

BOROUGH OF MANASQUAN AGENDA
August 14, 2023 7:00 PM

This Regular Meeting of the Mayor and Council of the Borough of Manasquan is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough. This agenda is complete to the extent known and formal action will be taken.

As a courtesy to the public this meeting may be attended via zoom. If for any reason the zoom portion of this meeting fails or is disconnected the in-person meeting will continue and action can/will be taken. After signing in you will be put into a meeting room and the Municipal Clerk will allow you access just before the meeting time.

<https://us06web.zoom.us/j/8830046931> or 1-646-876-9923

ID# 883 004 6931

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Audience Participation - Limited to Agenda Items Only (time limit of 5 minutes)

Approval of Minutes

1. Regular Meeting Minutes - July 10, 2023
2. Regular Meeting Minutes - July 24, 2023

Other Items

1. Engineer's Monthly Report

Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately.

1. 215-2023 Refund Planning Board Escrow - Various
2. 216-2023 Appointing Additional Beach Staff
3. 217-2023 Formally Designating 27 Osborn Avenue as Manasquan Community Senior Center
4. 218-2023 Authorizing Return of Street Opening Security - 321 Cedar Avenue
5. 219-2023 Honoring Walter (Wally) Wall by Naming the Inlet Gazebo "Wally Wally Inlet Gazebo"
6. 220-2023 Return of Security Deposit - Coast Rehabilitation Physical Therapy
7. 221-2023 Appoint Summer Recreation Camp Staff - Pollock
8. 222-2023 Authorizing Execution of Commodity Resale Agreement - County of Monmouth
9. 223-2023 Change Order & Final - Curtis Park Improvements
10. 224-2023 Return Dumpster Security - 324 Perrine Blvd.
11. 225-2023 Awarding First Avenue Improvements Phase II Contract - Black Rock Enterprises
12. 226-2023 Declining MC Municipal Open Space Grant for Curtis Park Improvement Project Phase III
13. 227-2023 Authorizing Scope of Work First Avenue Improvements Phase II Project - Colliers Engineering
14. 228-2023 Authorizing Execution of CDBG Agreement - Euclid Avenue Area Improvements Phase II
15. 229-2023 Adopting Excessive Force Policy
16. 230-2023 Authorizing Tax Exempt Status for Disabled Veteran - Mihok
17. 231-2023 Authorizing Execution of Certification Prohibiting Use of Excessive Force and Use of Federal Funds for Lobbying
18. 232-2023 Appreciation to Monmouth County for Broad Street Drainage Improvements
19. 233-2023 Payment of Bills

Ordinances - Second Reading

- [1.](#) 2408-23 AMEND CHAPTER 7 (TRAFFIC) SECTION 7-31.1b (REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON MUNICIPAL PROPERTY AND BOARD OF EDUCATION PROPERTY) AND AMENDING SECTION 7-25.3 (HANDICAPPED PARKING IN MUNICIPAL PARKING LOTS AND BOARD OF EDUCATION PROPERTY)

Committee Reports

Audience Participation On Any Subject (comments limited to 5 minutes)

Adjournment

Borough of Manasquan
Engineering Status Report
Through July 2023

A. ACTIVE ENGINEERING CAPITAL PROJECTS

1. Sea Watch Recreational Improvements Final Design

This project consists of the final design for improvements at the Sea Watch Recreational Area. It is our understanding that the Borough would like to construct a raised one-story structure and improve the property for the purpose of providing multiple recreational uses for the community.

Anticipated facilities for beach goers include locker rentals, a sundries store, public restrooms, and a concession stand with an area for informal dining. We believe that to better enhance the recreational area, site improvements will also be needed for this project. Site improvements that have been discussed are improved ADA accessibility where needed within the site, the addition of sufficient bicycle parking, and reconfiguration of the existing parking lot.

Status: A proposal was authorized on December 2, 2019 and a kickoff meeting took place on December 20, 2019. Programming and feasibility are underway. Topographic and Boundary Survey have been completed. A meeting with Green Acres took place on March 12, 2020 to review uses within the property limits. A programming meeting took place with the project team on March 27, 2020. Further discussion between the Borough and the Project Team has been ongoing. Currently, the programming exercise for the building is ongoing to determine the necessary square footage based on the Borough's requested building uses. A conceptual plan of the building consisting of footprints and elevation views of the proposed building was provided to the Borough on June 12, 2020. A MCAC meeting occurred July 1, 2021. The conceptual site plan was provided to the Borough on July 23, 2021. A public meeting was held on August 12, 2021 and also discussed on August 17, 2021. A follow up public meeting was held on September 21, 2021 to discuss a revised concept. An NJDEP CAFRA Pre-Application meeting occurred in late January. The Conceptual Site Plan was provided to the Borough. The CAFRA package was submitted to NJDEP in June of 2021. Colliers Engineering & Design (CED) responded to comments received by NJDEP in late August and is awaiting the application to be deemed Administratively Complete. This project has entered the Public Comment Period which ran until December 17, 2021. A decision from NJDEP is expected 60 days after that date. CED has received comments from NJDEP and responded in January 2022. NJDEP has approved the technical modification to the previously approved Individual Permit. The project received certification from the Freehold Soil Conservation District. Bids were received in May of 2023 and rejected. **The project was awarded to Sea Wolf Construction on July 24, 2023. A Pre-Construction meeting is slated for early August. Construction is slated for Fall 2023 with substantial completion by May 2024.**

2. Mount Lane Roadway and Drainage Improvements

This project consists of road and drainage improvements along Mount Lane between Euclid Avenue and Virginia Avenue that has a history of drainage problems that cause dangerous ponding conditions. The estimated total construction cost for the project is approximately \$240,000.00; however, the estimate will be subject to change based upon revisions to the project scope. This project site is known for its chronic ponding, especially along Mount Lane's northern portion. Our goal is to improve the drainage throughout the project site that will help reduce nuisance flooding. ADA upgrades will be completed where required, as well as repairs to sidewalk and driveway aprons as needed. The entire project scope will be milled and overlaid upon completion of the improvements.

Status: Topographic Survey is complete. Design is ongoing. Recent information has informed us that South Monmouth Regional Sewerage Authority (SMRSA) is performing an analysis of the force main along Mount Lane and this project will be on hold until SMRSA informs the Borough about the severity of the required repairs. SMRSA informed the Borough no project will be required. This project was advertised in January of 2023 with Spring Construction planned. Bids were received and award was made in February. **Construction is complete with the exception of punchlist and project closeout.**

3. Curtis Park – Final Design

This project will look at the various components and uses that are desired by the stakeholders for improvements to Curtis Park, and work with the Borough on developing a concept that will attempt to conceptualize these items into a plan that will fit the site and be within the project budget.

This phase assumes the preparation of one (1) concept with two (2) rounds of minor revisions to address client comments and a preliminary engineer's estimate. Once concepts are reviewed and approved, our team will prepare a schematic estimate of probable cost of construction for the Borough. The intent is to provide concepts that fit within the Borough's budget for this project.

Status: An internal kickoff meeting took place and conceptual design is underway. Conceptual plans were developed and released in October 2021. Public feedback has been accumulated and revised concepts have been internally reviewed and coordinated. An updated concept plan was presented in early December. A proposal for Final Design and Bidding was authorized by Council at the 2nd meeting in December. Survey Services have been completed. An updated Conceptual Plan has been submitted to the Borough. A public meeting to gain input was conducted at the end of January. This project was awarded at the June 13th meeting. A Pre-Construction meeting was held in early July. This project is significantly complete. NJDCA Local Recreation Improvement Grant (LRIG) reporting and reimbursement activities are complete and the Borough should receive the \$55,000 grant draw down shortly. **Project is being closed out.**

4. First Avenue Improvements – FY 2021 Local Aid

First Avenue is an essential roadway that provides access to the beach for the entire Borough. We know that the Borough wishes to proceed with the road improvements in an expedited manner after the summer season concludes on Labor Day and we have structured our services to accommodate the Borough's desired schedule. The Borough recently received an FY 2021 NJDOT Municipal Aid Grant in the amount of \$305,000.00 for the roadway project and will be looking at alternative funding to get the most value in this contract. The current project limits are from the Northern Terminus to East Main Street.

Status: Authorization took place on March 15, 2021. Survey of all of First Avenue is currently underway and is expected to be completed by Mid-April with design to follow. Design is slated to be from the Northern Terminus to East Main Street. Resident notices have been provided as a template to the Borough with the intent to submit to residents this Spring so that any utility work can be completed prior to the Fall. Design has been completed. NJDOT Local Aid has provided the Borough authorization to advertise the project. This project was awarded to Fernandes Construction in mid-August. A pre-construction meeting occurred in September and Construction began in mid-October and ceased in December due to inclement weather. All concrete curb, gutter, sidewalk, driveway, and ADA compliant ramps have been completed. Milling and paving have started and will be completed prior to the meeting. Punchlist work has been completed. **We are in Project Closeout with NJDOT Local Aid.**

5. First Avenue Improvements – FY 2022 Local Aid

First Avenue is an essential roadway that provides access to the beach for the entire Borough. We know that the Borough wishes to proceed with the road improvements in an expedited manner after the summer season concludes on Labor Day and we have structured our services to accommodate the Borough's desired schedule. The Borough recently received an FY 2021 NJDOT Municipal Aid Grant in the amount of \$250,000.00 for the roadway project and will be looking at alternative funding to get the most value in this contract. The current project limits are from the Main Street to Riverside Drive.

Status: Authorization took place on February 22, 2022. **Design is complete. At the time of this report, the project is being advertised and bids will be received on August 8, 2023 with an expected award at this meeting. Construction will commence this Fall.**

6. East Virginia Avenue and South Street Pump Station Improvements

This project includes proposed upgrades to the South Street Pump Station and East Virginia Avenue Pump Station in the Borough. Based on that initial investigation and discussion with Borough representatives, the following improvements to these pump stations are proposed: Replace dry well pumps with wet well submersible pumps at both pump stations; Install new piping in wet well and new valve chamber at both pump stations; upgrade controls at both pump stations and replace level sensing equipment in wet wells; Clean and epoxy coat wet wells; modify wet wells to increase diameter of upper sections for pump removal and add hatches; Install

bypass connection on the South Street Pump Station force main; and, add mixers or appropriate pumps to wet wells of both pump stations to mitigate grease buildup issues.

Status: Authorization took place in April 2022. Design was completed. Bids were received on June 30th. The Borough has awarded this project and a Pre-Construction meeting took place in October. **Shop Drawing Review is complete and the Contractor has mobilized at the East Virginia Lift Station. This portion of the project will be complete in mid-September. South Street Lift Station improvements will then take place and be completed in mid-October.**

7. South Street Parking Lot Improvements

This project includes proposed upgrades to the parking area at South Street which has deteriorating pavement and is in need of replacement/renovation. We understand there is a sentiment that various expansions were performed over the years, but after inspection, it appears the full site was not fully repaved and instead occurred in various smaller projects. This has led to many cracks and areas of settling that have become tripping hazards. This project will provide a full overlay of the parking lot along with site improvements.

Status: Authorization took place in February 2023. Design is completed. Bids were received and an award was made in May of 2023. **Construction is substantially complete and we are handling punch list and project close out.**

8. North Main Street Parking Lot Improvements

This project includes proposed upgrades to the parking area at North Main Street which has deteriorating pavement and is in need of replacement/renovation. As part of this project, the DCI building will be removed and the parking lot will expand to support the community. This project will provide a full overlay of the parking lot along with site improvements.

Status: Authorization took place in February 2023. **Bids were received and an award is to be made at the July 10th meeting. Construction is currently underway with improvements expected to be completed in August.**

9. Water Storage Tank Painting and Repairs

This project involves the repair and painting of the 300,000-gallon elevated finished water storage tank located at the Water Treatment Facility. Painting and repairs included in the project documents will be as recommended in the Suez report from the October 2020 inspection. With water demand being significantly higher during the summer months, the project documents will limit repairs and painting such that the tank can remain in service between Memorial Day and Labor Day. This project is in conjunction with another task involving the interconnection study that the Borough is looking to develop when the water tank goes offline.

Status: Authorization took place in February 2023. **Design is ongoing. The Borough is coordinating with New Jersey American Water, as well as surrounding entities such as Brielle, Sea Girt, and Wall Township as it related to interconnections that may be used during the tank shut down.**

B. GRANTS & FUNDING

1. NJHT Grant Management Assistance for Squan Beach Life Saving Station

The Borough was awarded a \$75,000.00 New Jersey Historic Trust (NJHT) Level I Capital Preservation Grant for Exterior Repairs at the Squan Beach Life Saving Station. The grant will be used to partially reimburse the Borough for the exterior repairs at the Squan Beach Life Saving Station project, part of which was completed. Our office is assisting with management and implementation of the grant. A kickoff meeting was held April 18, 2018.

