

BOROUGH OF BERNARDSVILLE
Mayor and Council Reorganization Meeting
January 4, 2021 at 7:00 p.m.

1. STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News, Courier-News, Star Ledger, filed in the Office of the Borough Clerk, and posted on the Municipal Bulletin Board on December 24, 2020.

2. OATHS OF OFFICE

- Borough Council Members Thomas O'Dea, Jr. and Christine Zamarra

3. CALL MEETING TO ORDER

Mayor Mary Jane Canose
Council Member John Donahue
Council Member Jeffrey Hammond
Council Member Jena McCredie
Council Member Chad McQueen
Council Member Thomas O'Dea
Council Member Christine Zamarra

4. PLEDGE OF ALLEGIANCE

5. MAYOR'S ANNUAL ADDRESS

6. MAYOR'S APPOINTMENTS

7. COUNCIL PRESIDENT APPOINTMENT

I move to appoint _____ as Council President for 2021
Second:
Roll Call Vote:

Oath of Office for Council President

8. RESOLUTIONS

- #21- 1 COUNCIL CONFIRMATION OF THE MAYOR’S APPOINTMENTS**
- #21- 2 ORGANIZATION OF BOROUGH COUNCIL**
- #21- 3 BOROUGH COUNCIL APPOINTMENTS AND/OR APPOINTMENTS
OR NOMINATIONS TO SOMERSET COUNTY OFFICES**
- #21- 4 APPOINTMENT OF BOROUGH OFFICIALS AND EMPLOYEES**
- #21- 5 AUTHORIZING PROFESSIONAL SERVICES APPOINTMENTS
AND CONTRACTS**
- #21- 6 AUTHORIZING APPOINTMENTS/CONTRACTS FOR
EXTRAORDINARY, UNSPECIFIABLE SERVICES**
- #21- 7 MEMORIALIZING THE 2021 SCHEDULE OF MEETINGS**
- #21- 8 AUTHORIZING ADVERTISEMENT FOR BIDS FOR SUPPLIES &
SERVICES**
- #21- 9 ADOPTING A CASH MANAGEMENT PLAN**
- #21-10 AUTHORIZATION FOR INVESTMENTS**
- #21-11 DESIGNATION OF DEPOSITORIES AND SIGNATORIES**
- #21-12 AUTHORIZING PAYMENT OF BILLS**
- #21-13 SETTING RATE OF INTEREST ON 2021 DELINQUENT TAXES,
SERVICE CHARGES FOR CHECKS RETURNED FOR
INSUFFICIENT FUNDS, AND CHARGES FOR DUPLICATE TAX
SALE CERTIFICATES**
- #21-14 TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES**
- #21-15 APPROVING TEMPORARY BUDGET LINE ITEMS**
- #21-16 ADOPTING POLICE DEPARTMENT RULES & REGULATIONS**

#21-17 **DESIGNATING WRECKER SERVICES FOR THE POLICE DEPARTMENT**

#21-18 **DESIGNATION OF OFFICIAL NEWSPAPERS**

#21-19 **SLEO APPOINTMENTS FOR 2021**

I move that Resolutions #21-1 to #21-19 be adopted:

Second:

Roll call vote:

9. **TIME CAPSULE**

The following letter, dated July 18, 1977, is passed on in the public record, as requested by the Bernardsville Shade Tree Commission (now Shade Tree Committee):

To the Mayor of Bernardsville and Members of the Borough Council:

With the recent restoration of the borough pond, it has been possible to complete the Time Capsule Project by imbedding the capsule in concrete at the base of the Bicentennial Liberty Tree. This tree, a red oak, was planted on April 17, 1976, at a point about 108 feet from the northeast corner of the Borough Hall Building. A plaque is affixed to the top of the concrete marker which reads:

1776 - 1976
Bicentennial Liberty Tree
Bernardsville
Shade Tree Commission
April 17, 1976

Information concerning the Time Capsule and its contents are contained in the accompanying envelope addressed to the residents of Bernardsville in the year 2076. Another copy, the original, has been placed in the Time Capsule itself.

It is the wish of the members of the Shade Tree Commission (1976-1977) that this letter be passed on from year to year on January 1 during the swearing in ceremonies of each new council through the year 2076.

At that time, during the Tricentennial Celebration of our country, the Time Capsule (see attached plans) is to be broken open for the residents to examine the items we have assembled which reflect the life and times of the Bicentennial Year.

The Bernardsville Shade Tree Commission
John Edmonds, Chairman of the
Commission Members: Victoria D.
Schmidt, John Croot, Marty Craig and
Barbara Heckman

10. OPEN SESSION

To make a comment or ask a question during the meeting, please raise your hand using one of the following alternatives:

1. Windows or Mac platform: Click on "Participants" at the bottom of the screen, then click on "raise hand." (Windows shortcut: Alt+Y; Mac shortcut: Option+Y).

2. Android or iOS device: Click on "raise hand" in the bottom left corner of your screen.

3. Telephone: Press *9.

The host will be notified that you have raised your hand. When it is your turn to speak, you may be prompted to unmute yourself. While unmuted, your profile picture and name will be displayed to the host and panelists (or a portion of your phone number if participating by telephone) but you will not be visible.

In lieu of speaking at the meeting, members of the public may email their questions or comments to the Borough Clerk at asuriano@bernardsvilleboro.org. Written questions or comments must be submitted by noon the Wednesday preceding the meeting.

Spoken comments will be limited to three minutes per speaker. Any written questions or comments received prior to noon on the Wednesday preceding the meeting will be read or summarized on the record after all spoken comments have been made.

Comments unrelated to a governmental issue, or comments containing offensive, profane or indecent language or language constituting hate speech, will not be accepted.

If providing a comment or asking a question in writing, include your name, address, and the subject of your comment or question.

Please note that the "chat" and "Q&A" functions will be disabled during the meeting.

11. **CLOSED SESSION**

Council Member _____ moves, to adjourn to an executive session to consider:

Personnel Matters

(Collective Bargaining, Contract negotiations, Personnel Matters, Pending or Anticipated Litigation, Property Acquisition, Attorney/Client Privilege), and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved.

Seconded:

Vote:

12. **ADJOURNMENT**

MAYOR'S APPOINTMENTS

Planning Board

Jeff Horowitz, Class IV Member, 4 years
Terry Thompson (Mayor's Designee) for Class I Member

Environmental Commission

Johanna Wissinger, Chair
Johanna Wissinger and Michelle Conover, 3 years
Doug Doremus, unexpired to 12/31/22 (for Knapik)

Historic Preservation Advisory Committee

Dan Lincoln (Chair) and Steve Sbaraglio, 1 year
Tom Wood (Alt #2), 1 year

Shade Tree Advisory Committee

Anne Peterson and Macie Laffey, 1 year

Library Board of Trustees

Christine Zamarra, Mayor's Alternate

Somerset County Community Development*

Somerset County Solid Waste Advisory Committee*

Jeff Horowitz

Upper Raritan Watershed Advisory Committee*

Somerset County Wastewater Management Plan Committee

Mary Jane Canose, John Macdowall and Bob Brightly

Municipal Alliance & Youth Services

Coleen Butler, SHSD Guidance, Lisa Drew, Bernardsville High School
Marcy Craver, Chris Habermas, Middle School & Emily Pike, Bedwell School
Kevin Valentine, Chief of Police, Janice Virtue, Board of Education,
and Mary Jane Canose, Mayor

OEM Deputy Coordinators

Brian Kelly

2020 Local Emergency Planning Committee*

*To be announced at a future meeting

Mayor's Ad Hoc Committees

MAYOR'S WELLNESS CAMPAIGN (created 5/27/14)

Cheryl Maddaluna
Christine Zamarra
Dot Decota
Allison Napolitano, Shoprite Dietician
Mary Garubo
Jessica Walker
Jennifer Morrison
Juliet Patsalos-Fox

BERNARDSVILLE REDEVELOPMENT COMMITTEE (created 1/2/20)

Mary Jane Canose	Rudolfo Hisena
John Donahue	Sam Maddaluna
Tom O'Dea	Bonnie Stone Sellers
Geoff Price (Ralph Maresca's designee)	Paul Sedlak
Topology Rep	Jeff Horowitz
Joe DeMarco	Hal Simoff
Tim Manning	

LAND USE COMMITTEE (created 2/24/20)

Mary Jane Canose
John Donahue
Tom O'Dea

RECREATION STEERING COMMITTEE

Mary Jane Canose
Greg deGrandpre
Kerry Haselton
Mike Hoppe
Mike Long
John Macdowall
Bob Markowick
Neil Mastrobuono
Jena McCredie
Pat McFadden
Dot Paluck

TRAIN QUIET ZONE COMMITTEE

Jena McCredie, council
Jeff Hammond, council
Bill Braunschweiger
Kevin Combe
George Efrainov
Jan Greco
Musa Nazy

**RESOLUTION #21-1
COUNCIL CONFIRMATION
OF THE MAYOR'S APPOINTMENTS**

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, to confirm the following appointments made by the Mayor:

Board of Health

William Youngblood, 3 years

Library Board of Trustees

Terry Thompson and Amy DeMilt, 5 years

Recreation Advisory Committee

Andrew Taylor (Vice Chair); Al Schauffler; Melissa Provost, 1 year
Brian Gallagher, unexpired to 12/31/21 (Lukacs)

Open Space Advisory Committee

Peter Birnbaum, 1 year

Housing, Property Maintenance & Zoning Compliance Advisory Committee

Sam Maddaluna; Michelle Pinkerton; Jeff Horowitz, 1 year

Cultural Arts Committee

Patrice Cummings, 1 year

Somerset County Cultural & Heritage Advisory Commission Nomination

Kathleen Palmer

OEM/CERT SHELTER & POD groups*

I, Anthony Suriano, Clerk of the Borough of
Bernardsville, hereby certify the foregoing to
be a true and exact copy of a resolution
adopted by the Borough Council at a duly
convened meeting held January 4, 2021.

*To be announced at a future meeting

RESOLUTION #21-2
ORGANIZATION OF BOROUGH COUNCIL

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, that
_____ will serve as Council President for 2021.

RESOLVED FURTHER, that Council standing committees shall be as follows:

PUBLIC SAFETY COMMITTEE

John Donahue (Chair), Jena McCredie, Tom O'Dea

FINANCE COMMITTEE

Tom O'Dea (Chair), John Donahue, Chad McQueen

PERSONNEL COMMITTEE

Jeff Hammond (Chair), Christine Zamarra, Chad McQueen

PUBLIC WORKS COMMITTEE

Jena McCredie (Chair), Christine Zamarra, Jeff Hammond

RESOLVED FURTHER, that Council Members shall serve on the following committees:

John Donahue

Downtown Revitalization Advisory Committee, Liaison to Shade Tree Committee, Open Space Advisory Committee Member

Jeff Hammond

Liaison to Environmental Commission, Green Team, Fire Prevention Bureau

Jena McCredie

Liaison to Board of Health, Green Team

Chad McQueen

Planning Board Class III and Housing Advisory Committee Member

Tom O'Dea

Downtown Revitalization Advisory Committee, Liaison to Recreation Committee

Christine Zamarra

Open Space Advisory Committee Member, Liaison to Cultural Arts Committee, Mayor's Alternate to Library Board of Trustees

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-3

BOROUGH COUNCIL APPOINTMENTS AND/OR APPOINTMENTS/NOMINATIONS TO SOMERSET COUNTY OFFICES

BE IT RESOLVED, by the Borough Council to announce the following appointments to Borough of Bernardsville boards, committees and/or commissions and appointments or nominations to Somerset County Offices:

Board of Adjustment

Thomas Carton, 4 years
Edward McDowell and Thomas Slocum, 2 years

Planning Board

Chad McQueen, Class III, 1 year

Environmental Commission Alternate Members

Kristi MacDonald, 2 years

Housing, Property Maintenance & Zoning Compliance Advisory Committee

Chad McQueen, 1 year

Open Space Advisory Committee

Christine Zamarra and John Donahue, 1 year

Green Team Advisory Committee

Jena McCredie and Jeff Hammond, Council; Robert Baker (Chair), Board of Education; Ed English, Board of Adjustment; Johanna Wissinger, Environmental Commission; Wanda Knapik, Community Garden Manager; Eric Stiles, NJ Audubon Society; Kristi MacDonald, Raritan Headwaters Association; Karen Tyrell and Rosalie Baker, Citizens at Large

Somerset County Community Development Committee*

Nomination to the Somerset County Solid Waste Advisory Council*

Chairs of Advisory Committees

Dan Lincoln, HPAC; Ann Wazeter, Shade Tree Committee; Ted Dolan, Recreation Committee; Andrew Taylor, Vice-Chair Recreation Committee; Pat McFadden, Open Space Committee; Diane Greenfield, Housing/Zoning/Property Maintenance Advisory Committee; Olivia Manning, Cultural Arts Committee; Robert Baker, Green Team.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

*To be announced at a future meeting

RESOLUTION #21-4

APPOINTMENT OF BOROUGH OFFICIALS AND EMPLOYEES

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to confirm the following appointments for 2021:

Ralph Maresca, Administrator & Affirmative Action Compliance Officer
Anthony Suriano, Assessment Search Officer
Anthony Suriano, Borough Clerk (three year term Feb 12, 2021 to February 11, 2024)
John R. Pidgeon, Municipal Attorney
Cindy Beringer, Deputy Borough Clerk
Tina Markewicz, Purchasing Agent
Leslie Roberson, Tax Search Officer
Mark Sylvester, Fire Prevention Official
Rev. Beth Rauen Sciaino and Pastor Daniel Fenco, Police Chaplains
Paul Ferriero, Borough Engineer (three year term, January 1, 2019 to December 31, 2021)
Crossing Guards, contingent upon passing hearing and vision testing:
Shelly Benetin
Elizabeth Cook
Henry Dacko
John Donovan
Andrew George
John Heppes
Rudy Hyzer
Patricia LaVecchia
Susan MacDonald
Leo Mason
Thomas Och
Lisa Panfile
Deborah Pickell
Martha Santini
Ann Smith
Bruce Watson

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-5
AUTHORIZING PROFESSIONAL SERVICES APPOINTMENTS/CONTRACTS

WHEREAS, the Borough of Bernardsville has a need to acquire services listed herein as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate and the Finance Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500, and

WHEREAS, the anticipated term of contracts is one year, and contractors listed herein have submitted proposals indicating they will provide the services needed by the Borough, and

WHEREAS, the contractors have completed and submitted a Business Entity Disclosure Certification which certifies that their business entity has not made any reportable contributions to a political or candidate committee in the Borough of Bernardsville in the previous one year, and that the contract will prohibit the contractors named herein from making any reportable contributions through the term of the contract, and

WHEREAS, the Finance Officer has certified in writing that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bernardsville authorizes contracts with the following professional services contractors for 2021:

Pidgeon and Pidgeon, for Legal Services - not to exceed \$150,000
Apruzzese, McDermott, Mastro & Murphy, Labor Counsel - not to exceed \$50,000
Suplee, Clooney & Co., Municipal Auditors - not to exceed \$39,900
Ferriero Engineering, Inc., for Engineer Services - not to exceed \$250,000
Hawkins, Delafield & Wood, Bonding Attorneys - not to exceed \$50,000
Stormwater Compliance Solutions, for NJDEP storm water compliance - not to exceed \$40,000
DLB Associates Consulting Engineering, P.C., for Library Generator Project - not to exceed \$19,500
Phoenix Advisors, LLC, IRMA and Continuing Disclosure Agent - not to exceed \$10,000
Cleary, Giacobbe, Alfieri, Jacobs, LLC for Legal Services in connection with the Downtown Revitalization Project - not to exceed \$5,000
CGP&H, Professional Planning and Affordable Housing Services - not to exceed \$50,000
HQW Architects LLC, for design of library lower level a/c package unit design/plan and library roofing design/plan - not to exceed \$10,000
Melick-Tully Associates for Geotechnical Services - not to exceed \$13,000
RK Occupational and Environmental Analysis, Inc for environmental testing and remedial expertise - not to exceed \$10,000
MidAtlantic Engineering Partners to conduct assessments of environmental liability - not to exceed \$16,000
Metro Company, LLC to Provide Relocation Advisory Services - not to exceed \$10,000
Maraziti Falcon, LLP in connection with the acquisition of 210 North Finley Avenue and 63 Bernards Avenue for affordable housing purposes - not to exceed \$13,500
Burgis Associates, Borough Planner - not to exceed \$5,000

BE IT FURTHER RESOLVED that all required, supporting documentation be placed on file with each service contract, and that notice of these awards be advertised once in the Bernardsville News.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-6
AUTHORIZING APPOINTMENTS/CONTRACTS
FOR EXTRAORDINARY, UNSPECIFIABLE SERVICES

WHEREAS, the borough may award contracts for “Extraordinary, Unspecifiable Services (EUS) without competitive bids in accordance with requirements of N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2; and

WHEREAS, the Chief Financial Officer in accordance with the requirements of N.J.A.C. 5:34-5 has certified in writing to the Mayor and Borough Council the availability of adequate funds to pay the maximum amount of the contract; and

WHEREAS, the resolution and the EUS contract shall be kept on file and available for public inspection in the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with General Code (formerly Coded Systems, Inc.), for ordinance codification.
2. This contract is awarded without competitive bidding as an “Extraordinary Unspecifiable Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-7
BOROUGH OF BERNARDSVILLE
MEMORIALIZING 2021 SCHEDULE OF MEETINGS OF THE MAYOR AND COUNCIL

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to adopt the following schedule of meetings to be held remotely via Zoom <https://www.bernardsvilleboro.org/Pages/remote>, when formal action may be taken:

DATE	TIME	MEETING TYPE
Monday, January 4, 2021	7:00 P.M.	Reorganization
Monday, January 11, 2021	7:00 P.M.	Public/work
Monday, January 25, 2021	7:00 P.M.	Public
Monday, February 8, 2021	7:00 P.M.	Public/work
Monday, February 22, 2021	7:00 P.M.	Public
Monday, March 8, 2021	7:00 P.M.	Public/work
Monday, March 22, 2021	7:00 P.M.	Public
Monday, April 12, 2021	7:00 P.M.	Public/work
Monday, April 26, 2021	7:00 P.M.	Public
Monday, May 10, 2021	7:00 P.M.	Public/work
Monday, May 24, 2021	7:00 P.M.	Public
Monday, June 14, 2021	7:00 P.M.	Public/work
Monday, June 28, 2021	7:00 P.M.	Public
Monday, July 12, 2021	7:00 P.M.	Public
Monday, August 9, 2021	7:00 P.M.	Public
Monday, September 13, 2021	7:00 P.M.	Public/work
Monday, September 27, 2021	7:00 P.M.	Public
Tuesday, October 12, 2021	7:00 P.M.	Public/work
Monday, October 25, 2021	7:00 P.M.	Public
Monday, November 8, 2021	7:00 P.M.	Public/work
Monday, November 22, 2021	7:00 P.M.	Public
Monday, December 13, 2021	7:00 P.M.	Public/work
Monday, December 27, 2021	7:00 P.M.	Public

The agenda will be available by 4:30 p.m. in the Office of the Borough Clerk or online at www.bernardsvilleboro.org on Thursday preceding each meeting.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-8

AUTHORIZING ADVERTISEMENT FOR BIDS FOR SUPPLIES & SERVICES

BE IT RESOLVED, that the Public Works Manager and/or Projects Manager is hereby authorized to advertise for bids in the usual form for:

- Sludge removal
- Water sampling and lab analysis
- Road improvements
- Garbage container pickup
- Snow plowing/sidewalk clearing
- Liquid Alum
- Grass cutting/lawn maintenance
- Road Department equipment and vehicles
- Tree pruning/removal services
- Excavation of test pits
- Rental of Snack bar
- Street Sweeping
- Brush and Leaf Tubgrinding

to be publicly opened in accordance with law by the Administrator or his authorized delegate, who is hereby designated as the contracting agent for the Borough for the aforesaid purposes.

I, Anthony Suriano, Clerk of the Borough of
Bernardsville, hereby certify the foregoing to
be a true and exact copy of a resolution
adopted by the Borough Council at a duly
convened meeting held January 4, 2021.

RESOLUTION #21-9
ADOPTING A CASH MANAGEMENT PLAN

BE IT RESOLVED, that the Borough Council of the Borough of Bernardsville, County of Somerset, for the year 2021 or until further action by the Borough Council, shall adopt the policy attached hereto and made a part hereof, which shall serve as the cash management plan of the Borough of Bernardsville.

RESOLVED FURTHER that the Chief Financial Officer is directed to use this cash management plan as the guide in depositing and investing the Borough funds. Suitable and authorized investments are Interest-bearing bank accounts and certificates of deposit in authorized banks, listed below, for deposit of local unit funds; Government money market mutual funds as comply with N.J.S.A. 40A:5-15.1(e); Local government investment pools which comply with N.J.S.A. 40A:5-15.1(e) and conditions set by the Division of Local Government Services; New Jersey State Cash Management Fund; and Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15.1(a).

RESOLVED FURTHER that each month, the Chief Financial Officer shall prepare a schedule of investments purchased and redeemed, investment earnings, fees incurred and market value of all investments. Government Unit Depository Protection Act approved banks are authorized depositories for the deposit of funds and those used by the Borough of Bernardsville are listed in Resolution #21-11. The Chief Financial Officer shall report to the governing body any account that does not earn interest.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

Borough of Bernardsville Cash Management Policy

Be it resolved by the Borough Council of the Borough of Bernardsville, County of Somerset, that the Chief Financial Officer shall administer the cash management plan adopted herewith through compliance with 40A:5-1 et seq. Prudent application of these cash management policies, which shall not conflict the plan in any way.

I. Objectives: The priority of investing practices shall be in order of descending importance of security, liquidity, and yield.

A. Security: The safety of principal is the foremost objective of the cash management plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk.

1. **Credit Risk:** Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:

- a. Limiting investments to the safest types of securities.
- b. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business.
- c. Diversifying the investment portfolio.

2. **Interest Rate Risk:** Interest rate risk is the risk that the market value of the securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:

- a. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
- b. By investing operating funds primarily in shorter-term securities.

B Liquidity: The portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Investments of various funds should be structured so that they match the potential need. Thus, investments of operating funds should be kept in investments with a maturity of not more than one year. Investments of a capital or long term trust fund nature should match the expected use of the funds, but not to exceed five years. Investments should consist of securities with active secondary markets or in mutual funds that permit liquidation at net asset value. Securities shall not be sold prior to maturity with the following exceptions:

1. A declining credit security could be sold early to minimize the loss of principal.

2. A security swap would improve the quality, yield, or target duration in the portfolio.
 3. Liquidity needs of the local unit require that the security be sold.
- C. **Yield:** The investment portfolio must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. The Chief Financial Officer shall carefully evaluate the legality, security, and yield attributes of any investment offering above market yields.

II Standards of Care

- A. **Prudence:** The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio in accordance with State law and this policy. The Chief Financial Officer acting in accordance with the cash management plan and policy shall be relieved of any liability for loss of such moneys due to the insolvency or closing of any depository designated by, or the decrease in value of, any investment authorized by the cash management plan.
- B. **Ethics and Conflicts of Interest:** Officers and employees involved in the investment process shall not have personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material investment in financial institutions with which they conduct business. They shall disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity. Personnel involved in investment activities shall comply with the Local Government Ethics Law.
- C. **Delegation of Responsibility and Authority:** Responsibility and authority to manage the cash management plan and policy is granted to the Chief Financial Officer pursuant to N.J.S.A. 40A:5-14. No person may engage in an investment transaction except as provided under the terms of the policy and the written procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish system of controls to regulate the activities of subordinate officials.

III. Safekeeping and Custody

A. **Authorized Banks for Deposit of governmental Funds:** The cash management plan shall list all authorized banks for deposit of governmental funds. Only banks approved by the Department of Banking and Insurance under the Government Unit Depository Protection Act (GUDPA) can be approved depositories.

B. **Approved Security Broker/Dealers:** The cash management plan shall list any approved security broker/dealers.

C. Internal Controls

1. The governing body shall act to provide that the agency has an internal control structure that is established, defined and maintained to ensure that the assets of the entity are protected from loss, theft, or misuse. The chief financial officer shall develop written internal controls and submit them to the governing body for approval. The internal control structure shall be designed to provide reasonable assurance that the assets of the entity are protected from loss, theft or misuse. The concept of reasonable assurance recognizes that:

- a. The cost of a control should not exceed the benefits likely to be derived.
- b. The valuation of costs and benefits of internal controls requires estimates and judgements by management.

2. Internal control practices shall address the following points:

- a. Control of collusion. Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
- b. Separation of transaction authority from accounting and record keeping. By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- c. Custodial safekeeping. Securities purchased from any bank or dealer including appropriate collateral (as defined by N.J.S.A. 12A.9-105) shall be placed with an independent third party for custodial safekeeping.
- d. Avoidance of physical delivery securities. Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
- e. Clear delegation of authority to subordinate staff members. Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

- f. Written confirmation of telephone transactions for investments and wire transfer. Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communication may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
 - g. Development of a wire transfer agreement with the lead bank or third party custodian. This agreement should outline the various controls, security provisions, and delineate responsibilities of each party making and receiving wire transfers.
 - D. **Delivery vs. Payment:** All trades where applicable will be executed by delivery vs. payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third party custodian as evidenced by safekeeping receipts.

IV. Reporting

- A. **Methods:** The chief financial officer shall prepare an investment report to the governing body each month, including a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last month. This management summary will be prepared in a manner which will allow the governing body to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the chief executive officer, and the governing body. The report will include those items outlined in the cash management plan.
- B. **Performance Standards:** The investment portfolio will be managed in accordance with the parameters specified within the cash management plan and policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to appropriate benchmarks on a regular basis.

V. Policy

- A. **Exemption:** Any investment currently held that does not meet these guidelines shall be exempted from the requirements of the cash management plan. At maturity or liquidation, such monies shall be reinvested only as provided by the cash management plan and policy.
- B. **Amendment:** The cash management plan must be approved by the governing body, by resolution, on an annual basis, and may be amended at any time during the year to reflect changes due to changes in laws, depositories, funds or investments.

RESOLUTION #21-10
AUTHORIZATION FOR INVESTMENTS

BE IT RESOLVED that the Administrator/CMFO be authorized to make investments of Borough funds, subject to Current Policy on Investments and subsequent approval by the Borough Council, maximum of \$7,500,000.00 (except NJ Cash Management), GUDPA insures all governmental deposits, check financial statements of banks quarterly and report on Cap/Assets ratio and Investments in individual banks may be increased above limits above, based on Cap/Assets ratio. (Will seek highest interest rate for short-term investments; some banks with very high C/A ratios are not competitive.)

I, Anthony Suriano, Clerk of the Borough of
Bernardsville, hereby certify the foregoing to
be a true and exact copy of a resolution
adopted by the Borough Council at a duly
convened meeting held January 4, 2021.

RESOLUTION #21-11
DESIGNATION OF DEPOSITORIES AND SIGNATORIES

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, that the following banks are designated depositories for funds of the Borough, including General Trust and Current Funds, Public Defender fees, Open Space Trust Funds, Animal Control Funds, Capital Funds, Assessment Trust funds, Sewer Utility Funds, Sewer Capital account, payroll funds, escrow account, landfill escrow account, construction fund, Municipal Court account, bail bond account, State and Federal Grants fund, Railroad Station fund, Fire Penalty Account I & II, COAH Development Fees Account, Police Department Law Enforcement Trust account, Police Off-Duty Employment, Shade Tree Trust Fund, Community Garden Trust Fund, Accumulated Absences Liability Trust Fund, Snow Removal Reserve Trust Fund, and subject to receipt from each depository hereafter named, their statement of financial condition which is equal to, or better than, current standards:

Millington Bank, Millington, NJ
Peapack-Gladstone Bank, Bernardsville, NJ
Bank of America, Basking Ridge and Bridgewater, NJ
State of NJ, Cash Management, Trenton, NJ
Roselle Savings Bank, Bernardsville, NJ
Lakeland Bank, Bernardsville, NJ
Chase Bank, Bernardsville, NJ
PNC Bank, Bernardsville, NJ
Wells Fargo Bank, Bernardsville
TD Bank, Bernardsville

BE IT FURTHER RESOLVED that the Mayor, Council President or a Member of the Finance Committee, Administrator/CMFO, Borough Clerk or, in his absence the Deputy Borough Clerk, are hereby authorized to sign all checks, notes and drafts of this Borough drawn on any account in the above institutions which have been or may be opened in accordance with resolution (except payroll account) and that any of them is hereby authorized to endorse and deposit checks and drafts payable to the Borough, and

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to sign payroll checks and in his absence the Treasurer, Administrator/Finance Officer and Deputy Borough Clerk are authorized to sign said checks.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-12
AUTHORIZING PAYMENT OF BILLS

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to authorize payment of bills, as follows:

Current Fund to Somerset Hills Board of Education	2,259,903.92
Current Fund for Clerk Petty Cash	300.00
Current Fund for Swim Pool/Recreation Petty Cash	150.00
Current Fund for Police Petty Cash	450.00
Current Fund for Finance Petty Cash	300.00
 TOTAL	<hr/> 2,261,103.92

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-13
SETTING RATE OF INTEREST ON 2021 DELINQUENT TAXES,
SERVICE CHARGES FOR CHECKS RETURNED FOR INSUFFICIENT FUNDS,
AND CHARGES FOR DUPLICATE TAX SALE CERTIFICATES

BE IT RESOLVED, as follows:

FOR TAXES NOT IN ARREARS, 0% for nine (9) calendar days following the due date. Taxes not paid during this ten day period shall be deemed to be in arrears as of the said first day of the month.

FOR TAXES IN ARREARS, 8% per annum on the first \$1500 of the delinquency, 18% per annum on any amount in excess of \$1500 BOTH TO BE INCREASED TO THE MAXIMUM ALLOWED BY LAW IN THE EVENT OF AN INCREASE IN THE STATUTORY MAXIMUM.

