

**TOWNSHIP OF LONG HILL
ORDINANCE 547-24
UPDATING THE POLICE DEPARTMENT ORGANIZATION CHART BY CLARIFYING THE DUTIES OF
THE PUBLIC SAFETY DIRECTOR AND THE LAW ENFORCEMENT EXECUTIVE AND AMENDING
CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED "ADMINISTRATION."**

WHEREAS, the Township retained the services of Municipal Resources, Inc. ("MRI") to develop a high-level overview of the Long Hill Township Police Department for the purposes of assessing risk management and potential organizational enhancements; and

WHEREAS, MRI issued its report in October 2022, and the Township Committee has implemented a number of the recommendations contained therein; and

WHEREAS, the Township Committee thereafter saw the need for an experienced professional to review the study prepared by MRI and to develop an implementation plan; and

WHEREAS, retired Long Hill Chief of Police and current Harding Township Administrator Robert Falzarano was found to be a uniquely-qualified candidate to perform that function; and

WHEREAS, Long Hill Township thereafter entered into a shared services agreement with Harding Township to authorize Robert Falzarano to provide police assessment and consulting services for the Long Hill Township Police Department; and

WHEREAS, Robert Falzarano issued a comprehensive report dated November 21, 2023, in which he made a number of findings and recommendations; and

WHEREAS, after reviewing Robert Falzarano's report and consulting with Mr. Falzarano, it was determined that the best way to implement the recommendations contained in the MRI and Falzarano reports was to hire a Public Safety Director with the requisite knowledge and experience to oversee the operations of the Police Department and to obtain new accreditation for the Long Hill Township Police Department;

WHEREAS, the Township Committee adopted Ordinance #531-24 on February 14, 2024, creating the position of Public Safety Director and adopted Resolution 24-082 on February 28, 2024, appointing former Long Hill Township Police Chief Michael Peoples as Public Safety Director; and

WHEREAS Ordinance 531-24 also designated the Township Public Safety Director as the "Appropriate Authority" pursuant to N.J.S.A. 40A:14-118; and

WHEREAS, the Appellate Division of the Superior Court of New Jersey held in *Policemen's Benev. Ass'n, North Brunswick, Local 160 v. Township of North Brunswick*, 318 N.J. Super. 544, 552 that, " It is abundantly clear that the Legislature recognized that if a municipality opted not to create the position of chief of police, a municipality's police department would require leadership in the daily operations of the department. N.J.S.A. 40A:14-118 does not prohibit the Director of Police from also being the "appropriate authority," and

WHEREAS, the court in that case upheld the North Brunswick ordinance, where:

"the Township . . . opted not to name a Chief of Police, the Public Safety Director [was]vested with such authority, without a Chief of Police, and all police officers [were] subordinate to the

Director of Police in accordance with rank, and the Public Safety Director [was] entitled to assume duties ordinarily assigned to the Chief of Police, including directing daily operations of the Police Department."

WHEREAS, the Supreme Court's decision in *Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark*, 244 N.J. 75, 109 (2020) was primarily concerned with the legality of a civilian complaint review board, the court did note that the Newark ordinance provided that:

The **Public Safety Director** is ultimately in charge of the imposition of discipline; is the official designated to be "the appropriate authority" to set procedures for the police department and, specifically, for the disciplining of officers; and can direct the initiation of formal disciplinary charges against an officer. *Id.* at 109/

WHEREAS, the Township needs to clarify the duties of the Public Safety Director to include the authority to direct the daily operations of the Police Department while the position of Police Chief remains vacant; and

WHEREAS, in the absence of a Chief, the Appropriate Authority shall appoint a law enforcement executive to be responsible for the sworn law enforcement functions of the Police Department, including emergency scene management;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter 2 of the Township Code entitled "Administration" is hereby amended as follows:

Section 1. Section 2-14 entitled "Police Department" is hereby amended by amending subsection 2-14.1 entitled "Establishment" to read as follows:

§ 2-14 POLICE DEPARTMENT

§ 2-14.1 Establishment.

A Police Department is hereby established in the Township, under the name of "Police Department of the Township of Long Hill, Morris County, New Jersey."

The following positions and line of authority are hereby created:

One Chief of Police (vacant)

One Captain

Two Lieutenants

Eight Sergeants

Sixteen Police Officers (plus additional officers equal to the vacancies in Superior Officer ranks set forth above).

The creation of these positions shall not require the Township Committee to fill each position and any position hereunder established may, in the sole discretion of the Township Committee, remain vacant.

In the event the position of Chief of Police is vacant, and during the time when the Township police department does not have an individual appointed to the position of Chief of Police, and until such time as the position is filled, the Appropriate Authority shall appoint a law enforcement executive to be responsible for the sworn law enforcement functions of the Police Department, only to the degree that such functions require the oversight of the sworn officers of the department, including emergency scene management, and does not extend to the full power and

duties of Chief of Police, as enumerated in NJSA 40A-14-118.

§ 2-14.2 Designation of Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Township Public Safety Director is hereby designated as the "Appropriate Authority."

§ 2-14.3 Chief of Police; Powers and Duties.

The Township may appoint a Chief of Police who shall have all of the powers set forth in N.J.S.A. 40A:14- 118 and who shall be directly responsible to the Public Safety Director as the appropriate authority for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall, pursuant to policies established by the ~~Township Committee~~ Appropriate Authority:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- b. Have, exercise and discharge the functions, powers and duties of the force.
- c. Prescribe the duties and assignments of all subordinates and other personnel.
- d. Delegate authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chief's direction and supervision.
- e. Report at least monthly to the Administrator in such form as shall be prescribed by the Township Committee on the operation of the force during the preceding month and make such other reports as may be requested by the Township Committee.

Section 2. Paragraph "d4" in Code section 2-26 entitled "Public Safety Director" is hereby supplemented and amended by adding a new subparagraph "(a)" to read as follows and by re-lettering the succeeding subparagraphs in that section:

"(a) Directing daily operations of the Police Department. setting procedures for the police department and for the disciplining of officers; and directing the initiation of formal disciplinary charges against an officer.

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, June 26, 2024 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, July 17, 2024, by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to Wednesday, July 17, 2024, public agenda, or email municipalclerk@longhillnj.gov.

ATTEST

Megan Phillips, RMC

Guy Piserchia, Mayor

First Reading and Introduction: June 26, 2024

1st Publication: Echoes Sentinel July 4, 2024

Second Reading and Adoption: on agenda July 17, 2024

2nd Publication: