

AGENDA

REGULAR MEETING

FEBRUARY 13, 1991

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order by Mayor David Siddons at 7:30 P.M., at the Island Heights Grade School, Summit Avenue, Island Heights, New Jersey.

Mayor Siddons read the notice of the meeting in accordance with the OPEN PUBLIC MEETING ACT P.L. Chapter 231 (Section 10:4-10). Notice of this meeting appeared on December 10, 1990.

Flag Salute and moment of silent prayer.

Roll Call:

President of Council	Albert R. Gabriel, Jr.
Councilmember	Lucy Bottomley
Councilmember	Diane Cullen
Councilmember	Frederic Grigg
Councilmember	Helen Kaplowitz
Councilmember	Gary Stocco
Mayor	David Siddons
Borough Attorney	Charles Hutchinson
Borough Treasurer	John Adams

First reading Ordinance 91-01 entitled, AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ISLAND HEIGHTS TO PROVIDE FOR FLOOD DAMAGE PREVENTION.

Resolution 91-13 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DEFERRING OF SCHOOL TAXES.

Resolution 91-14 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING PAYMENT OF DUPLICATE WATER & SEWER PAYMENT.

Resolution 91-15 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER INTO CLOSED SESSION.

Gilmore & Monahan - re: Is. Hts. Municipal Building Renovations

Approve payment of the vouchers chargeable to 1991 Appropriations.

COMMUNICATIONS:

1. Ocean County Times Observer - re: newspaper machine municipal complex.

2. American Red Cross - re: flying of Red Cross flag
3. Governor Jim Florio - re: Quality Education Act
4. Sergeant M. White - re: notice of withdrawal from arbitration contract negotiations.
5. Is. Hts. Yacht Club - re: cc of letter to Mr. Staples
6. Ocean County Board of Realtors - re: new President

NEW BUSINESS: Approve Raffle License: Is. Hts. PTA, Tricky Tray
March 08, 1991. License # R91-01.

OLD BUSINESS:

PRIVILEGE OF THE FLOOR:

ADJOURNMENT:

COPY

RESOLUTION
91-15

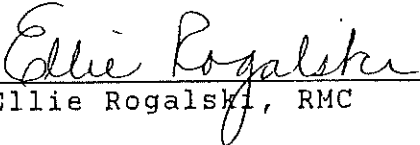
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER
INTO CLOSED SESSION.

BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, in compliance with Chapter 231 of the Laws of the State of New Jersey, the OPEN PUBLIC MEETINGS ACT, the Borough of Island Heights has called a CLOSED SESSION, for February 13, 1991, at the Island Heights Grade School, Summit Avenue, Island Heights, New Jersey.

The purpose of this CLOSED SESSION will be to discuss the following:

1. Personnel Matters
 - A). Crossing Guard
 - B). Cleaning Lady Library
 - C). Peddlers/Solicitors
 - D). Procedures regarding Welfare Clients

The OPEN PUBLIC MEETINGS ACT exempts discussion of this topic from the requirement that the public be invited to attend. The Borough of Island Heights will be able to disclose the discussion to the public at a later date.



Ellie Rogalski, RMC

FEBRUARY 13, 1991
8:30 P.M.

CLOSED SESSION MINUTES

Roll Call:

Mr. Gabriel, Mrs. Bottomley, Mrs. Cullen, Mr. Grigg, Mrs. Kaplowitz, Mr. Stocco, Mayor Siddons, Borough Attorney, and Borough Clerk.

Mayor Siddons said that we have received a letter from Sergeant Michael White, who requested that he not be recognized as part of the contract negotiations with the Patrolman. He would request that a separate contract be negotiate for the position of Sergeant.

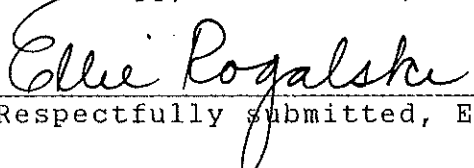
The Borough Attorney noted that he is not entitled to a separate contract.

Mrs. Kaplowitz said that the question of the Crossing Guard has come up, and the Sunday School Crossing for the Church, in Joe Indiero's absence, there is no crossing guard for Sunday School. Is it practical to pay for this service for 1 hour and bring a man in. Mr. Grigg stated that he has received a letter from Chief Burger requesting the hiring of an additional Crossing Guard. The school would be contacted regarding the use of a Safety Patrol for Crossing the children. Mrs. Bottomley suggested that the Chief coordinate this project with the school.

Mrs. Kaplowitz noted that the current Cleaning Person for the Library has resigned, because of deductions now being taken from her salary. Discussion on having Welfare Clients do the cleaning, this was not received very favorably.

Mr. Grigg said that Mr. Indiero would like his salary cut by .50 cents per hour, this would enable him to receive better medical benefits. The new rate would be \$7.00 per hour.

Motion to adjourn this closed session made by Mr. Gabriel second by Mr. Grigg, voice vote, all ion favor.


Respectfully submitted, Ellie Rogalski, RMC

AGENDA

REGULAR MEETING

FEBRUARY 27, 1991

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order by Mayor David Siddons at 7:30 P.M., at the Island Heights Grade School, Summit Avenue, Island Heights, New Jersey.

