

NOTE: FORMAL ACTION MAY BE TAKEN AT REGULAR MEETINGS, WORK SESSIONS OR SPECIAL MEETINGS. AGENDAS ARE PUBLISHED 48 HOURS IN ADVANCE TO THE EXTENT KNOWN.

## **AGENDA**

**COUNCIL MEETING**

**7:30 P.M.**

**MAY 13, 2014**

1. **Call to Order by Mayor**
2. **Statement of Compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **COUNCIL COMMENTS**
6. **SWEARING IN OF AUXILIARY POLICE OFFICERS  
AUXILIARY POLICE PROMOTIONS**
7. **ORDINANCES ON FIRST READING:**

**ORDINANCE NO. 2315-2014  
(RESOLUTION NO. 184-2014)**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY HIRED PRIOR TO MARCH 11, 2013 AND NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, HIRED ON OR AFTER MARCH 11, 2013**

- Mayor asks for a motion to read the Resolution of Introduction. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Introduction. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2316-2014  
(RESOLUTION NO. 185-2014)**

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "ADMINISTRATIVE CODE", SPECIFICALLY ARTICLE XIII, DEPARTMENT OF PUBLIC SAFETY, MORE SPECIFICALLY SECTION 2-77.**

- Mayor asks for a motion to read the Resolution of Introduction. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Introduction. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2317-2014  
(RESOLUTION NO. 186-2014)**

**AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "POLICE DEPARTMENT", SPECIFICALLY ARTICLE IV, DUTIES**

- Mayor asks for a motion to read the Resolution of Introduction. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Introduction. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**8. ORDINANCES ON SECOND READING:**

**ORDINANCE NO. 2313-2014  
(RESOLUTION NO. 187-2014)**

**AN ORDINANCE FIXING THE SALARY OF EXISTING AND NEW SHARED SERVICES - CONSTRUCTION OFFICIAL EMPLOYED OR TO BE EMPLOYED BY THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED.**

- Mayor asks for a motion to open the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**ORDINANCE NO. 2414-2014  
(RESOLUTION NO. 188-2014)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000 SPECIFICALLY TO AMEND CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS", MORE PARTICULARLY SECTION 160-13 ENTITLED "RESTRICTED AREAS FOR EATING, SMOKING AND USE OF BEACH UMBRELLAS; FIRE PERMITS" AND TO AMEND CHAPTER 162 ENTITLED "PEACE AND GOOD ORDER" TO PROHIBIT THE USE OF ANY IGNITION SOURCE, INCLUDING FIREWORKS, LIGHTERS, MATCHES, AND SMOKING MATERIALS WITHIN THE BOROUGH'S PARKS**

- Mayor asks for a motion to open the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Municipal Clerk reads the Resolution of Adoption. Mayor asks for a Mover, Secunder, Discussion, Roll Call.

**9. PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

- Mayor calls for a motion to open time for public comments on Consent Agenda items only. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor opens time for public comments asking if anyone wishes to be heard.
- Mayor calls for a motion to close the time for public comments. Mayor asks for a Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.
- 

**10. RESOLUTIONS BY CONSENT #10-2014**

- Municipal Clerk reads Resolutions by Consent.
  - a. Resol. #189-2014 - Approval of Minutes:
    - Closed Session 4/1/14
    - Work Session 4/1/14
    - Closed Session 4/1/14
    - Regular Meeting 4/8/14

- b. Resol. #190-2014 - Authorizing the Acceptance of Funds from a Subgrant Award from the FY2013 Federal Emergency Management Agency Assistance Program
  - c. Resol. #191-2014 - Audit Report
  - d. Resol. #192-2014 - Corrective Action Report
  - e. Resol. #193-2014 - Interlocal Agreement with the Borough of Woodland Park for the Use of Memorial Pool
  - f. Resol. #194-2014 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
  - g. Resol. #195-2014 - Award of Bid: Radio Repair and Maintenance
  - h. Resol. #196-2014 - Issuance of Estimated Tax Bills for Third Quarter 2014
  - i. Resol. #197-2014 – Award of Bid: Tree Planting
  - k. Resol. #198-2014 - Authorizing Use of Memorial Pool by Intellichild Academy
  - l. Resol. #199-2014 – Green Acres Enabling Resolution
  - m. Resol. #200-2014 – Farmer’s Market
- Mayor asks for a Mover, Secunder, Roll Call.

## 11. PUBLIC COMMENTS

- Mayor calls for a motion to open time for public comments. Mover, Secunder, Roll Call.
- Mayor opens time for public comments.
- Mayor calls for a motion to close the time for public comments. Mover, Secunder, Roll Call.
- Mayor closes the time for public comments.

## 12. ADJOURNMENT:

- Mayor calls for motion to adjourn. Mover, Secunder, Roll Call.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 184-2014**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2315-2014 entitled:

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY HIRED PRIOR TO MARCH 11, 2013 AND NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, HIRED ON OR AFTER MARCH 11, 2013**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 27th day of May, 2014, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

**ORDINANCE NO. 2315-2014**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY HIRED PRIOR TO MARCH 11, 2013 AND NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, HIRED ON OR AFTER MARCH 11, 2013**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1.** That there are hereby established salaries ranges for the following classifications of certain employees herein below set:

Titles	Effective Jan 1, 2014		Effective Jan 1, 2015	
	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>
Tree Maintenance Worker 2	53,694	72,169	54,902	73,793
Tree Maintenance Worker 2 New	48,325	64,953	49,413	66,415
Acting Municipal Court Administrator Hourly	49.08	49.08	50.42	50.42
Recreation Aide (P/T)	9.36	20.81	9.58	21.28
Food Service Worker (P/T)	9.36	9.36	9.58	9.58

**SECTION 2.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 3.** Annual salaries shall be paid in biweekly installments and weekly, hourly and per diem shall be paid for such periods.

**SECTION 4.** Salary increases are effective only if an employee has not resigned voluntarily or has been terminated with cause. Retired employees are eligible on a prorated basis.

**SECTION 5.** This Ordinance shall take effect upon passage and publication as required by law.

ATTEST:

APPROVED:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: May 13, 2014  
Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 185-2014**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2316-2014 entitled:

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "ADMINISTRATIVE CODE", SPECIFICALLY ARTICLE XIII, DEPARTMENT OF PUBLIC SAFETY, MORE SPECIFICALLY SECTION 2-77**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 27th day of May, 2014, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

**ORDINANCE NO. 2316-2014**

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "ADMINISTRATIVE CODE", SPECIFICALLY ARTICLE XIII, DEPARTMENT OF PUBLIC SAFETY, MORE SPECIFICALLY SECTION 2-77.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIR LAWN AS FOLLOWS:**

**SECTION 1:** Chapter 2 ADMINISTRATIVE CODE is hereby amended as follows:

Section 2-77 of Article XIII, Chapter 2 of the Code of the Borough of Fair Lawn 2000 is hereby deleted and replaced with the following:

The Rules and Regulations of the Fair Lawn Police Department which are attached hereto and made a part hereof as Scheduled "A" be and they are hereby adopted in their entirety as Section 2-77.

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION 3:** All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

**SECTION 4:** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

\_\_\_\_\_  
John Cosgrove, Mayor

Introduced May 13, 2014

Adopted:

# FAIR LAWN POLICE DEPARTMENT



VOLUME: 1

CHAPTER: 2

# OF PAGES: 41

**SUBJECT: RULES AND REGULATIONS**

**EFFECTIVE DATE:**

06/12/2012

**BY THE ORDER OF:**

Chief Glen Cauwels

**APPROPRIATE AUTHORITY:**

Borough Manager

**SUPERSEDES ORDER #:**

**ACCREDITATION  
STANDARDS:**

1.1.1d, 1.4.1, 1.4.3,  
1.5.2a

**REVISION DATE**

5/27/14

**PAGE #**

37-40

**POLICE MANUAL**  
**FAIR LAWN POLICE DEPARTMENT**

This manual is the property of The Borough of Fair Lawn. If found, please return to:

**Fair Lawn Police Department**  
8-01 Fair Lawn Avenue,  
Fair Lawn, New Jersey 07410

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Name of Police Officer/Employee

# RULES AND REGULATIONS INDEX

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# CHAPTER 1

## INTRODUCTION

### 1:1. Establishment of the Fair Lawn Police Department

#### 1:1.1 Legal Authorization

The Police Department of the Fair Lawn is established pursuant to **N.J.S.A. 40A:14-118** and shall after this be referred to as the "Fair Lawn Police Department."

#### 1:1.2 Borough Ordinance

The Police Department is established by authority of the Borough Ordinance 33-1 of the Borough of Fair Lawn, entitled, "Establishment of Department."

#### 1:1.3 Rules and Regulations Established

The appropriate authority of the Borough of Fair Lawn hereby adopts and promulgates the department Rules and Regulations, known as the "Borough of Fair Lawn Police Department Rules and Regulations." The Rules and Regulations are adopted pursuant to Borough Ordinance 33-18 of the Borough of Fair Lawn for the government, discipline, administration and operation of the Fair Lawn Police Department.

#### 1:1.4 Right to Amend or Revoke

In accordance with **N.J.S.A. 40A:14-118**, the right is reserved by the Appropriate Authority to amend or to revoke any of the rules and regulations contained herein.

#### 1:1.5 Previous Rules and Regulations, Policies and Procedures

All rules and regulations previously issued, and policies and procedures that are contrary to the rules and regulations contained herein, are hereby revoked to the extent of any inconsistency. All other policies and procedures shall remain in force.

### 1:2 THE NUMBERING SYSTEM

#### 1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and number. All numbering breakdowns shall be arranged according to a decimal sequence.

#### 1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

#### 1:2.3 Subsection Sequence

The number placed to the right of the decimal point, shall designate the subsection.

#### **1:2.4 Series Lettering**

Letters listed in series under sections and subsections shall be enclosed within parentheses.

#### **1:2.5 Flexibility of System**

This system shall provide a simple and quick method of referral to material in this manual. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

### **1:3 RULES AND REGULATION MANUAL**

#### **1:3.1 Application**

These rules and regulations are applicable to all sworn employees of the Fair Lawn Police Department and where appropriate, to all civilian employees of the department. Each section of these rules and regulations and every subsection hereto shall be deemed independent, separate and distinct from all other sections and the holding of any section or part hereto to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof.

