

CLOSED SESSION

JANUARY 04, 1994

The Borough of Island Heights entered into Closed Session at 8:50 P.M. For the record, the following were there. Mr. Ryan, Mrs. Chambers, Mr. Goldberg, Mrs. Kaplowitz, Mr. McKelvey, Mr. Warfield, Mayor Siddons, Borough Attorney Mutter.

Attorney Mutter spoke about Contract Negotiations. He noted that he had not heard anything from the Police Officers. Attorney Mutter noted that Mr. Arnold and Mr. Askey will be negotiating. Meeting date will be set for Thursday or Friday. Attorney Mutter noted that he had written signatures from the police officers saying that they want to be represented by the PBA. Discussion on when the PBA dues are to be taken out of their checks.

Attorney Mutter read from the Police Officer's Letter that said South Toms River and Island Heights have merged to form PBA Local 352. The letter stated "It is requested by the local union that you deduct \$20 a month (\$10 a paycheck) for union dues at the end of every month and write a check of the collected money to PBA 352. The check can then be given to Patrolman Askey for deposit".

Attorney Mutter gave update on the litigation of the Wright Case. Attorney Mutter noted that the case is scheduled for a private retrial on Thursday January 6, 1994. Attorney Mutter noted that this is a very complicated case. Attorney Mutter spoke about Mr. Wright being issued Site Plan Approval in 1984, and his Building Permit in 1989. Attorney Mutter continued discussing the Wright case. It was noted that there were changes in the building codes since 1984. Discussion on citizens being concerned about this site. It was noted that the citizens might be able to help the borough with this case.

Attorney Mutter spoke about a letter to Mr. Kagan regarding who should do the appeal in the Shane Goldberg case. Attorney Mutter noted he could contact the county prosecutor to ask if they will handle the appeal instead of Mr. Foti. Discussion on this case continued.

Attorney Mutter spoke about Rice Notice being mailed to Mr. Rice. It was noted the Rice Notice was received January third, and he was entitled to forty-eight hours from the time he receives the Rice Notice and the time of the meeting. Discussion on issuing another Rice Notice to Wayne Rice for February 15, 1994.

Mayor asked for a motion to close Closed Session. Motion was made by Mr. Goldberg, second by Mr. Warfield, voice vote all in favor, to close Closed Session and go into Open Session at 9:50 P.M.



For the record the following were present, Councilmembers Chambers, Goldberg, Kaplowitz, Warfield and Ryan, Mayor Siddons, Borough Attorney Mutter, and Borough Treasurer Adams. Committee member McKelvey was absent.

Attorney Mutter gave an update on the matter of Refuse Collections Contract with Consolidated Waste Services. He spoke about the court upholding the decision of council to award the contract to Consolidated Waste Services. Attorney Mutter noted that Meadowbrook can still appeal to the Supreme Court.

Attorney Mutter spoke about Shane Goldberg. He noted that he contacted the county prosecutors office. He spoke to John Doran explaining the situation. John Doran stated he did not think the county could take on the appeal because of staff cutbacks, and more appeals are being assigned to the Municipal Prosecutor. Attorney Mutter noted that the clerk will be receiving a letter regarding this.

Attorney Mutter spoke about the Barry Wright appeal. He noted that Judge Serpintelli made three determinations.

1. Site plan continued to exist, did not expire after two years.
2. He disagreed with the argument on Permit Extension.
3. Ordered Full Discovery to take place.



CLOSED SESSION

FEBRUARY 15, 1994

Closed Session was in the conference room of the Emergency Management Building at 7:05 P.M. For the record, present were Mayor Siddons, Councilmember Chambers, Councilmember McKelvey, Councilmember Warfield, Borough Attorney Mutter, and Borough Clerk Rogalski, Borough Zoning and Code Enforcement Officer Mark Redman, Charles Autenreith of the Ocean County Inspection Department, and James Erdman, County Building Inspector.

Attorney Mutter noted the purpose of the meeting is for contract negotiations to examine the contractual performance the county has engaged in for the borough since January 1, 1993.

Mayor Siddons noted that one of the problems is that the borough is not aware of what is going on, and would like to open all lines of communications with the county to make the borough aware of what is going on.