Status: The grant agreement has been executed and our office is assisting with this request for reimbursement. A meeting was held with the Borough, CED and the NJHT on September 26, 2019. The historical architect and preservation committee are refining the scope of re-bid of remaining project items to draw down the entire grant balance. A hearing was held on March 2, 2020 on the adoption of prequalification regulations for general restoration contractors for the anticipated bid. Bid opening took place August 6, 2020. **Our office is working with the NJHT and Borough on reporting and reimbursement activities.**

2. 2023 Monmouth County CDBG

While the Borough has not received official notice that a 2022 round grant was denied, the 2022 application did not preliminarily fall within the County's fundable range. We are preparing to submit the same project, Euclid Ave Improvements Phase 2, for the 2023 round. The deadline was July 22, 2022.

Status: Application submitted. **Preliminary rankings were announced in September 2022 with award expected in Summer 2023. As of mid-June, the County was awaiting grant agreements from HUD.**

3. 2022 Monmouth County Municipal Open Space

An application was submitted on September 15th for Curtis Park Phase III.

Status: Awards expected to be made at a County Board of Commissioners meeting in December 2022. **The Borough was notified in March 2023 of a \$90,000 award.**

4. **FY 2024 Congressionally Directed Spending and Community Project Funding**

Applications were submitted March 17th and March 24th to Senator Booker, Senator Menendez, and Congressman Smith's office for the Stockton Lake Bulkhead project for consideration in the appropriations bill.

Status: The project was included in the lists of requested/recommended projects for Senator Booker and Senator Menendez's offices. The project was not included in Congressman Smith's request. Notice of the inclusion in the final appropriations bill is expected in September 2023.

5. **2023 NJDOT Local Transportation Projects Fund (LTPF)**

An application is in progress for NJDOT's discretionary grant program to fund the Stockton Lake Bulkhead project, due by June 2, 2023.

Status: Application was submitted. Award announcements are expected in Summer 2023.

6. **2024 NJDOT State Aid**

An application is in progress for a Municipal Aid Grant for First Avenue Phase 3 & Riverside Drive, due July 1, 2023.

Status: Application was submitted. Award announcements are expected in November 2023.

7. **Monmouth County 2023 Municipal Park Improvement Grant Program**

An application was submitted for Winterstella Park Playground Improvements, due July 13, 2023. A public hearing was held July 10, 2023.

Status: Application was submitted. Awaiting approved meeting minutes after the August 24, 2023 meeting. Award announcements are expected in October 2023.

JJR/KH/sab

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**BOROUGH OF MANASQUAN
RESOLUTION
215-2023**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies is due to the following:

NAME: ROBERT MCCARTHY
 557 BRIELLE ROAD
 MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
 APPLICATION #39-2021
 557 BRIELLE ROAD
 BLOCK: 182.01 LOT: 30
 AMOUNT OF REFUND DUE: \$1,383.50

NAME: MJN LLC.
 46 RIDGE AVENUE
 MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
 APPLICATION #49-2021
 25 BROAD STREET
 BLOCK: 35 LOT: 19
 AMOUNT OF REFUND DUE: \$450.75

NAME: CAROLYN GRAPEL
 19 ALLEN AVENUE
 MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
 APPLICATION #28-2021
 19 ALLEN AVENUE
 BLOCK: 21 LOT: 7.01
 AMOUNT OF REFUND DUE: \$741.75

NAME: RALCO BUILDERS
 139 UNION AVENUE, UNIT A
 MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
 APPLICATION #50-2021
 139 UNION AVENUE
 BLOCK: 118 LOT: 17.01
 AMOUNT OF REFUND DUE: \$534.75

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
216-2023**

WHEREAS, the Borough of Manasquan is desirous of appointing additional Beach Staff for the 2023 Season; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 14th day of August 2023 appoint the following Beach Staff to work during the 2023 Season:

Name	Town	Title	Rate of Pay (Hourly/Salary/Seasonal)	Effective Date	Hours (Part Time/Seasonal)
BEACH NON-LIFEGUARD					
Hayden Schwartz	Manalapan	Badge Checker/booth	\$13/\$14	7/20/23 - 9/30/23	Seasonal
Christian Matthews	Manasquan	Badge Checker/booth	\$13/\$14	7/20/23 - 9/30/23	Seasonal
Adrianna Marshall	Howell	Badge Checker/booth	\$13/\$14	7/20/23 - 9/30/23	Seasonal
Sarah Sharpe	Manasquan	Badge Checker/booth	\$13/\$14	7/20/23 - 9/30/23	Seasonal

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on August 14, 2023.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
217-2023**

WHEREAS, the Borough of Manasquan owns the property and building located at 27 Osborn Avenue (also known as 63 Atlantic Avenue and Lot 1.03 and Block 32); and

WHEREAS, it is the desire of the Governing Body to formally designate this property and building as a community center for use primarily by the Manasquan Seniors group and other local civic groups.

THEREFORE, BE IT ORDAINED AS FOLLOWS:

The building at 27 Osborn Avenue shall be named The Manasquan Community Senior Center and is hereby designated for use by the Manasquan Seniors group and other local civic groups.

Use of the building and scheduling of events shall be managed and administered by the Manasquan Borough Superintendent of Recreation or their designee.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
218-2023**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies are due to the following:

NAME: RYAN KROZSER
137 TRADESMAN LN
SAINT JOHNS, FL 32259

AMOUNT OF REFUND DUE: \$2,500.00

REASON FOR REFUND: STREET OPENING
2nd RETURN
SO# 36/22
321 CEDAR AVENUE

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA			___ YES	___ NO		

**BOROUGH OF MANASQUAN
RESOLUTION
219-2023**

WHEREAS, Walter “Wally” Wall served as the Beach Manager for the Borough of Manasquan for 15 years from 2005 through 2020; and

WHEREAS, Mr. Wall’s tenure was marked by consistently and remarkably successful Manasquan Beach seasons; and

WHEREAS, during his tenure, Mr. Wall became a well-known and welcoming leader and presence for countless beachgoers, lifeguards, beach staff, etc.; and

WHEREAS, it is the desire of the Manasquan Mayor and Council to recognize and permanently memorialize Mr. Wall’s legacy and service to Manasquan Beach.

NOW THEREFORE BE IT RESOLVED that the gazebo at Inlet Beach shall be permanently named the Wally Wall Inlet Gazebo in honor of Mr. Wall’s legacy and service.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
220-2023**

WHEREAS the Borough of Manasquan owns the property located at 27 Osborn Avenue; and

WHEREAS, Complete Orthopedic and Sports Therapy, LLC d/b/a Coast Rehabilitation Physical Therapy (Coast Rehabilitation) was the tenant of the building located at 27 Osborn Avenue; and

WHEREAS, as part of the tenant’s lease agreement, the Borough maintained on deposit the tenant’s security deposit in the amount of \$8,900; and

WHEREAS, this tenancy relationship was permanently terminated on June 30, 2023; and

WHEREAS, subsequent to the tenant vacating, the premises had been found to be in satisfactory and broom clean condition.

NOW THEREFORE BE IT RESOLVED, the governing body directs that the security deposit be returned in full to Coast Rehabilitation.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
221-2023**

WHEREAS, the Borough of Manasquan is desirous of appointing Summer Recreation Camp Staff for the 2023 Season; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 14th day of August 2023 appoint the following Summer Recreation Camp Employee to work during the 2023 Season:

Name	Title	Rate of Pay (Hourly/Salary/Seasonal)	Effective Date From and To	Hours (Part Time/ Seasonal)
Liam Pollock	Camp Counselor	\$12/hour	7/26/23- 8/4/23	Seasonal

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on August 14, 2023

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___YES ___NO						

**BOROUGH OF MANASQUAN
RESOLUTION
222-2023**

**AUTHORIZING THE EXECUTION OF A COMMODITY
RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174-MCCRS); for the period of October 1, 2023, through September 30, 2028; and

WHEREAS, it would be in the best interest of this Municipality to remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Manasquan that the Mayor and Municipal Clerk be and are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Director of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, NJ 07728.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on August 14, 2023.

BARBARA ILARIA, RMC,CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___YES ___NO						

**BOROUGH OF MANASQUAN
RESOLUTION
223-2023**

CHANGE ORDER NO. 2 & FINAL

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Curtis Park Improvements

ENGINEER: Collier Engineering & Design
331 Newman Springs Road
Red Bank, NJ 07701

CONTRACTOR: Precise Construction, Inc.
1016 Highway 33
Freehold, NJ 07728

CHANGE ORDER NO. 2 & FINAL

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$(33,138.00)

TOTAL ORIGINAL CONTRACT PRICE \$354,985.00

REVISED CONTRACT PRICE \$344,597.00

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on August 14, 2023.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOLLY						
LEE						
MANGAN						
OLIVERA						
READ						
TRIGGIANO						
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 20, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Chief Financial Officer.

MARK G. KITRICK

Mark G. Kitrick, Esq.
Municipal Attorney
2329 Route 34 South
Suite 104
Manasquan, NJ 08736

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 14th day of August 2023, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the proposed contract, which is pending approval by the governing body:

2. The funds certified herein as being available for the aforementioned contract have not been certified by the undersigned as being available for any other contract now pending or in force.

Account: _____

Amy Spera
Chief Municipal Financial Officer

**BOROUGH OF MANASQUAN
RESOLUTION
224-2023**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies are due to the following:

NAME: STREVENS BUILDING CORPORATION
302 WASHINGTON AVENUE
SPRING LAKE, NJ 07762

AMOUNT OF REFUND DUE: \$1,000.00

REASON FOR REFUND: Dumpster Security-324 Perrine Blvd

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
225-2023**

**RESOLUTION AWARDING A CONTRACT FOR FIRST
AVENUE IMPROVEMENTS PHASE II IN THE
BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH STATE OF NEW JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for First Avenue Improvements Phase II; and

WHEREAS, the bids submitted for this project were:

BIDDER	BASE BID	ALTERNATE A BID	TOTAL BASE + ALTERNATE A
Black Rock Enterprises	\$1,369,000.00	\$15,000.00	\$1,384,000.00
Seacoast Construction	\$1,869,414.80	\$12,500.00	\$1,881,914.80
Earle Asphalt Company	\$1,992,113.13	\$15,500.00	\$2,007,613.13

WHEREAS, three (3) bids were received for this project:

WHEREAS, Black Rock Enterprises submitted a base bid in the amount of \$1,369,000.00 with Alternate A Bid in the amount of \$15,000.00 for a Total Bid of \$1,384,000.00; and

WHEREAS, the Borough Engineer has determined the bid by Black Rock Enterprises complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

WHEREAS, the Borough Council has determined, for the reasons set forth below, that the bid of Black Rock Enterprises is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Black Rock Enterprises for the Total Base Bid and Alternate A Bid for the total amount of \$1,384,000.00 for the project.

NOW, THEREFORE BE IT RESOLVED on the 14th day of August 2023, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid documents by the Manasquan Borough Attorney.
2. Subject to the above condition, a contract in the total amount of \$1,384,000.00 is awarded to Black Rock Enterprises for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Black Rock Enterprises.
4. A certified copy of this resolution shall be sent to:

Black Rock Enterprises
1316 Englishtown Road
Old Bridge, NJ 08857

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on August 14, 2023.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 1, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Chief Financial Officer.

MARK G. KITRICK, ESQ.
Borough Attorney

Mark G. Kitrick, Esq.
2329 Route 34
Suite 104
Manasquan, NJ 08736

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 14th day of August 2023, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body.

2. The funds certified herein as being available for the aforementioned contract have not been certified by the undersigned as being available for any other contract now pending or in force.

ACCOUNT:

AMY SPERA
Chief Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
226-2023**

WHEREAS, on March 22, 2023, the Borough received a grant award in the amount of \$90,000.00 from the Monmouth County Municipal Open Space Grant Program for the Curtis Park Improvement Project Phase III; and

WHEREAS, the Borough has completed nearly all of the improvements that were contemplated by the Phase III grant; and

WHEREAS, after careful consideration, the Mayor and Council have decided to decline the 2022 Monmouth County Municipal Open Space Grant for the Curtis Park Improvement Project Phase III

NOW THEREFORE BE IT RESOLVED, the borough is desirous of declining the 2022 Grant Award from the Monmouth County Municipal Open Space Grant in the amount of \$90,000.00.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
227-2023**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the Professional Engineering Services of Colliers Engineering & Design, 101 Crawfords Corner Road, Suite 3400, Holmdel, NJ 07733, for purposes of providing Professional Services for providing Construction Administration and Construction Services for the First Avenue Improvements Phase II Project. The fees are as follows:

Phase 1.0	Construction Administration/Inspection Services	\$121,500.00
Phase 2.0	Bituminous Concrete Core Sampling and Testing	\$ 2,500.00
	Reimbursables	\$ 500.00

for a total amount not to exceed \$124,500.00 for the service outlined in the proposal dated August 8, 2023.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Mayor is authorized to sign the Authorization Form dated August 8, 2023

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

Barbara Ilaria RMC, CMC
Municipal Clerk

CERTIFICATION

I am the chief municipal financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 14th day of August 2023 I hereby certify to the Borough Council of the Borough of Manasquan as follows:

Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body:

Colliers Engineering & Design – Construction Administration/Inspection Services

Account: _____

Amy Spera
Chief Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
228-2023**

**COMMUNITY DEVELOPMENT BLOCK GRANT
RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO EXECUTE A PROJECT AGREEMENT WITH
MONMOUTH COUNTY FOR PERFORMANCE AND
DELIVERY OF FY 2023 COMMUNITY DEVELOPMENT
PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for FY2023 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its annual Plan for FY2023 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Euclid Avenue Area Improvements Phase II with grant allocation of \$172,462.00; and

WHEREAS, the Borough of Manasquan hereby met all the requirements for the release of funds to begin incurring costs for this project: and

WHEREAS, the Borough of Manasquan has filed with the Monmouth County Community Development Program as acceptable timetable for completion and expenditure of grants funds, which is included as an appendix to the Project Agreement.