All rules, regulations, orders and instructions shall be interpreted and implemented consistent with the existing collective bargaining agreements.

#### **1:3.2 Distribution**

One copy of these rules and regulations shall be electronically distributed to each employee of the department.

#### **1:3.3 Familiarization**

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule and regulation, which is not fully understood.

### **1:4 DEFINITIONS**

#### **1:4.1 Acting**

Serving temporarily in a position to which the member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

#### **1:4.2 Acting Chief of Police**

The Chief of Police has the authority to assign a command level officer to perform the duties of the Chief of Police during a short-term absence of the Chief of Police. The Borough Manager has the authority to assign a command level officer to perform the duties of the Chief of Police during an extended absence of the Chief of Police with the recommendation of the Chief of Police.

#### **1:4.3 Administrator**

The Fair Lawn Borough Manager shall be the Administrator.

#### **1:4.4 Annual Leave**

Time off (vacation, holidays, personal days, etc.) granted to all employees annually in accordance with the current collective bargaining agreement, Borough ordinance, Borough personnel manual or other employment agreements.

#### **1:4.5 Appropriate Authority**

The appropriate authority shall be the Borough Manager of Fair Lawn as defined and designated by authority of the Borough Ordinance 2-8 of the Borough of Fair Lawn, pursuant to **N.J.S.A. 40:A14-118(e)**.

#### **1:4.6 Authority**

Authority is the statutory or policy vested 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 action.

#### **1:4.7 Auxiliary Police**

Auxiliary Police personnel are not sworn police officers. **N.J.S.A. App. A:9-45** states that auxiliary police shall have the powers of a regular police officer **ONLY** during a declared emergency, disaster or assigned training mission. Auxiliary Police, when on duty, must comply with all rules and regulations of the Fair Lawn Police Department and are subject to the authority of regular sworn officers. Persons vested with authority pursuant to Directive #98 and certified by the New Jersey State Police, Auxiliary Police Organization and its Training Manual, but are not members of the Police Department.

#### **1:4.8 Borough**

The Borough of Fair Lawn, New Jersey

#### **1:4.9 Bureau**

A unit immediately subordinate to a Division.

#### **1:4.10 Captain**

Captain of Police of the Fair Lawn Police Department.

#### **1:4.11 Chain of Command**

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

#### **1:4.12 Chief of Police**

The Police Chief of the Fair Lawn Police Department shall be the highest ranking member of the department.

**1:4.13 Commanding Officer**

Any supervisor, assigned by the Chief of Police, to command a Division, Unit, or Bureau.

**1:4.14 Days Off**

Those days determined by the Chief of Police, or designee, on which a given employee is excused from duty pursuant to statute, ordinance, Borough personnel manual or collective bargaining agreement.

**1:4.15 Department**

The Borough of Fair Lawn, Department of Police.

**1:4.16 Detail**

A temporary assignment of personnel for a specialized activity.

**1:4.17 Detective**

A police officer assigned to conduct criminal investigations while in civilian clothing.

**1:4.18 Directive**

A document detailing the performance of a specific activity or method of operation as defined by department policy.

**1:4.19 Division**

A functional unit having jurisdiction-wide coverage whose commanding officer reports directly to the Chief of Police.

**1:4.20 Employee**

All employees of the department, whether sworn regular, or civilian employees.

**1:4.21 Gender**

Use of the masculine gender herein shall also include the female gender.

**1:4.22 Good Moral or Ethical Character**

Includes those attributes of an employee that enhance their value to the organization and to public service that include honesty, integrity, truthfulness, obedience to the oath of office, mission of the organization and code of ethics, respect for authority, and respect for the rights of others.

**1:4.23 Headquarters**

The portion of the Fair Lawn Municipal Building that houses the headquarters staff and the employees of the Police Department.

#### **1:4.24 Improper Orders**

Orders that violate department policies and procedures are considered unjust or improper orders.

#### **1:4.25 Incompetence**

Unsatisfactory performance of duties by an employee, either willfully or through negligence or inability.

#### **1:4.26 Insubordination**

Failure or deliberate refusal of any employee to obey a lawful order given by a supervisor. Ridiculing or publicly criticizing a supervisor, their actions or their order, whether in or out of their presence. Disrespectful, mutinous, insolent, profane, insulting or abusive language directed toward a supervisor, whether in or out of their presence. This definition may be applied by ordinance, statute or case law.

#### **1:4.27 Lawful Order**

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, or ordinance.

#### **1:4.28 Leave of Absence**

The period of time during which an employee is excused from active duty and during which time no pay is received as approved by the governing body or pursuant to any collective bargaining agreement, Borough policy, ordinance or State and Federal law.

#### **1:4.29 Lieutenant**

Lieutenant of the Fair Lawn Police Department.

#### **1:4.30 May**

As used herein the word may, shall mean that the action indicated is permitted.

#### **1:4.31 Military Leave**

The period of time during which an employee is excused from duty by reason of serving in the Armed Forces of the United States in an active capacity as provided by law.

#### **1:4.32 Neglect of Duty**

Failure to give suitable attention to the performance to duty. Examples include, but are not limited to: failure to take appropriate action on the occasion of a crime (whether on or off duty), or disorder, or other act or condition deserving police attention; failure to make out a written report as required; absence without leave; failure to report to duty at the time and place designated; unexcused absence from an assignment; failure to adhere to or conform to the department policies, regulations or operating procedures; failure by a supervisor to properly supervise subordinates or, when necessary, to prefer disciplinary charges or to take any other appropriate disciplinary or corrective action. Neglect also connotes a deviation from accepted standards of conduct. This definition may be applied by ordinance, statute or case law.

**1:4.33 Off-Duty**

The status of an employee during the period when they are free from the performance of specified duties. Employees are subject to recall at all times.

**1:4.34 Officer-in-Charge**

The ranking officer of the police department on duty shall be designated as the Officer-in-Charge. Rank is determined by grade first, and by seniority second.

**1:4.35 Official Channels**

Action taken through the chain of command.

**1:4.36 On-Duty**

The status of an employee during the period of the day when actively engaged in the performance of duty.

**1:4.37 Order**

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

**1:4.38 Plurality of Words**

The singular includes the plural and the plural includes the singular unless the text clearly indicates to the contrary.

**1:4.39 Police Officer**

Any sworn police officer, of any rank, of the police department with powers to enforce the laws of the State of New Jersey.

**1:4.40 Police Incident**

An occurrence or incident suggesting or requiring appropriate police action or response.

**1:4.41 Police Vehicle**

All vehicles under the control of the department, whether marked or unmarked.

**1:4.42 Probationary Police Officer**

Any sworn employee of the Police Department serving a satisfactory police apprenticeship prior to permanent appointment to police officer, pursuant to **N.J.S.A. 52:17B-66 et seq.** and **N.J.A.C. 4A:4-5.1** and **4A:4-5.2**.

**1:4.43 Probationary Period**

Each sworn employee shall be required to serve a probationary period prior to permanent appointment to the Department. The probation period is one year from the date of graduation from the police academy, pursuant to **N.J.S.A. 52:17B-66 et seq.** and **N.J.A.C. 4A:4-5.1** and **4A:4-5.2**.

**1:4.44 Ranking Officer**

A person holding a higher supervisory or command rank or position than the subordinate officer.

**1:4.45 Section/Squad**

A functional unit subordinate to a Bureau. It may be commanded by any rank, depending on its size and the nature and importance of its function.

**1:4.46 Senior Officer**

An officer, in any given rank, who has the longer service in that rank. Seniority in the department is established first by rank and secondly by time served in rank. Where conflict occurs because of identical service in rank or dates of appointment, the employee with the higher position on the recommendation list from which the appointments were made is deemed to be the senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking supervisor or if the officer of equal rank is in an acting supervisor position.

**1:4.47 Sergeant**

Sergeant of Police of the Department.

**1:4.48 Shall/Will**

The words shall and will, as used herein, shall indicate that the action required is mandatory.

**1:4.49 Shift**

A tour of duty defined by the hours worked.

**1:4.50 Should**

A recommended course of action or conduct; advice; an obligation as well as an expectation. Personnel must be able to justify a deviation.

**1:4.51 Sick Leave**

The period of time during which an employee is excused from active duty by reason of illness or injury by the tour commander, as defined by a collective bargaining agreement, department policy, Borough personnel manual or Borough ordinance.

**1:4.52 Special Duty**

Police service, the nature of which requires that the employee be reassigned from the performance of his/her regular duties to perform other duties as required from time to time by the Chief of Police.

**1:4.53 Staff Supervision**

A situation whereby a supervisor, outside the regular hierarchy of command and responsibility, may review the work of another employee who is responsible to another supervisor.

**1:4.54 Subordinate**

An employee who is lower in rank than his supervisor.

**1:4.55 Subversive Organization**

A subversive organization is an organization with the purpose for revolutionary and rebellious acts against a government entity, which seeks to overthrow or undermine a government or other existing institution by unlawful means.

**1:4.56 Supervisory Officer**

Employee of the department assigned to a position requiring exercise of immediate supervision over the activities of other employees.

**1:4.57 Suspension**

Suspension is the act of temporarily denying an employee the privilege of performing his/her duties, and relieving him/her from the duty with or without pay for a period of time, in consequence of alleged or confirmed dereliction or violation of Department regulations or law.

**1:4.58 Tense of Words**

The words used in the present tense include the future unless the clear text indicates to the contrary.

**1:4.59 Tour Commander**

The supervisor in charge of a shift.

**1:4.60 Tour of Duty**

The shift, defined by time, during which an individual employee is on duty.

**1:4.61 Unit**

Any number of employees of the Department regularly grouped together under one head to accomplish a police purpose.

**1:4.62 Zone/Post**

A geographical area administratively designated for purposes of investigation, supervision or patrol.

## 1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 **AS A LAW ENFORCEMENT EMPLOYEE**, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

**I WILL** keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my department. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... **LAW ENFORCEMENT**.

## 1:6 MISSION STATEMENT

The mission of the Fair Lawn Police Department is to provide quality service based upon high ethical and professional standards attained through a sincere commitment to public service. We recognize that we are the most visible and accessible of all government services and will work to maintain the quality of life in our community.