RESOLVED FURTHER that pursuant to N.J.S.A. 54:4-67, as amended, a penalty shall be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay said delinquency prior to the end of the calendar year. The penalty so charged is hereby fixed at 6% of the amount of the delinquency; and if taxes are fully paid and satisfied for that calendar year by the holder of an outstanding tax sale certificate, the holder shall be entitled to receive the same 6% penalty as part of the amount required to redeem such certificate of sale; and pursuant to N.J.S.A. 54:5-61, as amended, the amount to be charged on account of tax sale certificates shall include the following redemption penalties:

- A. 2% of the amount of the certificate over \$200 and up to \$5,000
- B. 4% of the amount of the certificate over \$5,000 and up to \$10,000
- C. 6% of the amount of the certificate over \$10,000

RESOLVED FURTHER, that a service charge in the amount of \$20 shall be imposed for each check returned for insufficient funds and the charge for a duplicate tax sale certificate shall be \$75, and

RESOLVED FURTHER that per N.J.S.A. 54:4-66.3, if failure of the State to approve budgets in a timely manner causes the delay in the delivery of property tax bills, the Collector must include notice of the payment date after which interest will be charged back to the statutory dates. No interest may be charged for 25 days after mailing.

I, Anthony Suriano, Clerk of the Borough of
Bernardsville, hereby certify the foregoing to
be a true and exact copy of a resolution
adopted by the Borough Council at a duly
convened meeting held January 4, 2021.

RESOLUTION #21-14
TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES

WHEREAS, 40A:4-19 Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the 2021 budget) temporary appropriations be made for the purposes and amounts required in the manner and time therein provided;

WHEREAS, the date of this resolution is within the first thirty days of 2021, and

WHEREAS, the total appropriations in the 2020 Budget less debt service, pension, capital improvements, and grants are as follows:

General	\$ 11,934,799.60
Sewer Utility	\$ 1,104,400.00

WHEREAS, 26.25 percent of the above appropriations in the 2020 Budget is as follows:

General	\$ 3,132,884.90
Sewer Utility	\$ 289,905.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, County of Somerset that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-15
APPROVING TEMPORARY BUDGET LINE ITEMS

BE IT RESOLVED, by the Borough Council that the breakdown by line item, as shown in the attachment entitled "Approving Temporary Budget Line Items", is hereby adopted.

See attached 2021 Temporary Budget

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

Budget Journal Entry

ENTRY# 0 DATE: 12/30/2020

Temporary Budget

Account Number	Description	Debit	Credit
=====	=====	=====	=====
10-C00-0100-0100	ADMIN. & EXEC S&W		44,888.00
10-C00-0100-0200	ADMIN. & EXEC. OE		50,000.00
10-C00-0101-0200	HUMAN RESOURCES - OE		21,000.00
10-C00-0102-0100	MUNICIPAL CLERK - S&W		37,511.00
10-C00-0102-0200	MUNICIPAL CLERK - OE		3,197.00
10-C00-0110-0100	FINANCE DEPT. - S&W		29,190.00
10-C00-0110-0200	FINANCE DEPT - OE		20,000.00
10-C00-0111-0200	FIN. ADM. - AUDIT		35,196.00
10-C00-0112-0100	TECH.INF.SYSTEM-S&W		3,451.00
10-C00-0112-0200	TECH.INF.SYSTEM-OE		16,000.00
10-C00-0115-0100	TAX ASSESSOR - S&W		33,994.00
10-C00-0115-0200	TAX ASSESSOR - OE		3,000.00
10-C00-0120-0100	TAX COLLECTOR - S&W		9,975.00
10-C00-0120-0200	TAX COLLECTOR - OE		5,000.00
10-C00-0135-0200	LEGAL SERVICES - OE		40,425.00
10-C00-0140-0100	ENGINEERING - S&W		27,694.00
10-C00-0140-0200	ENGINEERING - OE		21,000.00
10-C00-0141-0204	HIS.PRSVN.ADV.COMM - MISC. EXP		263.00
10-C00-0145-0100	BUILD & GROUNDS - S&W		53,944.00
10-C00-0145-0200	BUILD. & GROUNDS - OE		250,000.00
10-C00-0150-0100	PLANNING BOARD - S&W		10,894.00
10-C00-0150-0200	PLANNING BOARD - OE		7,875.00
10-C00-0155-0100	BOARD OF ADJ. - S&W		7,998.00
10-C00-0155-0200	BOARD OF ADJ. - OE		7,875.00
10-C00-0156-0100	ZONING/HOUSE - S&W		40,163.00
10-C00-0156-0200	ZONING/HOUSE - OE		5,000.00
10-C00-0160-0200	SHADE TREE COMM. - OE		9,188.00
10-C00-0165-0200	ENVIRON. COMM. - OE		1,000.00
10-C00-0170-0200	LIABILITY INSURANCE		51,450.00
10-C00-0171-0200	WORKERS COMPENSATION INSURANCE		48,174.00
10-C00-0175-0100	HB WAIVER		6,563.00
10-C00-0175-0200	GROUP INSURANCE - OE		225,750.00
10-C00-0180-0200	FIRE HYDRANT SERVICE		22,444.00
10-C00-0185-0200	AID TO FIRE DEPT. - OE		29,663.00
10-C00-0190-0100	COMMUNICATIONS - S&W		80,000.00
10-C00-0190-0200	COMMUNICATIONS - OE		5,775.00
10-C00-0195-0100	POLICE - S&W		644,578.00
10-C00-0195-0200	POLICE - OE		35,044.00
10-C00-0200-0250	PURCHASE OF POLICE CARS		20,000.00
10-C00-0205-0220	AID TO RESCUE CO. - DONATION		16,275.00

Budget Journal Entry

ENTRY# 0 DATE: 12/30/2020

Temporary Budget

Account Number	Description	Debit	Credit
10-C00-0210-0100	EMERGENCY MGMT. - S&W		1,969.00
10-C00-0210-0200	EMERGENCY MGMT. - OE		709.00
10-C00-0220-0100	STREETS & ROADS - S&W		226,124.90
10-C00-0220-0200	STREETS & ROADS - OE		130,000.00
10-C00-0225-0200	STREET LIGHTING - OE		11,156.00
10-C00-0230-0100	MUNICIPAL SVCS. ACT - S&W		788.00
10-C00-0230-0200	MUNICIPAL SVCS. ACT. - OE		2,100.00
10-C00-0235-0200	LANDFILL - OE		10,000.00
10-C00-0240-0200	RECYCLING - OE		23,625.00
10-C00-0245-0200	RIGHT TO KNOW ACT - OE		131.00
10-C00-0246-0100	VEHICLE MAINT. - S&W		21,919.00
10-C00-0246-0200	VEHICLE MAINT. -OE		19,688.00
10-C00-0250-0200	BOARD OF HEALTH		25,515.00
10-C00-0260-0200	ANIMAL CONTROL - OE		18,000.00
10-C00-0271-0100	SWIM POOL - S&W		29,000.00
10-C00-0271-0200	SWIM POOL - OE		15,934.00
10-C00-0272-0100	RECREATION - S&W		55,335.00
10-C00-0272-0200	RECREATION - OE		15,698.00
10-C00-0275-0250	CELEBRATION OF PUBLIC EVENTS		656.00
10-C00-0280-0200	SENIOR CITIZEN VAN - OE		4,500.00
10-C00-0285-0100	CONSTRUCTION - S&W		54,469.00
10-C00-0285-0200	CONSTRUCTION - OE		6,000.00
10-C00-0290-0100	FIRE PREVENTION - S&W		2,000.00
10-C00-0290-0200	FIRE PREVENTION - O&E		6,000.00
10-C00-0305-0200	TELEPHONE		30,000.00
10-C00-0310-0200	ELECTRICITY		30,000.00
10-C00-0315-0200	GASOLINE		50,000.00
10-C00-0320-0200	GAS		3,150.00
10-C00-0334-0200	DEFINED CONTRIBUTION RETIREMENT PROGRAM		2,888.00
10-C00-0340-0200	SOCIAL SECURITY		80,000.00
10-C00-0350-0202	UNEMPLOYMENT - BOROUGH SHARE		10,000.00
10-C00-0357-0200	Municipal Court Shared Service		30,000.00
10-C00-0360-0200	LIBRARY CONTRIBUTIONS - OE		234,093.00
10-190-0700-0000	AMOUNT TO BE RAISED BY TAXES	3,132,884.90	
		=====	=====
		3,132,884.90	3,132,884.90

Budget Journal Entry

ENTRY# 0 DATE: 12/30/2020

Temporary Budget

Account Number	Description	Debit	Credit
=====	=====	=====	=====
40-C00-0101-0100	SEWER-SALARY & WAGES		137,945.00
40-C00-0101-0200	SEWER - OE		151,960.00
40-192-0110-1000	USER FEES	289,905.00	
		=====	=====
		289,905.00	289,905.00

RESOLUTION #21-16

**ADOPTING POLICE DEPARTMENT
RULES & REGULATIONS**

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, to adopt the Rules and Regulations of the Bernardsville Police Department, copy attached hereto and made a part hereof.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.



RULES AND REGULATIONS

January 2021

Kevin J. Valentine
Chief of Police



Table of Contents

1.0 Establishment of Police Department Rules and Regulations

- 1.1 Police Department Authority
- 1.2 Department Rules

2.0 Definitions

- 2.1 Authority
- 2.2 Chain of Command
- 2.3 Day Off
- 2.4 Directive
- 2.5 Employee
- 2.6 May/Should
- 2.7 Order
- 2.8 Policy
- 2.9 Procedure
- 2.10 Shall/Will
- 2.11 Supervisor

3.0 General Duties and Responsibilities

- 3.1 Police Officers
- 3.2 Supervisors
- 3.3 Chief of Police
- 3.4 Civilian Employees

4.0 Rules of Conduct

- 4.1 General Conduct
- 4.2 Orders
- 4.3 Police Records and Information
- 4.4 Gifts and Rewards
- 4.5 Alcoholic Beverages and Drugs
- 4.6 Duty Conduct
- 4.7 Uniforms, Appearance and Identification
- 4.8 Department Equipment and Property
- 4.9 Communications and Correspondence
- 4.10 Conduct Toward Public
- 4.11 Political Activities
- 4.12 Judicial Appearance and Testimony



Table of Contents

5.0 Personnel Regulations

- 5.1 Hours of Leave
- 5.2 Secondary Employment
- 5.3 Resignation

6.0 Decreases in Personnel

- 6.1 Decrease in Personnel for Economy Reasons

7.0 Prohibited Acts

- 7.1 Members of The Department Subjected To:

8.0 Sexual Harassment

- 8.1 No Employee to Engage In Sexual Harassment
- 8.2 Sexual Harassment Defined
- 8.3 Prohibited Conduct
- 8.4 Procedures for Reporting
- 8.5 Sanctions
- 8.6 Responsibilities
- 8.7 False Accusations

9.0 Discipline

- 9.1 Disciplinary Action
- 9.2 Uniform Resolution of Complaints
- 9.3 Disciplinary Procedure

10.0 Selection Process

- 10.1 Selection Process Administration
- 10.2 Selection Process Defined
- 10.3 Selection Material Security
- 10.4 Periodic Evaluation of the Selection Process
- 10.5 Administrative Practices and Procedures
- 10.6 Occupational Qualifications
- 10.7 Background Investigation Required
- 10.8 Selection Procedures
- 10.9 Probationary Period



Table of Contents

11.0 Police Promotion, Evaluation and Procedures

11.1 Eligibility

11.2 Procedures for Promotion to Sergeant

11.3 Procedures for Promotion for Superior Officers

Appendix A

Appendix B Record of Changes



Bernardsville Police Department Rules and Regulations (January 2021 Version)

1.0 Establishment of Police Department Rules and Regulations

1.1 Police Department Authority

- 1.1.1 The Police Department of the Borough of Bernardsville is established pursuant to N.J.A.40A:14-118 and Borough *Code* 2-24.1. The Bernardsville Police Department shall herein after this be referred to as the “department.”

1.2 Department Rules

- 1.2.1 Rules and Regulations Established. The appropriate authority of the Borough of Bernardsville hereby adopts and promulgates the Department Rules and Regulations, known as the Bernardsville Police Department Rules and Regulations and herein referred to as the “Rules.”
- 1.2.2 Right Amend or Revoked, In accordance with N.J.A.40A:14-118, the right is reserved by the appropriate authority to amend or to revoke any of the rules contained herein.
- 1.2.3 Previous Rules, Policies and Procedures. All rules previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.
- 1.2.4 Application. These rules are applicable to all police officers of the department and to all civilian employees of the department where appropriate.
- 1.2.5 *Distribution. One copy of these Departments Rules shall be distributed in writing to each employee of the department. Distribution of the Rules should be documented to show that the distribution has taken place. In addition, a copy of the rules and regulations and a copy of the agency's internal affairs S.O.P. shall be made available to a representative of any employee collective bargaining unit upon request.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 1.2.6 Responsibility for Maintenance. Employees shall be responsible for maintaining a current copy of the rules, including additions, revisions and amendments as issued.
- 1.2.7 Familiarization. Employees shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any of these rules will not be a defense to a charge of a violation of these rules.
- 1.2.8 Situations Not Covered By Regulations. Although this Manual shall be considered as the guide for most action, no member shall be excused from taking action in accordance with good judgment, proper conduct and appropriate exercise of police duties should the situation not be covered by the above.

2.0 Definitions

- 2.1 Authority. The right to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.
- 2.2 Chain of Command. Vertical lines of communication, authority and responsibility within the organizational structure of the department.
- 2.3 Days Off. Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- 2.4 Directive. A document detailing the performance of a specific activity or method of operation. "Directive" includes:
 - 2.4.1 General Order: Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the department.
 - 2.4.2 Personnel Order: A directive initiating and announcing a change in the assignment, rank or status of personnel.
 - 2.4.3 Special Order: A directive dealing with specific circumstance or event that is usually self-canceling.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 2.4.4 Training Order: A directive dealing with training related issues or information.
- 2.4.5 Department Memo: A written communication that is broadly based and contains a directive, information or instructions dealing with the operations of the Police Department.
- 2.4.6 Confidential Memo: A written communication that is **CONFIDENTIAL** and not intended to be released or shared with anyone other than the intended recipient.
- 2.5 Employee. All employees of the department. Whether sworn or special police officers or civilian employees.
- 2.6 May/Should. As used herein the word “may” means that the action indicated is permitted. The word “should” means that the action is recommended in most cases.
- 2.7 Order. Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.
- 2.8 Policy. A statement of department principles that provide the basis for the development of procedures and directives.
- 2.9 Procedure. A written statement providing specific direction for performing department activities. Procedures are implemented through policies and directives. Additional specific procedures are outlined in the Procedures Manual.
- 2.10 Shall/Will. The word “shall” and “will” as used herein, shall indicate that the action required is mandatory.
- 2.11 Supervisor. Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

3.0 General Duties and Responsibilities

- 3.1 Police Officers shall:
 - 3.1.1 Take appropriate action to:
 - A. Protect life and property;
 - B. Preserve the peace;
 - C. Prevent crime;



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- D. Detect and arrest violators of the law;
 - E. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
 - F. Safely and expeditiously regulate traffic;
 - G. Aid citizens in matters within police jurisdiction;
 - H. Take appropriate police action in aiding fellow officers as needed.
 - I. Provide miscellaneous services.
- 3.1.2 Exercise authority consistent with the obligations imposed by the oath of office and conformance with the policies of the department.
 - 3.1.3 Abide by all rules, regulations and department procedures and directives governing police officers and employees.
 - 3.1.4 Be accountable and responsible to their supervisors for obeying all lawful orders.
 - 3.1.5 Coordinate their efforts with other employees of the department to achieve department objectives.
 - 3.1.6 Conduct themselves in accordance with high ethical standards, on and off-duty.
 - 3.1.7 Strive to improve their skills and techniques through study and training.
 - 3.1.8 Familiarize themselves with the area of authority and responsibility for the current assignment.
 - 3.1.9 Perform their duties promptly, faithfully and diligently.
 - 3.1.10 Perform all related work as required.
 - 3.1.11 Members of the Department shall be knowledgeable and conversant with the Penal Code of the State of New Jersey; State and Federal Laws; procedures relating to such matters as arrest, search and seizure, rules of evidence, and Supreme Court decisions; and the ordinances of the Borough of Bernardsville in order that they may perform their duties in an intelligent manner.
 - 3.1.12 Members of the Department shall be familiar with the Department's Mission Statement, core Values, *and Code of*



Bernardsville Police Department Rules and Regulations (January 2021 Version)

Conduct and use their contents to guide their actions accordingly.

