, or Leave of Absence.** Any vacation, day off, or leave of absence may be suspended when a sudden and serious emergency arises and when, in the judgement of the Police Chief, such action should be taken.

4.6.4 **Absence From Duty.** Every officer who fails to appear for duty at the date, time and place specified without prior consent from competent authority is "absent without leave"

4.6.5 **Absence from Duty for Five Days Continuously.** Except as otherwise provided by law, any permanent member or officer of such police department and force who shall be absent from duty without just cause or leave of absence for a

4:7.4 **Abuse of Sick Time.** Any officer who displays an abusive, chronic or patterned absence shall be subject to progressive discipline as enumerated in Department Standard Operating Guidelines.

4:7.5 **Convalescent Time.** An officer on sick time or injured on duty leave will not participate in any activity detrimental to their recovery. The department retains the right to periodically check on the progress of the officer's recovery. An officer out for an entire tour of duty will be required to provide the department with a doctor's certification of illness/injury and a return to work certification.

4:8 **LEAVE OF ABSENCE FOR DEATH IN FAMILY**

4:8.1 **Bereavement Leave.** As per contractual agreement.

4:9 **MILITARY LEAVE OF ABSENCE**

4.9.1 **Military Reserve Leave.** A member or employee who is a member of the organized reserve of the Army of the United States, United States Marine Corps Reserve, United States Air Force Reserve, United States Naval Reserve, or other affiliated organization shall be entitled to leave of absence from duty without loss of pay or time on all days during which he shall be engaged in field training. Such leave of absence shall be in addition to the regular vacation allowed such member or employee. (Source: N.J.S.A. 38:23-1).

4.9.2 **Enlistment or Re-Enlistment in National or State Military Organization.** Members and employees of the department shall not enlist, re-enlist, or accept a commission in any Federal or State military organization without having made prior notification to the Police Chief.

4.9.3 **Field Training Leave.** Members or employees going on military leave for field training must notify their Commanding Officer at least 30 days before the date their training period is scheduled to begin. They must also submit copies of their official military orders at least five days prior to the date they are to report for duty.

4.9.4 **Draft Board Determination.** When a member or employee has been classified I-A by Selective Service or ordered to report for examination, he shall immediately notify his immediate supervisor.

4.9.5 **Extended Leave (Surrender of Department Property)** Before reporting for extended military service, police officers of the department shall surrender all inventoried department property held by them to the Chief of Police.

4:10 **STATE OR COUNTY LEAVE**

- 4:10.1 **Leave of Absence: State or County Agency.** Leave of absence without pay may be granted by the authority in charge to a member or officer of a municipal police department or force in order that his services may be made available to the State or County, or to a State or County department or agency. A request for a leave of absence shall be made in writing by the member or officer and the State or County, or the State or County department or agency, desiring his services, but no such leave of absence shall be used to displace an incumbent. Source: N.J.S.A. 40A:14-136. This statute authorizes the Chief of Police to grant or refuse to grant a leave of absence to a police officer in order that the police officer render his services to another city department or city agency.
- 4:10.2 **Limitation on Period of Absence: Extension.** Any such leave of absence shall not be for more than one year, but may be extended, in the same manner or originally granted, but in the aggregate, shall not exceed five years. Source: N.J.S.A. 40A:14-136
- 4:10.3 **Retention of Pension and Retirement Benefits.** Neither membership in the municipal Police Department or force, nor pension or retirement rights shall be affected by such leaves of absence, but pension contributions shall be payable notwithstanding such leaves of absence.
- 4:10.4 **Rights on Resumption of Office, Position or Employment.** Upon the expiration of any such leave of absence, the member or officer shall return to his original duties and resume his office, position or employment with the said department or force and be entitled to all salary adjustments, increments, seniority and pension rights, as if no leave had been granted. Source: N.J.S.A. 40A:14-136.
- 4:11 **DEATH AND INJURY NOTIFICATIONS**
- 4:11.1 **Death or Serious Injury.** When a member is killed or seriously injured on or off duty, his immediate supervisor will, as soon as possible, verbally notify the Chief of Police or his designee. This will be followed by the immediate submitting of a report of the facts. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury which could result in death or disability.
- 4:11.2 **Death of Member or Employee.** Any member or employee receiving notice of the death of any member or employee during regular business hours shall notify the Tour Commander. The Tour Commander shall then relay such information to the Chief of Police or his designee.
- 4:11.3 **Non-Serious Injury.** In cases where the injuries are other than of a serious nature, a written report will be submitted prior to reporting off duty unless authorized by the supervising officer to defer same to a later date. The report shall include all information required above. These reports are in addition to those accident and sick reports otherwise required.
- 4:11.4 **Notification of Family.** The family of a member or employee killed or seriously injured on duty shall be personally notified by the highest ranking member available.

