

**Borough of Matawan
Workshop Session
December 3, 2013**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on December 3, 2013. The meeting was called to order at 7:05 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 9, 2013, by sending notice to *The Independent*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Councilwoman Daly was unable to attend.

Also present was Pasquale Menna, Esq., Borough Attorney.

Mayor Buccellato asked everyone to stand for a moment of silence.

Mayor Buccellato asked everyone to stand in the Salute to the Flag.

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John Fish from Commercial Utilities Consultants, Sewell, NJ, stated they were here about community energy aggregation. Mr. Fish discussed third party energy options.

Privilege of the Floor – Agenda Items Only

Jeremiah E. Hourihan, 13 Edgewater Drive, Matawan, asked if they wanted Borough to pass an ordinance for the town to go into the auction for the third party energy options.

Mayor Buccellato clarified that if the Governing Body moves forward with an ordinance it just gives them an ability to do a study and go out to auction, and that Borough is not obligated to have residents switch energy provider(s).

Old Business

Mayor Buccellato requested a motion to pull and reintroduce Ordinance 13-21: Ordinance Supplementing the Code of the Borough of Matawan Chapter IX – Personnel Policies - Article II – “Personnel Policies Concerning Members of the Police Department,” Establishing Promotion Procedures for the Ranks of Police Chief, Lieutenant and Sergeant, and Establishing a Procedure for Acting Appointments and Hiring Police Officers. Councilwoman Gould made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

***ORDINANCE 13-21
ORDINANCE SUPPLEMENTING THE CODE OF THE
BOROUGH OF MATAWAN
CHAPTER IX – PERSONNEL POLICIES***

***ARTICLE II – “PERSONNEL POLICIES CONCERNING MEMBERS OF THE
POLICE DEPARTMENT,” ESTABLISHING PROMOTION PROCEDURES FOR
THE RANKS OF POLICE CHIEF, LIEUTENANT AND SERGEANT, AND
ESTABLISHING A PROCEDURE FOR ACTING APPOINTMENTS AND HIRING
POLICE OFFICERS***

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***WHEREAS**, within its general powers a municipality, the Borough of Matawan may make and enforce ordinances, rules and regulations not contrary to Federal or State law as it deems necessary, and to protect the public safety and welfare of its residents; and*

***WHEREAS**, the Mayor and Council of the Borough of Matawan support and encourage efficiency within the Matawan Police Department; and*

***WHEREAS**, the Mayor and Council of the Borough of Matawan have determined that it would be in the best interest of the citizens of the Borough to establish a promotional practice based upon merit for the positions of Police Chief, Lieutenant and Sergeant when there are vacancies in said positions; and*

***WHEREAS**, the Borough of Matawan desires to have a promotional practice for the positions of Police Chief, Lieutenant and Sergeant based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the Matawan Police Department to better serve the residents of the Borough of Matawan; and*

***WHEREAS**, the Borough of Matawan further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers.*

***NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Matawan that Chapter IX, Article II of the Code of the Borough of Matawan entitled, “Personnel Policies Concerning Members of the Police Department” is hereby amended as follows:*

*1) **Section 9-26** is repealed and replaced with the following Sections 9-26 (A) – (D):*

§9-26(A) Promotion to Rank of Police Chief

A. The Borough of Matawan Governing Body desires to promote the most qualified candidate to the position of Police Chief. This ordinance establishes the eligibility requirements and the process for promotion to Police Chief. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competition written submissions. In accordance with NJSA 40A:14-129, the promotion of any officer shall be made from the membership of the Matawan Police Department. No person shall be eligible for promotion to Police Chief unless he or she shall have served as a full-time police officer in the Borough of Matawan Police Department for a period of ten (10) years or more. Promotions to the rank of Police Chief shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the Department, choose to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Borough Administrator shall announce the promotional process to members of the Department at least thirty (30) days before any written examination is to be given. The announcement shall be posted in commons areas of the Department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Borough Administrator of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of Matawan Police Department may consist of the following: A written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the written examination and/or oral examination by the outside entity and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. Written Examinations: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.). To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy percent (70%) on the written examination.*

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2. *Oral Examinations*:* Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of whom shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Matawan. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy percent (70%).

**The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.*

3. *Record Review and Interview by the Mayor and Council.*

Candidates who successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy percent (70%) on the oral examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. The record review shall be conducted by the Borough Administrator.

a. *The interview with the Mayor and Council shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Matawan’s form of government, knowledge of the Police Department ordinances, familiarity with the municipal budget process, the Police Department budget in particular, manpower allocations, and the general operations of the Police Department. The Mayor and Council shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions, and the Borough Clerk will keep written records of each candidate’s responses to same.*

b. *The Borough Administrator shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:*

Specialized Training (e.g. FBI Academy) 0 to 3 points
Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points
All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points
+1 point for each commendation up to a maximum of 3 points.

Education
Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

| | |
|--------------------|----------|
| Associate’s Degree | 1 point |
| Bachelor’s Degree | 2 points |
| Master’s Degree | 3 points |
| PhD (JD) Degree | 4 points |

Military Experience
Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s):

| | |
|---------------------------|----------|
| Rank of Sergeant or lower | 1 point |
| Any rank above Sergeant | 2 points |

Disciplinary Actions
Each major sustained discipline (more than 5 days) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

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4. *The weight or percentage of each point of the process shall be as follows:*

| | |
|------------------------------------|------------|
| <i>Written examination</i> | <i>25%</i> |
| <i>Oral examination</i> | <i>20%</i> |
| <i>Record Review</i> | <i>20%</i> |
| <i>Mayor and Council Interview</i> | <i>35%</i> |

D. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Police Chief.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to NJSA 40A:14-129, or a resident over a non-resident pursuant to NJSA 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

F. A satisfactory psychological examination must be performed and a Borough-selected physician must certify that the candidate is able to perform the essential functions of the Police Chief title. A candidate shall not be promoted without the completion of a satisfactory psychological examination.

§9-26(B) Promotion to Rank of Lieutenant

A. The Borough of Matawan Governing Body desires to promote the most qualified candidate to the position of Lieutenant. This ordinance establishes the eligibility requirements and the process for promotion to Lieutenant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competition written submissions. In accordance with NJSA 40A:14-129, the promotion of any officer shall be made from the membership of the Matawan Police Department.

To be eligible for the position of Lieutenant, a candidate must satisfy one of the following two criteria:

1. The candidate must be a Sergeant with the Borough of Matawan Police Department, having served in that position for at least the previous two (2) years, and must have been employed as a full-time police officer with the Borough of Matawan Police Department for at least ten (10) years.

2. The candidate must be Sergeant with the Borough of Matawan Police Department, having served in that position for at least the previous ten (10) years and must have successfully completed either the New Jersey Association of Police Chiefs' West Point Command and Leadership School or the Northwestern Senior Management Leadership (SMLP).

B. The Police Chief shall announce the promotional process to members of the Department at least thirty (30) days before any written examination is to be given. The announcement shall be posted in commons areas of the Department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Matawan Police Department shall consist of the following: A written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council and the Police Chief.

1. Written Examinations: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.). To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy percent (70%) on the written examination.*

2. Oral Examinations: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Police Chief or designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of whom shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Matawan. To*

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proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy percent (70%).

**The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Police Chief and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.*

3. Record Review and Interview by the Mayor, Council and Police Chief.

Candidates who successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy percent (70%) on the oral examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor, Council and the Police Chief. The record review shall be conducted by the Borough Administrator and the Police Chief.

a. The interview with the Mayor, Council and Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Matawan’s form of government, knowledge of the Police Department ordinances, familiarity with the municipal budget process, the Police Department budget in particular, manpower allocations, and the general operations of the Police Department. The Mayor, Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions, and the Borough Clerk will keep written records of each candidate’s responses to same.

b. The Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points
Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points
All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points
+1 point for each commendation up to a maximum of 3 points.

Education
Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

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| Associate’s Degree | 1 point |
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Disciplinary Actions
Each major sustained discipline (more than 5 days) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

4. The weight or percentage of each point of the process shall be as follows:

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| Written examination | 25% |
| Oral examination | 20% |
| Record Review | 20% |
| Mayor, Council and Chief Interview | 35% |

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D. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Lieutenant.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to NJSA 40A:14-129, or a resident over a non-resident pursuant to NJSA 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

F. A satisfactory psychological examination must be performed and a Borough-selected physician must certify that the candidate is able to perform the essential functions of the Lieutenant title. A candidate shall not be promoted without the completion of a satisfactory psychological examination.

§9-26(C) Promotion to Rank of Sergeant

A. The Borough of Matawan Governing Body desires to promote the most qualified candidate to the position of Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to Sergeant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competition written submissions. In accordance with NJSA 40A:14-129, the promotion of any officer shall be made from the membership of the Matawan Police Department. No person shall be eligible for promotion to Sergeant unless he or she shall have served as a full-time police officer in the Borough of Matawan Police Department for a period of five (5) years or more.