NOW THEREFORE BE IT RESOLVED that the Mayor and Municipal Clerk of the Borough of Manasquan are authorized to execute with the County of Monmouth the Euclid Avenue Area Improvements Project Phase II Agreement on behalf of the Borough of Manasquan.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the August 14, 2023, meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
229-2023**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY, ADOPTING USE OF FORCE POLICY**

WHEREAS, the Borough of Manasquan is the recipient of a Community Development Block Grant for Euclid Avenue Improvements Phase II; and

WHEREAS, as part of the Community Development Block Grant the Borough is required to adopted a Use of Force Policy; and

WHEREAS, the Manasquan Police Department follows the Office of the Attorney General’s Use of Force Policy dated April 2022.

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of August 2023, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the Use of Force Policy be adopted by the Governing Body.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held August 14, 2023.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
230-2023**

WHEREAS, pursuant to N.J.S.A. 54:4-3.30a Disable Veterans may be exempt from taxation; and

WHEREAS, the Tax Collector shall be and is hereby discharged from collecting 2023 taxes from the following, as he/she is a Disabled Veteran as per NJ Statute 54:4-3.30a and exempt from all taxes as of the effective date noted for an assessment listed,

WHEREAS, 2023 property taxes based on the assessment listed in the 2023 Tax Duplicate are to be cancelled and any monies showing a credit should be immediately refunded to the appropriate property owner stated.

WHEREAS, the Borough Tax Assessor and Tax Collector have reviewed the circumstances surrounding this exemption and refund and have recommended to the Borough Council that the appropriate Borough officials be authorized to issue said exemption and refund,

NAME: JOHN MIHOK
27 ATLANTIC AVENUE
MANASQUAN, NJ 08736
BLOCK 37 / LOT 6.02

EFFECTIVE 5/23/2023

Prorated refund: \$409.05

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan that the appropriate Borough officials be and are hereby authorized to issue the cancellation in accordance with N.J.S.A. 54:4-3.30a.

CERTIFICATION

I, Barbara Ilaria, Clerk of the Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
231-2023**

**COMMUNITY DEVELOPMENT BLOCK GRANT
RESOLUTION AUTHORIZING THE MAYOR TO SIGN A
CERTIFICATION PROHIBITING THE USE OF
EXCESSIVE FORCE AND A CERTIFICATION
PROHIBITING THE USE OF FEDERAL FUNDS FOR
LOBBYING**

WHEREAS, a certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2023; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Manasquan execute a Project Agreement with Monmouth County to undertake a project known as Euclid Avenue Area Improvements Phase II; and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Manasquan sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Manasquan has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution; and

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan has met the conditions of receiving a Fiscal Year 2023 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Manasquan is hereby authorized to sign the attached certifications which will become part of the FY 2023 Project Agreement.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the August 14, 2023 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

USE OF FORCE POLICY

Office of the Attorney General | State of New Jersey

April 2022 Version

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Appendices

- Addendum A Conducted Energy Devices and Other Less-Lethal Devices and Ammunition
- Addendum B Vehicular Pursuit Policy

Core Principles

1 The Sanctity of Human Life and Serving the Community.

In serving the community, law enforcement officers (hereinafter “officers”) shall make every effort to preserve and protect human life and the safety of all persons. Officers shall respect and uphold the dignity of all persons at all times in a non-discriminatory manner.

2 Force as a Last Resort and Duty to De-Escalate.

Force shall only be used as a last resort when necessary to accomplish lawful objectives that cannot reasonably be achieved through verbal commands, critical decision making, tactical deployment or de-escalation techniques. Force shall never be used as a retaliatory or punitive measure.

3 Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force.

Officers shall use the least amount of force that is objectively reasonable, necessary and proportional to safely achieve the legitimate law enforcement objective under the circumstances.

4 Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury.

Deadly force shall only be used as an absolute last resort and in strict compliance with this Policy. Other actions by law enforcement that create a substantial risk of death or serious bodily injury must be avoided or employed only under the strictest of conditions.

5 Duty to Intervene and Report.

Every officer, regardless of rank, title, seniority, or status, has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with such policies, regulations, and laws, if possible, before a fellow officer uses excessive, illegal, or otherwise inappropriate force. Every officer has a duty to immediately report any improper use of force.

6 Duty to Render Medical Assistance.

After any use of force, and when the environment is safe, officers shall promptly render medical assistance to any injured person consistent with the officer’s training and shall promptly request emergency medical assistance for that person, if needed or requested. Officers also have a duty to monitor individuals for potential medical intervention after any officer uses force.

7 Duty to Report and Review Uses of Force.

Every use of force must be reported and receive a meaningful command level review as set forth in a written department policy that includes review by the law enforcement executive. The law enforcement executive shall also conduct an annual review and analysis of the overall use of force by the department.

Definitions

Active Assailant. A person who is using or imminently threatening the use of force, with or without a weapon, in an aggressive manner that poses a substantial risk of causing bodily injury to an officer or another person. A threatening assailant becomes an active assailant when the threat becomes imminent.

Active Resistor. A person who is uncooperative, fails to comply with directions from an officer, and instead actively attempts to avoid physical control. This type of resistance includes, but is not limited to, evasive movement of the arm, flailing arms, tensing arms beneath the body to avoid handcuffing, and flight. In a correctional institution, any member of a group of four or more inmates or detainees who fails to comply with an order from a correctional police officer – or a single inmate or detainee who fails to comply with an order related to handcuffing inside a cell or secured tier – shall be considered an active resistor. See Section 2.6 (requiring that officers provide warning and an opportunity to comply before force is used against active resisters).

Bodily Injury. Physical pain or temporary disfigurement, or any impairment of physical condition. Bodily harm and bodily injury have the same definition for the purposes of this Policy. See N.J.S.A. 2C:11-1(a); N.J.S.A. 2C:3-11(e).

Civil Disturbance. An assembly of persons engaged in or creating an immediate threat of collective violence, destruction of property, looting, or other criminal acts. Such a gathering may also be referred to as a riot.

Chokehold. A technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the effect of reducing the intake of air. This includes a carotid restraint or any lateral neck restraint, where direct pressure is applied to the carotid artery restricting the flow of blood to the brain causing temporary loss of consciousness.

Conducted Energy Device (CED). A CED means any device approved by the Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.

Constructive Authority. Constructive authority is not considered a use of force because it does not involve physical contact with the subject. Rather, constructive authority involves the use of the officer's authority to exert control over a subject. Examples include verbal commands, gestures, warnings, and unholstering a weapon. Pointing a firearm at a subject is an example of constructive authority to be used only in appropriate circumstances outlined in Section 3.4 of this Policy.

Cooperative Person. A person who responds to and complies with an officer's directions.

Critical Decision-Making Model. The Critical Decision-Making Model is an organized way of making decisions about how an officer will act in any situation, including those that may involve potential uses of force.

De-escalation. De-escalation refers to the action of communicating verbally or non-verbally in an attempt to reduce, stabilize, or eliminate the immediacy of a threat. De-escalation may also be used to create the time needed to position additional resources to resolve the situation with the least amount of force necessary.

Deadly Force. Force that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing death or serious bodily injury. Discharging a firearm, constitutes deadly force, unless the discharge occurred during the course of a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of an injured animal. A threat to cause death or serious bodily injury by the display of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.

Enhanced Mechanical Force. An intermediate force option between mechanical force and deadly force, generally requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the use of deadly force. Unlike deadly force, enhanced mechanical force does not require an imminent threat of death or serious bodily injury. Examples include conducted energy devices and less-lethal devices and ammunition.

Feasible. Reasonably capable of being accomplished or carried out, given the totality of the circumstances, in a manner that maintains the safety of the public and officers.

Imminent Danger. Threatened actions or outcomes that are immediately likely to occur during an encounter absent action by the officer. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous, for example, imminent danger may be present even if a subject is not at that instant pointing a weapon at the officer, but is carrying a weapon and running for cover to gain a tactical advantage.

Law Enforcement Executive. A law enforcement agency's highest-ranking sworn law enforcement officer, typically the chief of police. In situations where the highest-ranking officer is recused from a matter, then "law enforcement executive" refers to the next highest-ranking officer without a conflict.

Law Enforcement Officer. Any person who is employed as a sworn member of any state, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State. The term law enforcement officer shall include sworn members of the New Jersey State Police, the Division of Criminal Justice and the

Juvenile Justice Commission. It shall also include College and University Police Officers pursuant to N.J.S.A. 18A:6-4.2 et seq., State Parole Officers pursuant to N.J.S.A. 2A:154-4, State Correctional Police Officers pursuant to N.J.S.A. 2A:154-4, County Correctional Police Officers pursuant to N.J.S.A. 2A:154-3, Special Law Enforcement Officers of all classes pursuant to N.J.S.A. 40A:14-146.8 et seq., Humane Law Enforcement Officers appointed pursuant to N.J.S.A. 4:22-14.1 or 4:22-14.4, Auxiliary Police Officers appointed pursuant to N.J.S.A. App.A:9-45(c), and Constables appointed pursuant to N.J.S.A. 40A:9-120.

Mechanical Force. Mechanical force involves the use of a device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority. Examples include use of an asp, baton, or other object, oleoresin capicum (OC) spray or the physical apprehension by canines.

Passive Resistor. A person who is non-compliant in that they fail to comply in a non-movement way with verbal or other direction from an officer.

Peaceful Demonstration. A nonviolent assembly of persons organized primarily to engage in free speech activity. These may be scheduled events that allow for law enforcement planning or spontaneous. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. For purposes of the application of the provisions of this Policy, inmates and detainees in a correctional institution who fail to comply with an order from a correctional police officer shall not be considered peaceful demonstrators.

Physical Contact. Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective. Examples include guiding a subject into a police vehicle, holding the subject's arm while transporting, routinely handcuffing a subject, and maneuvering or securing a subject for a frisk. Physical contact alone does not constitute force.

Physical Force. Physical force involves contact with a subject beyond that which is generally used to effect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the officer's authority, or to protect persons or property. Examples include taking a resisting subject to the ground, using wrist or arm locks, striking the subject with the hands or feet, or other similar methods of hand-to-hand confrontation, such as certain pain compliance techniques.

Positional Asphyxiation. Positional asphyxiation is insufficient intake of oxygen as a result of body position that interferes with the subject's ability to breathe. It can occur during the process of subduing and restraining a person by placing the person in a posture that prevents or impedes the mechanism of normal breathing. If the person cannot escape from the position, death may occur very rapidly. Restraint in the prone position presents a significant risk of asphyxia, particularly when a person is handcuffed and left in a face-down position. As soon as handcuffed and restrained, a person should be raised immediately to a seated or standing position that does not impede the mechanism of normal breathing.

Proportional Force. The minimum amount of force, of both type (e.g., physical, mechanical, enhanced mechanical, or deadly) and intensity, that is necessary to control a situation and achieve a legitimate law enforcement objective. The law permits officers to overcome unlawful force or resistance; thus, the term proportional force is not intended to mean a type and intensity of force that is exactly equal to the type and intensity of force being used by the subject. The term proportional force is intended to highlight that the level of force a law enforcement officer utilizes shall be no more than is necessary to overcome the unlawful force or resistance being confronted by the officer.

Reasonable Belief. A reasonable belief is an objective assessment based upon an evaluation of how a reasonable officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the officer at the scene.

Serious Bodily Injury. Serious bodily injury means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Serious bodily injury and serious bodily harm have the same definition the purposes of this Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).

Strategic Redeployment. Repositioning by an officer to increase space and time to react to a subject. It includes gaining time to de-escalate by withdrawing from the immediate vicinity of the subject if doing so will not create a threat to the safety of the public or the officer in doing so.

Tactical Communication. Verbal communication techniques that are designed to avoid or minimize the use of force. Such techniques include giving clear, simple instructions or directions, using active listening techniques to engage the suspect, and explaining the consequences of failure to comply with directions or instructions, including that force may be used.

Tactical Positioning. Making advantageous uses of position, distance, and cover to reduce the risk of injury to an officer and avoid or reduce the need to use force.

Tactical Team. A group of officers who are specially selected, trained, and equipped to handle high-risk incidents, including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, act of terrorism, and other situations or activities as deemed necessary by command leadership. Commonly used names for tactical teams include Special Weapons and Tactics (S.W.A.T.), Special Response Team (S.R.T.), Technical Emergency and Mission Specialists (T.E.A.M.S.), Entry Teams, Rapid Deployment Teams, and Fugitive Teams.