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- binding. The right of appeal shall be in accordance with state statutes and/or applicable collective bargaining agreements, whichever is appropriate.
- (2) In the event of any disciplinary proceedings against the Chief of Police of the Borough of Park Ridge, the Borough Administrator or his designee shall be designated as the hearing authority and in charge of all such proceedings. The decision of said authority shall be final and binding. The right of appeal shall be in accordance with state statutes and/or applicable collective bargaining agreements, whichever is appropriate.
- 5:2 **Establishing Elements of Violation.** Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such as a basis for disciplinary action. Nothing in this Manual prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in department orders, or in laws and ordinances within the cognizance of the department.
- 5:3 **Penalties.** The following penalties may be assessed against any member or employee of the Department as a result of disciplinary action:(N.J.S.A. 11A:2-20)
 - A. Counseling.
 - B. Performance notice.
 - C. Written reprimand.
 - D. Monetary fine (when offered and accepted as restitution or in lieu of a suspension)
 - E. Transfer/reassignment.
 - F. Suspension without pay.
 - G. Demotion.
 - H. Discharge from employment.
- 5:4 **Disciplinary Authority.** Except as otherwise provided in the Department of Personnel, 11A:2-13 through 22 and N.J.S.A. 40A:14-147 to 151 inclusive, and municipal ordinances, the responsibility 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.
- 5:5 **Intermediate Disciplinary Authority.** Other supervisory personnel may take the following disciplinary measures:
 - A. Oral Reprimand
 - B. Written Reprimand (subject to approval by Chief of Police)
 - C. Emergency Suspension
 - D. Written recommendations for other penalties
- 5:6 **Emergency Suspension.** Subject to the requirements of rule 5:4, above, any command or supervisory officer of the rank of Sergeant or above, shall have the authority to impose an emergency suspension against a member or employee when it appears that such action is in the best interest of the Department.

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- 4:12 **GRIEVANCES**
- 4:12.1 Grievances will be handled according to the negotiated labor contract.
- 4:13 **RESIGNATION**
- 4:13.1 **Resignation to be in Writing.** All resignations of member or employees must be in writing and bear the signature of the person resigning. Members or employees shall provide the Police Chief no less than two weeks written notice.
- 4:13.2 **Resignation Prohibited While Charges Pending.** Members or employees are prohibited from resigning while charges are pending against them.

CHAPTER V

DISCIPLINARY REGULATIONS AND CODE

- 5:1 **Disciplinary Action.** Members and employees shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense 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, for violation of any general order or rule of the Department, or for 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.
 - A. **Charging Authority**
 - (1) In the event a member or employee is to be charged in a disciplinary action and said member or employee is subordinate to the rank of the Chief of Police, the Chief of Police or his designee may initiate such charges (N.J.S.A. 40A:14-118).
 - (2) In the event the Chief of Police is to be charged in a disciplinary action, the Appropriate Authority or his designee shall be the Charging Authority. The Appropriate Authority is hereby empowered to name a designee to function as an alternative Charging Authority without prior approval in an emergency. This is necessitated by the statutory time lines involved in the charging process.
 - B. **Hearing Authority**
 - (1) In the event of any disciplinary hearing against any member or employee below the rank of Chief of Police, the Appropriate Authority or his designee shall be the hearing officer and person in charge of all such proceedings. The decision of the hearing officer shall be final and
- 5:7 **Follow-Up on Emergency Suspensions.** A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at 0900 hours, unless otherwise directed by competent authority. The command or supervisory officer imposing the suspension shall also report at the same time.
- 5:8 **Reports of Disciplinary Action Taken or Recommended.** Whenever disciplinary action involving formal charges is taken or recommended, a written report shall be submitted immediately containing the following information:
 - A. The name, rank and present assignment of the member or employee 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.
- 5:9 **Disciplinary Reports.** Written records related to disciplinary action shall be securely filed by the office of the Professional Standards Unit. A summary of the record, which shall only include the specific charge or violation, a conclusion of fact, and any penalty imposed, shall be placed in the officer's personnel jacket. Only the Chief of Police is empowered to purge any such records.
- 5:10 **Informing the Person being Disciplined.** The member or employee being disciplined shall be informed of the charges, in writing, as provided by State statute, department procedure and/or applicable collective bargaining agreements.
- 5:11 **Appeals from Penalties.** Appeals from penalties imposed as disciplinary measures may be taken as provided by the Department of Personnel (11A:2-13 through 22) and N.J.S.A. 40 A:14-147 to 151, municipal ordinances and the negotiated labor contract.
- 5:12 **Misconduct Observed by Police Personnel.** Whenever any Command 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 the Police Chief.
- 5:13 **Citizen Complaints Against Police Personnel.** Complaints by citizens against members or employees of the Department shall be processed in accordance with the Internal Affairs Policy.
- 5:14 **Serious Complaints and Allegations.** The Tour Commander shall notify the Chief of Police or his designee if a serious complaint or allegation occurs. In addition, he shall take any immediate action necessary to preserve the integrity of the Department until the arrival of the Chief or his designee.
- 5:15 **Investigation of Alleged Misconduct.** The member assigned the investigation of an alleged act of misconduct on the part of a member or employee of the Department, shall conduct a thorough and accurate investigation.

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5:16 **Reports of Investigation of Alleged Acts of Misconduct.** An alleged act of misconduct must be investigated, and the results of the investigation shall be submitted in a written report. The investigating member shall summarize the pertinent facts including:

- A. A summary of the complaint or alleged act of misconduct.
- B. Pertinent portions of the statements of all parties to the incident.
- C. A description of the incident, physical evidence and other evidence important to the case.
- D. The observations and conclusions of the investigating member.

