

PHASE I FEASIBILITY STUDY
OF
ESTABLISHMENT OF A CONSOLIDATED POLICE DEPARTMENT
IN
THE BOROUGH OF MENDHAM
AND
THE TOWNSHIP OF MENDHAM
NEW JERSEY

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EXECUTIVE SUMMARY

The Borough of Mendham and the Township of Mendham have considered consolidation of their police departments on a number of occasions in past years. Early in 2003 the Borough and Township renewed their discussions of a merged department and authorized a three-step process to evaluate the feasibility of establishing a single department as follows:

- Phase I – Base level feasibility
- Phase II – Transition Analysis
- Phase III – Implementation

Each phase must be separately authorized based on approval of the prior phase.

This document reports on the Phase I feasibility study.

The methodology for the police merger study emphasizes evaluation of the impact on the present departments, including obtaining insights and opinions from Borough and Township police officers.

Legal Alternatives for Intermunicipal Services

New Jersey statutes provide two alternative methods to establish joint police services:

- N.J.S.A.40:8A-1 et seq – The Interlocal Services Act
- N.J.S.A.40:48B-1 et seq – The Consolidated Municipal Services Act

Background Review of Current Police Services

A review of background information and characteristics confirms the conclusion that both Mendham Borough and Mendham Township are “suburban” communities having characteristics and demographic factors that are similar and compatible for joint police services.

Current Police Services

The current authorized strength of police personnel is 10 officers and 14 officers in the Borough and Township, respectively. The two departments have different numbers of vehicles, other equipment, facilities and procedures for providing police services.

The most striking feature of current police services in both the Borough and the Township is the highly flexible assignment of personnel to best meet the needs of the communities given the limited size of each department. Limitations in personnel result in a number of instances with only one officer on duty or requirements for overtime to provide additional staffing. Both communities and their police officers do a very good job of scheduling personnel to best meet service needs with the personnel available.

Merger Benefits

The two major benefits of a consolidated police department are:

- Significantly increased quality/effectiveness of police services.
- Potential cost savings

Improvements in the quality/effectiveness of services include:

- Patrol coverage
- Administration/supervision
- Criminal investigation
- Community service programs
- Building facilities
- Equipment
- Training
- If a merger is to occur, now is “the right time.”

Cost factors should be considered in terms of both one-time costs and long-term ongoing costs.

One-time costs will include an addition to the Mendham Borough police building, reconciliation of existing police collective bargaining contracts and changes in police equipment, radio dispatch services and operating procedures.

Ongoing/long-term costs savings are possible based on operation of only one police building and efficiencies and economies of scale in personnel administration, vehicles, other equipment, radio dispatch services and other general operating costs.

Some immediate cost savings may be possible through an initial reduction in uniformed personnel from the current authorized strength of the two departments, although this would reduce the improvement in quality and effectiveness of police services described above.

Merger Concerns

The Phase I feasibility study identified several concerns to be addressed in establishing a consolidated police department. These concerns are:

- A significant difference in the “style” or “culture” of the two police departments.
- The loss of “local control”
- A “big” department will be less responsive to the public
- Natural resistance to change
- Larger Township department may be more influential in a merged department.
- Implementation of operational changes such as establishment of a single radio dispatch system.

Recommendation

The Phase I feasibility study has indicated that significant benefits can be achieved by establishing a consolidated police department particularly in terms of higher quality and effectiveness of police services. This improvement will benefit the public and the officers serving the new department.

Cost savings and/or cost efficiencies will also be realized over the long term.

Based on benefits that can be obtained and recognition of the concern as to the different “styles” of the two departments, the consultant recommends proceeding with the Phase II “transition analysis” feasibility study. The Phase II study will provide a more definitive analysis of the benefits of consolidation and address the issue of the differing styles of the two departments.

The completion of the Phase II feasibility study will establish a firm basis for the decision of whether or not to form a consolidated police department.

I. INTRODUCTION/BASIS FOR STUDY

The Borough of Mendham and the Township of Mendham have explored the possibility of establishing some form of consolidated police services for more than 25 years.

Beginning in 1976, when the first study was completed, the Borough and Township have completed three formal feasibility studies for consolidated police services. The most recent study, completed in 1992, resulted in a proposed intermunicipal agreement for sharing of certain services but this agreement and other actions to establish consolidated police services have, for various reasons, never been finalized. Nevertheless, interest in the possible benefits of consolidated services has continued since 1992.

In January 2003, a joint meeting of the Borough's public safety committee and the Township's police committee was held. The initial focus of the committees' efforts was consideration of sharing a single police building. These discussions led to a recommendation to the governing bodies of each municipality to undertake a full study to analyze the feasibility of establishing a consolidated police department.

Approval of this recommendation by both governing bodies provides the basis for this "Phase I" feasibility study report.

II. METHODOLOGY FOR FEASIBILITY STUDY/FORMAT FOR REPORT

Procedure

In seeking a proposal for consulting services to complete the feasibility study, the public safety/police committees emphasized the importance of a systematic, step-by-step process.

Specifically, the committees directed that consideration of establishing a consolidated police department be broken down into individual "phases", each of which is subject to approval by both municipalities before proceeding with the next phase.

Accordingly, the scope of work for the full study, if authorized, is as follows:

- Phase I – Feasibility
Objective: To assemble relevant information and determine base level feasibility of establishing a single department.
- Phase II – Transition Analysis
Objective: To complete an analysis of all relevant factors requiring actions to establish a single police department.
- Phase III – Implementation
Objective: To identify actions required and establish schedule for implementation of Phase II recommendations.

The report completes the Phase I portion of the feasibility study.

Methodology

The methodology for the Phase I feasibility study was to assemble pertinent information about police services from both written materials and interviews with officials of the Borough and the Township. Special emphasis was given to communicating with representatives of the Borough and the Township to gain insight as to present services and opinions as to the feasibility of a consolidated police department. The public safety/police committees stressed the importance of meeting with police officers to gain their input. This procedure results in a total of 14 meetings, including 12 individual meetings with police officers which resulted in participation by 17 members of the two police departments. All of these meetings were very valuable in providing information for the study. The views expressed by the Borough's and Township's police officers were very helpful and are reflected in this report.

Format

The format for the report is organized to provide information in a concise manner, avoid superfluous data and focus on specific information from which to make an informed decision.

Terminology

Throughout the report, references are made to “consolidated”, “merged” or “joint” police services. These terms have been used interchangeably to refer to some form of combined service between the two municipalities.

III. LEGAL ALTERNATIVES FOR INTERMUNICIPAL SERVICES

New Jersey statutes provide two alternative methods to establish joint police services. These are:

- N.J.S.A. 40:8A-1 et seq. – The Interlocal Services Act
- N.J.S.A. 40:48B-1 et seq. – The Consolidated Municipal Services Act

Excerpts from both of these statutes are included in Appendix A.

Since the outset of discussions, both the Borough and the Township have considered only a merger of the two departments to form a single consolidated department rather than a contractual agreement whereby one municipalities pays for police services from the other.

The consultant fully agrees with this conclusion. Therefore, the Phase I Feasibility Study is presented in terms of the arrangements that would apply in establishing a single merged police department to serve Mendham Borough and Mendham Township.

IV. HISTORICAL PERSPECTIVE OF CONSOLIDATED POLICE SERVICES

It is clear that the “taxpayer revolt” of the 1990’s requires government to limit expenditures and improve efficiency in the delivery of public services. This need was further highlighted by the economic recession that occurred in 2001 and 2002.

The demand to limit costs and improve efficiency applies to all public services, including police services. Little, if any, consolidation of police services has been accomplished in New Jersey in the past, although discussion on this subject has occurred for more than 30 years. A few examples of this discussion are as follows:

In a study for the Northwest Command and Leadership School, Sergeant Rolland Lauther of the New Jersey State Police stated:

The concept of consolidation has been mentioned in police circles ever since the middle 1960's. The discussions have ranged from the cost factors, effectiveness and even to the loss of home rule. In the United States as a whole, the recommendations of commissions, task forces and study groups have largely gone ignored. The United States, broken down into states, counties/parishes and municipalities still remains a mosaic of law enforcement agencies that weave their way through different responsibilities, tasks and geographic areas. Tax payers in New Jersey and other states during the intervening years since the initial feasibility studies on police consolidation have grown impatient of inefficiencies, become aware of duplications and grown intolerant of any mention of tax increases to maintain important public service functions.¹

The Pennsylvania Department of Community Affairs has stated:

Consolidating municipal police agencies as an alternative to solving many administrative and operational problems has been considered for many years in the State and nation....consolidation of police services was a major recommendation of the President's Commission on Law Enforcement and Administration of Justice 1967 Report, "The Challenge of Crime in a Free Society."

In 1971, the National Advisory Commission on Intergovernmental Relations recognized that smaller municipal police agencies (ten officers or fewer) were unable to provide a full range of police services without the aid of other police agencies in many facets of the work.

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals recommended the consolidation of police departments of less than ten full time sworn officers.²

In 1976, the New Jersey and Municipal Government Study Commission stated:

Few New Jersey municipalities have the population and tax base necessary to support departments of optimal size and capacities and offer

¹ Rolland Lauther, Northwest Command and Leadership School, Analysis of Merger of Police Department, 1995.

² Pennsylvania Department of Community Affairs, Bureau of Local Governments Studies, Regional Police Services in Pennsylvania, December 1981; revised April 1988.

comprehensive services. Moreover, in view of the fiscal squeeze which forced cut backs in existing service levels, personnel lay-offs and cancellation or deferral of planned projects, it is unlikely that many municipalities will be able to expand their separate law enforcement capacities in order to meet suggested levels of comprehensiveness. For such attributes to be attained, it will be necessary to develop (police) jurisdictions which encompass more than single municipalities.³

More recently, Governor Christine Todd Whitman, in discussing proliferation of local governmental units and its impact on property taxes stated:

One consequence of our strong tradition of home rule is that our public services are not always delivered in the most effective or cost-effective manner possible...if we're serious about property tax reform, we must consider these types of solutions: encouraging shared services and voluntary consolidation. Perhaps the state should assume some of the cost of shared services for a period of time as a reward for consolidation. For example, we could provide seed money for regionalized police forces in contiguous municipalities."⁴

Despite these discussions about increased inefficiency and the need to limit costs, there has been virtually no consolidation of police services in New Jersey. In contrast, as long ago as 1988, there were a number of regional police agencies in Pennsylvania. As of 2001 there were 28 consolidated police departments in Pennsylvania involving 94 municipalities. (source: "Pennsylvania Municipal Police Data Fact Sheet as of January 1, 2001).

³ New Jersey County and Municipal Governments Study Commission, Aspects of Law Enforcement in New Jersey (1976).

⁴ Christine Todd Whitman, *Daily Record*, February 2, 1996.

V. BACKGROUND REVIEW OF CURRENT POLICE SERVICES

General Community Information

Mendham Borough

The Borough of Mendham has a land area of 6.0 square miles and a 2000 population of 5,097. The 2000 population is an increase of only 4.2 percent from the 1990 population of 4,890. The projected population for the year 2010 is 5,120. The Borough has limited remaining vacant land for future development.

From the standpoint of demand for police services, it is unlikely that needs will increase significantly in the foreseeable future due to increased population or new land development.

Mendham Township

Mendham Township has a land area of 17.9 square miles and a 2000 population of 5,400. The Township's population grew by 863 or 19.0 percent from 1990 to 2000. The Township's projected population in 2010 is approximately 5,800. Although the Township has a significant amount of vacant land, historical development trends and current Master Plan and zoning regulations suggest that new growth will continue at a slow rate in the future.

Summary

The purpose of providing the above population and land development information is to give a general characterization of the two communities and the possible impact of future growth on police services.

Although Mendham Borough is more fully developed and has greater commercial development than the Township, both municipalities are essentially "suburban" communities that have

generally similar demographic character. Based on the limited rate of growth anticipated in the future, it is unlikely that the demographic character of the two municipalities will change significantly in the future.

For the purposes of this feasibility study, it is concluded that demographic factors of the two communities are similar and compatible for joint police services.

Current Police Services

This section provides a brief summary of statistical and operating data which identify the framework for current police services.

Authorized Personnel

<u>Municipality</u>	<u>Chief</u>	<u>Capt.</u>	<u>Lt.</u>	<u>Sgt.</u>	<u>Ptl.</u>	<u>Non-Uniformed</u>	
Mendham Borough	1	0	0	2	7	2	12
Mendham Township	1	0	1	4	7	1	14

Police Facility

<u>Municipality</u>	<u>Size (square feet)</u>	<u>Annual Operating Cost</u>
Mendham Borough	5,804	\$30,000.00*
Mendham Township	1,842	\$38,000**

* Estimated amount based on data received from Borough Finance Officer.

** Estimated amount based on data received from Township Administrator.

Vehicles

<u>Municipality</u>	<u>Patrol (marked)</u>	<u>Patrol (Unmarked)</u>	<u>Chief</u>	<u>Detective</u>	<u>4-Wheel</u>
Mendham Borough	4	1	Use unmarked vehicle as available		0
Mendham Township	4	1	1	1	2

Annual Budget (2003)

<u>Municipality</u>	<u>Salary & Wages</u>	<u>Other Expense</u>	<u>Overtime</u>
Mendham Borough	\$ 939,057*	\$ 54,650	\$34,102 (1/1/03- 10/24/03 Actual)
Mendham Township	\$1,033,000*	\$119,950	\$95,000 (Est)**

Radio Dispatch

Mendham Borough – Contract with Morris County; 2003 cost, \$63,857.

Mendham Township -- Contract with Washington Township; 2003 cost, \$68,000.

* All full-time employees, including non-uniformed.

** Reflects regular overtime costs and vacancy in one sergeant position.

Personnel Scheduling

The most striking feature of current police services in both Mendham Borough and Mendham Township is the highly flexible assignment of personnel to best meet the needs of the community given the limited size of each department.

In brief, the “standard” work schedules for the Borough and Township are as follows:

Mendham Borough

Four squads of two officers each working a modified rotating schedule of 12-hour shifts, three days on and three days off.

Mendham Township

Squads of two officers working days and afternoons, and one officer working midnight, each working a permanent schedule of 11-hour shifts, four days on and four days off.

Each community has one detective to provide criminal investigation with other services such as crime prevention, juvenile services and school programs provided through special assignments. These special assignments along with requirements for officer training, vacations and other time off require adjustments in personnel scheduling to provide needed services at time of highest demand.

Both communities do a very good job of scheduling personnel effectively to best meet these needs with the personnel available.

A more detailed listing of major personnel scheduling features for the Borough and the Township are provided in Appendix B and Appendix C, respectively.

VI. ANALYSIS

This section of the report provides an assessment of the **base level** feasibility of establishing a consolidated police department.

Key factors impacting establishment of a consolidated department are analyzed to provide the basis for a recommendation with respect to proceeding to the Phase II stage of the complete merger study project as defined by the joint public safety committee.

Accordingly, the information that follows is not intended to definitively establish the basis for a merged department. Rather, this determination will be made after completion of the "Phase II" feasibility study if approved and authorized by both the Borough and the Township.

Merger Benefits

There are two fundamental potential benefits of a merged police department: improved quality/effectiveness of service and cost savings.

Quality/Effectiveness of Police Services

Without question, establishment of a merged police department will result in a significant improvement in the quality and effectiveness of police services. At least 80 percent of the persons interviewed for this study agreed with this proposition. Virtually without exception, everyone interviewed agreed that, at least, there were potential benefits in service quality and effectiveness.

The most important areas of improvement are as follows:

- Patrol Coverage – Regular patrolling of the community is the major, single most important service provided by any police department. A merged “Mendhams” police department would result in a major increase in patrol coverage for both communities. Whatever specific organizational structure is established, it is likely to include squads of at least four officers including a supervising sergeant. Intuitively, this combined staffing and organizational structure would result in better coverage, particularly considering the geographic configuration of both municipalities. (See Appendix D).

The patrol coverage benefits of a merged department will also mitigate the “assignment/availability factor”¹ and eliminate any one-person patrols without overtime costs except in unusual circumstances.

A merged police department would also provide benefits of better response time and better back up, when needed, for the benefit of both residents and police officers.

¹ The assignment/availability factor documents the need to employ 1.7 officers to staff one patrol position 365 days per year. See Appendix E for detailed information.