Mayor Siddons read the notice of the meeting in accordance with the OPEN PUBLIC MEETINGS ACT P.L. Chapter 231 (Section 10:4-10). Notice of this meeting appeared in the Times Observer on December 10, 1990.

Flag salute and a moment of silent prayer.

Roll Call:

President of Council	Albert R. Gabriel, Jr.
Councilmember	Lucy Bottomley
Councilmember	Diane Cullen
Councilmember	Frederic Grigg
Councilmember	Helen Kaplowitz
Councilmember	Gary Stocco
Mayor	David Siddons
Borough Attorney	Charles Hutchinson
Borough Treasurer	John Adams

Resolution 91-16 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION, PURSUANT TO N.J.S.A. 40A: 4-20.

Resolution 91-17 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER INTO CLOSED SESSION.

Resolution 91-18 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY TO AUTHORIZE TAX ASSESSOR OR MUNICIPAL ATTORNEY AS AGENT IN FILING PETITIONS OF APPEAL/COMPLAINTS.

Approve payment of the vouchers chargeable to the 1991 Appropriations. (see attached list)

COMMUNICATIONS:

1. Twsp. of Dover re: challenge from Mayor Vicari as Chairman of WalkAmerica 1991.

NEW BUSINESS:

OLD BUSINESS:

PRIVILEGE OF THE FLOOR:

ADJOURNMENT:

RESOLUTION
91-17

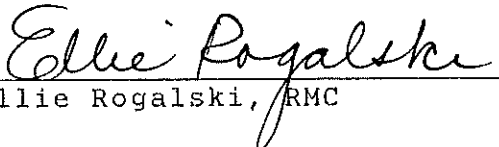
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER
INTO CLOSED SESSION.

BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, in compliance with Chapter 231 of the Laws of the State of New Jersey, the OPEN PUBLIC MEETINGS ACT, the Borough of Island Heights has called a CLOSED SESSION, for February 27, 1991, at the Island Heights Grade School, Summit Avenue, Island Heights, New Jersey.

The purpose of this CLOSED SESSION will be to discuss the following:

1. Personnel Matters

The OPEN PUBLIC MEETINGS ACT exempts discussion of this topic from the requirement that the public be invited to attend. The Borough of Island Heights will ne able to disclose the discussion to the public at a later date.



Ellie Rogalski, RMC

FEBRUARY 27, 1991
7:55 P.M.

CLOSED SESSION MINUTES

Roll Call:

Present: Mr. Gabriel, Mrs. Bottomley, Mr. Grigg, Mr. Stocco, Mayor Siddons, Borough Attorney, Borough Treasurer and Borough Clerk.
Absent: Mrs. Cullen and Mrs. Kaplowitz.

Mayor Siddons said that he had 2 items to discuss, the Police Committee has been meeting with the Chief to try and bring the budget figure down to within the CAP. Currently with a six man force we can not get the budget under CAP, and we will be probably faced with a reduction of 2 men. The Borough is still going over the figures from Dover Twsp., for coverage on the mid-night shift, as well as total coverage. Mr. Stocco asked that when a formal proposal is received from Dover Twsp., he would like a copy, Mayor Siddons assured him that all members of council would receive this information.

Mayor Siddons commented on the subject of Closed Session minutes being released to the Police Department, the minutes were delivered by the Deputy Clerk to Mr. Stocco's home, the closed session minutes were delivered to the Police Chief by Gary's Dad, this was confirmed by Chief Burger.

Mrs. Bottomley asked the status of the SOP's for the Police Department, Mr. Grigg stated that they are still being worked on and reviewed. She also questioned if in fact Chief Burger is responsible for the scheduling of his men and keeping track of salaries, if this is not the case, then he is not doing his job. The Borough Attorney said that he had received a call from Chief Burger, regarding the amount of money appropriated for running the department, and it would be impossible have 24 hour coverage. The Borough Attorney stated that if there are to be any layoffs, we have to give them the proper notification, Mr. Gabriel said in all fairness to let them know as soon as possible.

Motion to adjourn this closed session at 8:15 P.M., made by Mr. Gabriel second by Mr. Grigg, voice vote, all in favor.

Respectfully submitted, Ellie Rogalski, RMC

AGENDA

REGULAR MEETING

MARCH 27, 1991

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order by Mayor David Siddons at 7:30 P.M., at the Island Heights Grade School, Summit Avenue, Island Heights, NJ.

Mayor Siddons read the notice of the meeting in accordance with the OPEN PUBLIC MEETING ACT P.L. Chapter 231 (Section 10:4-10). Notice of this meeting appeared in the Times Observer on December 10, 1990.

Flag salute and a moment of silent prayer.

Roll Call:

President of Council	Albert R. Gabriel, Jr.
Councilmember	Lucy Bottomley
Councilmember	Diane Cullen
Councilmember	Frederic Grigg
Councilmember	Helen Kaplowitz
Councilmember	Gary Stocco
Mayor	David Siddons
Borough Attorney	Charles Hutchinson
Borough Treasurer	John Adams

Resolution 91-25 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER INTO CLOSED SESSION.