This report is intended to be a management tool for the Chief of Police and it may either be waived by him or submitted in whatever format the Chief believes to be useful or adequate.

5:17 **Findings.** One of the findings listed below will be included in the Report of Investigation and Findings of an alleged act of misconduct:

- A. **Unfounded:** The investigation indicates that the act or acts complained of did not occur or failed to involve department personnel.
- B. **Exonerated:** Acts did occur, but were justified, lawful and proper.
- C. **Not Sustained:** Investigation fails to discover sufficient evidence to prove or disprove clearly the allegations made in the complaint.
- D. **Sustained:** Investigation disclosed evidence sufficient to prove clearly the allegations made in the complaint.

Disciplinary Code

5:18 **Penalties.** The penalties listed in Section 6.0 shall serve as guidelines for the Appropriate Authority and the Chief of Police in imposing appropriate penalties. They shall not in any way limit the penalties that may be imposed, consistent with other provisions of this Code.

5:19 **Repeated Violations.** Repeated violations of Department Rules and Regulations, or any other course of conduct indicating that a member or employee has little or no regard for their obligations as a member or employee of the Police Department shall be cause for progressive disciplinary action.

5:20 **Waiver and Guilty Plea.** Any member or employee charged with a violation of the Policies and Procedures and/or Rules & Regulations of this Department shall be entitled to proceed a hearing and enter a plea of guilty as charged.

5:21 **Extra Duty.** Members shall comply with the collective bargaining agreements and all applicable rules, regulations and standards.

5:22 **Duration of Office and Employment.** The members of the Police Department shall severally hold their respective offices and continue in their respective employment during good behavior and efficiency. No member shall be removed

5:27 **Appeal.** Any member or employee of the Police Department who has been convicted of any violation of any of the Policies & Procedures and/or Rules & Regulations of this Department by the designated Hearing Authority and suffers the penalty of suspension, removal, fine or reduction in rank may appeal such conviction in the manner provided by law.

CHAPTER VI
DISCIPLINARY CODE

6:1 **DISCIPLINARY CODE:**

6:1.1 The offenses herein shall guide the Police Chief in administering fair and uniform penalties for violations of Police Department Rules of Conduct.

6:1.2 [Reserved]

6:1.3 Offenses not included in the following list shall result in penalties similar to those specified for similar offenses of comparable seriousness.

6:1.4 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.

6:1.5 **Suspension, fine and demotion for disciplinary purposes.** An appointing authority may suspend without pay, or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination, or for other sufficient cause.

6:1.6 **Causes for removal.** Acts or omissions, which are reasonably encompassed within standards A thru L, shall provide, upon a finding of guilt, sufficient prima facie evidence to establish justifiable cause for termination from the service, irrespective as to whether or not the member had previously violated said standard. Relevant standards are as follows:

- A. Neglect of Duty
- B. Incompetency or inefficiency
- C. Incapacity due to mental or physical disability
- D. Insubordination or serious breach of discipline
- E. Intoxication while on duty
- F. Chronic or excessive absenteeism
- G. Disorderly or immoral conduct
- H. Willful violation of any of the provisions of the Civil Service Statutes, rules, or regulations or other statutes relative to the employment of public employees.
- I. [RESERVED]

from office or employment in the Police Department except in accordance with N.J.S.A. 40A:14-147.

5:23 **Examination by Borough Physician.** Supervisory officers shall send for examination any subordinate reporting for duty, found to be in an unsatisfactory condition, to the Borough Physician or such other physicians as may be designated by the Chief of Police.

5:24 **Suspension (Emergency and Pending Charges).** The Chief of Police or any Supervisory Officer may suspend any member or employee in the Department immediately for the good order of the Department. The suspended member or employee will, on the next business day, appear in the Office of the Chief of Police.

- A. Whenever a member is charged with a criminal offense, or any offense, that "touches upon" his employment, suspension without pay may be continued pursuant to N.J.S.A. 40A:14-149 until disposition of said charges.
- B. Whenever administrative charges are served in lieu of such criminal charges, or after said criminal charges have been disposed of, the suspension without pay may be continued subject to the conditions established by applicable rules and state statutes.
- C. During the course of any such suspension, the member or the employee is subject to the following:
 - (1) All department weapons, badge and I.D. card will be immediately surrendered to a superior officer.
 - (2) The right to carry any firearms is revoked and no officer will bear arms until the disciplinary matter has been resolved.
 - (3) Police powers are also suspended and no arrest or official action may be taken during the course of the disciplinary proceedings.
 - (4) Pursuant to law, and even though police powers have been suspended, the member or employee remains under the command and control of the police administration.

5:25 **Hearing, Complaint.** Disciplinary charges must be in accordance with State statute, and applicable collective bargaining agreement. If the member or employee has the right to a hearing, the hearing will be conducted in accordance with New Jersey Department of Personnel standards unless the hearing is waived by the member or employee.

5:26 **Subpoena.** The Hearing Authority shall have the power to issue writs or subpoenas to compel the attendance of witnesses, pursuant to N.J.S.A. 40A:14-148. Service of subpoenas will be the responsibility of the requesting party.

