

**TOWNSHIP OF EDGEWATER PARK
MINUTES - JULY 20, 2010**

Mayor Johnson called the meeting to order at 7:00 PM

FLAG SALUTE

Open Public Meetings Act Statement

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231,
P.L. 1975 THE CLERK READ THE STATEMENT:

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Township Committee in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January 6, 2010.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 6, 2010.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 6, 2010.

Present: Mrs. Aimee Belgard, Mr. Darrell Booker, Mr. John McElwee, Mr. Joseph Pullion, Mayor Kevin Johnson (Committee Members)

Also present: Mr. Robert Brian, Chief of Police (Closed and Public), Mr. Aubrey Painter, Superintendent of Public Works (Closed and Public), Mrs. Linda Dougherty, Clerk/Administrator (Closed and Public), Mr. William Kearns, Solicitor (Closed and Public) and Ms. Tanyika Johns, Deputy Clerk (Public)

DISCUSSION(S)/PRESENTATION(S): NONE

REPORTS

Report from Municipal Clerk/Administrator is appended hereto.

2010 Police Sergeant Promotional Announcement

Upon discussion, Township Committee directed Mrs. Dougherty to send a letter to Civil Service stating promotional testing is not necessary due to budgetary constraints.

Resolution 2010-108-Fire Arms Policy

Township Committee discussed and questioned the specific requirements for qualifying and that the qualification guidelines are established by the Attorney General. Officers must qualify two times per year.

Resolution 2010-46 & 47

Township Committee discussed the police contracts and that unfortunately an agreement could not be reached with the respective unions in lieu of layoffs; an unfair labor practice charge was filed by the police union for non-execution of the contracts. The effect of the salary increases for budget year 2011 will have to be determined based on state aid and the two percent CAP levy.

There Were No Other Reports

REPORT ACCEPTANCE

Moved by: Mayor Johnson

Second: Mrs. Belgard

Hearing no further discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

AUTHORIZATIONS: NONE

APPOINTMENTS/RESIGNATIONS:

Ratification of Seasonal Part-Time Public Works Employees of Jason Carr in the Public Works Department effective July 12, 2010, rate of \$10.00 per hour.

Moved by: Mayor Johnson

Second: Mr. Pullion

Discussion: Township Committee questioned if the applicants are township residents.

Mr. Painter discussed both applicants are Township residents; if applicants have the qualifications we are looking for preference is given to township residents.

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Ratification of Seasonal Part-Time Public Works Employees of Sean Ferguson in the Public Works Department effective July 12, 2010, rate of \$10.00 per hour.

Moved by: Mayor Johnson

Second: Mr. McElwee

Discussion: None

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

FUNCTION APPLICATIONS:

Public Functions:

Steve Bruneau on behalf of EPAA; requesting use of Memorial Soccer for EPPA Soccer; August 1, 2010 through December 15, 2010 M-F 6 – 9 PM sat 9 am – Dusk Sun 9 am -6 PM (Certificate of Insurance on File)

Moved by: Mr. McElwee

Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Steve Bruneau on behalf of EPAA; requesting use of Kite Field for EPPA Baseball; August 15, 2010 through November 15, 2010 M-F 6 –dusk Sat 9 am – Dusk Sun 9am -6PM (Certificate of Insurance on File)

Moved by: Mr. Pullion

Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Steve Bruneau on behalf of Challengers Soccer Camp requesting use of Memorial Field for Soccer Camp Session on Monday, August 9, 2010 – Friday August 20, 2010. 9 am -4 pm.

Moved by: Mr. Booker

Second: Mayor Johnson

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Bill Deponte on behalf of Burlington City High School requesting use of Memorial Soccer for Soccer; Date(s): 7/7/10 – 11/1/10 Specifically 7/7/10-8/31/10 6 PM -8PM; 8/14/10-

8/31/10 8 AM – 11 AM ; 9/1/10 -11/1/10 3 PM - 6PM; Monday -_Friday and Saturday mornings 8 am -12 pm occasional Sunday Evening (Certificate of Insurance on File)

Moved by: Mayor Johnson Second: Mr. McElwee

Discussion: Township Committee discussed that authorization with preference given to EPAA and correlation with EPAA.

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Solicitor's Permit: None

RESOLUTIONS

Motion to bring Resolution No. 2010 – 46 and 2010-47 back to the table which were tabled at the July 8, 2010 meeting.

Moved by: Mr. Pullion Second: Mr. Booker

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

2010 Budget Amendment- Public Hearing

Mrs. Dougherty and Mrs. Peak reviewed and presented the amendments to the 2010 Budget.

Open To The Public For Public Hearing on the 2010 Municipal Budget Amendment Only:

CLOSE: Hearing no one wishing to speak the Mayor closed this portion of the meeting to public comment on **2010 Municipal Budget Amendment.**

Consent Agenda

Mayor Johnson moved to remove all items on the consent agenda for Resolution No 2010-46 – 2010-47 and No. 2010 -102 through 2010-11; Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-46

Resolution of the Township of Edgewater Park, County of Burlington, and State of New Jersey, Authorizing the Mayor and Clerk to Execute an Agreement with the Edgewater Park Police Association Patrol Officers.

WHEREAS, the Township's agreement with the EDGEWATER PARK TOWNSHIP POLICE ASSOCIATION expired December 31, 2008.

WHEREAS, the Township wishes to enter into a collective bargaining agreement with the EDGEWATER PARK TOWNSHIP POLICE ASSOCIATION PATROL OFFICERS for the years 2009, 2010, 2011 and 2012;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, State of New Jersey, that the Mayor and Clerk of the TOWNSHIP OF EDGEWATER PARK are hereby authorized to enter into an Agreement with the EDGEWATER PARK TOWNSHIP POLICE ASSOCIATION PATROL OFFICERS, a copy of which is attached hereto, for the years 2009, 2010, 2011 and 2012.

Moved by: Mr. Booker

Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-47

Resolution of the Township of Edgewater Park, County of Burlington, and State of New Jersey, Authorizing the Mayor and Clerk to Execute an Agreement with the Edgewater Park Police Association Superior Officers.

WHEREAS, the Township’s agreement with the EDGEWATER PARK TOWNSHIP POLICE ASSOCIATION expired December 31, 2008.