We, the members of the Fair Lawn Police Department, empowered by the community with the unique authority to take police action, are committed to protecting the lives, property, and rights of all people: the prevention of crime; the preservation of peace; and the impartial enforcement of laws and ordinances.

## 1:7 VALUE STATEMENT

Every person in this department, from the Chief to the newest hire, will embody and use these values in both their professional and private life to guide them to reach our mission.

**Leadership** - We believe that the Fair Lawn Police Department should be a leader in law enforcement. We also believe that each individual needs to be a leader in his area of responsibility. Therefore, all of us need to lead by example by taking responsibility for our actions and working together with all department members to solve community problems.

**Integrity** - We will demonstrate the courage to stand up for our beliefs and do what is right. Our actions will match our words. This will be accomplished by gaining trust of others through honest, consistent, and forthright interaction with all people.

**Respect** - All members of this department will treat each other with dignity and courtesy regardless of position or assignment. This will also hold true for the community we serve. By demonstrating respect for others, we will earn the respect of our community.

**Professionalism** - This is accomplished by ensuring that our members are highly trained and promote a collaborative environment for sharing information, resources, assistance and expertise.

**Compassion** - We must be sincere to the need of those who are concerned for their safety, require guidance and information, or are unable to provide for themselves. We will show concern and empathy for the victims of crime and treat violators of the law with fairness and dignity.

**Service** - We will work in partnership with the people in our community and do our best, within the law, to solve community problems that effect public safety. We will do this in an efficient and competent manner, tempered with courtesy, compassion and understanding.

**CHAPTER 2**  
**ORGANIZATION**

**2:1**    **RANK**

**2:1.1**    **Rank Established**

Rank in the Fair Lawn Police Department shall be established pursuant to Borough Ordinance 33-2, of the Borough of Fair Lawn.

**2:1.2**    **Authorized Strength**

The official strength of the Fair Lawn Police Department shall be authorized by Borough ordinance and shall be in the sole discretion of the Mayor and Council and the Borough Manager with respect to funding and appointment, respectively, and in accordance with the demands of public safety, the welfare of the community and the needs of the Police Department as recommended by the Chief of Police.

**2:1.3**    **Chief of Police - Authority and Responsibilities**

The Chief of Police shall be the head of the Fair Lawn Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day-to-day operations. The Chief of Police shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in **N.J.S.A. 40A:14-118** and other rights, authorities, power and responsibilities as delegated by the Appropriate Authority.

## CHAPTER 3

### GENERAL RULES AND REGULATIONS

#### 3:1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

##### 3:1.1 Standards of Conduct

Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

##### 3:1.2 Loyalty

Loyalty to the department and to associates is an important factor in department morale and efficiency. Employees shall maintain loyalty to the department and their associates as is consistent with the law and personal ethics.

##### 3:1.3 Cooperation

Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation within the department.

##### 3:1.4 Assistance

All employees are required to take appropriate action toward aiding a fellow employee exposed to danger or in a situation where danger might be impending.

##### 3:1.5 General Responsibilities

Police officers of all ranks shall at all time take appropriate action to:

1. Protect life and property.
2. Preserve the peace.
3. Prevent crime.
4. Detect and arrest violators of the law.
5. Enforce all federal, state and local laws and ordinances within the department's jurisdiction.
6. Safely and expeditiously regulate traffic.
7. Aid citizens in matters within police jurisdiction.
8. Take appropriate police action in aiding fellow officers as needed.
9. Provide miscellaneous services.
10. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department.

11. Be accountable and responsible to their supervisors for obeying all lawful orders.
12. Coordinate their efforts with other employees of the Department to achieve department objectives.
13. Strive to improve their skills and techniques through study and training.
14. Familiarize themselves with the area of authority and responsibility for their current assignment.
15. Perform their duties promptly, faithfully, diligently.
16. Perform all related work as required.
17. Treat all individuals with respect and dignity consistent with the police function undertaken.
18. Encourage positive relationships with other Fair Lawn Emergency Service Agencies and municipal workers.

### **3:1.6 Duty Responsibilities**

Employees of the department are always subject to duty set forth by their title, job description, law, ordinance and/or policy and procedure. They shall, at all times, respond to the lawful orders of supervisors as well as calls for assistance from citizens. Proper action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the department, does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Employees assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment.

### **3:1.7 Neglect of Duty**

Employees shall not commit any act, nor shall they be guilty of any omission that constitutes neglect of duty as defined under these Rules and Regulations, New Jersey law, and department policies or directives.

### **3:1.8 Performance of Duty**

All employees shall perform their duties as required or directed by law, department rule and regulation, policy or order, or by order of a supervisor. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities. All supervisors shall properly supervise subordinates and when necessary, take any appropriate disciplinary or corrective action.

### **3:1.9 Questions Regarding Assignment**

Employees in doubt as to the nature or detail of their assignment shall seek clarification from their immediate supervisor as defined under these Rules and Regulations and recognized by New Jersey law.

### **3:1.10 Insubordination**

Employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:

1. Failure or deliberate refusal to obey a lawful order given by a supervisor; or
2. Any disrespectful, mutinous, insolent, profane, insulting or abusive language directed toward a supervisor, whether in or out of their presence; or
3. Ridiculing or publicly criticizing a supervisor, their actions or their order, whether in or out of their presence.

### **3:1.11 Obedience to Laws and Regulations**

Employees shall observe and obey all laws and ordinances, all rules and regulations and orders of the department.

### **3:1.12 Criticism of Official Acts or Orders**

Employees shall not criticize the official actions, instructions, 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.

### **3:1.13 Conduct Toward Employees**

Employees shall treat other employees 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 employees, or the public, supervisors shall be referred to by rank.

### **3:1.14 Compromising Criminal Cases**

Employees shall not interfere with the proper administration of criminal justice.

### **3:1.15 Recommending Attorney and Bail Bond Brokers Prohibited**

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.

### **3:1.16 Manner of Issuing Orders**

Orders from supervisor to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of department business. Orders may be issued verbally or in writing or via another person. Orders conveyed by a third party on behalf of a supervisor shall be afforded the same authority as those received directly from that supervisor.

### **3:1.17 Unlawful Orders**

No supervisor shall knowingly issue any order, which is in violation of any law or ordinance.

### **3:1.18 Obedience to Unlawful Orders**

Obedience to an unlawful order is never a defense of an unlawful action; therefore, no employee is required to obey an order, which is contrary to law or local ordinance. Responsibility for refusal to obey rests with the employee. They shall be required to justify their actions.

### **3:1.19 Obedience to Unjust or Improper Orders**

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 they may proceed to appeal as provided in Subsection 3:1.21.

### **3:1.20 Conflicting Orders**

Upon receipt of an order conflicting with any previous order or instruction, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding 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 countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the department. Notice of countermanded or conflicting order, is to be given to the officer issuing the original order, by the countermanding officer.

### **3:1.21 Reports and Appeals - Unlawful, Unjust, Improper Orders**

An employee receiving an unlawful, unjust or improper order, shall at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Department action regarding such an appeal shall be conducted through the Office of the Chief of Police.

### **3:1.22 Soliciting Gifts, Gratuities, Fees, Rewards, Loans**

Employees shall not, under any circumstances, solicit any gift, gratuity, loan, reward or fee where there is any connection between the solicitation and their department membership or employment without written permission from the Chief of Police. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Bergen County Prosecutor's Office.

### **3:1.23 Acceptance of Gifts, Gratuities, Fees, Loans**

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. 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 employees or any other employee in any matter of police business, or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift or gratuity from other employees junior in rank without the express permission of the Chief of Police.

### **3:1.24 Bribes**

No employee shall accept a bribe or gratuity for permitting illegal acts.

Employees shall promptly report, in writing directly to the Chief of Police, offers of bribes or gratuities received by themselves or other employees.

### **3:1.25 Other Transactions**

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 employment except as may be specifically authorized by the Chief of Police.

### **3:1.26 Rewards**

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 department except lawful salary and that which may be authorized by law and approved by the Chief of Police.

### **3:1.27 Disposition of Unauthorized Gifts, Gratuities**

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Office of the Chief of Police together with a written report explaining the circumstances.

### **3:1.28 Intercession - Soliciting**

Employees shall not solicit anyone to intercede with the Chief of Police, the Borough Manager, Borough Attorney, Borough Prosecutor, Mayor, or any member of the governing body in relation to hiring, promotions assignments, disposition of pending charges, or findings in a Departmental trial or other related matter. They may not advise or assist elected officials to change policy or to interfere with or influence the operations of the police department, or the actions of the Chief of Police. This shall not preclude, however, a member's right to legal counsel or Union representation.

### **3:1.29 Persons and Places of Known Criminal Activity**

Employees shall not frequent places of criminal activity except as may be required in the course of police duty. This shall include any and all persons and places that the employee knows or should have known are/were involved in recent criminal activity. This shall not be construed to prevent contact between the employee and his family members.

### **3:1.30 Withholding Information**

Employees shall not, at any time, withhold any information concerning suspected criminal activity or other information concerning police business, which may be of interest to the Department. Employees shall obey all laws, ordinances, rules, policies, and directives of the agency and shall promptly report any violations of such.

### **3:1.31 Reporting Off-Duty Incidents**

Employees shall report all law enforcement contacts, including, but not limited to, if he or she has been charged with an offense, received a (moving) hazardous motor vehicle summons, or have been involved in a domestic violence incident either as a victim or suspect. Additionally, employees shall report when they are the suspect in or target of another agency's investigation, or anytime they take official law enforcement action in a situation. If the employee believes their off-duty victim information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, then official channels may be bypassed.

### **3:1.32 Reporting Violations of Laws, Ordinances, Rules and Regulations or Orders**

Employees knowing of other employees violating laws, ordinances, or rules and regulations of the department, or disobeying orders, shall promptly report same in writing to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it

must be brought to the immediate personal attention of the Chief of Police or if the offending employee is in the employee's chain of command, then official channels may be bypassed. Failure to report as required will subject the employee to disciplinary action.

### **3:1.33 Harassment in the Workplace**

All employees of the department shall adhere to the policy and procedures established by the Chief of Police and the Borough of Fair Lawn regarding Harassment in the Workplace. Harassment shall not be permitted and those engaged in such conduct shall be subject to the appropriate discipline.