- J. Negligence of, or willful damage to public property or waste of public supplies
- K. Conduct unbecoming an employee in the public service
- L. The use or attempt to use one's authority or official influence to control or modify the political action of any person

SPECIFIC RULES, CHARGES AND PENALTIES

6:1.7 **Accepting bribes or gratuities for permitting illegal acts.**

- 1st Offense: Dismissal
- 2nd Offense: N/A
- 3rd Offense: N/A

6:1.8 **Failure to report, in writing, offers of bribes or gratuities to permit illegal acts.**

- 1st Offense: Reprimand to Dismissal
- 2nd Offense: N/A
- 3rd Offense: N/A

6:1.9 **Involved in a crime of moral turpitude that negatively affects the operation of the department.**

- 1st Offense: Reprimand to Dismissal
- 2nd Offense: Reprimand to Dismissal
- 3rd Offense: Reprimand to Dismissal

6:1.10 **Knowingly and willfully making a false entry in any departmental report or record.**

- 1st Offense: Reprimand to Dismissal
- 2nd Offense: N/A
- 3rd Offense: N/A

6:1.11 **Associating, fraternizing, or business transactions at any time, or in any manner whatsoever with known criminals or persons engaged in unlawful activities.**

- 1st Offense: Reprimand to Dismissal
- 2nd Offense: Reprimand to Dismissal
- 3rd Offense: Dismissal

6:1.14 **Participating in illegal games of chance or illegal gambling while on duty.**

- 1st Offense: Reprimand to 10 days
- 2nd Offense: Reprimand to 30 days

BOROUGH OF PARK RIDGE

POLICE DEPARTMENT

MANUAL

OF

RULES AND REGULATIONS

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- 3rd Offense: Dismissal
- 6:1.15 **Fighting or quarreling with members of the department as prescribed in this code.**
 1st Offense: Reprimand to 30 days
 2nd Offense: Reprimand to Dismissal
 3rd Offense: N/A
- 6:1.16 **Soliciting for attorneys, bondsmen or other business persons or firms.**
 1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Reprimand to Dismissal
- 6:1.17 **Using rude or insulting language or conduct offensive to the public**
 1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.18 **Publicly criticizing the official action of a superior officer.**
 1st Offense: Reprimand to 4 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.19 **Odor of alcoholic beverage on breath while on duty.**
 1st Offense: Reprimand to 9 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days
- 6:1.20 **Failure to recognize and satisfy any just debts which negatively affects the department.**
 1st Offense: Reprimand to 4 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.21 **Repeated violations of Departmental Rules & Regulations, or any other course of conduct indicating that a member has little or no regard for their responsibility as a member of the police department.**
 1st Offense: Dismissal
 2nd Offense: N/A
 3rd Offense: N/A

- 6:1.22 **Conduct subversive of good order and the discipline of the department.**
 1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 30 days
 3rd Offense: Dismissal
- 6:1.23 **Intoxication on duty.**
 1st Offense: Reprimand to Dismissal
 2nd Offense: Dismissal
 3rd Offense: N/A
- 6:1.24 **Intoxication off duty—in uniform.**
 1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Dismissal
- 6:1.25 **Intoxication off duty, not in uniform which negatively affects the department.**
 1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 30 days
- 6:1.26 **Intoxication off duty—in partial uniform. Partial uniform satisfies the requirements of this section when a reasonable person can readily identify the individual as a sworn member of the Park Ridge Police Department.**
 1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days
- 6:1.27 **Intoxication off duty, not in uniform and arrested.**
 1st Offense: Reprimand to 30 days
 2nd Offense: Reprimand to Dismissal
 3rd Offense: N/A
- 6:1.28 **Refusal to obey proper orders from a Superior.**
 1st Offense: Reprimand to 15 days
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Dismissal

- 6:1.29 **Using profane or insulting language to a Superior officer.**
 1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 30 days
 3rd Offense: Reprimand to Dismissal
- 6:1.30 **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.**
 1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days
- 6:1.31 **Asleep on duty.**
 1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to Dismissal
- 6:1.32 **Absence without leave for less than five (5) consecutive working days.**
 1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.33 **Failure to properly supervise subordinates; or to prefer disciplinary charges; or to take other appropriate disciplinary action.**
 1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Reprimand to Dismissal
- 6:1.34 **Failure to comply with the Chief's orders, directives, regulations, etc., oral and written, and also those of superiors and supervisors.**
 1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Reprimand to Dismissal
- 6:1.35 **Failure to conduct proper, thorough, and complete investigations.**

- 1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.36 **Failure to report as witness when on duty notified or subpoenaed.**
 1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.37 **Allowing prisoner to escape through carelessness or neglect.**
 1st Offense: Reprimand to 30 days
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Dismissal
- 6:1.38 **Failure to thoroughly search for, collect, preserve, and identify evidence; or persons property, and locations in any arrest or investigation.**
 1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Reprimand to Dismissal
- 6:1.39 **Failure to remove key from patrol car when unattended.**
 1st Offense: Reprimand to 4 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days
- 6:1.40 **If stolen due to above.**
 1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days
- 6:1.41 **Failure to properly care for assigned equipment and vehicles, damaging same due to neglect.**
 1st Offense: Reprimand to 30 days
 2nd Offense: Reprimand to 60 days
 3rd Offense: Dismissal
- 6:1.42 **Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of the same to commanding officer.**

- 1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Reprimand to Dismissal

6:1.43 Neglect of duty.