Threatening Assailant. A person who is threatening the use of force against an officer or another person, with or without a weapon, in an aggressive manner that may cause bodily injury. Examples may include a person armed with a weapon who fails to disarm, and an unarmed person who advances on an officer or any other person in a threatening manner thereby reducing the officer's time to react, putting the officer in reasonable fear of a physical attack.

Time as a Tactic. A method to avoid forcing an immediate resolution to a situation if it can be safely done, including establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.

Core Principle One

The Sanctity of Human Life and Serving the Community. In serving the community, officers shall make every effort to preserve and protect human life and the safety of all persons. Officers shall also respect and uphold the dignity of all persons at all times in a non-discriminatory manner.

- 1.1** A respectful and cooperative relationship with the community is essential for effective law enforcement. That relationship can be undermined when force is used unnecessarily or unequally.
- 1.2** Every officer shall respect the sanctity of human life and the dignity of every person, and act to preserve every life, whenever possible, and avoid unnecessary injury to members of the public or themselves.
- 1.3** In carrying out their duties as guardians of public safety, officers shall at all times treat every person equally without regard to the individual's actual or perceived race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability, nationality, familial status, or any other protected characteristic under N.J.S.A. 10:5-1 et seq.
- 1.4** Every law enforcement and prosecuting agency operating under the authority of the laws of the state of New Jersey, including the New Jersey Department of Corrections and county correctional institutions, shall implement or adopt policies consistent with this Use of Force Policy, including the Policy's addenda.

Core Principle Two

Force as a Last Resort and Duty to De-Escalate. Force shall only be used as a last resort when necessary to accomplish lawful objectives that cannot reasonably be achieved through verbal commands, critical decision making, tactical deployment or de-escalation techniques. Force shall never be used as a retaliatory or punitive measure.

- 2.1 Authority to use force.** Officers are granted the unique authority to use force for lawful purposes, including, but not limited to, the following:
- (a) effectuating a lawful arrest or detention;
 - (b) carrying out a lawful search;
 - (c) overcoming resistance directed at the officer or others;
 - (d) preventing physical harm to the officer or to another person (including intervening in a suicide or other attempt of self-inflicted injury);
 - (e) protecting the officer or a third party from unlawful force; or
 - (f) preventing property damage or loss.
- 2.2 Prohibitions on certain force.** Officers may not use or threaten to use force for any following reasons:
- (a) to punish a person or to retaliate against them for past conduct;
 - (b) as a lesson to prevent a person from resisting or fleeing in the future; or
 - (c) to resolve a situation more quickly, unless delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement objectives.
- 2.3 Force as a last resort.** Officers shall exhaust all other reasonable means to gain compliance before resorting to force, if feasible. Thus, if a safe alternative would achieve law enforcement's objective, force shall not be used. Officers shall, therefore, use verbal commands, critical decision making, tactical deployment and de-escalation techniques to gain voluntary compliance, when feasible. Importantly, officers shall never engage in unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes necessary.
- 2.4 Critical decision making.** Critical decision-making and tactical deployment techniques include tactical communication and tactical positioning, such as strategic redeployment and time as a tactic. Critical decision-making and tactics require officers to do the following:
- (a) begin critical assessment and planning prior to arriving at the scene;

- (b) collect available information;
- (c) assess situations, threats, and risks;
- (d) identify options for conflict resolution;
- (e) determine the best course of action; and
- (f) act, review, and re-assess the situation as it evolves.

2.5 De-escalation. De-escalation is the action of communicating verbally or non-verbally in an attempt to reduce, stabilize, or eliminate the immediacy of a threat. De-escalation may also be used to create the time needed to allow the situation to resolve itself or to position additional resources to resolve the situation with the least amount of force necessary. Officers should employ de-escalation techniques when feasible, which include, but are not limited to, the following:

- (a) communication techniques to calm an agitated subject (e.g., regulating tone and pitch, such as speaking slowly in a calm voice);
- (b) techniques to promote rational decision making, such as ensuring that only one officer addresses the person and the other officers remain detached as safety permits as to not escalate the situation; and splitting up individuals at the scene who may be arguing;
- (c) active listening techniques, such as sharing the officer's name, asking the subject their name, and exhibiting a genuine willingness to listen;
- (d) slowing down the pace of the incident by taking deep breaths, slowing speech, and/or applying strategic or critical thinking;
- (e) using calming gestures and facial expressions (e.g., arms extended with palms out and avoid angry expressions);
- (f) practicing procedural-justice techniques, such as explaining the officer's actions and responding to questions;
- (g) verbal persuasion and advisements (e.g., explaining, without threats, how the person would benefit from cooperation, and the subject's rights or what the officer wants the subject to do); and
- (h) avoiding the unnecessary display of weapons, including firearms, Conducted Energy Devices (CEDs), batons, or OC Spray.

2.6 Warning and opportunity to comply. Officers should generally not use force immediately when encountering noncompliance with verbal directions. Instead, whenever feasible, before using force, officers shall:

- (a) provide clear instructions and warnings;
- (b) attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, or language barrier (See Section 2.7);
- (c) state the consequences of refusing to comply with a mandatory directive, including that force will be used unless the person complies; and
- (d) give the suspect a reasonable opportunity to comply.

2.7 Dealing with persons in a behavioral or mental health crisis or other factors affecting compliance. Officers should consider an individual's mental, physical, developmental, intellectual disability, or other conditions, such as age of the suspect, that affect the person's ability to communicate or comply. This includes, when feasible, considering the following factors related to the individual:

- (a) behavioral or mental health crisis;
- (b) drug interaction;
- (c) medical condition;
- (d) mental impairment;
- (e) physical limitation;
- (f) developmental disability, including autism spectrum disorder;
- (g) cognitive impairment or intellectual disability;
- (h) hearing loss or impairment;
- (i) communication disorder, including speech impairment;
- (j) language barrier;
- (k) visual impairment;
- (l) age; or
- (m) other factors beyond the individual's control.

2.8 Whenever an officer determines that one of the above listed factors exists and is influencing the person's failure to comply with an officer's command, when feasible, the officer shall consider whether specific techniques or resources would help resolve the situation without the need to utilize force. Techniques for responding include, but are not limited to, the following:

- (a) obtaining information about the person from available sources including family members, caregivers or others who know the individual;
- (b) decreasing exposure to the potential threat by moving to a safer position. This may involve creating distance, seeking cover, tactical repositioning, concealment, and/or placing barriers between an uncooperative person and the officer;
- (c) slowing down the pace of the incident by the officer slowing their speech, taking deep breaths, and/or applying strategic and critical thinking;
- (d) keeping the non-compliant person confined to a limited area and calling for a supervisor, back-up officers, and specially-trained resources to assist in resolving the incident. These specially-trained resources may include Crisis Intervention Team-trained officers, behavioral or mental health care providers, negotiators, qualified bilingual officers, or officers equipped with less-lethal devices;
- (e) using time as a de-escalation strategy, thereby creating an opportunity to calm the non-compliant person;
- (f) using simplified speech and shorter verbal directions or instructions;
- (g) eliminating or reducing sensory distractions (bright flashing lights, sirens, or other loud noises); and

(h) any reasonable strategy that lessens the emotional anger, frustration, combativeness of a subject or others who may be present may be appropriate.

2.9 Importantly, officers should not default to attempting to resolve the incident immediately if slowing down the pace is viable and can be accomplished without creating an immediate threat to the public or placing officers in unreasonable danger.

Core Principle Three

Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force.

Officers shall use the least amount of force that is objectively reasonable, necessary, and proportional to safely achieve the legitimate law enforcement objective under the circumstances.

3.1 Limitations on use of force. In situations where officers are justified in using force, officers shall use only that degree of force that is reasonable, necessary, and proportional considering the totality of the circumstances, including the subject's mental and physical condition, the nature of the offense, and most importantly the level of resistance or threat known to the officer at the time.

3.2 Considerations when using force. The decision to use force and the appropriate amount of force requires careful attention to the facts and circumstances of each incident. The officer must, as time permits and is feasible, consider the following non-exhaustive list of factors when determining whether and how much force to apply:

- (a) immediacy and severity of the threat to officers or the public;
- (b) the conduct of the individual being confronted, as reasonably perceived by the officer at the time;
- (c) characteristics of the officer and subject (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects);
- (d) the effects of drugs or alcohol;
- (e) the individual's mental state or capacity;
- (f) the proximity of weapons or dangerous improvised devices;
- (g) the degree to which the subject has been effectively restrained and their ability to resist despite being restrained;
- (h) the availability of other options and possible effectiveness;
- (i) the seriousness of the suspected offense or reason for contact with the individual. For example, in dealing with minor offenses, such as motor vehicle or and local ordinance violations practicing procedural-justice techniques, such as explaining the officer's actions and responding to questions before resorting to force, is particularly important;
- (j) the officer's training and experience; and
- (k) the potential for injury to officers, suspects, and the public.

3.2.1 It is important to note that law enforcement encounters are never static and rapidly evolve. Thus, officers must continuously assess the effectiveness, proportionality, and necessity of their actions, including their tactical positioning, in order to decrease the likelihood of force being needed for self-protection. Officers may increase the time

available to evaluate the threat by positioning an object between themselves and the subject, being aware of their surroundings, and waiting for backup, when it is available.

3.3 Level of Resistance. The level of resistance that an officer encounters is a key factor in determining the appropriate amount of force that may be used in response. Although it is not possible to determine in advance what the appropriate level of force is for every encounter, one factor that is consistent is the amount of resistance the officer is facing at the time. The less resistance an officer faces, the less force the officer should use. Consistent with training, the following general rules apply in determining the appropriate level of force:

- (a) *Cooperative Person.* When dealing with a cooperative person, officers may rely on police presence and/or verbal control techniques, but should not use force.
- (b) *Passive Resistor.* When dealing with a passive resistor, officers may rely on police presence, verbal control techniques, holding techniques, lifting/carrying, wrist locks and other manual pain compliance techniques. Greater force, such as strikes, punches, CEDs, or less lethal devices shall not be used.
- (c) *Active Resistor.* When dealing with an active resistor, in addition to the options available for passive resistors, officers may use physical strikes with hands or feet, OC spray, batons or asps applied with non-impact pressure, and taking the person to the ground. Intentional strikes to the head or face, which are only allowed in an act of self-defense, are not permitted when dealing with an active resistor. Police canines shall not be utilized against an active resistor.
- (d) *Threatening Assailant.* In general, when dealing with a threatening assailant, officers may use all types of force options other than deadly force. This includes striking with batons or asps, less lethal ammunition, and CEDs. Although a range of force options is generally available, the officer shall only use force that is proportional to the threat faced. Any strikes to the head or neck with a baton or asp are considered deadly force and can only be used when deadly force is allowed.
- (e) *Active Assailant.* In general, when dealing with an active assailant, officers have all force options available, though deadly force shall only be used as a last resort in accordance with Core Principle Four of this Policy.

3.3.1 An individual's status evolves from a resistor to an assailant when they use force, threaten to use force, or otherwise act in an aggressive manner that increases the likelihood that they may cause physical injury to an officer or to another person. However, flight from an officer does not, on its own, qualify a person as an assailant. When dealing with an individual who poses a threat to the officer, the individual could be considered either a threatening assailant or an active assailant. To determine the individual's status for appropriate officer response, the officer must assess whether the threat poses an

imminent danger. If the threat is imminent, then that individual is considered an active assailant and all use of force options are available with deadly force being an absolute last resort in accordance with Core Principle Four of this Policy.

3.3.2 Officers face a dynamic environment in which interactions with individuals can escalate very quickly from one level of resistance to another. For example, a passive resistor may become an active assailant in an instant. In responding to the level of resistance, the officer may use the level of force that corresponds to the level of resistance the officer is facing, and need not use lesser levels of force that will not address the threat that the officer faces at the time. If the individual's resistance diminishes, the officer shall immediately reduce the level of force used against the individual. If the individual stops resisting entirely, the officer must immediately cease using force.

3.4 **Displaying of Firearms.** Special requirements must be met before an officer may display a firearm. Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of an officer's firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to force. At the same time, however, unnecessarily or prematurely drawing a firearm could limit an officer's options in controlling a situation, could create greater anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.

- (a) *Pointing a firearm.* Consistent with training, officers may point a firearm at a person only when circumstances create a reasonable belief that it may be necessary for the officer to use deadly force. When the officer no longer reasonably believes that deadly force may be necessary, the officer shall, as soon as practicable, secure or holster the firearm.
- (b) *Reporting the pointing of a firearm.* Pointing a firearm, though not a use of force, constitutes a seizure that must be reported as a Show of Force on the Attorney General's Use of Force Reporting Portal, except in the circumstances described in Section 3.4(c).
- (c) *Clarification of reporting requirements for tactical teams.* An officer engaged in the operation of a tactical team shall be required to report the pointing of a firearm only when the pointing involves a sustained active engagement with a person in order to gain that person's compliance. A member of a tactical team who quickly "sweeps" a room during an operation need not report each person at whom a firearm was momentarily pointed during the sweep.

