

TOWNSHIP OF WASHINGTON, WARREN COUNTY

SPECIAL MEETING

December 11, 2008

A Special Meeting of the Township Committee was held this date at the Washington Township Municipal Building located at 211 Route 31 North, Washington, N.J. The meeting was called to order at 7:00 p.m. by Mayor David Dempski. Attorney Howard Vex, representing Michael Lavery, Township Clerk Mary Ann O'Neil, Township Clerk were also present. Also present was Chief James Mc Donald, Lt. Thomas Cicerelle and Sergeant Paul Wolf. Michael Kovacs, newly elected committeeman in January was also present. The purpose of the meeting was for transition , personnel matters, COAH and Affordable Housing and a grievance issue.

SUNSHINE LAW COMPLIANCE - The Mayor noted that this special meeting was called pursuant to the provisions of the Open Public Meeting Law. Notices of this meeting were faxed to the Star Gazette and copied to the Express times. In addition, copies of notices were posted on the bulletin board at the municipal building and filed in the office of the municipal clerk on aforementioned date. Notices on the bulleting board have remained continuously posted. This agenda is subject to change by order of the Washington Township Committee before, and/or during the scheduled meeting.

ROLL CALL: Dempski, present; Horensky, present; Mueller, present; Strunk, present. Elbassiouny was absent.

SALUTE TO FLAG

The Mayor said this was a special meeting to cover several different areas, discussion on transition of open projects and other areas for the Township in 2009. There will be discussion on COAH and other Highlands Issues. There are also two personnel issues that must be reviewed in Public Session and Executive Session.

EXECUTIVE SESSION

The Mayor said, upon advice from counsel, the Committee will be going into Executive Session to review the order of the meeting for tonight and have a common ground on how this proceeding will be processed. Strunk asked that Resolution 08-130 be approved to go into Executive Session at 7:40 p.m. to review the structure of the pending personnel reviews, Mueller seconded. All were in favor. Strunk asked that Michael Kovacs, newly elected committeeman, be included in the session.

Attorney Michael Lavery came into meeting at 7:43 p.m.

Committeeman Samir Elbassiouny came into meeting at 7:45 p.m.

The doors were opened. Strunk made a motion at 8:02 p.m. to come out of Executive Session, Mueller approved. All were in favor.

Vex said the Committee will be going into Executive Session with Sgt. Wolfe first. He asked Wolfe if he wanted it in Open Session or Executive Session, he preferred Executive Session. Elbassiouny asked that Resolution 08-130A be approved to go into Executive Session at 8:02 p.m. on a grievance issue, Strunk seconded. All were in favor.

The doors were opened. Strunk made a motion at 9:35 p.m. to come out of Executive Session, Strunk seconded. All were in favor.

Vex said there was a grievance hearing and they reached a compromise. The compromise would be, with respect to the length of lunch time for Sgt. Wolf, it was agreed that the 45 minute lunch period would stay in place, however, Sgt. Wolf was assured that if, beyond his control circumstances prevented him from getting back in this time period and he was delayed, on occasion, this would not be pursued. However, if it were to happen every day, it would become an issue. As long as it is reasonable and he does his best to adhere to the 45 minutes, this will not be an issue.

With respect to the holiday pay, it was discussed that other officers on an average would have approximately 6 holidays a year. It was discussed that the day after Thanksgiving is no longer a DMV holiday, so Sgt. Wolfe already gets that one holiday. It was discussed that the fourth of July is also available for switching and that Sgt. Wolfe would be given the opportunity to switch with other officers that are working holidays should he wish to work those holidays. The other officers would have to work a day at DMV or take comp time or vacation day. This would give him the opportunity to work some of the holidays and resolve the issue. If, after one year, this issue has not been resolved and cannot be resolved, the Committee would allow him to refile his grievance regarding the loss of holiday pay. In response to this, Sgt. Wolfe will withdraw the grievance and Vex will be preparing a summary of what was just stated, not a contractual change, just stating what the policy is on this matter.

The Mayor said the next order of business is also a personnel issue, which has been elected to be held in public session. There is no public interaction during this part of the hearing, any questions need to be held until the public session. This will be a hearing that was requested by one of the members of the governing body, who issued a Rice Notice to Police Chief James Mc Donald, who wants the hearing in public. The Mayor asked Chief Mc Donald if he wanted it in public and he said yes.

The Mayor asked Committeeman Strunk to address his concerns and then Chief Mc Donald will have an opportunity to ask questions and answer any questions asked by the Governing Body.

Strunk said that in Chief Mc Donald's contract, Article IV under Work Week, there is a clause that the Chief must work at least 40 hours a week. Strunk distributed information which contains over 95 observed times that Chief Mc Donald's car had not been observed parked at the Police Building before 9:30 a.m. in the morning. Many of the observations showed even not before 10:00 a.m. Also, he observed times when the Chief's car had not been at the building past 3:00 p.m. or 4:00 p.m. He is to put in a 40 hour week, assumed time at 9:30 a.m. start, one hour lunch, with a quitting time of approximately 6:30 p.m. This has never been observed. If you use a generous starting time of 9:30 a.m. to 4:00 p.m., this equals 6.5 hours, with 1 hour taken for lunch, equals 5.5 hours per day times 5 equals 27.5 hours. This leaves a short fall of approximately 12.5 hours per week.

Strunk said, at an annual 2008 salary of \$99,700, divided by 52 weeks, it amounts to \$1917.30 per week, divided by 40 hours equals \$47.93 per hour. At an estimated 12.5 hour per week short fall times \$47.93, that equals \$599.00 of a possible Township per week short fall in the contract.

In the contract, the Chief is allowed 150 hours sick time, divided by 40 hours, which equals 3.75 weeks. He is also allowed 250 hour of vacation time, divided by 40 hours which equals 6.25 weeks. He gets 13 holidays, which equals 2.6 weeks. an 3 personal days, which equals .6 weeks. All this for a total of 13.2 weeks. If you take 52 weeks, minus the 13.2 weeks, that leaves 39. If you take the 39 times possible weekly short fall of \$599.00, there is a possible contractual short fall of \$23,361 possible short fall hours.

Strunk said, even allowing for times when the Chief may have to work occasional different hours from a typical standard start time, there are approximately 95 different observations which show a sufficient short fall from the 40 hour contract hours.

Additionally, on April 16, 2007, during a Township Committee Meeting, when it was discussed with Committeeman Dempksi about software issue, the Chief stated he had been teaching at the College all day. Strunk was interested in if this was vacation time or what type of time this was considered?

Also, on May 21, 2007, the Chief attended a PBA outing at Hawk Pointe. Strunk was interested in if this was vacation time, since it was a non-township activity or what type of time was used.

Also, in August 2007, the Chief attended a golf outing at Harkers Hollow Golf Club, sponsored by Brian Klinder, and the same question applies. He requested the Chief give some form of answer regarding this and possible the Committee take some form of corrective action.

Strunk asked that the Time Sheet on Chief Mc Donald presented to the Committee be included with this set of minutes. The Mayor asked this document be marked Exhibit A and included with these minutes.

Elbassiouny asked Strunk what documentation he had as to whether these were the correct times. Strunk said it is a record that he kept. Elbassiouny asked Vex if this was possible. Vex said it is a credibility issue. The Committeeman said he was there and these are his records.

Chief Mc Donald said, he would like to state in the beginning, if he had a sergeant or lieutenant come to him and say they had issue being late or not showing up for work, which had been going on for a year and wanted it addressed, he would immediately write either one of them up for taking a year to report it. He wanted to start by saying this was ridiculous. Just briefly looking over the list, on July 28, 29, 30 and 31 he was on vacation, so he was not at building. His job does not require him to be at the building at all times. If Committeeman Strunk asked him two months from now where he was on December 10th that he did not show up at the building until 10:20 a.m. , he could easily remember he was at the quarterly breakfast for the Warren County Prosecutors Office. If he asked me in November of next year where he was, he would have no idea.

The Chief said that many of the days on the list, looking back on his time sheet, he could very easily say he was on vacation, took half day or had a meeting. He had a copy of this years schedule. All the highlighted areas are days he had specific meetings that he attends on a monthly basis. He said this is something that should have been brought to the attention of his liaison, which is Mayor Dempksi, and the question should have been asked back in November of 2007, not by coming to a meeting and be ambushed with a years worth of dates to try to justify where he was on those days. Sometimes he might be at the building until 11:30 p.m. Sometimes he works 12 hour days and sometime 8 hours days, but he does not spend his entire shift at the building. He said, if he did, he would not be doing his job.