- Administration/Supervision – The command structure of a merged police department will allow significantly better administration and supervision in the police department resulting in better police services. At the present time the sergeants in both departments are working patrol officers. In addition, higher-ranking officers including the chiefs of police are required to fill in to support various police functions, such as detective services, on a fairly regular basis.

A merged police department would provide a sergeant for each patrol squad who would clearly serve in a supervisory capacity while also providing some “road services.” Higher-ranking officers could carry out their administrative and supervisory responsibilities with minimum need to assist with standard day-to-day functions.

- Criminal Investigation – As described above, both the Borough and the Township have a single detective assigned to criminal investigation. Both detectives generally work a day shift which significantly limits services available in evening hours or days off. All officers interviewed who discussed detective services agreed that the limitations in day-to-day availability and continuity of service over time were problematic.

A merged police department could provide at least a three-member detective bureau, headed by a supervising sergeant, which would result in a major improvement in service.

- At the present time, both the Borough and the Township provide community service programs such as traffic safety, juvenile/youth/DARE programs, school education

programs and general community programs on a special assignment basis. Mendham Borough gives strong emphasis to these programs within the limits of personnel available.

A merged department would, at the least, provide much greater flexibility in providing these community programs and could include a community services division with possibly two officers assigned to these functions on a full-time basis.

Appendix F provides an **illustrative sample** of a possible organizational structure for a merged police department with the service improvements just described. It is emphasized that this organization chart is not a recommendation but is for illustrative purposes only at this point. Determination of the organizational structure for a merged department would be made as part of the Phase II feasibility study, if authorized.

- Building Facilities – A merged police department will clearly result in a significantly improved police building facility for Mendham Township. However, a merger will also require some modifications to the existing Mendham Borough police building. This should result in an overall improvement of the building for the benefit of all personnel. One example of a possible improvement is better locker room or meeting facilities as well as an exercise/workout room that was mentioned by several officers.

A single police building serving both communities also will allow an improvement in efficiency of administrative services such as communications and recordkeeping.

Last, a single police building may provide improved convenience to the public as indicated by comments by several police officers that residents of both the Township and the Borough are more familiar with the Borough police building than the current Township building.

- Equipment – A merged police department will allow more efficient use of vehicles and other equipment. Subject to more detailed analysis, the vehicle and other equipment requirements for a merged department may be less than currently exists, but in any event, would allow more flexibility and better quality equipment.
- Training – Both departments currently provide necessary training for police officers. However, scheduling is also difficult and takes away from regular services such as patrol and criminal investigation.

A merged department could provide for necessary and perhaps increased training programs without any negative effect on other services.

- “The Right Time” – The Borough and the Township have discussed a possible consolidated police department off and on for more than 20 years. Members of the joint public safety committee as well as a number of police officers interviewed indicated that if a merger is to be accomplished, now is the “right time.”

This thought is based on factors such as the long history of cooperative programs such as the joint municipal court, increased demand to provide more cost effective public services and the current status of the two police departments.

Cost Factors

Cost factors should be considered in terms of one-time costs and long-term or ongoing costs.

One-Time Costs – There are a number of one-time costs that will be required to implement a merged police department that will not recur in the future. The most important of these are:

- (1) An addition to the Mendham Borough Police Building – This is the most significant one-time cost that will be required.
- (2) Reconciliation of existing collective bargaining contracts currently in force for officers of the Borough and the Township.
- (3) Police Vehicles – Determination as to the number of vehicles needed, replacement of vehicles and marking of vehicles.
- (4) Equipment – Determination as to all equipment needed and equipment to be replaced or purchased, if necessary.
- (5) Radio Dispatch – Determination as to the most effective radio dispatch system for the merged department and conversion of radio equipment to a single system.
- (6) Uniforms/Firearms – Establishment and purchase of a single uniform for all police personnel and reconciliation of different policies as to issuance of firearms.

More detailed estimates of these one-time cost factors would be provided as part of the Phase II feasibility study.

Ongoing/Long-Term Costs – Based on the analysis completed for the Phase I base level feasibility included in this report, it appears that some long-term cost savings could be obtained by establishment of a consolidated police department. The most significant of these savings include the following:

- (1) Police Building – Significant savings could be achieved by operation of one building rather than two.
- (2) Personnel – Some savings could be realized by consolidating all aspects of personnel administration such as recruiting, testing, training and compensation/benefits administration.

Additional savings could be realized depending on the authorized strength of the consolidated police department. The sample organization chart in

Appendix F is based on the current authorized personnel of 24 officers in the two departments. A 24-member merged department would provide the full benefits of improved police service with reduced overtime costs. It would also provide an optimum number of personnel that could continue without change for an extended period of time.

- (3) Vehicles – Subject to further analysis, savings might be achieved by slightly reducing the total of 15 vehicles presently used by the two departments. This would be a relatively small savings but the flexibility gained by purchase and maintenance of a single fleet of vehicles will allow greater efficiency and economy in both the assignment and maintenance of the fleet.
- (4) Equipment – As with vehicles required for a consolidated department, establishment of a single, merged department may allow reduction in the amount of equipment owned, both “law enforcement” and “office” equipment. Benefits of greater flexibility in the assignment and use of equipment would also be realized.
- (5) Radio Dispatch Services – The two police departments spend more than \$130,000 annually for radio dispatch services. Some cost savings would be realized by providing a single radio dispatch service. The exact amount of savings is subject to the determination of the radio system selected and the basis for charges for use of that system.
- (6) General Operating Costs – The 2003 budget for “Other Expenses” for the Borough and the Township are \$54,650 and \$119,915, respectively. It is likely that some annual savings could be obtained in these costs based on economies of scale and related factors. The amount of these savings will be relatively small. It should be noted that some costs included in the other expense budgets, such as vehicle maintenance, have been referred to in discussing possible cost savings above.

Conclusion

It is the consultant's conclusion that the benefit of greatly improved quality and effectiveness of services is the major benefit of establishing a consolidated police department.

Cost savings will be realized which will be beneficial over the long term. The level of savings and relative impact on the total budgets of both municipalities will depend upon policy decisions made with respect to areas such as authorized personnel, equipment and radio dispatch services.

Merger Concerns

The fact finding completed to prepare this Phase I feasibility study, particularly the interviews with members of both police departments, identified one major concern: a significant difference in the "style" or "culture" of the two police departments. This difference is clearly recognized in both municipalities.

In general, the Borough police department is viewed as emphasizing community service activities while the Township department is viewed as emphasizing enforcement activities. It is the consultant's view that there are benefits to both philosophies. In fact, a merger or balance of these two approaches would be beneficial if, as stated by one officer, "it is done the right way."

Several lesser concerns were identified. All of these concerns were generic or operational in nature. These secondary concerns are:

- The loss of "local control" in each municipality.
- A "big" department will be less responsive to the public.
- Natural resistance to change.
- The larger Township department may be more influential in a merged department.

- Uncertainty regarding pending promotions.
- Operational changes such as establishment of a single radio dispatch system.

A representative sample of comments received from police officers in both departments with respect to the benefits or concerns in establishing a consolidated police department are provided in Appendix G.

VII. RECOMMENDATION

The conclusion of this Phase I feasibility study is that significant benefits can be achieved by establishing a consolidated police department particularly in terms of higher quality and effectiveness of police services. This improvement will benefit the public and the officers serving the police department.

Cost savings or cost efficiencies will be realized although these are not the “make or break” reason for establishing a consolidated department.

It was virtually unanimously agreed that the only real concern is the differing style or operational philosophy of the two police departments.

Accordingly, the consultant recommends the Borough and Township proceed with the Phase II feasibility study. The Phase II study will recognize and address the question of the style of the departments and provide more detailed analysis of the factors impacting the formation of a single police department. It will build on and expand the initial data included in this base level feasibility study to identify, assess and recommend the organizational structure to integrate the two current departments into a single operating unit.

Phase II Procedure

It is recommended that the public safety/police committees of the Borough and the Township be designated as an “organizational” task force to work interactively with the consultant to review

and evaluate recommendations or alternatives for actions needed if a consolidated police department is established.

It is also recommended that an “operational” subcommittee be established that includes police department membership.