3.5 **Defensive Tactics & Pain Compliance Techniques.** Pain compliance techniques may be effective in controlling a passive or active resistor. Officers may only apply pain compliance techniques for which the officer has received department approved training and only when the officer reasonably believes that the use of such a technique is necessary to further a

legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to, the following:

- (a) the potential for injury to the officer(s) or others if the technique is not used;
- (b) the potential risk of serious injury to the individual being controlled;
- (c) whether the pain compliance technique is effective in achieving an appropriate level of control or a different technique should be employed;
- (d) the nature of the offense involved;
- (e) the level of resistance of the individuals(s) involved;
- (f) whether immediate resolution is necessary;
- (g) the application of any pain compliance technique shall be immediately discontinued once the officer determines that compliance has been achieved or other more appropriate alternatives can reasonably be utilized; and
- (h) officers shall only use striking techniques directed at a subject's face as a means of self-defense, or in the defense of others. Striking at a subject's face using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

3.6 Positional asphyxiation. Officers must recognize the heightened risk of positional asphyxiation and compression asphyxiation during restraint and be alert to any actions that must be immediately taken to avoid or minimize the risk of asphyxiation. Positional asphyxia can occur when a person is restrained, handcuffed or left unattended in any position that impedes their ability to breathe normally, particularly in a prone position. If the person cannot escape from the position, death may occur very rapidly. Thus, in the course of using force officers shall be alert to the following heightened risk factors for positional asphyxiation:

- (a) alcohol or drug intoxication;
- (b) possible mental health episode or incident;
- (c) a substantially overweight individual;
- (d) possible suffering of respiratory muscle fatigue (exhaustion);
- (e) possible airway obstruction; and
- (f) unconsciousness.

3.6.1 Officers shall take the following actions to reduce the risk of positional asphyxiation:

- (a) As soon as handcuffed and restrained, a person should be immediately rolled to the side and taken to an upright position that does not impede the mechanism of normal breathing. This requirement is especially important when the subject is handcuffed face down in the prone position;
- (b) Care should be taken not to put sustained pressure on the neck or back, as breathing can be restricted even if the person is placed in the recovery position. This includes sitting, kneeling, or standing on a person's chest, back, or neck for a prolonged period of time;

- (c) Officers shall continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds;
- (d) Whenever possible during team restraint, a "Safety Officer," with the responsibility to monitor the health and welfare of the person during restraint, should be designated;
- (e) The arrested person must not be transported in the prone position; and
- (f) The arrested person should be monitored prior to, during, and at the conclusion of the transport.

3.6.2 Officers shall continually monitor the condition of the subject(s) in their custody for the following warning signs of positional asphyxiation:

- (a) verbal complaints of being unable to breathe properly, although be aware that a person suffering breathing difficulties may not be able to complain about their crisis;
- (b) visual signs that the subject is struggling or exhibiting increased effort to breathe;
- (c) gurgling/gasping sounds with foam or mucus coming from the nose or mouth;
- (d) display of a heightened level of aggression during restraint, which may be a physiological response to fighting for air, such that any increased resistance during restraint of a person should be regarded with caution;
- (e) sudden behavioral changes, such as going from being violent and noisy to passive, quiet, and tranquil, or alternatively, suddenly becoming more aggressive;
- (f) blue discoloration of facial skin (cyanosis);
- (g) swelling, redness or blood spots to the face or neck; and
- (h) any loss or a reduced level of consciousness.

3.7 Conducted energy devices and less-lethal devices. Conducted Energy Devices (CEDs) and other authorized less-lethal devices and ammunition are forms of Enhanced Mechanical Force which may be utilized against a Threatening Assailant or an Active Assailant, but only within the parameters outlined in this Policy and in Addendum A of this Policy. CEDs and other authorized less-lethal devices and ammunition shall not be utilized against a passive resistor or an active resistor. Officers shall always strive to use only that degree of force that is objectively reasonable, necessary and proportional considering the totality of the circumstances.

3.7.1 An officer authorized to use a CED or a less-lethal device pursuant to this Policy may fire, discharge, or utilize drive stun mode of the device during an actual operation, consistent with Addendum A, only against:

- (a) an active assailant;
- (b) a threatening assailant who will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force;
- (c) a person who is attempting to cause death or serious bodily injury to themselves; or

- (d) a fleeing suspect, if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury.
- 3.7.2 Officers shall reevaluate the situation and reassess the need to use force before any second or subsequent firing or discharge or utilization of drive stun mode of the device against the same person. Any second or subsequent firing or discharge or utilization of drive stun mode of the device must be necessary and justified by the circumstances at that moment.
- 3.7.3 CEDs shall not be utilized in the following manner:
- (a) against a person in drive stun mode more than twice unless deadly force would be authorized and permitted pursuant to this Policy;
 - (b) against a handcuffed subject unless deadly force would be authorized and permitted pursuant to this Policy;
 - (c) against the operator of a moving vehicle unless deadly force would be authorized and permitted pursuant to this Policy;
 - (d) to prevent a subject from damaging property; or
 - (e) against a person simultaneously with two or more CEDs.
- 3.7.4 CEDs must be capable of making a digital recording of the encounter each time the device is utilized, unless the officer carrying the CED is equipped with a body worn camera (BWC), as that term is defined in the BWC Policy issued by the Attorney General. The officer shall activate the BWC prior to utilization of the CED, unless exigent circumstances make it unsafe or not feasible for the officer to do so.
- 3.7.5 CED spark displays shall be considered constructive authority, but must be reported as a Show of Force in the Attorney General's Use of Force Reporting Portal.
- 3.7.6 Police administrators and officers authorized to utilize CEDs and other authorized less-lethal devices and ammunition are also required to adhere to the instructions contained in Addendum A to this Policy.
- 3.8 Use of force for crowd management.** The following restrictions and limitations on the use of force should be observed during peaceful demonstrations and civil disturbances. The generally applicable rules in this Policy apply to both peaceful demonstrations and civil disturbances and in all cases, weapons or other devices should be carried and deployed only by trained and authorized officers and deployed consistent with this Policy.
- 3.8.1 Prior to using force against people in a crowd, officers shall:
- (a) provide clear instructions and warnings in a manner that can be heard by persons in the crowd, such as through a bullhorn or speaker system when available;

- (b) state the consequences of refusing to comply with a mandatory directive, including that arrests will occur and force may be used unless persons comply; and
 - (c) give a reasonable opportunity to comply.
- 3.8.2 Force shall not be used against crowds engaged in peaceful demonstrations. The visible presence or deployment of canines for crowd control purposes is prohibited in peaceful demonstrations. Canines may be used for explosive detection or similar security sweeps at such gatherings.
- 3.8.3 Force may be used against specific individuals in a crowd for lawful purposes in accordance with the other provisions of this Policy. Restrictions apply to the use of certain types of force in a crowd as follows:
- (a) OC spray:
 - (1) may be used against specific individuals who are active resisters, threatening assailants or active assailants as defined in Section 3.3 above;
 - (2) shall not be used where bystanders would be unreasonably affected; and
 - (3) shall not be used against passive resisters, or indiscriminately against groups of people.
 - (b) CEDs:
 - (1) may be used against specific individuals who are threatening assailants or active assailants as defined in Section 3.3 above;
 - (2) may be used only when the individual can be accurately targeted; and
 - (3) shall never be fired indiscriminately into crowds.
 - (c) Less-lethal ammunition:
 - (1) may be used during civil disturbances only against specific individuals who are threatening or active assailants; and
 - (2) shall not be used during a civil disturbance against groups of individuals.
- 3.8.4 Force may be used against groups of people only if authorized by the Incident Commander (IC) and only when other means of gaining compliance with lawful directives have been attempted and shown to be ineffective or are not feasible.
- 3.8.5 High-volume OC delivery systems are designed for, and may be used in, civil disturbances against groups of people engaged in unlawful acts resulting in, or creating an immediate risk of, bodily injury or significant property damage.
- 3.8.6 CS (2-chlorobenzalmalononitrile) chemical agents are primarily offensive weapons that shall be used with the utmost caution. Thus, CS:
- (a) may be deployed only by specially trained individuals who are part of a special tactical unit authorized to deploy such agents;

- (b) may be deployed only with the specific and express approval of the IC;
- (c) may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective; and
- (d) may be deployed only after an announcement is made and when avenues of egress are available to the crowd.

3.8.7 Canines shall not be deployed against a crowd, except to respond to a threat of death or serious bodily injury to a member of the public or to an officer.

3.8.8 CN (phenacyl chloride) shall not be used in any instance.

Core Principle Four

Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury. Deadly force shall only be used as an absolute last resort and in strict compliance with this Policy. Other actions by law enforcement that create a substantial risk of death or serious bodily injury must be avoided or employed only under the strictest of conditions.

4.1 Deadly Force. Deadly force is force that an officer uses with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing, death or serious bodily injury. Discharging a firearm constitutes deadly force, unless the discharge occurred during the course of a law enforcement training exercise, routine target practice at a firing range, a lawful animal hunt, or the humane killing of an injured animals.

4.2 Types of deadly force. Deadly force includes the following potentially lethal actions:

- (a) applying a chokehold, carotid artery restraint, or similar technique that involves pressure on the neck;
- (b) sitting, kneeling, or standing on a person's chest, back, or neck for a prolonged period of time;
- (c) intentionally driving a vehicle at or in the direction of a person with the intent to strike the individual; and
- (d) using a baton or other weapon to intentionally strike an individual in the head or neck area.

4.3 Requirements to use deadly force. Strict requirements must be met before an officer may use deadly force. There are, however, occasions when deadly force is necessary to protect officers and the public. An officer may use deadly force only when the officer reasonably believes that such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily injury. Officers must adhere to the following:

- (a) as discussed in Core Principle Three, when feasible, officers shall attempt to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using deadly force;
- (b) officers shall not use deadly force if a reasonably available alternative will avert or eliminate an imminent danger of death or serious bodily injury and achieve the law enforcement purpose safely;
- (c) when feasible, prior to using deadly force the officer shall identify themselves as a law enforcement officer and give a clear verbal warning to the suspect that the officer will use deadly force; and

- (d) officers shall not use deadly force when the use of deadly force creates a substantial risk of injury to innocent persons.

4.4 Force to apprehend a fleeing suspect. In addition to all of the requirements in Section 4.3, an officer may only use deadly force to apprehend a fleeing suspect in the rare case when the suspect's escape would create an imminent danger of death or serious bodily injury to the officer or a member of the public if the suspect is not immediately apprehended.

4.5 Prohibited uses of deadly force. There are specific circumstances in which the use of deadly force is prohibited. In general, officers may not discharge their weapons or use other deadly force, as outlined above, in the following manner:

- (a) to signal for help;
- (b) to issue a warning shot;
- (c) to prevent property damage or loss;
- (d) to prevent the destruction of evidence. For example, under no circumstances shall an officer use a chokehold, or any lesser contact with the neck area, in order to prevent the destruction of evidence by ingestion; or
- (e) against a person who poses a threat only to themselves and not to others.

4.6 Deadly force against individuals in a moving vehicle. Strict additional requirements must be met before an officer may use deadly force against a driver or passenger of a moving vehicle. Moving vehicles create tremendous risk to officers engaged in enforcement operations, particularly officers attempting to arrest fleeing suspects. Officers must abide by the following guidelines:

- (a) during such operations, officers shall never intentionally position themselves in the path of a moving vehicle or a vehicle that is likely to move;
- (b) officers shall make every effort to move out of the path of a vehicle in order to maintain their safety;
- (c) officers shall not grab onto moving vehicles or the drivers or occupants of moving vehicles. If a vehicle begins to move while an officer is engaged with the driver or an occupant, the officer shall, if feasible, disengage from the contact with the driver or occupant to avoid being dragged, carried, or struck by the moving vehicle; and
- (d) while any firearm discharge entails some risk, discharging a firearm at a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer shall not fire at the driver or occupant of a moving vehicle, unless no other means are available at the time to avert or eliminate the danger and one of the following circumstances exists:

- (1) when there is imminent danger of death or serious bodily injury to the officer or another person, created by a person in the vehicle using means other than the vehicle, such as when shots are being fired from the vehicle; or
- (2) when the suspect is driving their vehicle toward persons other than the officer in a manner creating an imminent threat of death or serious bodily injury, such as in a terrorist attack; or
- (3) when the officer is being dragged or carried by the vehicle, cannot disengage from the vehicle, and is in imminent danger of death or serious bodily injury.

4.7 Shooting from a moving vehicle. Strict additional requirements must be met before an officer may shoot from a moving vehicle. Every discharge of a firearm by an officer creates risk to the public and to other responding officers. Firearms discharges from moving vehicles by law enforcement officers have proven to be inaccurate and ineffective, generally creating unacceptable levels of risk. Due to these risks, law enforcement officers shall not discharge a firearm from a moving vehicle except in the following extraordinarily rare circumstance:

- (a) when the suspect is driving a vehicle toward persons other than the officer in a manner creating an imminent threat of death or serious bodily injury, such as in a terrorist attack; and
- (b) no other means are available at that time to avert or eliminate the danger.

4.8 Limitations on vehicular pursuits. Vehicular pursuits present officers with difficult decisions that involve balancing the duty to enforce the law and apprehend violators with the risks created by pursuing motor vehicles, often being operated at high speeds by irresponsible drivers in densely populated areas. The decision to pursue a motor vehicle must be objectively justifiable after giving due consideration to a number of factors. Although impossible to create a policy that addresses every potential scenario, officers and supervisors shall conduct vehicular pursuits only within the parameters outlined in Addendum B of this Policy. Due to the risks to both officers and the public, supervisors are expected to exercise an enhanced level of control over vehicular pursuits.

4.8.1 Vehicular pursuits shall only be initiated if the pursuing officer reasonably believes that:

- (a) the violator has committed, or is engaged in a conspiracy or attempt to commit, a crime enumerated in Section 3.2(a) of Addendum B; or
- (b) the violator poses an imminent threat to the safety of the public or other police officers. This determination shall be made based upon the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator's subsequent actions, including speeding or evasive driving during the pursuit itself, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

- 4.8.2 There shall be a strong presumption against the initiation of vehicular pursuits based solely upon motor vehicle violations. Officers involved in vehicular pursuits must immediately notify both the supervisor and police communications, state the reason for the pursuit, and provide the information required by Addendum B of this Policy.
- 4.8.3 Vehicular pursuits shall be monitored by a supervisor and shall be terminated if directed to do so by a supervisor, or if the supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation.

Core Principle Five

Duty to Intervene and Report. Every officer, regardless of rank, title, seniority, or status, has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with such policies, regulations, and laws, if possible, before a fellow officer uses excessive, illegal, or otherwise inappropriate force. Every officer has a duty to immediately report any improper use of force.

- 5.1 Duty to intervene.** A law enforcement officer's duty to intervene is rooted in the commitment to protect public safety at all times. Interventions that prevent improper use of force will lead to fewer citizen complaints, fewer officer disciplinary matters, higher morale, and a healthier working environment. Preventing misconduct preserves the integrity of all officers and the law enforcement profession as a whole. Intervening to prevent improper use of force can assist fellow officers by preventing them from engaging in conduct that may be illegal, inappropriate, and in violation of this Policy.
- 5.2** Thus, all officers who observe another officer about to use force that is illegal, excessive, or otherwise inconsistent with this Policy must, if feasible, do whatever they can to interrupt the flow of events before the fellow officer engages in an improper use of force. Officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately.
- 5.3** Officers shall use signaling, verbal intervention, or physical intervention, if necessary, to stop any improper use of force. It is important to note that the duty to intervene does not stop at one officer. It is the responsibility of all officers to ensure use-of-force compliance. If officers observe a situation where another officer is attempting to intervene in an improper use of force, officers shall assist in that effort.
- 5.4 Duty to report illegal and inappropriate uses of force by other officers.** Any officer who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive or department policies must (a) notify a supervisor as soon as possible and (b) submit an individual written report to a supervisor before reporting off duty on the day the officer becomes aware of the misconduct
- 5.5** Law enforcement agencies, supervisors, and officers are prohibited from retaliating in any form against an officer who intercedes in or reports illegal or inappropriate uses of force.
- 5.6** Every department shall establish a written policy which requires intervention and protects officers who intervene from retaliation or other negative consequences. The departmental policy shall be consistent with this Policy and all applicable laws. Reporting procedures must comply with *Internal Affairs Policy & Procedures*. See AG Directive 2020-7.

Core Principle Six

Duty to Render Medical Assistance. After any use of force, and when the environment is safe, officers shall promptly render medical assistance to any injured person consistent with the officer's training and shall promptly request emergency medical assistance for that person, if needed or requested. Officers also have a duty to monitor individuals for potential medical intervention after any officer uses force.

- 6.1** An officer's duty to render medical assistance and monitor for potential medical intervention is particularly important following any use of force. When the force involves the use of OC spray, officers shall take immediate action to address the effects of the OC spray, consistent with training.
- 6.2** The duty to render medical assistance and monitor applies to all officers on scene and continues throughout any transportation and custody of the individual.
- 6.3** Officers shall pay particular attention to persons reasonably believed to be pregnant, children, the elderly, physically frail individuals, and those experiencing a mental health or substance use crisis.

Core Principle Seven

Duty to Report and Review Uses of Force. Every use of force must be reported and receive a meaningful command level review as set forth in a written department policy that includes review by the law enforcement executive. The law enforcement executive shall also conduct an annual review and analysis of the overall use of force by the department.

- 7.1 Reporting.** Notification of fatal and serious bodily injury law enforcement incidents shall be made in accordance with AG Directive 2019-4. As soon as any local, county, or state law enforcement agency learns of a law enforcement incident as defined below, the agency shall immediately notify the County Prosecutor's Office for the county in which the incident occurred, who shall in turn immediately notify the Attorney General's Office of Public Integrity and Accountability (OPIA) Director or their designee.
- 7.2** Law enforcement incidents are defined as:
- (a) any use of force by an officer resulting in death;
 - (b) any use of force by an officer resulting in serious bodily injury;
 - (c) any use of deadly force (including the discharge of a firearm as defined in Section 4.1) by an officer, regardless of whether such force resulted in injury;
 - (d) the death of any civilian during an encounter with an officer; and
 - (e) the death of any civilian while in the custody of law enforcement.
- 7.3** When an officer uses force as defined in Section 3 of this Policy and the result is not fatal, the officer shall complete a report in the Use of Force Portal established by the Attorney General's Office. The report shall be completed by the officer within 24 hours of the use of force, and preferably before the end the shift in which the force was used. If the officer who used force is unable to complete the report within 24 hours, it should be completed as soon the officer is able to do so, or by a supervising officer within 48 hours, in accordance with a written policy to be established by the department or agency.
- 7.4 Review of use of force.** Thorough and meaningful review of use of force incidents is vital to ensuring a positive law enforcement and community relationship.
- 7.5 Review of each individual use of force.** Every use of force must undergo the following procedures for a meaningful command level review pursuant to a written policy established by the law enforcement executive:
- (a) The meaningful command level review of the incident shall be undertaken by at least two levels of supervisors. These levels may include the immediate supervisor, internal affairs, training officers or command staff. At least one reviewer must be two

levels or more above the officer who used force. When the chief law enforcement executive of an agency uses force, the County Prosecutor's Office shall be notified and, consistent with this Policy, shall determine the process for the meaningful command level review of the incident, which may include staff from the County Prosecutor's Office.

- (b) The review shall include an examination of all available sources of information about the incident, including any video of the incident, reports, officer or other witness statements, medical records and records of injuries;
- (c) The review shall include an analysis of whether force was used in a non-discriminatory fashion to ensure officers are treating every person equally without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic;
- (d) The reviewing supervisors shall make a recommendation of what action, if any, should be undertaken, including commendation of the officer, policy changes, remedial training, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution;
- (e) The law enforcement executive, or a command level officer no more than one rank below the law enforcement executive for departments with more than 100 officers, shall review each use of force investigation and approve or reject the recommendations of the supervisors who conducted the review. The law enforcement executive's decision, or the decision of the designee, shall be memorialized and retained in the use-of-force investigative file; and
- (f) After the review is completed, supervisory and/or training officers should examine and analyze the use of force incident, including any body-worn or other video evidence, with the officer as a training tool. This examination should analyze the circumstances that led to the use of force as well as the force that was used, so that the officer can gain insight into which tactics and decisions were effective and whether different tactics or decisions could have been used to improve the outcome.

7.6 Annual review of overall department use of force. The law enforcement executive shall also conduct an annual review of use of force incidents in their department. The review shall include, at a minimum, the following:

- (a) analytical reports from the Attorney General's Use of Force Portal;
- (b) an audit of body worn cameras and other videos on a risk-based and randomly selected basis;
- (c) any internal affairs complaints; and

- (d) an analysis of the uses of force to ensure that force is being applied without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

7.7 Based on that thorough review, the law enforcement executive shall determine whether changes in departmental structure, policy, training, or equipment are appropriate. The law enforcement executive shall then provide a written report documenting the annual review to the County Prosecutor. Each County Prosecutor's Office and each statewide law enforcement agency shall make its report to the OPIA.

Use of Force Policy Addendum B

Vehicular Pursuit Policy

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1 Purpose of Policy

- 1.1** The primary purpose of this policy is to secure a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators. This Policy is intended to guide the circumstances under which officers may engage in vehicular pursuits. High-speed vehicular pursuits create a substantial risk of injury and fatalities. Over 10% of vehicular pursuits end up in accidents resulting in injuries or fatalities, including to officers, innocent third parties in vehicles unrelated to the pursuit, and pedestrians.
- 1.2** The pursuit policy was last updated in 2009. The policy succeeded initially in reducing the number of pursuits, injuries, and fatalities associated with them. However, after an initial decline, the number of pursuits has been increasing steadily since 2014. Since the policy was updated there have been almost 4,200 accidents during pursuits that resulted in over 2,800 injuries, including injuries to 625 law enforcement officers, 682 victims in third party vehicles, and 52 pedestrians. In that same period, there have been 59 fatalities associated with pursuits, including an officer, four third-party drivers, and eight pedestrians.
- 1.3** In recognition of this data and the substantial human costs associated with high-speed vehicular pursuits, this Policy further restricts the circumstances under which pursuits can be undertaken. The offenses for which officers may pursue suspects has been limited to only the most serious crimes. Significantly, most drug offenses have been removed from the list of crimes authorizing the initiation of a pursuit. This Policy creates a strong presumption against the initiation of pursuits for traffic violations and prohibits continuation of a pursuit based on the risk created by the speed or evasive driving of the fleeing suspect during the pursuit itself. It also requires greater oversight by supervisors, and mandates that a pursuit be terminated unless a supervisor affirmatively authorizes it to be continued.
- 1.4** Deciding whether to pursue a motor vehicle is among the most critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public and officer safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicular pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this Policy would permit the commencement or continuation of the pursuit. Likewise, officers who conduct pursuits consistent with this Policy will be strongly supported by the law enforcement community in any subsequent review of such actions.

2 Definitions

- 2.1 Authorized Tire Deflation Device.** A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle and capable of operation consistent with criteria established in this Policy.
- 2.2 Boxing In.** The surrounding of a violator's moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the violator's vehicle.
- 2.3 Divided Highway.** A road which includes a physical barrier between traffic traveling in opposite directions.
- 2.4 Heading Off.** An attempt to terminate a pursuit by pulling ahead of, behind, or toward a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- 2.5 Law Enforcement Officer.** Any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State. The term law enforcement officer shall include sworn members of the New Jersey State Police, the Division of Criminal Justice and the Juvenile Justice Commission. It shall include State Correctional Police Officers pursuant to N.J.S.A. 2A:154-4, County Correctional Police Officers pursuant to N.J.S.A. 2A:154-3, Special Law Enforcement Officers of all classes pursuant to N.J.S.A. 40A:14-146.8 et seq., Humane Law Enforcement Officers appointed pursuant to N.J.S.A. 4:22-14.1 or 4:22-14.4, Auxiliary Police Officers appointed pursuant to N.J.S.A. App.A:9-45(c), and Constables appointed pursuant to N.J.S.A. 40A:9-120. For purposes of this policy, the terms law enforcement officer, police officer and officer shall have the same meaning.
- 2.6 Paralleling.** Street Paralleling is driving a police vehicle on a street parallel to a street on which a pursuit is occurring. Vehicle Paralleling is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.
- 2.7 Pursuit Driving.** Pursuit driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, committing traffic violations or otherwise attempting to elude the officer. It shall not constitute pursuit driving if the fleeing vehicle follows all traffic regulations after the officer activates the emergency warning lights and audible device (siren).

- 2.8 Pursuit Vehicles.** A Primary Unit is the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect). A Secondary Unit is any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- 2.9 Roadblock.** A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effectuate the apprehension of a violator. An avenue of escape is a gap in a roadblock which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock. A blocking vehicle is a motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.
- 2.10 Supervisor.** A police officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.
- 2.11 Vehicle Contact Action.** Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- 2.12 Violator.** Any person who an officer reasonably believes (1) has committed, or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the violent or serious crimes of the second degree enumerated in Section 3.2 of this policy, or (2) poses an imminent threat to the safety of the public or other police officers, as that threat is defined in Section 3.2 of this policy, set forth below.

3 Deciding Whether to Pursue

3.1 A law enforcement officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. When the violator does not submit to the officer's lawful authority and bring the vehicle to a stop, the officer must determine whether to pursue that violator by continuing to attempt to stop the violator utilizing pursuit driving as defined herein. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the officer exposes law enforcement and the community by engaging in a vehicular pursuit. The officer must always weigh the need for immediate apprehension against the risk created by the pursuit.