### **3:1.34 Civil Rights**

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

### **3:1.35 Work Expectation**

Employees are expected to perform their duties to the best of their abilities at all times.

### **3:1.36 Respect**

Employees shall display respect for their supervisors, subordinates, associates and the public. All employees are to display good ethical character in on and off duty contexts and shall conduct their professional and private lives in a manner to avoid bringing this department disrepute.

### **3:1.37 Cowardice Display**

Police officers shall not display cowardice in the line of duty, nor in any situation where the public or another officer may be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect other officers in time of danger or under conditions where danger might be impending. This does not imply that officers should take undue risks in the performance of their duties if alternative methods fail.

### **3:1.38 Use of Position**

Employees shall not, at any time, use or attempt to use their official position, badge, credentials, or affiliation with the department or profession for personal or financial gain or advantage.

### **3:1.39 Financial Obligation**

No employee shall incur any financial obligation or contractual obligation on behalf of the department without the prior approval of the Chief of Police.

### **3:1.40 Financial Liability**

No employee shall imply or accept financial or contractual liability for loss or damage on behalf of the Borough.

### **3:1.41 Debt – Incurring and Payment**

1. No member or employee shall borrow any money or otherwise become indebted to any other member or employee.
2. Members and employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.

3. No member or employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another member or employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other nor shall they preclude a member or employee from advancing money for the purchase of meals, event tickets, or the like, where it is the intent of both parties that the advancement shall be immediately re-paid.
5. Members and employees shall promptly pay all just debts and legal liabilities incurred by them.

### **3:1.42 Retaliation**

No employee shall take any official action or initiate or engage in any legal conduct with the intention to retaliate against any person for criticizing or complaining about any employee.

### **3:1.43 Personal Relationships**

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees shall be transferred to another position. Such transfers shall be made in accordance with applicable collective bargaining agreements. A supervisor or subordinate involved in a relationship as described within shall report the relationship directly to the Chief of Police. Failure to promptly report such a relationship may subject the involved employees to discipline.

If any employee enters into a dating relationship, marital relationship or civil union with another employee during the course of employment, the employees shall report the relationship directly to the Chief of Police. Failure to promptly report such a relationship may subject the involved employees to discipline.

### **3:1.44 Action Off-Duty**

While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within this jurisdiction, or outside this jurisdiction but within the State of New Jersey, as authorized by New Jersey Law and department policy. Appropriate action can range from arrest to notification of the jurisdiction's on duty supervisor, as determined by the police matter. All off duty police actions shall be reported to the on-duty Fair Lawn Police Tour Commander as soon as possible.

### **3:1.45 On-line Social Network/Personal Web Page**

While employees have a right to maintain personal web pages and websites, their status as employees of the department requires that the content of those web pages and websites not be in violation of existing department policy or directives.

## **3:2 GENERAL CONDUCT ON DUTY**

### **3:2.1 Prohibited Activity on Duty**

Employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

1. Sleeping, loafing, idling;
2. Recreational reading (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking in public view;
6. Sexual conduct;
7. Soliciting, conducting, or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
8. Taking any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incidents or occurrences with any personal analog or digital device, camera or cellular telephone without the permission and approval of the Chief of Police;
9. Releasing any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police;
10. Employees are forbidden to secretly videotape or record personal conversations with other employees anywhere in headquarters. The exception to this is for an Internal Affairs investigation with the approval of the Chief of Police or otherwise authorized by the Chief of Police;
11. Using rude or insulting language or conduct offensive to the public;
12. Any conduct subversive to the good order and the discipline of the department;
13. Any repeated violations of departmental rules and/or regulations or any course of conduct indicating an employee has little or no regard for his responsibility as a member of the department;

### **3:2.2 Required Acts on Duty**

1. Officers shall conduct proper, thorough and complete investigations.
2. Officers shall report as witness when subpoenaed or ordered by a supervisor
3. Officers shall submit properly written required reports within a reasonable or prescribed period of time as per regulations.

### **3:2.3 Alcoholic Beverages and Drugs**

1. No employee of the department will appear for, or be on duty, under the influence of alcohol or drugs, or be unfit for duty because of its use.

2. Employees of the department, shall not drink any kind of intoxicating beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police. An employee, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons.
3. Employees shall not report for duty under the influence of intoxicants. This condition shall cause the employee to be unfit for duty and be immediately suspended. Supervisors shall not assign to duty any employee in an unfit condition due to the use of intoxicants and shall immediately relieve of duty and service weapon any employee found on duty in such condition. The supervisor shall submit a written report of the incident to the Chief of Police.
4. Taking Medication on Duty. Employees of the department shall not take any medication, which may diminish their alertness or impair their senses prior to or after reporting for duty.
5. Notification about Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall immediately make notification as prescribed by the Chief of Police, as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This information so provided shall be confidential.
6. Intoxicating beverages may not be consumed on or in Borough owned property or buildings unless the employee is off duty and the Borough facility has a valid permit to serve alcoholic beverages.
7. No officer shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which intoxicating liquor is served/sold. This provision does not include establishments with a separate dining area where the serving of alcoholic beverages is not the primary function (e.g. certain diners and restaurants which have a liquor license).
8. Employees shall not bring into or keep any intoxicating liquor or drugs on department premises or in department vehicles except when necessary in the performance of a police related task. Liquor or drugs brought into department premises or in department vehicles in the furtherance of a police related task shall be properly identified and stored according to department policy.
9. No employee shall report for regularly scheduled duty, with the odor of an alcoholic beverage on their breath.
10. Employees of the department shall not consume alcoholic beverages within four hours prior to reporting for regularly scheduled duty.
11. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.
12. The Division of Alcoholic and Beverage Control (ABC) prohibits the employment of police officers who are employees of the local force in the municipality where the licensed business is located. Hence, members of the Fair Lawn Police Department may not be employed by a business located in the Borough, which is licensed to sell alcoholic beverages in this State. However, ABC laws and regulations do not prohibit members of

the Fair Lawn Police Department from being employed by such licensed businesses, which are located outside of the Borough of Fair Lawn.

13. Police officers employed by licensed businesses which are located outside of the Borough of Fair Lawn shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
14. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.
15. No employee shall operate a Borough vehicle after having recently consumed alcoholic beverages.
16. Officers shall not consume alcoholic beverages while off duty and in uniform or in any component of the uniform that would identify them as a Fair Lawn Police Officer.

### **3:2.4 Absence from Duty**

Every employee, who fails to appear for duty at the date, time and place specified without the consent of a supervisor, consistent with departmental policies and procedures, is "absent without leave". Tardiness and late sick reports will not be considered as absent without leave. Tardiness, late sick, and absent without leave shall be reported as per department policies and procedures.

### **3:2.5 Briefing**

Unless otherwise directed by a supervisor, officers shall report to appropriate briefing at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions and not disrupt the briefing.

### **3:2.6 Physical and Mental Fitness for Duty**

Police officers shall maintain sufficient physical and psychological condition in order to handle the core functions required of a law enforcement officer in accordance with their duties and responsibilities, and shall immediately report their inability to perform the core functions of a law enforcement officer to their supervisor. Employees displaying conduct that may be harmful to themselves or others shall be immediately reported to their supervisor and the Chief of Police.

### **3:2.7 Smoking**

Officers shall not smoke on duty while in direct contact with the public. There shall be no smoking in police headquarters or in police vehicles, as these areas are non-smoking areas.

### **3:2.8 Relief**

Employees are to remain at their assignments and on duty until properly relieved or dismissed.

### **3:2.9 Suspending Patrol for Meal or Break**

1. Officers, while on lunch/meal breaks, must have their portable radios "ON" to monitor the activities of the shift and to ensure immediate radio contact, if necessary.
2. Officers, will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift, but only such period of time shall be allowed

as is reasonably necessary, and not to exceed the contractual time allotted for a meal. The member shall arrange to suspend patrol only at such time that will cause the least interference with his/her regular duties. The road supervisor will assign meal periods at briefing that can be subject to change by him/her or the tour commander.

3. Officers will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of a break, with prior permission of an on duty supervisor. Not more than 1 officer may suspend patrol for the purpose of a break at the same time and at the same establishment without prior approval of an on duty supervisor.

### **3:2.10 Training**

Employees shall attend in-service training as directed by the Chief of Police or designee. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.

### **3:2.11 Reports**

Employees shall promptly submit such reports as are required by the performance of their duties or as directed by a supervisor.

### **3:2.12 Inspections**

From time to time the Chief of Police may call for full dress inspections of the department or any part thereof. Sworn employees directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as absence without leave.

### **3:2.13 Courtesy**

When meeting in public, employees on duty shall conform to normal courtesy standards and refer to each other by rank/title.

### **3:2.14 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 time.

### **3:2.15 Address and Telephone Numbers**

Officers and employees shall record their correct residence address and a phone number where they can be reached with the office of the Chief of Police. Changes in address or phone number shall be reported to the office of the Chief of Police within 24 hours of the change. This shall be done in writing within the specified time whether the member or employee is working or on leave. Officers and employees shall not disclose the phone numbers and address of any member of the Department but this does not preclude any officer or employee from disclosing his own phone number or address. However, the Chief of Police or designee may disclose such information in order to conduct department business.

### **3:2.16 Distracters**

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.

### **3:2.17 Driver's License**

Employees operating department motor vehicles shall possess and maintain a valid New Jersey driver's license, with appropriate endorsements when made necessary by their assignment. Whenever an employee's driver's license is revoked, suspended, or lost, the employee shall immediately notify the office of the Chief of Police, via the chain of command.

### **3:2.18 Substance Testing**

1. Employees shall be tested for illegal substances based upon reasonable suspicion. The Chief of Police is authorized to order individual testing provided it is in accordance with the New Jersey Attorney General's Drug Testing Policy. Specimens shall be ordered from an employee when there exists reasonable suspicion to believe that the employee is using illegal substances. Employees who refuse to submit to a test based upon reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as employees who test positive.
2. Random drug screening may be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the New Jersey Attorney General's Drug Testing Policy and any policy mandated by the Bergen County Prosecutor. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.
3. Any employee who serves as a witness on behalf of the collective bargaining unit or is otherwise required to witness the selection of employees for testing must maintain confidentiality. Anyone who discloses the identity of an employee selected for random testing, or the fact that a random selection is scheduled to take place prior to the collection of urine samples, will be subject to discipline.