1st Offense: Reprimand to Dismissal
 2nd Offense: Reprimand to Dismissal
 3rd Offense: Reprimand to Dismissal

6:1.44 Soliciting money or other valuable thing without proper authorization.

1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days

6:1.45 Instituting civil action arising from police duty, without notifying the police chief.

1st Offense: Reprimand to 4 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.46 Giving a verbal or written report of any incident without approval of the commanding officer.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.47 No officer, while on duty, shall be found in any alcoholic beverage licensed establishment, for reasons other than police related duties, without justifiable cause. Justifiable cause may consist of, but is not limited to, the following: Meal break, personal necessity or other reasonable necessity.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 30 days

6:1.48 Possession of alcoholic beverages on the person in police vehicle or on any police property, not duty required or authorized.

3rd Offense: Reprimand to 20 days

6:1.55 Unexcused tardiness.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.56 Changing residence or telephone number without giving prompt and proper notification.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.57 Unauthorized persons in radio car.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.58 Untidy appearance and dress while in uniform.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.59 Not in full prescribed uniform.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.61 Communicating or imparting confidential police information either in writing or verbally to unauthorized persons.

1st Offense: Reprimand to Dismissal
 2nd Offense: Dismissal
 3rd Offense: N/A

6:1.62 Failure to give prescribed identification when answering telephone.

1st Offense: Reprimand to 4 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

- 1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 30 days

6:1.49 Failure to be home without legitimate reason after reporting sick.

1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days

6:1.50 Failure to obtain any required medical treatment or certificate while on sick leave.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 15 days
 3rd Offense: Reprimand to 30 days

6:1.51 Failure to follow department procedures for the handling of evidence, personal effects and all other property taken into custody.

1st Offense: Reprimand to 30 days
 2nd Offense: Reprimand to 60 days
 3rd Offense: Reprimand to Dismissal

6:1.52 Improper use, handling or display of firearms.

1st Offense: Reprimand to Dismissal
 2nd Offense: Dismissal
 3rd Offense: N/A

6:1.53 Failure to submit properly written required report within a reasonable or prescribed period if time as per regulations.

1st Offense: Reprimand to 10 days
 2nd Offense: Reprimand to 20 days
 3rd Offense: Reprimand to 30 days

6:1.54 Having or operating private auto on beat, on duty or driving to/ or from beat to post without authorization.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days

6:1.63 Refusal to give name and badge number when properly requested.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.64 Reading newspapers, books or periodicals while in view of the public where it would represent an affront to same.

1st Offense: Reprimand to 5 days
 2nd Offense: Reprimand to 10 days
 3rd Offense: Reprimand to 20 days

6:1.65 No one shall, prior to written approval of the police chief or representative designated for that purpose, appear to give testimony as a character witness for any defendant in a criminal trial or inquiry.

1st Offense: Reprimand to 15 days
 2nd Offense: Reprimand to 30 days
 3rd Offense: Dismissal

6:1.66 Willfully, damaging police department property and/or equipment.

1st Offense: Reprimand to Dismissal
 2nd Offense: Dismissal
 3rd Offense: N/A

6:1.67 Interference with police radio broadcasting and tampering with police radio.

1st Offense: Reprimand to Dismissal
 2nd Offense: Dismissal
 3rd Offense: N/A

6:1.68 Removing official documents from the department without permission.

1st Offense: Reprimand to Dismissal
 2nd Offense: Dismissal
 3rd Offense: N/A

6:1.69 Unauthorized press releases and statements.

	1 st Offense: Reprimand to 5 days	
	2 nd Offense: Reprimand to 10 days	
	3 rd Offense: Reprimand to 20 days	
6:1.70	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.	
	1 st Offense: Reprimand to 30 days	
	2 nd Offense: Reprimand to 60days	
	3 rd Offense: Reprimand to Dismissal	
6:1.71	Failure to properly patrol post or zone; unauthorized absence of assignment; failure to respond to radio calls; idle conversation or loafing.	
	1 st Offense: Reprimand to 30 days	
	2 nd Offense: Reprimand to 60days	
	3 rd Offense: Reprimand to Dismissal	
6:1.72	Failure to possess and maintain a current and valid New Jersey State vehicle operator's license.	
	1 st Offense: Reprimand to Dismissal	
	2 nd Offense: Reprimand to Dismissal	
	3 rd Offense: Reprimand to Dismissal	

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**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-300**

**Authorize Participation in Bergen County Cooperative Purchasing Group
Natural Gas**

WHEREAS, the Borough of Park Ridge has received a letter dated October 18, 2010 (copy attached to the original of this resolution) from the Bergen County Executive regarding creation of a cooperative purchasing group for Natural Gas; and

WHEREAS, the Borough Administrator in consultation with A-Team has recommended to the Mayor and Council of the Borough of Park Ridge that it participate in the Natural Gas Auction on a non-binding basis.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that it hereby authorizes the Borough Administrator to submit the necessary documents to the County of Bergen