Boy Scout Island lease agreement riparian area abutting the westerly side of Boy Scout Island located adjacent to Lot 11, Block 50, expires 4/30/91.

Resolution 91-24 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROCLAIMING MAY 05, 1991, AS "PROUD TO BE AN AMERICAN DAY."

Resolution 91-26 entitled, 1990 BUDGET TRANSFERS.

Resolution 91-27 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-20.

Resolution 91-28 entitled, REFUND OF OVERPAYMENT OF 1990 TAXES PURSUANT TO N.J.S.A. 40A:5-17.1.

Resolution 91-29 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE APPLICATION OF OVERPAYMENTS OF 1990 TAXES TO 1991 TAXES DUE PURSUANT TO N.J.S.A. 40A:5-17.1.

Resolution 91-30 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE CANCELLATION OF OVERPAYMENTS OF 1990 TAXES PURSUANT TO N.J.S.A.40A:5-17.1.

Resolution 91-31 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION OF A MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION.

Approve payment of the vouchers chargeable to 1991 Appropriations.

COMMUNICATIONS:

1. US Senate - re: Community Development Block Grant.
2. Ocean County Planning Board - re: Proposed Barrier-Forked River Service Area.
3. New Jersey Highway Authority - re: Proposed Barrier-Forked River Service Area.
4. Ocean County Planning Board- re: Proposed Interchange 74 Improvements Garden State Parkway.
5. NJ State League of Municipalities - re: ACS-1808.
6. State of NJ 9th Legislative Offices - re: \$55 Million Discretionary Fund Under S-3230.
7. Toms River-Ocean County - re: Ciba-Geigy
8. Ronald Sheehan - re: boat slip rental.
9. Adelphia Cable -
10. Central Regional School Budget - re: hearing dates

NEW BUSINESS:

Approve Raffle License for Toms River Chapter of Deborah Hospital, DOE/7/19/91.

OLD BUSINESS:

PRIVILEGE OF THE FLOOR:

ADJOURNMENT:

**RESOLUTION
91-25**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER
INTO CLOSED SESSION.**

BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, in compliance with Chapter 231 of the Laws of the State of New Jersey, the **OPEN PUBLIC MEETINGS ACT**, the Borough of Island Heights has Called a **CLOSED SESSION**, for March 27, 1991, at the Island Heights Grade School, Summit Avenue, Island Heights, New Jersey.

The purpose of this **CLOSED SESSION** will be to discuss the following matters:

1. Personnel Matters/Contract Negotiations

The **OPEN PUBLIC MEETINGS ACT** exempts discussion of this topic from the requirement that the public be invited to attend. The Borough of Island Heights will be able to disclose the discussion to the public at a later date.

Ellie Rogalski

Ellie Rogalski, RMC

CLOSED SESSION
8:20 P.M.

MARCH 27, 1991

Present: Mr. Gabriel, Mrs. Bottomley, Mrs. Cullen, Mr. Grigg, Mrs. Kaplowitz, Mr. Stocco, Mayor Siddons, Borough Attorney Hutchinson, Borough Treasurer Adams, and the Borough Clerk.

Mr. Adams suggested that the Mayor & Council consider laying off two officers, and enter into an agreement with Dover Township for the mid-night shift. Mr. Corrigan stated that the Patrolman are basing they unfair labor practice stating that the borough refused to negotiate with the police department as a separate entity, and the police had been grouped with non-police employees. Secondly the agreement was never reduced to writing. The ordinances were adopted and the employees have been receiving the benefits provided for in those ordinances. Mr. Dempsey said that the patrolmen are willing to take 10% this year and 10% next year. We can split this rate each year. The going rate is 6>5 % - 7% range. He would like to have authorization to offer 7% for each year of the agreement. Mr. Corrigan would like to settle the unfair labor practice suit without going to PERC, it appears that as in all small towns they are underpaid in the eyes of an arbitrator. Mayor Siddons said that they could eliminate an employee for economic reasons. Mr. Corrigan asked the council if the could afford a police department that would receive a 7% increase? Mrs. Bottomley stated that the salary and the decision of cutting the force are two separate issues. Mayor Siddons said that the 1991 budget was prepares with no increase in salary and the layoff of one patrolman. Mrs. Cullen asked about cuts in other departments. Mayor Siddons, asked where else can we cut? We are down to the bone now. The additional problems with the police department is the fact that they will be new vehicles as well as maintaining the old ones, which expenses are now within the CAP. Mayor Siddons said that Borough has received a letter from M. White, stating that he was no longer part of the bargaining unit. Mr. Corrigan said, Mr. White is still part of the unit the only way would be if he acted in a supervisory role. Mr. Corrigan expressed a belief that a settlement could be reached without ending up in arbitration. Mrs. Cullen said she would like to depend on a CAP Waiver because all the employees are grossly underpaid. Mayor siddons said by the police looking or a higher than 5%increase they will be faced with loosing more employees, all the other departments are being treated equal and not faced with loosing employees.

Discussion from Mr. Stocco about the rental of the boat slip, per the Borough Attorney these will have to go to public auction, the proper resolutions will be prepared for the meeting of the 10th.

