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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE
MINUTES**

DECEMBER 31, 2008 – SPECIAL MEETING

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CALL TO ORDER

The mayor called the special meeting to order in the Municipal Building at 11 AM. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Kelly, Malay, Spitzer, Pavlini, Carpenter

Absent:

Also Present: CFO/Administrator McArthur, Labor Counsel Arthur Thibault

AMEND AGENDA

Motion by Malay, second by Pavlini, to amend the agenda to include Resolution #080532.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

Resolution #080532 - Authorizing an Executive Session Meeting of the Bernards Township Committee For the Purpose of Anticipated Litigation

Motion by Pavlini, second by Kelly, to approve Resolution #080532 and the meeting temporarily adjourned to executive session at 11:02 AM.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 Anticipated Litigation Personnel
3. It is anticipated that the minutes on the subject matters of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.

4. The committee will come back into open session and may take further action.
5. This resolution shall take effect immediately.

The meeting resumed in open session at 11:28 AM.

Resolution #080518 - Disciplinary Charges, Chief of Police Dennis Mott

Motion by Malay, second by Kelly, to withdraw Resolution #080518.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

AMEND AGENDA

Motion by Malay, second by Pavlini, to amend the agenda to include Resolution #080533.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

The clerk read Resolution #080533 into the record.

Resolution #080533 - Unused Sick Time Incentive, Unused Accrued Vacation Time, and Retirement Incentive Due Dennis Mott, Police Chief, Police Department and Authorizing the Mayor to Execute a Separation Agreement

Motion by Pavlini, second by Kelly to approve Resolution #080533.

Mayor Carpenter announced that township has reached a separation agreement with Dennis Mott, and will not be filing charges.

He stated that the township was fully prepared to proceed with the charges and was certain that it would prevail. However, had the township filed the charges, it would have been at a cost of at least \$100,000 based on the legal requirements regarding removal of a police chief.

Under the terms of the separation agreement negotiated with Mott, the township will fund 26 months of military service credit for Mott to allow him to retire with 25 years of service, at a cost of approximately \$60,000. Carpenter indicated that this separation agreement is in the best interest of the town and will bring immediate closure to the matter. He stated that this option is a cost efficient solution for the township.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:
Motion carried.

WHEREAS, the Township Committee adopted Resolution No. 060504 relating to retirement sick time incentive payout at their regularly meeting of November 22, 2006; and

WHEREAS, Dennis Mott, will be retiring from the Bernards Township Police Department effective February 28, 2009 after more than 22 years of service; and

WHEREAS, per the requirements of the Township's Personnel Policy, Dennis Mott is due a payment of 1336 hours of unused sick time at an hourly rate of \$62.45 for a total amount of \$83,433.20; and

WHEREAS, per the requirements of the Township's Personnel Policy, Dennis Mott is due a payment of 306.5 hours of unused accrued paid vacation time at an hourly rate of \$62.45 for a total amount of \$19,140.93; and

WHEREAS, the Township of Bernards agrees to fund 2 years and 2 months of military service credit for Dennis Mott in the amount of \$59,676.58, in recognition of his service to Bernards Township and pursuant to a separation agreement executed between Mott and the Township.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the retirement sick leave incentive payment, unused accrued vacation time, and funding of the cost of 2 years and 2 months of military service credit for Dennis Mott be approved, and distributed in the next available pay cycle.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that mayor is authorized to execute an agreement between Dennis Mott and the Township of Bernards memorializing the terms of Mott's separation.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that Dennis Mott's last paid day in Bernards and serving in the official capacity of Bernards Township Chief of Police shall be December 31, 2008.

[Resolution #080531](#) - Personnel Appointment, Brian Bobowicz – Acting Police Chief

Motion by Malay, second by Pavlini, that Resolution #080531 be approved.

Mayor Carpenter indicated that the Township Committee fully intends to appoint Brian Bobowicz the Bernards Township Police Chief; however, because of the regulations concerning the pension buy back for Dennis Mott pursuant to the separation agreement, the effective date for Bobowicz appointment must be March 1, 2009.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter
Nay:
Abstain:

Motion carried.

WHEREAS, pursuant to N.J.S.A. 40A:14-118, the Township Committee of the Township of Bernards has created and establish a police force; and

WHEREAS, the Township Committee has designated that the head of the Police Department shall be a Chief of Police who shall be appointed by the Township Committee; and

WHEREAS, the Township Committee, and Township Administrator recommend the appointment of Captain Brian Bobowicz to the temporary position of Acting Police Chief.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Brian Bobowicz be appointed Acting Police Chief, effective December 31, 2008.

PUBLIC COMMENT

David Becker, 128 Maple Avenue, Basking Ridge, commended the committee on making a difficult decision today, and for the leadership they have portrayed this past year.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Counselor Thibault stated that the separation agreement with Mott is in the best interest of the township.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 11:39 AM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

John Carpenter
Mayor