

Borough of Matawan

Public Notice of Pending Ordinance 20-04

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on March 3, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on April 7, 2020 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 20-04

AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MATAWAN CHAPTER 2 ADMINISTRATION SECTION 2-62 CONTRACTOR REQUIREMENTS FOR SPECIAL DUTY ASSIGNMENT(S) OF POLICE OFFICERS

WHEREAS, Chapter 2 of The Revised General Ordinances of Matawan [the "Ordinance"] regulates the operation of the Police Department within the Borough of Matawan (the "Borough"); and

WHEREAS, Section 2-62 addresses the operation of the Police Department as it concerns "Special Duty Assignment(s) for Police Officers"; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan that the Code of the Borough of Matawan, Chapter 2 Administration, Section 2-62, be amended as follows:

2-62 CONTRACTOR REQUIREMENTS FOR SPECIAL DUTY ASSIGNMENT OF POLICE OFFICERS.

2-62.1 Contractor Requirements.

a. All primary contractors performing construction within the Borough of Matawan shall use Matawan Borough Police Officers on Special Duty Assignment when it shall be necessary for performance of traffic control duties;

b. Prior to requiring Special Duty Services, the contractor will provide the Borough via their contracted service provider, with the following information:

1. Description of project and special duty assignment;
2. Number of Officers required;
3. Date from and to that an Officer will be required;
4. Time from and to that an Officer will be required;
5. Location of assignment;
6. Project contractor if other than contractor calling for Special Duty Assignments;
7. Company contact person; and
8. Telephone and fax number or email of company contact person.

c. The contractor shall pay for services rendered as follows:

1. Police Officer hourly rate – The prevailing hourly overtime rate of a Sergeant in accordance with the Collective Bargaining Agreement between Matawan PBA Local #179 and the Borough of Matawan.
2. Police Vehicle fee – Five dollars (\$5.00) per hour per vehicle assigned to a Police Special Duty Assignment.
3. Administrative fee – Twelve dollars (\$12.00) per hour for each Police Special Duty Assignment.
4. Other fee – A percentage set by the approved contracted third-party vendor responsible for administering all Police Special Duty Assignments for the Borough of Matawan and the Matawan Police Department.
5. The vehicle fee can be waived upon approval of the Chief of Police if the vehicle is deemed not to be actively used in the performance of the Special Duty Assignment and was used solely as a means of transportation.

- i. In the absence of the availability of any Matawan Borough Police Officer to undertake Special Duty Assignment for traffic control duty at construction sites, the Chief of Police may, at his/her discretion, assign a Class II Special Law Enforcement Officer to undertake the traffic control duties.

d. Any Police Officer assigned to Special Duty Assignment shall not be considered as an employee or agent of the contractor.

e. Contractors requiring the duty of Police Officers for Special Duty Assignment shall conform to those requirements as set forth by the Borough and its contracted third-party vendor.

NOTE: The reference to Police Officers in this section shall include Class II Special Police Officers as clarified by subsection 2-62.2d(1).
(Ord. No. 97-15 § 1; Ord. No. 12-11)

BE IT FURTHER ORDAINED, any Ordinances or portions which are inconsistent with the provisions of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORADINED, this Ordinance shall take effect upon passage, adoption and publication, pursuant to law.