The organizational task force would consider matters such as:

- Cost distribution between the Borough and the Township
- Building facilities (cost allocation)
- Organizational structure of the police department
- Reconciliation of existing collective bargaining contracts
- Staffing levels

The operational subcommittee would consider items such as:

- Uniforms
- Vehicles
- Equipment
- Departmental procedures
- Radio dispatch services
- Building facility (building expansion)

Subject to consideration of all relevant factors during the Phase II analysis, a firm decision can be made as to the feasibility and desirability of establishing a consolidated department.

VIII. CONCLUDING STATEMENT

The Borough of Mendham and the Township of Mendham have an outstanding opportunity before them. During this era of “tax revolt” and the need for government to improve efficiency,

the circumstances for consolidation of the police departments in the Borough and the Township are at an optimal point.

The makeup and “character” of the municipalities are very similar and compatible. The two communities have prior experience in working together as indicated by the joint municipal court and other cooperative activities. Subject to successful completion of a Phase II feasibility analysis, a consolidated police department could be established which will provide a major increase in the effectiveness of police services along with some level of cost savings in the long term.

The benefits of a consolidated police department can provide a “win-win” circumstance for both communities, including residents, local officials and members of the police departments.

APPENDICES

APPENDIX A

Excerpts from Authorizing Statutes,
Consolidate Police Sources;
N.J.S.A. Title 40, Chapter 8A;
N.J.S.A. Title 40, Chapter 48B

The following statutory excerpts were provided by
Mendham Township attorney, Roger S. Clapp

CHAPTER 8A

INTERLOCAL SERVICES

Section

40:8A-1.
40:8A-2.
40:8A-3.

Short title.
Definitions.

Contract by local unit for joint service projects parties; authorization by ordinance or resolution.

Contract; authorization by adoption by ordinance or resolution; filing; public inspection; effective date.

40:8A-5. Joint authorization for provision of services.

40:8A-6. Contents of contract; agent party; definition; powers; other contracts for same services.

40:8A-7. Payments.

40:8A-8. Contract for services with private contractor; compliance with local public contracts law.

40:8A-9. Performance of services for independent body or authority equal to one-half or more of costs of services provided; approval by local units.

40:8A-10. Legislative intent.

40:8A-11. Severability.

Cross References

Consolidation of municipalities, see § 40:43-66.35 et seq.
Economy in government loan fund act, see § 40:8B-10 et seq.

Interlocal services aid act, see § 40:8B-1 et seq.

Local public contracts law, see § 40A:11-1 et seq.

Administrative Code References

Contracting health agencies, see N.J.A.C. 8:53-1.3.
Recycling grants and loan program, see N.J.A.C. 7:26-15.1 et seq.

Uniform Construction Code, interlocal enforcing agencies, establishment, see N.J.A.C. 5:23-4.6.

Law Review Commentaries

Housing development in New Jersey counties. Peter A. Buchsbaum (1980)
106 N.J.L.J. 141.

Library References

Comments

Permissive general statutes, the Interlocal Services Act, see N.J.P. vol. 34, Pane, § 326.

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40:8A-1. Short title

This act shall be known and may be cited as the "Interlocal Services Act."

L.1973, c. 208, § 1, eff. Aug. 2, 1973.

Historical and Statutory Notes

Title of Act:

An Act permitting political subdivisions of this State to provide services jointly, amending the "Department of Community Affairs Act of 1966" (P.L. 1966, c. 3 supplementary thereto, L.1973, c. 208, 1966, c. 293; C. 52:27D-1 et seq.) amending the "Consolidated Municipal Service Act" (P.L.1952, c. 72; C. 40:48B-1 et seq.), and P.L.1960, c. 3 supplementary thereto. L.1973, c. 208.

Library References

American Digest System

Governmental powers and functions in general; political status and relations in general, see Municipal Corporations ¶153.

Encyclopedias

Powers and functions of municipal corporations in general, see C.J.S. Municipal Corporations § 106 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:8A-2. Definitions

As used in this act, unless the context indicates otherwise:

- a. "Local unit" means a municipality, county, school district or a regional authority or district other than an interstate authority or district.

b. "Governing body" means the board, commission, council or other body having the control of the finances of a local unit; and in those local units in which an executive officer is authorized by law to participate in such control through powers of recommendation, approval or veto, the term includes such executive officer to the extent of such participation.

c. "Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county not having an elected county executive, and the chairman or other presiding officer of any other governing body.

d. "Service" means any of the powers, duties and functions exercised or performed by a local unit by or pursuant to law.

e. "Contract" means a contract authorized under section 3 of this act.¹

L.1973, c. 208, § 2, eff. Aug. 2, 1973.

¹ Section 40:8A-3.

Cross References

Governing body of municipality defined, see § 40:42-2.

Library References

American Digest System

Governmental powers and functions in general; political status and relations in general, see Municipal Corporations ¶153.

Encyclopedias

Powers and functions of municipal corporations in general, see C.J.S. Municipal Corporations § 106 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:8A-3. Contract by local unit for joint service projects; parties; authorization by ordinance or resolution

Any local unit of that State may enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction. An autonomous authority, board, commission or district established by and within a single local unit and providing service within such local unit or a part thereof may become a party to such contract with the consent

of the governing body of the local unit, by ordinance or resolution thereof adopted in the manner provided in section 4 of this act;¹ and after such consent duly given, such authority, board, commission or district may enter into such contract by resolution without need of publication or hearing.

L.1973, c. 208, § 3, eff. Aug. 2, 1973.

¹ Section 40:8A-4.

Library References

American Digest System

Capacity to contract in general, see Municipal Corporations ¶226.

Encyclopedias

Capacity and power to contract in general, see C.J.S. Municipal Corporations § 976 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:8A-4. Contract; authorization by adoption by ordinance or resolution; filling; public inspection; effective date

A party authorized to enter into a contract under section 3 of this act¹ may do so by the adoption of an ordinance, if such party is a municipality, or a resolution, if it is any other such party. A resolution adopted pursuant to this section or section 3 need not set forth the terms of the contract in full, but shall clearly identify it by reference; and a copy of the contract shall be filed and open to public inspection at the offices of the local unit immediately after the introduction of any such resolution before the governing body. The contract shall take effect upon the adoption of appropriate ordinances or resolutions by all the parties thereto as set forth in the contract document.

An ordinance or resolution adopted pursuant to this section shall before final adoption be introduced in writing before the governing body and passed upon first reading, which may be by title. Within 10 days thereafter it shall be published, together with a notice of the date, time and place fixed for consideration of its final adoption. Such publication shall include notification of the place at which copies of the proposed contract are available for public inspection, and the times at which such inspection is permitted. Publication shall be in at least one newspaper of general circulation in the jurisdictional or service area of the local unit at least 1 week prior to the date fixed for consideration for final adoption. At the date

fixed for consideration of the ordinance or resolution for final adoption, or at subsequent adjournment thereof, the governing body shall hold a public hearing and shall then proceed to consider the final adoption, which may be by majority vote of the governing body, subject to any executive approval or veto, as referred to in section 2 of this act.²

L.1973, c. 208, § 4, eff. Aug. 2, 1973.

¹ Section 40:8A-3.

² Section 40:8A-2.

Library References

American Digest System

Contracts in general, constitutional and statutory provisions in general, see Municipal Corporations ¶227.

Encyclopedias

Contracts in general; authorization or approval of proposed contract, see C.J.S. Municipal Corporations § 994.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:8A-5. Joint authorization for provision of services

The parties to a contract authorized by this act may agree to provide jointly, or through the agency of one more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself. Such services shall include, but not be limited to, the areas of general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental services, joint municipal courts, youth, senior citizens, welfare and social services programs. Nothing in this act shall be deemed to amend or repeal any procedures for or powers of approval of any consolidated local service program which any State agency may now exercise pursuant to law.

L.1973, c. 208, § 5, eff. Aug. 2, 1973.

Library References

American Digest System

Capacity to contract in general, see Municipal Corporations ¶226.

(4) "Operate" and "operation" shall mean and include acquisition, construction, maintenance, management and administration of any lands, public improvements, works, facilities, services or undertakings.

(5) "Local unit" shall mean any municipality or county.
L.1960, c. 3, p. 19, § 10, eff. Feb. 2, 1960. Amended by L.1973, c. 208, § 11, eff. Aug. 2, 1973.