B. The Police Chief shall announce the promotional process to members of the Department at least thirty (30) days before any written examination is to be given. The announcement shall be posted in commons areas of the Department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

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2. Oral Examinations: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of whom shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Matawan. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy percent (70%).*

**The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.*

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a. *The interview with the Mayor, Council and Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Matawan’s form of government, knowledge of the Police Department ordinances, familiarity with the municipal budget process, the Police Department budget in particular, manpower allocations, and the general operations of the Police Department. The Mayor, Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions, and the Borough Clerk will keep written records of each candidate’s responses to same.*

b. *The Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:*

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Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s):

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| <i>Rank of Sergeant or lower</i> | <i>1 point</i> |
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Disciplinary Actions
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4. *The weight or percentage of each point of the process shall be as follows:*

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| <i>Written examination</i> | <i>25%</i> |
| <i>Oral examination</i> | <i>20%</i> |
| <i>Record Review</i> | <i>20%</i> |
| <i>Mayor, Council and Chief Interview</i> | <i>35%</i> |

D. *The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant.*

E. *Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to NJSA 40A:14-129, or a resident over a non-resident pursuant to NJSA 40A:14-122.6 Seniority shall prevail over residency in the case of candidates that are ranked equally.*

F. *A satisfactory psychological examination must be performed and a Borough-selected physician must certify that the candidate is able to perform the essential functions of the Sergeant title. A candidate shall not be promoted without the completion of a satisfactory psychological examination.*

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§9-26(D) *Acting Designation; No Office or Position Created*

A. The Mayor and Council of the Borough of Matawan have the discretion and authority to assign the functions and duties of superior officer ranks, once the Mayor and Council of the Borough of Matawan have certified by resolution that the position of any superior officer rank is vacant. Until a superior officer rank is filled, the Mayor and Council may designate an officer who is qualified to perform the function and duties of any superior officer rank in an acting capacity.

B. It is explicitly understood that no office or position of any kind is created by the assignment of functions and duties of a higher rank to an officer of a lower rank on an acting basis. Such designation shall also not be considered an appointment to a position, nor constitute a promotion. Such designation shall not entitle the officer to any additional compensation or other emoluments of office unless specifically provided for in a collective bargaining agreement or the Borough of Matawan Personnel Policies and Procedures Manual. The officer fulfilling such assignment is not and is not intended to constitute the holding of a de facto office or position within the meaning of NJSA 40A:9-6 or any other law. The officer designated in an acting capacity shall continue to fulfill the assignment at the pleasure of the Mayor and Council.

- 2) **Section 9-29 et seq.** entitled, “Policy Concerning Initial Hiring of Police Officers,” is repealed and replaced with the following:

§9-29 *Policy Concerning Initial Hiring of Police Officers*

I. *FIRST PHASE*

A. When a vacancy exists, the Chief of Police shall forward a request to the Matawan Borough Council to hire a Police Officer. If approved, the Governing Body may consider appointing a current Class II Special Police Officer(s) who has been employed with the Borough of Matawan Police Department in such capacity for a minimum of three (3) months. If there are no Class II Special Police Officers employed by the Borough of Matawan, or if the Governing Body determines that it is in the best interests of the Borough to seek alternate candidates, the following process shall be followed:

1. The Chief of Police may accept applications from trained officers with New Jersey Police Training Commission Certificates.

- a. Sworn officers from other agencies.*
- b. Alternate route officers from police academies.*

2. The Chief of Police may accept applications from any individual interested in serving as a Police Officer.

3. Advertise in the local newspaper.

- a. The advertisement shall be for a two-week period.*
- b. The advertisement will indicate the filing deadline.*

B. All applications shall be given out and collected at Borough Hall.

C. When a candidate is given an application, the time, date and location of the written test will be attached.

D. When the Borough Clerk provides a candidate with an application, he/she shall complete the information on the applicant list form.

E. When the application is returned, the Borough Clerk shall:

1. Place a check in front of the applicant’s name on the applicant list.

2. Collect the application and attach a _____ money order or bank draft that is made payable to the New Jersey State Association of Chiefs of Police.

3. Give the applicant a numbered test booklet after recording the booklet number next to the applicant’s name.

4. The Borough Clerk shall place the application, with the money order or bank draft attached, in the Chief’s office box.

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F. When the applications are received by the Chief, the Chief shall check to ensure that the appropriate fee has been rendered and attached to the application form.

- 1. The Chief shall stamp the date that the application was received.*
- 2. All original applications are to be forwarded to the Chief's office.*
- 3. The Chief shall forward the money orders or bank drafts to the appropriate Chief's Association.*

G. The Chief, or designee, shall arrange for the testing locations for the written, physical and oral testing phases.

1. The Chief, or designee, will be responsible for making all the proper notifications to the applicants.

2. Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the testing or interview process. Applicants must cure all such deficiencies within ten (10) days upon notification of same or ten (10) days prior to the commencement of the testing process, whichever is shorter.

H. Eligibility.

- 1. Must be a citizen of the United States as set forth in NJSA 40A:14-122.*
- 2. Must possess a high school diploma, or equivalency.*
- 3. Must be of good moral character.*
- 4. Must be at least eighteen (18) years old.*
- 5. Must not have been convicted of a crime.*
- 6. Must possess a valid New Jersey driver's license.*

7. Unless otherwise exempted by law, all applicants must currently reside in the State of New Jersey or be willing to relocate to New Jersey within one (1) year of the commencement of employment. Failure to do so will result in removal from employment.

II. SECOND PHASE – WRITTEN EXAMINATION

A. Applicants shall submit to a written examination.

1. In order for an applicant to move on to Phase III, the applicant must attain a minimum score of 70% of the written examination.

B. The written examination shall be administered by the New Jersey State Association of Chiefs of Police.

C. The applicant must be present at the testing location on the date and time specified. If the applicant does not report to the testing location as specified, the applicant shall be ineligible for further consideration for the current vacancy.

1. The applicants may apply their written test score and be eligible when another vacancy exists within the appropriate time frame.

D. Written test scores shall be submitted to the designated representative and forwarded to the Chief of Police for review.

E. All applicants who do not qualify to participate in the next phase shall be notified in writing and their written test score shall be included.

F. If an applicant has taken the New Jersey Chief of Police examination for another agency, he may apply his test score and be exempt from taking the test again. The test score must be current.

1. For the purposes of this section, "current" shall mean that the applicant took the written examination within one (1) year of the posted test date.

G. Applicants possessing a valid New Jersey Police Training Commission Certificate will be subject to the Departmental interview process and not required to take a written examination.

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III. DEPARTMENT ORAL INTERVIEW PHASE

A. *The Department interview shall be directed by the Chief of Police and/or an officer designated by the Chief of Police.*

B. *The Chief of Police shall appoint a department Oral Board committee. The Oral Board committee shall evaluate and rank the candidates. The committee shall consist of personnel representing different ranks within the organization.*

C. *The candidates will then be ranked and selected for the Background Investigation Phase.*

IV. BACKGROUND INVESTIGATION

A. *When a candidate has successfully passed Phases I, II and III of this process, a background investigation is to be initiated.*

B. *The completed background investigation shall be evaluated by the Chief of Police and the Investigative Division Commander.*

V. PSYCHOLOGICAL EVALUATION

A. *The applicant shall be notified of the evaluation at least three (3) days in advance.*

1. *The applicant will be notified of the following:*

- a. *Time*
- b. *Location*
- c. *Name of Consultation Team*
- d. *Date*

B. *The psychological evaluation is designed to provide the Department with dimensional information about a candidate that will assist in the selection process.*

C. *The Chief of Police shall interpret the psychological evaluation report.*

D. *If a candidate does not successfully pass the psychological examination, the candidate is disqualified from the selection process.*

E. *All medical records are to be treated as confidential with access limited in accordance with the ADA requirements; the medical records must be kept in a separate file.*

VI. SUCCESSFUL CANDIDATE(S)

A. *The Matawan Borough Police Department shall pay for the applicant to be examined.*

1. *The Chief of Police shall designate the physician and arrange for the appointment.*

B. *The physician shall be provided with the Department Medical Examination Form and instructed to complete the appropriate sections.*

C. *Blood and urine analysis is to be conducted for every applicant examined.*

1. *A screen for drugs in the applicant's system is to be conducted.*

D. *The completed Medical Examination Form is to be picked up from the physician by the officer assigned and reviewed by the Chief of Police.*

E. *If a candidate's medical examination reflects that the applicant has traces of controlled dangerous substances in the applicant's system, the candidate is to be disqualified from the selection process.*

F. *Any other medical problem, other than traces of controlled dangerous substances in the applicant's system, is to be thoroughly reviewed by the physician and a determination made as to the applicant's fitness for police work.*

VII. MEDICAL EXAMINATION

A. *The successful candidate or candidates, if more than one position, will be presented to the Mayor and Council for final approval and appointment. The initial year of employment is a one-year probationary*

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period during which time the candidate may be removed without cause and without notice. Termination during the probationary period is not grievable.