Motion to adjourn this closed session made at 8:20 P.M., By Mrs. Cullen second by Mr. Stocco, voice vote, all in favor.

Respectfully submitted, Ellie Rogalski, RMC

AGENDA

REGULAR MEETING

APRIL 10, 1991

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order by Mayor David Siddons at 7:30 P.M., at the Island Heights Grade School, Summit Avenue, Island Heights, New Jersey.

Mayor Siddons read the notice of the Meeting in accordance with the OPEN PUBLIC MEETINGS ACT P.L. Chapter 231 (Section 10:4-10). Notice of this meeting appeared in the Times Observer on December 10, 1990.

Salute to the flag and a moment of silent prayer.

Roll Call:

President of Council	Albert R. Gabriel, Jr.
Councilmember	Lucy Bottomley
Councilmember	Diane Cullen
Councilmember	Frederic Grigg
Councilmember	Helen Kaplowitz
Councilmember	Gary Stocco
Mayor	David Siddons
Borough Attorney	Charles Hutchinson
Borough Treasurer	John Adams

Resolution 91-30 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING THE LAYOFFS OF ALCOHOLIC BEVERAGE CONTROL INSPECTORS.

Approve payment of the vouchers chargeable to the 1991 appropriations.

1991 Municipal Budget status of.

County of Ocean - Amendment to All Code Agreement (Electrical)

Ocean County Mosquito Commission - authorization to apply pesticides.

Ocean County Department of Solid Waste Management - User Agreement Beach Badges.

Boy Scout Island Lease.

Resolution 91-31 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER INTO CLOSED SESSION.

PRIVILEGE OF THE FLOOR:
ADJOURNMENT:

COPY

RESOLUTION
91-31

RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER
INTO CLOSED SESSION.

DATE OF ADOPTION: April 10, 91.

Councilperson _____ presents the following
resolution.

Second by _____.

BE IT RESOLVED, by the Mayor and Council of the Borough of
Island Heights, in compliance with Chapter 231 of the Laws of the
State of New Jersey, the OPEN PUBLIC MEETINGS ACT, the Borough of
Island Heights has called a CLOSED SESSION, for April 10, 1991, at
the Island Heights Grade School, Summit Avenue, Island Heights, New
Jersey.

The purpose of this CLOSED SESSION will be to discuss the
following:

- 1. Personnel Matters
 - a. Tax Office Personnel
 - b. Police Contract Negotiations

The OPEN PUBLIC MEETINGS ACT exempts discussion of this topic
from the requirement that the public be invited to attend. The
Borough of Island Heights will be able to disclose the discussion
to the public at a later date.

Ellie Rogalski
Ellie Rogalski, RMC

April 10, 1991
8:20 P.M.

CLOSED SESSION MINUTES

Roll Call:

Present: Mr. Gabriel, Mrs. Bottomley, Mrs. Cullen, Mrs. Kaplowitz, Mr. Stocco, Mayor Siddons, Borough Attorney Hutchinson, Borough Treasurer Adams, and the Borough Clerk.

Mayor Siddons turned this portion to Mrs. Cullen who stated that in the meetings with Mr. Corrigan, the estimated cost for an arbitrator would be approx. \$800.00, Mr. Corrigan's fees approx. \$1,600.00, and the police are still looking for the 10% increase.

Mrs. Cullen stated she feels the Chief should be asked to resign. Mrs. Bottomley said she would like to have council's permission to make a good faith offering of 8% for 1991 and 9% for 1992, this doesn't mean we have to keep the department. Mr. Gabriel said that the problem with the department is the lack of leadership. Mr. Grigg said that the 1991 budget is still not settled, Mr. Stocco asked about the rest of the employees, Mayor Siddons said they will be able to retain their jobs. Discussion continued, Mr. Gabriel asked the attorney once again about the tire expenditure in which the police chief was involved with. Mr. Gabriel also asked if any member of council had given the authorization for anyone to purchase gasoline for a private vehicle. Mayor Siddons noted that the police department is running with six men and if this continues there will be an overrun again. The Council will have to make a decision to terminate one. The Borough Attorney stated that this would have to be done by resolution for economy reasons. The discussion on the number of men working a shift, Mr. Grigg said that they have tried to tell the chief but they cannot interfere with the day to day operations of the police department. The Borough Attorney said that specific incidents have to be documented and letters of reprimand sent. The position can be abolished for financial reasons. Mr. Grigg said that time should be taken, contracts should be settled with the patrolman first, then a reduction in the rank of the department. Mayor Siddons asked that Mr. Grigg speak to the Chief so the patrolman who will be considered for the lay off will have notice prior to reading it in the newspaper.

Mayor Siddons notice the council on the resignation of Tax Clerk, Maryann Fruend, Wendy Prior will be picking up the additional hours.

Closed session adjourned at 8:50 P.M., motion by Mr. Gabriel second by Mr. Grigg, voice favor, all in favor.

Ellie Rogalski

Respectfully submitted, Ellie Rogalski, RMC

CLOSED SESSION Regular Meeting August 14, 1991

Resolution 91-54.

For the record the following were present for the Closed Session.