3.2 Supervisors in the Department shall:

3.2.1 Enforce department rules and insure compliance with department policies and procedures and implementing disciplinary action when required.

3.2.1.1 *Every supervisor shall establish a familiarity with the agency's disciplinary process and develop an understanding of how to implement specific disciplinary procedures when called upon to deal with inappropriate behavior or misconduct.

3.2.2 Exercise proper use of their commands within the limits of their authority to assure efficient performance by their subordinates.

3.2.3 Exercise necessary direction and control over their subordinates to accomplish the objectives of the department.

3.2.4 Guide and train subordinates to gain effectiveness in performing their duties.

3.2.5 Use department disciplinary procedures when necessary.

3.2.6 When using discipline, comply strictly with the provisions of the department disciplinary process.

3.3 Chief of Police

3.3.1 Pursuant to N.J.S.A. 40A:14-118 and municipal ordinance, the Chief of Police shall be the Head of the Police Department and shall be directly responsible to the appropriate authority for its efficiency and day to day operation. Pursuant to Rules established by the appropriate authority, the Chief of Police shall:

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



Bernardsville Police Department Rules and Regulations (January 2021 Version)

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

3.3.2 Responsibilities. The Chief of Police is responsible to:

- A. Establish and maintain the efficient operation of the department.
- B. Organize, control and maintain all property and resources of the department.
- C. Develop the written organizational structure of the department, including chain of command and duty assignments.
- D. Develop and implement policies and procedures necessary to govern and direct the day to day operations of the police department.
- E. Provide for the proper training of all department employees.
- F. Provide for periodic inspection of all police operations to insure compliance with department rules, policies, and procedures.
- G. Maintain a constructive relationship with the public, community organizations, the media and other law enforcement agencies.
- H. Maintain the overall discipline of the department.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- I. Prepare and submit the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- J. Allocate funds within the budget which are appropriated by the governing body.
- K. Provide for performance evaluations of all department employees.
- L. Establish and maintain a Mission Statement for the Police Department.
- M. Establish and identify Core Values relevant to the operation of the police department
- N. Establish and maintain a “Code of Conduct” to govern the general conduct of police personnel.

3.4 Civilian employees shall:

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



Bernardsville Police Department Rules and Regulations (January 2021 Version)

3.4.8 Abide by all rules, regulations and departmental procedures and directives governing civilian employees.

3.4.9 Perform all related work as required.

4.0 Rules of Conduct

4.1 General Conduct

All employees shall conduct themselves in accordance with the guidelines established by the Department Mission Statement, Core Values, and “Code of Conduct”. This general conduct is in addition to specific rules and regulations, standard operating procedures, directives, or orders that may apply to any given situation, and intended to cover situations not specifically addressed otherwise in this manual.

4.1.1 Performance of Duty. All employees shall promptly perform their duties as required or directed by law, department rule, policy or directive, or by lawful order of a superior officer.

4.1.2 Action off Duty. While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department policy, rules or procedures.

4.1.3 Obedience to Laws and Rules. Employees shall obey all laws, ordinances, rules, policies, and procedures and directives of the department.

4.1.4 Withholding Information. Employees shall report any information concerning criminal activity of others.

4.1.5 Reporting Violations of Law and Rules. Employees knowing of other employees violating laws, ordinances, or rules of the department, shall report same in writing to the Chief of Police through official channels. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, official channels may be bypassed.

4.1.6 Insubordination. Employees shall not:



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. Fail or refuse to obey a lawful order given by a supervisor;
 - B. Use any disrespectful or abusive language or action toward a supervisor.
- 4.1.7 **Conduct Toward Other Department Employees.** Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
 - 4.1.8 **Compromising Criminal Cases.** Employees shall not interfere with the proper administration of criminal justice.
 - 4.1.9 **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.
 - 4.1.10 **Posting Bail.** Employees shall not post bail for any person in custody, except relatives.
 - 4.1.11 **Use of Force.** Employees shall follow department policy and procedures on the use of force.
 - 4.1.12 **Physical Fitness.** Police officers shall maintain good physical condition so that they can handle the strenuous physical activities often required by law enforcement officers.
 - 4.1.13 **Driver's License.** Employees operating department motor vehicle shall possess a valid New Jersey Driver's License. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full particulars.
 - 4.1.14 **Address and Telephone Numbers.** Employees are required to have a telephone in the place where they reside. Change in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change. Members of the department shall reside within the state of New Jersey.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.1.15 Members shall not engage in any altercation, physical or otherwise, with any member of the department either on or off duty.
- 4.1.16 A member of the department shall extend proper courtesy and respect toward all officers of this and other departments and public officials.
- 4.1.17 A member of the department shall not publicly criticize or malign any other member so as to discredit or cause disrespect to the department.
- 4.1.18 The appropriate authority or the department head may require any member of the Police Department to submit to a physical, psychological, or psychiatric examination when the chief of police has a reasonable belief, based on objective evidence, that; (1) an officer's ability to perform essential job functions will be impaired by a medical condition; or (2) an officer will pose a direct threat due to a medical condition. This standard may be met when the Borough knows about a particular officer's medical condition, has observed performance problems, and reasonably can attribute the problem to the medical condition. The Borough also may give reliable information by a credible third party that an officer has a medical condition, or the Borough may observe some symptoms indicating that an officer may have a medical condition that will impair his/her ability to perform essential job functions or will pose a direct threat. Such medical examinations will be conducted by an appropriate health care professional of the employer's choice. Determination that an officer poses a direct threat must be based on an individualized assessment of the officer's present ability to safely perform the essential functions of the job. This assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or best objective evidence.

In accordance with the Americans with Disabilities Act 42, U.S.C. 12101 et seq., information obtained pursuant to this section regarding the medical condition or history of an employee shall be collected and maintained on separate form and in separate medical files and treated as a confidential medical report except that:



Bernardsville Police Department Rules and Regulations (January 2021 Version)

1. Such information shall be available to appropriate appointing authority representatives in connection with inquiries into the ability of an employee to perform job-related functions.
2. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
3. Authorized first aid and safety personnel may be informed, when appropriate, if the condition might require emergency treatment, or if any specific procedures are needed in the case of fire or other evacuations.
4. Government officials investigating compliance with the Americans with Disabilities Act, or any other federal or state law prohibiting discrimination on the basis disability or handicap, shall be provided relevant information on request.

4.1.19 Divulging Information. A member of the Department shall treat as confidential the official business of the department. He shall not talk for publication, nor be interviewed, nor make public speeches or statements on police business. He shall not give information about the official business of the department to anyone except:

- A. Under due process of Law
- B. With the permission of the Department Head
- C. As authorized by this Manual, directive or Standard Operating Procedures
- D. Members should clearly understand the right of the public to be informed on matters of public interest.
 1. While discretion must be exercised with respect information of a nature that cannot be divulged, authorized members of the department shall promptly release to any accredited member of



Bernardsville Police Department Rules and Regulations (January 2021 Version)

the press such information as is allowed by Executive Order #69. Consistent with the appropriate departmental procedure.

2. Under no circumstances will the identity of the following be revealed:

- a. Person under the age of eighteen years of age taken into custody
- b. Complainant under eighteen years of age
- c. Neglected child
- d. Victim of a sex crime

3. Cooperation with the press, radio and television is vital to good public relations.

4. A member shall not use confidential or official information to advance the financial or other private interest of him or others.

4.1.20 Prohibited Conduct. Misconduct or (prohibited conduct) includes conduct, misbehavior, disorder or neglect prejudicial to good order, efficiency or discipline whether or not specifically mentioned in these rules, the standard operating procedures or directives issued, to include cowardice or making a false official statement is prohibited.

4.1.21 Bias and favoritism. Employees shall not exhibit bias or favoritism towards any other employee because of race, gender, sexual orientation, creed, color, national origin, ancestry, or religious convictions.

4.1.22 Liabilities to the Borough. A member shall not incur liability chargeable to the Borough of Bernardsville without the knowledge and consent of the Department Head.

4.1.23 Personal Business. No member of the department in uniform shall carry any package or bundle, except in actual performance of duty.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. A member of the department shall not shop while on duty, nor devote any of his “on duty” time to any activity other than that which relates to police work.
- B. A member of the department shall not perform any police duty in uniform for the purpose of private gain, unless properly authorized.

4.2 Orders

4.2.1 Issuing Orders

- A. Manner of Issuing Orders. Orders from a supervisor to a subordinate shall be in clear and understandable language.
- B. Unlawful Orders. No supervisor shall knowingly issue any order which is in violation of any law or ordinance.
- C. Improper Orders. No supervisor shall knowingly issue any order which is in violation of any department rule, policy, or procedure.

4.2.2 Receiving Orders

- A. Questions Regarding Orders. Employees in doubt as to the nature or details of an order shall seek clarification from their supervisors by going through the chain of command.
- B. Obedience to Unlawful Orders. Employees are not required to obey any order which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.
- C. Obedience to Improper Orders. Employees who are given an order which is contrary to department rules, policy, or procedures must first obey the order to the best of their ability, and then report the improper order as provided.
- D. Conflicting Orders. Upon receipt of an order conflicting with any previous order, the employee affected will advise the person issuing the second order of this fact.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the letter order shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the department.

- E. Report of Unlawful or Improper Orders. An employee receiving an unlawful or improper order shall, at first opportunity, report in writing to the next highest ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such report shall be conducted by the Chief of Police.
- F. Criticism of Official Acts or Orders. Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

4.2.3 Interview with the Department Head. A member shall request an interview with the Department Head through channels, except in the case of urgency.

4.2.4 Temporary Assignment. When temporarily assigned to perform the duties of another rank, the member shall be governed by the duties and responsibilities of that rank.

4.3 Police Records and Information

4.3.1 Release of Information. Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department policy and procedure.

4.3.2 Department Records. Content of any record filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with approval of the appropriate supervisor, or under due process of law, or as permitted under department policy and procedures.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.3.3 Reports. No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, improper information on record of the department.
- 4.3.4 Any employee of a Federal, State or Municipal Government Agency, upon proper identification, may be given such information as in the opinion of the Department Head may be necessary for the official business of that Agency.
- 4.3.5 Identified representative of the State Liquor authority may be given information about:
 - 1. Persons arrested or summonsed in a premise licensed by the State Liquor authority or in the vicinity of the premises when the cause of the arrested or summons originated there.
 - 2. Premises licensed or from which an application for license has been made under the Alcoholic Beverage Control Law.
- 4.3.6 When information in connection with an arrest is given to other than a representative of the press, appropriate documentation report will be prepared and attached to the original investigation report.
- 4.3.7 Summonses Written in Error. All summonses written in error shall be delivered to the Patrol Lieutenant and approved for dismissal by the Department Head.
 - A. The appropriate department procedures shall be adhered to in this process.

4.4 Gifts, Rewards, etc.

- 4.4.1 Soliciting or Accepting Benefits. Employees shall not directly or indirectly solicit, accept or agree to accept any benefit not allowed by law to influence the performance of their official duties.
- 4.4.2 Rewards. Employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty, except that which may be authorized by law, department policy or the department head.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.4.3 Disposition of Unauthorized Gifts, Gratuities. Any unauthorized gift or gratuity, loan, fee, reward or other object coming into possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.
- 4.4.4 Prohibited Financial Activities. A member of the department shall not:
- A. Engage in any transaction or have a financial or private interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
 - B. Render services for a private interest, when such service is incompatible with the proper discharge of his official duties.
 - C. Invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
 - D. Be or become interested directly or indirectly in any manner except by operation of law in any business dealing with the Borough.
- 4.4.5 Testimonials. A member, without the written permission of the Department Head, shall not accept from any person of organization testimonial of any kind because of his employment in the Police Department or for performance of any police service.
- 4.4.6 Not to be Recommended Services. A member, except in transacting personal affairs, shall not recommend or suggest in any manner the employment or purchase of any particular professional or commercial services or product such as lawyer, bondsman, undertaker, towing service, etc., or in any manner inform such business person who, why or where any service or product might be required.
- 4.4.7 Licenses and Permits. A member, except in the discharge of his official duty or with the permission of the Department Head, shall not make any recommendation concerning the 4.5 Alcoholic Beverages and drugs 4.5.1.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.4.8 Consent to regain Stolen Property. A member of the department shall not consent to any payment by anyone to regain lost or stolen property, nor shall be advised such payment.
- 4.5 Alcoholic Beverages and Drugs. (**Section 4.5.12 – 4.5.14.2 are required to be included in the Department Rules and Regulations pursuant to NJAG Directive*)
- 4.5.1 Intoxicants. A member of the department shall not drink intoxicants while in uniform. He shall not drink intoxicants/alcoholic beverages at any time to an extent, making him unfit for duty.
- 4.5.2 Being Under the Influence. Employees shall not report for duty under the influence of an alcoholic beverage. Employees shall not consume alcoholic beverages within four hours prior to reporting for duty.
- 4.5.3 Consuming Alcoholic Beverages on Duty. Employees of the department shall not consume any alcoholic beverage while on duty.
- 4.5.4 Exception. Employees while assigned to duty in civilian clothes may consume alcoholic beverages only if such consumption:
- A. Is absolutely necessary in the performance of duty, and
 - B. Has been approved by the appropriate supervisor, and
 - C. Does not render the employee unfit for proper and efficient performance of duty.
- 4.5.5 Consuming Alcoholic Beverages off Duty in Uniform. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.
- 4.5.6 Alcoholic Beverages in Police Buildings. Alcoholic beverages shall not, at any time, be consumed in police buildings or facilities.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.5.7 Supervisors' Responsibility. Supervisors shall not assign to duty or allow to remain on duty an employee whose fitness for duty is questionable due to the use of alcoholic or medication.
- 4.5.8 Entering Licensed Premises. Employees in uniform shall not enter any licensed premises where alcoholic beverages are sold or stored, except in the performance of duty and in compliance with department policy. A member in uniform shall not enter premises where intoxicants are manufactured, stored, shipped or sold except to have a meal in a hotel or restaurant or in the immediate performance of police duty.
- 4.5.9 Taking Medication on Duty. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
- 4.5.10 Notification about Medication. When an employee is required to take any prescription medication or any non-prescription medication which may diminish the employee's alertness or impair the employee's senses, the employee shall notify his/her supervisor as to the medication required, its properties, the dosage, and the period during which the employee is required to take the medication. This notification shall be by prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.
- 4.5.11 Use of Narcotics and other Drugs. A member of the department shall not unlawfully use any narcotics, accelerants, hypnotics, hallucinogens, or other drugs. A member shall not perform police duty when deemed unfit due to the effects of any drug taken lawfully or unlawfully.
- 4.5.12 The Bernardsville Police Department adopts the Somerset County Law Enforcement Drug Testing Policy set forth in SCPO County General Order Chapter 8, Section 2 and guidelines issued by the New Jersey State Attorney General Law Enforcement Drug Testing Policy as amended December 2020, and Attorney General Law Enforcement