WHEREAS, the Township wishes to enter into a collective bargaining agreement with the EDGEWATER PARK TOWNSHIP POLICE ASSOCIATION SUPERIOR OFFICERS for the years 2009, 2010, 2011 and 2012;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, State of New Jersey, that the Mayor and Clerk of the TOWNSHIP OF EDGEWATER PARK are hereby authorized to enter into an Agreement with the EDGEWATER PARK TOWNSHIP POLICE ASSOCIATION SUPERIOR OFFICERS, a copy of which is attached hereto, for the years 2009, 2010, 2011 and 2012.

Moved by: Mr. McElwee

Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-102

RESOLUTION CONDUCTING ANNUAL BUDGET SELF- EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Edgewater Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2008 budget year, now therefore

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Township of Edgewater Park that in accordance with N.J.A.C 5:30-7.6a & b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (Complies with the “CAP” law.)
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED to the Director of the Division of Local Government Services upon adoption.

Moved by: Mr. Booker

Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION 2010-103

Resolution to Adopt Budget-Appended to the end of the minutes

Moved by: Mr. Johnson

Second: Mrs. Belgard

Discussion: Mrs. Belgard explained she is voting no on the budget because she does not agree with the way Governor Christie has irresponsibly reduced the tax burden; the Governor has reduce municipal state aid and shifted the tax burden from the state to the municipality while offering no toolkit reform and continues to with unfunded mandates. Due to the reduction in state aid the township had to layoff personnel and reduce work hours.

Roll Call: Mrs. Belgard - no, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-104

Resolution Authorizing the 2010 Tax Sale

WHEREAS, it is the desire of the Tax Collector of the Township of Edgewater Park to conduct the 2009 tax sale of the prior year's delinquent taxes, assessments, municipal utility charges and other municipal charges; and

WHEREAS, R.S. 54:5-26 states that in lieu of any two publications, notice to the property owner and to any person or entity, entitle to notice of the foreclosure pursuant to section 20 of P.L. 1948.C96 cc, 54:5-104.48 may be given by regular or certified mail, the cost of which shall be added to the cost of sale in addition to those provided in R.S. 54:5-38 not to exceed \$25.00 (twenty-five dollars) for each notice for a particular property, Failure of property owner to receive notice of tax sale properly mailed by the Tax Collector shall not constitute grounds to void subsequent tax sale.

NOW THERE FOR BE IT RESOLVED BY THE Township Committee of the Township of Edgewater Park, assembled in public session on this 20th day of July 2010 that the Tax Collector is hereby authorized to conduct the annual tax sale of prior year delinquencies.
Moved by: Mr. Booker Second: Mr. Johnson
Hearing no discussion:
Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010- 105

*Resolution of the Township Committee of the Township of Edgewater Park
Authorizing the Execution of a Contract with The DVH Group for Renovations to Weimann Field*

WHEREAS, the Township Committee of the Township of Edgewater Park is desirous awarding a contract for improvements to Weimann Field; and

WHEREAS, in order to make this determination it is was deemed necessary to go out on competitive quote, and this contractor was low quote in the base amount of \$19,450.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, this resolution and the above-mentioned specifications will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

BE IT RESOLVED, the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, will award said contract to The DVH Group 626 Park Road, Cherry Hill, NJ 08034 effective July 21, 2010 and

BE IT FURTHER RESOLVED that Linda M. Dougherty, Municipal Clerk/Administrator is hereby authorized to execute said contract.

Moved by: Mr. Johnson Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Resolution No. 2010-106

Resolution Calling on the State Legislature and the Governor to Enact Property Tax Reform with Passage of the "Municipal Tool Kit" and Mandates Relief

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year's already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor's "Tool Kit to Meet Today's Fiscal Challenges" was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, 'New caps without the toolkit are unworkable.' and

WHEREAS, with the cuts assured in the State's new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors - from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms; now therefore be it

RESOLVED, by the Township Committee_of the Township of Edgewater Park calls for immediate passage of the "Toolkit" reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Moved by: Mr. Pullion Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

Resolution No. 2010-107

Resolution Regulating the Use of Force and Reporting Procedures for the Edgewater Park Police Department

USE OF FORCE AND REPORTING

SUBJECT: Use of Force and Reporting
3.02 (16 pgs)

I. Purpose

The purpose of this Order is to establish department policy regarding the justified use of force in carrying out the law enforcement function and to establish a procedure for reporting and reviewing those incidents where members of the Department use force. This General Order will also identify those lethal and less-than-lethal weapons authorized for use by members of the department.

II. Policy

It will be the policy of the department to use only that degree of force necessary, and allowed by law, specifically NJSA 2C:3-7, to accomplish law enforcement objectives. No member of the department shall ever use physical force, or lethal or less-than-lethal weapons, except in their own defense, the defense of others, to overcome physical resistance to arrest, prevent escape of an arrested or incarcerated person, or in the performance of other official duties where the use of force would be justified.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. The use of force should never be considered routine. In determining to use force, the officer shall be guided by the principle that the degree of force employed in any situation should be only that reasonably necessary. Officers should exhaust all other reasonable means before resorting to the use of force. **It is the policy of this department and the State of New Jersey that law enforcement officers will use only that force which is objectively reasonable and necessary.**

This policy reinforces the responsibility of law enforcement officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers. Every

officer is expected and required to take appropriate action in any situation where that officer is clearly convinced that another officer is using force in violation of state law.

Law enforcement officers are obligated to report all situations in which force is used illegally by anyone. This policy sends a clear message to law enforcement officers that they share an obligation beyond the requirements of the law. Officers are encouraged to do whatever they can to interrupt the flow of events before a fellow officer does something illegal and before any official action is necessary.

Deciding whether to utilize force when authorized in the conduct of official responsibilities is among the most critical decisions made by law enforcement officers. It is a decision that can be irrevocable. It is a decision that must be made quickly and under difficult, often unpredictable and unique circumstances. Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy is intended to provide the best guidance and direction possible to officers when called upon to confront and address the most difficult situations. Officers whose actions are consistent with the law and the provisions of this policy will be strongly supported by the law enforcement community and this department in any subsequent review of their conduct regarding the use of force.

