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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BERGEN ROCKLAND ERUV ASSOCIATION,
YISROEL FRIEDMAN, S. MOSHE
PINKASOVITS, SARAH BERGER, MOSES
BERGER, CHAIM BREUER, YOSEF
ROSEN, AND TZVI SCHONFELD,

Plaintiffs,

v.

THE BOROUGH OF UPPER SADDLE
RIVER,

Defendant.

Civil No.: 2:17-CV-05512-JMV-
CLW

Civil Action

**DECLARATION OF
SERGEANT MICHAEL SPINA**

I, Sergeant Michael Spina, declare under penalty of perjury:

1. I am a police officer with the Borough of Upper Saddle River (USR).

2. I have been a member of the Borough of Upper Saddle River's Police Department (USR PD) for 13 years.

3. I have served as a Sergeant since August 1, 2016.

4. Further, during my tenure as a police officer I have served in various capacities, most recently, for approximately 6 years, I have served as a Field Training Officer.

5. As a Field Training Officer it is my responsibility to train all police officer trainees in basic police skills, including, but not limited to enforcement of local ordinances and USR policies.

6. As a Field Training Officer, it is also my responsibility to continue to train new officers, who recently graduated the police academy, in basic police skills, including, but not limited to, enforcement of local ordinances and USR policies.

7. Accordingly, I have both personal and institutional knowledge with respect to USR's enforcement of local laws prohibiting the placement and/or installation of unauthorized signs, devices or other matter on utility poles within USR.

8. This prohibition has been enforced consistently and uniformly with respect to a wide variety of signage, devices, and other matter; and without regard to the content of the signs, devices, or other matter at issue.

9. It has been my experience, both when I was trained in 2004 and now, that USR PD officers are trained with respect to the USR prohibition against the placing of unauthorized signs,

devices or other matter on utility poles, now codified by local ordinances §76-46, §122-17G, and §150-21.

10. USR PD officers are verbally trained with respect to this prohibition. This verbal training is recorded as local ordinance training.

11. Further, when USR PD officers are engaged in field training, they often witness their Field Training Officer remove offending signs, devices, or other matter.

12. Trainees specifically learn that it is the responsibility of the USR PD and the Department of Public Works (DPW) to enforce this prohibition by removing unauthorized signs, devices or other matter on utility poles.

13. If an unauthorized sign, device or other matter that violated the law is within a USR PD officer's reach and can be safely removed by the officer, the sign, device or other matter would be removed by a USR PD officer without regard to the content of the item.

14. If a sign, device or other matter that violates the law is out of reach or affixed in a manner that prevents an officer from safely removing the item with his or her hands, then the officer would (1) notify the property owner and have the property owner remove the unauthorized sign, device or other matter; (2) the DPW would be notified and a DPW staff member would be dispatched to remove the sign, device, or other matter

using a truck or other device that could safely reach the item. This is also done without regard to the content of the item.

15. If the owner of the removed sign, device, or other matter is clear from the face of the item removed, then the owner is notified that the item is at the USR PD. However, if the owner fails to retrieve the sign, device, or other matter, it would be discarded.

16. This prohibition against unauthorized objects being affixed on USR utility poles without USR's authorization has resulted in unauthorized signs, devices, and other matter being removed from utility poles. Examples of unauthorized signs, devices, and other matter removed in and around USR include, but are not limited to, "for sale" signs, garage sale signs, real estate signs, business signs, a mailbox, a mirror, and lost animal signs.

17. Officers of the USR PD are regularly reminded of the Town's policy with respect to the removal of unauthorized signs, devices, and other matter from utility poles.

18. For example, on October 5, 2015, the Chief of Police, Patrick Rotella, emailed the USR PD reminding officers to familiarize themselves with the ordinance that sets forth that there shall be "no posting of items on telephone poles." See attached as **Exhibit "A"** a true and correct copy of an email, dated October 5, 2015, to members of the USR PD reminding

officers to familiarize themselves with the ordinance prohibiting the posting of unauthorized items on utility poles.

19. USR has consistently enforced and continues to consistently enforce this prohibition even against extensions of its own government. Although, until recently, it was not USR PD policy to record instances where unauthorized signs, devices, and other objects were removed from utility poles. However, it is now USR PD policy for each officer to record the removal of signs, devices, or other objects which violate USR Code §§ 150-21, 76-46, and 122-17G. That policy is uniformly and consistently followed.

I declare under penalty of perjury that the foregoing is true and correct.

By: Sgt. Michael Spina #140
Michael Spina
Sergeant, Borough of
Upper Saddle River
Police Department

Executed on: November 1, 2017

EXHIBIT A

Chief Patrick Rotella

From: Chief Patrick Rotella
Sent: Monday, October 05, 2015 3:10 PM
To: kzyskowski@usrpd.net; apulizzano@usrpd.net; cparrella@usrpd.net; dhausch@usrpd.net; dlally@usrpd.net; ekane@usrpd.net; emcdowell@usrpd.net; jfarrow@usrpd.net; kcampbell@usrpd.net; kosborne@usrpd.net; krodiguez@usrpd.net; mspina@usrpd.net; Patrolman Collin Gurney; tkilduff@usrpd.net; vsiracusa@usrpd.net; wlynch@usrpd.net
Subject: new ordinances
Attachments: trees.PDF; Plymouth.PDF; Telephonepoles.PDF

Please familiarize yourself with the attached ordinances

- No Left Turn Plymouth Dr
- No posting of items on telephone poles
- Tress

Chief Patrick A. Rotella
Upper Saddle River Police Department
368 West Saddle River Road
Upper Saddle River, NJ 07458

P. 201-327-2700
F. 201-934-3992



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