Historical and Statutory Notes

Amendments

L.1973, c. 208, § 11, in pars. (1) and (2), inserted "county or" preceding "a municipality", and added par. (5), which defined "local unit" as any municipality or county.

Library References

Words and Phrases

Words and Phrases (Perm.Ed.)

40:48B-2. Joint contract for joint services between counties or municipalities; authorization; procedure; contents; prohibited services

a. The governing bodies of any two or more municipalities or counties or combination of municipality or municipalities and county or counties may enter into a joint contract for a period not to exceed 40 years to provide for the formation of a joint meeting for the joint operation of any public services, public improvements, works, facilities or undertakings which any such local unit is empowered to operate. Such contract shall be entered into in accordance with the procedures set forth for the entering into of joint service contracts in section 4 of P.L.1973, c. 208 (C. 40:8A-4) of the "Interlocal Services Act".

b. A joint contract may provide for joint services in any service which any contracting local unit on whose behalf such services are to be performed is legally authorized to provide for itself. Such services shall include but not be limited to general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental protection, joint municipal courts, youth, senior citizens and social welfare programs.

c. The joint contract shall set forth the public services, public improvements, works, facilities or undertakings which the contracting local units desire to operate jointly, and shall provide in general terms the manner in which the public services, public improvements, works, facilities or undertakings shall be jointly operated,

40:48B-1. Short title

This act¹ may be cited as the "Consolidated Municipal Service Act" of 1952.

L.1952, c. 72, p. 398, § 1, eff. July 1, 1952.

¹Sections 40:48B-1 et seq.

Historical and Statutory Notes

Title of Act:
An Act providing for the establishment and maintenance of consolidated municipal services within two or more municipalities. L.1952, c. 72, p. 398.

40:48B-1.1. Definitions

The following terms wherever used or referred to in this act shall have the following respective meanings:

(1) "Governing body" shall mean the commission, council, board or body, by whatever name it may be known, having charge of the finances of a county or municipality.

(2) "Person" shall mean any person, association, corporation, nation, State, or any agency or subdivision thereof, or a county or municipality of the State.

(3) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of lands, public improvements, works, facilities, services or undertakings.

and the respective duties and responsibilities of the contracting local units.

d. No such joint contract shall authorize the operation of any property or service defined as a "public utility" by R.S. 48:2-13, except as may otherwise be provided by law.
L.1952, c. 72, p. 398, § 2, eff. July 1, 1952. Amended by L.1960, c. 3, p. 14, § 1, eff. Feb. 2, 1960; L.1973, c. 208, § 12, eff. Aug. 2, 1973; L.1989, c. 113, § 1, eff. June 29, 1989.

Historical and Statutory Notes

Amendments
L.1973, c. 208, § 12, rewrote the section.
L.1989, c. 113, § 1, in subsec. a., updated reference to Interlocal Services Act, § 40:8A-1.

Cross References

State aid for joint provision of services by local units of government, see § 40:8B-1 et seq.

Library References

American Digest System

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see Municipal Corporations § 265 et seq., 326 et seq.

Encyclopedias

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see C.J.S. Municipal Corporations §§ 1035 et seq., 1141 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

Notes of Decisions

**Contents of contract 1
Validity of ordinance 2**

1. Contents of contract
Ordinances adopted pursuant to the Consolidated Municipal Services Act did not fail to comply therewith because they merely authorized the municipalities to enter into a contract but did not state manner in which waste disposal system was to be jointly operated, as it was not necessary that the ordinances

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A.2d 390 (1961) affirmed 37 N.J. 462, 181 A.2d 951.

40:48B-2.1. Joint meetings; powers and authority

a. The joint meeting shall be a public body corporate and politic constituting a political subdivision of the State exercising public and essential governmental functions to provide for the public health and welfare. The joint meeting shall have the following powers and authority, which may be exercised by the management committee to the extent provided in the joint contract:

- (1) To sue and be sued;
- (2) To acquire and hold real and personal property by deed, gift, grant, lease, purchase, condemnation or otherwise;
- (3) To enter into any and all contracts or agreements and to execute any and all instruments;
- (4) To do and perform any and all acts or things necessary, convenient or desirable for the purposes of the joint meeting or to carry out any powers expressly given in this act;
- (5) To sell real and personal property owned by the joint meeting at public sale;
- (6) To operate all services, lands, public improvements, works, facilities or undertakings for the purposes and objects of the joint meeting;
- (7) To enter into a contract or contracts providing for or relating to the use of its services, lands, public improvements, works, facilities or undertakings, or any part thereof, by local units who are not members of the joint meeting, and other persons, upon payment of changes' therefor as fixed by the management committee;
- (8) To receive such State or Federal aids or grants as may be available for the purposes of the joint meeting and to make and perform such agreements and contracts as may be necessary or convenient in connection with the application for, procurement, acceptance or disposition of such State or Federal aids or grants; and
- (9) To acquire, maintain, use and operate lands, public improvements, works or facilities in any municipality in the State, except where the governing body of such municipality, by resolution adopted within 60 days after receipt of written notice of intention to so acquire, maintain, use or operate, shall find that the same would adversely affect the governmental operations and functions and the exercise of the police powers of such municipality.

b. If the governing body of a municipality in which a joint meeting has applied for the location and erection of sewage treat-

ment or solid waste disposal facilities refuses permission therefor or fails to take final action upon the application within 60 days of its filing, the joint meeting may, at any time within 30 days following the date of such refusal or the date of expiration of said period of 60 days, apply to the Department of Environmental Protection, which is authorized, after hearing the joint meeting and the municipality interested, to grant the application for the erection of the sewage treatment or disposal or solid waste treatment or disposal facilities, notwithstanding the aforesaid refusal or failure to act of the governing body, upon being satisfied that the topographical and other physical conditions existing in the local units comprising the joint meeting are such as to make the erection of such facilities within its boundaries impracticable as an improvement for the benefit of the whole applying joint meeting.

L.1960, c. 3, § 7, eff. Feb. 2, 1960. Amended by L.1973, c. 208, § 13, eff. Aug. 2, 1973.

¹ So in enrolled bill.

Historical and Statutory Notes

Amendments

L.1973, c. 208, § 13, designated first par. as subsec. a., redesignated (a) to (i) as pars. (1) to (9), in par. (7), substituted "local units" for "municipalities", in par. (9), increased time for adoption of resolution to 60 days, from 30 days, after receipt of written notice, and added subsec. b., which related to application for location and erection of sewage treatment or solid waste disposal facilities.

Cross References

Claims against public entities, see § 59:1-1 et seq.

Law Review Commentaries

Extraterritorial exercise of eminent domain power. John M. Payne (1977) 30 Rutgers L.Rev. 1113, 1130.

Library References

American Digest System

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see Municipal Corporations ¶265 et seq., 326 et seq.

Encyclopedias

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see C.J.S. Municipal Corporations §§ 1035 et seq., 1141 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

Notes of Decisions

Acquisition of lands

1
Joint contract 2

Municipality in which the land was located had determined that the use proposed by the Joint Meeting would adversely affect its police powers. *Bergen County v. Erie Lackawanna R. Co.*, 81 N.J.Super. 344, 195 A.2d 511 (1964) affirmed 43 N.J. 281, 204 A.2d 129.

1. Acquisition of lands

This section giving Joint Meeting authority to acquire lands in municipality except where governing body of municipality adopts resolution that it would adversely affect governmental functions and the exercise of police powers of such municipality does not give municipality an absolute veto which it can exercise for no reason or for an invalid reason, such as hostility to joint meeting because it occupies a tax-exempt status. *Joint Meeting No. 1 for Solid Waste Disposal v. Erie Lackawanna R. Co.*, 43 N.J. 281, 204 A.2d 129 (1964).

Institution of condemnation proceedings by body politic called a Joint Meeting which had been formed by several municipal corporations under Consolidated Municipal Service Act did not establish a prior public use precluding county from thereafter condemning the land for solid waste disposal where the

Municipal corporations had power to acquire lands beyond their border for purpose of operating a dumping facility for destructible waste. *Greggio v. City of Orange*, 69 N.J.Super. 453, 174 A.2d 390 (1961) affirmed 37 N.J. 462, 181 A.2d 951.