III. Procedure

A. The Use of Force Continuum

1. Members of the department should employ the Use of Force Continuum when determining what level of force is appropriate and when the use of force should be escalated. Members will be held strictly accountable for the use of force, justifying its use, and reporting it.
2. The Continuum consists of five levels of force, as defined herein, beginning with non-physical constructive force and escalating to deadly force.
 - a. **Constructive Force** -
Does not involve physical contact but relies upon the officer's authority to gain and maintain control. This may be accomplished by the officer's physical appearance, sense of presence, verbal commands, gestures, warnings, or the threat that another level of force will be used by exhibiting or pointing a weapon.
* Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.
 - b. **Physical Contact** -
Routine or procedural contact necessary to effectively accomplish a legitimate law enforcement objective. Such incidents require no physical force to overcome resistance. Would be employed when performing tasks such as guiding individual into vehicle or building, when grasping arm of prisoner while escorting, transporting, or handcuffing, or while maneuvering or positioning individual during search or frisk.
 - c. **Physical Force** -
Contact beyond that routinely utilized to effect an arrest or other law enforcement objective. Employed when necessary to overcome physical resistance to authority, or to protect persons or property. Tactics would include punching,

kicking, use of wrist or arm locks, wrestling, and other hand-to-hand tactics used in such confrontations.

d. **Mechanical Force** -

Use of devices or substances, other than firearms, to overcome physical resistance to authority, or to protect persons or property. Involves the deployment of less-than-lethal weapons. The department authorizes only the side handled and expandable straight batons and pepper spray (oleoresin capsicum) as less-than-lethal weapons.

e. **Deadly Force** -

As defined by NJSA 2C:3-11 means that force which is used for the purpose of causing, or which it is known will create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person, or at a vehicle, building, or structure in which another person is believed to be constitutes deadly force. Also, the deployment of any other weapon or instrument, to include bean bag rounds and rubber bullets, for this specific purpose or for creating such a risk constitutes deadly force.

3. For purposes of this directive the following definitions shall apply:

a. Reasonable Belief

- As defined in NJSA 2C:1-14, “designates a belief the holding of which does not make the actor reckless or criminally negligent”.

b. Bodily Harm

- As defined in NJSA 2C:3-11, “means physical pain, or temporary disfigurement, or impairment of physical condition”.

c. Serious Bodily Harm

- As defined in NJSA 2C:3-11, “means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ or which results from aggravated sexual assault or sexual assault”.

B. Justifications

1. Use of Force in General

- a. Officers, when justified in the use of force, are not obliged to desist or retreat because resistance is encountered or threatened. Not only may they stand their ground, but may press forward to achieve a lawful objective, overcoming force with force reasonably necessary.
- b. The decision to engage in a motor vehicle pursuit (SOP 3.03.) often requires justifications similar to those required for the use of force. Therefore, officers should consider the provisions of this SOP when determining whether or not to engage in a pursuit.
- c. Officers will be responsible for taking immediate steps to obtain whatever level of medical attention is necessary anytime the use of any level of force results in any injury. The level of medical attention could be as simple as

the application of a cold compress, to requesting a helicopter med-evac

2. Use of Non-deadly Force - Non-deadly force is any force other than deadly. Officers are justified in the use of such force in the performance of their duties when they reasonably believe that it is immediately necessary to;
 - a. Protect themselves or others against the unlawful use of force by another,
 - b. Prevent another from committing suicide or inflicting serious bodily injury upon themselves,
 - c. Thwart the commission of a crime involving or threatening bodily harm, damage to or loss of property, or a breach of the peace,
 - d. Prevent an escape, or
 - e. Affect an arrest for an offense or crime.
 - The use of force to effect an arrest is only justified when, in accordance with the provisions of NJSA 2C:3-7, the officer, “makes known the purpose of the arrest or reasonably believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and when the arrest is made under a warrant, the warrant is valid or reasonably believed to be valid”.
 - f. Anytime an officer uses non-deadly force, to include physical force as defined herein, or takes any action that results in or is alleged to have resulted in injury to another person, the duty supervisor is to be notified as soon as is reasonably possible. The individual against whom force is used must be arrested and charged with, at minimum, the offense which lead to its use. The duty supervisor will be responsible for ensuring that the use of force or other action taken is properly documented as follows:
 - A detailed description of the events resulting in the use of force or other action taken is included in the officer’s investigation report.
 - Completion and submission of the department “Use of Force Report” when appropriate.
 - g. The “Use of Force Report” will be submitted to the duty supervisor then through the chain of command to the PSD/CLEO for review and action, if any. The training/internal affairs officer will be responsible for maintaining a file on all such reports and for the preparation of an annual analysis to be submitted to the Director of Public Safety/Chief Law Enforcement Officer (PSD/CLEO). The “Use of Force Report” is not to be submitted as part of the case investigation file.
3. Use of Deadly Force
 - a. Officers are justified in the use of deadly force in the performance of their duties in accordance with the provisions of NJSA 2C:3-7, which specifically addresses the following circumstances:
 - When officers reasonably believe such force is immediately necessary to protect themselves or another person from death or serious bodily injury.
 - When necessary while effecting an arrest for, or to prevent the commission of one of the following crimes:
 - Homicide
 - Kidnapping
 - Sexual Assault or Aggravated Sexual Assault

Arson
Robbery
Burglary of a Dwelling

and is also necessary to prevent the commission of a crime that would endanger human life or inflict serious bodily injury upon another.

- When necessary to prevent an escape of a fleeing suspect:
 - 1) Whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; **and**
 - 2) Who will pose an imminent danger of death or seriously bodily harm should the escape succeed; **and**
 - 3) When the use of deadly force presents no substantial risk of injury to innocent persons.
- b. Deadly force shall not be employed unless the officer reasonably believes that its use does not create a substantial risk of injury to any innocent person. At no time and under no circumstances are officers authorized to discharge their weapon as a signal for help or as a “warning” shot.
- c. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a fleeing suspect is disabled and loses control of his or her vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions which necessitated the use of deadly force.

Due to this greater, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, officers shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle unless the officer reasonably believes;

- 1) There exists an imminent danger of death or serious bodily harm to the officer or another person; **and**
- 2) No other means are available at that time to avert or eliminate the danger.

* A law enforcement officer shall not fire a weapon solely to disable moving vehicles.

- c. **Any use of force by a law enforcement officer involving death or serious bodily injury to a person, or where deadly force is employed with no injury, or where any injury to a person results from the use of a firearm, the Division of Criminal Justice must be notified immediately, pursuant to the Attorney General Law Enforcement Directive No. 2006-05 (attached). For the purpose of this policy, “immediate” notification to the Division of Criminal Justice shall mean notification (contact numbers are also attached) before any investigation of the incident is undertaken other than to secure**

the scene and to render medical assistance as required in the circumstances. Additionally, the duty supervisor is to be notified immediately. The supervisor will notify the PSD/CLEO and the Burlington County Prosecutors Office Immediately upon his learning of the incident.

- The Internal affairs officer and the detective may be assigned to assist in the investigation of the incident.
- d. The duty supervisor will be responsible for ensuring that the incident is properly documented. A detailed description of the events necessitating the use of force or other action taken will be included in the officer's investigation report. A copy of the report will be routed to the PSD/CLEO for review and action. A copy of the report will also be forwarded to the training/I.A. officer who will maintain a file on such reports.
- The training/I.A. officer will be responsible for preparing an annual analysis of all such incidents and submitting the report to the PSD/CLEO.

C. Exhibiting a Firearm

1. A law enforcement officer shall not unholster or exhibit a firearm except under any of the following circumstances:
 - a. For maintenance of the firearm;
 - b. To secure the firearm;
 - c. During training exercises, practice or qualification with the firearm;
 - d. When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm;
 - e. When circumstances create a reasonable belief that display of a firearm as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.

D. Less-than-lethal Weapons - In the Use of Force Continuum, less-than-lethal weapons are mechanical force. Mechanical force is an escalation from the use of physical force but is not the use of deadly force. The department authorizes only the side handled baton, the expandable straight baton (i.e. Asp), and pepper spray (oleoresin capsicum) as less-than-lethal mechanical force weapons.

1. Side Handled and Expandable Straight Batons

- a. Batons are defensive police weapons that may, when justified, be used to;
 - Protect the officer or another from bodily injury,
 - Overcome resistance to an arrest,
 - Control an aggressively violent person, or

- Prevent an individual from committing suicide or otherwise harming himself.
- Once resistance ceases, the use of the side handled or expandable straight baton as a weapon will cease.

b. Only officers who have satisfactorily completed a certification course, taught by a certified instructor in the use of such batons, may carry the side handled or expandable straight baton. The training may be part of the officer's basic police academy training or an in-service program held by the department or another agency.

- The side handled and expandable straight batons are only to be used as instructed. They are not to be used to deliberately strike with a degree of force intended to cause serious bodily injury or death unless the use of deadly force is justified. Due to their potential as a deadly force weapon, officers must exercise special care in their use and avoid striking those potentially fatal areas of the body identified during training.

c. Only department issued batons will be authorized for use and officers are strictly forbidden from making any modifications to it. Side handled and expandable straight batons will only be carried in the manufacturer's issued or recommended holder.

2. Pepper Spray (oleoresin capsicum)

a. Pepper spray is an inflammatory agent using cayenne pepper extract as the active agent. It acts only on the mucous membrane and causes swelling of the cells, causing the eyes to shut and reducing breathing capabilities to a point where aggression should no longer be possible. Like the side handled baton, pepper spray is a defensive police weapon that may, when justified, be used to;

- Protect the officer or another from bodily injury,
- Overcome resistance to an arrest,
- Control an aggressively violent person, or
- Prevent an individual from committing suicide or otherwise harming himself.

* Once resistance ceases, the use of pepper spray shall cease.

b. Only officers who have satisfactorily completed a certification course, taught by a certified instructor in the use of pepper spray, may carry it. The training may be part of the officer's basic police academy training or an in-service program held by the department or another agency. In addition, officers must satisfactorily complete periodic recertification training if required:

- Officers who do not successfully complete the periodic recertification will not be permitted to carry pepper spray until such time as they do so. The training officer will schedule up to three remedial training sessions within thirty days of each other. If the officer still fails to recertify, he will not be rescheduled until the next annual recertification.

- c. Pepper spray is only to be used as instructed. Any use of the agent that is not justified will subject the user to disciplinary action. Pepper spray is not to be used to harass, humiliate, or intimidate any person.
 - Verbal noncompliance is not to be considered justification for deployment.
- d. Only department issued pepper spray will be authorized for use. Certified uniform officers assigned to the patrol function will carry the agent at all times when on duty. It will be the responsibility of the duty supervisor to inspect officers prior to assigning them to any duties to ensure that they have pepper spray and that it is being properly carried. Once an individual who has been exposed to the affects of pepper spray has been secured, has ceased resisting, and is no longer a threat to officers, themselves, or others, every reasonable effort will be made to relieve discomfort. The individual will be permitted to cleanse the affected areas with copious amounts of water and soap as needed. This cleansing and exposure to moving air will normally relieve discomfort within thirty to forty minutes.
 - Should the affected areas remain inflamed or discomfort continues, the duty supervisor will be advised so that arrangements can be made for further medical treatment if necessary.
 - Medical treatment must be provided if requested by the affected individual.

F. Discharge of Firearms

1. Anytime an officer discharges a firearm accidentally or intentionally, either on-duty or off, for other than training or recreational purposes, or under circumstances not otherwise covered by this SOP, the duty supervisor is to be notified as soon as is reasonably possible. Notification of the DPS/CLEO will be at the supervisor's discretion.
2. The supervisor will cause to be generated a report detailing the circumstances surrounding the discharge. The report will be forwarded through the chain of command to the PSD/CLEO for review and action, if any.
 - a. If the discharge was for the purpose of destroying a non-domesticated animal for humane or public safety purposes the duty supervisor may determine that an incident report is sufficient. However, the D.P.S./C.L.E.O is to be advised of the discharge in a timely manner. This may be accomplished verbally or by forwarding a copy of the incident report.

G. Use of Force and Firearms Qualification Training

1. All members of the department will twice annually receive training in regards to the contents and provisions of this SOP, the use of force in general, the use of physical and mechanical force, the use of deadly force and the limitations that govern the use of force and deadly force. This training will normally be scheduled as part of the firearms qualification training that will also be conducted twice annually. In addition

members of the department who have not previously been authorized to carry or use firearms will, prior to being authorized, be issued copies of this SOP and training in regards to its contents and provisions.

- a. Receipt and training will be documented in accordance with SOP 3.02.01.
2. All members of the department who are required, or who may be required, by their job classification or function to carry or use firearms must undergo firearms qualification twice annually. The firearms officer will schedule the sessions, and the sessions must be scheduled at least four months apart.
 - a. Any officer who does not qualify will not be permitted to carry or use a firearm.