Albert R. Gabriel, Jr.		Helen Kaplowitz
Lucy Bottomley	Absent	Gary Stocco
Gary Goldberg		James Ryan
Mayor David Siddons		Borough Clerk

The purpose of this closed session will be to discuss salary negotiations and personnel matters.

Mr. Stocco stated that he had set up two (2) meetings with the Animal Control Officer, on both occasions he has failed to show up. Mr. Ryan asked if he was a private vendor, Mayor Siddons explained that he works on a on call schedule. Mr. Stocco said he has tried on numerous occasions to contact Mr. Kadeq, Mr. Ryan asked if this has been documented. Mr. Stocco said all communications have been sent certified return receipt. Discussion on his job performances. Mayor Siddons stated lets try and rectify this situation. Mayor Siddons asked hat Mr. Stocco have the Borough Attorney sent a letter to set up another meeting. Mayor Siddons asked Mr. Stocco to explain that Mr. Kadeq is a contractual employee, and he is not providing the services agreed to. Mr. Ryan said that all incidents should be documented. Mayor Siddons reminded the council that the borough is required to have an animal control officer by law.

Mayor Siddons said he would like to start the salary negotiations again, this has come to a halt, Mayor Siddons asked Mr. Goldberg to serve on this committed with Mrs. Bottomley. The Mayor's recommendation is to meet with the Police Department and go to binding arbitration, and drop the borough's offer to 6% right across the board for three (3) years. We have offered them 7%, but now I think we should drop to 6% and go with binding arbitration, the police department is going to go in with 10%. MR. Stocco was concerned what the arbitrator would award, because of the economy we have a better chance of the percentage of award being lower. Mr. Goldberg asked if Mr. Adams has contracted Dover Township to review the financial feasibility.

Motion to adjourn this closed session at 10:15 p.m., voice vote, all in favor.

Respectfully submitted, Ellie Rogalski, RMC

REGULAR MEETING

CLOSED SESSION MINUTES

AUGUST 28, 1991
9:15 P.M.

For the record all members are present with the exception of Mrs. Bottomley, also present Chief Burger, Borough Attorney Hutchinson and the Borough Clerk.

Mr. Hutchinson stated that Ordinance 91-11 amends Ordinance 91-10, which provides for the abolishment of the position of Police Chief, it provides for a Public Safety Director. As a result Bob Burger would be demoted to the rank of Police Sergeant, it would not effect his salary, and he is a senior employee and can't be laid off. Mr. Hutchinson said he has discussed this with the Police Committee and the Mayor, in his opinion the Borough can do it, there is some dispute and he suspects that there will be litigation over it. Chief Burger has mentioned to Mr. Hutchinson that he has spoken with his attorney and there is some question in the law. Mr. Hutchinson stated that his opinion is that you can do this. The borough should be aware of the mechanics, to hire a Public Safety Director the borough is going to have to pay a salary, the abolishment of the position of the Chief of Police can't be done as a disciplinary action, the Chief of Police has tenure. In order for him to be disciplined or lose his office, he is entitled to a hearing. This procedure is for economic policy that would eliminate the position, and not a reflection on his performance of his duties as Chief of Police. It is important to remember that because it that's found to be the case, then this ordinance can be thrown out, it is significant that the council be aware of this. The borough will have to come up with money to paid for this public safety director, in talking to the Mayor it is the plan to leave all the remaining officers we have on so all the shifts would be covered. The economic theory is that by having Bob now as a Sergeant, you'll have more patrol hours and the administrative duties won't need a full time employee, that is the economic justification. Mr. Hutchinson said that he notified Chief Burger that the governing body would be discussing this subject this evening, and since it effects the terms of his employment he is entitled to be heard. In summation the borough can do this but there will be a dispute, as a matter of policy there is going to be mechanics that will have to be worked out. Mr. Hutchinson said he had discussed with Mr. Goldberg the vacuum period, Mr. Hutchinson recommended that this not be adopted until the borough has someone to fill the position of Public Safety Director, or you have a department without leadership. Mr. Stocco asked if they were statutory provisions for the person who would be in charge of the department? Mr. Hutchinson said there is no statute that says you must have a Police Chief, but you do because someone has to run the department. Mayor Siddons asked would not the Police sargent act in the behalf of the Public Safety Director. Mr. Hutchinson said the present ordinance provides that in the event of the absence of the Chief of Police, that the Sergeant would act as

