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**Feasibility Study for Possible Shared Services  
For Emergency Services  
For FMERPA  
(Fort Monmouth Economic Revitalization Planning Authority)**

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**Task 1 Addendum  
Alternate  
Municipal Court Shared Services**

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**TASK 1 – MUNICIPAL COURT SHARED SERVICES**  
**FEASIBILITY STUDY FINAL REPORT PREPARED FOR FMERPA**

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## ALTERNATE MUNICIPAL COURT SHARED SERVICES

### INTRODUCTION

The Fort Monmouth Economic Revitalization Planning Authority (FMERPA) Shared Emergency Services Study was performed by Jersey Professional Management (JPM) within the parameters of the Request for Proposals that had been issued. The contract between FMERPA and JPM provided that the full report and recommendations be completed by July 16, 2008; however, JPM remained under contract for an additional three months during which time there was a process established for local review of the report and recommendations.

Following the submission of the Task #1 (Court Services) report, the Host Municipalities of Eatontown Borough, Oceanport Borough and Tinton Falls Borough were able to review and evaluate the recommendations that were made and react to these recommendations within this three month timeframe. This review and evaluation process resulted in a request by these three municipalities to consider alternative solutions, some that would have traditionally been part of an implementation phase. However, given the consensus among the Host Municipalities that a shared approach to the provision of municipal court services would be practical, and in the best interest of the constituencies of the Host Municipalities, it was agreed that this addendum to the FMERPA Shared Emergency Services Study would be prepared.

### REVIEW OF TASK 1 RECOMMENDATIONS

The Task #1 Shared Court Service *initial* recommendations as were outlined in the July 2008 FMERPA Shared Emergency Services Study report are as follows:

- The Borough of Tinton Falls Municipal Court should continue to operate as it presently operates. Any additional workload resulting from the closure of Fort Monmouth could be easily absorbed.
- The Borough of Eatontown and the Township of Shrewsbury should continue with their present and long standing relationship with the Borough of Eatontown Municipal Court providing all court services to the Township of Shrewsbury in conjunction with the recommendation below.

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- There should be an establishment of a joint court operation that would include the Host Municipalities of the Borough of Eatontown and the Borough of Oceanport as well as the Neighboring Municipality of the Township of Shrewsbury. This joint court operation should operate on an interim basis out of the Eatontown Municipal Court facilities and should then move to an upgraded facility in Fort Monmouth's Mallette Hall in what is envisioned to be a Regional Court Facility.

The above recommendations are largely limited to the Host Municipalities and are not applicable to any of the Neighboring Municipalities, with the exception of Shrewsbury Township which has an existing court shared services agreement with the Borough of Eatontown. However, the possible future Regional Court Facility recommendation does envision the inclusion of one or more of the Neighboring Municipalities.

The initial recommendation above was based upon a variety of factors including the following:

- The three Host Municipality Municipal Court operations each have different workloads.
- Tinton Falls has an existing large municipal court operation influenced in large part by the approximate sixteen miles of the Garden State Parkway running through the Borough, and the related State Police activity along this stretch of roadway.
- Tinton Falls has a new and state-of-the-art facility to support their municipal court operation.
- Oceanport has the lowest volume municipal court, and the most challenged physical facilities.
- Oceanport has the most limited staff, and hours of operation that do not coincide with other municipal office hours.
- Eatontown shares a common border with Oceanport.
- A related Task #2 recommendation includes the Oceanport police function being a shared or joint function with the Borough of Eatontown Police Department. This would in turn make a combined municipal court operation a logical extension of the combined police operation.

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- The recommendation to have a Regional Municipal Court operation based in Mallette Hall (that was also envisioned as the future Eatontown Municipal Building) as a facility that would have the size to accommodate a Regional Court.

As referenced earlier, the initial recommendations were never intended to reflect every or all options available to the participants. Given that there were three Host Municipalities and six Neighboring Municipalities who participated in this study, the number of possible shared service options is expansive. Since the focus of the overall study was on the three Host Municipalities, this addendum is limited to the Boroughs of Eatontown, Oceanport and Tinton Falls (as well as the Township of Shrewsbury given its existing interlocal services agreement with the Borough of Eatontown for the provision of Municipal Court services).