H. Administrative Assignment as Result of Death

1. Anytime an officer uses any level of force which results in death that officer will immediately be assigned plain-clothes administrative duties or placed on administrative leave pending a complete investigation and review of the incident. This is not and should not be considered a disciplinary action. It is an attempt to provide the officer with a less stressful work environment while he deals with the trauma created by having used deadly force.
 - a. Officers who have been placed on administrative duties or on administrative leave under these circumstances will not be authorized to carry weapons until such time as there has been a preliminary review of the incident and a preliminary psychological evaluation. Preliminary evaluations should be completed within 96 hours of the incident.
2. A session with a psychologist will be mandatory for all officers involved in deadly force incidents. This session will be scheduled as soon as is reasonably possible and appropriate. The officer may go to the psychologist of his choice.
 - a. The department will also arrange for a debriefing with a critical incident stress team.
3. The officer will not be reassigned to his normal duties until so directed by the PSD/CLEO based upon the recommendation of the psychologist.

Attachments: Use of Force Report
Use of Force Report Guide
Attorney Generals Call out list

ISSUED BY: Chief Robert Brian

Moved by: Mr. McElwee Second: Mr. Booker

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-108

Resolution Regulating the Firearms Policy for the Edgewater Park Police Department

Firearms Policy

SUBJECT: Firearms Policy
3.02.01 (pgs)

I. Purpose

To establish a uniform set of standards for semi-annual firearm's requalification for any weapon, including a shotgun, that is issued or authorized for use on or off duty. Additionally, to provide a procedure for officers to utilize in requesting permission to carry specific off-duty weapons and define the minimally acceptable standard of care for department owned firearms. Lastly, to explain the safe handling, carrying and storage requirements regarding all weapons owned, possessed and/or carried by department officers.

II. Policy

The authorization to carry a firearm and related equipment is an awesome responsibility. Due to the inherent dangers associated with the utilization of firearms, officers must be thoroughly trained and appropriately certified prior to carrying any firearm. Equally important is the responsibility for the safe handling and storage of firearms and ammunition. All officers shall utilize the utmost amount of care whenever it is necessary to handle a firearm under any circumstances. Officers shall carry/utilize only those firearms/ammunition that have been approved by the Chief of Police. All departmentally owned, possessed or approved firearms shall be subjected to periodic cleaning and maintenance as necessary to ensure that the weapons remain serviceable.

III. Procedure

A. Authorization to Carry Firearms

1. All full-time police officers employed by this department are granted the authority to carry a firearm by N.J.S.A. 2C:39-6a(7)(a), provided they have completed the requisite training and qualifications in accordance with the provisions of the Attorney General's Guidelines and this Standard Operating Procedure.

B. Authorized On-Duty Deadly Force Weapons (firearms)

1. The department issued Sig Sauer .40 caliber, model P229 is the only handgun authorized for use by on-duty officers.
 - a. All uniform officers will carry their department issued handguns in the department issued holster only. Detectives and authorized plain-clothes officers must carry department issued handguns in department issued holsters or holsters that have been approved by the supervising firearms instructor. At no time will a handgun be carried unsecured in a belt, waistband, or concealed in any other article of clothing not specifically designed for that purpose and approved by the department.
2. The department may equip each vehicle assigned to the Patrol Bureau with a Remington model 870 Police Magnum 12 gauge pump action shotgun. Officers assigned to the Investigations Bureau or administrative functions, who are certified, may be issued these weapons for their assigned vehicles upon request. This is the only shotgun authorized for use by members of this department.

- a. Shotguns will be maintained in a ready status with the chamber empty and four (4) rounds of double 00 Buck in the magazine. All double 00 Buck ammunition will be red in color.
 - b. A five (5) round box of rifled slug ammunition may be kept in each vehicle equipped with a shotgun. All rifled slug ammunition will be green in color. Rifled slugs may only be used by officers approved to carry such ammunition by the range instructor and when authorized by an officer of supervisory rank.
 - Rifled slugs provide an additional use of force option and enhance the capabilities of the shotgun.
 - Due to their increased range and power officers need to be extremely aware of not only the target and the target area but of those areas beyond which might be impacted by use of a rifled slug.
 - Rifled slugs are never to be used at distances beyond that for which the officer has been trained or by officers who have not been trained in their use.
 - Training will be provided twice annually to coincide with the department's use of force and firearms qualification training.
3. Police service rifles, Bushmaster model #XM15-E2C's, will be kept in the armory safe and may only be removed by an officer who is authorized and qualified with this weapon. Three (3) loaded magazines will be taken from the safe. The rifle will be maintained in a "ready" status in the patrol vehicle mount or approved case. If the vehicle is not equipped with a mount and a qualified officer wishes to carry the rifle in a patrol vehicle, the rifle must be kept in the case and secured in the trunk. One (1) loaded magazine will be inserted into the magazine port. The rifle **will not** have a round chambered while in the vehicle and it will not be chambered until it is taken out for use on an appropriate call. Upon completion of the call the rifle will be returned to a "ready" status and the round will be removed from the chamber and the rifle re-secured in its mount or case. After the conclusion of the shift, the loaded magazine will be removed from the magazine port, inspected to insure chamber is empty and return the rifle to the armory safe.
 4. The supervising firearms instructor will be responsible for maintaining a record of all Department issued firearms. These will include maintenance records, copies of any "Weapon Status Reports", and any other reports submitted indicating the weapon was repaired or required service beyond normal maintenance. They will also indicate the results of inspections to include those conducted during qualification sessions.
 5. Only ammunition issued by the department may be used in these weapons. the only exception being in a desperate tactical situation where an officer has exhausted his immediately available supply of department issued ammunition and must use non-issued ammunition in defense of his own life or the life of another.