VIII. EXEMPTIONS

A. *A candidate for employment may be exempted from the selection process as set forth in Articles I through IV, herein above, if such a candidate has previously been certified by the New Jersey Police Training Commission as a law enforcement officer, and if that candidate is currently employed as a law enforcement officer with a bona fide law enforcement agency. Any such candidate will still be subject to the eligibility requirements as set forth in Article I.*

B. *A candidate for employment may only be granted exemption status by action of the Governing Body upon the advice and recommendation of the Chief of Police. The Chief of Police shall recruit and interview qualified candidates and may reject any and all candidates prior to submission to the Governing Body.*

C. *Such candidate shall still be subject to the requirements of Article III – Department Oral Interview Phase, Article IV – Background Investigation, Article V – Psychological Evaluation, and Article VI – Medical Examination.*

D. *Once the Police Chief interview, the psychological testing and medical examination have been completed, the Chief shall present the candidate to the Governing body for is consideration. The Governing Body may, in its discretion, either accept or reject any candidate recommended by the Chief of Police.*

E. *The Chief of Police may not interview any candidates under this Section until he has first received formal authorization from the Governing Body. When granting formal authorization to commence this process, the Governing Body shall set the salary range and benefits for any candidate to be hired under this Section.*

IX. SUMMARY

A. *All applicants shall be notified of the test date, time and place at least five (5) days prior to the test.*

B. *All applicants that are rejected at any phase of this testing process shall be notified in writing by the Chief of Police within fifteen (15) days after the testing date.*

C. *All testing results will remain confidential and will not be released to any person or agency unless specifically authorized by the individual applicant or required by the law.*

3) **New Section 9-30** entitled, “Policy Concerning Initial Hiring of Class II Special Police Officers,” is to be added as follows:

§9-30 Policy Concerning Initial Hiring of Class II Special Police Officers

I. FIRST PHASE

A. *When a vacancy exists, the Chief of Police shall forward a request to the Matawan Borough Council to hire a Class II Special Police Officer. The Chief, after receiving approval to hire a Class II Special Police Officer, shall fill the vacancy as follows:*

1. *Accept applications from trained Class II Special Police Officers with New Jersey Police Training Commission Certificates.*

2. *Accept applications from any individual interested in serving as a Class II Special Police Officer.*

3. *Advertise in the local newspaper.*

a. *The advertisement shall be for a two-week period.*

b. *The advertisement will indicate the filing deadline.*

B. *All applications shall be given out and collected at Borough Hall.*

C. *When the Borough Clerk provides a candidate with an application, he/she shall complete the information on the applicant list form.*

D. *When the application is returned, the Borough Clerk shall:*

1. *Place a check in front of the applicant’s name on the applicant list.*

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2. *The Borough Clerk shall place the application in the Chief's office box.*
- E. *When the applications are received by the Chief, he shall check to ensure that the appropriate was received.*
 1. *All original applications are to be forwarded to the Chief's office.*
 2. *The Chief, or a designee, shall arrange for the oral interviews of the applicants.*
 3. *The Chief, or a designee, will be responsible for making all the proper notifications to the applicants.*
 4. *Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the testing or interview process. Applicants must cure all deficiencies within ten (10) days upon notification of same or ten (10) days prior to the commencement of the testing process, whichever is shorter.*
- F. *Eligibility.*
 1. *Must be a citizen of the United States as set forth in NJSA 40A:14-122.*
 2. *Must possess a high school diploma, or equivalency.*
 3. *Must be of good moral character.*
 4. *Must be at least eighteen (18) years old.*
 5. *Must not have been convicted of a crime.*
 6. *Must possess a valid New Jersey driver's license.*
 7. *Unless otherwise exempted by law, all applicants must currently reside in the State of New Jersey or be willing to relocate to New Jersey within one (1) year of the commencement of employment. Failure to do so will result in removal from employment.*

II. DEPARTMENT ORAL INTERVIEW

- A. *The Department interview shall be directed by the Chief of Police and/or an officer designated by the Chief of Police.*
- B. *The Chief of Police shall appoint a department Oral Board committee. The Oral Board committee shall evaluate and rank the candidates. The committee shall consist of personnel representing different ranks within the organization.*
- C. *The candidates will then be ranked and selected for the Background Investigation Phase.*

III. BACKGROUND INVESTIGATION

- A. *When a selected candidate has successfully passed the Department Oral Interview, a background investigation is to be initiated.*
- B. *The completed background investigation shall be evaluated by the Chief of Police and the Investigation Division Commander.*

IV. PSYCHOLOGICAL EVALUATION

- A. *The applicant shall be notified of the evaluation at least three (3) days in advance.*
 1. *The applicant will be notified of the following:*
 - a. *Time*
 - b. *Location*
 - c. *Name of Consultation Team*
 - d. *Date*
- B. *The psychological evaluation is designed to provide the Department with dimensional information about a candidate that will assist in the selection process.*

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C. The Chief of Police shall interpret the psychological evaluation report.

D. If a candidate does not successfully pass the psychological examination, the candidate is disqualified from the selection process.

E. All medical records are to be treated as confidential with access limited in accordance with the ADA requirements; the medical records must be kept in a separate file.

V. MEDICAL EXAMINATION

A. The Matawan Borough Police Department shall pay for the applicant to be examined.

1. The Chief of Police shall designate the physician and arrange for the appointment.

B. The physician shall be provided with the Department Medical Examination Form and instructed to complete the appropriate sections.

C. Blood and urine analysis is to be conducted for every applicant examined.

1. A screen for drugs in the applicant's system is to be conducted.

D. The completed Medical Examination Form is to be picked up from the physician by the officer assigned and reviewed by the Chief of Police.

E. If a candidate's medical examination reflects that the applicant has traces of controlled dangerous substances in the applicant's system, the candidate is to be disqualified from the selection process.

F. Any other medical problem, other than traces of controlled dangerous substances in the applicant's system, is to be thoroughly reviewed by the physician and a determination made as to the applicant's fitness for police work.

VI. SUCCESSFUL CANDIDATE(S)

A. The successful candidate or candidates, if more than one position, will be presented to the Mayor and Council for final approval and appointment. The initial year of employment is a one-year probationary period during which time the candidate may be removed without cause and without notice. Termination during the probationary period is not grievable.

VII. EXEMPTIONS

A. A candidate for employment may be exempted from the selection process as set forth in Articles I through IV, herein above, if such a candidate has previously been certified by the New Jersey Police Training Commission as a Class II Special Officer, and if that candidate is currently employed as a Class II Special Officer with a bona fide law enforcement agency. Any such candidate will still be subject to the eligibility requirements as set forth in Article I.

B. A candidate for employment may only be granted exemption status by action of the Governing Body upon the advice and recommendation of the Chief of Police. The Chief of Police shall recruit and interview qualified candidates and may reject any and all candidates prior to submission to the Governing Body.

C. Such candidate shall still be subject to the requirements of Article II – Department Oral Interview Phase, Article III – Background Investigation, Article IV – Psychological Evaluation, and Article V – Medical Examination.

D. Once the Police Chief interview, the psychological testing and medical examination have been completed, the Chief shall present the candidate to the Governing Body for consideration. The Governing Body may, in its discretion, either accept or reject any candidate recommended by the Chief of Police.

E. The Chief of Police may not interview any candidates under this Section until he has first received formal authorization from the Governing Body. When granting formal authorization to commence this process, the Governing Body shall set the salary range and benefits for any candidate to be hired under this Section.

VIII. SUMMARY

A. All applicants shall be notified of the test date, time and place at least five (5) days prior to the test.

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B. All applicants that are rejected at any phase of this testing process shall be notified in writing by the Chief of Police within fifteen (15) days after the testing date.

C. All testing results will remain confidential and will not be released to any person or agency unless specifically authorized by the individual applicant or required by the law.

SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE

This Ordinance shall take effect after final passage as provided by law and shall be applied to any promotion for Police Chief, Lieutenant and Sergeant after January 1, 2014.

Consent Agenda

Mayor Buccellato read by title Resolutions 13-12-02 through and including 13-12-11 requesting a motion to approve en masse. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-12-02
REDEMPTION OF TAX SALE CERTIFICATE
INGENIOUS INTELLIGENCE BNC, INC.
CERTIFICATE #040021**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #040021 which was sold to Ingenious Intelligence BNC, Inc., 253 Main St., Ste 135, Matawan, NJ 07747; and

WHEREAS, Certificate #040021 has been paid and fully redeemed for the property owner, Block 69, Lot 3 otherwise known as Cross Road.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,201.82 to the above for the redemption of Tax Sale Certificate #040021.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 13-12-03
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PROCAPITAL I, LLC
CERTIFICATE #11-00029**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00029 which was sold to US Bank Cust for Procapital I, LLC, 50 S 16th St., Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #11-00029 has been paid and fully redeemed for the property owner, Block 34, Lot 15 otherwise known as 26 Orchard St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,403.92 and a Premium of \$400.00 to the above for the redemption of Tax Sale Certificate #11-00029.