Discussion on C O's, and when the Tax Assessor is notified of such.

It was noted that the property at 113 Oak Avenue is to be discussed tonight, and it has been the source of many complaints from the general public.

Councilmember Kaplowitz entered at 7:19 P.M..

Mr. Chuck Autenreith spoke about Certificate of Occupancy procedures on resales. Mayor Siddons asked about rental properties, and if a C.O. is issued.

Councilmember Goldberg entered at 7:25 P.M..

Councilmember Ryan entered at 7:26 P.M..

Discussion on the borough's Property Maintenance Code, and rentals. Discussion on raising fee to \$35.00.

Discussion on pool. It was noted the Planning Board Attorney Mr. Ellis stated there would be no problem with parking, and we are waiting for a letter from Mike O'Donnell stating that everything is okay.

It was noted by Chuck Autenreith that when we receive a building permit application, because it is related to a site plan or a board of adjustment approval, the zoning and code enforcement officer will take a look at the plan to see if it conforms with resolution of approval.

Mayor Siddons closed the Closed Session.

Executive Session began at 8:55 P.M. All members of governing body were present, Borough Attorney Mutter, Borough Clerk Rogalski, April Elley and her attorney Mr. Brady. It was noted that Miss April Elley was issued a Rice Notice for tonight at 8:30 P.M. It was noted that she received it on January 31, 1994. Attorney Mutter explained the Rice Notice and why it must be issued to all employees when they, or their jobs, are discussed.

Miss April Elley spoke about the procedure for all capital vouchers to be paid. She explained that she has no control over when these vouchers get paid. She stated that the capital ordinances do not go through the computer, therefore she has no knowledge of them, until they are physically in her hands. She stated that the Chief Financial Officer looks at contract, and determines if it is an allowable expense for the contract.

Mr. Warfield spoke about the computer software program being inadequate. He noted that we should have all capital ordinances in the computer.

It was suggested by Miss Elley, to pay bills every two weeks, instead of once a month. Mr. Warfield agreed.

Discussion on purchasing computer software to upgrade system.

Discussion on paying bills every two weeks. Mayor Siddons stated that if the council wants to pay bills every two weeks, we should do this.

Closed Session with April Elley ended at 9:25 P.M.

Executive Session

February 15, 1994

Mr. Matt Leahey spoke about money held back to C.D. Construction because of incomplete work at the Municipal Complex.

Discussion continued on work that was not done.

It was noted that the bonding company should be notified, because of work that was not done right.

Mr. Demitri, the owner of CD Construction Company commented on delays in the work that was caused by the county. He also noted that the weather held the work up for a month.

Attorney Leahey questioned Mr. Demitri on work that was done at the Municipal Complex. Mr. Demitri noted that the county was responsible for a lot of the hold up because they would not come out to inspect.

Attorney Leahey suggested that the council prepare a list of the difficulties and present it to the bonding company, and also give the attorney the name and address of the bonding company.

Mayor Siddons closed this session, to go into the regular session.



CLOSED SESSION

MARCH 01, 1994

Council entered into Closed Session at 10:20 P.M. For the record, in attendance were President of Council, James Ryan, Councilmember Chambers, Councilmember Goldberg, Councilmember Kaplowitz, Councilmember Warfield, Mayor Siddons, Borough Clerk Rogalski, and Borough Attorney Mutter.

Attorney Mutter spoke about Pending Litigation. He noted that Consolidated Waste and Meadowbrook is now on file before the Supreme Court, and the Supreme Court has to decide if they are going to do Grant Certification. Attorney Mutter gave a copy of brief that he filed on behalf of the borough to the Clerk. Attorney Mutter also noted Shane Goldberg case is set for a hearing in a couple of weeks. Regarding the Barry White situation, Attorney Mutter noted that deposition notices will be served upon Mr. Wright.