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-301**

**AUTHORIZE RECEIPT OF SEALED BIDS
Electric Distribution Materials & Supplies**

WHEREAS, due to normal operation and maintenance of the electric distribution system, the electric department needs to purchase various electric distribution materials and supplies; and

WHEREAS, over a one (1) year period, the anticipated total annual expenditure for said electric distribution materials and supplies is over \$36,000.00; and

WHEREAS, the provisions of New Jersey Statute 40A:11-4 requires the public advertising for bids when the total annual expenditure for similar materials or supplies is over \$36,000.00; and

WHEREAS, the Board of Public Works, Borough of Park Ridge, in the County of Bergen and the State of New Jersey has recommended to the Mayor and Council that they authorize the receipt of sealed bids for unit prices for electric distribution materials and supplies.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge hereby authorize the receipt of sealed bids for unit prices for electric distribution materials and supplies.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-302**

APPROVAL OF COUNTY CONTRACTS FOR CERTAIN ITEMS

WHEREAS, the Borough of Park Ridge is enrolled in the County’s Registered Cooperative Pricing System #11-BeCCP and the Bergen County Cooperative Purchasing System #CK-04; and

WHEREAS, the County supplier agrees to make his products and county contract prices available to all municipalities which are enrolled,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge hereby authorizes the purchase of the following county contracted items by personnel of the Borough:

<u>Commodity</u>	<u>Bid No.</u>	<u>Contract Period</u>
Janitorial Supplies	#10-96	11/04/2010 – 11/03/2011

BE IT FURTHER RESOLVED, copies of this resolution shall be forwarded to the Director of Operations, CFO and the Borough Auditor.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-303**

**AUTHORIZING PART TIME EMPLOYMENT OF FRANCES A. SMITH
CLERK/TYPIST FOR THE POLICE DEPARTMENT**

WHEREAS, the Borough of Park Ridge Police Department is in need of a part-time hourly clerk/typist resulting from the recent retirement of its full-time secretary; and

WHEREAS, the Borough’s Police Chief has recommended, in consultation with the Borough’s Police Lieutenant, Borough Administrator and Borough Clerk, that Frances A. Smith, be appointed to perform the part-time hourly duties of clerk/typist to the Police Department, 5 days a week, 5 hours per day, to be paid at the rate of \$20 per hour; and

WHEREAS, the appointment of Frances A. Smith, to the position of clerk/typist to the Police Department shall not provide for payment for sick or vacation days, nor eligibility for health insurance benefits for medical, dental and other benefits available to the Borough’s full-time employees; and

WHEREAS, the appointment of Frances A. Smith, to the position of clerk/typist to the Police Department Board is subject to all applicable New Jersey Civil Service Rules and Regulations;

WHEREAS, the schedule would be set by the Borough Police Chief with no paid time off except if a Borough holiday falls within her regularly scheduled work week; and

WHEREAS, Frances A. Smith has accepted the offer of employment.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Park Ridge agree with the recommendation of the Borough Police Chief to enter into an agreement with Frances A. Smith in accordance with the within terms outlined above to provide part-time hourly clerk/typist work for the Borough Police Department; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute said agreement with Frances A. Smith.

BE IT FURTHER RESOLVED that a true copy of this Resolution shall be sent to Frances A. Smith within ten (10) days of adoption.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-304**

**APPROVE MEMBERSHIP OF VOLUNTEER FIRE
DEPARTMENT APPLICANT - MOSER**

WHEREAS, Fire Chief Robert Ludwig has approved an application prepared by Bradley H. Moser, 31 Circle Drive, for the Park Ridge Volunteer Fire Department,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge hereby approve the membership of Bradley H. Moser in the Park Ridge Volunteer Fire Department.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-305**

ADOPTION OF CORRECTIVE ACTION PLAN FOR ANNUAL AUDIT

WHEREAS, the Annual Report of Audit for the year 2009 was filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5 on September 9, 2010; and

WHEREAS, the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Recommendations," have signed the group affidavit form, and adopted the resolution of certification; and

WHEREAS, the CFO has filed the attached Corrective Action Plan pursuant to N.J.S.A 40A: 5; and

WHEREAS, N.J.S.A. 40A:5 requires the Governing Body to adopt by resolution the Corrective Action Plan within 60 days of receipt of audit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Corrective Action Plan is hereby approved.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-306**

RETIREMENT OF LUCILLE BOSCO

WHEREAS, the Mayor and Council has been advised that the secretary to Police Department, Lucille Bosco, is retiring effective December 1, 2010; and

WHEREAS, Lucille Bosco shall be entitled to certain retirement benefits including the lump sum payment of \$20,000.00 for her unused sick days to be paid in the year 2011 by April 1st or upon the adoption of the 2011 Municipal Budget, whichever date is later; and

WHEREAS, Lucille Bosco shall receive medical and dental insurance coverage as set forth in the Collective Bargaining Agreement between the Borough of Park Ridge and the Park Ridge Borough Employees Association effective January 1, 2006 through December 31, 2010 as amended by a certain Memoranda Of Understanding dated June 29, 2010; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge accept the retirement of Lucille Bosco in accordance with the within rights and duties of the parties after her retirement; and

BE IT FURTHER RESOLVED that a true copy of this Resolution shall be sent to Lucille Bosco within ten (10) days from the date of adoption.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-307
FIRE DEPARTMENT CLOTHING ALLOWANCE 2010**