2. Joint contract

Powers of a municipal management committee provided for in statute authorizing joint operation by municipalities of a solid-waste disposal system were properly circumscribed by specifications of objects of the joint contract and by provision that the committee exercise powers subject to provisions of the joint contract. *Greggio v. City of Orange*, 69 N.J.Super. 453, 174 A.2d 390 (1961) affirmed 37 N.J. 462, 181 A.2d 751.

40:48B-3. Repealed by L.1960, c. 3, § 11, eff. Feb. 2, 1960

Historical and Statutory Notes

This section, derived from L.1952, c. 72, p. 398, § 3, related to submission of proposal for joint operation of municipal service or undertaking to the voters.

40:48B-4. Joint contract; provisions; apportionment of costs and expenses; approval by governing body; amendments; filing of documents

The joint contract shall provide for the operation of the public services, public improvements, works, facilities or undertakings of the joint meeting, for the apportionment of the costs and expenses of operation required therefor among the contracting local units, for the addition of other local units as members of the joint meeting, for the terms and conditions of continued participation and discontinuance of participation in the joint meeting by the contracting local units, and for such other terms and conditions as

may be necessary or convenient for the purposes of the joint meeting. The apportionment of costs and expenses may be based upon assessed valuations, population, and such other factor or factors, or any combination thereof, as may be provided in the joint contract. The joint contract shall be subject to approval by resolution of the governing bodies of each of the local units prior to its execution by such official or officials as may be authorized to execute such joint contract. The joint contract shall specify the name by which the joint meeting shall be known. The joint contract may be amended from time to time by agreement of the parties thereto, in the same manner as the original contract was authorized and approved. A copy of every ordinance, resolution, joint contract and every amendment thereto shall be forthwith filed with the Commissioner of Community Affairs.

L.1952, c. 72, p. 398, § 4, eff. July 1, 1952. Amended by L.1960, c. 3, p. 14, § 2, eff. Feb. 2, 1960; L.1973, c. 208, § 14, eff. Aug. 2, 1973.

Historical and Statutory Notes

Amendments

L.1973, c. 208, § 14, substituted "local units" for "municipalities" wherever appearing, and substituted "Commissioner of Community Affairs" for "Division of Local Government in the Department of the Treasury".

American Digest System

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see Municipal Corporations ¶265 et seq., 326 et seq.

Encyclopedias

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see C.J.S. Municipal Corporations §§ 1035 et seq., 1141 et seq.

WESTLAW Research

SEE SECTION 40:48B-4.1 (ATTACHED)

Municipal corporations cases: 268k[add key number].

40:48B-5. Management committee; membership, appointment, term; officers and employees; powers; delegation of functions

The joint contract shall provide for the constitution and appointment of a management committee to consist of one member to be appointed by the governing body of each of the local units executing same, who shall be a resident of the appointing local unit. Such appointee may or may not be a member of the appointing

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governing body. Each member of the management committee shall hold office for the term of 1 year and until his successor has been appointed and qualified. In the event that only two local units are parties to the contract, the management committee shall consist of three members, one selected from each by the governing bodies and one member selected by the two other members.

The management committee shall elect annually from among its members a chairman to preside over its meetings. The management committee may appoint such other officers and employees, including counsel, who need not be members of the management committee or members of the governing bodies or employees or residents of the local units, as it may deem necessary. The employees appointed by the management committee shall hold office for such term not exceeding 4 years as may be provided by the joint contract. The management committee shall adopt rules and regulations to provide for the conduct of its meetings and the duties and powers of the chairman and such other officers and employees as may be appointed. All actions of the management committee shall be by vote of the majority of the entire membership of the committee, except for those matters for which the contract requires a greater number, and shall be binding on all local units who have executed the joint contract. The management committee shall exercise all of the powers of the joint meeting subject to the provisions of the joint contract.

The joint contract may provide for the delegation of the administration of any or all of the services, lands, public improvements, works, facilities or undertakings of the joint meeting to the governing body of any one of the several contracting local units, in which event such governing body shall have and exercise all of the powers and authority of the management committee with respect to such delegated functions.

L.1952, c. 72, p. 399, § 5, eff. July 1, 1952. Amended by L.1960, c. 3, p. 15, § 3, eff. Feb. 2, 1960; L.1973, c. 208, § 15, eff. Aug. 2, 1973.

Historical and Statutory Notes

Amendments

L.1973, c. 208, § 15, provided makeup of membership when parties to a contract were only two local units, omitted wherever appearing.

authority to delegate functions of management and control, and substituted "local units" for "municipalities" wherever appearing.

American Digest System

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see Municipal Corporations ¶265 et seq., 326 et seq.

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Library References

Encyclopedias

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see C.J.S. Municipal Corporations §§ 1035 et seq., 1141 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:48B-6. Repealed by L.1960, c. 3, § 11, eff. Feb. 2, 1960

Historical and Statutory Notes

This section, derived from L.1952, c. a disbursing officer, approval of claims 72, p. 399, § 6, related to designation of and the making of disbursements.

40:48B-7. Acquisition and construction of public improvements, facilities, services, etc.; apportionment of costs; appropriation of funds; certification of costs

The cost of acquiring and constructing any public improvements, works, facilities, services or undertakings, or any part thereof, as determined by the management committee, shall be apportioned among the participating local units as provided by the joint contract. Each local unit shall have power to raise and appropriate the funds necessary therefor in the same manner and to the same extent as such local unit would have if it were acquiring and constructing the same for itself, including the power to authorize and issue bonds or other obligations pursuant to the local bond law (N.J.S. 40A:2-1 et seq.). The management committee shall certify to the participating local units the cost of such acquisition or construction, as well as the apportioned shares thereof, within 15 days after its action thereon.

L.1952, c. 72, p. 400, § 7, eff. July 1, 1952. Amended by L.1960, c. 3, p. 16, § 4, eff. Feb. 2, 1960; L.1973, c. 208, § 16, eff. Aug. 2, 1973.

Historical and Statutory Notes

Amendments

L.1973, c. 208, § 16, inserted parenthetical reference to § 40A:2-1 et seq., and substituted "local units" for "municipalities" wherever appearing.

Library References

American Digest System

Funding municipal improvements from special funds or appropriations, see Municipal Corporations ¶288(1 to 3), 369 to 372.

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Encyclopedias

Funding municipal improvements from special funds or appropriations; see C.J.S. Municipal Corporations §§ 1083 to 1085, 1186, 1202 to 1207.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

Notes of Decisions

Appropriation of funds
Joint contract 2

v. City of Orange, 69 N.J.Super. 453, 174 A.2d 390 (1961) affirmed 37 N.J. 462, 181 A.2d 951.

1. Appropriation of funds

Appropriation of funds in ordinances passed by cities under the Consolidated Municipal Services Act in an amount sufficient to meet each city's share of initial costs of the operation satisfied statutes pertaining to entry into contracts and pertaining to costs of acquiring public improvements. *Greggio*

2. Joint contract

This section does not require a joint contract as a condition precedent to apportionment of money, but merely requires the joint contract to provide a formula for apportionment. *Greggio v. City of Orange*, 69 N.J.Super. 453, 174 A.2d 390 (1961) affirmed 37 N.J. 462, 181 A.2d 751.

40:48B-8. Certification of costs and expenses of operation; apportionment; payment; supplemental or emergency appropriation

The management committee shall, not later than November 1 of each year, certify to the participating local units the total costs and expenses of operation, other than acquisition and construction costs, of the services, public improvements, works, facilities or undertakings for the ensuing year; in accordance with the terms and provisions of the joint contract, together with an apportionment of such costs and expenses of operation among the participating local units in accordance with the method of apportionment provided in the joint contract. It shall be the duty of each participating local unit to include its apportioned share of such costs and expenses of operation in its annual budget, and to pay over to the management committee its apportioned share as provided in the joint contract. Operations under the budget and related matters shall be subject to and in accordance with rules of the Division of Local Finance. For the first year of operation under the joint contract, a participating local unit may adopt a supplemental or emergency appropriation for the purpose of paying its apportioned share of the costs and expenses of operation, if provision therefor has not been made in the annual budget.

L.1952, c. 72, p. 400, § 8. Amended by L.1960, c. 3, p. 17, § 5, eff. Feb. 2, 1960; L.1973, c. 208, § 17, eff. Aug. 2, 1973.