E. Authorized Off-Duty Deadly Force Weapons (firearms)

1. Officers should carry a handgun at all times, when prudent and in accordance with the laws of this and other states, so that they may act in a situation requiring them to do so. The department strongly encourages off-duty officers to carry the department

issued weapon. However, they may carry other handguns provided the following conditions are met:

- a. The weapon is not smaller than .32 caliber nor larger than .45 caliber.
 - b. The weapon has been submitted to the supervising firearms instructor for inspection, and having been found acceptable, approved for use.
 - c. However, the officer will not be authorized to carry the weapon until qualified during the next regularly scheduled training session.
 - d. All handguns carried while off-duty must be carried in department issued holsters or holsters that have been approved by the supervising firearms instructor. At no time will a handgun be carried unsecured in a belt, waistband, or concealed in any other article of clothing not specifically designed for that purpose and approved by the department.
2. The supervising firearms instructor will be responsible for maintaining a record of all firearms approved for official use. These will include maintenance records, copies of any "Weapon Status Reports", and any other reports indicating the weapon was repaired or required service beyond normal maintenance. They will also indicate the results of inspections to include those conducted during qualification sessions.
 3. Prior to qualification, officers will present to the firearms instructor, for inspection and approval, the ammunition that will be used in the weapon. The ammunition must be from a recognized and reputable manufacturer and recognized as being accepted for use by law enforcement. Only department-approved ammunition may be used in authorized weapons.
 4. Prior to using any handgun during qualifications, whether it be issued to or owned by them, officers will unload and make the weapon safe and present it to the firearms instructor for inspection. The weapon will be inspected for cleanliness and any obvious defects or condition that would make the weapon unsafe. If at this time, or anytime, the weapon is determined to be unsafe or otherwise not serviceable it will be secured and will no longer be used until such time as the problem is corrected.
 - a. If it is a department issued weapon the firearms instructor will take possession of it and, if necessary, provide the officer with a like weapon to qualify. If the weapon is owned by the officer the firearms instructor will be responsible for ensuring that the weapon is properly secured so as not to be accessible to that officer or any officer during qualifications.
 1. The firearms instructor will be responsible for completing and maintaining, along with the weapon, a "Weapon Status Report". The weapon and the report will be forwarded to the department's armorer for inspection and repair. The supervising firearms instructor will be responsible for notifying the DPS/CLEO that an officer's weapon has been removed from service and if applicable, a replacement has been provided.
 2. If the officer owns the weapon he may submit the weapon to the armorer with a "Weapon Status Report" if approved by the supervising firearms instructor. However, if the armorer is unable to repair the weapon the report will be filed and the weapon returned to the officer. If the officer wishes to use a different weapon he must first comply with the provisions of section E. above.

- b. At no time is any officer, other than the armorer, to attempt to repair or otherwise adjust or modify any department issued firearm.

F. Re-Qualification Process

- 1 Officers who fail to qualify will be provided remedial training and up to three (3) opportunities to attempt to qualify during the same qualifying session. If the officer is unable to qualify at that time, up to two additional remedial training and qualification sessions will be scheduled by the training officer as soon as possible following the initial qualification session. The Department will pay for all of the ammunition used during the initially scheduled qualifications. Thereafter, the officer shall be responsible for providing any subsequent ammunition. The type of ammunition shall be determined by the Supervising Range Instructor or his designee, and is not subject to deviation. The cost for this ammunition will be borne by the officer.
 - a. The below listed re-qualification process will work in conjunction with Section 9: Non-Qualifying Participants, of the Attorney General Guidelines on Semi-Annual Qualification and Re-Qualification: Revised June 2003.
 1. If an officer is still a non-qualifying participant and has not achieved a passing score on the (HQC1 Course), (HQC2 Course) or the (HQNC Course), the officer will receive remedial instruction in firearms marksmanship. Prior to and during remedial training sessions, the firearms instructors will analyze and review any problems, factors or circumstances that may have led to the officer's failure to qualify. This will include a thorough examination and test firing of the weapon used. This remedial instruction will be determined by the Firearms Instructor and the Supervising Firearms Instructor, after making observations of the deficient shooter.
 2. Firearms remediation will minimally include:
 - a. Safety with firearms
 - b. Handling and weapon manipulation
 - c. Grip
 - d. Stance
 - e. Trigger control
 - f. Sight alignment
 - g. Breath control
 - h. Follow through
 - i. Reloading
 - j. Clearing malfunctions
 3. After the remedial instruction, which will include practical firing at the firearms instructor's discretion (no more than 200 rounds), the non-qualifying participant will re-shoot for qualification on the (HQC1 Course), (HQC2 Course) or the (HQNC Course). If the non-qualifying participant still fails to re-qualify they will be disarmed and will not be authorized to carry any weapon while on or off duty.
 - a. A non-qualifying participant will not be permitted to work in a patrol or police function, to include light duty assignments, until a passing score is achieved and the Supervising Firearms Instructor is confident that sufficient weapon handling skills are accomplished.

6. Serial number
- d. Description of ammunition used for each weapon;
 7. Make
 8. Type
 9. Caliber
- e. Location where qualification session was held.

Twice annually, following qualifications, an analysis report regarding these individual records will be submitted through the chain of command to the PSD/CLEO for review. Included in this report will be the location of any targets, signed by the officer and the instructor, of any officer who failed to qualify. These targets must be maintained until the officer qualifies or if terminated until three years following the date of termination.

5. All firearms qualifications will be conducted by certified firearms instructors in accordance with the guidelines and standards established by the Office of the Attorney General of NJ.

ISSUED BY: Chief Robert Brain

Moved by: Mayor Johnson

Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-109

*Resolution of the Township of Edgewater Park, County of Burlington,
State of New Jersey Authorizing the Amendments and/or Concessions to Certain
Contracts and/or Salaried Positions*

WHEREAS, the Township of Edgewater Park entered into an employment contract with Linda Dougherty as Township Clerk, Margaret Peak as Chief Financial Officer, Aubrey Painter as Superintendent of Public Works and Tanyika L. Johns as Tax Collector; and

WHEREAS, the Township wishes and the following employees have agreed to modify the annual compensation of Linda Dougherty as Township Clerk, Margaret Peak as Chief Financial Officer, Aubrey Painter as Superintendent of Public Works and Tanyika L. Johns as Tax Collector and to pay 1.5% of their pensionable salary toward healthcare costs effective July 1, 2010; and

WHEREAS, Aubrey Painter as Superintendent of Public Works, due to budgetary constraints, agreed to reduce his annual rate of compensation, under Sections Entitled: “Compensation” of the existing contract term and stay at his 2009 annual rate of \$71,926.85 effective August 1, 2010 through December 31, 2010; and