Focusing on the Oceanport Municipal Court Operations, it was recognized that the transfer of this operation away from the Oceanport Municipal Building to be combined in some form with a larger municipal court operation would have the following benefits for Oceanport:

- Any existing deficiencies in the physical facilities when compared to the guidelines of the Administrative Office of Court (AOC) could be resolved.
- Current technologies could be provided including on-site video conferencing and on-site acceptance of credit cards.
- Regular business hours could be observed, and coverage for any absences could be provided.
- Badly needed space in the Oceanport Municipal Building could be made available for the benefit of other remaining municipal operations.

The initial recommendation of the joining of the Oceanport Municipal Court operation to the Borough of Eatontown was made with a degree of concern given that the current Eatontown Municipal Court operation is tight on space in terms of both the office facility as well as the courtroom facility. However, Eatontown is in compliance with the AOC guidelines. Also, it has a very competent staff that is utilizing all of the best practices and current technologies. Perhaps the most compelling factor was the size of the Oceanport Municipal Court operation was small enough to be absorbed within the Eatontown Municipal Court operation without any significant strain on the Eatontown operations. Finally, this was viewed as only a temporary shared service arrangement, to be followed by a much better, larger, future shared service operation based out of Mallette Hall.

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In addition to factors identified above, Tinton Falls was not included as the primary facility for a shared service operation on the basis of not sharing a common border with Oceanport, and in part due to the significant utilization of space allotted to the Tinton Falls Municipal Court staff. It has since been represented by Tinton Falls officials that through a reallocation of space in the new Tinton Falls Municipal Building, not only could the Oceanport Municipal Court operation be accommodated, but that the Eatontown Municipal Court operation could also be accommodated on at least a temporary basis.

The initial recommendation remains, which is the establishment of a larger regional court facility housed in Mallette Hall or another comparable facility. It is recognized that such a facility would not likely be available for several years. With respect to Mallette Hall, it is likely that with this being the Fort's Command Headquarters and with it being situated in the secured Main Post area, it would be one of the last buildings to be vacated. Other factors that would have to be considered for Mallette Hall to be available to Eatontown include the following:

- Process involved in the legal transfer of land and building from the Federal Government to Eatontown.
- Development of architectural concept plans.
- Development of bid documents, including full plans and specifications.
- Process of bidding, review of bids, checking references of apparent low bidder and award of contract.
- Conversion of Mallette Hall from its current use to a municipal use including but not limited to actual construction and delays associated with the ordering and delivery of materials, the submission and approval of shop drawings, and the inevitable processing of change orders. This conversion would be further complicated by the interconnection of Mallette Hall to adjoining buildings.

Considering all of the above factors, a five year timeframe from the date of this report would be an optimistic expectation for Mallette Hall to be able to be in use for municipal governmental purposes.

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### INTERIM SHARED SERVICE ALTERNATIVES

On the basis of the representation by Tinton Falls officials that adequate office space could be made available for both the Oceanport and Eatontown Municipal Court operations in the Tinton Falls Municipal Building, this addendum is intended to evaluate this option. Without performing any analysis of the office space that would be made available, the remaining physical facility observations have been made:

- The Tinton Falls Municipal Complex provides adequate parking to support other municipal court operations.
- The Tinton Falls Municipal Courtroom is modern and larger than those situated in either Oceanport or Eatontown.
- The Tinton Falls Municipal Building is wired to support all of the needed technology functions for either Oceanport and/or Eatontown.

With the elimination of any concern over the physical facilities available in Tinton Falls, the focus needs to shift to the staffing of what are now three separate municipal court operations. In this regard, there are multiple possible staffing arrangements with the initial options being as follows:

1. Continuation of each of the Host Municipality Court operations as independent operations with separate or shared office space, all utilizing the same courtroom, but in separate and independent court sessions.
- 2.a. Two of the Host Municipalities could fully merge their Municipal Court operations. The most logical combination would be Oceanport and Tinton Falls since they share a common Judge. This would facilitate a fully merged Municipal Court Operation.
- 2.b. All three of the Host Municipalities could fully merge their Municipal Court operations. Since Eatontown (with the inclusion of Shrewsbury Township) has a separate Municipal Court Judge, this full merger would be more of a challenge. However, if there were to be a single merged Municipal Court operation, the appointment of both judges to serve the fully merged court could be an alternative. The terms of all of the appointed Judges expire at the end of December 2010.

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- 3.a. Two of the Host Municipalities could fully merge their Municipal Court office operations, but with the continuation of independent Municipal Court sessions.
- 3.b. All three of the Host Municipalities could fully merge their Municipal Court office operations, but with the continuation of independent Municipal Court sessions.