WHEREAS, the 2010 Municipal Budget provides for uniform maintenance and stipend allowances to members of the Park Ridge Fire Department; and

WHEREAS, appropriations for such expenditures are included in the 2010 Municipal Budget under Fire Department Clothing Allowance 0-01-25-255-000-012;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the following members of the Park Ridge Fire

<u>NAME</u>	<u>AMOUNT</u>
Babcock, James M.	\$790
Babcock, James R.	\$825
Bosi, R.	\$755
Bruno, Matt	\$475
Cangialosi, Travis	\$755
Caviello, Nick	\$480
Decker, Christopher	\$475
Derienzo, Jr. Thomas	\$1,075
Diedtrich, William D.	\$540
Diedtrich, Sr., William	\$1,175

Diedtrich, Jr., William	\$2,515
Durst, Mark I.	\$785
Eisen, Mark	\$665
Friedman, Evan	\$225
Gebhardt, Paul	\$985
Geppner, Walter	\$530
Hahn, William	\$475
Halzack, Michael	\$495
Hansen, John	\$900
Harkin, Peter	\$520
Hoeschle, Andreas	\$0
Hughes, Thomas	\$225
Izzo, Mario	\$505
Lepore, Thomas	\$1,385
Levinson, Matt	\$785
Ludwig, Robert A.	\$3,840
Mancision, Gary	\$485
Marchesini, Evan	\$1,285
Mauro, Peter	\$2,705
Mauro, Joseph	\$475
Morgan, Frank	\$535
Moser, Bradley	\$0
Musicant, Alan	\$475
Napolitano, A	\$0
Puglis, Christopher	\$485
Rideout, Daniel	\$0
Rothe, Fredric	\$535
Schnoor, Bernard	\$2,110
Steele, Ken	\$475
Stepe, John	\$485
Strabone, James	\$1,205
Szot, Sabastian J	\$485
Taormina, Jason	\$485
Thomas, John	\$1,040
Vanacore, Dominic	\$475
VanderVliet, Howard	\$530
VanderVliet, Kurt J	\$2,020
Walker, William	\$515
Wirth, John	\$985
Wolfe, George	\$2,185
RESERVES	
Bruno, Christopher	\$0
Bruno, Nick	\$100
Cardone, Tyler	\$50
DeCandido, Ed	\$0
Derienzo, Thomas G.	\$200
DiGregorio, David	\$100
Mceldowney, Dan	\$0
Nicholson, Alex	\$0
Parisi	\$0
Sigillito, Jack	\$0
Wurhman, Daniel	\$100
TOTAL	\$42,705

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-308**

POLICE RESERVE CLOTHING ALLOWANCE

WHEREAS, during the period November 1, 2009 to October 31, 2010, the Park Ridge Police Reserves have served traffic control details; and

WHEREAS, funds for the nominal payment of said details in the form of clothing allotments have been provided in the 2010 Municipal Budget (0-01-25-245-000-011);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the members of the Police Reserves are entitled to clothing allotments according to the following schedule:

<u>OFFICER</u>	<u>RANK</u>	<u>TOTAL</u>
PAUL WITTE	CHIEF	2,635
PETER DEPALMA	CAPTAIN	2,015
JAMES DUNCAN	LIEUTENANT	1,740
CHRIS BROWN	LIEUTENANT	1,710
CHARLES FORINO	SERGEANT	530
MICHAEL LAWN	SERGEANT	1,030
JOHN VAN WETERING	RESERVE OFFICER	465
ERIC BONGARD	RESERVE OFFICER	235
DANIEL TESTIN	RESERVE OFFICER	230
MICHAEL CAPANO	RESERVE OFFICER	430
JUSTIN FROHLIC	RESERVE OFFICER	230
CHRISTOPHER POLIFRONE	RESERVE OFFICER	430
GERALD POWERS	RESERVE OFFICER	430
MATHHEW BRUNO	RESERVE OFFICER	430
JONATHAN MARX	RESERVE OFFICER	430
EDWARD DECANDIDO	RESERVE OFFICER	430
ERIC INGOGLIA	RESERVE OFFICER	430
MICHAEL MARCELLARI	RESERVE OFFICER	430
GREGORY SANTANGELO	RESERVE OFFICER	430
KEVIN ZINK	RESERVE OFFICER	430
ANDREW KARA	RESERVE CADET	200
KEVIN SCARPA	RESERVE CADET	75
MICHAEL PELINO	ACTIVE LIFE	150
SAL ANZALONE	ACTIVE LIFE	50
ARCHIBALD HARVEY Jr.	ACTIVE LIFE	50
FRANCIS MAHON	ACTIVE LIFE	50
<u>TOTAL</u>		<u>15,695.00</u>

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-309**

**AUTHORIZATION TO REQUEST PROPOSALS UNDER
THE FAIR AND OPEN PROCESS**

WHEREAS, the New Jersey Local Unit Pay-to-Play Law NJSA 19:44A-20.4 et seq. specifies the processes by which municipalities may award contracts in excess of \$17,500; and