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Historical and Statutory Notes

Amendments

L.1973, c. 208, § 17, substituted "Division of Local Finance" for "Division of Local Government" and substituted "local unit" and "local units" for "municipality" and "municipalities" respectively, wherever appearing.

Library References

American Digest System

Funding municipal improvements from special funds or appropriations, see Municipal Corporations ¶288(1 to 3), 369 to 372.

Encyclopedias

Funding municipal improvements from special funds or appropriations, see C.J.S. Municipal Corporations §§ 1083 to 1085, 1186, 1202 to 1207.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:48B-9. Termination of joint contract

The joint contract shall be terminated upon the adoption of a resolution to that effect by the governing bodies of $\frac{2}{3}$ of the local units then participating; except that if only two local units are then participating, adoption of a resolution by both units shall be required to terminate the contract. Such termination shall not be made effective earlier than the end of the fiscal year next succeeding the fiscal year in which the last of the required number of local units adopts such resolution.

L.1952, c. 72, p. 400, § 9. Amended by L.1960, c. 3, p. 17, § 6, eff. Feb. 2, 1960; L.1973, c. 208, § 18, eff. Aug. 2, 1973.

Historical and Statutory Notes

Amendments

L.1973, c. 208, § 18, provided termination of joint contract where only two local units were participating required resolution by both units, and substituted "local units" for "municipalities" wherever appearing.

Library References

American Digest System

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see Municipal Corporations ¶265 et seq., 326 et seq.

Encyclopedias

Power to make municipal improvements and power to enter into contracts in pursuance thereof, see C.J.S. Municipal Corporations §§ 1035 et seq., 1141 et seq.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

40:48B-10. Other laws not affected

Nothing herein contained shall be deemed to supersede, repeal, or in any way affect any of the provisions of the Local Health District Act, 1951, being chapter sixty-nine of the laws of one thousand nine hundred and fifty-one,¹ or the provisions of any statute of this State providing in the manner, method or means for the effectuation of consolidated or joint municipal services or undertakings.

L.1952, c. 72, p. 401, § 10, eff. July 1, 1952.

¹ Section 26:3A1-1 et seq.

40:48B-4.1. Contract for joint operation of law enforcement services; preservation of seniority, tenure, and pension rights of officers; chief law enforcement officer

Whenever the governing bodies of two or more local units enter into a joint contract as provided in P.L.1952, c. 72 (C. 40:48B-1 et seq.) for the joint operation of law enforcement services within their respective jurisdictions, the joint contract shall recognize and preserve the seniority, tenure, and pension rights of every full time law enforcement officer who is employed by each of the participating local units and who is in good standing at the time the ordinance or resolution, as the case may be, authorizing the contract is adopted, and no such law enforcement officer shall be terminated except for cause; however, for reasons of economy and efficiency the contract may authorize a reduction in force.

Whenever the governing bodies of two or more local units enter into a joint contract as provided in P.L.1952, c. 72 (C. 40:48B-1 et seq.) for the joint operation of law

Last additions in text indicated by underline; deletions by ~~strikethroughs~~

enforcement services within their respective jurisdictions, and any one of the local units is operating under Title 11A of the New Jersey Statutes at the time of the contract, the other local unit or units shall be deemed to have adopted Title 11A of the New Jersey Statutes with regard to the provision of law enforcement services.

To provide for the efficient administration and operation of the joint law enforcement services within the participating local units, the joint contract may provide for the appointment of a chief law enforcement officer. In such cases, the joint contract shall provide that any person who is serving as the chief law enforcement officer in one of the participating local units at the time the joint contract is adopted may elect either:

- a. To accept a demotion of no more than one rank without any loss of seniority rights, impairment of tenure, or pension rights; or
- b. To retire from service.

If the person elects retirement, he shall not be demoted but shall retain the rank of chief law enforcement officer and shall be given terminal leave for a period of one month for each five year period of past service as a law enforcement officer with the participating local unit. During the terminal leave, the person shall continue to receive full compensation and shall be entitled to all benefits, including any increases in compensation or benefits, that he may have been entitled to if he had remained on active duty.

Whenever the participating local units have adopted or are deemed to have adopted Title 11A of the New Jersey Statutes with regard to the provision of law enforcement services, and the contract provides for the appointment of a chief law enforcement officer, the position of chief law enforcement officer shall be in the career service. L.1992, c. 145, § 3, eff. Nov. 20, 1992.

40:48B-4.2. Merger of bargaining units; application of terms and conditions of existing contracts

Where bargaining units are merged which have contracts negotiated in accordance with the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c. 100 (C. 24:13A-1 et seq.) in existence, the terms and conditions of the existing contracts shall apply to the rights of the members of the respective bargaining units until a new contract is negotiated, reduced to writing and signed by the parties as provided pursuant to law and regulation promulgated thereunder. L.1992, c. 145, § 4, eff. Nov. 20, 1992.

40:48B-5. Management committee; members; powers; delegation of functions; officers and employees; term; appointment, term; powers and employees; powers; delegation of functions

The joint contract shall provide for the constitution and appointment of a management committee to consist of one member not more than three members to be appointed by the governing body of each of the local units executing same, who shall be a resident of the appointing local unit, except that a member who is the chief financial officer, business administrator, municipal administrator or municipal manager of the local unit making the appointment need not be a resident of the appointing local unit. Such appointee appointees may or may not be a member members of the appointing governing body. Each member of the management committee shall hold office for the term of one year and until his the member's successor has been appointed and qualified. In the event that only two local units are parties to the contract and only one member is appointed by each governing body, the management committee shall consist of three members, one selected from each appointed by each of the governing bodies and one member selected by the two other appointed members.

The management committee shall elect annually from among its members a chairman chair to preside over its meetings. The management committee may appoint such other officers and employees, including counsel, who need not be members of the management committee or members of the governing bodies or employees or residents of the local units, as it may deem necessary. The employees appointed by the management committee shall hold office for such term not exceeding four years as may be provided by the joint contract. The management committee shall adopt rules and regulations to

Last additions in text indicated by underline; deletions by strikeouts

provide for the conduct of its meetings and the duties and powers of the chairman and such other officers and employees as may be appointed. All actions of the management committee shall be by vote of the majority of the entire membership of the committee, except for those matters for which the contract requires a greater number, and shall be binding on all local units who have executed the joint contract. The management committee shall exercise all of the powers of the joint meeting subject to the provisions of the joint contract.

The joint contract may provide for the delegation of the administration of any or all of the services, lands, public improvements, works, facilities or undertakings of the joint meeting to the governing body of any one of the several contracting local units, in which event such governing body shall have and exercise all of the powers and authority of the management committee with respect to such delegated functions.

Amended by L.1995, c. 336, § 1, eff. Jan. 5, 1996; L.1999, c. 58, § 9, eff. April 13, 1999.

Historical and Statutory Notes

1995 Legislation
L.1995, c. 336, § 1, in opening par. inserted 1996] and shall be applicable to appointments exception relating to certain officers not residents of local appointing units.
L.1995, c. 336, § 2, approved Jan. 5, 1996.

"This act shall take effect immediately [Jan. 5, 1996] and shall be applicable to appointments made after the effective date of this act."

APPENDIX B

TABULATION OF MAJOR PERSONNEL SCHEDULING FEATURES: MENDHAM BOROUGH

1. Four squads of two officers, rotating shifts, three days on, three days off.
2. Twelve-hour shifts, 7:00 a.m. – 7:00 p.m.
3. Night shift – 10.5 hours (9:00 p.m. – 7:30 a.m.)
4. Three persons on duty, 4:30 p.m.- 7:00 p.m.
5. One person on duty, 7:00 p.m. – 9:00 p.m.
6. One detective – standard day-shift schedule
7. Provide community relations program by special assignment including crime prevention (“community policing”), traffic safety, school education programs, bike patrol, etc.
8. Standard work week, 40 hours per week (2,080 hours per year); standard schedule adjusted during the year to provide 2,080 hours.
9. Officers work rotating shifts.
10. Officers accommodate significant variations in scheduling to provide for “time off”, including training.
11. Due to vacations and time off, a significant number of shifts are limited to one officer on duty (although there are many variations, single shifts occur approximately 80 times per officer per year).