Attorney Mutter noted that he had a meeting with Mr. Warfield, Mr. Dorf, Mr. Robbins, and himself to discuss labor negotiations. He noted that they only discussed the police. He suggested that they have another meeting at a further date to discuss white collar, and only talk about the police contract tonight. Attorney Mutter noted that Mr. Dorf, Mr. Robbins, Mr. Warfield and himself met on February 24, 1994 at Mr. Dorf's office to discuss the old employee contracts. He noted that the first item they discussed was the PBA 352. He noted they did an overview of old contract, and what approaches we should take in the future with the PBA, inclusive of what alternatives we have in dealing with the PBA, as far as state police, interservices agreements with other municipalities, specifically Dover Township, as far as whether they could provide resource to the borough.

Attorney Mutter noted that he is not comfortable dealing with the police contracts, because he is a Committeeman for Dover Township, and because the option of going to Dover for help has been suggested several times. As a result of the first meeting regarding police contract, he thinks that it would be inappropriate for him to continue negotiating the PBA Contract.

Mr. Robins spoke about the PBA contract. Mr. Robins spoke about using a model contract for negotiations. Discussion on getting a proposal together. Discussion on Patrolman functioning as Acting Sergeant, and also on salary.

Mayor Siddons read from Assembly Bill 608, and noted he thought the council should pass a resolution in agreement with the bill.

It was noted the boroughs cap was 2 1/2. Discussion on what areas to cut, and what the borough could afford.

Discussion on the police contract, and what the borough could afford to pay. The possibility of going to other town, such as Dover Township or Berkeley Township, to pay for police coverage was discussed.

Mayor adjourned the closed session.

RESPECTFULLY SUBMITTED, ELLIE ROGALSKI, RMC

CLOSED SESSION

APRIL 19, 1994

Closed Session began at 9:15 P.M. For the record the following were present - James Ryan, Audry Chambers, Gary Goldberg, Helen Kaplowitz, G. Ray McKelvey, Walter Warfield, David Siddons, J. Mark Mutter, John Adams, Matt Leahy.

Matt Leahy spoke about CD Construction. He noted there has been a Municipal Mechanics Lien filed on behalf of the sub contractor for CD Construction who is Panolla Construction. Matt Leahy noted if there are any difficulties in the building, we should show bonding company now. Discussion on same continued.

Matt Leahy spoke about the pavilion. He noted that the bond did not comply with specifications. At this point we are waiting for a new bond to be issued.

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

CLOSED SESSION

APRIL 19, 1994

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

Attorney Mutter gave update on Shane Goldberg case.

Attorney Mutter spoke about lawsuit Meadowbrook has against the borough. He noted the Supreme Court of New Jersey has granted certification, which means the Supreme Court has decided to hear the case.

Mayor Siddons spoke about the Dorff bill. He noted that he has two problems with the bill. He questioned bill for \$2,500. prior to meeting with them on February 9th. The mayor also questioned why borough was charged for second attorney. Discussion on Dorff bill. It was noted that Mr. Dorf agreed to let borough know when they would be charged over \$3,000. and he did not. Discussion on the borough re-submitting the bill, with charges starting on February 9th. It was decided that Mr. Warfield would contact Mr. Dorf to discuss this.

Clerk Rogalski left the room due to discussion on white collar contracts.

Meeting Date:
Closed Session

May 17, 1994

Roll Call:

Council President	James Ryan
Councilmember	Audrey Chambers
Councilmember	Gary Goldberg Absent
Councilmember	Helen Kaplowitz
Councilmember	G. Ray McKelvey
Councilmember	Walter Warfield
Mayor	David Siddons
Borough Attorney	J. Mark Mutter
Borough Clerk	Ellie Rogalski

The purpose of this Closed Session will be to discuss the following:

1. Litigations
2. Contract Negotiations

Mr. Mutter noted he would like to utilize Mr. Dorf's firm for additional work. Several meetings have taken place with Wendy Prior and Mr. Brady, still specific items to be addressed: 1) Status of the Clerk; 2) Stipends. Mr. Mutter feels that he needs advice on how to handle these specific items.

Mr. Warfield and Mr. Mutter have had several meetings with Mr. Dorf the result is a memo from Mr. Robins. The only discussion on the police contract took place at the 4th meeting which resulted in the receipt of a draft contract which Mr. Warfield reviewed and has come up with a proposed contract based partly on what was supplied. Mr. Dorf has received a letter from the PBA's attorney. Mr. Warfield would like to have Mr. Dorf's office review the contract and put in final form for review.

Mr. Mutter said as a result of the memo supplied by Mr. Robins the meeting with Mrs. Prior/White Collar were very productive. The Clerk was not present for that session. Mr. Mutter would like to have permission to have Dorf's office some specific questions, regarding stipends, clerk, tax collector, court administrator, if they are entitled to any additional stipends. This issue was raised that certain people are receiving stipends whether in fact are other people entitled to receive them. Mr. McKelvey thought that the Clerk, Public Works Super and Police Chief should be separate.

Mr. McKelvey asked if they would get to vote on this. Mr. Mutter said there would be a contract. Mrs. Kaplowitz asked if this had not been discussed prior. Mayor Siddons said there is something in the 1992-1993 agreement and he is not sure how it effects what their talking about now.

Mr. Mutter said he would like permission to have these questions answered Mr. Ryan said he did not want to continue with Mr. Dorf.

Mr. Mutter updated council on the Meadowbrook suit, the League of Municipalities have reconsidered and have passed on the papers to committee.

Update on the Barry Wright case, depositions have been taken and the trial date is scheduled for July 15th.

Mr. Mutter for the record Mr. Goldberg is not present, recommended that Mrs. Chambers not participate in this part of the session, she choose not to excuse herself. Mayor Siddons said if she stays and hears the closed session can a subsequent lawsuit, say she has prior knowledge. Mr. Mutter said what he has to report is information, Mrs. Chambers excused herself at 9:50 p.m., quorum continues. 1. Notice of appeal filed with the Appellate Division. A case information statement has to be filed on behalf of the borough, then briefs will have to be submitted. Mr. Foti will be contacted for a cost estimate. He will have to file a brief but he may have to go to Trenton for oral arguments.

Motion to adjourn this session at 10:00 p.m., made by Mr. Warfield second by Mr. Ryan, voice vote, all in favor.

Respectfully submitted, Ellie Rogalski, RMC

Meeting Date:
Closed Session

July 11, 1994

Roll Call:

President of Council	James Ryan	Absent
Councilmember	Audrey Chambers	Absent
Councilmember	Joseph Gawarkiewicz	
Councilmember	Helen Kaplowitz	
Councilmember	G. Ray McKelvey	
Councilmember	Walter Warfield	9:15 p.m.
Mayor	David Siddons	
Borough Attorney	J. Mark Mutter	
Borough Clerk	Ellie Rogalski	

Mr. Mutter noted that he has not received any word from the Supreme Court.

Mr. Mutter reviewed correspondence from the Island Heights Condo Assoc., they are looking for reimbursement for various items, and would like to meet in executive session. Statute provides for reimbursement for snow removal, garbage etc.

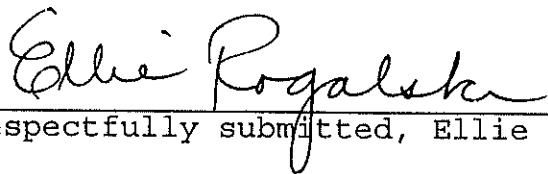
Mr. Mutter - Rogalski v. Chambers matter in litigation.

Mr. Mutter - Barry Wright case Mr. Leahey handling trial date set for Aug. 15th.

Mr. Mutter - Wanamaker Lease received letter from state Ms. Chudzick, Dept. A.G. for Historic Trust, the state is agreeing to all language suggested, all recommendations have been agreed to. All the obligations the language will be changed to state the organization. Mayor Siddons asked that a meeting be scheduled with the borough and the state. Mr. Mutter said a new easement will be prepared. Mr. Warfield questioned why should we hold up the easement. The Mayor noted he wants to get this entire site cleared up and that means the demolition of Holly House.

Mr. Warfield said he had met with Mr. Leahey, they have tried to contact the PBA via fax and phone, Mayor Siddons asked that a log of those attempts be provided.

For the record the Borough Clerk has been excused from this session during discussion on contracts at 9:45 p.m., the record will be taken by the Borough Attorney.



Respectfully submitted, Ellie Rogalski, RMC



Meeting Date:
Closed Session

July 19, 1994

Roll Call:

President of Council	James Ryan	Absent
Councilmember	Audrey Chambers	
Councilmember	Joseph Gawarkiewicz	
Councilmember	Helen Kaplowitz	
Councilmember	G. Ray McKelvey	
Councilmember	Walter Warfield	
Mayor	David Siddons	
Borough Attorney	J. Mark Mutter	
Borough Clerk	Ellie Rogalski	
Chief of Police	Michael White	

Chief White said he had discussed with the Borough Attorney, changes to the borough ordinance to include disorderly persons, currently it doesn't cover all areas. MR. Mutter will research to make the amendments. Chief White asked for the signs needed to have borough ordinances enforced in court. He would like to order 25 signs @\$13.20 from DepCorp in the amount of \$496.50 (signs & posts) 4 to 6 week delivery.

Discussion of the hours that the parks should be opened Mrs. Chambers would like to see the parks closed at dusk.

Chief is looking to having this ordinance introduced by title only this evening, to amend and supplement Chapter 4. Mr. Mutter advised we were under the public safety exception, and pending litigation with existing cases in the Municipal Court.

Chief White noticed that he will be on vacation for ten days beginning 8/29. Chief White was excused at 9:10 p.m.

Mr. Mutter re: Wanamaker Bldg. copied two letters on the easement, asking revision to the easement on the response from the state. The recommendations to the state has been agreed on by the state. The most important D1, spells out the obligations to the association and the borough. Mr. Mutter asked one item per the Mayor's request, contact the state that the borough agrees with the changes. Mayor Siddons 2 items not resolved, it project is completed not problem. If it is not completed or if the group defaults, easement sets forth a 20 year base. If money is put in and phase one is completed, and if the project stops is the borough going to be stuck with a stabilized building and have to complete the project. Mayor Siddons said he would like to see the Holly House come down, he doesn't belief that they want to see that building restored. We need clarification from the state. The County Construction Office has been contacted to completed an inspection on the building.

Mr. Mutter will request that they attend a meeting.

Mr. Mutter - Barry Wright case trial date of Aug 17th or 18th. Mayor Siddons said he has discussed with the Mr. Leahey suit was

attempted be the property owners in the area. The Judge has asked if there is a potential settlement in this suit. Mayor paraphrased MR. Leahey, the most the borough could get would be a remand to the Planning Board for a Site Plan Approval. The property owners are suing because of the access he claimed. The boro will have to find out how many units if an approved site, if it is 4 units, any other suggestions, offer a sub-division with 2 units. Or is there a chance of condemnation of the property. Mr. Wright has won a petition of appeal for the Tax Board land and improvements \$66,600.00. Mr. Mutter said the citizens have filed a formal motion to intervene. Mr. Mutter suggested at the next executive session to give Mr. Leahey some instructions, attorney cannot settle without the authority of the Mayor & Council.

Motion to adjourn this portion of the executive session at 9:40 p.m. made by Mr. Warfield second by Mr. Gawarkiewicz. Voice vote, all in favor.



Respectfully submitted, Ellie Rogalski, RMC

Meeting Date:
Closed Session

August 02, 1994

Roll Call:	President of Council	James Ryan
	Councilmember	Audrey Chambers
	Councilmember	Joseph Gawarkiewicz
	Councilmember	Helen Kaplowitz
	Councilmember	G. Ray McKelvey
	Councilmember	Walter Warfield
	Borough Attorney	Matt Leahey
	Borough Engineer	Michael O'Donnell
	Borough Clerk	Ellie Rogalski

Mr. Leahey re: Wright Property Trial Date August 18th., Mr. Wright will not settle for anything less than the original 7 units. Mr. Leahey is of the opinion that the borough will win, and that the building permit was improperly issued and is invalid. Mr. Wright will have to return to the borough for an up dated site-plan approval. The problem the borough does not have a provision within it's Land Use Ordinance when a variance will expire, when nothing is done with that variance. Mr. Wright's variance is still valid, the borough does have one regarding site plans.

Mr. O'Donnell prepared a document showing all the current ordinances that approvals that he would require. Mr. Wight will still have to litigate the question of the Alley. Mayor Siddons asked if we want to be in the position to offer any type of settlement. Mr. Leahey said the neighbors would be happy with a 4 unit with conditions, and restrictions to the number of occupants permitted.

Mr. Wright never came in for a formal application to change the roof line in 1988. MR. Leahey said the argument to be tried is the question of estoppel. IS the municipality prevented from saying that the building permit issued to him invalid. Criteria used to determine that: 1. measure his reliance, 2. done nothing to project. MR. Leahey asked for the authority to have a window for settlement, and then prepare for trial.

Mr. Leahey notice a tentative meeting with the Borough and Police re: Contracts 8/12. Mr. Warfield and Mr. Leahey are prepared to present to reply to their contract proposals, he believes this should be a contract that settles.

The Clerk had distributed FYI material on the Garbage litigation and Shane Goldberg matter.

Motion to adjourn at 9:45 p.m., made by Mrs. Chambers second by Mr. Ryan. Voice vote, all in favor.



Respectfully submitted, Ellie Rogalski, RMC



Meeting Date:
Closed Session

August 16, 1994

Roll Call:

President of Council	James Ryan
Councilmember	Audrey Chambers
Councilmember	Joseph Gawarkiewicz
Councilmember	Helen Kaplowitz
Councilmember	G. Ray McKelvey
Councilmember	Walter Warfield
Mayor	David Siddons
Borough Attorney	Matt Leahey
Borough Clerk	Ellie Rogalski

For the record also present are Mr. & Mrs. Barry Wright and Mr. Eak, Esq.

Mr. Leahey instructed council that has a result of a settlement conference that was held, Judge Grasso suggested that the Wrights' present any proposals they have for settlement. Mr. Leahey presented the borough's position to resolve would be if he built 4 units and obtained a revised site plan approval. Mr. Wright still wants the 7 unit and make the alley way a fire lane.

Mr. Leahey said council is ware of the settlement proposal offered on Monday. Mr. Eak (inaudible unable to pick up his voice) want to pick up where they are, and present a damage claim. They have approval for 7 units, they did consider as suggested by the Judge to change the driveway. He and his client would like to get ideas from council. Mr. Eak said to talk settlement, what do they get to complete, what is the borough looking for, the issue of the alley way and the damage claim.

Mr. Leahey said the offer made on Monday is the borough's. Mr. Eak said we want to finish the project and accommodate the people in the back.. Mr. Leahey said we are so far apart, no further discussion is necessary.

Mr. McKelvey recommendation from Mr. O'Donnell, to award the contract for the Handi Capped Ramp to the lowest responsible bidder.

Mr. Leahey re: Dorf & Dorf, has to provide the Borough with a Notice of Action, and we need not reply. Bill prior to the actual agreement, and per Mr. Mutter the only way he could receive payment was to have him sue us. Mr. Warfield said Mr. Leahey's bills are also prior to him being appointed, Mr. Leahey said he was hired as a Special Counsel to be used as needed.

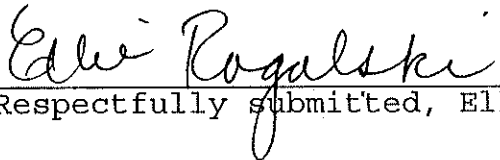
Mr. Ryan said we should not spend any money not agreed on by council. MR. Warfield noted that council has authorized him to contact Mr. Dorf to investigate two points. MR. Ryan said you did not have the authority to spend any money without the authority of council. Mayor Siddons said that on Feb 09th, he was making a

sales pitch. Mr. Warfield said he came here and it was going to be a done deal. MR. Ryan noted Mr. Warfield was going to the League of Municipalities not to Mr. Dorf. Héated discussion continued.

Mr. Leahey - re: White Collar Neg's, been accepted at PERC as an Impasse, sessions will be scheduled.

Meeting with PBA, Mr. Leahey they will present in writing the counter proposals.

Motion to adjourn at 9:30 p.m, by Mr. Warfield second by Mr. Ryan. Voice vote, all in favor.


