

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
September 8, 2015

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, O'Connor, Toal, Smith

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Union County Local Source, and Star Ledger, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

INTRODUCTION OF PROPOSED ORDINANCE:

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF POLICE VEHICLE DIGITAL IN CAR VIDEO CAMERAS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$95,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire Police Vehicle In Car Video Cameras and any ancillary costs related thereto.

Section 2. The sum of \$95,000 is hereby appropriated for the acquisition of Police Vehicle In Car Video Cameras and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said "capital purpose".

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

Mayor Bonaccorso: Mr. President, Chief Matos is here tonight to give you some information.

Police Chief Matos: First of all I understand that ninety-five thousand dollars of taxpayer money is not something easy to ask for. But at this point it is necessary. The department can no longer justify not having this equipment with it becoming so readily available and so easy to use. Back in March myself, Captain Concina, and three other officers from the department who had a good understanding how the department works and a good understanding of technology got together and we started meeting with vendors. We met with numerous vendors and in the end the vendor we chose was certainly not the most expensive and wasn't the cheapest but it was the vendor we felt that had the best product that fit our needs, our specific needs of the department. About sixty percent of this money is going to the actual physical equipment that will be placed in the vehicles which includes three cameras per vehicle; a permanent mounted front facing camera, a camera that covers the rear passenger compartment where prisoners always get placed, and a third camera that is at the discretion of the officer which they could turn at any direction he deems it necessary. Plus the computer equipment for the vehicle hard drives wireless uploading equipment for each vehicle. The rest of the money will be used to purchase the servers and storage equipment that will be physically placed in the building. There are some construction costs there and also the wirelesses upload equipment for the building, plus training of our personnel on how to view the equipment and maintain the equipment. The life span of the physical equipment that is in the vehicle have about a ten year life span, so even though a patrol vehicle might only be in use three or four years, we can move this equipment from one vehicle to the next into the next. If there are any specific questions that I can't answer I will certainly reach out to the vendor and obtain any information that you may need.

Councilman O'Connor: Just one question. So when the officers are in the car themselves stationed looking out, will they be able to set their camera to check their blind spots in case someone does come up behind them? Is there a screen inside that they can check?

Police Chief Matos: Well that's a good question. There are three cameras that are going to be placed in the vehicle, the forward facing camera will be not be adjustable, it's a forward facing camera. Then there's a secondary camera that's underneath that can be rotating three hundred

and sixty degrees whichever way the officer deems it necessary. Could he actually see out of back window, I don't think so because...

Councilman O'Connor: My question is more if I'm sitting in the car facing this way, can I look at a monitored screen here and see the camera looking over here so no one is coming up on my blindside.

Police Chief Matos: Well the third camera is a camera that's mounted where normally a dome light would be and that camera is permanent and it's facing the prisoner compartment in the vehicle. With the new Ford vehicles now there is a camera, an actual rearview camera, equipped in our new patrol vehicles. So theatrically he could use that camera to see if there's anything behind him but it would require for him to place in universal.

Councilman O'Connor: Right. I was just thinking about the officer's safety that's all.

Police Chief Matos: We don't have this option yet this year in the three vehicles that we just got. But the newer Ford vehicles for next year will actually have sensors around the vehicle and when an officer is stationary and in park if someone were to walk behind the vehicle, it would automatically lock the doors and raised the windows, that's coming, that will be standard in these vehicles.

Mayor Bonaccorso: The camera rotates. When the Chief was showing me in the brochure, you pull up this way and something is going on that way you can just turn the camera. You know let's say there's another car on the other side of the street, so that makes a lot of sense, and the body camera is also, correct?

Police Chief Matos: That's independent of this but yes we will the next time.

Councilman Mazarella: That was my next question. Do you have any anticipation of when?

Police Chief Matos: Before the end of the year.

Councilman Mazarella: Oh great, so all of our police officers will be equipped with body cameras.

Police Chief Matos: Yes this includes eleven systems for our eleven patrol vehicles that we primarily use for patrol. We have other vehicles that we've use now that are our older vehicles that aren't used for patrol, we've put them out to pasture let's say. We use them for the road jobs that you see behind the construction. Those are the vehicles we are not going to waste five thousand dollar video system to watch down the road.

Councilman Mazarella: But the body cams when you do get them every officer will be equipped with one, right?

Police Chief Matos: They will not be assigned a camera but when they go out on a patrol they will have a camera. (Councilman Mazzarella: ok) But they will not have an individual camera that would be assigned to them because that's very costly.

Mayor Bonaccorso: Yeah that's a question. We've never, ever, ever, ever had a problem because I know what you are going to say. But the detail guys are they going to be wearing cameras or no?