Source: Chief Patricia Cameron

APPENDIX C

TABULATION OF MAJOR PERSONNEL SCHEDULING FEATURES: MENDHAM TOWNSHIP

1. Squads of two officers working days and afternoons and one officer working midnight, each work a permanent schedule of 11-hour shifts, four days on, four days off.
2. Two officers on day shift - 6:00 a.m.- 5:00 p.m.
3. Two officers on night shift – 5:00 p.m. – 4:00 a.m.
4. One officer assigned – 9:00 p.m. – 8:00 a.m.
5. Two “floaters”, assigned 10:00 a.m. – 9:00 p.m.
6. Detective works ten-hour day shift, four days on, three days off; lieutenant supervises detective bureau, fills in for “time off.”
7. Lieutenant works Tuesday to Friday day shift, 10-hour shift.
8. All officers assigned to permanent shifts.
9. Special services such as traffic safety, crime prevention, juvenile services, etc. provided by special assignment.
10. Schedule anticipates two officers on duty at all times except 4:00 a.m. – 6:00 a.m.; two-officer minimum for “time off” accomplished by overtime.

Source: Chief Thomas Costanza

APPENDIX D

Municipal Boundaries Map
Consolidated Police Department



Mendham Borough and Mendham Township
Morris County NJ

APPENDIX E

THE ASSIGNMENT/AVAILABILITY FACTOR

A common method of calculating personnel need to provide police patrol coverage 365 days per year is the Assignment/Availability Factor.

The Assignment/Availability is calculated as follows:

1. Hours required to staff one patrol: $365 \text{ days} \times 8 \text{ hours} = 2,920 \text{ hours/year}$

2. "Time Off" Hours:

• Regular Days Off (2 days/week)	832
• Vacation – 15 Days/Year (Estimated)	120
• Holidays – 12 Days/Year (Estimated)	96
• Court Days – 5 Days/Year (Estimated)	40
• Training – 5 Days/Year (Estimated)	40
• Sick and Miscellaneous – 7 Days/Year	<u>56</u>

Non-Available Hours: 1,184

3. Hours Available for Assignment: 1,736 Hours

4. "Availability Factor": 1.68, say 1.7
($2,920 \div 1,736$)

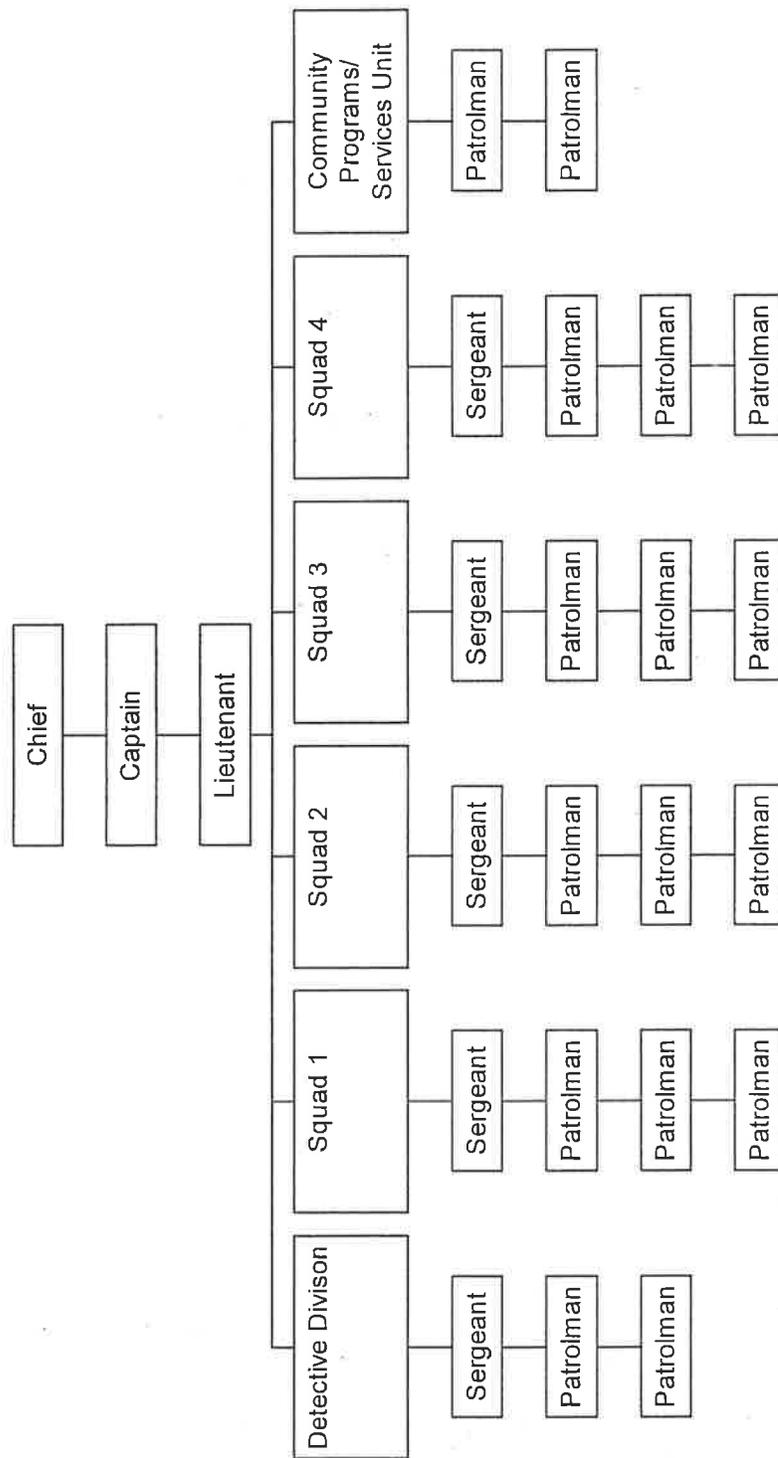
Therefore, 1.7 officers must be employed to fully staff one patrol, 365 days per year.

APPENDIX F

Illustrative Sample Organizational Structure

24-Member Merged Police Department

APPENDIX F
 ILLUSTRATIVE SAMPLE ORGANIZATION STRUCTURE
 24 MEMBER POLICE DEPARTMENT



NOTE: This organization chart is **illustrative** only for the purposes of indicating the benefits of scale (size) in providing police services.

APPENDIX G

A REPRESENTATIVE SAMPLING OF MORE THAN 100 COMMENTS MADE BY 17 BOROUGH AND TOWNSHIP POLICE OFFICERS AT 12 MEETINGS RE FEASIBILITY/DESIRABILITY OF MERGED POLICE DEPARTMENT

The joint Borough-Township public safety committee emphasized the need to gather full information from all relevant sources in completing the Phase I feasibility study. This fact-finding process included information and opinions from police officers in both departments.

The following is a representative list of comments made at 12 meetings in which 17 police officers participated.

- “If it is done right, it is a good idea.”
- The merger would provide better coverage for both towns.
- There could be “bugs” in the first year from personality conflicts, but in the long run service will be better.
- The two towns have always worked together; they have basically worked as one unit.
- “More men on a shift would be very good.”
- “It’s not a big deal, we all get along.”
- With a single police department it will be more difficult to move up.
- Building will be a problem – space and parking.
- “There are two different departments; one is community oriented, one is enforcement oriented.”
- The proposal does have validity – there are good points.
- “The people in town will benefit.”
- Today the people do not distinguish between the towns.
- “At night, the departments pretty much become one.”

- “A sergeant is not really a sergeant in either town.”
- “The diversification you could set up in a merged department is intriguing.”
- On paper it looks good; it has potential; a lot of factors go into it.
- It is a good idea – look at it.
- There is a lot to be worked out.
- “If it is to be done, this is the best time to do it.”
- Often there are many things going on; you can’t do all of it.
- “We are so interwoven with them.”
- “People (often) don’t know if they’re in the Borough or the Township.”
- Personality conflicts will occur, but after a year, they will work out; then it will be good.”
- “I’m excited about the possibility.”
- “We have a lot of jobs; we would get relief from that.”
- “There are two different styles, but we all get along.”
- How will promotions be handled?
- A merged department may lose the small town atmosphere and have less contact with the public.
- There is no problem with one-man shifts. A merger would give much greater flexibility.
- “We are basically one department anyway.”