3.2 A law enforcement officer may only pursue under the circumstances described in subparagraph (a) or subparagraph (b):

(a) when the officer reasonably believes that the violator has committed, or is engaged in a conspiracy or attempt to commit:

(1) any crime of the first degree, or

(2) one of the following violent or serious crimes of the second degree:

- a. Manslaughter, N.J.S.A. 2C:11-4;
- b. Vehicular Homicide, N.J.S.A. 2C:11-5;
- c. Aggravated Assault, N.J.S.A. 2C:12-1(b);
- d. Disarming a Law Enforcement Officer, N.J.S.A. 2C:12-11;
- e. Kidnapping, N.J.S.A. 2C:13-1;
- f. Luring/Enticing a Child, N.J.S.A. 2C:13-6;
- g. Human Trafficking, N.J.S.A. 2C:13-8;
- h. Sexual Assault, N.J.S.A. 2C:14-2;
- i. Robbery, N.J.S.A. 2C:15-1;
- j. Arson, N.J.S.A. 2C:17-1;
- k. Burglary, N.J.S.A. 2C:18-2;
- l. Escape, N.J.S.A. 2C:29-5;
- m. Possession of a Firearm, Explosive or Destructive Device for an Unlawful Purpose, N.J.S.A. 2C:39-4(a) through (c);
- n. Unlawful Possession of a Weapon (Machine Guns and Handguns), N.J.S.A. 2C:39-5(a) and (b); or

(3) one of the following other crimes:

a. Burglary of a Dwelling, N.J.S.A. 2C:18-2.

Vehicular pursuits are authorized for the burglary of a dwelling. Vehicular pursuits are not authorized for the burglary of a commercial building,

motor vehicle, shed or any other structure described in N.J.S.A. 2C:18-1. Vehicular pursuits shall continue to be authorized for any burglary during which the actor is armed with a weapon or injures a victim (second degree burglaries). See Section 3.2(a)(2)(k);

- b. Theft of a Motor Vehicle, N.J.S.A. 2C:20-3; N.J.S.A. 2C:20-2(b)(2)(b). This Policy authorizes vehicular pursuits for theft of a motor vehicle until at least December 31, 2022. The Office of Public Integrity & Accountability has been directed to review the available data as of that date, including stolen vehicle trends, effectiveness of pursuits, and resulting accidents, and determine whether this provision should remain or be modified. Absent additional action, this provision will remain in force after December 31, 2022;
- c. Receiving Stolen Property (Motor Vehicle Only), N.J.S.A. 2C:20-7; N.J.S.A. 2C:20-2(b)(2)(b). This Policy authorizes vehicular pursuits for receiving stolen property (motor vehicle) until at least December 31, 2022. The Office of Public Integrity & Accountability has been directed to review the available data as of that date, including stolen vehicle trends, effectiveness of pursuits, and resulting accidents, and determine whether this provision should remain or be modified. Absent additional action, this provision will remain in force after December 31, 2022;
- d. Bias Intimidation, N.J.S.A. 2C:16-1.

- (b) when an officer reasonably believes that the violator poses an imminent threat to the safety of the public or other officers. An imminent threat exists when an officer reasonably believes that the actions of the violator are immediately likely to result in death or serious bodily injury to another person absent action by the officer. This determination shall be made based upon the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator's subsequent actions, including speeding or evasive driving during the pursuit itself, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

3.2.1 Pursuit for motor vehicle offenses is not authorized under Paragraph 3.2 unless the violator's vehicle is being operated so as to pose an imminent threat to the safety of the public or other officers and that threat is based on the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. There shall be a strong presumption against the initiation of vehicular pursuits based solely on motor vehicle violations. Both supervisors and officers shall ensure that only in rare cases will a vehicular pursuit be initiated or continued for motor vehicle violations.

3.3 In the event that one of the authorization requirements is satisfied, a pursuit shall not be automatically undertaken. An officer must still consider the following factors:

- (a) likelihood of successful apprehension;

- (b) whether the identity of the violator is known so that later apprehension is possible;
- (c) degree of risk created by pursuit:
 - (1) volume, type, speed and direction of vehicular traffic;
 - (2) nature of the area (residential, commercial, school zone, open highway, etc.);
 - (3) population density and volume of pedestrian traffic;
 - (4) environmental factors, such as weather and darkness; and
 - (5) road conditions (construction, poor repair, extreme curves, intersections controlled by traffic signals or signs, ice, etc.); and
- (d) police officer characteristics:
 - (1) driving skills;
 - (2) familiarity with roads; and
 - (3) condition of police vehicle.

3.4 The pursuing officer shall terminate the pursuit under the following circumstances:

- (a) if instructed to do so by a supervisor;
- (b) if a supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation;
- (c) if the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator;
- (d) if the violator's identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to the safety of the public or police officers;
- (e) if the pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile;
- (f) if there is a person injured during the pursuit and there are no police or medical personnel able to render assistance;
- (g) if there is a clear and unreasonable danger to the police officer or the public. A clear and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicles or police officers involved in a pursuit; or
- (h) if advised of any unanticipated condition, event, or circumstance that substantially increases the risk to public safety inherent in the pursuit.

3.5 When a vehicular pursuit is terminated, officers shall immediately cease all emergency vehicle operations, including turning off all emergency warning lights and audible devices (sirens), and disengaging from the violator's vehicle.

4 Role of the Pursuing Officer

- 4.1** The decision to initiate and/or continue a vehicular pursuit requires weighing the need to immediately apprehend the violator against the degree of risk to which the officer and others are exposed as a result of the pursuit.
- 4.2** Upon the initiation of a pursuit, the pursuing officer shall immediately activate all emergency lights, siren, headlights, motor vehicle recorder (MVR), if equipped, and body worn camera (BWC), if equipped.
- 4.3** Once the pursuit has been initiated, the primary unit must immediately notify communications and a supervisor, providing as much of the following information as is known:
- (a) reason for the pursuit;
 - (b) direction of travel and designation and location of the roadway;
 - (c) traffic conditions;
 - (d) presence of pedestrians;
 - (e) identification of the violator's vehicle (year, make, model, color, vehicle registration number, and other identifying characteristics);
 - (f) information on the identity of the driver, if known;
 - (g) number of occupants;
 - (h) the speed of the pursued vehicle; and
 - (i) other information that may be helpful in deciding whether to terminate the pursuit or in resolving the incident.
- 4.4** The pursuing officer shall have a continuing duty to update the supervisor and communications on the above information as the incident develops.

5 Vehicular Pursuit Restrictions

- 5.1** No pursuit shall be conducted under the following circumstances:
- (a) in a direction opposite to the flow of traffic on a divided highway or a one-way street;
or
 - (b) in a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.
- 5.2** There shall be a strong presumption against the initiation or continuation of vehicular pursuits in areas where pedestrians are located or in areas of high density vehicular traffic.
- 5.3** No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.
- 5.4** A motorcycle officer may initiate a pursuit, but will relinquish primary unit status immediately upon the participation of a marked police vehicle.
- 5.5** An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and an audible device. The unmarked car shall relinquish primary unit status immediately upon the participation of a marked police vehicle.
- 5.6** To diminish the likelihood of a pursuit, an officer intending to stop a vehicle for any violation of the law shall, when possible and without creating a threat to public safety, close the distance between the two vehicles prior to activating emergency lights and an audible device. Officers shall recognize that, while attempting to close the distance and prior to the initiation of a pursuit and the activation of emergency lights and an audible device, they are subject to all motor vehicle laws governing the right of way (e.g., N.J.S.A. 39:4-91 and -92). While closing the distance between the two vehicles, officers shall activate the motor vehicle recorder (MVR) and body worn camera (BWC), if equipped and activation is possible without activating emergency lights.
- 5.7** Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- 5.8** During the course of a pursuit and when approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection. At all other times including an attempt to close the distance prior to the initiation of a pursuit and upon the termination of a pursuit, officers

shall observe the applicable laws governing the right of way at intersections and other locations.

- 5.9** Officers involved in a pursuit shall not engage in vehicle paralleling.
- 5.10** There shall be no street paralleling along the route unless the pursuit passes through a patrol's assigned area. A patrol that is parallel-street-pursuing shall not join or interfere with a pursuit and shall stop all pursuit-related activity at the boundary of its assigned area.
- 5.11** Boxing-in or heading-off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:
 - (a) at low speeds; and
 - (b) with the approval of a supervisor; or
 - (c) in response to an imminent threat to the safety of the public or a police officer.
- 5.12** Roadblocks must only be employed as a last resort in circumstances where deadly force would otherwise be justified.
 - (a) the use of a roadblock must be authorized by a supervisor;
 - (b) at no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock and its location and have acknowledged this awareness;
- 5.12.1** Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, there shall be:
 - (a) adequate distance to see the roadblock;
 - (b) an avenue of escape; and
 - (c) no one in the blocking vehicle(s).
- 5.13** Officers involved in a pursuit shall not engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.
- 5.14** Officers shall not discharge a firearm against the driver or passenger of a moving vehicle except in the limited situations permitted under Section 4.6 of the Attorney General's Use of Force Policy.
- 5.15** Officers shall not discharge a firearm from a moving vehicle except in the limited situations permitted under Section 4.7 of the Attorney General's Use of Force Policy.

6 Authorized Tire Deflation Devices

- 6.1** Law enforcement agencies may choose to utilize authorized tire deflation devices during the course of a vehicular pursuit. Agencies that choose to employ this strategy may only utilize devices authorized by this Policy. As with all operational decisions made during the conduct of a vehicular pursuit, the use of such devices is subject to the assessment of inherent risk balanced against the need to apprehend a fleeing offender.
- 6.2** To be authorized for deployment and use under the vehicular pursuit policy, the tire deflation device must be capable of the following:
- (a) producing a controlled deflation of one or more tires of a pursued vehicle;
 - (b) being deployed or activated immediately before the pursued vehicle drives over it, and removed or deactivated immediately after the pursued vehicle drives over it; and
 - (c) allowing the officer to remain a safe distance from the roadway at the time of deployment or activation.
- 6.3** Prior to the deployment and use of an authorized tire deflation device, the law enforcement agency shall do the following:
- (a) modify its vehicular pursuit policy to provide for the proper use of the authorized tire deflation device; and
 - (b) train all officers in the use of the authorized tire deflation device, which training must include practical, hands-on operation of the authorized tire deflation device.
- 6.4** The following are circumstances under which an authorized tire deflation device may be deployed:
- (a) an authorized tire deflation device may be utilized only after supervisory approval;
 - (b) an authorized tire deflation device shall not be used to stop motorcycles, mopeds, or similar vehicles;
 - (c) the authorized tire deflation device should not be used in locations where specific geographic features (e.g., sharp curves, alongside of rivers, steep embankments, etc.) increase the risk of serious injury to the officer, violator, or public;
 - (d) deployment locations should have reasonably good sight distances to enable the officer to observe the pursuit and other traffic as it approaches; and
 - (e) the officer deploying the authorized tire deflation device should not attempt to overtake and pass a high-speed pursuit in order to position the device.
- 6.5** Procedures for deployment of the authorized tire deflation device:
- (a) the officer deploying the authorized tire deflation device should do so from a position of safety;

- (b) the officer deploying the authorized tire deflation device should be in position to allow sufficient time for deployment;
- (c) the supervisor must coordinate the efforts of all law enforcement units involved in the pursuit;
- (d) the communications operator shall notify all units of the location of the authorized tire deflation device deployment;
- (e) the officer operating the authorized tire deflation device should take a position of safety as the pursued vehicle approaches;
- (f) the officer shall deploy or activate the authorized tire deflation device immediately before the pursued vehicle arrives at the point where it would impact the device;
- (g) the officer shall remove or deactivate the device immediately after the pursued vehicle goes over the authorized tire deflation device; and
- (h) the officer should immediately notify communications if the pursued vehicle impacted the authorized tire deflation device, if the officer observed any signs of deflation, and the direction and operation of the pursued vehicle after the impact.

6.6 The use of an authorized tire deflation device shall be reported on a Vehicular Pursuit Report in the Attorney General's Use of Force Reporting Portal.

7 Role of the Supervisor

- 7.1** Upon being notified or becoming aware of the pursuit, the supervisor shall decide as quickly as possible whether or not the pursuit shall be permitted to continue and shall broadcast that decision over the police radio channel by declaring “pursuit authorized” or “terminate pursuit.” In addition, if the supervisor decides to authorize the pursuit, the supervisor shall broadcast the underlying reason for authorizing the pursuit (e.g., “Pursuit authorized for armed robbery suspect.”).
- 7.2** The supervisor shall permit a pursuit to continue only under the following circumstances:
- (a) There is a reasonable belief that the violator has committed, or is engaged in a conspiracy or attempt to commit, any crime enumerated in Section 3.2 of this Policy; or
 - (b) There is a reasonable belief that violator poses an imminent threat to safety of the public or other police officers. This determination shall be made based upon the violator’s actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator’s subsequent actions, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit. See Section 3.2(b) of this Policy.
- 7.3** The supervisor shall order a pursuit terminated at any time if he or she concludes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the violator.
- 7.4** The supervisor shall order the pursuit terminated if the suspect’s identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to public safety.
- 7.5** In recognition of the overall population density and volume of vehicular traffic in this State, and the increased risk attendant to prolonged vehicular pursuits, a supervisor shall order the termination of any pursuit of protracted duration unless the supervisor determines that further pursuit is justified to respond to an imminent threat to public safety.
- 7.6** The supervisor shall ensure, for the duration of the pursuit, that this Policy and agency procedures are followed by all officers.