### **3:2.19 Use of Force**

Employees shall follow department policy and procedure on the use of force.

### **3:2.20 All Other Conduct**

Conduct not specifically addressed by law, department policy, public policy, philosophy, rule or regulation shall be consistent with existing law, department policy, public policy, philosophy, rule or regulation.

## **3:3 UNIFORM, APPEARANCE AND IDENTIFICATION**

### **3:3.1 Regulation Uniforms Required**

All members of the department shall maintain in good order regulation uniforms. Members shall be neat appearing, and well groomed while in uniform. All articles of uniform shall conform to the department policy. Uniforms shall be made of the material and the style prescribed in the policy, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by

the Police Chief. Members shall not wear the uniform or any part of the uniform while off duty, except while traveling to and from duty, without prior permission of the Chief of Police.

### **3:3.2 Uniform - Manner of Dress**

Uniforms shall be kept neat, clean and well pressed at all times. While wearing the uniform, members shall maintain a military bearing while in public, avoiding mannerisms such as slouching, shuffling and hands in the pockets.

### **3:3.3 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, consistent with their assignment. Commanding Officers may prescribe other types of clothing when necessary to meet a particular police objective.

### **3:3.4 Carrying Required Equipment When In Uniform**

While on duty, officers who are required to wear the specified uniform shall carry all required equipment, consistent with their duty assignment, and as may be required by policy.

### **3:3.5 Carrying Required Equipment When in Civilian Clothes**

While on duty, members who are required to wear civilian clothes shall carry all required equipment, consistent with their duty assignment, and as may be required by policy.

### **3:3.6 Carrying Equipment Off-Duty**

When off-duty, each member may carry or have in his immediate possession his department issued firearm/authorized off duty firearm and/or portable radio except if noted otherwise in department rules and regulations, policy or law.

### **3:3.7 Wearing or Carrying Identification**

Employees shall wear or carry their department identification at all times, provided that it is practical under the circumstances.

### **3:3.8 Identification as Police Officer**

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

### **3:3.9 Personal Appearance**

Every employee of the department shall follow department policy on personal appearance.

## **3:4. DEPARTMENT PROPERTY AND EQUIPMENT**

Employees are responsible for the proper care of department property and equipment assigned to or used by them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

#### **3:4.1 Firearms**

Employees shall follow department policy and procedure on the proper care and handling of firearms.

#### **3:4.2 Damaged - Inoperative Property or Equipment**

Employees shall report to their immediate supervisor, without delay, any damage to or loss of department property/equipment assigned to or used by them. The supervisor shall ensure that all appropriate/required reports are completed.

The immediate supervisor shall be notified of any defects or hazardous conditions existing in any department equipment or property. The supervisor shall ensure that all appropriate/required reports are completed and shall take necessary action to remedy the problem.

#### **3:4.3 Care of Department Buildings**

Employees shall not mark or deface any surface in/on any municipal building or property.

#### **3:4.4 Notices**

Employees shall not mark, alter, or deface any posted notice of the department. Notices or announcements shall not be posted on department bulletin boards without permission of a supervisor. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order of the department. Final judgment of improperly posted material will be made by the Chief of Police.

#### **3:4.5 Department Vehicles, Use**

Employees shall not use any departmental vehicle without the permission of the on duty tour commander, Division Commander, Departmental Fleet Manager, or Chief of Police.

#### **3:4.6 Operation of Motor Vehicles**

Members and employees, when driving department vehicles shall not violate the traffic laws, except only in cases of absolute emergency, and always keeping safety as a paramount consideration.

#### **3:4.7 Transporting Citizens**

Citizens will be transported in department vehicles only when necessary to accomplish a legitimate police purpose or with prior approval of a Division Commander or the Chief of Police.

#### **3:4.8 Presumption of Responsibility**

In the event that Borough property is missing or found bearing evidence of damage which has not been reported, the last person using the property or vehicle may be held accountable for the loss or damage or for failing to report the loss or damage.

### **3:4.9 Inspection**

Department property and equipment is and remains the property of the department and is subject to entry and inspection without notice, including, but not limited to, lockers, desks, filing cabinets, computers, and department vehicles.

### **3:4.10 Liability**

If department property is damaged or lost as a result of misuse or negligence by an employee, that employee may be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.

### **3:4.11 Parking of Department Vehicles**

Department vehicles shall be parked in conformity with the law unless an emergency situation or safety hazard exists requiring the vehicle to be parked different.

### **3:4.12 Care of Department Vehicles**

An employee assigned to drive any department vehicle is accountable for the proper care of such vehicle and its equipment. The vehicle shall be kept reasonably clean by the employee and any maintenance issues properly reported. He shall not leave such vehicle unattended, except when necessary in the performance of police duty. It shall be the responsibility of the driver to see that the vehicle is securely locked when it is necessary to leave it unattended. Whenever the term "driver" is used in this section, all the maintenance responsibilities placed upon the driver are to be equally shared by any other officer assigned to the same vehicle at the same time.

### **3:4.13 Notification of Motor Vehicle Accidents Involving Department Vehicles**

Whenever an employee is involved in any accident, or causes any damage, while in charge of or using a motor vehicle owned by the Borough, he/she shall as soon as possible notify the tour commander. It shall be the duty of the tour commander to ensure a supervisor conducts the appropriate investigation and completes the required/appropriate reports, and that they are forwarded to the Chief of Police via the chain of command. If the motor vehicle accident occurs outside of our jurisdiction, the on duty tour commander will be responsible for getting those reports and paperwork from the other jurisdiction.

## **3:5. COMMUNICATIONS, CORRESPONDENCE**

### **3:5.1 Restrictions**

Employees shall:

1. Not use department letterhead stationery for private correspondence.
2. Only send correspondence out of the department over the signature of, or for the Chief of Police with authorization of the Chief of Police.
3. A copy of any correspondence, utilizing department letterhead, sent outside of the police department shall be sent to the Chief of Police.

### **3:5.2 Forwarding Communications to Higher Commands**

Any employee receiving a written communication for transmission to a higher command shall, in every case, forward such communication, unless withdrawn by the initiating party. A supervisor receiving a communication from a subordinate directed to a higher command shall endorse it indicating acknowledgment and forward the written communication to the higher level of command.

### **3:5.3 Department Address - Private Use Of**

Employees shall not use the department as a mailing address or delivery drop site for private purposes without the approval of the Chief of Police. The department address shall not be used for any private motor vehicle registration or driver license.

### **3:5.4 Contracts**

No employee shall make any contract on the part of or purchase any articles for use by the department without first having obtained the authorized consent of the Chief of Police.

### **3:5.5 Radio Discipline**

All employees of the department operating the police radios shall strictly observe regulations for such operation as set forth in department policy and by the Federal Communications Commission. Employees shall not interfere with police radio broadcasting or tamper with police radios or radio equipment.

Unless directed otherwise by a supervisor or inside police headquarters, all officers shall turn on their portable radio when outside of their police vehicle.

### **3:5.6 Truthfulness**

Employees shall not knowingly withhold information, lie, give misleading information, or falsify oral or written communications in any official report, Internal Affairs interview or investigation.

### **3:5.7 Confidential Information**

1. 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 supervisor.
2. Employees shall not make known to any person, any department order which they may receive, unless so required by the nature of the order.
3. Contents of any department record or report filed in the police department shall not be exhibited or divulged to any person other than a duly authorized person, except on approval of the Chief of Police, or as permitted under law or departmental regulations.
4. Under no circumstances may any employee reveal any report, part of a report, or information contained in any confidential reports/investigations, internal affairs reports/investigations or any employee personnel matters, without the direct and specific approval of the Chief of Police (or the Internal Affairs Commander should the Chief of Police be the target of the investigation.)

5. Any employee aware of a violation of section 3:5.7 shall immediately report such violation, in writing, to the Chief of Police. Failing to do so will subject the officer to disciplinary action.

### **3:6. PUBLIC ACTIVITIES**

#### **3:6.1 Conduct Toward the Public**

Employees shall be courteous in their dealings with the public. They shall perform their duties, avoiding harsh, violent, profane or insolent language and shall remain calm regardless of provocation. Employees shall properly identify themselves when answering department phones and/or when requested at any time, shall supply their name and badge/ID number in a courteous manner (officers while working undercover are exempt). They shall attend to all reasonable requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department or Borough.

#### **3:6.2 Impartial Attitude**

All employees must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (**NJSA 10:5-1 et seq.**) is conduct unbecoming a public employee. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming a public employee.

#### **3:6.3 Disparaging Nationality, Race, or Creed or Protected Class**

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (**NJSA 10:5-1 et seq.**).

#### **3:6.4 Public Statements**

Employees of the department shall not make public statements concerning the work, plans, policies, or affairs of the department, which may impair or disrupt the operation of the department or which are obscene, unlawful or defamatory except for those permitted by law.

#### **3:6.5 Subversive Organizations**

No employee shall be a member of or connected with any subversive organization except when necessary in the performance of duty and then only under the direction of the Chief of Police.

#### **3:6.6 Affiliation with Certain Organizations Prohibited**

Employees may become members of a fire department, auxiliary corps, first aid unit or other civic organization provided such membership does not interfere with their obligation as a department employee. Employees shall not affiliate themselves with any organizations whose constitutions or

bylaws impose provisions, which might in any way prevent the proper and efficient functioning of the department. This prohibition does not apply to the active military or naval services of the United States or of this State, in time of war, in an emergency, or for or during any period of training, or pursuant to or in conjunction with the operation of any system of selective service. (Source: N.J.S.A. 38:23-4).

### **3:6.7 Affiliation with Radical Group**

No employees except in the discharge of police related duties shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in the violation of law, fostering hatred, prejudice or oppression against any individual or group.

### **3:6.8 Commercial Testimonials**

Employees shall not permit their names or photographs to be used to endorse any product or service, which is in any way connected with law enforcement without permission of the Chief of Police. No employee shall utilize the department name, affiliation, patch, badge, emblem, logo or reasonable facsimile thereof, in furtherance of any personal business, outside employment venture or objective without the express permission of the Chief of Police.