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BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 13-12-04
REFUND TAX OVERPAYMENT DUE TO TAX APPEAL
BEN N. ROSENBLUM
1082 HIGHWAY 34 – BLOCK 123.01, LOT 19**

WHEREAS, a State Tax Board Judgment has been favorably awarded to Ben N. Rosenblum, Block 123.01, Lot 19, otherwise known as 1082 Highway 34, for the fiscal years 2011, 2012 and 2013; and

WHEREAS, such judgment has resulted in an overpayment of property taxes in the amount of \$4,511.79, \$7,056.01 and \$9,632.06, respectively.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, County of Monmouth, State of New Jersey, hereby authorizes the Borough Treasurer to issue a check in the amount of \$21,199.86 for said overpayment of property taxes to the property owner or their representative.

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the Borough Tax Collector, Treasurer and Property Owner.

**RESOLUTION 13-12-05
REFUND TAX OVERPAYMENTS DUE TO TAX APPEALS**

WHEREAS, the following properties have been overpaid for year 2013; and

WHEREAS, the property owners are due a refund in order to clear the accounts; and

WHEREAS, the following refunds have been verified as accurate by the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED that the Borough Tax Collector refund according to the following:

| <i>Block/Lot</i> | <i>Vendor</i> | <i>Amount of Refund</i> | <i>Notation</i> |
|-------------------------|---|--------------------------------|--------------------------------------|
| 29/16.01 | Thomas J. Fulin Risoldi 50 Wyckoff St. Matawan, NJ 07747 | \$41.91 | Overpayment |
| 44/25 | Lereta Tax 1123 Park View Drive Covina, CA 91724 Attn: Refunds | \$2,110.69 | Overpayment from Mortgage Company |
| 62/2.21 | Robert C. & George Barrett, et al 24 Angelica Ct. Matawan, NJ 07747 | \$700.13 | Overpayment |
| 72/1 | George & Doreen Leeuw 102 Ravine Dr. Matawan, NJ 07747 | \$1,340.36 | Overpayment |
| 96/5 | Joseph Dzwil 2 Highland Ave. Matawan, NJ 07747 | \$528.85 | Overpayment |
| 999/1 | Verizon-NJ PO Box 152206 Irving, TX 75015-2206 | \$25,269.50 | Change in Assessment |

BE IT FURTHER RESOLVED that a certified true copy of this Resolution be forwarded to the Borough Tax Collector and Treasurer.

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**RESOLUTION 13-12-06
AUTHORIZING THE REFUND OF
WATER/SEWER PENALTY CHARGES
DANIELLE LILONSKY
127 SLOAN COURT - BLOCK 120, LOT 5.01**

***WHEREAS**, Danielle Lilonsky recently transitioned from a post office box to a street address resulting in non-receipt of third quarter water/sewer billing incurring penalty charges in the total amount of Three Dollars and Thirty Three Cents (\$3.33); and,*

***WHEREAS**, Ms. Lilonsky has previously paid all billing on time and hereby requests refund of the imposed penalty.*

***NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Matawan does hereby authorize refund of water/sewer penalty fees in the amount as indicated above to Danielle Lilonsky, 127 Sloan Court, Matawan, New Jersey 07747.*

**RESOLUTION 13-12-07
RELEASE OF ESCROW FUNDS
ROBERT LEAR
241 MATAWAN AVENUE – BLOCK 62.01, LOT 17**

***WHEREAS**, Robert Lear has requested the release of the balance on their escrow account, Block 62.01, Lot 17, otherwise known as 241 Matawan Avenue, Matawan, New Jersey; and*

***WHEREAS**, on August 24, 2010 Robert Lear posted total escrow in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00); and*

***WHEREAS**, as certified by the Treasurer/CFO the remaining cash portion balance as of December 3, 2013 is Eighty Four Dollars and Thirty Four Cents (\$84.34); and*

***WHEREAS**, Robert Keady, Jr., PE, CMC of T&M Associates has recommended the release of the escrow.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Eighty Four Dollars and Thirty Four Cents (\$84.34) posted by Robert Lear for 241 Matawan Avenue, Block 62.01, Lot 17, Matawan, New Jersey 07747.*

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of December 3, 2013 the Escrow Account balance for Robert Lear, Block 62.01, Lot 17, is approximately Eighty Four Dollars and Thirty Four Cents (\$84.34).

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

*Monica Antista, CMFO
Dated: December 3, 2013*

**RESOLUTION 13-12-08
AMENDING
RESOLUTION 13-11-12
AWARD OF CONTRACT
FOR STORM DAMAGE REPAIRS AT VARIOUS LOCATIONS**

***WHEREAS**, the Borough of Matawan previously authorized the receipt of bids for Storm Damage Repairs at Various Locations; and*

***WHEREAS**, pursuant to law the Borough of Matawan solicited bids for the Storm Damage Repairs at Various Locations; and*

***WHEREAS**, the Borough of Matawan received two (2) bids for the aforesaid contract; and*

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WHEREAS, Precise Construction, Inc. has submitted the low bid of One Hundred Forty Six Thousand Four Hundred Sixty Three Dollars and Ninety Two Cents (\$146,463.92); and

WHEREAS, the Borough Engineer, Robert Keady of T&M Associates, has reviewed, approved and recommended Precise Construction, Inc. for the aforesaid bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the contract for the Storm Damage Repairs at Various Locations be and is hereby awarded to Precise Construction, Inc., 1016 Highway 33, Freehold, New Jersey 07728 in the amount not to exceed as indicated above and in accordance with all bid specifications, contracts and documents, commencing twenty (20) days after publication, and subject to certification by the Chief Financial Officer that funds are available, review and approval of bid documents by the Borough Attorney and approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance, approval of the New Jersey Department of Transportation and the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of contract, commencing twenty (20) days after publication.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the C-04-55-9130101 Budget of the Borough of Matawan to Precise Construction, Inc. for the Borough of Matawan in an amount not to exceed One Hundred Forty Six Thousand Four Hundred Sixty Three Dollars and Ninety Two Cents (\$146,463.92).

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: December 3, 2013

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Eleven Tindall Road, Middletown, New Jersey 07748-2792
(732) 671-6400 * fax (732) 671-7365 * www.tandmassociates.com



MATN-02780

November 7, 2013

Via email and First Class Mail

Louis Ferrara
Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

**Re: Storm Damage Repairs at Various Locations – Re-Bid
Review of Bids and Recommendation of Award**

Dear Mr. Ferrara:

On Thursday, November 7, 2013, bids were received for the re-bid of the above referenced project. A detailed bid summary is attached. The following is a list of the bidders and their respective bids:

| <u>Bidders</u> | <u>Total Bid</u> |
|----------------------------|------------------|
| Precise Construction, Inc. | \$ 146,463.92 |
| CMS Construction, Inc. | \$ 212,288.92 |

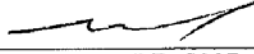
The apparent low bidder is Precise Construction, Inc., 1016 Highway 33, Freehold, New Jersey 07728. We recommend award to the low bidder, Precise Construction, Inc. in the amount of \$146,463.92.

Award of the project should be made subject to the review and approval by the Borough Attorney and subject to certification of the availability of funds.

I have attached a bid summary for your records. If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES


ROBERT R. KEADY JR., P.E., C.M.E.
BOROUGH OF MATAWAN ENGINEER

RRK:PSN:lkc
Enclosures

c: Paul Buccellato, Mayor
Karen Wynne, Clerk (via email with copies of bid packages)
Pasquale Menna, Attorney (via email with copies of bid packages)
Monica Antista, CFO via email

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**RESOLUTION 13-12-09
AMENDING
RESOLUTION 13-11-18
AUTHORIZING THE HIRING OF A
TEMPORARY PART-TIME
ASSISTANT PROPERTY MAINTENANCE OFFICER
CONSTRUCTION DEPARTMENT
RAYMOND BASSFORD**

WHEREAS, the Council has been advised that there is a need for a Temporary Part-Time Assistant Property Maintenance Officer within the Borough of Matawan; and,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan authorizes the hiring of Raymond Bassford as a Temporary Part-Time Assistant Property Maintenance Officer effective July 2, 2013 at \$28.00 per hour on an as needed basis pursuant to the Construction Official not to exceed Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) per annum, until such time as a permanent hire is made.

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CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 3-01-22-200-100 Budget of the Borough of Matawan to Raymond Bassford for the Borough of Matawan in an amount not to exceed Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) per annum.