WHEREAS, the Governing Body of the Borough of Park Ridge wishes to award contracts for various professional services for the year 2011 through a Fair and Open Process in accordance with NJSA 19:44A-20.5 et seq.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Clerk is hereby authorized to advertise for and receive proposals for the following professional services under the Fair and Open Process: Borough Attorney, Borough Engineer, Borough Auditor, Bond Counsel, Risk Manager, Borough Planner, Borough Prosecutor, Public Defender, Rate Counsel, Special Rate Counsel, Rate Engineer and Environmental Engineer.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-310**

AUTHORIZE TAX OVERPAYMENT REFUND

WHEREAS, as a result of a duplicate payment in accordance to R.S. 54:4-21; there has resulted in the overpayment of taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer is hereby authorized and directed to return the following 3rd and 4th quarters 2010 tax overpayments:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Name</u>	<u>Amount</u>
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1516 1 C052E Core Logic \$ 4,076.33
 Refund Unit- DFWI-3
 1First American Way
 West Lake, TX 76262

 M.A.D. Realty Inc.
 52E. Hawthorne Ave.

BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-311

POLICE DEPARTMENT UNIFORM MAINTENANCE ALLOWANCE

WHEREAS, by collective bargaining agreement, members of the Park Ridge Police Department are entitled to annual uniform purchase and maintenance allowances of \$925.00 per member; and

WHEREAS, the agreement stipulates that \$450 is payable in the month of December, immediately following the first public meeting of the Mayor & Council; and

WHEREAS, appropriations for such expenditures are included in the 2010 Municipal Budget under Police Department, Uniforms 0-01-25-240-000-013;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the following members of the Park Ridge Police Department are entitled to the second installment of said uniform maintenance allowances of Four Hundred Fifty Dollars (\$450.00):

Lieutenant Joseph Rampolla
 Sergeant Nicholas Errico
 Sergeant Peter Mauro
 Sergeant Anthony DiBlasi
 Police Officers:
 Paul Marchese
 Scott Laughton
 Scott Malloy
 Gregory Stalb
 James M. Babcock
 Matthew Eitner
 Michael G. Babcock
 Christopher Puglis
 Daniel Hoffman
 Todd Stowe
 John Szot
 John Gleason

BE IT RESOLVED that the Borough Treasurer be and she is hereby authorized to make said payments according to the aforementioned schedule and to charge said allowances against departmental charge 0-01-25-240-000-013.

COMMUNICATIONS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Councilmember Maguire reported that the Borough was notified there was an opportunity to rehab ball fields before the freeze. Two quotes were received by the Director of Operations who is working on third quote. Funding is available through the open space trust fund and the Board of Public Works for a shared cost. Estimated cost is no more than \$24,000. Money is also available from the field fees which had a balance of \$15,000. Work would need to be done in two weeks. All present were in agreement to move forward and memorialize at the next meeting.

PUBLIC PRIVILEGE OF THE FLOOR:

Mayor Ruschman asks if anyone present wishes to be heard on any matter.

Speaker:

Mr. Rich Bosi – 108 East Avenue – wished info on the selling of the cell tower so he could understand the logic of it.

Council President Kane advised that this matter was pulled from the agenda for additional analysis.

Mr. Carl Lindstrand - 56 Linden Avenue – wished to know if Waste Management is no longer operating. Council President Kane advised they are not operating at this time. Mr. Mancinelli advised that their permit expires in 2012.

Mr. Lindstrand advised that he had watched the Council candidate debates on television and Councilmember Misciagna was adamant about not closing the Recycling Center on certain Saturdays. The Borough saved \$5,000 by closing the Center – where is the money going to come from if the Center is re-opened every Saturday? Mr. Lindstrand had additional comments about garbage and recycling and other pickups provided by Interstate Waste Management Services and Borough employees.

Mr. Lindstrand asked who the current Police Commissioner was. Council President Kane advised Councilmember Maughan. Mr. Lindstrand advised he had met with the Police Chief about two years ago about signs needed “do not stop on tracks”.

Mr. Lindstrand inquired about the old Post Office – had it been sold and why did the Borough purchase it. Mr. Mancinelli advised the transaction had not been completed. The site plan application was to be submitted to the Planning Board. Councilmember Maguire explained that the Master Plan had included a review of the Borough’s downtown and the Borough wanted to control the destiny of the downtown. The purchase of the old Post Office enabled the Borough to start to implement the items discussed in the Master Plan.

APPROVAL OF MINUTES

Council President Kane asked for a motion to approve the minutes as follows:

Closed and Work Session Minutes dated November 9, 2010
Councilman Viola to abstain

Public Hearing Minutes dated October 26, 2010

A motion was made by Councilmember Maguire and seconded by Councilmember Misciagna to confirm.

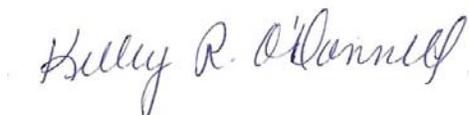
Roll Call: Councilmember Misciagna - yes, Councilmember Hopper - yes, Councilmember Maguire - yes, Councilmember Viola - yes, Council President Kane – yes.

ADJOURN

A motion was made by Councilmember Misciagna and seconded by Councilmember Hopper to adjourn the regular Mayor and Council meeting.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,



Kelley R. O'Donnell, RMC
Borough Clerk