## RECOMMENDATION

With Jersey Professional Management’s knowledge of the current physical layout of the Tinton Falls Municipal Building and the space devoted to Municipal Court operations in particular, Options 2.b. and 3.b. were not considered to be viable given the challenges that would be associated with accommodating all of the existing staff from the three municipalities in a single office. Similarly, Option 1. was not considered viable given the added challenge that Tinton Falls would have in providing independent office space for two additional municipalities with an interconnection to the courtroom.

With a conclusion that there would be no advantage to having Oceanport continue with independent Municipal Court sessions, Option 3.b. was eliminated. Accordingly, the focus of this analysis is on Option 2.a. that would provide the Host Municipalities with an interim structure as follows:

- **Full merger of the Oceanport Municipal Court operation with the Tinton Falls Municipal Court operation** – With a common Judge and only one Oceanport Municipal Court employee, this merger could proceed very smoothly. There is one extra workstation within the Tinton Falls Municipal Court offices that could accommodate the Oceanport Court Administrator who would transfer to Tinton Falls as a Deputy Court Administrator. Although no change in staffing is envisioned at the outset, upon the first occasion of any Municipal Court employee retirement or resignation, the staffing arrangement should be fully evaluated to determine if the vacant position could be eliminated or if it could be filled by a part time as opposed to a full time employee. It is important to note that there are currently two part time positions within the Tinton Falls Court offices and that each of these individuals has their own workstation. To the extent that space may become an issue, a shared workstation arrangement is a possibility. It is also important to note that Oceanport presently utilizes the video conferencing system in the Tinton Falls Municipal Courtroom.



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- **Continuation of the Eatontown/Shrewsbury Township Municipal Court operation independent from the merged Oceanport/Tinton Falls Municipal Court operation but operating within the Tinton Falls Municipal Building and utilizing the existing Tinton Falls courtroom** – The size of the Eatontown Municipal Court operation is significant enough to justify its continued independent operation. Additionally, the situation involving Eatontown having a separate Judge from Oceanport and Tinton Falls further justifies an independent operation. Ideally, there should be an independent Eatontown Municipal Court office with its own transaction window. There should be secure access for the Eatontown Judge and the court personnel from this office into the bench area of the courtroom. Municipal Court security on court days could be handled by either the Eatontown Police Department or through an interlocal services agreement with Tinton Falls.

### GENERAL ANALYSIS OF RECOMMENDATION

There are a number of immediate mid term benefits that could be realized by Eatontown, Oceanport and Tinton Falls including the following:

- Consistent office coverage during all business hours for the Oceanport municipal court business.
- Shared facilities that are new and state of the art, particularly in regard to the Tinton Falls Municipal Courtroom.
- Oceanport and Eatontown will have the ability to reallocate office space that will become empty, after moving their existing Court offices to the Municipal Building in Tinton Falls. This leaves this vacant office space available for other needs in Oceanport and Eatontown.
- Efficiencies would be realized through personnel in a combined Oceanport/Tinton Falls Municipal Court since the single employee in Oceanport would no longer have to perform every function, but instead there would be specialized persons handling various functions.
- Oceanport would have to ability to have their court cases handled more frequently, and this could have the benefit of less police overtime needed for municipal court appearances.

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- Given the low volume of Oceanport cases, there would be no significant added time in handling the Oceanport calendar that would in turn require any significant court security.

As with any plan, there are potential disadvantages that are best viewed as challenges. The primary challenges identified are as follows:

- Eatontown and Oceanport police personnel appearing in court would have added travel time and be outside their respective jurisdiction
- Local residents wanting to pay a fine in person or personally interact with Municipal Court personnel would have to commute to a more distant office.
- Courtroom security staffing would have to be negotiated as to whether or not it would be fully provided by Tinton Falls or if Eatontown would provide security for the Eatontown Municipal Court sessions. It is not recommended that any Oceanport police officers assume any of the courtroom security responsibilities.
- Some investment would have to be made in the conversion of existing Tinton Falls Municipal Building space to accommodate the Eatontown Municipal Court office functions. This would have to be carefully evaluated given what could be a relatively short (5-8 years) length of time for the Eatontown Municipal Court offices to remain in Tinton Falls.

## **FINANCIAL ANALYSIS OF RECOMMENDATION**

Savings under the recommendation above are anticipated in two forms. The traditional form of savings is measured in immediate and longer term direct budgetary savings. There is also a very real savings potential in terms of cost avoidance, particularly when evaluating Municipal Court shared service models.