Police Chief Matos: That's a decision that I've been working on the policy and as of right now I don't see a need to have an officer who is working a construction detail to be equipped with a camera in the car and a camera on his chest. But other details let's say like security details when we do the Italian Feast out here, the officers who they have will have cameras. (Mayor Bonaccorso: ok)

Councilman Toal: Chief, so cars with Township of Clark Police will have camera systems. Are the patrol officers driving the cars in control of the camera systems or is the supervising officer in charge of the cameras.

Police Chief Matos: No. The triggers, they call them triggers; when the officer turns on the light the camera comes on. (Councilman Toal: ok) We set those triggers. The vehicles that are involved in an impact would get automatically recorded. If the vehicle goes after a certain set speed, it automatically starts the camera.

Councilman Mazzarella: So you have a traffic stop, the officer...

Police Chief Matos: The lights are on the camera is running. (Councilman Mazzarella: The cameras are on, ok)

Councilman Toal: There's no way for the officer to override it and shut down the system.

Police Chief Matos: No. It's a secure system so there's no way that the officer can delete the system. But as soon as he pulls into headquarters that's why we will upload it, there's no VHS tapes like fifteen years ago. As soon he pulls in the video from the car is uploaded.

Councilman Toal: Is the recorded system to this or everything that you are going out with do these patrol cars having a memory system or a record system to it?

Police Chief Matos: There is a 256 GB hard drive in the vehicle which will hold up they estimate somewhere in the vicinity about forty-four hours of video. It will never load up that much unless the system failed at headquarters and we might have to go a couple of days without uploading video from cars. At the most during a shift you might get two or three hours of video as soon as the car comes within range of headquarters the video is uploaded into the system.

Councilman Toal: But my question is then that video is stored, recorded, archived or what.

Police Chief Matos: It's stored within our system. And part of this cost is also software management and evidence management. (Councilman Toal: that's what I was going to ask) So which videos will be tagged as to what they are whether it be a car stop or an arrest?

Councilman Toal: Right so you have a record. And you can use that in court, correct?

Police Chief Matos: Absolutely.

Councilman Toal: That's what I'm looking for.

Police Chief Matos: The eventuality value of this is amazing with the not only the evidence but also any complaints. I'm assuming any complaints that are going to be filed against any officers are going to be quickly resolved because you are going to have video, it's there. (Councilman Toal: just what I want to hear) Where now it's a time consuming process interviewing this interviewing that person where in the future we'll just look at the video.

Councilman Toal: And the supervising officer of your choice will then oversee the archived information and the archived records.

Police Chief Matos: Yes. And officers will be able to view their own videos.

Council President Smith: One of the questions was once it's stored on our system over there does it eventually...because that's going to fill up, does that get stored up in the cloud.

Police Chief Matos: No there's no offsite cloud storage, we are not going to do that, we are going to have about twenty mega bite storage systems which should hold depending on what the video is, depending on what kind of case it's involved. Most videos and most routine videos will probably be deleted after ninety days depending on what we say.

Council President Smith: So someone is going to physically go look at them and decide what to delete.

Police Chief Matos: Depending on how the officer tags the video. (Council President Smith: right I got you)

Mayor Bonaccorso: You know another thing is Chief, you pull a car over and you give a simple summons or a warning, that video we don't need it saved unless... (Matos: those videos will probably be ninety days) Right because if someone is going to say an officer was abusive they are going to file a IA report immediately within a day or two. So you know he's not going to need forty thousand vehicle stops with tickets you know over an x amount of years. It's going to be like if something happened like in Rahway, it's going to be like crimes and things of that nature that will be the only thing tagged. The routine car stops, they put their lights on when they go to an ambulance call and when they get there they don't need that.

Police Chief Matos: Also if a video is in regards to a crime let's say, I'm assuming that by the time that video comes up cause the way the storage system works at headquarters as it's getting

older and older and older and the server gets filled up the oldest videos get purged out and will automatically be deleted. Certainly by the time that would happen those videos that are necessary would have already been burned onto hard DVD's.

Council President Smith: My second question; you mentioned I guess each car would be with a computer, correct?

Police Chief Matos: Yes, it's not by a computer, it's a hard drive.

Council President Smith: Oh because I was going to say could that eliminate the laptops or computers they have in their car now (Matos: no) or it can't be run on the same system to try to eliminate some cost. (Matos: no)

Councilwoman Albanese: So Edie and I attended a seminar I mentioned I think at the last meeting or the meeting before. And one of the interesting questions that came up was on these videos. So let's say you come to my house or to someone's house and it's a family dispute and then you are recording the entire incident. Now is that all part of open public records, can someone come and say "I saw that my neighbor had an incident at their house and I want to see that video and I want to see what's going on at that house next door." How are we going to address those issues?