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: December 3, 2013

**RESOLUTION 13-12-10
AMENDING
RESOLUTION 13-11-19
AUTHORIZING THE APPOINTMENT OF
PART TIME ANNUAL TAX COLLECTOR
PEGGY L. WARREN**

WHEREAS, *Peggy L. Warren has requested her appointment be adjusted from Part Time Hourly to Part Time Annual position of Tax Collector; and*

NOW, THEREFORE, BE IT RESOLVED *the Council of the Borough of Matawan hereby authorizes the appointment of Peggy L. Warren as Borough Tax Collector be adjusted from Part Time Hourly to Part Time Annual, effective July 1, 2013, at the rate of compensation of Fifteen Thousand Dollars and No Cents (\$15,000.00) per annum, and effective January 1, 2014, at a rate of compensation of Eighteen Thousand Dollars and No Cents (\$18,000.00) per annum.*

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 3-01-20-145-100 Budget of the Borough of Matawan to Peggy L. Warren for the Borough of Matawan in an amount not to exceed Fifteen Thousand Dollars and No Cents (\$15,000.00).

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

**RESOLUTION 13-12-11
AMENDING
RESOLUTION 13-11-21
AUTHORIZING THE APPOINTMENT OF
DEPUTY REGISTRAR OF VITAL STATISTICS
KATHLEEN FITZGERALD**

WHEREAS, *it may be necessary, from time to time, for the Registrar of Vital Statistics to be temporarily absent from her duties; and*

WHEREAS, *NJSA 26:8-17 allows the local Registrar to appoint a Deputy Registrar to assist in the day-to-day operations of the Office of the Registrar; and*

WHEREAS, *NJSA 26:8-21 allows for the Deputy Registrar position to run concurrently with the appointment of the Local Registrar; and*

WHEREAS, *funds have been set aside for the purpose of employing a Deputy Registrar of Vital Statistics to perform such services; and*

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NOW, THEREFORE, BE IT RESOLVED by and Council of the Borough of Matawan hereby approves the recommendation of the Registrar and authorizes the appointment of Kathleen Fitzgerald as the Deputy Registrar of Vital Statistics of the Borough of Matawan prorated as of September 16, 2013 at the compensation of One Thousand Ninety Eight Dollars and Eighty Five Cents (\$1,098.85) per annum.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 3-01-27-331-100 Budget of the Borough of Matawan to Kathleen Fitzgerald for the Borough of Matawan in an amount not to exceed One Thousand Ninety Eight Dollars and Eighty Five Cents (\$1,098.85) per annum.

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: December 3, 2013

New Business

Mayor Buccellato read by title Resolution 13-12-12: Denial of Taxi Driver License – Christian Molina. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-12-12
DENIAL OF TAXI DRIVER LICENSE
CHRISTIAN MOLINA**

WHEREAS, Christian Molina, has applied for a Taxi Driver License; and

WHEREAS, the Matawan Police Department recommended the license not be issued to Christian Molina, as stated in Chapter 4 – Licensing and Business Regulations, Section 4-10.5(b) – Taxicab Driver’s License predicated on a review of eligibility criteria and standards as set forth in the applicable licensing regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby deny the following Taxi Driver License:

Applicant: Christian Molina
400 Matawan Avenue, Apt. 85C
Cliffwood, New Jersey 07721

Mayor Buccellato read by title Resolution 13-12-13: Authorizing a Communications Site Lease Agreement By and Between the Borough of Matawan and New York SMSA Limited Partnership DBA Verizon Wireless. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Motion passed.

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**RESOLUTION 13-12-13
AUTHORIZING A COMMUNICATIONS SITE LEASE AGREEMENT
BY AND BETWEEN THE BOROUGH OF MATAWAN AND
NEW YORK SMSA LIMITED PARTNERSHIP
DBA VERIZON WIRELESS**

WHEREAS, *the Borough of Matawan (the "Borough") is the owner in fee simple of the municipally owned property located on Block 6, Lot 7 in the Borough of Matawan, County of Monmouth, State of New Jersey; and*

WHEREAS, *the Borough, through a previous bid, awarded the right to lease space and construct a cell tower on the above delineated property to T-Mobile Northeast LLC. Said lease with T-Mobile was executed on August 31, 2010; and*

WHEREAS, *the previously executed lease with T-Mobile Northeast LLC calls for the sub-leasing of space on the tower and delineated lease area to other prospective wireless carrier tenants under terms arrived at through subsequent bids issued by the Borough; and*

WHEREAS, *the Borough of Matawan has entered into public bidding for the right to sublease space on the tower and within the delineated area to prospective additional wireless carrier tenants for the installation of wireless telecommunications equipment; and*

WHEREAS, *there was one (1) bid received from New York SMSA Limited Partnership DBA Verizon Wireless (Verizon) in the amount of Thirty Two Thousand Four Hundred Dollars and No Cents (\$32,400.00); and*

WHEREAS, *Verizon be and is herewith awarded the right, as the highest bidder, to enter into a lease with T-Mobile Northeast LLC, according to the terms outlined below, to co-locate on a 130 foot wireless communications monopole which is already planned and zoning approved, and locate associated equipment within a designated ground lease area. Specifics of said installation shall be defined in final lease exhibits which shall be approved by the Borough; and*

WHEREAS, *Verizon submitted a bid of Thirty Two Thousand Four Hundred Dollars and No Cents (\$32,400.00) per year, payable in twelve equal monthly installments of Two Thousand Seven Hundred Dollars and No Cents (\$2,700.00) each, commencing on the commencement date as shall be defined in the sublease document between T-Mobile Northeast LLC and Verizon. The Lease consideration would additionally be adjusted annually at the rate of three percent (3%) per annum, for the balance of the term. Final sublease language shall be approved by the Borough; and*

WHEREAS, *the term of the sublease shall run concurrent with the existing lease between The Borough and T-Mobile Northeast including renewal options; and*

WHEREAS, *said Telecommunications sublease shall provide a benefit to the residents of the Borough of Matawan; and*

NOW, THEREFORE, BE IT RESOLVED *by the Council of the Borough of Matawan, that the Mayor of the Borough of Matawan be and the same is hereby authorized to approve any documents to facilitate the sublease and to execute any documents in order to facilitate same.*

BE IT FURTHER RESOLVED *that a copy of this Resolution shall be served upon the tenant, by New Cingular Wireless PCS, LLC DBA AT&T Mobility, having an office at 11750 US Hwy 1-Ste 600, N. Palm Beach, Florida 33406, within seven (7) days of the date of this Order.*

BE IT FURTHER RESOLVED *that a copy of this Resolution shall be maintained by the Borough Clerk and forwarded to the Chief Financial Officer and to the Borough Engineer for their information and further work as set forth in the terms of the Lease.*

BE IT FURTHER RESOLVED *that a copy of this Resolution be forwarded to Pasquale Menna, Esq., the Borough Attorney, for further work, as deemed necessary on the within matter and to prepare the Lease for execution.*

Mayor Buccellato requested a motion to hold Resolution 13-12-14: Award of Bid for Matawan Municipal Community Center ADA Improvements – Shorelands Construction, Inc. until such time as Mr. Ferrara can review the option cost of performing the work during vs. after office hours. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed.

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Mayor Buccellato read by title Resolution 13-12-15: 2013 Road Improvement Program Contract 1 – Authorizing Change Order No. 2. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-12-15
2013 ROAD IMPROVEMENT PROGRAM CONTRACT 1
AUTHORIZING CHANGE ORDER NO. 2**

***WHEREAS**, T&M Associates has informed the Council that Items 5, 14 and 34-40 have been reduced to reflect as-built quantities to the 2013 Road Improvement Program Contract 1 for a total reduction of One Hundred Fifteen Thousand Four Hundred Sixty Four dollars and No Cents (\$115,464.00); and*

***WHEREAS**, T&M Associates has informed the Council that Item 20 has been increased to reflect as built quantities to the 2013 Road Improvement Program Contract 1 for a total increase of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00).*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, based upon the recommendations of Robert Keady, T&M Associates, that they hereby authorize Change Order No. 2 for the 2013 Road Improvement Program Contract 1 a reduction in the amount of One Hundred Four Thousand Nine Hundred Sixty Four Dollars and No Cents (\$104,964.00).*

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification are available from C-04-55-913-200 Budget of the Borough of Matawan for the contract awarded to Lucas Construction Group, Inc. for the 2013 Road Improvement Program Contract 1 in an amount not to exceed Seven Thousand Five Hundred Dollars and Forty Cents (\$7,500.00).

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

*Monica Antista, CMFO
Dated: December 3, 2013*

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T&M ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS
ELEVEN TINDALL ROAD
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2
PROJECT NO. MATN-02781

CHANGE ORDER NO. 2

DATE: November 11, 2013

PROJECT: 2013 Road Improvement Program - Contract 1

OWNER: Borough of Matawan

CONTRACTOR: Lucas Construction Group, Inc.

DESCRIPTION OF CHANGE:

REDUCTIONS:

Items 5, 14 and 34-40 are reduced to reflect as-built quantities.

EXTRA:

Item 20 is increased to reflect as-built quantity.

SUPPLEMENTARY:

S-3 22 Daniel Drive Sanitary Sewer Lateral Repair

APPROVAL RECOMMENDED:

ROBERT R. KEADY, JR., P.E., C.M.E.