Respectfully submitted, Ellie Rogalski, RMC

Meeting Date:
Closed Session

September 06, 1994

Roll Call:

President of Council	James Ryan
Councilmember	Audrey Chambers
Councilmember	Joseph Gawarkiewicz
Councilmember	Helen Kaplowitz
Councilmember	G. Ray McKelvey
Councilmember	Walter Warfield
Mayor	David Siddons
Borough Attorney	J. Mark Mutter
Borough Clerk	Ellie Rogalski

Mayor Siddons asked that the appointment of Purchasing Agent, Administrative Assistance be offered to April Elley. This would be a 35 hour week, 8:30 to 12/12:30 to 4:00 p.m. Bookkeeping, Purchasing Agent, Administrative Assistant, we estimate she would spend 2 hours a day on purchasing, keep control of the Central Supply, Fixed Assets Inventory, and Post Cash Receipts, estimated 1 1/2 hours per day. The biggest problem is the phones which she will be assigned, also she will be doing assorted typing and filing, licensing (yard sale, animals, tennis etc) and keep a calendar of municipal events. Mr. Ryan said the biggest will be the phones. The Clerk noted that all informational questions could be answered by this additional person. Salary will be the same as she is currently receiving now, with a 90 day probationary period. Mayor Siddons said we are just expanding her duties, and we have 90 days to find our if it will work.

Mr. Mutter - re: Wanamaker Easement a copy of a revised copy, on 3/31 letter to trust requesting a change in the easement obligations to clarify it that it is not the borough the association. This must be approve by ordinance, one additional recommendation ask that schedule C appended all the correspondence as part of the document.

Mr. Mutter asked what council wants communicated to the state re: Holly House. If demolition is to requested we have to deal with the DEPE, and we need an order from the county, they would like a structural analysis.

Mr. Ryan questioned the attorney, we have a lease and they have never lived up to the agreement. If this easement is approved are they ever going to report on the progress. Mr. Mutter said the easement states that the group has to provide the state with a schedule. Mr. Ryan asked what can be done. Mr. Warfield said without the easement, the group cold not get any money. Mr. Ryan asked when could we expect a report, Mr. Mutter said within one year. Mr. Mutter said there is a grant schedule, Mr. Mutter suggested that we schedule a meeting with the state. And there is nothing wrong with the governing body requesting the new schedule. The ordinance will be introduced on the 20th and adopt on the 04th,

and we would like the schedule at that time.

Mr. Wright's case still waiting for the Judge to sign the order.

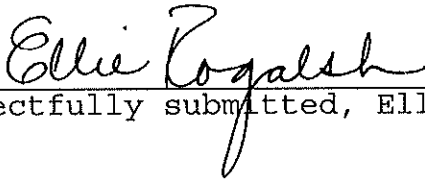
Mr. Mutter has received notice from the Supreme Court for Oral Argument for Sept. 26th or 27th. There will be a written opinion.

In the Shane Goldberg matter waiting for the Appellate Court, this could go to the Supreme Court.

Discussion on pending contracts, Mayor Siddons noted that the state is prepared to issue an Emergency Appropriation for salaries. If they know it's in the budget they will only take it and this will effect the taxes next year.

The may be a need to condemnation of a piece of property Harjes for the bulkhead project.

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



Respectfully submitted, Ellie Rogalski, RMC/CMC

Meeting Date:
Closed Session:

September 20, 1994

Roll Call:

President of Council	James Ryan
Councilmember	Audrey Chambers
Councilmember	Joseph Gawarkiewicz
Councilmember	Helen Kaplowitz
Councilmember	G. Ray McKelvey
Councilmember	Walter Warfield
Mayor	David Siddons
Borough Attorney	Matt Leahey
Borough Clerk	Ellie Rogalski
Borough Treasurer	John Adams

Discussion of the PBA Contract Negotiations, by Mr. Warfield and Mr. Leahey. Discussion on the position of Sergeant, we have to be careful how we address him. Discussion on the position of Acting Sergeant, Mayor Siddons said we have not appointed him anything. Mr. McKelvey said if per Mr. Mutter if we address him Acting Sergeant, assume that position. There has been no conformation from council.

Mr. Leahey - Wright Case has 45 days from the signing of the order to appeal.

For the record the Clerk was excused from this portion of executive session during White Collar Contract Negotiations at 10:40 p.m. The minutes will be taken by the borough attorney.

Respectfully submitted, Ellie Rogalski, RMC/CMC