Chief in his absence. The only problem here supposing this amendment is adopted you no longer have a Chief of Police. You can argue that the sergeant can act in place of the Public Safety Director. Mr. Hutchinson stated that this amendment does change those provisions which create the position of Chief of Police and provides the Chief of Police's responsibilities and duties, anywhere in the ordinance that refers to the chief of police has been eliminated. Mr. Stocco asked if then the sergeant can dictate the policy and the operations of the department? Mr. Hutchinson said in the absence of a higher authority. The intent is if the Chief or Public Safety Director is on vacation the sergeant can then fill in. Mr. Hutchinson said his recommendation is that the borough have a public safety director in line before this amendment is adopted. Mr. Goldberg said that we are just looking at first reading this evening, and Chief would remain so until second reading. Mr. Hutchinson said in discussion with Mr. Goldberg the Borough could hold off on the second reading until the borough has a Public Safety Director lined up. Mr. Stocco noted that there would have to be guidelines set up for that position as well. Mayor Siddons asked if Mr. Goldberg had any additional information, Mr. Goldberg stated that the Chief has indicated that 80% of his job duties are administrative and that for a borough of this size we can't afford a Chief that spends 80% of his administrating. Mr. Goldberg said he feels we could get more bang out of our dollars if the Chief were patrolling and we had a part time administrator, the police salaries perhaps would go down. This is a purely economical move and the citizens will benefit. Chief Burger asked if he were to patrol on a 5 day basis you would not need this ordinance, Mr. Goldberg stated that he didn't see that either. Chief Burger said that would be the fact whether it was economical or not. Mr. Goldberg said that Chief had indicated under the fair labor standards that 80% of his job is administrative, Chief Burger said that can be rescinded, it is the Chief's options, he also stated he would like to see where this is coming from. Mr. Goldberg said that is one aspect of his concern, if we didn't have a Chief I think the council would have more control over the department, I think this is a policy move. Mr. Goldberg stated again that he thought this was a policy move. We could have more control over a civilian administrator, there are economic concerns, Mr. Goldberg asked the borough attorney for his opinion and he concurred. Chief Burger said it was his understanding that the only legal change that could be made and he did discuss this with Mr. Hutchinson would be for an economic reason, and it seems now it has become a policy political movement rather than an economic one. Mr. Goldberg stated that he did not state that, I didn't use the word political, Chief Burger noted that Mr. Goldberg said that the governing body would have more control over the police department. Mr. Goldberg said that the primary concern was economics, but there are other concerns as well. Mr. Stocco, asked Chief Burger about his discussion with various attorney's regarding the aforementioned matter. Chief Burger stated that there are several case laws, and it really comes down to fine line policy and the reason why it's done. It can be done legally if it's a new department, NJ is currently in the process of

eliminating Public Safety Directors, an example is Bricktown, where they just hired a Chief to replace a Public Safety Director. The reason is that the Chief has many powers which a Public Safety Director does not. Mr. Ryan concurred that a Chief does have some authority that a Director does not. The goal of the police departments is to get as far away from the politics, it seems with a public safety director, it just draws you closer. This is why the Chief's have tenure, you're paid to uphold the law and treat everybody fairly. Mr. Stocco asked Mr. Hutchinson if he was familiar with any of the cases, Mr. Hutchinson referred to one case that deals with this issue. Chief Burger noted that you can't have a director running the department interfering with the day to day operations. Mr. Goldberg asked Chief Burger if he thought the council was interfering when they request he appear, Chief Burger stated no he did not. Mr. Goldberg asked Mr. Hutchinson if the governing body had the authority to eliminate the position of Police Chief, Mr. Hutchinson said they have the authority to eliminate the position of Chief provided it's for justifiable reasons (ex. not for a disciplinary action or not for a political reason) economics and broad policy. Mr. Goldberg said that he had used the word policy, because this is what had been discussed. Mr. Ryan said he believed Mr. Hutchinson had spoken with Mr. Goldberg and that there had been research done, Mr. Hutchinson noted what happened in Jackson was that the Chief retired and then they appointed a Director. Mr. Goldberg asked Mr. Hutchinson if in fact the governing body had the power to eliminate the entire department, and enter into a interlocal agreement, and then our obligations would end for these men, and the Chief would then be unemployed. Mr. Stocco asked if the salary for the Chief if this should be adopted remain the same, Mr. Hutchinson concurred. Chief Burger said if this is strictly for economics, he would accept the terms to rectify this, and remain in the post, he would be more than willing to take a shift. Mr. Goldberg said he thought the borough would get more for the dollar if we have Chief Burger a Sergeant, it's an economic decision. Chief Burger asked how that was arrived at. Mr. Goldberg said you would then be patrolling 5 days a week, Chief Burger said he just agreed to do that. Mr. Goldberg said he would prefer to see Chief as Sergeant Burger because economically he would prefer that. Mr. Hutchinson said in fairness to Chief Burger, as Chief Burger you couldn't be required to patrol 5 days a week and that is a consideration, it is a valid point and an argument that will be made. Mr. Ryan asked if that request had been made of the Chief to patrol a specific number of shifts. Chief Burger said does it end when the make me sergeant, they will still have to pay a director, I can't think that anyone would do it for less than his salary, Is. Hts. Chief is the lowest paid Chief in the state, if anyone has any back ground or experience he is going to demand salary. Mr. Goldberg said that maybe we could get a part-timer.

Chief Burger said he didn't know if the position could be filled by a part-time employee, Mr. Goldberg asked the question of Mr. Hutchinson, who responded he didn't see why not. Mr. Ryan stated all this would be spelled out in the boundaries of his contract. Chief Burger said it would cost more money to reduce me to sergeant

and hire a director then to put me back on the road. If that what you're looking for then say it, but not that you're saving money. Mr. Goldberg stated that Mr. Hutchinson summarized it best, when he said as a sergeant you would patrol, and as a Chief the council has no authority, Chief Burger stated that it is stated that he as Chief can decide his work hours, and a contractual agreement would be find. He sees a real battle in the making. Mr. Goldberg stated that the council and the borough should not be intimidated by a battle, Chief Burger said I think anyone here would fight for their job, I've served this town for 15 years. Mr. Goldberg noted that the council has the authority to make Chief Burger a sergeant, to eliminate the position of Chief, he doesn't think the council should be intimidated by the fact that litigation might come out of this, it is clear that litigation will come out of it. And if litigation does come out of it, I think it will be money well spent. Mr. Hutchinson said the basic Ordinance adopting the SOP's for the Police Department is advertised for final adoption this evening, the council can adopt tonight. Then the ordinance abolishing the position of the chief can be introduced and voted on. Mayor Siddons explained the order of business to take place in open session.