ACCEPTED:

CONTRACTOR:
Lucas Construction Group, Inc.

OWNER'S APPROVALS:

NOTE: All work to be done
according to Contract
Specifications.

| SEE ATTACHED DETAIL | ADDITIONAL | REDUCTION |
|--|-------------|--------------|
| A. TOTAL REDUCTIONS THIS C.O. | XXXXXXXXXX | \$115,464.00 |
| B. TOTAL EXTRAS THIS C.O. | \$7,500.00 | XXXXXXXXXX |
| C. TOTAL SUPPLEMENTARY THIS C.O. | \$3,000.00 | XXXXXXXXXX |
| TOTALS THIS C.O. | \$10,500.00 | \$115,464.00 |
| NET CHANGE THIS CHANGE ORDER | | \$104,964.00 |
| PREVIOUS CHANGE ORDERS | \$70,350.00 | \$0.00 |
| TOTAL CHANGE ORDERS TO DATE | \$80,850.00 | \$115,464.00 |
| NET CHANGE IN CONTRACT | | \$34,614.00 |

| | |
|-----------------------------|----------------|
| ORIGINAL CONTRACT BID PRICE | \$1,585,721.10 |
| CHANGE ORDERS TO DATE | -\$34,614.00 |
| REVISED CONTRACT PRICE | \$1,551,107.10 |

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CHANGE ORDER NO. 2

SHEET NO. 2 OF 2

PROJECT NO. MATN-02781

PROJECT:2013 Road Improvement Program - Contract 1

OWNER:Borough of Matawan

CONTRACTOR:Lucas Construction Group, Inc.

| ITEM NO. | DESCRIPTION | QUANTITY | UNIT | PRICE | AMOUNT |
|----------|--------------------------------------|----------|------|------------|-------------|
| 5 | DGA Water Main Trench Backfill | 586.60 | CY | \$15.00 | \$8,799.00 |
| 14 | 10" Ductile Iron Pipe, Class 52 | 1.00 | LF | \$90.00 | \$90.00 |
| 34 | 8"x8" Wet Tap | 3.00 | UN | \$6,000.00 | \$18,000.00 |
| 35 | Line Stop | 3.00 | UN | \$9,500.00 | \$28,500.00 |
| 36 | 6" Gate Valve (If & Where Directed) | 1.00 | UN | \$2,000.00 | \$2,000.00 |
| 37 | 8" Gate Valve | 3.00 | UN | \$2,500.00 | \$7,500.00 |
| 38 | Fire Hydrant | 3.00 | UN | \$5,500.00 | \$16,500.00 |
| 39 | 8" Ductile Iron Water Pipe, Class 52 | 155.00 | LF | \$65.00 | \$10,075.00 |
| 40 | Water Service Connection | 20.00 | UN | \$1,200.00 | \$24,000.00 |

A. TOTAL REDUCTIONS

\$115,464.00

| | | | | | |
|----|--|------|----|------------|------------|
| 20 | Reconstructed Inlet, Type 'B', Using New Casting | 3.00 | UN | \$2,500.00 | \$7,500.00 |
|----|--|------|----|------------|------------|

B. TOTAL EXTRA

\$7,500.00

| | | | | | |
|-----|---|------|----|------------|------------|
| S-3 | 22 Daniel Drive Sanitary Sewer Lateral Repair | 1.00 | LS | \$3,000.00 | \$3,000.00 |
|-----|---|------|----|------------|------------|

C. TOTAL SUPPLEMENTARY

\$3,000.00

Mayor Buccellato read by title Resolution 13-12-16: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Motion passed.

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**RESOLUTION 13-12-16
PAYMENT OF BILLS**

***BE IT RESOLVED** by the Mayor and Council of the Borough of Matawan, New Jersey. That the following numbered vouchers be paid to the persons therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers and that warrants be issued therefore, directed to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.*

| | |
|----------------------------------|-----------------------|
| <i>Current</i> | <i>\$1,328,213.81</i> |
| <i>Water & Sewer</i> | <i>\$54,553.02</i> |
| <i>Borough Capital</i> | <i>\$495,315.41</i> |
| <i>Water Capital</i> | <i>\$24,555.33</i> |
| <i>Borough Trust</i> | <i>\$4,984.85</i> |
| <i>Developers Escrow Account</i> | <i>\$45.00</i> |
| <i>Railroad Parking Trust</i> | <i>\$11,500.00</i> |
| <i>Recreation Trust</i> | <i>\$150.00</i> |
| Total | \$1,919,317.42 |

Councilman Fitzsimmons requested the September 30, 2013 Treasurer’s Report be added to the record.

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| | | | | |
|--------------------------------------|--|---------------|----------------|----------------|
| | REPORT OF THE TREASURER | | | |
| | TO THE MAYOR AND COUNCIL OF THE BOROUGH OF MATAWAN | | | |
| | BANK BALANCES AS OF SEPTEMBER 30, 2013 | | | |
| CURRENT ACCOUNT | TD BANK | | \$23.95 | \$2,328,098.68 |
| | INVESTORS | | \$2,328,074.73 | |
| TAX COLLECTOR TRUST FUND | INVESTORS | | \$0.00 | \$0.00 |
| | | | | |
| WATER & SEWER ACCOUNT | TD BANK | | \$12.66 | \$1,154,483.49 |
| | INVESTORS | | \$1,154,470.83 | |
| WATER & SEWER-Certificate of Deposit | TD BANK | | \$500,000.00 | \$500,000.00 |
| | | | | |
| BOROUGH CAPITAL ACCOUNT | INVESTORS | | \$431,005.20 | \$431,005.20 |
| | | | | |
| UTILITY CAPITAL ACCOUNT | INVESTORS | | \$590,770.53 | \$590,770.53 |
| | | | | |
| BOROUGH TRUST ACCOUNT | INVESTORS | | \$472,157.20 | \$472,157.20 |
| | | | | |
| | | | | |
| BORO TRUST SUMMARY-TD BANK | | CASH BALANCES | | |
| AS OF: SEPTEMBER 30, 2013 | | | | |
| | FIRE SAFETY | | \$27,395.46 | |
| | FIRE PREVENTION/DEDICATED PENALTY | | -\$890.74 | |
| | ESCROW | | \$105,726.76 | |
| | TAX REDEMPTIONS | | \$84,011.00 | |
| | POAA | | \$0.00 | |
| | DONATION | | \$2,742.49 | |
| | PREMIUMS | | \$217,425.00 | |
| | OFF DUTY POLICE | | \$28,074.07 | |
| | PUBLIC DEFENDER | | \$7,673.16 | |
| | TOTAL | | \$472,157.20 | |
| | | | | |
| DOG TAX TRUST ACCOUNT | INVESTORS | | \$3,360.13 | \$3,360.13 |
| | | | | |
| UNEMPLOYMENT INSURANCE ACCOUNT | INVESTORS | | \$22,105.59 | \$22,105.59 |
| | | | | |
| RECREATION SPECIAL ACCOUNT | INVESTORS | | \$26,743.10 | \$26,743.10 |
| | | | | |
| | | | | |
| RECREATION TRUST SUMMARY-TD BANK | | CASH BALANCES | | |
| AS OF: SEPTEMBER 30, 2013 | | | | |
| | TURKEY TROT | | \$8,478.21 | |
| | SUMMER RECREATION | | \$6,638.01 | |
| | SUMMER RECREATION TRIPS | | \$3,532.76 | |
| | MATAWAN DAY | | -\$762.30 | |
| | BASKETBALL TOURNAMENT | | -\$156.81 | |
| | CANOE RENTALS | | -\$1,220.10 | |
| | MEN'S OVER 30 B'BALL | | \$1,804.00 | |
| | NNO VENDER | | \$0.00 | |
| | YOGA/KICKBOXING | | \$709.00 | |
| | FIREWORKS DONATIONS | | -\$2,000.00 | |
| | CAPITAL IMPROVEMENTS | | \$9,720.33 | |
| | TOTAL | | \$26,743.10 | |
| | | | | |
| ACCUTRACK DEVELOPERS ESCROW ACCT | TD BANK | | \$28.38 | \$226,080.92 |
| | INVESTORS | | \$226,052.54 | |
| LAW ENFORCEMENT ACCOUNT | INVESTORS | | \$7,256.37 | \$7,256.37 |
| | | | | |
| RAILROAD PARKING LOT TRUST | INVESTORS | | \$70,506.83 | \$70,506.83 |
| | | | | |
| | | | | |
| TOTAL | | | \$5,832,568.04 | \$5,832,568.04 |
| RESPECTFULLY, | | | | |
| TREASURER | | | | 12/2/2013 |

Mayor Buccellato read by title Ordinance 13-21: Ordinance Supplementing the Code of the Borough of Matawan Chapter IX – Personnel Policies - Article II – “Personnel Policies Concerning Members of the Police Department,” Establishing Promotion Procedures for the Ranks of Police Chief, Lieutenant and Sergeant, and Establishing a Procedure for Acting

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Appointments and Hiring Police Officers. Mayor Buccellato requested a motion to introduce. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton
Councilman Urbano
Councilwoman Angelini

Motion passed. The public hearing will be on December 17th.