Bernardsville Police Department Rules and Regulations (January 2021 Version)

Directive 2018-2 Statewide Mandatory Random Drug Testing.*

- 4.5.13 Consistent with section 4.5.12 above, department procedures regarding Law Enforcement Officer Drug Testing will be published in the Bernardsville Police Dept. Standard Operating Procedures Manual (Chapter III, Section 75). All officers are subject to the provisions set forth in this SOP.*
- a. This SOP shall be in effect for all sworn Law Enforcement Officers, applicants, and trainees.*
 - b. Future revisions of this policy shall become effective immediately as they are issued by the County Prosecutor and/or the NJ State Attorney General. Affected personnel shall be notified of any changes in writing of the Law Enforcement Drug Testing Policy as soon as possible after the revision is made.*
 - c. A copy of the Mandatory Law Enforcement Drug testing Policy Drug Testing Policy shall be maintained with the Bernardsville Police Department Rules and Regulations. *
 - d. In addition to the Somerset County Law Enforcement Drug Testing Policy and NJAG Law Enforcement Drug Testing Policy, officers and trainees may be subject to additional provisions of the Borough Personnel Policies and Procedures Manual Chapter 15, Drug and Alcohol Abuse, to the extent it does not conflict with the Department Directives, SOP's, SCPO County Policy on NJAG Law Enforcement policies and/or directives.
 - e. All other non-sworn employees of the Police Department are subject to the provisions of the Borough Policy and Procedures Manual Chapter 15, Drug and Alcohol Abuse.
- 4.5.14 Individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs as they are subject to mandatory random drug testing pursuant to AG Directive 2018-2.*



Bernardsville Police Department Rules and Regulations (January 2021 Version)

4.5.14.1 A negative result is a condition of employment as a sworn officer and a positive test result will result in* :

- a) The officer's termination from employment; *
- b) Inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and *
- c) The officer being permanently barred from future law enforcement employment in New Jersey*

4.5.14.2 Officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test. *

4.6 Duty Conduct

4.6.1 Reporting for Duty. Employees shall report for duty at the time and place specified, properly uniformed and equipped.

4.6.2 Absence from Duty. An employee who fails to appear for duty at the date, time, and place specified without the consent by competent authority is absent without leave. Supervisor shall immediately report to their supervisor in writing any employee who is absent without a leave. No member of the police department or force shall absent himself from duty without permission of the Department Head or his designee.

A. Any member of the Police Department who shall be absent from duty without just cause for a term of five days continuously and without leave of absence shall ,



Bernardsville Police Department Rules and Regulations (January 2021 Version)

at the expiration of such five (5) days cease to be a member of such Department.

- 4.6.3 Prohibited Activity on Duty. Employees who are on duty are prohibited from engaging in activities which are not directly related to the performance of their duty (e.g., sleeping, conducting private business, or gambling).
- 4.6.4 Smoking While on Duty. Employees shall not smoke except in authorized areas. Employees shall not smoke on duty while in direct contact with the public or in police vehicles.
- 4.6.5 Personal Radios. The use of portable radios and any other form of entertainment other than equipment authorized by the department is prohibited while on duty except with the permission of the Department Head.
- 4.6.6 Relief. Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.
- 4.6.7 Meals. All meals are to be consumed within authorized areas, subject to modification by the supervisor.
- 4.6.8 Training. Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise. To insure the highest level of training made available to the member of the department, it shall become policy that, when possible, all members will receive State or County mandated training directed by the Police Training Commission. In addition, members of the department will be provided with additional courses.
- 4.6.9 Inspections. Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.
- 4.6.10 Character Reference. A member shall not make, without permission of the Department Head, any recommendations or statements orally or in writing in any proceedings of a criminal or punitive nature concerning the good character,



Bernardsville Police Department Rules and Regulations (January 2021 Version)

reputation, ability or other characteristics of criminals, racketeers, gamblers or persons who are or have been engaged in unlawful activities except by subpoena.

4.6.11 Colors. When the colors of the United States pass in review in parades or other ceremonies, officers in uniform shall stand at attention and render the hand salute, except when engaged in police duties.

4.6.12 Sleeping or Idle on Duty. A member of the Department shall not sleep or idle while on duty.

4.6.13 Personal Necessities. A member of the Department shall not take excessive personal necessities

4.6.14 Calls for Service. A member of the Department shall respond promptly to all calls for service.

4.6.15 Assignment Directed by Radio Dispatcher. All assignments directed by the Radio Dispatcher shall have the full force and effect of an order from a superior officer.

4.6.16 Meal Periods. Only one member on patrol may take a meal period at one time.

A. A meal period shall not exceed one hour duration. Meal periods can be taken in the form of periodic breaks from duty. (ie. 1/2 hrs. meal, two 15 minute brakes) as approved by the shift supervisor. Officers shall remain ready to respond to calls needed.

4.6.17 Notice, Instructions and Bulletins. A member of the Police Department shall familiarize himself with all notices, instructions and training bulletins posted on the official bulletin boards.

4.6.18 Vigilance in Exercise of Duty. Members of the Police Department shall give particular attention at all times to, and make prompt report of any unsanitary or unsafe condition existing in the Borough.

A. Such unsanitary or unsafe condition may be:

1. Any street or sidewalk obstruction



Bernardsville Police Department Rules and Regulations (January 2021 Version)

2. Any unlighted streetlight in the night
 3. Any unusual or suspicious circumstances
- B. Members will exert themselves to discover and prevent any violations of Laws of the State of New Jersey and the ordinances of the Borough of Bernardsville.
1. Members will promptly apprehend all violators thereof.
- C. During night patrol they will examine doors and check the windows of vacant houses and businesses as directed to see that they are properly secured.
- 4.6.19 Absences from the Borough. No member of the Police Department shall leave the Borough while on duty, unless properly dispatched by radio or with the express permission of a superior.
- A. At no time may all members of the duty shift be absent from the Borough.
- B. Officers are subject to recall 24 hours a day, seven days a week. Officers will make themselves available for recall request through personal contact numbers, cell phones, pagers, or answering machines. Any messages left on answering machines must be returned within a reasonable period of time.
- 4.6.20 Absences by Reason of Illness. No member of the police department shall absent himself from duty by reason of sickness or injury unless he shall report the same to the Department Head or other officer in charge of the department, promptly (before his next tour of duty if possible, and any event within 24 hours.)
- A. Unless expressly exempted by the Department Head, such absent member shall also:
1. An employee who shall be absent on sick leave for six (6) or more consecutive working days shall be required to submit acceptable medical evidence substantiating the illness. An employee who has been absent on sick leave for a period



Bernardsville Police Department Rules and Regulations (January 2021 Version)

totaling eight (8) or more days in a calendar year consisting of three (3) or more separate periods shall be required to submit acceptable medical evidence of his illness for payment for that period and for any additional sick leave in that year. The appropriate Authority may require proof of illness of an employee on sick leave whenever such requirement appears reasonable and warranted under the circumstances at its expense.

2. Each employee shall report to active duty after each illness or injury where the services of a physician were required only after first presenting the Borough Clerk and Department Head a final physician's statement indicating that he is again fit for active duty.

- B. The appropriate authority reserves the right to require a medical examination at any time during disability, at the expense of the Borough.

- 4.6.21 Records of Absences. The Department Head shall keep accurate records of the absences of every employee in the Department.

4.7 Uniform, Appearance and Identification

- 4.7.1 Regulation Uniform Required. All police officers and uniformed civilians shall maintain uniforms prescribed in department policy and procedures. Uniform shall be kept neat, clean and well pressed at all times.
- 4.7.2 Manner of Dress on Duty. Employees shall wear the uniform or civilian clothing on duty as prescribed by department policy and procedure for the employee's current assignment.
- 4.7.3 Wearing Jewelry on Duty. Police officers shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform officers on duty from wearing jewelry appropriate for the



Bernardsville Police Department Rules and Regulations (January 2021 Version)

conditions of their current assignment in accordance with Department policy.

4.7.4 Personal Appearance. Employees, while on duty, shall be neat and clean in person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform officers on duty in accordance with department policy. Members shall:

- A. Have hair tapered to the general shape of the head and not reaching further than halfway down the collar. Hair shall not cover the ears.
- B. Keep sideburns closely trimmed and not extending beyond the bottom of the lobe of the ear. Sideburns shall not be flared in excess of 1-1/4”.
- C. Have mustache neatly trimmed and not extending beyond the corner of the mouth nor drop below the corner of the mouth.
- D. Beards, goatees, etc., are not permitted, except when approved by the Department Head or his designee due to the nature of a member’s assignment or when required due to medical problem.
- E. Keep their shoes shined and all metal accessories polished.
- F. Keep uniform securely buttoned.
- G. Wear caps squarely on the head with center of the visor directly over the nose. The visor shall be kept polished.
- H. When attending court, shall be either in complete uniform or in proper civilian attire of tie and jacket.

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

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



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.7.7 Carrying of Packages and Bundles. No package, bundle or other articles will be carried while on duty, except articles of equipment which are authorized and packages or articles pertaining to police work.
- 4.7.8 Advertisements and Endorsements. A member shall not authorize the use of his photograph in uniform for an advertisement for any commodity or commercial enterprise. He shall not in his official capacity endorse or subscribe such advertisement or in that connection authorize any mention of his rank, title or membership in the Department.
- 4.7.9 Writing Instruments. All department forms and summonses shall be written with black ballpoint pen.

4.8 Department Equipment and Property

4.8.1 Expectation of Privacy*

A. Facilities and Equipment: The Department may assign members and employees department owned vehicles, lockers, desks, computers, cabinets, etc. for the mutual benefit of the department and personnel. Such equipment is and remains the property of the department. Personnel are reminded that the storage of personal items in this property is at the employees own risk. This property is subject to entry and inspection without notice.

B. Computers, mobile phones and electronic devices

The Department may assign officers and employees department owned electronic devices including computers and smartphones for business purposes. Such equipment and its contents are and remain the property of the Department. Personnel are prohibited from installing unauthorized software and from storing unauthorized information on the device. The devices, the contents and any mail or electronic correspondence originating from or arriving at the device are the property of the agency and are subject to entry and inspection without notice.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- C. If an officer or employee is specifically permitted to use personally owned locks on doors, assigned lockers and other property, the officer must provide the agency with a duplicate key or the lock combination.
- 4.8.2 Equipment on Duty. Employees shall carry all equipment on duty prescribed in department policy and procedures based on their assignment.
- 4.8.3 Equipment off Duty. Employees shall carry equipment off duty as prescribed in department policy and procedures based on their assignment.
- 4.8.4 Firearms. Employees shall follow department policy and procedures on the care and handling of firearms.
- 4.8.5 Department Property and Equipment. Employees are responsible for the proper care of department property and equipment assigned to them.
- 4.8.6 Use of Department Property and Equipment. Employees shall not use any department property or equipment for personal business or pleasure.
- 4.8.7 Damage or Inoperative Property or Equipment. Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous without specific authorization from appropriate supervisor.
- 4.8.8 Care of Department Buildings. Employees shall not mark or deface any surface in any department building. No material shall be affixed to any wall in department buildings without specific authorization from the appropriate supervisor.
- 4.8.9 Notices. Employees shall not mark, alter or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining units.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. All notices of a personal nature and/or of a derogatory character regarding any member or employee or organization unit of the department are prohibited.
 - B. Notices shall not be removed without authorization.
- 4.8.10 Use of Department vehicles. Employees shall not use any department vehicle without the permission of a supervisor. Department vehicles shall never be used for personal business or pleasure except as provided for in department policy.
- A. The Department Head is granted 24 hour/7 day use of a department vehicle within the Borough and outside the Borough in order to ensure ready response to emergencies and facilitate police business as needed.
- 4.8.11 Operation of Department Vehicles. When operating department vehicles, employees shall not violate traffic laws except in cases of emergency and then only in conformity with state law and department policy and procedure regarding same.
- 4.8.12 Transporting Citizens. All necessary transportation of civilians by patrol personnel will be entered in the CAD and the Dispatcher will be advised when the person entered and exited the vehicle.
- 4.8.13 Reporting Accidents. Accidents involving department personnel, property, equipment and vehicles must be reported in accordance with department policy and procedure.
- 4.8.14 Inspection. Department property and equipment is and remains the property of the department and is subject to entry and inspection without notice.
- 4.8.15 Liability. If department property is damaged or lost as a result of misuse or negligence, an employee will be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.
- 4.8.16 Surrender of Department Property.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. Upon separation from the Department. Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.
- B. Under Suspension. Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

4.8.17 Special Duty. The Department Head, whenever in his opinion the public service requires it, may detail any of the members of the Department to any special or particular duty connected with the police service of the Borough, and for such purposes may send such member or members outside of the Borough limits, together with any police car or equipment required in the performance of such special or particular public police service.

4.9 Communications and Correspondence

4.9.1 Restrictions. Employees shall:

- A. Not use department letterheads for private correspondence.
- B. Only send correspondence out of the department under the direction of the appropriate supervisor.

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

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

4.9.4 Telephones. Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor. All telephones may automatically be recorded by department electronic logging equipment in the furtherance of its mission. Personnel are



Bernardsville Police Department Rules and Regulations (January 2021 Version)

cautioned that no agency phone should be considered private and not recorded unless it is so marked.