### **DIRECT BUDGETARY SAVINGS**

Any savings and how that savings applies to the respective Host Municipalities is first and foremost dependent upon the structure of the interlocal services agreements that would have to be negotiated. The structure of these formal agreements is outside the scope of this study. However, the potential areas in which direct budgetary savings could be realized include the following areas:

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- A reduction in office staffing through attrition would result in a lower overall payroll and the associated employee benefits. The timing of this type of savings is dependent upon resignations or retirements, but in the intervening period of time, it would provide an opportunity to better understand the appropriate staffing needs based on workloads and the ability to create more efficient means of handling the workload. With two separate Municipal Court operations presently in existence in Oceanport and Tinton Falls, there is a duplication of effort in areas such as training, scheduling, report writing, budgeting and development of policies and procedures. With a combined operation, there would be a reduced cost for OE (Operating Expenses or Other Expense).
- Elimination of any back-up personnel costs that presently exist in Oceanport since the existing Tinton Falls staff is large enough to provide consistent office and courtroom coverage.
- The possibility of having a single Prosecutor and Public Defender for a combined court session.
- Reduced time on the part of police officers for courtroom security with the anticipated efficiencies of combined court sessions.

### **COST AVOIDANCE/COURTROOM SECURITY**

There has always been a concern over Municipal Court security, but there has been a significantly heightened concern in this area in the past five years. It is anticipated that this trend will continue and in turn, will place increasing financial burdens on New Jersey municipalities to comply with what are currently only guidelines, but what could become unfunded mandates in the future. In the Task #1 report, Oceanport was identified as not having an approved security plan and as having the least suitable physical facilities among the Host Communities. If this were to eventually become enough of a concern to the Monmouth County Vicinage, the Oceanport Municipal Court could be ordered closed. The relocation of the full Oceanport Municipal Court operation to another location or the incorporation of the Oceanport Municipal Court operation with another Municipal Court operation would be a proactive initiative to avoid having to deal with an adverse future order.

The size of the Tinton Falls facilities combined with their state of the art design make Tinton Falls the most suitable of all of the Host Municipality Municipal Court facilities, particularly with respect to the security measures present. Similarly, Tinton Falls would be in the best position to be able to provide for heightened security measures in the future.

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### **ADDITIONAL FINANCIAL CONSIDERATIONS**

There are a number of variables that would impact the future financial implications for any of the Host Municipalities. Examples of these variables are:

- Consideration to be paid to Tinton Falls by Eatontown and Oceanport for allowing use of a portion of the Tinton Falls Municipal Building space.
- Differences in benefit costs if the Oceanport Court Administrator were to become a Deputy Court Administrator within the Tinton Falls staffing configuration.
- Tinton Falls Municipal Building modification costs to accommodate the Eatontown Municipal Court operation.
- Modification of any of the salaries for professionals based upon efficiencies associated with a merged court session for Oceanport and Tinton Falls.
- The potential of Eatontown selling their present video conferencing system.

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### **CONCLUSION**

The recommendations as presented in the July 2008 Task 1 report remain as viable options for consideration. In particular, the longer term recommendation of providing for a Regional Court facility remains unchanged. On the basis of the representation that space could be provided at the Tinton Falls Municipal Building to accommodate the Eatontown and Oceanport Municipal Court operations, the above recommendation serves as an added option for the Host Municipalities to consider.

There is another unknown which may be related to the value or savings that Eatontown and Oceanport would enjoy for having more office space available in the Municipal Buildings. This is something referred to as a Cost Avoidance, since Eatontown and Oceanport would not have to spend additional funds to construct or create new office space needed for other municipal departments.

When a shared services feasibility study sparks enough interest on the part of any of the stakeholders, the next step generally taken is to create a more in depth implementation plan. During this phase, the shared service recommendations are more fully explored. Frequently, these recommendations are refined on the basis of additional information as is the case with this addendum report. Local sentiment also comes into play in shaping recommendations into reality.

It is strongly recommended that the Host Municipalities pursue a State of New Jersey SHARE implementation grant. When they are ready to proceed with these recommendations, this grant, valued up to \$200,000, could help cover any transition and start up costs, including the fees for the consultant to continue working on the Implementation Plan of this new Shared Service for a Shared or Joint Municipal Court.

Respectfully submitted,

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