**ORDINANCE 13-21
ORDINANCE SUPPLEMENTING THE CODE OF THE
BOROUGH OF MATAWAN
CHAPTER IX – PERSONNEL POLICIES
ARTICLE II – “PERSONNEL POLICIES CONCERNING MEMBERS OF THE POLICE
DEPARTMENT,” ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF
POLICE CHIEF, LIEUTENANT AND SERGEANT, AND ESTABLISHING A PROCEDURE
FOR ACTING APPOINTMENTS AND HIRING POLICE OFFICERS**

WHEREAS, within its general powers as a municipality, the Borough of Matawan may make and enforce ordinances, rules and regulations not contrary to Federal or State law as it deems necessary and to protect the public safety and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of Matawan support and encourage efficiency within the Matawan Police Department; and

WHEREAS, the Mayor and Council of the Borough of Matawan have determined that it would be in the best interest of the citizens of the Borough to establish a promotional practice based upon merit for the positions of Police Chief, Lieutenant and Sergeant when there are vacancies in said positions; and

WHEREAS, the Borough of Matawan desires to have a promotional practice for the positions of Police Chief, Lieutenant and Sergeant based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the Matawan Police Department to better serve the residents of the Borough of Matawan; and

WHEREAS, the Borough of Matawan further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers; and

WHEREAS, notwithstanding what is referenced in this Ordinance the education credit may only be applied if received in criminal justice or criminal science.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Matawan that Chapter IX, Article II of the Code of the Borough of Matawan entitled “Personnel Policies Concerning Members of the Police Department” is hereby amended as follows:

1) **Section 9-26** is repealed and replaced with the following Sections 9-26 (A) – (D):

§9-26(A) Promotion to Rank of Police Chief

A. The Borough of Matawan Governing Body desires to promote the most qualified candidate to the position of Police Chief. This ordinance establishes the eligibility requirements and the process for promotion to Police Chief. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Matawan Police department. No person shall be eligible for promotion to Police Chief unless he or she shall have served as a full-time police officer in the Borough of Matawan Police Department for a period of ten (10) years or more. Promotions to the rank of Police Chief shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, choose to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Borough Administrator shall announce the promotional process to members of the department at least thirty (30) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Borough

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Administrator of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of Matawan Police Department may consist of the following: a written examination, an oral examination, a psychological examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the written examination and/or oral examination by the outside entity and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy percent (70%) on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of whom shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Matawan. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy percent (70%).

* The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Record Review and Interview by the Mayor and Council.

Candidates who successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy percent (70%) on the oral examination and receive a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. The record review shall be conducted by the Borough Administrator.

(a) The interview with the Mayor and Council shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Matawan’s form of government, knowledge of the Police Department ordinances, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate’s responses to same.

(b) The Borough Administrator shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points
Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points
All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points
+1 point for each commendation up to maximum of 3 points.

Education
Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

| | |
|--------------------|----------|
| Associate’s Degree | 1 point |
| Bachelor’s Degree | 2 points |
| Master’s Degree | 3 points |
| PhD (JD) Degree | 4 points |

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Military Experience

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Rank of Sergeant or lower 1 point
Any rank above Sergeant 2 points

Disciplinary Actions

Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

4. The weight or percentage of each portion of the process shall be as follows:

| | |
|-----------------------------|-----|
| Written examination | 25% |
| Oral examination | 20% |
| Record Review | 20% |
| Mayor and Council Interview | 35% |

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Police Chief subject to satisfactory psychological examination and certification by a Borough selected physician stating that the candidate is able to perform the essential functions of the Police Chief title.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§9-26(B) Promotion to Rank of Lieutenant

A. The Borough of Matawan Governing Body desires to promote the most qualified candidate to the position of Lieutenant. This ordinance establishes the eligibility requirements and the process for promotion to Lieutenant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the Matawan Police department. No person shall be eligible for promotion to Lieutenant unless he or she shall have served as a full-time police officer in the Borough of Matawan Police Department for a period of ten (10) years or more. Promotions to the rank of Lieutenant shall be open to members of the next lowest rank who have served at least two (2) years in said rank, unless the Mayor and Council, in the best interest of the department, chooses to test a wider pool of candidates, in which case they may open testing to the next lower rank and/or reduce the length of time requirement in rank.

B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Matawan Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and the Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy percent (70%) on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Police Chief or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3)

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examiners, at least one of whom shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Matawan. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy percent (70%).

**The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Police Chief and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.*

3. *Record Review and Interview by the Mayor and Council and Police Chief.*

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy percent (70%) on the oral examination and receive a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and the Police Chief. The record review shall be conducted by the Borough Administrator and the Police Chief.

(a) *The interview with the Mayor and Council and Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Matawan’s form of government, knowledge of the Police Department ordinances, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate’s responses to same.*

(b) *The Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:*

Specialized Training (e.g. FBI Academy) 0 to 3 points
Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points
All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points
+1 point for each commendation up to maximum of 3 points.

Education
Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

| | |
|---------------------------|-----------------|
| <i>Associate’s Degree</i> | <i>1 point</i> |
| <i>Bachelor’s Degree</i> | <i>2 points</i> |
| <i>Master’s Degree</i> | <i>3 points</i> |
| <i>PhD (JD) Degree</i> | <i>4 points</i> |

Military Experience
Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Rank of Sergeant or lower 1 point
Any rank above Sergeant 2 points

Disciplinary Actions
Each major sustained discipline (more than 5 day) -2 points. Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

4. *The weight or percentage of each portion of the process shall be as follows:*

| | |
|----------------------------|------------|
| <i>Written examination</i> | <i>25%</i> |
| <i>Oral examination</i> | <i>20%</i> |

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| | |
|------------------------------------|-----|
| Record Review | 20% |
| Mayor, Council and Chief Interview | 35% |

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Lieutenant subject to satisfactory psychological examination and certification by a Borough-selected physician stating that the candidate is able to perform the essential functions of the Lieutenant title.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§9-26(C) Promotion to Rank of Sergeant

A. The Borough of Matawan Governing Body desires to promote the most qualified candidate to the position of Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to Sergeant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Matawan Police department. No person shall be eligible for promotion to Sergeant unless he or she shall have served as a full-time police officer in the Borough of Matawan Police Department for a period of ten (10) years or more.

B. The Police Chief shall announce the promotional process to members of the department at least thirty (30) days before the written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Police Chief of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Promotion Testing Procedure:

The promotion testing procedure for the Borough of Matawan Police Department shall consist of the following: a written examination, an oral examination, a psychological examination, a record review and interview with the Mayor and Council and Police Chief.

1. Written Examinations*: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy percent (70%) on the written examination.

2. Oral Examinations*: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of whom shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of Matawan. To proceed to the record review and interview portion of the promotional process, a candidate must achieve a minimum score of seventy percent (70%).

* The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

3. Record Review and Interview by the Mayor and Council and the Police Chief.

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and a minimum score of seventy percent (70%) on the oral examination and receive a satisfactory psychological examination shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council and Police Chief. The record review shall be conducted by the Borough Administrator and the Police Chief.

(a) The interview with the Mayor and Council and the Police Chief shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Matawan's form of government, knowledge of the Police Department ordinances, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A.

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40A:14-118. The Mayor and Council and Police Chief shall grade each candidate on a thirty-five (35) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b) The Borough Administrator and Police Chief shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a twenty (20) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

Specialized Training (e.g. FBI Academy) 0 to 3 points
Each completed course +1 point to a total of 3 points.

Performance Evaluations 0 to 8 points
All previous performance evaluations shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

Commendations 0 to 3 points
+1 point for each commendation up to maximum of 3 points.

Education
Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

| | |
|--------------------|----------|
| Associate's Degree | 1 point |
| Bachelor's Degree | 2 points |
| Master's Degree | 3 points |
| PhD (JD) Degree | 4 points |

Military Experience
Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

| | |
|---------------------------|----------|
| Rank of Sergeant or lower | 1 point |
| Any rank above Sergeant | 2 points |

Disciplinary Actions
Each major sustained discipline (more than 5 day) -2 points.
Each minor sustained discipline (5 day suspension or less including written reprimands) -1 point. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

4. The weight or percentage of each portion of the process shall be as follows:

| | |
|------------------------------------|-----|
| Written examination | 25% |
| Oral examination | 20% |
| Record Review | 20% |
| Mayor, Council and Chief Interview | 35% |

E. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant subject to satisfactory psychological examination and certification by a Borough-selected physician stating that the candidate is able to perform the essential functions of the Lieutenant title.

F. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

§9-26(D) Acting Designation; No Office or Position Created

A. The Mayor and Council of the Borough of Matawan have the discretion and authority to assign the functions and duties of superior officer ranks, once the Mayor and Council of the Borough of Matawan have certified by resolution that the position of any superior officer rank is vacant. Until a superior officer rank is filled, the Mayor and Council may designate an officer who is qualified to perform the functions and duties of any superior officer rank in an acting capacity.

B. It is explicitly understood that no office or position of any kind is created by the assignment of functions and duties of a higher rank to an officer of a lower rank on an acting basis. Such designation shall also

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not be considered an appointment to a position, nor constitute a promotion. Such designation shall not entitle the officer to any additional compensation or other emoluments of office unless specifically provided for in a collective bargaining agreement or the Borough of Matawan Personnel Policies and Procedures Manual. The officer fulfilling such assignment is not and is not intended to constitute the holding of a de facto office or position within the meaning of N.J.S.A. 40A:9-6 or any other law. The officer designated in an acting capacity shall continue to fulfill the assignment at the pleasure of the Mayor and Council.

- 2) **Section 9-29 et seq.** entitled, "Policy Concerning Initial Hiring of Police Officers," is repealed and replaced with the following:

§ 9-29 POLICY CONCERNING INITIAL HIRING OF POLICE OFFICERS:

I. FIRST PHASE

A. *When a vacancy exists, the Chief of Police shall forward a request to the Matawan Borough Council to hire a Police Officer. The Chief, after receiving approval to hire a new officer, shall fill the vacancy as follows:*

1. *Accept applications from trained officers with New Jersey Police Training Commission Certificates.*

(a) *Sworn officers from other agencies.*

(b) *Alternate route officers from police academies.*

2. *Accept applications from any individual interested in serving as a Police Officer.*

3. *Advertise in the local newspaper.*

(a) *The advertisement shall be for a two-week period.*

(b) *The advertisement will indicate the filing deadline.*

B. *All applications shall be given out and collected at police headquarters.*

C. *When a candidate is given an application, the time, date and location of the written test will be attached.*

D. *When the desk officer provides a candidate with an application, he/she shall complete the information on the applicant list form.*

E. *When the application is returned, the desk officer on duty shall:*

1. *Place a check in front of the applicant's name on the applicant list.*

2. *Collect the application and attach a \$10.00 money order or a certified check that is made payable to the New Jersey State Association of Chiefs of Police.*

3. *Give the applicant a numbered test booklet after recording the booklet number next to the applicant's name.*

4. *The desk officer shall place the application, with the money order or certified check attached, in the Chief's office box.*

F. *When the applications are received by the Chief, he shall check to ensure that the appropriate fee has been rendered and attached to the application form.*

1. *He shall stamp the date that the application was received.*

2. *All original applications are to be forwarded to the Chief's office.*

3. *The Chief shall forward the checks or money orders to the appropriate Chief's Association.*

G. *The Chief, or his designee, shall arrange for the testing locations for the written, physical and oral testing phases.*

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1. *The Chief, or his designee, will be responsible for making all the proper notifications to the applicants.*

2. *Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the testing or interview process.*

H. Eligibility

1. *Must be a citizen of the United States.*
2. *Must possess a high school diploma, or equivalency.*
3. *Must be of good moral character.*
4. *Must be at least eighteen (18) years old.*
5. *Must not have been convicted of a crime.*
6. *Must possess a valid New Jersey driver's license.*

II. SECOND PHASE – WRITTEN EXAMINATION

A. *Applicants shall submit to a written examination.*

1. *In order for an applicant to move on to Phase III, the applicant must attain a minimum score of 70% on the written examination.*

B. *The written examination shall be administered by the New Jersey State Association of Chiefs of Police.*

C. *The applicant must be present at the testing location on the date and time specified. If the applicant does not report to the testing location as specified, he shall be ineligible for further consideration for the current vacancy.*

1. *The applicants may apply their written test scores and be eligible when another vacancy exists within the appropriate time frame.*

D. *Written test scores shall be submitted to the designated representative and forwarded to the Chief of Police for review.*

E. *All applicants who do not qualify to participate in the next phase shall be notified in writing and their written test score shall be included.*

F. *If an applicant has taken the New Jersey Chief of Police examination for another agency, he may apply his test score and be exempt from taking the test again. The test score must be current.*

1. *For the purposes of this section, "current" shall mean that the applicant took the written examination within one (1) year of the posted test date.*

G. *Applicants possessing a valid New Jersey Police Training Commission Certificate will be subject to the departmental interview process and not required to take a written examination.*

III. DEPARTMENT ORAL INTERVIEW PHASE

A. *The department interview shall be directed by the Chief of Police and/or an officer designated by the Chief of Police.*

B. *The Chief of Police shall appoint a department Oral Board committee. The Oral Board committee shall evaluate and rank the candidates. The committee shall consist of personnel representing different ranks within the organization.*

C. *The candidates will then be ranked and selected for the Background Investigation Phase.*

IV. BACKGROUND INVESTIGATION

A. *When a candidate has successfully passed Phases I, II, and III of this process, a background investigation is to be initiated.*

B. *The completed background investigation shall be evaluated by the Chief of Police and the Investigative Division Commander.*

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V. MEDICAL EXAMINATION

- A. *The Matawan Borough Police Department shall pay for the applicant to be examined.*
 - 1. *The Chief of Police shall designate the physician and arrange for the appointment.*
- B. *The physician shall be provided with the department Medical Examination Form and instructed to complete the appropriate sections.*
- C. *Blood and urine analysis is to be conducted for every applicant examined.*
 - 1. *A screen for drugs in the applicant's system is to be conducted.*
- D. *The completed medical form is to be picked up from the physician by the officer assigned and reviewed by the Chief of Police.*
- E. *If a candidate's medical examination reflects that the applicant has traces of a controlled dangerous substance in their system, he is to be disqualified from the selection process.*
- F. *Any other medical problem, other than traces of controlled dangerous substances in the applicant's system, is to be thoroughly reviewed by the physician and a determination made as to the applicant's fitness for police work.*

VI. SUCCESSFUL CANDIDATE(S)

A. The successful candidate or candidates, if more than one position, will be presented to the Mayor and Council for final approval and appointment. The initial year of employment is a one-year probationary period during which time the candidate may be removed for any cause, and without notice. Termination during the probationary period is not grievable. The successful candidate shall be subject to satisfactory completion of a psychological evaluation to be presented to him at least three (3) days in advance of the actual appointment, and he or she will be notified of the time, location, name of consultation team and date. The psychological evaluation is designed to provide the department with dimensional information about a successful candidate that will assist in the selection process. The Chief of Police shall interpret the psychological evaluation report. If a successful candidate does not successfully pass the psychological examination, he or she is disqualified from appointment. All medical records are to be treated as confidential with access limited in accordance with the HIPAA requirements; the medical records must be kept in a separate file.

VII. EXEMPTIONS

- A. *A candidate for employment may be exempted from the selection process as set forth in Articles I through IV, herein above, if such a candidate has previously been certified by the New Jersey Police Training Commission as a law enforcement officer; and if that candidate is currently employed as a law enforcement officer with a bona fide law enforcement agency. Any such candidate will still be subject to the eligibility requirements set forth in Article I.*
- B. *A candidate for employment may only be granted exemption status by action of the Governing Body upon the advice and recommendation of the Chief of Police. The Chief of Police shall recruit and interview qualified candidates and may reject any and all candidates prior to submission to the Governing Body.*
- C. *Such candidate shall still be subject to the requirements of Article III, Department Oral Interview Phase, Article IV, Background Investigation, Article V, Psychological Evaluation, and Article VI, Medical Examination.*
- D. *Once the Police Chief interview, the psychological testing and medical examination have been completed, the Chief shall present the candidate to the Governing Body for its consideration. The Governing Body may, in its discretion, either accept or reject any candidate recommended by the Chief of Police.*
- E. *The Chief of Police may not interview any candidates under this Section until he has first received formal authorization from the Governing Body. When granting formal authorization to commence this process, the Governing Body shall set the salary range and benefits for any candidate to be hired under this Section.*

VIII. SUMMARY

- A. *All applicants shall be notified of the test date, time and place at least five (5) days prior to the test.*
- B. *All applicants that are rejected at any phase of this testing process shall be notified in writing by the Chief of Police within fifteen (15) days after the testing date.*

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C. All testing results will remain confidential and will not be released to any person or agency unless specifically authorized by the individual applicant or required by law.

3) ***SEVERABILITY***

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

4) ***REPEALER***

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5) ***EFFECTIVE DATE***

This Ordinance shall take effect after final passage as provided by law and shall be applied to any promotion for Police Chief, Lieutenant and Sergeant after January 1, 2014.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

There were no comments.

Mayor Buccellato closed the Privilege of the Floor.

Adjournment

Mayor Buccellato requested a motion to adjourn. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

Meeting adjourned at 7:55 PM.

Karen Wynne, RMC
Municipal Clerk