- 4.9.5 Radio Discipline. Employees operating the police radios shall strictly observe the procedures and restrictions for such operations as set forth in department policy and procedures and by the Federal Communications Commission.
- 4.9.6 Business Cards. A member of the Department shall not have or use personal cards describing his police business or telephone number, nor shall he authorize his name, telephone number or other identifying device to be used on a card or otherwise by another person except with permission of the Department Head.
- 4.9.7 Department Business before the Borough Council. A member of the Department will utilize the grievance procedure to bring any Department business before the Borough Council.
 - A. Any member of the Police Department desiring to bring any matter pertaining to the business of the Department or to his personal relationship with the Department to the attention of any member of the Borough Council shall first obtain permission from the Department Head.
 - B. If such permission is refused, such member may make a written application to the Borough Council requesting a hearing and stating his objection
- 4.9.8 Assistance to other Departments. A member of the Department, responding to aid another Department's request for help for an extended period of time, will notify the Department Head or the Patrol Division commander in his absence, through the Dispatcher, of that request and response.
- 4.9.9 Records and Reports. All books, records, reports, correspondence and documents of any kind pertaining to the work of the police department shall be neatly and correctly written and preserved.
 - A. No erasures in or alterations of any record, report or statement will be permitted.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

B. If an error is made in the preparation of same, or is subsequently discovered, it is to be corrected by drawing a pen neatly through the error and substituting the correction.

1. The person making such correction shall attest the same by signing his name and affixing the date in the margin of the cord or document opposite such correction.

4.10 Conduct toward public

4.10.1 Courtesy. Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, avoiding profane language and shall always remain calm regardless of provocation.

4.10.2 Request for Identification. Upon request, employees are required to supply their identification in a courteous manner.

4.10.3 Impartiality. Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.

4.10.4 Use of Derogatory Terms. Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.

4.10.5 Affiliation with Certain Organizations Prohibited. No employee shall knowingly become a member of any organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.

4.10.6 Representing the Police Department. Employees shall not give speeches or demonstrate on behalf of the department, nor shall endorse any product or service as a representative of the department, without prior approval from the Chief of Police.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 4.10.7 Debts and Liabilities. A member shall promptly pay his just debts and shall not incur liabilities which he is unable to discharge on current basis, in such a manner that there may be no adverse reflection on the member's standing in the Department or any inconvenience to the Borough of Bernardsville.
- 4.10.8 Consorting Knowingly with Criminals. A member, except in the discharge of official duty or with the permission of the Department Head, shall not knowingly associate with or have dealings with criminals, racketeers, gamblers or persons engaging in unlawful activities.
- 4.10.9 Obscene Paraphernalia. A member, except in the discharge of official duty, shall not knowingly write, print, distribute, transport, store or possess any writing or pictures of an obscene or immoral nature or containing any inflammatory matter.
- 4.11 Political Activities
 - 4.11.1 Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.
 - 4.11.2 Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
 - 4.11.3 Employees shall not engage in any polling duties except in the performance of their official duties.
 - 4.11.4 Employees shall not display any political material on any government property or on their person while on duty or in uniform.
 - 4.11.5 Federal and State Military Organizations. A member, prior to enlistment or accepting a commission in any Federal or State Military Organization shall first notify the Department Head of such intention.
 - 4.11.6 Labor Unions. A member may join a labor union in the course of his outside employment, when such employment has been approved by the Governing Body.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. If a member joins a labor union while under suspension without pay, he must sever connection with the union upon his restoration to duty, unless the union membership is approved by the Governing Body.
- B. Any employment by a concern involved in a strike or participation by a member in a labor dispute or strike is prohibited; and no member may be an officer in a union or employee organization outside the Police Department.

4.12 Judicial Appearance and Testimony

- 4.12.1 Duty of Employee to Appear and Testify. Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation.
- 4.12.2 Subpoena. Employees must attend court or quasi-judicial hearing as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials.
- 4.12.3 Court Appearance. When appearing in court on department business, employees shall wear either the Department uniform or appropriate business attire.
- 4.12.4 Testifying for the Defendant. Any employee subpoenaed to testify for the defense or against the municipality or department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena.
- 4.12.5 Department Investigations. Employees are required to answer questions, file reports, or render material and relevant statements, in a departmental investigation when such questions and statements are directly related to job responsibilities. Employees shall be advised of, and permitted to invoke, all applicable constitutional statutory rights, including consultation with their designated representative.
- 4.12.6 Truthfulness. Employees are required to be truthful at all times whether under oath or not. When questioned by a



Bernardsville Police Department Rules and Regulations (January 2021 Version)

superior, while being interviewed or pursuant to an investigation, a member of the Department shall respond truthfully at all times and under all circumstances. A member shall be held accountable for false statements or withholding information in either verbal or written communication.

- 4.12.7 Civil Action, Subpoenas. Employees shall not volunteer to testify in civil actions arising out of department employment and shall not testify unless subpoenaed. If the subpoena arises out of the department employment or if employees are informed that they are a party to a civil action arising out of the department employment, they shall immediately notify the appropriate supervisor.
- 4.12.8 Civil Dispositions and Affidavits. Employees shall confer with the appropriate supervisor before giving a deposition or affidavit on a civil case relating to their police employment.
- 4.12.9 Civil Action, Expert Witness. Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the county prosecutor.
- 4.12.10 Civil Process. Employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate supervisor.
- 4.12.11 Arrest of a Member. Any officer or employee must notify the Department Head if he or she has been charged with an offense, received motor vehicle summons, or has been involved in a domestic violence incident.
- 4.12.12 A member, who is arrested, shall immediately notify the Department Head directly or through the Radio Dispatcher. He shall furnish the following information:
 - A. Time and date of arrest
 - B. Place of occurrence
 - C. Present location of member or place where he will be available for interview



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- D. Identity of all persons involved in the incident, including local police
- E. Manner in which member became involved
- F. Sickness or injury of member or other persons involved
- G. Identity and statement of witnesses
- H. Title and description of the law violation involved
- I. Specific charge against the member
- J. Date and location of court appearance
- K. Temporary or final disposition

Note: If a member is unable to comply with the above, he shall have a responsible person make this notification.

4.12.13 Member Convicted of a Crime. A member convicted of a disorderly persons charge may be dismissed from the Department or suffer such other punishment as the Department Head may direct.

- A. A member convicted of a crime shall be dismissed from the Department upon sentencing.

4.12.14 Member Convicted of Violation of the Rules. A member, convicted of a violation of the rules, will suffer such reasonable penalty administered by the Department Head.

- A. Written reprimands for violations of the Department Rules and Regulations will become part of the member's personnel file and will not be removed.

5.0 Personnel Regulations

5.1 Hours of Leave

- 5.1.1 Hours of Duty. Employees shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. Employees are subject to be recalled to duty as needed.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- 5.1.2 Schedule Days Off. Employees are entitled to days off pursuant to appropriate collective bargaining agreements and are to be taken according to a schedule arranged by the appropriate supervisor.
- 5.1.3 Vacation Leave. Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by department policy and procedure, subject to approval of vacation schedule by the appropriate supervisor.
- 5.1.4 Other Leaves. Employees are entitled to other leaves as provided for in collective bargaining agreements, by law and by department policy and procedures, subject to approval of schedule by the appropriate supervisor.
- 5.1.5 Sick Leave. Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and department policy and procedures.
- 5.1.6 Abuse of Sick Leave. Employees who take sick leave in violation of department policy shall be subject to disciplinary action.
- 5.1.7 Suspension Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by appropriate department authority, and which unavoidably requires utilization of additional employees who are not scheduled to work.
- 5.1.8 Military Service Leave of Absence. When a member of the Department who has entered or hereafter shall enter the active military or naval services of the United States, or of this State, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service, or who has entered or hereafter in time of war shall enter the active service of the United States Merchant Marine or any similar organization authorized by the United States to serve with the Army or Navy, he shall be granted leave of absence for the period of such service and for a further period of three (3) months after receiving his discharge from service.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. If any such member shall be incapacitated by wound or sickness at the time of his discharge from such service, his leave of absence shall be extended until three (3) months after his recovery from such wound or sickness or until the expiration of two (2) years from the date of his discharge from such service, whichever shall first occur.
- B. In no case shall such member be discharged or separated from his office, position or employment during such period of leave of absence because of his entry into such service.
 - 1. During the period of such leave of absence, such person shall be entitled to all rights, privileges and benefits that he would have had acquired if he had actually serve in such office of absence, except the right to compensation.
 - 2. Such member shall be entitled to resume the office, position or employment held by him at the time of his entrance into such service, provided he shall apply therefore before the expiration of his leave of absence.
 - 3. Upon resumption of his office, position or employment, the service in such office, position or employment of the person temporarily filling the same shall immediately cease.
 - 4. No member who after entry into such service shall have been separated from such service by a discharge or lesser degree than honorable discharge shall be entitled to any rights, privileges or benefits herein conferred.
- C. If any member shall be appointed temporarily as a member of the department to fill any vacancy, the Borough Council thereof shall certify how such vacancy occurs or exists, and the name of the person, if any, who held such office or position immediately prior to the vacancy.

5.2 Secondary Employment



Bernardsville Police Department Rules and Regulations (January 2021 Version)

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

5.2.2 Police Personnel at Private Functions. Request for police personnel at private functions and events shall be made to Patrol Lieutenant, and approved by the Department Head.

A. Coverage for accidental death and accidental disability provisions of the P.F.R.S. members provisions are as follows:

1. As long as there is an official assignment; as long as the work is ordered through the Chief of Police; and the payment is received through the Borough's payroll, then should an injury occur accidental disability and death benefits would be paid.

B. Compensation

1. The borough can receive payment from the private parties, but checks cannot be cut from the private party to the officer.
2. The compensation will be consistent with the P.B.A. contract.
3. "Regular Assigned Duty" is defined by the Chief of Police as follows:
 - a. Private parties authorized by the Chief of Police
 - b. Traffic control – construction sites
 - c. Special events authorized by the Chief of Police
 - d. Service stores

5.3 Resignation

5.3.1 Resignation to be in Writing. All resignations of employees must be in writing and bear the signature of the person



Bernardsville Police Department Rules and Regulations (January 2021 Version)

resigning. Employees shall provide the Chief of Police with no less than thirty days written notice. Failure to serve notice will forfeit all salaries and monies due to such member.

6 Decreases in Personnel

6.1 Decrease in Personnel

6.1.1 Decrease in Personnel for Economy Purposes. When the Borough Council shall, for reason of economy, find it necessary to decrease the number of members of or employees in the Police Department or any grade or rank thereof, it shall proceed in the following manner:

A. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment.

1. In the case of subsequent promotion, a person so demoted shall be reinstated to his original rank.

B. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment.

1. Any member or officer whose service is terminated by reason of such decrease shall be placed on a special employment list.

2. In the case of termination of service and new appointment, prior consideration shall be given to the persons on the special employment list.

7.0 Prohibited Acts

7.1 Members of the Department are subject to the following:

7.1.1 Enumeration of Prohibited Acts. Any member of the Police Department shall be subject to reprimand, suspension from duty without pay, reduction in rank or dismissal, according to the nature or aggravation of the offense, for any of the following causes, or for the violation of any other rules and regulations governing the police force:



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. Intoxication or consumption of Intoxicants while on duty or in uniform, the use of narcotics, hallucinogenic or habit producing drugs unless duly prescribed by a licensed physician.
 - 1. No member of the Police Department shall have in his possession at Police Headquarters or on his person while on duty or in uniform any intoxicating liquor.
 - 2. No member of the Department shall report for duty while to any degree affected by the drinking of alcoholic beverages or with the odor of alcohol on his breath.
 - 3. No member of the Department shall report for duty after taking or taken in any form while on duty, any medicine or drugs which might in any way detrimental to performance of his duties, without the express permission of Department Head.
 - a. In this respect members are required to learn from their physicians the nature and affect of any medicine prescribed for them.
 - 4. Any member of the Department who shall report for duty in an unfit condition, or while on duty shall become physically unfit, believed to be due to the use of intoxicants, drugs or narcotics, shall immediately be reported by his superior officer to the Department Head, and shall be examined immediately by a reputable physician.
- B. Willful disobedience of orders
- C. Indecent or profane language
- D. Disrespect to superior officers
- E. Unnecessary violence to a prisoner



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- F. Absence without leave, sleeping on duty, absence from post of duty without excuse, or for not properly patrolling his beat.
- G. Gross ignorance of the law or regulations of the Department
- H. Violation of any criminal law
- I. For making known any proposed action or movement of the Department, or the contents of any order or other information of a confidential nature, other than to persons concerned with the proper enforcement of law, or to whom the same may be directed.
- J. Conduct unbecoming an officer and a gentleman
- K. Conduct subversive to good order and the discipline of the force
- L. Publicly commenting adversely on the official action of a superior officer
- M. Failure to report a known violation of any law of the State or ordinance of the Borough.
- N. Neglect or shirking of duty or failure to take proper action to prevent a violation of the law, or failure to use due diligence to apprehend any person or persons committing any violation thereof in his presence or when properly charged therewith.
- O. Accepting a bribe or favor as a consideration either for the performance on nonperformance of his duty
- P. Visiting any tavern or liquor store while in uniform or on duty, except on police business.
- Q. Failure to attend a school of instruction or a drill at the time fixed or whenever ordered, including in-service training.
- R. False representation in application for appointment to the Police Department.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- S. Soliciting anyone to intercede with the Department Head or Borough Council relative to promotions, change of beats, disposition of pending charges or of any findings of a trial before the Borough Council.
- T. Engaging in any act, or assisting in the performance thereof, whereby the good or discipline of Police Department is prejudiced.
- U. Abuse of Police property
- V. Reporting for duty in unfit condition

7.1.2 Loafing, Lounging, Visitors. Use of the Police Headquarters shall be restricted to departmental purposes, the enforcement of law and order and for the convenience of persons required to be present in connection with police matters.

- A. No visiting will be permitted with officers and patrolmen while on duty at headquarters.

8.0 Sexual Harassment Prohibited

- 8.1 No employee will engage in, participate in, or encourage any form of conduct that can be considered sexual harassment.
- 8.2 Sexual Harassment Defined. Sexual harassment is defined as follows:
 - 8.2.1 Unwelcome of sexual nature that affects an individual's employment.
 - 8.2.2 Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting an individual.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

8.3 Prohibited Conduct Related to Sexual Harassment. In addition to the conduct prohibited in section 8.1 and 8.2, the following specific conduct is prohibited and may be unlawful.

8.3.1 Physical assault of a sexual nature, such as

- A. Sexual assault or criminal sexual contact, or the attempt to commit these offenses; or
- B. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

8.3.2 Unwanted sex advances, propositions or other sexual comments, such as

- A. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or had indicated in any way that such conduct in his or her presence is unwelcome; or
- B. Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; or
- C. Subjecting, or threatening to subject, an employee to unwelcome sexual attention; or
- D. Conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

8.3.3 Sexual or discriminatory displays or publications anywhere in the agency's workplace by the agency's employees, such as



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- A. Displaying, or otherwise publicizing in the work environment, pictures, posters, calendars, graffiti, objects, promotional material, reading material, or other material that are sexually revealing, sexually suggestive, sexually demeaning, or pornographic; or

8.3.4 Retaliation for sexual harassment complaints, such as

- A. Disciplining, changing working assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; or
- B. Intentionally pressuring another person to give false information about an alleged incident of sexual harassment for the purpose of covering up such incident.

8.3.5 The above listed behavior is illustrative and should not be constructed as an all-inclusive list of prohibited acts under these regulations.

8.4 Procedures for Reporting Harassment Complaints.

- 8.4.1 All employees shall report all acts of sexual harassment directly to the Chief of Police. This includes any observations or knowledge of an act that constitutes sexual harassment.
- 8.4.2 If in opinion of the employee, the violation requires immediate intervention, the act should be reported to the highest ranking supervisor on duty, if the Chief is not available.
- 8.4.3 If in opinion of the employee, the Chief of Police or supervisor does not take satisfactory action to deal with the allegation of sexual harassment, the employee is authorized to bring the matter directly to the Borough Administrator.
- 8.4.4 If for any reason the employee is uncomfortable discussing the matter with the Chief of Police, the matter will be referred to the Borough Administrator by the Chief of Police.
- 8.4.5 If the employee is uncomfortable discussing the sexual harassment due to gender considerations, the Chief of Police in



Bernardsville Police Department Rules and Regulations (January 2021 Version)

coordination with the Borough Administrator, will identify an appropriate alternate authority to receive the complaint.

8.4.6 If the complaint lodged is directed against the Chief of Police, the initial complaint will be submitted directly to the Borough Administrator.

8.4.7 The Chief of Police or an authorized supervisor shall cause all complaints filed under this policy to be promptly and thoroughly investigated by the Internal Affairs Officer or another officer as designated by the Chief as deemed appropriate.

8.4.8 The Chief of Police shall as soon as possible, notify the Borough Administrator of the complaint received.

8.4.9 The findings of the investigation shall be reported to the Borough Administrator within fifteen (15) days after receipt of the complaint. Any delay in meeting this objective shall be reported to the Borough Administrator as soon as possible.

8.4.10 The Chief of Police shall take appropriate disciplinary action against sworn officers, subject to the provisions of section 9 of the Rules and Regulations. The Borough Administrator shall be apprised of the action taken.

8.5 Sanctions.

8.5.1 Sexual harassment is a serious violation of department rules and for sworn officers shall be grounds for disciplinary action in accordance with section 9 of these policies.

8.5.2 Sexual harassment is a serious violation of department rules and for non-sworn civilian employees of the Police Department shall be grounds for disciplinary action in accordance with section 17, sanctions of the Borough Personnel Policies and Procedures.

8.5.3 Hearings. Hearings for non-sworn civilian personnel in the Police Department shall be conducted in accordance with section 17, sexual harassment hearings as stated in the Borough Personnel Policies and Procedures.

8.6 Responsibility.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

8.6.1 All supervisory personnel have responsibility to maintain the work place free of sexual harassment. The duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitive sexual treatment.

8.7 False Accusations.

8.7.1 Due to the serious and private nature of this offence, false accusations of sexual harassment are, and will be treated as, a disciplinary offence and will result in the same level of punishment as that applied to one who engaged in such behavior.

9.0 Discipline

9.1. Disciplinary Action

(denotes provisions related to the Internal Affairs Function that are required or recommended pursuant to NJAG Law Enforcement Directive or Policy)*

9.1.1 Disciplinary Action. Employees, regardless of rank, shall be subject to disciplinary action, according to the nature of aggravation of the offense.

9.1.2 *Misconduct and/or inappropriate behavior shall not be permitted and as such are subject to disciplinary action that falls into one or more of the following general categories:

- (a) Crime. Complaint regarding the commission of an illegal act that constitutes a violation of the criminal code including disorderly and petty disorderly persons offenses.
- (b) Excessive force. Complaint regarding the use or threatened use of excessive force against a person.
- (c) Improper arrest. Complaint that the restraint of a person's liberty was improper, unjust, or violated the person's civil rights.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- (d) Improper entry. Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.
- (e) Improper search. Complaint that the search of a person or property was improper, unjust, violated established agency procedures or violated the person's civil rights.
- (f) Differential treatment. Complaint that the taking of police action, the failure to take police action or method of police action was predicated upon irrelevant factors such as race, appearance, age or sex.
- (g) Demeanor. Complaint that an agency member's bearing, gestures, language or other actions were inappropriate.
- (h) Serious rule infractions. Complaint for conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering.
- (i) Minor rule infractions. Complaint for conduct such as untidiness, tardiness, faulty driving, or failure to follow procedures.

9.1.3 Repeated Violations. Repeated violations of the rules of conduct shall be indicative of employee's disregard for their duty and may be cause for dismissal. This shall apply regardless of the type of severity of the offenses.

9.1.4 Responsibility for Discipline. The successful implementation of discipline requires the Chief of Police to delegate responsibility for the disciplinary process to individual units and supervisors within the department. The task of clearly delineating the authority and responsibility to initiate and impose discipline is essential to the agency's administration. All supervisors have previously been assigned the responsibility to implement discipline in Chapter 3.2 of these Rules, Additionally, the Chief of Police may issue disciplinary policies and directives consistent with law and applicable law enforcement directives.

9.2 *Uniform Resolution of Complaints



Bernardsville Police Department Rules and Regulations (January 2021 Version)

9.2.1 The uniform classification for the resolution of complaints shall be as follows:

- A. ***Sustained.*** A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
- B. ***Unfounded.*** A preponderance of the evidence shows that the alleged misconduct did not occur.
- C. ***Exonerated.*** A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
- D. ***Not Sustained.*** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

9.2.2 An internal affairs complaint that has a disposition of exonerated, unfounded or not sustained should not be used to effect progressive discipline.

9.3 Disciplinary Procedures

9.3.1 *Progressive Discipline. The Police Department will progressively discipline its members. The following remedies include remedial actions, sanctions, or penalties that an officer may receive if an allegation of misconduct or inappropriate behavior is substantiated. The Police Department is not limited to these actions, and remedial action, discipline and penalties should be implemented on a case by case basis according to the severity of the charges and case specific factors:

- Counseling
- Training Enhanced
- Supervision
- Oral reprimand of performance notice
- Letter of reprimand



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- Loss of vacation time
- Imposition of extra duty
- Monetary fine
- Transfer/re-assignment
- Suspension without pay
- Loss of promotional opportunity
- Reduction in Rank
- Dismissal

A. Utilizing progressive discipline, the preceding range of penalties can be used as instructional or remedial devices to address deficiencies or inadequate performance in lieu of more severe discipline. Remedies such as counseling, re-training, enhanced supervision, oral reprimand and performance notices can be used both proactively and reactively. Using these remedies will help to achieve the basic goals of instruction and address inappropriate behavior before minor problems escalate into major problems. At the same time, the subject officer should be made aware that repeated violations of the agency's rules will result in progressive discipline.

9.3.2 Suspensions, Fines and Reductions.

Except as otherwise provided by law, no permanent member or officer of the Bernardsville Police Department shall be removed from his office. Employment or position for political reasons or for any cause other than incapacity, misconduct, misbehavior, or disobedience of rules and regulations established for the government of the Police Department.

- A. No member or officer shall be suspended, removed, fined or reduced in rank from or in office, employment or position therein, except for just cause.
- B. A written complaint setting forth the charges against such member or officer shall be filed.
 - 1. Said complaint shall be filed in the office of the Chief of Police of the Department.
 - 2. A copy shall be served upon the member or officer so charged.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

3. A failure to comply with these provisions as to the service of the complaint shall require a dismissal of the complaint.

C. A designated hearing shall be scheduled:

1. No less than fifteen (15) days from the date of service of the complaint
2. No more than thirty (30) days from the date of service of the complaint
3. A notice of the designated hearing shall be served upon the member officer by the proper authorities.
4. The Borough Council shall have power to subpoena witnesses and documentary evidence.
5. If any officer or employee in the Police Department shall be suspended pending trial on charges, such trial shall be commenced within thirty (30) days after service of the copy thereof upon him, otherwise the charges shall be dismissed and the officer or employee returned to duty.

- D. Any member of the Police Department who has been convicted of any violation of any of the rules or regulations of such Department by the Borough Council may appeal such conviction in the manner provided by law.

10.0 Selection Process

10.1 Selection Process Administration:

The selection process is generally acknowledged as a key element in the operational effectiveness of the Department. For this reason basic principles have been put into place for the development of an efficient, effective and fair principles have been put into place for the development of an efficient, effective and fair selection process. This process is intended to result in the appointment of individuals who are best qualified to carry out the duties and responsibilities expected of a member of this agency. The



Bernardsville Police Department Rules and Regulations (January 2021 Version)

responsibility of directing the selection process falls under the immediate control of the office of the Chief of Police.

10.2 Selection Process Defined.

A comprehensive set of procedures has been established for the purpose of clearly defining the selection process for the Department. This selection procedure that has been established described the order of events in the selection process, as well as information about the selection process itself.

10.3 Selection Material Security

All selection materials shall be kept in a secure location. Access to such material shall be under the control of the Chief of Police.

10.4 Periodic Evaluations of the Selection Process:

At the direction of the Chief of Police, the Process shall be evaluated with regards to effectiveness in selecting the best qualified candidates in a fair and equitable manner.

The evaluation shall consider:

- a. Whether the process has become obsolete or undesirable effects over time due to changes in the application pool, reclassification of positions, new technology used on the job or other recent factors.
- b. Whether the selection processes meets acceptable standards or has become outdated.
- c. The impact of the most recent literature and case law relating the selection, equal employment opportunity and related selection issues.

10.5 Administrative Practices and Procedures:

10.5.1 Selection Process for Lateral Entry:

- 10.5.1.1 Lateral entry shall be permitted only for the position of Police Officer and not for superior officer ranks of Sergeant and above.
- 10.5.1.2 Selection Procedures shall be the same for all candidates including lateral entry candidates.
- 10.5.1.3 Criteria use determining lateral entry contractual adjustment will be considered on a case-by-case



Bernardsville Police Department Rules and Regulations (January 2021 Version)

basis in accordance with the current labor agreement, during the final selection process.

10.5.2 Rejected Applicant Records Disposition:

- 10.5.2.1 The record of unsuccessful candidates shall be maintained in secure area under the control of the Chief of Police.
- 10.5.2.2 All such records will be retained for a minimum of three (3) years (current retention period) and will be only destroyed with permission of the Chief.
- 10.5.2.3 Records of candidates who are hired by the Agency shall become part of the employee personnel file.

10.6 Occupational Qualifications

10.6.1 Physical and Age Qualifications:

The minimum and maximum hiring ages for the position of Police Officer will be governed by N.J.S.A 40A:14-127, 9:17B-1, 38:23A-2 and 40A:127-1

10.6.2 Prerequisites:

Except as otherwise provided by law, no person shall be appointed as a member of the Police Department unless he or she:

1. Is at least 18 years of age
2. Is a citizen of the United States
3. Is a resident of the State of New Jersey at the time of appointment and possesses a valid New Jersey Driver's license
4. Is of sound mind and of good health sufficient to satisfy the Board of Trustees of the Police and Fireman's Retirement System of New Jersey as to eligibility for membership in the retirement system.
5. Is able to read, write and speak English language well and intelligently.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

6. Is of good moral character, and has not been convicted of any criminal offense involving moral turpitude. (The applicant must possess the ability to successfully pass a background check to determine eligibility for employment)

10.7 Background Investigation Required

10.7.1 A thorough background investigation of all candidates under consideration for appointment to probationary status shall be conducted by a Member of the Detective Bureau of Police Department as designated by the Chief. The background investigation shall include a thorough review of the candidate's:

- a. Criminal record
- b. Motor vehicle record
- c. Previous employment
- d. Three personal references
- e. Standing in the community by a door-door canvass of the immediate neighborhood where the candidate currently resides and former resident location as may be appropriate.
- f. School and education records and references
- g. Moral turpitude

10.7.2 The background investigation shall also be utilized to certify that the applicant meets all statutory/requirements for the position of Police Officer and that all prerequisites for selection have been met.

10.7.3 Results of the background investigation will be submitted to the Chief in a detailed confidential memorandum by the investigating Officer.

10.7.4 Results of the background investigation may be shared with members of the selection committee and Borough Administrator as appropriate.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

10.8 Selection Procedures

10.8.1 Notice.

Upon receiving authorization to hire a Police Officer, the Police Chief shall ask the Borough Clerk to provide adequate notice of the job opening. Applicants shall be required to return both a completed application and a resume to the Police Chief within a specified period of time to be determined at the time the notice is given.

10.8.2 Applicant Review:

STEP ONE

The police Chief and Borough Administrator shall conduct a review of all applications and resumes submitted for consideration and will select ten applicants to move on to step two of this process. Those applicants determined to be “Best Suited” for employment with the Bernardsville Police Department will be selected utilizing limited to, the following considerations:

1. Work History
2. Special or unique skills applicable to a law enforcement position
3. Certifications and training applicable to a law enforcement position
4. Prior experience with a law enforcement agency
5. Level of education attained
6. Community involvement
7. Special recognition, awards and Honors attained
8. Ability to work full time rotating shifts schedule
9. Prior employment with the Borough of Bernardsville
10. Language skill related to a law enforcement position.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

Upon completion of Step One, applicants shall be notified in writing of the results as they relate to their applications.

STEP TWO

Oral Examination by the Department Review Board

A. Department Review Board

The oral examination shall consist of a Department Review Board comprised of not less than three or more than five officers of this agency as selected by the Chief. The Board shall select five applicants to proceed to Step Three of this process.

Applicants determined to be “Best Suited” for employment with the Bernardsville Police Department shall be selected utilizing the following considerations:

1. Appearance, neatness, grooming
2. Punctuality and sense of responsibility
3. Ability to communicate clearly the English language using both verbal and written communication skills
4. Ability to articulate clearly personal reasons for wanting to pursue a career in law enforcement with the Borough or Bernardsville Police Department
5. Ability to clearly articulate career goals
6. Overall knowledge of Law Enforcement
7. Honesty and Candor
8. Overall attitude
9. Penetration, concentration and power of comprehension
10. Overall suitability for a law enforcement position expressed during interview



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- B. All applicants who appear at step two will be required to be fingerprinted for a criminal background check as part of the background investigation.
- C. Applicants selected to advance to Step Three will be required to:
 - 1. Complete the Department waiver for a confidential background investigation.
 - 2. Complete the required questionnaire for a confidential background investigation.

Upon completion of Step Two, applicants shall be notified in writing of the results as they relate to their interview.

STEP THREE

Oral examination with the Borough Public Safety Committee of the Borough Council or other Representatives as selected by the Governing Body:

This oral examination shall be conducted under the direction of the Chief of Police assisted by the Borough Administrator. The committee will rank the applicants as “Best Suited” for employment with the Bernardsville Police Department.

Upon Completion of Step Three, applicants will be notified in writing of the results as they relate to their applications.

STEP FOUR

Conditional Offer of Employment:

Upon completion of Step Three, the Selection Committee shall make final selection and with the approval of the governing body shall make a conditional offer of employment to the successful candidates

The conditional offer of employment is subject to the following conditions:

- A. Successful completion of medical examination as detailed in Step Five of this process



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- B. Successful completion of a psychological examination as detailed in Step Five of this selection process
- C. Successful completion of a probationary period as detailed in Step Six of this selection process

STEP FIVE

Medical Examination/Psychological Examination.

All candidates who successfully completed Step Four of the application shall be given a medical examination by a licensed physician and psychological examination by a qualified professional.