Police Chief Matos: The Attorney General passed a directive last month that covers all of sensitive videos of that nature where there is any video that's recorded inside a house, inside a medical facility, and inside a school, there's actually within the direct of the officer...and those are the videos that are going to be recorded on the body camera. So when an officers enters a school and if there's children around he has to shut the camera off unless there's something else going on where he feels let's say where he might have to use force or something else going on that would be more priority than let's just say talking to an individual. So if there's children present in the school he has to shut the camera off. Any video that's recorded in a medical facility, a drug rehabilitation facility or a person's home cannot be released without the Prosecutor's Office approval.

Councilman O'Connor: Because that's going to fall under the HIPPA guidelines.

Councilwoman Albanese: It's conflict with the OPRA and the HIPPA guidelines then.

Mayor Bonaccorso: And the other thing is too Angel if there's any kind of crime it would go under evidence and the police are investigating the case and cannot be released.

Township Clerk: Right. Ongoing investigations wouldn't be opened.

Mayor Bonaccorso: Yes this file wouldn't be opened. I mean if they showed up to your front door because someone called and said you had a party and they went there and said "no there's no one here" and I came in and said "well I'm going to see what the police officer said to him".

Councilwoman Albanese: Or even a burglary. You go to the house, okay, the door is opened and you suspect a burglary or a neighbor calls saying a burglary is going on. I see things like you know strangers moving things out and when you are inside you are going to be videotaping so you would want that on when you are inside looking for suspects.

Police Chief Matos: Also part of the Attorney General directive is that any video that where a victim is present in the video cannot also be released without a prosecutor’s approval.

Councilman O’Connor: But the good news is that they will be training all the officers a hundred percent on everything, that’s great.

Councilwoman Albanese: Well it’s all new areas you know of law.

Township Clerk: Now the colleges are instructing their students to file OPRA requests. We just got one today for what the council gets paid and how much their benefits are.

No further discussion

Council President Smith directed roll call:

Aye: Albanese, Barr, Hund, Mazarella, O’Connor, Toal, Smith

Public Hearing September 21, 2015

RESOLUTIONS:

Resolution 15-112

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Municipal Shared Services Defense Agreement in connection with the Township’s obligation to determine affordable housing needs and authorize payment of Two Thousand Dollars (\$2,000.00) to participate as a member in accordance with the agreement.

Moved by Councilman O’Connor, seconded by Councilman Hund

Discussion:

John Laezza: Basically this is some sharp guy took advantage of the COAH shortfall and charging every town two thousand dollars to determine what you need to accommodate the COAH rulings. And it will be just be a part of our new COAH agreement but this will protect us from developers that want to put in affordable housing in our community. So they think it’s a better deal if we do it this way.

No further discussion

Council President Smith directed roll call:

Aye: Albanese, Barr, Hund, Mazzarella, O’Connor, Toal, Smith

Resolution 15-113

WHEREAS the Governing Body of the Township of Clark and the Board of Chosen Freeholder of the County of Union, on Friday, September 18, 2015, call on all Union County residents to gather in front of the Union County Courthouse in Elizabeth, New Jersey, to remember and honor the men and women who have given so much to make and keep us free and secure in this country; and

WHEREAS Friday, September 18, 2015 has been declared “POW/MIA Remembrance Day” in the County of Union, a recognition day to give thanks and to remember the sacrifices rendered to us by all of our POW/MIA Veterans; and

WHEREAS in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, beginning at 11:15 a.m. All residents of Union County are urged to make a special effort to give thanks and remember the sacrifices made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in conjunction with the Board of Chosen Freeholders of the County of Union that Friday, September 18, 2015 be declared “**POW/MIA REMEMBRANCE DAY**” in the Township of Clark, County of Union, New Jersey; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution, suitably prepared, be forwarded to the Union County Board of Chosen Freeholders, the Clark American Legion and John L. Ruddy Post #7363 VFW.

Moved and seconded by Entire Council

Discussion: None

Council President Smith directed roll call:

Aye: Albanese, Barr, Hund, Mazzarella, O’Connor, Toal, Smith

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Council President Smith opened the public portion of the meeting

Seeing no one coming forward Councilman Toal made a motion to close this portion of the meeting, seconded by Councilman Barr

Council President directed roll call:

Aye: Albanese, Barr, Hund, Mazzarella, O’Connor, Toal, Smith

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I’ll wait to the next meeting

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzarella: No comments.

Councilman O’Connor: I just want to say thank you Chief for doing the research to keep yourself safe as well as your police force and keeping the community safe as well, so thank you.

Councilman Toal: No comments.

Council President Smith: I have nothing.

John Laezza: No comments.

Howard Lesnik: No comments.

Township Clerk: No comments.

ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Toal

Council President Smith directed roll call:

Aye: Albanese, Barr, Hund, Mazzarella, O’Connor, Toal, Smith

APPROVED

WILLIAM F. SMITH
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk