

CLOSED SESSION

JANUARY 07, 1993

For the record the following were present; Mrs. Bottomley, Mrs. Chambers, Mr. Goldberg, Mr. McKelvey, Mr. Ryan, Mr. Warfield, Borough Attorney, Acting Chief White, Borough Treasurer and Borough Clerk.

Mayor Siddons called the session to order.

Mayor Siddons referred to agenda item #4, approval of vacation time carry over, a consensus was to go along with the carry over for the employees involved. Mayor Siddons asked for comments from council. Mr. Warfield resented that this has occurred, and he is against this, Mr. Goldberg concurred. The Borough Clerk noted that the Mayor had been advised of this situation prior to December, at that time he assured the employees effected they would not loose the days.

Mayor Siddons referred payment of sick leave pursuant to the Employees Contract, the contract says after 100 days of accrued sick, additional days would be paid for. He asked for Mr. Mutter to advise so that payment could be made after the next meeting.

Mrs. Bottomley set a Grievance Procedure Meeting for January 13th, 4:00 p.m., with Mr. Ryan and Mr. Warfield.

Mr. Goldberg asked about the Karl Mohel ethic complaint, Mr. Mutter has heard nothing to date. Mr. Mutter read the withdrawal letter from Mr. Mohel from representation of various members of the police department in the case of DiSanti v Borough.

Mr. McKelvey met with Bonding Company, copy of punch list provided to all members.

Mr. Mutter for the record the next item is the continuing investigation into the conduct of Chief Burger. On December 22, 1992, in executive session the governing body authorized Mr. Mutter to obtain the services of a Special Hearing Prosecutor, which is Mr. Coronato of Mulvaney, Coronato and Brady. To have him file section 147 complaint with civil charges against the Chief, to be done by January 01, 1993, with a hearing date of January 11, 1993. The record indicates that this has been done.

Mr. Coronato is present to give a presentation regarding his position as hearing prosecutor. Mr. Coronato said we his recommendation is that the Borough not consider any other adjournments, unless he comes back with from Deborah or a heart specialist, who gives us in detail what the problem is.

Mr. Coronato said he is entitled to one adjournment, without any conditions. One of the problems with the case is the matter still pending before the Prosecutor's Office. We have not been advised as to what their recommendations will be. If the decision is made to have the hearing and the Prosecutor's Office has not made a

determination, any statement made at a hearing here may be used in a criminal case. Mayor Siddons said we can still take administrative action.

Mr. Coronato said he could be suspended for not going to the borough's physician, but he does not recommend this action being taken, he suggested that the council hold off on this.

Mr. Coronato said the goal is not to have him as the Police Chief, and the second goal is that it not cost the town any money. In discussions with Mr. Mohel, it was indicated that Burger would no longer be the Chief, and his client did have a major heart problem. If he could prove a heart problem he could apply for a disability through the state pension bureau.

Mr. Coronato said he is charges with numerous items, and the burden is not with the council but with a Superior Court Judge, at that hearing he can amend any evidence that is presented to Mayor and Council.

Mr. Coronato he recommended that we wait for a determination from the Prosecutor's Office. Mr. Ryan said the best case is that he arbitrarily issued gun permits to non-residents. Mr. Coronato said he knows at of least three other chief's who have done the same thing. Mr. Coronato said the ultimate goal is that he is no longer employed by the town, and it doesn't cost the town any money. Mr. Ryan said he would like to see him discharged from the office. Mr. Coronato said he didn't believe that the Prosecutor's Office would indite him. He had two pints; a) do not want him as you're police chief, b) as a law enforcement office in the borough, c) no charge to the budget.

Mr. Ryan said he agreed if we have to go to court, we felt there was a crime committed, and everyone wanted to bring him here for an administrative hearing.

Mr. Coronato asked that no public comments be made. Mr. Goldberg stated that Burger has committed a crime, and he is not having this rolled over into a package, that a deal will be cut. And he should be prosecuted to the max. The Mayor agreed but questioned, whether the borough could press criminal charges and if a complaint could be instituted. Mr. Goldberg said if he appeals before a Superior Court Judge, he committed misconduct. The hearing should go forth.

Discussion on the adjournment process, and if he requests another adjournment it would have to be with a doctor's recommendation.

Mrs. Chambers that the complaints against him be reviewed. Mr. Goldberg said that the borough should not make a deal.

Mrs. Bottomley asked why can't we suspend him this evening, he has never produced the proper documentation.

Discussion continued between Mr. Coronato, Mr. Mutter asked if the

borough took his advice and disposed of the pending civil charges with the various options. As part of that package we are not taking a position of the charges being investigated by the Prosecutor's Office, and let them make the call.

Mr. Coronato asked that the council affirm, that the matter be adjourned until the 29th of January. If a further adjournment is requested, the only condition would be for medical reasons. Authorization to continue discussions with Mr. Mohel, all members were in favor with the exception of Mr. Goldberg and Mrs. Chambers.

Motion to adjourn the closed session at 10:30 p.m., made by Mr. Ryan second by Mrs. Bottomley, voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC



CLOSED SESSION
9:05 p.m.

January 21, 1993

For the record the following were present; Mrs. Bottomley, Mrs. Chambers, Mr. Goldberg, Mr. McKelvey, Mr. Ryan, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter, Sgt. White, Special Prosecutor's Coronato and Brady and the Borough Clerk.

Mr. Mutter went over the procedure for this evening;

1. He has been advised that Mr. Mohel, is aware of this evenings proceedings.

2. This is a follow up to a previous determination that was made by the governing body for a continued discussion by the Special Prosector's.

3. To discuss an resolution to the matter.

Mr. Brady spoke to the governing body regarding his conversation with the Chief's Attorney, and to bring the governing body up to date on the events. The matter will go forward on the 29th, and that a resignation may occur based on the condition of the Chief. Mr. Brady said in the event the Chief does resign, the issue would be moot, and that would be a mutually acceptable result. Given the information supplied it is his choice either to resign or go through with the hearing. Based on discussion with Mr. Mohel, a resignation should be forth coming.

Mr. Mutter said he spoke to Dr. Vivona's office and an examination is scheduled for Thursday, January 28, 93.

Mr. Coronato said in speaking with Mr. Mohel, his client would be notified to have an examination, as indicated no further adjournments would be granted unless the borough's doctor had made a determination as to his condition.

Mr. Mutter asked that the record indicate, the Payroll Clerk had been authorized to communicate in writing with the Chief, advising failure to submit to a physical examination has failed to confirm your continuing eligibility for sick leave.

Mayor Siddons said we have a problem if he makes the medical appointment and attends the hearing and we're not prepared. Mr. Mutter asked if the hearing is held on Jan. 29th, there is no authority for the discovery demands and none exchanged from Either side. Mr. Brady said this is not a judicial proceeding, the borough is the employer. Whatever is done by the governing body could be appealed and referred to Superior Court, more evidence could be presented at that point, more witness and discovery.

If information is presented that the Chief is to ill for the hearing, the decision will have to be made based on information presented. The recommendation is to keep the pressure on. The best is for him to resign and prove his case to the pension bureau.

Mayor Siddons asked if there was any other information regarding

the hearing. Witness's would be called, and they would be Acting Chief White and the Chief Financial Officer. Mr. Brady said the Chief has the right to be represented by counsel and the right to call witness's. Mr. Mohel has indicated that council would be subpoenaed. Mr. Mutter cited a case in a non-judicial context allowed to make a ruling on the merits. Mr. Mutter asked when is he going to resign, Mr. Coronato said he could come in that night. Mrs. Chambers asked if we had to accept his resignation? Mr. Goldberg said maybe we should hold the hearing anyway. Mrs. Bottomley asked that all information be made to his attorney. Mr. Mutter asked if Mr. Mohel was aware that the resignation was unconditional. Mr. Coronato said only if the doctor states that he has a sever heart problem and resigns, under the contract indicates that all benefits are prorated out.

Mr. Goldberg said the entire department is in limbo until the situation is resolved. Mr. Mutter asked that an attempt be made to secure the resignation by Wednesday.

Mr. Coronato said the key is to get him out, and their case may not take long.

Mayor Siddons asked that any discussion be continued with the committee assigned to this matter.

Mr. Goldberg asked the status of the Karl Mohel ethics compliant, Mr. Mutter updated council. He spoke to Mr. Secare who advised that the ethics committee met, this was discussion and they have made a determination and we will receive the determination in writing.

Mayor Siddons made one other announcement, after receiving Mr. Goldberg's memo, he called Judge Serpentelli, who advised, that we use reasonable approach. Mr. Goldberg said it was represented that there was an absolute right to an adjournment, the case does no say that at all.

Mr. Mutter asked if Mr. Marini should be sent a Rice Notice, he updated the situation. Letter was sent regarding an examination by the borough physician, after speaking to the office they have had no contact with him. Rice Notice will be sent for the 29th.

Motion to adjourn the closed session made by Mr. Warfield second by MR. Goldberg, voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

CLOSED SESSION

FEBRUARY 25, 1993

The following were present for the closed session; Mrs. Bottomley, Mrs. Chambers, Mr. Goldberg, Mr. McKelvey, Mayor Siddons, Acting Chief White, Borough Attorney Mutter, and the Borough Clerk.

Mr. Mutter reviewed letter directing Mr. Secare to sent the ethics complaint re: Karl Mohel to Monmouth County for review.

Mr. Goldberg stated that Mr. Burger has not returned his duty weapon and badge. He is also not happy with the representation from the firm of Mulvaney, Coronato and Brady, and he will not vote to pay them at all. Mrs. Bottomley also express her displeasure, Mrs. Chambers agreed.

Mr. Mutter said he was not aware that the equipment had not been returned, and asked that a list of equipment not returned be provided. Mayor Siddons asked that Mr. Mutter press the issue and that it be discussed with the Prosecutor's Office.

Mr. Goldberg said the police committee met with 4 of the 8 members, Mr. Mutter advised that did not constitute a quorum, and that would be required to make any recommendations. Mr. Goldberg said a sub-committee had been interviewing candidates for the police dept., they are recommending the hiring of part-time personnel. Acting Chief White stated that the department could be covered with 6 employees, Mayor Siddons noted they can not work in excess of 20 hours per week, Mr. Mutter said there would be a probation period of 90 days and can be terminated without cause during that period.

Mr. Goldberg said it has also been discussed about replacing the crossing guard and using a patrolman on duty.

Mayor Siddons asked Mrs. Bottomley if any recommendations have been received from the Borough Superintendent to appoint the two temporary employees to full time status. Mr. Goldberg suggested that their employe be continued for 30 days.

Mayor Siddons asked that the council consider the hire of Marie Monticello to do the minutes at \$7.00 per hour. Mr. Goldberg asked if this was not the responsibility of the Clerk? Mr. Mutter said he/she is the custodian of the minutes and certifies them. Mayor Siddons also said that April Elley is looking for full time employment with the boro.

Mr. Mutter said Meadowbrook will continue to pick up garbage until a return to court on March 03, 93, this will be done at the bid rate of Consolidated Waste.

Mr. Mutter said a stop work order had been issued to the Olde Maple Inn, a meeting between the county, Mr. Eak, Mr. Ellis and Mr. Sharniak, Mr. Wright will present an informal application to the

Planning Board. Mayor Siddons asked that the county make sure the building is secure.

Mr. McKelvey mentioned the status of the EOC/Police Bldg., currently reviewing if there is a breach of contract, a meeting will be scheduled.

Motion to adjourn the closed session made by Mrs. Chambers second by Mr. Goldberg.

Respectfully submitted, E. Rogalski, RMC

CLOSED SESSION

MARCH 11, 1993

For the record the following were present; Mrs. Bottomley, Mrs. Chambers, Mr. Goldberg, Mr. Warfield, Borough Attorney and Borough Clerk.

Mr. Mutter reported that Judge Oles ruled the Meadowbrook would pickup garbage until 3/27 and Consolidated Waste will begin on 3/29. Mr. Haber will appeal to the Appellate Court.

Mr. Mutter reported that Barry Wright, Olde Maple Inn will go before the Planning Board with an informal presentation. Stop work order is still in effect. He has not shown the proper site plan approval, and this could end up in litigation. Mr. Mutter said that the site plan has a life of 2 years.

Mr. Mutter reported that he has been contacted by the Prosecutor's Office for a copy of the minutes from the Administrative Hearing/Chief Burger. They are interested in the testimony regarding the purchase of a machine gun. Discussion if the borough has to surrender that information. Mr. Mutter said they could attempt to subpoena, and that could be quashed.

Mr. Warfield said the borough has 6 properties that the borough could foreclose. Mr. Mutter said fees would include; Title Search, Filing Fees and Legal Fees at \$90.00 per hour. Mr. Warfield suggested that we wait and see.

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

Respectfully submitted, E. Rogalski, RMC



Closed Session June 24, 1993

For the record the following were present for the closed session; Mrs. Chambers, Mr. Goldberg, Mr. McKelvey, Mr. Ryan, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter and the Borough Clerk.

Mr. Mutter discussed the pending litigation matters:

- A. Meadowbrook Carting filed appeal papers on June 14th. Mr. Mutter is working on his brief.
- B. Potential Appeal Gary Latano, (First Fidelity Property) was not granted a tax appeal at the county level.
- C. Olde Maple Inn - Mr. Eak has been authorized to draft a complaint against the Borough and Planning Board.

Mr. Goldberg asked the status of the Karl Mohel situation. Mr. Mutter said he and the Mayor will be meeting next week.

Mayor Siddons noted that a response may be received from the employees regarding their contracts. Mr. Warfield would like to see buy backs.

Mayor Siddons said the borough will also be extending the position of Purchasing Agent, Deputy Treasurer and Affirmative Action Officer. Mr. Warfield suggested that we advertise for the position (30 hours per week). A detailed job description will be formulated by Mr. Warfield and Mr. Adams.

Motion to adjourn the closed session at 10:05 p.m., made by Mr. Warfield second by Mr. Goldberg, voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

Closed Session

June 10, 1993

For the record the following were present; Mrs. Bottomley, Mrs. Chambers, Mr. Goldberg, Mr. Ryan, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter, Borough Superintendent and the Borough Clerk. Mr. McKelvey was not present.

Mayor Siddons and Mr. Price reviewed the need for a 90 day employee for the Public Works Dept. Mr. Price has recommended Wade Elms to October 01. Rate of pay \$6.50 increased to 7.25 upon obtaining drivers license.

Mr. Mutter noted he and the Mayor will meet to prepare the papers for the Ethics Committee.

Mrs. Bottomley said she had met with the Employee's representative Wendy Prior.

Mayor Siddons asked Mr. Mutter if the Borough could take action to have Barry Wright's property condemned. Mr. Mutter said he had spoke with Mr. Eak, and they are not going to submit an application, but plan on suing. Mrs. Bottomley asked that the code enforcement official take photographs.

Mr. Ryan asked when the council could expect a report from the Cultural Association.

Motion to adjourn made by Mr. Ryan second by Mrs. Bottomley at 8:30 p.m., voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

CLOSED SESSION
APRIL 08, 1993

For the record all members were present except Mrs. Chambers.

Attorney Mutter commented that he called Steve Secare who said he referred matter to Monmouth County Ethics Committee. Attorney Mutter stated that he would confirm conversation in writing to Mr. Secare, and send copies to Monmouth and Island Heights Committee.

Mr. Goldberg talked about unpaid bill for Chiefs badge. He questioned the legality of paying. Attorney Mutter suggested the Clerk write a letter saying under the circumstances we are paying this because you are an innocent third party, but you should know that we are paying it not because of benefit that accrued to the Municipality, but because of moral obligation to an innocent party.

Mr. Goldberg talked about an unpaid bill for stationary to E.J. Schuster. Mayor Siddons said to put that on for approval next time.

Mr. Goldberg stated that the Police Committee met the other day, and members felt that Mike White should be made the Chief, and it should be done quickly. Attorney Mutter stated there is no limitation on keeping Mike White Acting Police Chief. Mr. Goldberg talked about going with a Safety Director instead of Police Chief. He suggested we try it, or an administrator that oversees entire town. He stated that Mike White has done an excellent job. Mrs. Bottomley said that she thinks we should put a time limit on appointing chief. Mayor Siddons stated that he would not make appointment for chief unless three things occur. The first would be a complete physical. The second would be a psychological examination. The third would be that the chief is interviewed by his peers, such as the Ocean County Chief's Association or a committee thereof. Attorney Mutter said if we appointed a Safety Director, we would have to adopt an ordinance. Mr. Goldberg stated that he would like to see how council feels about Safety Director versus Chief. Attorney Mutter talked about a recent court case in Linden regarding distinction between Safety Director and Chiefs, as far as their responsibilities. It says four things. One is if you want to do a public Safety Director, you can do so, and that is the authority over entire Police Department. Secondly, the position of Police Chief is optional, and may be eliminated for reasons of economy. Thirdly, the Public Safety Director serves in a policy making role. The last thing is that you cannot circumvent the authority of the chief by transferring his powers to the safety director. Attorney Mutter stated it would be dangerous to have both. Mayor Siddons asked Mr. Goldberg to get a report from the Police Department on the difference between chief and safety director for the committee to review. Mayor Siddons asked who would be interested in having a Business Administrator/Safety Director. Attorney Mutter said he would look into it. Mrs.

Bottomley said she needs more information. Mr. Goldberg said he would like to see a Business Administrator/Safety Director or just a Safety Director. It would give the governing body more control. Mr. Ryan stated that he thinks we should position of chief under guideline the mayor talked about. Mr. McKelvey stated that he needs more information. Mr. Warfield stated that he agrees with Mr. Goldberg. Mayor Siddons stated that he also needs to see more information.

Mr. Ryan talked about Acting Chief White's request for manpower. Mayor Siddons asked Attorney Mutter for a determination on special police. He also asked about hiring a 6th man, if we can't use special police.

Mayor Siddons stated that the last item is Salary and Wages. He said we have a contract that says 1.5. A suggestion was made to give 2.9% with the idea to extend the contract for three years at 3% per year.

Mr. Warfield spoke about too many sick days. There was a discussion on accumulating sick days. Mr. Ryan spoke about comp time in Police Department.

Mayor asked for consensus on 2.9% and 3% increase, for three years. There was a discussion on the wording of contract. Mayor asked if a meeting could be set.

There was a discussion on comp time.

Attorney Mutter talked about tax foreclosures. He spoke about title search companies, and who the borough should use. There was a discussion on keeping the fee as low as possible.

Mr. Warfield asked about a job description for Building and Grounds.

Mayor Siddons talked about setting up a criteria.

There was a discussion on overtime. Mayor Siddons explained how overtime gets approved.

Mr. McKelvey spoke about regulation of time clocks. Attorney Mutter stated he would check with League of Municipalities to see if they have a model ordinance regarding time clocks.

Mr. Goldberg asked why the Borough lost twenty million dollars in ratable. Mayor Siddons stated when we went through the assessment, the assessment on the property was fifteen percent less.

Motion made by Mr. Ryan, seconded by Mr. McKelvey and carried, to close Executive Session.

Motion to adjourn made by Mr. Goldberg, seconded by Mr. Warfield at 10:20 p.m., voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

Closed Session

July 08, 1993

The following were present for the closed session: Mrs. Chambers, Mr. Goldberg, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter and the Borough Clerk. Absent Mr. Ryan.

Mr. Mutter said he had three items that he is preparing a brief for the Appellate Div. in the matter of Meadowbrook v. the Borough & Consolidated Waste.

Secondly he asked that with the Kempton easement three properties be permitted to jointly use the easement.

Third the Olde Maple Inn complaint has been filed on July 01, 93, Mr. Mutter has spoke to Mr. Eak, attorney for Mr. Wright. Mr. Wright would like to proceed with the project if permitted no further actions will be taken on their part. Mr. Mutter said the property is an eyesore and the County should be named as a party, and Mr. Gabriel will be a critical witness.

Mr. Goldberg asked the status of the Karl Mohel matter, Mayor Siddons said he is to blame for not responding he has been jammed with auditors at work.

Motion to adjourn the closed session at 9:00 p.m., made by Mr. Goldberg second by Mr. Warfield, voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

Closed Session

July 26, 1993

For the record the following were present for the closed session; Mr. Ryan, Mrs. Chambers, Mr. Goldberg, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter and the Borough Clerk.

Mr. Mutter referred to the letter dated July 20, 93, from the Ocean County Board of Health. The hearing has been scheduled for Wednesday, August 11, 1993, 10:00 a.m. Mr. Mutter noted that pursuant to N.J.S.A. 4:19-19 et. seq. it is the responsibility of the municipality to establish a special account and regulation program. There are 2 sitting members involved Mr. Goldberg who owns the dog and Mrs. Chambers who's granddaughter was bitten by the dog. There becomes a ethics code question, he asked that they refrain from any proceedings, "A governing body member must refrain from participation where there is a direct or indirect private interest in the outcome of the proceeding." Zell v. Borough of Roseland, 42 N.J. Super. 75, 82 (App.Div.1956).

Based on the case law, Mr. Mutter asked that both Mr. Goldberg and Mrs. Chambers disqualify themselves from this session. Mr. Goldberg and Mrs. Chambers agreed to remove themselves based on Mr. Mutter's opinion, at 7:20 p.m., for the record a quorum still remains.

Mayor Siddons recommended the appointment of John Foti, to act as the Special Prosecuting Attorney in this matter, at a rate not to exceed \$500.00, with approval for additional time at the rate of \$90.00 per hour. Mayor Siddons also asked Mr. Ryan to over see the police department during these proceedings because of the direct relationship that Mr. Goldberg has with the department as liaison.

Motion to adjourn the closed session at 7:35 p.m., made by Mr. Warfield second by Mr. Ryan, voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

*Not supplied
to G. Goldberg
Chambers*



CLOSED SESSION

August 12, 1993

For the record the following were present for the closed session; Mrs. Chambers, Mr. Goldberg, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter and the Borough Clerk. Mr. Ryan was absent.

Discussion on Barry Wright litigation. Attorney Mutter noted he contacted Attorney for Barry Wright, and spoke of specifics requested for the building on Maple Avenue. Mayor Siddons spoke of Planning Board Meeting, and recommended we go for demolition. Discussion on demolition, and it's effect on borough. Mayor stated that after nine years of allowing Mr. Wright to come up with something, it is time to go after this, and would like to see thing torn down, and does not see any other answer.

Discussion continued.

Mayor spoke about interviews for position of Deputy Treasurer Purchasing Agent Affirmative Action Officer. Mayor gave a brief review of the three applicants for the job - April Elley, Linda Maddelenia and Paula Hoffman.

Discussion on having meeting with first two applicants, after first giving rice notice to April Elley.

Discussion on R. Burger's Worker's Compensation Claim.

Discussion on psychological testing for Police Officers.

Discussion on changing committee meetings from Thursday's to Tuesday's.

Discussion on Shane Goldberg, animal case that is pending.

Council members Chambers and Goldberg left the room at 10:20 p.m. because of matter of direct personal conflict of interests.

Discussion on authorizing up to \$1,200.00 fee for Mr. Foti, attorney representing borough for Shane Goldberg case.

Motion to adjourn the closed session made by Mr. Warfield, second by Mrs. Kaplowitz.

Respectfully submitted, E. Rogalski, RMC

CLOSED SESSION

AUGUST 26, 1993

For the record those present for the Closed Session were Mr. Ryan, Mrs. Chambers, Mr. Goldberg, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Borough Attorney and Borough Clerk. Mrs. Kaplowitz was absent.

Mr. Goldberg spoke about Karl Mohel. He stated that he did not think this was being pursued as diligently as it should be.

Mayor Siddons spoke about status of documents regarding Karl Mohel, and noted they were all found but one.

Discussion on how long Council Members need to keep their files, and how to dispose of them. Council talked about purchasing an adequate shredder.

Discussion on Beach Badge Checkers, and possibly hiring Class II Employees who can handle Code Enforcement and Violations.

Discussion on schools and crossing guards.
Discussion on working up a proposal for Class II Officers.

Discussion on having Class II Officers by churches.

Attorney Mutter spoke about letter he sent to Jerry Eak on Barry Wright.

Discussion on resident complaining because Code Enforcement Officer, Mark Redman, classified his lot as non-buildable, and resident was told, prior to this, by another building inspector that it was buildable. Attorney Mutter noted he sent a letter to Mr. Redman requesting him to respond to this resident in writing, because this is potential litigation.

****INSERT TIME CLOCKS**** JMM took minutes to be prepared by JMM.

The Clerk returned to the meeting at 10:13 p.m., references will be checked on the second job applicant.

Mr. Warfield will prepare a specific job discription for Sammy Applegate.

Motion to adjoun the closed session made by Mr. Ryan second by Mr. McKelvey at 10:20 p.m., voice vote all in vote.

Respectfully submitted, Ellie Rogalski, RMC



CLOSED SESSION

September 7, 1993

For the record, the following were present for the Closed Session; Mr. Ryan, Mrs. Chambers, Mr. Goldberg, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter and Township Clerk.

Discussion on applicant for Purchasing Agent to be hired.

Question on applicant having a problem with former employer on a specific job task.

Discussion on hiring April, having ninety day probation period, while readvertising in paper.

Mayor Siddons discussed putting April on fixed hours, while readvertising for position. Discussion on meeting with April to review her job performance.

Mr. Goldberg spoke about a grievance. He spoke about former Police Chief Burger and letter removed from file.

Discussion on dog case. Mrs. Chambers stated she has not retained Karl Mohel.

Attorney Mutter spoke about Kempton easement.

Clerk left at 9:25, due to advice of counsel.

****Minutes to be provided by Mr. Mutter****

Attorney Mutter spoke about update from Mr. Foti who said under the statute you are allowed to have a de novo appeal in the Municipal Court. The hearing is set for October 20, 1993. Attorney Mutter asked that we put this on Executive Session of the next regular meeting as the last item.

Motion to close the closed session made by Mr. Warfield second by Mr. Ryan.

Respectfully submitted, E. Rogalski, RMC

CLOSED SESSION

SEPTEMBER 21, 1993

For the record the following were present for the closed session; Mrs. Chambers, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Mr. Mutter, Chief White and the Clerk.

Borough Attorney Mutter asked that Mrs. Chambers excuse herself, discussion on the Shane Goldberg matter. Municipal Hearing scheduled October 20, 1993, Pine Beach Mun. Ct. Council has to authorize John Foti, to continue. Discussion on the cost.

Chief White Comp Time owed to Ptl. Schweikert, 162 hours @\$15.63. Chief White discussed the need for a Class II Officer can be used for up to 40 hours but can not replace a regular officer, he is recommending the hire of Keith Mullin.

Mr. Warfield said the borough needs to have Borough Ordinances enforced.

Mr. Warfield read grievance from Sammy Applegate, he feels a job description should be prepared.

Mr. Mutter in the matter of the Olde Maple Inn, a Pre-Trial Conference is scheduled for 10/01/93 before Judge Serpentelli. Mayor Siddons noted that the county was not named as a party to this case and the Stop Work Order was issued by them.

Mr. Mutter the Title Searches for the In Reim Forcloseures are completed.

Mr. Mutter - Time Clock Policy, discuss in detail the changes and recommendations, the document had to be married to the existing contract.

For the record Mayor Siddons left the room at 11:00 p.m., and Mr. Mr. Kelvey at 11:02, 11:03 both returned.

Clerk was excused from the meeting while discussion on contracts, Mr. Mutter will prepare the minutes.

Clerk returned. Motion to adjourn the closed session made by Mr. Warfield second by Mr. McKelvey, voice vote, all in favor.

Respectfully submitted, E. Rogalski, RMC

CLOSED SESSION

OCTOBER 05, 1993

For the record the following were present for the closed session; Mr. Ryan, Mr. Goldberg, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Mr. Mutter, and the Clerk.

Mr. Warfield discussed the grievance filed by Sammy Applegate, re: overtime, abusive language. Mr. Warfield stated that specific responsibilities and a job description were never prepared. He will be preparing 3 job descriptions which will include one for the Director of Public Works. Mr. McKelvey said he would review the recommendations with the Borough Superintendent.

Mr. Mutter recommended that at Re-Organization a Grievance Committee should be appointed.

Mr. Mutter updated that council on the following:

Pre-Trial Conference Wright v. Borough of Island Heights and the Planning Board. The Boro's position:

1. We didn't do anything wrong.
2. Stop Work Order was issued by the Ocean County Construction Office and they are not a party to the law suit. Judge Serpentelli agreed contacting the County Construction Office's Attorney. The County agreed although not a party to law suit, they will comply with the courts decision. The Judge dismissed the Planning Board as a party to the suit and narrowed the suit down to two issues;

1. Does Mr. Wright have a valid Site Plan approval which requires the issuance of a building permit.

2. In the event that the Site Plan approval is not longer valid, is the Borough estop from refusing to authorize the issuance of a Zoning and Building Permit.

Mr. Mutter noted that the Site Plan was approved in December 1984, our theory is that the Site Plan would have expired in December of 1986. What ever permits issued after that have no force and effect. They would have had to come back and obtain a new Site Plan or an amended Site Plan. Formal brief is to be submitted by Nov. 01st, Borough response submit by Dec. 03rd with trail date of Jan. 06th.

Mr. Mutter updated the council on the Karl Mohel matter.

1. Investigator assigned Richard Keil, forwarded to K. Mohel the complaint filed the Mayor (grievant). Mr. Mohel responded in letter dated Sept. 20th. Letter dated Sept. 22nd, to Mayor matter still pending, any response should be sent to the investigator.

Mr. Mutter presented a request from Mr. Matt Leahy (Municipal Complex), from Bond Company Engineer to waive record drawings as a requirement.

Mr. Ryan, Mr. Mullen was moved to the position of Regular Patrolman conditionally. Recommended for the position of Class II Donald

Ling, ask for formal action in open session.

Contract Negotiations, Clerk excused from this portion, minutes to be prepared by J. Mark Mutter.

Respectfully submitted, Ellie Rogalski, RMC

AGENDA
Resolution 93-69

EXECUTIVE SESSION

NOV. 29, 1993

1. Supreme Court of NJ District Ethics Committee - re: Mayor Siddons vs. S. Karl Mohel, Esq.
2. Gary L. Goldberg - Notice of Claim
3. John J. Foti - letter dated Nov. 05 - In the matter of SHANE GOLDBERG, A Dog.
4. John J. Foti - letter dated Nov. 15 - STATE vs GOLDBERG, GARY & "SHANE" Municipal Appeal.
5. John J. Foti - letter dated Nov 22 - STATE vs. GOLDBERG, GARY & "SHANE" Municipal Appeal.
6. Superior Court of New Jersey - letter dated Nov. 22 - STATE v. GOLDBERG, GARY & "SHANE"
7. Litigations -
8. Personnel Matters - requested by A. Chambers 11-18-93, re: Police Dept.
9. Contract Negotiations -

Adjournment

CLOSED SESSION

NOVEMBER 29, 1993

For the record, the following were present, Council President, James Ryan, Committee members Audrey Chambers, Gary Goldberg, Helen Kaplowitz, G. Ray McKelvey and Walter Warfield, Mayor David Siddons, Borough Attorney Mark Mutter, and Borough Treasurer John Adams.

Chief White spoke about interviews conducted for Class II Crossing Guards. He noted the two applicants that would fit qualifications are Michael Konfederak and Ronald Heinzman. Chief White spoke about hiring these two applicants.

Mrs. Chambers spoke about local ordinances that are not being enforced. She spoke about River Avenue, and dogs being in the park. Mrs. Chambers questioned what was going to be done about it.

Mayor Siddons noted he was setting up a meeting with Police Chief and Code Enforcement Officer regarding duties of each one.

Discussion on how to enforce local ordinances. Chief White spoke about applicant for applicant for Police Department having experience in code enforcement.

Discussion continued on duties of Code Enforcement Officer versus Police Officer.

Attorney Mutter spoke about workers compensation regarding former Police Chief Burger, and information that is requested. Also the status of the Barry White case was discussed by Attorney Mutter. Discussion continued regarding the Olde Maple Inn.

Attorney Mutter noted that the Rosetto case is still pending. Discussion followed on same.

Discussion on Contract Negotiations for the Police Department.

Attorney Mutter spoke about letter from Mr. Wissell, President of the PBA 352 regarding Island Heights Police and South Toms River Police joining together to form a new local PBA unit. Attorney Mutter noted that the council will now deal with Local 352. Attorney explained the procedures to have borough recognize same. He also spoke about PBA dues being deducted from their checks.

Council President Mr. Ryan left executive session at 11:12 P.M..

Attorney Mutter spoke about letters he will send to police officers asking if they want PBA 352 to represent them.

Closed Session

December 21, 1993

Council went into Closed Session at 9:12 P.M. For the record, Mr. Ryan, Mrs. Chambers, Mr. Goldberg, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield and Attorney Mutter were present.

Resolution 93-80 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER INTO CLOSED SESSION. (reg. G. Goldberg/personnel matters, Mayor Siddons/litigation.

Motion made by Mr. Warfield, second by Mr. McKelvey.

Roll Call Vote:

Mr. Ryan	Yes	Mrs. Kaplowitz	Yes
Mrs. Chambers	Yes	Mr. McKelvey	Yes
Mr. Goldberg	Yes	Mr. Warfield	Yes
		Mayor Siddons	Absent

Discussion on why the borough spent the money to represent the Shane Goldberg case, when the county might have been able to represent same, thus saving the borough money.

Attorney Mutter noted that he would research why the county did not handle the Shane Goldberg case, and report back to the committee.

Discussion on possibly having work shop meetings one Wednesday night each month.

Mr. Goldberg suggested that the council send Mr. Price, superintendent of Public Works a Rice Notice. Attorney Mutter stated that he would prepare the Rice Notice.

Discussion on having Department Head Meetings.

Motion made by Mr. Warfield, second by Mrs. Chambers to close Executive Session, voice vote, all in favor.

Mr. Ryan asked council to go back into Open Session, voice vote, all in favor.

Motion to adjourn made by Mr. McKelvey, second by Mr. Goldberg, voice vote, all in favor. Meeting adjourned at 9:40 P.M.

Mr. Warfield spoke about court costs for Police Officers. He also spoke about the police clothing allowance.

Mr. Warfield spoke about police salaries. Discussion continued on police salaries.

It was noted that once the police join the PBA, they will ask for an increase in their salaries. Discussion on whether or not the borough can provide same.

Mr. Warfield noted their was response from other contract.

Attorney Mutter spoke about status of Karl Mohel, and noted borough has thirty days to file appeal from November first. Attorney Mutter spoke about ethics complaint, and explained the borough's situation regarding the new lawsuit. Attorney noted that he did the best job possible, and his analysis is not complete.

Mr. Goldberg left executive session at 12:00 a.m.. There is still a quorum.

Consensus taken from Committee members and Mayor to let Karl Mohel ethics complaint die. All agreed to let die, with Mr. Goldberg and Mr. Ryan absent.

Mrs. Chambers left executive session for following discussion.

Attorney Mutter spoke about status of Shane Goldberg, with Mr. Goldberg absent.

Mrs. Chambers returned to executive session.

Township Clerk left executive session due to white collar contract negotiations to be discussed.

Minutes taken by Borough Attorney, J. Mark Mutter in the absence of the Clerk.

Closed Session ended at 12:50 P.M..