WHEREAS, Tanyika L. Johns as Tax Collector, due to budgetary constraints, agreed to reduce her annual rate of compensation, under Sections Entitled: “Compensation” of the existing contract for term and stay at her 2009 annual rate of \$48,861.48 effective of August 1, 2010 through December 31, 2011; and

WHEREAS, the Linda Dougherty as Municipal Clerk, by Resolution No. 2010-37 previously agreed to reduce her annual rate of compensation, under Section 11 Titled: “Compensation” of the existing contract for term period April 1, 2008 to March 31, 2009 from

\$60,292.20 to \$57,843.62 and further agrees to freeze her annual compensation of \$57,843.62 through December 31, 2010; and

WHEREAS, Margaret Peak as Chief Financial Officer, by Resolution No. 2010-34 entered into a one year contract term that expired on April 30, 2010, due to budgetary constraints, has agreed to freeze her annual rate of compensation, under Sections Entitled: "Compensation" of \$46,945.00, through December 31, 2010; and

WHEREAS, all other terms and conditions of the employment contract or continuation of expired contracts with Linda Dougherty as Township Clerk, Margaret Peak as Chief Financial Officer, and Aubrey Painter as Superintendent of Public Works shall remain in effect; terms and conditions of Tanyika L. Johns as Tax Collector are further defined by Resolution No. 2010-110.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, State of New Jersey that the employment contracts as stipulated above for all services are hereby approved and this resolution shall be appended to said contracts.

Moved by: Mr. Johnson Second: Mr. McElwee

Discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-110

Resolution of the Township of Edgewater Park Authorizing the Mayor and/or Clerk/Administrator to Execute Ratification Package for the Tax Collector

WHEREAS the current economic crisis has caused an unforeseen and unprecedented reduction in actual Township revenues for FY 2010 and in projected revenues for FY 2011; and

WHEREAS the Township of Edgewater Park has already reduced spending to help address the dramatic revenue shortfall and has proposed substantial reductions in expenditures in FY 2010, including reductions in personnel and benefit costs; and

WHEREAS, the Tanyika L. Johns and Township of Edgewater Park (the Township) seek to avert the layoffs of clerical workers while preserving the integrity of the parties' collective negotiations agreements and providing the necessary personnel-related savings for the FY 2010 and FY 2011 Township budgets; and

WHEREAS, the parties recognize that during this period of economic crisis, with the rate of unemployment in New Jersey and the Country approaching double digits and with the federal government and the State seeking to stimulate the economy through job creation and other programs, layoffs not only devastate the lives of individual workers and their families, they counteract these economic stimulus policies and programs and are bad for New Jersey's economy; and

WHEREAS, the parties recognize that an agreement to reduce Township salary costs during this economic crisis, while preserving the integrity of the collective negotiations agreements, is preferable to widespread layoffs and the disruption to public services caused by such layoffs; and

WHEREAS, the Township and Tanyika L. Johns recognize that a negotiated agreement encompassing the issues that are the subject of this Memorandum of Agreement (MOA) will not interfere with the Township's determinations with respect to governmental policy and have met in an effort to reach an agreement that will provide reductions in personnel costs and thereby avert widespread layoffs; and

WHEREAS, a negotiated agreement between the parties will facilitate the accomplishment of vital government policies and objectives, including the avoidance of layoffs, the delivery of needed public services, and the achievement of substantial budgetary savings; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that the Mayor and/or Clerk/Administrator of the Township of Edgewater Park are hereby authorized to enter into an Agreement with the Tanyika L. Johns; copies of the Ratification Package are on file in the Office of the Municipal Clerk.

Moved by: Mr. Booker

Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RESOLUTION NO. 2010-111

Resolution Authorizing the Mayor to sign the “A-1 Consent by Governing Body” Section of the Sewer Authorities TWA Application to the New Jersey Department of Environmental Protection for a Sewer at Pump Station No. 9 Block:325 Lot: 4

WHEREAS, the Edgewater Park Sewer Authority will be performing upgrades to Pump Station No. 9 at the intersection of Green Street and Mt Holly Rd, Block 325, Lot 4 and needs to submit a Treatment Works Approval (TWA) Application to the New Jersey Department of Environmental Protection, and

WHEREAS, it is necessary that the Township of Edgewater Park consent to the application as the record owner of the property,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, assembled in public session on July 20, 2010, the Mayor of the Township of Edgewater Park is hereby authorized to sign on behalf of the Township of Edgewater Park, the A-1 Consent by the Governing Body as the authorized representative of the Township Committee, for the Sewer Authorities Application to the New Jersey Department of Environmental Protection

Moved by: Mr. Booker

Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

ORDINANCES:

ORDINANCE NO. 2010-7: SECOND READING AND PUBLIC HEARING

AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK ADOPTING RULES AND REGULATIONS FOR THE POLICE DEPARTMENT, AND APPROVING STANDARD OPERATING PROCEDURES

WHEREAS, N.J.S.A. 40A:14-118 provides that the governing body of any municipality, by ordinance, may create and establish a police department, and provide for the maintenance regulation and control thereof; and

WHEREAS, the governing body may adopt an ordinance, establishing rules and regulations regarding the operation of a police department;

WHEREAS, the governing body may approve department standard operating procedures;

WHEREAS, pursuant to N.J.S.A. 40A:14-118, the "Township Administrator" was established as the "appropriate authority," and may, thus, promulgate rules and regulations, as authorized by law;

WHEREAS, Section 2.32.220 and Ordinance 2-2000 presently provides for rules and regulation;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park that:

1. Rules and Regulations, entitled 'EDGEWATER PARK POLICE DEPARTMENT RULES AND REGULATIONS,' dated January 1, 2000, are hereby adopted, as and for the rules and regulations for the Police Department, as provided for in Section 2.32.220 of the Edgewater Park Township Code.
2. The Rules and Regulations aforesaid may be amended, from time to time, by Resolution approved by the Township Committee.
3. Standard Operating Procedures, dated January 1, 2000, are also approved for the police department;
4. The Standard Operating Procedure may be amended from time to time by Resolution approved by the Township Committee.
5. A copy of said Rules and Regulations and standard Operating Procedures shall be on file in the office of the Township Clerk.
6. This ordinance shall take effect immediately upon final passage and publication according to law.

Section Severability.

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section . Effective date.