8 Role of Police Communications

- 8.1** The communications operator shall do the following during a vehicular pursuit:
- (a) immediately notify a police supervisor of a pursuit in progress if a supervisor has not already been otherwise notified;
 - (b) keep the supervisor apprised of the duration and progress of the pursuit; and
 - (c) obtain from the pursuing officer any information listed in Section 4.3 of this Policy that was not initially provided by the pursuing officer.
- 8.2** When possible, a police supervisor shall determine whether there is a need to assume control over and coordinate pursuit related communications.
- 8.3** All law enforcement agencies shall establish procedures to ensure that radio channels remain open for pursuit related transmissions and that all necessary information is made available to officers involved in the pursuit.

9 Reinstating Pursuits

- 9.1** Reinstatement of any previously terminated pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit.

10 Interjurisdictional Pursuits

- 10.1** The original pursuing jurisdiction shall provide timely notification of a pursuit in progress to any other jurisdiction into which the pursuit enters. Notifying another jurisdiction that a pursuit is in progress is not a request to join the pursuit. The pursuing agency shall advise if assistance is necessary. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the jurisdiction into which the pursuit has entered, the pursuing agency shall, when possible, seek the assistance of, and be prepared to relinquish the pursuit to, the other agency.

11 Vehicular Pursuit Reporting

- 11.1** All law enforcement officers who operate law enforcement vehicles in vehicular pursuit situations shall complete a report in the Attorney General’s Use of Force Reporting Portal. The report shall be completed by the officer within 24 hours of the vehicular pursuit and preferably before the end the shift in which the pursuit occurred. If the officer involved in the pursuit is unable to complete the report within 24 hours, it should be completed as soon the officer is able to do so, or by a supervising officer within 48 hours in accordance with a written policy to be established by the department or agency.
- 11.2** Vehicular pursuits resulting in the death or serious bodily injury of any civilian shall be handled in accordance with Attorney General Law Enforcement Directive 2019-4. As soon as any local, county, or state law enforcement agency learns of a vehicular pursuit that resulted in death or serious bodily injury to a civilian, the agency shall immediately notify the County Prosecutor’s Office for the county in which the incident occurred, who shall in turn immediately notify the Attorney General’s Office of Public Integrity and Accountability (OPIA) Director or their designee.

12 Vehicular Pursuit Review

12.1 Thorough and meaningful review of vehicular pursuit incidents is vital to ensuring the safety of law enforcement officers and the public. Every vehicular pursuit must undergo the following procedures for a meaningful command-level review pursuant to a written policy established by the law enforcement executive:

- (a) The meaningful command-level review of the incident shall be undertaken by at least two levels of supervisors. These levels may include the immediate supervisor, internal affairs, training officers, or command staff. At least one reviewer must be two levels or more above the officer who engaged in the vehicular pursuit;
- (b) The review shall include an examination of all available sources of information about the incident, including any video of the incident, recordings of 911 calls and police radio transmissions, reports, officer or other witness statements, medical records, or records of injuries;
- (c) The reviewing supervisors shall make a recommendation of what action, if any, should be undertaken, including policy changes, remedial training, disciplinary action, administrative action, or, if appropriate, referral for criminal prosecution; and
- (d) The law enforcement executive, or a command level officer no more than one rank below the law enforcement executive for departments with more than 100 officers, shall review each vehicular pursuit investigation and approve or reject the recommendations of the supervisors who conducted the review. The law enforcement executive's decision, or the decision of the designee, shall be memorialized and retained in the vehicular pursuit investigative file.
- (e) Vehicular pursuits that are determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, shall be forwarded quarterly by municipal and county agencies to the County Prosecutor's Office for review. The reports shall be forwarded within 30 days of the end of each quarter. Vehicular pursuits involving statewide law enforcement agencies, or county prosecutor's office personnel, that are determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, shall be forwarded quarterly to the Director of the Office of Public Integrity and Accountability or their designee for review. The reports shall be forwarded within 30 days of the end of each quarter.

12.2 The law enforcement executive shall conduct an annual review of all vehicular pursuit incidents in their department. The review shall include, at a minimum, the following:

- (a) analytical reports from the Attorney General's Use of Force Reporting Portal;
- (b) an audit of BWCs and other videos on a risk-based and randomly selected basis;
- (c) any internal affairs complaints; and
- (d) an analysis of vehicular pursuits to ensure that they are being conducted without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

- (e) an analysis of all pursuits determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, and the steps taken to address the non-compliance.

12.3 Based on that thorough review, the law enforcement executive shall determine whether changes in departmental structure, policy, training, or equipment are appropriate. The law enforcement executive shall then provide a written report documenting the annual review to the County Prosecutor for that department. Each County Prosecutor's Office and each statewide law enforcement agency shall make its report to the Attorney General's Office of Public Integrity and Accountability (OPIA).

13 Training

- 13.1** The Division of Criminal Justice, by June 21, 2021, shall develop a training program to explain the requirements of this Policy as they pertain to state, county, and local law enforcement agencies and officers. Such program shall be made available through the NJ Learn System or by other electronic means.
- 13.2** All state, county, and local law enforcement agencies shall provide training to all officers regarding the provisions of this policy before December 31, 2021.
- 13.3** All officers shall attend in-service vehicular pursuit training annually.
- 13.4** Vehicular pursuit training shall consist of knowledge of applicable statutes, familiarization with statewide police pursuit policy and departmental procedures, decision making skills, and the use of an authorized tire deflation device if employed by the agency.

14 Individual Agency Policies

- 14.1** Nothing in this policy prohibits state, county and municipal law enforcement agencies from adopting policies that impose additional restrictions on vehicular pursuits or that impose more extensive training or reporting requirements.

**BOROUGH OF MANASQUAN
RESOLUTION
232-2023**

WHEREAS, the Monmouth County Board of Commissioners (County Commissioners) approved the plan to pave Broad Street in Manasquan (County Route 20); and

WHEREAS, during the planning phase of the paving project it was determined that a related drainage issue was causing significant ponding from stormwater runoff on properties directly east of Broad Street on Woodland Avenue; and

WHEREAS, the County Commissioners agreed to increase the paving project scope to include the correction of this stormwater ponding issue; and

WHEREAS, the project was completed in July of 2023 and has resulted not only in new pavement, curbs and sidewalks in the area of Manasquan Elementary School south to Woodland Avenue but also in the correction of the stormwater ponding issue.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby express their appreciation and gratitude to the Monmouth County Board of Commissioners and the Monmouth County Department of Engineering for their commitment to maintaining Monmouth County roadways and for their expert assistance in correcting this Broad Street-related drainage issue.

CERTIFICATION

I, Barbara Ilaria, Clerk of the Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the August 14, 2023 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ___YES ___NO						

**BOROUGH OF MANASQUAN
RESOLUTION
233-2023**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	\$3,611,721.34
Water/Sewer Fund	\$382,599.90
Beach Fund	\$86,026.38
Grants	\$1,196.96
Recreation Trust	\$21,902.78
Misc Trust	\$52,010.49
General Capital	\$47,378.75
E. Virginia Pump Station	\$170,135.52
Beach Capital	\$160.00

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Council at their regular meeting on August 14, 2023.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2408-23**

ORDINANCE TO AMEND CHAPTER 7 (TRAFFIC) SECTION 7-31.1b (REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON MUNICIPAL PROPERTY AND BOARD OF EDUCATION PROPERTY) AND AMENDING SECTION 7-25.3 (HANDICAPPED PARKING IN MUNICIPAL PARKING LOTS AND BOARD OF EDUCATION PROPERTY) IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Chapter 7 refers to Traffic within the Borough of Manasquan; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending Section 7-31.1b and 7-25.3, to regulate municipal parking at the North Main Street Municipal Lot.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Section 7-31.1b Regulations for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property of the Borough of Manasquan Code is hereby amended as follows:

b. NORTH MAIN STREET MUNICIPAL LOT, Block 33 Lot 1.01.

REGULATIONS:

1. General Parking

A. All vehicles must park in designated areas and between lines provided.

B. No commercial or noncommercial motor drawn vehicle, such as a boat trailer, recreational trailer, utility trailer or similar vehicle may be parked on this lot between the hours of 6:00 p.m. and 6:00 a.m., except for vehicles making deliveries to or performing services for residents or occupants of structures on the street.

C. No commercial or noncommercial motor drawn vehicle, such as a boat trailer, recreational trailer, utility trailer or similar vehicle may be parked at any time on this lot when the same is detached from a motor vehicle.

D. No person shall park a vehicle on the parking lot for longer than the time limit described below:

<i>Location</i>	<i>Number of Parking Spaces</i>	<i>Limit Hours</i>	<i>Hours/Days</i>
On the north side of the parking lot from a point beginning 18 feet east of the easterly curb line of North Main Street to a point 90 feet east therefore and 60 feet south of the southerly curb line of the parking lot	8	1 hour parking	9:00 a.m. to 5:00 p.m. Daily

E. Parking exclusively for Manasquan Senior Citizen Group members shall be designated as follows:

<i>Location</i>	<i>Limit</i>	<i>Number of Parking Spaces</i>	<i>Hours/Days</i>
Immediately adjacent to the south side of the Manasquan Community Senior Center (MCSC) building beginning at a point 62 feet west of the southeastern edge of the building and running to a point 98 feet west of the southeastern edge of the MCSC building	Manasquan Community Senior Center Parking Only	4	9:00 a.m. to 5:00 p.m. Monday through Friday
On the east side of the parking lot from a point 56 feet west of the western curb line of Osborn Avenue to a point 129 feet from the southerly wall of the Senior Center	Manasquan Community Senior Center Parking Only	9	9:00 a.m. to 5:00 p.m. Monday through Friday
On the east side of the parking lot from a point 80 feet west of the western curb line of Osborn Avenue to a point 48 feet from the southerly wall of the Manasquan Community Senior Center	Manasquan Community Senior Center Parking Only	1	9:00 a.m. to 5:00 p.m. Monday through Friday
On the east side of the parking lot from a point 80 feet west of the western curb line of Osborn Avenue to a point 57 feet from the southerly wall of the Manasquan Community Senior Center (MCSC) building	Manasquan Community Senior Center Parking Only	1	9:00 a.m. to 5:00 p.m. Monday through Friday

2. Permit Parking. No person shall park a vehicle in the parking lot during times indicated unless the vehicle shall have a valid permit displayed.

Location	Hours
Entire Lot	2:00 a.m. to 6:00 a.m.

3. Handicapped Parking. All stalls shall be eight (8) feet wide and shall have an appropriately- sized adjacent aisle as required by the Americans with Disabilities Act. All stalls shall be signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking permit by the Motor Vehicle Commission.

4. Tow-Away Zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

Section 2: Section 7-25.3 Handicapped Parking in Municipal Parking Lots and Board of Education Property of Education Property of the Borough of Manasquan Code is hereby amended as follows:

Name of Street	Spaces	Location
Borough Hall	3	As indicated on Site Plan
Fourth Avenue Municipal Parking Lot	2	From a point 26 feet south of East Main Street to a point 24 feet south therefrom
Manasquan Elementary School	4	On both sides of lot beginning at a point 118 feet west of Curtis Place for 25 feet west therefrom
Manasquan High School	2	On west side of the building beginning 38 feet south of the west door for 24 feet west therefrom
	2	On the south side of the building at the east end of the lot
Ocean Avenue Ramp	3	Between the north and south ramps
North Main Street Municipal Parking Lot	1	On the northwest side of the parking lot immediately adjacent to the western curbline from a point 9 feet east of the easterly curb line of North Main Street to a point 27 feet east therefrom
	5	Immediately adjacent to the curbline on the south side of the Senior Citizen Center building beginning at the southeastern edge of the building and running to a point 62 feet west of the southeastern edge of the building
Pompano Avenue Municipal Parking Lot	2	On the north side from a point 25 feet west of Third Avenue to a point 24 feet west therefrom
South Street (CR #20) Municipal Parking Lot	2	On the east side from a point 20 feet south of the southerly curb line of Main Street to a point 24 feet south therefrom
Stockton Beach Park Municipal Parking Lot	2	On the east side from a point 15 feet north of Stockton Avenue to a point 24 feet north therefrom
Third Avenue Municipal Parking Lot	2	On the east side from a point 11 feet south of Riddle Way to a point 24 feet south therefrom

Section 3: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provisions of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2408-23 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 24th day of July 2023, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 14th day of August 2023. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Barbara Ilaria, RMC, CMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Highway 34, Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: July 24, 2023
Approved on Second Reading and Final Hearing: August 14, 2023

Edward Donovan
Mayor