Medical Examination

- 1. A thorough medical examination of all remaining candidates shall be conducted prior to an appointment of the individual to probationary status.
- 2. The medical examination shall be conducted for the purpose of checking the health of candidates and identifying any medical problems that might inhibit work performance, shorten a career or contribute work related disabilities.
- 3. Only licensed physicians shall be used to certify the general health of candidates.
- 4. The medical examination shall be administered within (3) three months prior to the commencement of the next basic recruit class or prior to appointment to the Agency if the candidate is not required to attend the basic class.

Psychological Examination

- 1. A psychological examination shall be conducted by a qualified professional to determine the emotional stability and psychological fitness of the candidates. The applicant shall be notified of the evaluation at least (3) three days in advance.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

2. The Chief of Police, officer in charge and the Borough Administrator shall interpret the psychological evaluation report.
3. The psychological evaluation shall be conducted in strict compliance with the ADA procedures.
4. Psychological examinations that were prepared for entry into the Basic Police Training Program may be used to evaluate the fitness of a candidate provided the examination is less than 18 months old. A new examination will be required after 18 months.
5. The Chief of Police may request that an applicant's name be removed from consideration due to disqualification for medical or psychological reasons which would preclude the applicant from effectively performing duties of police officer.
6. The Chief of Police shall furnish to the Mayor of Council a copy of the certification and a report and recommendation supporting the removal request prepared and signed by a physician, psychologist or psychiatrist who is licensed in the State of New Jersey.
7. The Chief of Police's submission shall include a finding that the applicant is not qualified due to medical or psychological reasons. A removal request may be denied where such professional report and recommendation is not provided

Americans with Disabilities Act ("ADA")

All medical and psychological examinations shall be conducted in strict compliance with the Americans with Disabilities Act ("ADA")

- A. In accordance with the Americans with Disabilities Act the Chief of Police may only require medical examination and psychological examination after an offer of employment has been made and prior to appointment, and may condition the offer of employment on the results of such examinations if:



Bernardsville Police Department Rules and Regulations (January 2021 Version)

1. All applicants for police officers, to whom an offer of employment is made, are subjected to such examinations.
2. Information obtained pursuant to this selection regarding the medical condition or history of an employee shall be collected and maintained on separate forms and in separated medical files as determined by the Chief of Police and treated as confidential medical record, except that:
 - a. Such information shall be available to appropriate Police Department and governing body representative in connection with inquiring into the ability of an applicant to perform essential job functions.
 - b. Superior officers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.
 - c. Authorized first aid and safety personnel may be informed, when appropriate, if the condition might require emergency treatment, or if any specific procedures are needed in the case of fire or other evacuation.
 - d. Governing officials investigating compliance with the Americans with Disabilities Act, or any other Federal or State law prohibiting discrimination on the basis of disability or handicap shall be provided relevant information on request.
 - e. The results of such examinations are used only in accordance with the Americans with Disabilities Act.

STEP SIX



Bernardsville Police Department Rules and Regulations (January 2021 Version)

All newly appointed officers shall be appointed to probationary period of one (1) year. Officers who are required by N.J.S.A. 52:17B-66 et seq. (Police Training Act) to complete a police training course shall not begin their probationary period until notification is received by the Chief of Police from the Police Training Commission of the successful completion of police training course. Officers who have successfully completed the police training course prior to appointment shall begin their probationary period on the date of regular appointment.

Probationary Period

10.9.1 Probationary Period Evaluations

1. All probationary employees shall be evaluated on a monthly basis.
2. It shall be the responsibility of the supervisor who has been assigned to oversee the orientation training of the probationary employee to submit a monthly evaluation on the forms designated for that purpose.
3. The completed evaluations shall be submitted to the Chief of Police via the Patrol Division Commander.
4. Probationary employee may challenge their evaluations by requesting an interview with the rater and the rater's immediate supervisor. The Chief of Police will make the final determination on any contested evaluations.

11.0 Police Promotions, Evaluation and Procedures

The following process will be utilized in determining promotions to all superior officer positions in the Bernardsville Police Department. Superior officer positions shall include all ranks above that of patrolman.

11.1 Eligibility

All promotions to superior officer positions shall be made from the membership of the Police Department as constituted at the time of such promotion.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

No Person shall be eligible for promotion to a superior officer position unless that person shall have first served in the grade of patrolman until the completion of three (3) years of service with the Bernardsville Borough Police Department in compliance with NJSA 40A:14-130.

Educational requirements as set forth in the contractual labor agreements signed between the Borough of Bernardsville and the N.J. State P.B.A. Local 365 shall apply to all Officers seeking Promotion.

11.2 Procedures for Promotion - Sergeant

11.2.1 Application

Upon notice of vacancy for a Sergeant's position by the Chief of Police, all interested candidates for promotion shall submit a written notification and resume to the Chief of Police within ten (10) calendar days of the promotional announcement, at which point the solicitation will be closed.

11.2.2 Evaluation Procedures for Promotion - Sergeant

Step I – Evaluation Process

Each candidate shall be evaluated by the Chief of Police and the command staff consisting of Lieutenants and/or Captains based upon the following criteria:

- (a) A review of the written notification and the resume that has been submitted by the candidate.
- (b) A review of the candidate's personnel file to include work history, achievements, awards and citations, formal education, professional training, experience, evaluations, job performance, attendance, and discipline received.
- (c) Evaluation of performance upon completion of a written exercise. The specific requirements and content of the written exercise will be announced by the Chief of Police prior to the exercise.
- (d) Evaluation of performance during an oral interview conducted by the Chief of Police and command staff. Areas



Bernardsville Police Department Rules and Regulations (January 2021 Version)

to be discussed shall include but are not limited to those items and topics listed in Appendix A of this procedure.

Upon completion of the evaluation process above, the Chief of Police and members of the command staff shall each evaluate all candidates and provide a memo containing a written list of the names of their top candidate(s). The list shall contain the recommended order for promotion from best suited to least suited for the position.

The number of candidate(s) names furnished by Command Staff members shall equal the number of openings for the said position plus one. (i.e., should there be two positions to be filled; Command Staff shall furnish no more than three names in rank order).

The Chief of Police shall consider the results of his/her own evaluation along with the evaluations submitted by the Command Staff. Upon careful consideration the Chief shall make a final determination for the recommendation promoting any candidate(s) to the rank of Sergeant.

Step 2 – Council Consideration

The final recommendation shall be submitted to Council by the Chief of Police in writing. The recommendation shall summarize the candidate's qualifications and the basis for the recommendation.

All promotions shall be made by the Mayor and Council after considering the following:

- (a) Recommendation letter(s) submitted by the Chief of Police.
- (b) A review of the candidates resume and qualifications as reported by the Chief of Police

11.2.3 Noncompetitive Promotional Evaluation Procedures

In the event only one qualified member of the Department applies for a promotion to higher rank, the Mayor and Borough Council may authorize the promotion of a qualified member of the Police Department if:



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- (a) The member has successfully passed the evaluation process set forth in Section 1.3 of this regulation within one year prior to the announced closing date.
- (b) The member receives a positive recommendation for promotion from the Chief of Police.

11.2.4 Promotion Evaluation Expiration

- (a) The results of the evaluations for the promotion process for the rank of Sergeant shall stand for one year from the date a candidate is appointed to the position of Sergeant.
- (b) The Chief of Police shall retain the evaluation process results for further consideration for one year should a new vacancy for the rank of Sergeant become available within one year.
- (c) Upon a Sergeants position becoming available, the Chief of Police shall seek authorization from Council to promote an officer to the position.
- (d) Upon receipt of Council authorization, the Chief of Police shall reconsider the evaluations and make a recommendation for promotion pursuant to Step 3 of this process.

11.3 Procedures for Promotion – Superior Officers (Lieutenant, Captain)

11.3.1 Step 1 – Application

Upon notice of vacancy for a superior officer position by the Chief of Police, all interested candidates for promotion shall submit a written notification and resume to the Chief of Police within ten (10) calendar days of the promotional announcement, at which point the solicitation will be closed.

11.3.2 Step 2 – Written Exercise



Bernardsville Police Department Rules and Regulations (January 2021 Version)

Each candidate shall be required to complete a written exercise. The specific requirements and content will be announced prior to the exercise and resume shall be utilized by the Chief of Police Committee, Police Chief's Oral Board and other examiners established in this process in preparing a recommendation of suitability for promotion.

11.3.3 Step 3 – Oral Interview with Chiefs of Police

Each candidate shall be required to participate in an oral interview before members of the New Jersey Association of Chiefs of Police or members of the Somerset County Chiefs of Police Association. Results of the interview shall be forwarded to the Department Head (and the Police Committee) and shall be considered to determine suitability for promotion.

11.3.4 Step 4 – Oral Interview with the Borough Police Committee

Each candidate for promotion will participate in an oral interview with the Borough Police Committee and Department Head. Results of this interview will be used to prepare a recommendation of suitability for promotion along with an evaluation of the written exercise and review of the resume.

11.3.5 Step 5 – Leadership Evaluation

- 11.3.5.1** At the conclusion of step 4, the Police Committee will determine the top three (3) candidates who will be required to participate in a "Leadership Skills Assessment".
- 11.3.5.2** The Leadership Skills Assessment is to be conducted by an independent organization, group or person specializing in assessment services. The organization, group or person to be utilized will be selected by the Borough Police Committee after receiving a recommendation from the Department Head.



Bernardsville Police Department Rules and Regulations (January 2021 Version)

11.3.6 Step 6 – Selection Process

11.3.6.1 After considering the candidates' resumes, written exercise results, oral interview with the Chiefs of Police, oral interview with Police Committee and leadership skills assessment, the Police Committee and Department Head shall submit to the Mayor and Council recommendation(s) for promotion.

11.3.6.2 All promotions shall be made by the Mayor and Council after considering the following:

- a. Recommendations of Police Committee and Department Head.
- b. Comments by Chief of Police Oral Board.
- c. Length of service.
- d. Performance record.

Appendix A

1. Resume
2. Personal Attributes and Demonstrated Abilities



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- a. Leadership
- b. Judgment
- c. Dependability
- d. Initiative
- e. Decisiveness
- f. Tact
- g. Integrity
- h. Enthusiasm
- i. Unselfishness
- j. Knowledge
- k. Loyalty

3. Personal and Professional Motivation;

- a. Command Presence
- b. Personal Appearance and Professionalism
- c. Creativity
- d. Continuing Resolve and Persistence
- e. Self-development and Preparedness
- f. Willingness to coach, mentor, and/or empower subordinates

4. Qualifications and Performance;

- a. Volume, Quality and Accuracy of work
- b. Comprehends instructions
- c. Positive work habits
- e. Positive attitude toward the Department
- f. Excellent judgment with the ability to quickly assess demanding situations
- g. Attendance and punctuality
- h. Outstanding job knowledge
- i. Acute safety awareness
- j. Exceptional planning and organizing skills
- k. Sustained level of effort in job performance
- l. Presents and/or delivers quality verbal and written reports
- m. Continued learning both formal and informal
- n. Specialized work related training

5. Personnel Jacket

6. Internal Affairs file



Bernardsville Police Department Rules and Regulations (January 2021 Version)

7. Seniority, in conformance with NJSA 40A:14-129
8. Work history, assignments, and cumulative experience;
9. Formal and informal education;
10. Qualifications related to the position;
11. Time in grade/assignment;
12. Cumulative analysis of accomplishments and leadership examples of officer over entire career;
13. Demonstrated knowledge and understanding of the Borough, including the physical and demographics thereof, as well as an understanding of the operations of the Borough government, including the interaction of the various departments thereof;
14. Interest in law enforcement;
15. Evidence of supervisory and administrative ability;
16. Knowledge and understanding of management practices, departmental rules, regulations, policies and procedure; and
17. Any other pertinent data deemed by the reviewer to be relevant to the position.

Appendix A

1. Resume
2. Personal Attributes and Demonstrated Abilities



Bernardsville Police Department Rules and Regulations (January 2021 Version)

- a. Leadership
- b. Judgment
- c. Dependability
- d. Initiative
- e. Decisiveness
- f. Tact
- g. Integrity
- h. Enthusiasm
- i. Unselfishness
- j. Knowledge
- k. Loyalty

3. Personal and Professional Motivation;

- a. Command Presence
- b. Personal Appearance and Professionalism
- c. Creativity
- d. Continuing Resolve and Persistence
- e. Self-development and Preparedness
- f. Willingness to coach, mentor, and/or empower subordinates

4. Qualifications and Performance;

- a. Volume, Quality and Accuracy of work
- b. Comprehends instructions
- c. Positive work habits
- e. Positive attitude toward the Department
- f. Excellent judgment with the ability to quickly assess demanding situations
- g. Attendance and punctuality
- h. Outstanding job knowledge
- i. Acute safety awareness
- j. Exceptional planning and organizing skills
- k. Sustained level of effort in job performance
- l. Presents and/or delivers quality verbal and written reports
- m. Continued learning both formal and informal
- n. Specialized work related training

5. Personnel Jacket

6. Internal Affairs file



Bernardsville Police Department Rules and Regulations (January 2021 Version)

7. Seniority, in conformance with NJSA 40A;14-129
8. Work history, assignments, and cumulative experience;
9. Formal and informal education;
10. Qualifications related to the position;
11. Time in grade/assignment;
12. Cumulative analysis of accomplishments and leadership examples of officer over entire career;
13. Demonstrated knowledge and understanding of the Borough, including the physical and demographics thereof, as well as an understanding of the operations of the Borough government, including the interaction of the various departments thereof;
14. Interest in law enforcement;
15. Evidence of supervisory and administrative ability;
16. Knowledge and understanding of management practices, departmental rules, regulations, policies and procedure; and
17. Any other pertinent data deemed by the reviewer to be relevant to the position.

Appendix B

Record of Changes



Bernardsville Police Department Rules and Regulations (January 2021 Version)

<u>Date</u>	<u>Section</u>
12/28/2020	1.2.5, 2.4.5, 2.4.6, 3.2.1, 3.2.3, 4.1, 4.1.19.D.4, 4.1.20, 4.8.1, 4.12.11, 9.1, 9.1.2, 9.1.4, 9.2, 9.2.1, 9.2.2, 9.3, 9.3.1

**RESOLUTION #21-17
DESIGNATING WRECKER SERVICES
FOR THE POLICE DEPARTMENT**

BE IT RESOLVED by the Borough Council to designate the following wrecker services for use by the Bernardsville Police Department during 2021:

Mike's Towing and Recovery, Inc.
Morristown Auto Body
Somerset Hills Towing
C & L Towing
Delucas Towing
Dave's Towing
Mesler's Towing Service, Inc.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-18

DESIGNATION OF OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, that the Bernardsville News, Courier News and Star Ledger be designated as the official newspapers for the Borough, and

RESOLVED FURTHER that all official notices may be published in any or all of these papers, and they are hereby designated to receive notice of meetings in accordance with the Open Public Meetings Act because said newspapers have the greatest likelihood of informing the public of such meetings.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.

RESOLUTION #21-19

SLEO APPOINTMENTS FOR 2021

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to appoint the following Special Law Enforcement Officers (SLEO II & SLEO III) for 2021:

Thomas Wallace, SLEO II
Gregory Skinner, SLEO II
Edward Byrnes, SLEO III
Matthew Brown, SLEO III

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held January 4, 2021.