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Moved by: Mr. Johnson

Second: Mr. Booker

OPEN TO THE PUBLIC: The Mayor opened this portion of the meeting to public comment on Ordinance No. 2010-7 only.

CLOSE: Hearing no one wishing to speak the Mayor closed this portion of the meeting to public comment on Ordinance No. 2010-7 only.

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

REPORT OF OFFICIALS

Committeeman McElwee:

Liaison to Environmental Committee: Mr. McElwee reported only two members showed up for the meeting yesterday and the Committee needs help. If anyone would like to be a part of the environmental committee which meets on the third Monday of the Month at 7:00 PM, please contact Committeeman McElwee.

Liaison to EPAA: Mr. McElwee reviewed the monthly report from EPPA which is attached hereto.

Committeeman Pullion:

Liaison to Redevelopment Advisory: Mr. Pullion reported that the Edgewater Crossing Project is still on track. Mr. Sinisi and associates contacted Burlington County to receive project funding under the Route 130 and Federal Stimulus money. A gym and a surgical center has expressed an interest in the project.

Mr. Pullion further reported that there is development interest in former state police barracks site.

Committeeman Booker:

Liaison to the School Board: Mr. Booker reminded everyone that school is out, please be careful and watch out for the children.

Committeewoman Belgard:

Liaison to Senior Advisory: Mrs. Belgard reported Senior Advisory is planning to meet August 11, 2010.

Liaison to Planning Board: Mrs. Belgard reported the Planning Board did not meet this month because of there is nothing on the agenda.

Mayor Johnson:

Liaison to Neighborhood Watch: Mayor Johnson reported the next meeting is this Thursday, July 22 at 6:30 PM; topic of discussion will be cyber crime.

Mayor Johnson further thanked Committee for the perseverance over the last several months; this budget year has been extremely difficult.

APPROVAL OF BILLS

Approval of Bills from July 3, 2010 through July 15, 2010

Moved by: Mr. Johnson

Second: Mr. Booker

Discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion – yes, Mayor

OPEN TO THE PUBLIC: The Mayor opened this portion of the meeting to public comment.

Mr. Ted Speer, Delanco Road questioned the constant truck traffic on Delanco Road. Mr. Speer would like the speed limit changed and another sign on Delanco Road for engine breaking. He also offered his driveway to police officers to observe rolling stops.

Mr. Speer was sorry to hear the layoffs in the Police Department because he was vandalized. The Governor is expanding his staff and cutting local aid forcing layoffs.

Mrs. Lori Richardson, 1301 Mt. Holly Road, expressed concern about the impact of cuts and the cap levy next year. Mrs. Richardson further questioned what the tax increase will be next year. Mrs. Richardson questioned whether the police chief was satisfied with the loss of police officers. She has concerns that employees that are paid the least are making the most sacrifices.

Mrs. Lisa Morrell, 107 N. Garden Blvd questioned whether a Crossing Guard was laid off. Mrs. Dougherty discussed in lieu of layoff there was a retirement.

Mrs. Morrell questioned whether we could use green acres money to upgrade the lighting at Dinioa Park; she further requested additional police presence at the Park. Mayor Johnson stated Neighborhood Watch would look into her request.

Michelle Coppolla, 315 Edgewater Ave, questioned if the retired crossing guard post be replaced? She further questioned the \$130,000 budget error that the FOP spoke of at the last meeting.

Committee discussed that there is a report that has been copied for residents at the table with the agendas. The Township's auditor provided a written response to the forensic audit. The \$130,000 that was referred to, was an appropriation cancellation by resolution so that the funds would be available in the following year's budget.

Mr. Harry Dahlman, 410 Jefferson Ave, inquired if there could be lines painted on Bridgeboro Road.

Mr. Noel Rainey, 7 Spring Lane, suggested the committee should write a letter to state assembly, the governor for cutting the tree program because in the long run the pulling of the grant funding would cost the tax payers money. He further commented that in Chester County they use salt and beet juice for snow removal.

CLOSE: Hearing no one else wishing to speak the Mayor closed this portion of the meeting to public comment.

THERE WAS NO OTHER BUSINESS

Resolution No. 2010-112

Closed Session

Where it is necessary to ascertain legal advice and discuss matters concerning personnel and contractual obligations. Where it is necessary to discuss matters concerning sale or purchase of public property. Where it is necessary to discuss items falling under litigation and or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public.

WHEREAS, it is necessary to discuss personnel possible litigation involving the Township of Edgewater Park which is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with personnel matters is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with the purchase lease or acquisition of real property with public funds is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with any collective bargaining agreement or the terms or conditions of that agreement is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the disclosure of any material which constitutes an unwarranted invasion of individual privacy is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the release of any information would impair a right to receive funds from the Government of the United States; is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility is a proper subject of exemption under the Open Public Meetings Act;

WHEREAS, the Township Committee desires to close this portion of the meeting to consider the aforementioned titled matters.

NOW THEREFORE, BE IT RESOLVED that the portion of the meeting dealing with the aforementioned matters shall be closed to the public and the results of the discussions held under the closed sessions shall be made available to the public at such early a time as possible.

Moved by: Mr. Booker Second: Mrs. Belgard Time: 8:10PM

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

RE-ENTER PUBLIC SESSION

Moved by: Mr. Booker Second: Mrs. Belgard Time: 9:20PM

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes

ROLL CALL: Mrs. Aimee Belgard, Mr. Darrell Booker, Mr. John McElwee, Mr. Joseph Pullion, Mayor Kevin Johnson

OTHER BUSINESS

Edward Foulks Retirement

Motion to accept the retirement and advancement of sick leave for Edward Foulks which he is entitled.

Moved by: Mr. Pullion Second: Mr. Booker

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor

Appointments and Resignations:

Appointment of Special Police Officer of Forrest Salmonis effective July 14, 2010 to December 31, 2010 rate of \$15.00 per hour.

Moved by: Mr. Booker Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion – yes

Appointment of Special Police Officer of Dyllon Willhouse effective August July 14, 2010 to December 31, 2010, rate of \$15.00 per hour.

Moved by: Mr. Booker Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion – yes

ADJOURN

Moved by: Mr. Booker Second: Mrs. Belgard Time: 9:25PM

Hearing no discussion:

Roll Call: Mrs. Belgard - yes, Mr. Booker - yes, Mr. McElwee - yes, Mr. Pullion –yes, Mayor Johnson-yes