Mr. Goldberg had additional business, he had received a letter from Joe Indiero, reference to Crossing Guard. Chief Burger said that a Crossing Guard had been appointed by the council, Mr Indiero had been insistent on coming back. Mr. Goldberg asked if we were bound by the contract, discussion between the Mayor and Mr. Goldberg as to this position, Mayor Siddons stated that the recommendation to hire her had come from the Chief. Mayor Siddons said that at the Police Committee meeting he didn't know if she had been hired. The Borough Clerk noted that the person in question had been hired as Beach Badge Checker/Crossing Guard. Mr. Stocco said this was not fair to her as school is scheduled to start in a few days. Mr. Hutchinson said she is not a permanent employee. Mr. Gabriel suggested that Mr. Indero do the Church Crossing on Sunday's, Municipal Court and be the substitute Crossing Guard. Mr. Goldberg asked if this woman is well liked around town, he asked the Clerk if she had gotten any comments from the residents, the Clerk responded that there have been no formal written complaints. Mr. Ryan asked if we were locked into, Mr. Goldberg said he was going to make a formal motion. Motion to adjourn closed session at 9:50 p.m. by Mr. Stocco, second by Mr. Ryan, voice vote, all in favor.

Respectfully submitted, Ellie Rogalski, RMC

Regular Meeting

October 23, 1991

Closed Session

8:30 P.M.

Mayor Siddons called to the closed session to order, for the record the following were present; Mr. Gabriel, Mrs. Bottomley, Mr. Goldberg, Mrs. Kaplowitz, Mr. Ryan Borough Attorney Hutchinson and the Borough Clerk. Mr. Stocco was absent.

Mr. Goldberg stated that at the meeting of the Police Committee held on October 15, the following unanimous recommendation. The Police Committee had received a letter from the Ocean County Prosecutor's Office. (letter on file). The Police Committee felt strongly that this matter should be referred to the Attorney General's Office in connection with the letter from the Prosecutor. The letter was unsolicited, Mr. Goldberg stated that he felt that the Prosecutor had over stepped his bounds, and usurped his authority. Mr. Goldberg stated that the thrust he was to intimidate this governing body, he also noted that regardless what this governing body does, it is not the business of the Ocean County Prosecutor, and the matter should be referred to the Chief Law Enforcement Office of the state for a review of the prosecutors actions. Mr. Goldberg stated that the internal affairs of this town should remain just that. Mayor Siddons noted that this is way out of line for him, for him to get into this he had to be way out of line, the Mayor also reminded everyone that this has to remain in closed session. Mrs. Bottomley suggested that just a cover letter be send and let the Attorney General respond, Mr. Goldberg asked that the Borough Attorney prepare the letter to the Attorney General. Mr. Hutchinson advised that council that practically speaking nothing will happen. Mr. Ryan said this will eliminate him doing it again and interfering in our affairs.

Mayor Siddons said that the next problem upsets him, he has the feeling that someone is misusing their legal office for the purpose of getting business. The Chief wrote a letter of reprimand, the 22nd of June to Ptl. Barstow, Ptl Barstow then had his attorney Karl Mohl wrote back to the chief threatening the Chief. Mayor Siddons read from the letter. The next time we find Mr. Mohl he is representing the Chief, the Mayor noted that he finds this a complete conflict of interest. He also said that Mr. Mohl should be taken to the ethics committee in this county and be nailed for this. We don't have any idea if that letter of reprimand is still in Ptl. Barstow's file, the Mayor said the issue should go to the ethics committee, he can't represent management and labor, it has to be totally unethical. The correspondence came in on July 1, and he is still representing the Chief, there has to be some ethics. Mrs. Bottomley asked what letter had he written on behalf of the Chief, Mr. Hutchinson referred back to when the borough was considering the ordinance. He also contacted the attorney when the resolution setting the chief's hours was adopted. The Mayor said we have the letters. Mr. Goldberg stated the on one hand he is asking the Chief to put a letter from a disciplinary file and on

the other he is representing the chief. Mr. Goldberg said he did not know if he had violated the cannon of ethics. Mr. Hutchinson said he had discussed this with the Mayor and it is a conflict but is the borough involved n the conflict. Clients can waive a conflict, the Mayor said we recommend that the Chief take what ever action that was necessary. Mr. Goldberg said we still don't know if the letter is still in the file, and if it's not then there is a definite conflict of interest, and someone should be looking into it. Mayor Siddons asked that all correspondence be forwarded to the ethics committee and ask them to investigate. Mr. Hutchinson said this should not be discussed in public. Mrs. Bottomley asked do we have another option, the attorney said you could send him a letter and ask him not represent the chief. Mrs. Bottomley asked what are you most mad about that he did it or do you want him never to do it again, or do you want to hurt him. Mayor Siddons said he we don't have to crucify him, but it should go to his piers, and he should be slapped on the knuckles for it. Mr. Goldberg stated that it was his opinion that if the borough contact Mr. Mohl directly he would not acknowledge a conflict. Mrs. Bottomley stated that we ought to give him the option. Mayor Siddons said he given the option, he will build up the whole thing, if it is submitted in mass and we asked for it to be investigated it's totally done, and we have not taken any action, other than transmitting his letters to someone else. The same as the Prosecutor, we transmitted his letter. Mr. Mohl is obviously not going to get drummed out of the trade for this, but he will be told he can't handle two people and his knuckles will be severely slapped by his piers. The borough is not in the position of questioning or telling him that he is n conflict because we are not attorney's. Mr. Hutchinson said it looks like a conflict, but his gut feeling is he doesn't want to do it. Mayor Siddons said if that letter is not in the file, then what are we going to do, that's pushing the issue beyond credibility. Mr. Gabriel suggested that we find out if the letter is in the file. Mr. Goldberg stated that he didn't want to hurt anyone either, but as an attorney, he thinks it should be referred there. Mayor Siddons asked how do we find out if the letter is still in the file? Mr. Hutchinson said he would contact the Chief, the Mayor asked how can you find out if it is removed or not? Mr. Ryan said if that has been removed it smacks of a little conspiracy, then you have another problem. Mr. Goldberg noted if it's not in the file then you have a bigger problem. Mayor Siddons said we have a problem but is it legally there. Mr. Hutchinson said we are still entitled to know. Mrs. Bottomley said just send the whole thing, and not get involved, just send it off, and then some one find out it's not there. Mr. Goldberg said he would like to be polled on this he agreed that it should be done, all other members polled with the exception of Mr. Gabriel when polled concurred with Mr. Goldberg. Mrs. Bottomley suggested that Mr. Hutchinson find gentle words. Mayor Siddons noted that we don't want to kill the guy, Mr. Ryan stated that we want to put a little harness on him, to quit interfering in our affairs, that was the feeling of the police committee that there are too many people outside this township becoming involved in the running of this department, and we don't need the interference.

Mr. Gabriel said one more thing, the Mayor should be authorized to meet with Dover Township and negotiate for an Animal Control Officer. We are going to have some one get bit and then we are going to have a problem, all we need is one child bitten. Mr. Ryan said we are continually receiving complaints about the crossing guard, Mr. Goldberg said he had received a letter from Alice Meyer, he wrote the Chief asking him to provide him with a copy of the police report and look into the matter. Mr. Goldberg noted that she was not very helpful or nice and looked the other way wasn't relaying what she knew. The letter was referred to the Chief, Mr. Ryan asked if the Crossing Guard had tenure, Mr. Hutchinson responded none. Can we just eliminate her, Mr. Hutchinson said she still has her rights under the Open Public Meetings Act, if her position is going to be discussed about termination of her employment in closed session she has to be notified. Mrs. Bottomley said all she has heard was at the public meeting. Mayor Siddons said he had other complaints from parents, the kids do not relate to her at all. Mrs. Bottomley said unless it's in writing. Mrs. Kapowitz said if she is a Crossing Guard, what else is she liable for, Mayor Siddons said in the case of an emergency she should attempt to get someone there. The complaint went to the chief and we're waiting for a response.

Motion to adjourn at 8:55 p.m., made by Mr. Gabriel second Mr. Goldberg, voice vote, all in favor.

Respectfully submitted, Ellie Rogalski, RMC

Closed Session Minutes:

Mayor Siddons explained that the police have agreed to settle for a 7% increase in 1991, 6% increase in 1992, and for 1993 to take whatever the cap is. They will get retroactive for 1991 and they will resolve any grievances with PERC. They will get no overtime just compensation time. Mr. Hutchinson will draw up the contract for the January 8th meeting and will speak to Mr. Corrigan to file a dismissal also.

Mr. Gabriel stated that the new complex is mechanically sound but cosmetically it is not. Explained that he gave Tinton Associates a check for \$30,000 and balance is not to paid until punch list is done. Mr. Gabriel read the punch list to the councilmembers, a copy is attached.

At 7:30 P.M. Lucy Bottomley was present at the meeting.

Mrs. Bottomley explained that the police also asked for the same increase in their clothing allowance as they are receiving in raises. Another condition was that they be paid \$50.00 a month for any court appearances they make for the year 1993.

Mrs. Bottomley also felt that the council should go into open session and discuss this at this time to show good faith.

Mayor Siddons informed council that the same offer was made to the employees through Mr. Price and hopefully a response would be forthcoming for the next meeting.

Motion to close the closed session was made by Mr. Gabriel second by Mr. Ryan. Roll Call Vote.

Mr. Gabriel	Yes	Mrs. Kaplowitz	Yes
Mrs. Bottomley	Yes	Mr. Ryan	Yes
Mr. Goldberg	Yes	Mayor Siddons	Yes