### **3:6.9 Public Appearance Requests**

All requests for public speeches, demonstrations, and the like, will be routed to the Chief of Police for approval and processing. Employees approached for this purpose shall direct that a party submit their request to the Chief of Police.

### **3:6.10 Publicity**

Employees shall not seek personal publicity in the course of their employment.

### **3:6.11 Personal Preferment**

No member or employee may seek the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement.

### **3:6.12 Availability When on Duty**

Members on duty shall not conceal themselves except for some legitimate police purpose. They shall make every reasonable effort to be readily available to the public during duty hours.

### **3:6.13 Responding to Calls**

Members of the department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, will be considered misconduct. Except under the most extraordinary circumstances, or when otherwise directed by a supervisor, no member shall fail to answer any call directed to him.

### **3:7. POLITICAL ACTIVITIES**

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; attending political meetings; expressing their political views while off duty, or voting with complete freedom in any election.

#### **3:7.1 Participating - Political Activities**

Employees shall not engage in political activity while on duty or while in uniform or at any time if to do so would conflict with their duties or impair their ability to perform their duties. No employee shall directly or indirectly use or seek to use their authority or official influence to control or modify the political actions of another person.

#### **3:7.2 Election to Public Office**

Employees may run for public office in accordance with New Jersey State Law, but may not campaign nor engage in any activity connected with candidacy for such office while on duty.

#### **3:7.3 Non-partisan Activities - Limitation**

Police officers may engage in non-partisan political activities, while off duty, except when such activities will impair or harm the operation or discipline of the department.

#### **3:7.4 Soliciting Prohibited**

Employees of the department shall not solicit contributions for political purposes while on duty nor shall they directly or indirectly use or attempt to use their official position to influence of their office.

#### **3:7.5 Contributions**

Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.

#### **3:7.6 Polling Duties**

Employees shall not engage in any polling duties in the Borough of Fair Lawn, except in the performance of their official duties.

#### **3:7.7 Displaying of Political Material**

Employees shall not display any political material on any government property or on their person while on duty or in uniform.

### **3:8. JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCE AND TESTIFYING**

#### **3:8.1 Court Appearance**

Attendance at a court or quasi-judicial hearing as required by subpoena or departmental policies and procedures, resulting from department employment, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or

other competent court officials. When appearing in court, either the official uniform or business attire as indicated in department policy shall be worn. Employees shall present a neat and clean appearance, avoiding any mannerism, which might imply disrespect to the court.

### **3:8.2 Testifying for the Defendant**

Any employee subpoenaed to testify for the defense in any trial, hearing, or against the Borough or department in any hearing or trial shall notify the Chief of Police through the chain of command, upon receipt of the subpoena. The employee may not testify for or on behalf of a defendant as a character witness in any criminal prosecution.

### **3:8.3 Department Investigations - Testifying**

Employees are required to answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed. Employees shall be advised of and permitted to invoke all applicable constitutional and statutory rights, including consultation with their designated representative.

### **3:8.4 Truthfulness**

Employees are required to be truthful at all times whether or not under oath, whether verbally or in writing.

### **3:8.5 Criminal and Civil Action, Court Appearance - Subpoena**

Employees shall not volunteer to testify in civil or criminal actions and shall not testify unless legally subpoenaed. Employees shall accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that they are a party to a civil or criminal actions arising out of department employment, they shall immediately notify the Chief of Police through the chain of command of the existence of the subpoena and the nature of the matter at issue.

### **3:8.6 Civil Depositions and Affidavits**

Employees shall advise the Chief of Police prior to giving a deposition or affidavit on a civil case.

### **3:8.7 Civil Cases**

Employees shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained in writing and in advance.

### **3:8.8 Duty of Employees to Appear and Testify**

It shall be the duty of every employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury, the State Commission of Investigation, and Municipal or department hearing. Any employee failing or refusing to so appear and to so testify shall be considered "absent without leave" and may be subject to removal from his office, position or employment.

## CHAPTER 4

### PERSONNEL REGULATIONS

#### 4:1. SURRENDER OF DEPARTMENT PROPERTY

##### 4:1.1 Upon Separation from the Department

Employees are required to surrender all department property upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the department for the fair market value of the article(s). The Chief of Police may withhold a final paycheck upon separation until all department property is surrendered.

##### 4:1.2 Under Suspension

As directed by the Chief of Police or his designee, any employee under suspension may be required to immediately surrender their police identification, badge, department issued firearms (if applicable), and all other department equipment requested, to the Chief of Police or his designee pending the disposition of the case.

#### 4:2. SICK AND INJURY LEAVE

##### 4:2.1 Reporting Sick or Injured

Employees unable to report for duty because of sickness or injury shall make an immediate report to the on duty tour commander as required by policy.

##### 4:2.2 Sick or Injured on Duty

Employees taken sick or injured on duty shall immediately report same to the on duty tour commander and shall remain on duty until excused by the on duty tour commander. The exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance.

##### 4:2.3 Unauthorized Absence

Employees who absent themselves in an improper manner shall be subject to disciplinary action. Unauthorized absence occurs when members or employees:

1. Feign illness or injury;
2. Deceive the town physician in any way as to their true condition;
3. Violate any policies concerning reporting of sickness or injury.

### **4:3 MILITARY LEAVE OF ABSENCE**

#### **4:3.1 Military Reserve Leave**

An 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 annual vacation allowed to such employee. **(Source: N.J.S.A 38:23-1).**

#### **4:3.2 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.

#### **4:3.3 Field Training Leave**

Employees going on military leave for field training, service, or mandatory appearance must notify the Chief of Police within 72 hours of receipt of such order. They must also submit copies of such order to the Chief of Police through the chain of command.

### **4:4. RESIGNATION**

#### **4:4.1 Resignation to be in Writing**

All resignations must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police, unless granted prior approval, not less than fourteen (14) days written notice.

### **4:5. SECONDARY EMPLOYMENT**

#### **4:5.1 Secondary Employment**

Employees may engage in secondary employment consistent with department policy.

## CHAPTER 5

### DISCIPLINARY REGULATIONS

#### 5:1 DISCIPLINARY ACTION

##### 5:1.1 Disciplinary Action

Employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey, local ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank or assignment; or for violation of any written or verbal order, policy and procedure or rule and regulation of the department; or for failure to obey any lawful instruction, order, or command of a supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

##### 5:1.2 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 a basis for disciplinary action. Nothing in this directive prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein, in the department, or in laws and ordinances within the cognizance of the department.

#### 5:2. DEPARTMENT AUTHORITY TO DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, Borough personnel manual, if applicable, administrative regulations, New Jersey Civil Service Commission Rules and Borough ordinance. With the exception of emergency suspensions, department discipline must be taken or approved by the Chief of Police. If it is the Chief of Police that is to be disciplined, action must be taken by the Appropriate Authority.

##### 5:2.1 Discipline Authority

1. Under the provisions of N.J.A.C. 4A:2-2.3, employees, regardless of rank, shall be subject to disciplinary action for:
  - a. Incompetency, inefficiency or failure to perform duties;
  - b. Insubordination;
  - c. Inability to perform duties;

- d. Chronic or excessive absenteeism or lateness;
  - e. Conviction of a crime;
  - f. Conduct unbecoming a public employee;
  - g. Neglect of duty;
  - h. Misuse of public property, including motor vehicles;
  - i. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
  - j. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder; and
  - k. Other sufficient cause.
2. Violations of any of the causes listed above may subject an employee to progressive discipline up to and including dismissal.
3. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.
4. All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, administrative regulations, Civil Service Commission rules and municipal ordinance.
5. Major Discipline
- a. Major discipline shall include:
    - 1) Removal;
    - 2) Disciplinary demotion;
    - 3) Suspension or fine for more than five (5) working days;
    - 4) Suspension or fine for five (5) working days or less where the aggregate number of days suspended or fined in any one calendar year is fifteen (15) working days or more;
    - 5) The last suspension or fine where an employee receives more than three (3) suspensions or fines of five (5) working days or less in a calendar year.
  - b. Major discipline shall be administered under the provisions of N.J.A.C. 4A:2-2 et seq., N.J.S.A. 40A:14-149, and applicable case law.
6. Minor Discipline
- a. Minor discipline includes discipline from reprimand to a suspension (or equivalent fine) of five working days or less.

- b. Minor discipline shall be administered under the provisions of N.J.A.C. 4A:2-3.1 et seq., N.J.S.A. 40A:14-147, collective bargaining agreements, and applicable case law.

## **5:2.2 Corrective/Disciplinary Dispositions**

A system of progressive discipline shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established in N.J.A.C. 4A:2-1 et seq. Basic guidelines include:

- 5:2.2.1** In certain situations, discipline is not required in order to correct employee performance in various areas. Performance based issues may be corrected by using the following actions:

**Training** - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances when corrective action (training) may be necessary. Training includes:

- Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

**Counseling** - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. There are no appeal rights for counseling notices except as may exist under applicable collective negotiations agreements. This shall remain in the Internal Affairs files.

All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

- 5:2.2.2** Repeat performance based issues or minor misconduct issues may be corrected through formal discipline by using the following actions:

**Verbal Reprimand (written)** - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, the misconduct may warrant more than counseling, but less than a written reprimand. Those instances may be handled by a supervisor who shall see that a report of the offense is documented and issued to the employee as a verbal

reprimand. A verbal reprimand is more than counseling, but less than a written reprimand. There are no appeal rights for a written verbal reprimand, unless provided for in the current collective negotiations agreement. Absent further discipline, the final disposition notice regarding the discipline shall be filed in the employee's personnel file for six months and then removed at the request of the employee, with no additional discipline. This does not include the Internal Affairs files.

**Written Reprimand** - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand as approved by the Chief or his designee. A written reprimand is more than a verbal reprimand, but less than formal discipline outlined below. There are no appeal rights for written reprimands except as may exist under applicable collective negotiations agreements. The final disposition notice regarding the discipline shall be filed in the employee's personnel file.

**5:2.2.3** Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:

**Formal Charges** - Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department and must have approval of the Chief or his designee. The disciplinary documents shall remain a permanent record in the internal affairs file. The following disciplinary actions may be taken in accordance with **NJAC 4A:2-2, N.J.S.A. 40A:14-149**, and applicable case law.

- Monetary fine; (**only when suspension would be detrimental to public health, safety or welfare and agreed upon by the employee, see NJSA 11A: 2-20**)
- Suspension without pay;
- Demotion;
- Termination.

Such actions are taken when an employee's minor rule infraction is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior.

All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

### **5:2.3 Appeals Procedure**

The appeals procedures in a disciplinary action shall be consistent with **NJAC 4A:2-1 et seq.**, and/or the current collective bargaining agreements. Disciplinary charges appealed to the New Jersey Civil Service Commission transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with **N.J.A.C. 1:1-1.1 et seq.**

#### **5:2.4 Endorsement and Forwarding of Disciplinary Reports**

Each level in the chain of command shall forward reports bearing on disciplinary matters to the Chief of Police via the chain of command. No employee shall alter or cause to be altered any disciplinary report, issued by another supervisor. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed (nothing contained therein shall exclude a high ranking supervisor from providing input information as it travels through the chain of command). Disciplinary reports shall be filed in accordance with current department directives.

#### **5:2.5 Informing the Person Being Disciplined**

The employee being disciplined shall be informed of the charges, in writing and granted all procedural rights and safeguards in accordance with **N.J.S.A. 11A:2-1 et seq.** and **N.J.A.C. 4A:2-1.1 et seq.**, and **N.J.S.A. 40A:14-147 to 151.**

#### **5:2.6 Misconduct Observed by Police Personnel**

Whenever any supervisor observes or is informed of the misconduct of another employee, which indicates the need for disciplinary action, they shall take authorized and necessary action in compliance with the Rules and Regulations. Failure by a supervisor to take any necessary action shall subject that supervisor to disciplinary action.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 186-014**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2317-2014 entitled:

**AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE  
BOROUGH OF FAIR LAWN 2000 ENTITLED "POLICE DEPARTMENT",  
SPECIFICALLY ARTICLE IV, DUTIES**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 27th day of May, 2014, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

**ORDINANCE NO. 2317-2014**

**AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF  
THE BOROUGH OF FAIR LAWN 2000 ENTITLED "POLICE  
DEPARTMENT", SPECIFICALLY ARTICLE IV, DUTIES**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FAIR  
LAWN AS FOLLOWS:**

**SECTION 1: Chapter 33 POLICE DEPARTMENT** is hereby amended as follows:

Section 33-9 of ARTICLE IV Duties of the Code of the Borough of Fair Lawn 2000 is hereby deleted and replaced with the following:

**§ 33-9. Chief of Police; Powers and Duties.**

The Borough Manager who is designated as the appropriate authority in accordance with N.J.S.A. 40A:14-118 shall appoint a Chief of Police who shall have all of the powers set forth in N.J.S.A. 40A:14-118 and who shall be directly responsible to the Borough Manager for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall, pursuant to policies established by the Borough Manager:

- A. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- B. Have, exercise and discharge the functions, powers and duties of the force.
- C. Prescribe the duties and assignments of all subordinates and other personnel.
- D. Delegate authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chief's direction and supervision.
- E. Report at least monthly to the Borough Manager in such form as shall be prescribed by the Borough on the operation of the force during the preceding month, and make such other reports as may be requested by the Borough Manager.

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION 3:** All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

**SECTION 4:** This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

\_\_\_\_\_  
John Cosgrove, Mayor

Introduced May 13, 2014

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 187-2014**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2313-2014 entitled:

**AN ORDINANCE FIXING THE SALARY OF EXISTING AND NEW SHARED SERVICES - CONSTRUCTION OFFICIAL EMPLOYED OR TO BE EMPLOYED BY THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED.**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

**ORDINANCE NO. 2313-2014**

**AN ORDINANCE FIXING THE SALARY OF EXISTING AND NEW SHARED SERVICES - CONSTRUCTION OFFICIAL EMPLOYED OR TO BE EMPLOYED BY THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED.**

**BE IT ORDAINED** by the Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1.** That there is hereby established for the following classification of certain employees herein set below:

<u>Title</u>	<u>Salary Ranges</u>			
	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Shared Services - Construction Official	\$22,500	\$22,500	\$22,500	\$22,500

**SECTION 2.** That all salaries not covered by this ordinance will remain effective until amended by further salary ordinances.

**SECTION 3.** Annual salaries shall be paid in biweekly installments and weekly and hourly shall be paid for such periods.

**SECTION 4.** Salary increases are effective only if an employee has not resigned voluntarily or has been terminated with cause.

**SECTION 5.** This Ordinance shall take effect upon passage and publication as required by statute.

Attest:

Approved:

\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

\_\_\_\_\_  
John Cosgrove  
Mayor

Introduced: April 29, 2014

Adopted:

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 188-2014**

By

Seconded by

**BE IT RESOLVED** that Ordinance No. 2314-2014 entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000 SPECIFICALLY TO AMEND CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS", MORE PARTICULARLY SECTION 160-13 ENTITLED "RESTRICTED AREAS FOR EATING, SMOKING AND USE OF BEACH UMBRELLAS; FIRE PERMITS" AND TO AMEND CHAPTER 162 ENTITLED "PEACE AND GOOD ORDER" TO PROHIBIT THE USE OF ANY IGNITION SOURCE, INCLUDING FIREWORKS, LIGHTERS, MATCHES, AND SMOKING MATERIALS WITHIN THE BOROUGH'S PARKS**

was posted on the bulletin board in the principal Municipal Building of this municipality on which bulletin board public notices are customarily posted, and that copies of said ordinance were made available to members of the general public requesting the same;

**NOW, THEREFORE, BE IT RESOLVED**, that this ordinance be passed upon second and final reading and that the Municipal Clerk be authorized to advertise the same according to law.

## ORDINANCE 2314-2014

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000 SPECIFICALLY TO AMEND CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS", MORE PARTICULARLY SECTION 160-13 ENTITLED "RESTRICTED AREAS FOR EATING, SMOKING AND USE OF BEACH UMBRELLAS; FIRE PERMITS" AND TO AMEND CHAPTER 162 ENTITLED "PEACE AND GOOD ORDER" TO PROHIBIT THE USE OF ANY IGNITION SOURCE, INCLUDING FIREWORKS, LIGHTERS, MATCHES, AND SMOKING MATERIALS WITHIN THE BOROUGH'S PARKS**

**WHEREAS**, the Governing Body may prohibit the use of fireworks and other ignition sources especially when hazardous environmental conditions necessitate controlled use; and

**WHEREAS**, the Governing Body finds that banning certain fireworks, open fires and other potential sources of fire within Borough's Parks is in the public interest.

**BE IT ORDAINED** by the Borough Council that the following amendments be made to Chapter 160-13:

### **SECTION 1.**

Borough Code §160-13 entitled "Restricted areas for eating, smoking and use of beach umbrellas; fire permits" is amended to change the title and delete the following sentence:

#### **§160-13 Restricted areas for eating and use of beach umbrellas; fire permits.**

The smoking of any form of cigarette, cigar or pipe is hereby prohibited except in designated areas where smoking is permitted.

### **SECTION 2.**

Borough Code §162-2 is amended as follows:

#### **§162-2. Prohibiting the Use of any Ignition Source, Including Fireworks, Lighters, Matches, and Smoking Materials within the Borough's Parks**

A. Purpose.

This ordinance prohibits open fires and the use of any ignition source, including fireworks, lighters, matches, and smoking materials, in all parks within the Borough of Fair Lawn.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

### CONSENT AGENDA 10-2014

By

Seconded by

**WHEREAS**, the following resolutions having heretofore been placed on this Resolutions by Consent Agenda which require no discussion and same having been previously reviewed by each Councilmember, be and are hereby adopted, ratified, and confirmed in their entirety by the Mayor and Council of the Borough of Fair Lawn:

- a. Resol. #189-2014 - Approval of Minutes:
  - Closed Session 4/1/14
  - Work Session 4/1/14
  - Closed Session 4/1/14
  - Regular Meeting 4/8/14
- b. Resol. #190-2014 - Authorizing the Acceptance of Funds from a Subgrant Award from the FY2013 Federal Emergency Management Agency Assistance Program
- c. Resol. #191-2014 - Audit Report
- d. Resol. #192-2014 - Corrective Action Report
- e. Resol. #193-2014 - Interlocal Agreement with the Borough of Woodland Park for the Use of Memorial Pool
- f. Resol. #194-2014 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- g. Resol. #195-2014 - Award of Bid: Radio Repair and Maintenance
- h. Resol. #196-2014 - Issuance of Estimated Tax Bills for Third Quarter 2014
- i. Resol. #197-2014 – Award of Bid: Tree Planting
- j. Resol. #198-2014 - Authorizing Use of Memorial Pool by Intellichild Academy
- k. Resol. #199-2014 – Green Acres Enabling Resolution
- i. Resol. #200-2014 – Farmer’s Market

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 189-2014**

By

Seconded by

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Council Minutes of:

Closed Session 4/1/14  
Work Session 4/1/14  
Closed Session 4/1/14  
Regular Meeting 4/8/14

are hereby approved.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 190-2014**

By

Seconded by

**WHEREAS**, the Borough of Fair Lawn, Office of Emergency Management has been awarded Emergency Management Agency Assistance Subgrant Program ("EMAA") from the New Jersey State Police Office of Emergency Management Agency available for successful applicants funded through the FY2013 Emergency Management Performance Grant for the dates of July 1, 2013 through June 30, 2104; and

**WHEREAS**, the Subgrant, consisting of a total amount of \$10,000 including \$5,000 Federal Award and \$5,000 Local Matching Funds) which the Fair Lawn Office of Emergency Management will satisfy with the Office of Emergency Management's existing salaries and wages.

**BE IT RESOLVED**, by the Borough of Fair Lawn that the Borough Manager, the Chief Financial Officer and the Emergency Management Coordinator are hereby authorized to sign the required Grant Applications/ Subgrant Award Documents with the New Jersey State Police, Office of Emergency Management.

**BE IT FURTHER RESOLVED**, that copies of this Resolution shall be forward to the New Jersey State Police Office of Emergency Management, the Bergen County Office of Emergency Management; the Director of the Division of Local Government Services; the Fair Lawn Office of Emergency Management, the Borough Manager, and the Chief Financial Officer.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 191-2014**

By

Seconded by

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit :

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Borough of Fair Lawn, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 192-2014**

By

Seconded by

**WHEREAS**, the single Audit Act and regulations of the Division of Local Government Services requires that the Chief Financial Officer of every local unit prepare and file a Corrective Action Plan; and

**WHEREAS**, the regulation also requires that all members of the governing body review and approve such a plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Fair Lawn hereby states that it has complied with these regulations, and does hereby approve the Corrective Action Plan for 2013.

**Corrective Action Plan – 2013 Annual Audit**

**Borough of Fair Lawn**

**County of Bergen**

Date Audit Report Was Received April 28, 2014

Municipal Court

Comment #13-01.1

1. Description: On several occasions throughout the year deposits were not made in a timely manner in accordance with N.J.S.A. 40A:5-15.
2. Analysis: A few deposits were not made within 48 hours of receipt. Reduction of staff has resulted in a delay in processing 1 to 2 days work.
3. Corrective Action: The Court has implemented a new banking schedule to ensure that deposits are made within 48 hours as pursuant to N.J.S.A. 40A:5-1.
4. Implementation Date: Immediately .

Findings #13-01.2

1. Description: In the General Account, monies collected were not always being disbursed to the agencies on or before the 15th of the following month, as per Rule 7:14-4(a). We noted 5 instances where the checks where the checks were written after the 15th and 6 instances where the checks were held and released after the 15th.
2. Analysis: There were five instances as a delay in disbursing the payments that corresponding to the previous month's court activity. Disbursements were not completed Ticket books that are issued on weekends when court staff are not available are delayed in the book of entry. Reduction of staff has resulted in a delay in processing timely work.
3. Corrective Action: The Court will make a conscious effort to make disbursements in a timely manner.
4. Implementation Date: May 1, 2014.

Findings #13-01.3

1. When bail monies are collected for an out-of-town municipal court and the payment is in the form of a check, the check is payable to another town and mailed directly there. These payments are not processed through the Fair Lawn Municipal Court ATS/ACS system as "out of town bail" as they should be.

**Corrective Action Plan – 2013 Annual Audit-Continued**

2. Analysis: This allowed Fair Lawn to forward the check directly to the other town's court. This policy was implemented as a result of defenseman's passing bail checks for out of town bail only to learn that the check is NSF after the funds were released.
3. Corrective Action: That the Borough properly documents these fees and continue with their policy.
4. Implementation Date: Immediately

Findings #13-01.4

1. Police Department pre-numbered bail receipts book numbered B 004801-004850 was missing six (6) receipts. All three parts of the receipts were missing from the book and were not available for audit.
2. Analysis: This allowed Fair Lawn to forward the check directly to the other town's court.
3. Corrective Action: An email was sent to the Fair Lawn Police Department regarding the missing receipts.
4. Implementation Date: March 6, 2014

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 193-2014**

By

Seconded by

**WHEREAS**, the Borough of Woodland Park has requested that the Borough of Fair Lawn permit the usage of Memorial Pool to their residents and families for the season beginning June 25, 2014 through September 1, 2014; and

**WHEREAS**, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Borough of Woodland Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this resolution is subject to the condition that the Borough of Woodland Park adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 194-2014**

By

Seconded by

**WHEREAS**, the Township of Saddle Brook has requested that the Borough of Fair Lawn permit the usage of Memorial Pool to their residents and families for the season beginning June 25, 2014 through September 1, 2014; and

**WHEREAS**, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the Borough hereby enter into an interlocal government services agreement with the Township of Saddle Brook; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that this resolution is subject to the condition that the Township of Saddle Brook adopt a resolution concurrent herewith for the execution of said agreement.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 195-2014**

By

Seconded by

**WHEREAS**, bids were received for Radio Repair and Maintenance by the Municipal Clerk on April 22, 2014; and

**WHEREAS**, said bids were referred to the Borough Manager and appropriate Department Head for consideration and recommendation; and

**WHEREAS**, Communications Specialists, Inc. having an office located at 11C Harts Lane, East Brunswick, New Jersey is the lowest responsible bidder in accordance with the attached "Schedule A";

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award be made to Communications Specialists, Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

**BE IT FURTHER RESOLVED**, that the award of this bid is subject to the Borough Treasurer executing the appropriate Certificate of Availability of Funds; and

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk be and are hereby authorized to execute the appropriate contracts approved by the Borough Attorney.

**Bid Result**

**Bid: RADIO REPAIR AND MAINTENANCE**

**Bid Date: April 22, 2014**

Bidder & Location: Communications Specialists, Inc.  
East Brunswick, New Jersey 08816

Bid Deposit: Certified Check

Proposal 1A:	\$3,267.60
Proposal 1B:	\$46.00
Proposal 1C:	\$95.00
Proposal 1D:	-0-
Proposal 2:	\$46.00

Note:

- Proposal 1A: Police Department Equipment Monthly Maintenance and Repair
- Proposal 1B: Labor Charge outside of Maintenance Contract Monday through Friday, 8 am - 4 pm
- Proposal 1C: Labor Charge outside of Maintenance Contract after business hours, weekend & holidays
- Proposal 1D: Percentage of Discount on Parts not covered under Maintenance Contract
- Proposal 2: Hourly Repair Charge for all Borough Departments other than Police

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 196-2014**

By

Seconded by

**WHEREAS**, P.L. 1994, c.72 authorizes the Tax Collector to prepare and mail estimated tax bills in accordance with N.J.S.A. 54: 4-66.3; and

**WHEREAS**, the Borough of Fair Lawn has not received a certified tax rate from the County of Bergen; and

**WHEREAS**, the Borough of Fair Lawn's Tax Collector may be unable to mail the Borough's 2014 tax bills on a timely basis; and

**WHEREAS**, the Borough of Fair Lawn's Chief Finance Officer, in consultation with the Borough of Fair Lawn's Tax Collector, has calculated an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn the following:

1. The Borough of Fair Lawn's Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2014 taxes. The Tax Collector shall proceed after passage of this resolution and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2014 is hereby set at \$127,995,532.62.

3. In accordance with law the third installment of 2014 taxes shall not be subject to interest until the later of August 10 or the 25th calendar day after the date estimated tax bills were mailed. The estimated bills shall contain a notice specifying the date on which interest may begin to accrue.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 197-2014**

By

Seconded by

**WHEREAS**, bids were received for Tree Planting by the Municipal Clerk on April 22, 2014; and

**WHEREAS**, said bids were referred to the Borough Manager and appropriate Department Head for consideration and recommendation; and

**WHEREAS**, TC Landscaping Construction Group, Inc., 79 Marie Street, Toms River New Jersey 08753 is the lowest responsible bidder at a unit price year 1 of \$3,990.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that upon recommendation of the Borough Manager and appropriate Department Head, the award of bid be made to TC Landscaping Construction Group, Inc. subject to the execution of purchase orders by the Borough Manager and Borough Treasurer.

**BE IT FURTHER RESOLVED**, that the award of this bid is subject to the Borough Treasurer executing the appropriate Certificate of Availability of Funds; and

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk be and are hereby authorized to execute the appropriate contracts approved by the Borough Attorney.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 198-2014**

By

Seconded by

**WHEREAS**, the Intellichild Academy of Fair Lawn, located at 12-29 River Road, Fair Lawn, New Jersey 07410, has requested that the Borough of Fair Lawn permit the usage of Memorial Pool on Wednesdays and Fridays from July 16, 2014 through August 22, 2014 and Thursday, July 24, 2014 instead of Wednesday, July 23, 2014 between 10:00 a.m. and 11:30 a.m. and Mondays, Tuesdays or Thursdays shall be used for rain dates as needed for its camp program during the summer of 2014; and

**WHEREAS**, providing said service will be beneficial to the residents of Fair Lawn by generating revenue for the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that the Borough enter into an agreement with the Intellichild Academy of Fair Lawn for the purpose of providing the aforesaid services at a rental fee of \$1,800 for the term; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and they are hereby authorized to execute said agreement in a form to be prepared by the Borough Attorney.

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 199-2014**

By

Seconded by

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Fair Lawn has previously obtained grants of \$450,000 and \$750,000 from the State to fund the following project: Project #0217-06-0619 Open Space Acquisition

**WHEREAS**, The State and the Borough of Fair Lawn intend to increase Green Acres funding by \$487,500; and

**WHEREAS**, the Borough of Fair Lawn is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment to the Agreement with the State for the above-named project;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Lawn that:

1. The Borough Manager is hereby authorized to execute an agreement and any amendment thereto with the State known as Open Space Acquisition Project #0217-06-0619, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$487,500, and;

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and;
5. That this resolution shall take effect immediately

Aye Nay Abstain

Dunay  
Lefkowitz  
Peluso  
Swain  
Cosgrove

May 13, 2014

**RESOLUTION NO. 200-2014**

By

Seconded by

**WHEREAS**, for many year, area farmers have brought their farm crops and products into the Borough of Fair Lawn for sale to citizens of Fair Lawn; and

**WHEREAS**, for many years there have been individuals from the area that come, from time to time, to purchase freshly grown crops and agrarian products from area farmers; and

**WHEREAS**, the Borough of Fair Lawn has had a venue for the sale of farmers' products; and

**WHEREAS**, the Governing Body deems it proper, and in the best health, interest, and welfare of the citizens of Fair Lawn, to have available to its citizens the ability to purchase freshly grown farm crops and locally produced agrarian products; and

**WHEREAS**, the Governing Body has taken deliberate, proactive, and creative, steps to support the Farmer's Market; and

**WHEREAS**, due to the recent loss of venders, this year's Farmer's Market is in desperate need of additional vendors; and

**WHEREAS**, the Farmer's Market season is well underway and with limited time left; and

**WHEREAS**, the Governing Body wishes to act on an emergent basis permitting and authorizing the Borough Manager, in his sole discretion, to implement an application fee waiver process in order to attract and maintain new vendors to our Farmer's Market; and

**WHEREAS**, the Governing Body shall undertake a more deliberate and investigative process of this issue next year.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of Borough of Fair Lawn that the Borough does hereby authorize and direct the Borough Manager, in his sole discretion, to implement an application fee waiver process in order to attract and maintain new vendors to our Farmer's Market.