The Chief said he can recall some of the times that Strunk was probably writing some of these things down, because it was actually a running joke about an "RJ Alert" because he would be circling the building every other day and at times sit in front of the building. The Chief said several officers asked what should be done about this

being done. The Chief said nothing should be done, he was perfectly within his rights to drive around the building as much as he wants.

The Chief said the entire matter is ridiculous and harassment. This is retaliation for an event that happened some time ago. He said he would like to state his part of the case. The Chief said he noticed a pattern ever since Strunk resigned as liaison to his department. It got much worse after he was issued summons for violations of township ordinance. Soon after he was cited for that violation, he reported the Chief to the Warren County Prosecutors Office for malicious prosecution and selective enforcement. The Chief said, in reference to that, he sent Strunk a letter in January 2007 in reference to a complaint. He was advised at that time he was in parking violation in the township ordinance, which is a very minor violation. He was asked to come into compliance. Three months later he got a call from the complainant, who felt nothing was being done, because he was a former committeeman and big shot in Washington Township, the police do not want to do their job. At that time, it was decided that three months was enough time to come into compliance. At that time, he was advised he would be getting a summons for this. The Chief had a list of all the times that Strunk contacted him for different things. The Chief went back to the report to the Prosecutors Office. They reviewed the allegations and concluded that there was no reason to do anything.

The Chief said, on the dates and times on the list, he cannot say whether they are true or not, because the complaint to the Prosecutors Office was not. When the report was made to the prosecutor, believing the summons was issued to him, because of comments he made a February committee meeting.

The Chief said he and his department have several issues with Strunk, following officers around, sitting outside their house in the wee hours of the morning. Officers have come out of headquarters at 5:00 a.m and see him parked across the street. The Chief said he would be glad to put this in report form, which the Mayor asked him to do, to have in writing.

The Chief said he and the PBA took issue to Strunk's conduct, as well as the men in his department, who are the target of harassment from Strunk. The Chief said it has gotten worse. He will submit all this to the Committee, so they can see the time lines this went through.

The Chief said, once after Strunk had received the summons, he received a notice from Mrs. O'Neil (Township Clerk) requesting the following documents; Price quotes on the new white and color Dodge police car purchase, including any additional add ons, extended warranty and lights, communications between the police and any other member of the committee, administration or finance regarding to this purchase.

Copies of any communications as to when this car was put on insurance, communications from police to finance regarding upcoming purchases; communications in regards to getting covered for insurance, insurance bidder. Strunk had observed a white Dodge Charger Police Vehicle at the building. Even after Pete de Boer, Certified Public Works Manager, told Strunk they did not purchase one, somehow thought the police went and got the vehicle without anyone on Committee knowing it. This was one of many OPRA requests made by Strunk.

The Chief said he met with Mayor Dempski, as his new liaison, on January 2nd to make him aware of an ongoing situation involving Strunk.

The Chief said the latest was in reference to a request regarding a member of his department. The Chief said he discussed this with Mayor Dempski and sent correspondence to Strunk. The Chief said, if this concern is in reference to a member of his department, then he should be notified immediately so a proper internal affairs investigation can be done. Also, if he is the target of this concern, then the Warren County Prosecutors Office should be notified as soon as possible. The Chief said that he was never told what the concern was about. Strunk wanted to go into the Municipal Building and review the tapes of the cameras showing the back of the building since the first time they were put on line. He wanted to review 24/7 tapes sitting in the lieutenants office, by himself, which could not happen. The Chief then received a request from Lavery's office (Township Attorney), which had been made by Strunk, that copies of the tapes be made. The Chief explained this would require 25 CD's a day and it takes 75 minutes to transfer 1-1/2 hours worth of video on to tape. To date, if they had complied with this request, without questioning it, it would have cost the Township in the area of \$ 6000 in materials and overtime.

Strunk also wanted a print out report for the swipe cards. This request was also made without the knowledge of the Township Committee. The Chief said he spoke with Strunk last week to let him know that he had received the letter from Lavery's office. Lavery said he did not know about this until the night before when Strunk called him to make him aware of this.

The Chief said he would submit copies of everything, but this is nothing short of harassment. For him to be handed sheets at a meeting with dates going back to 2007, but at first glance, several days could be eliminated. He said his job is not to be at headquarters at all times. His schedule is to work 40 hours a week, there is no set schedule.

Once again the Chief said, this is nothing short of harassment. He will submit all paperwork to the Township Committee and the Prosecutors Office. If an allegation has been made that he is basically stealing time, he would certainly want the Prosecutor involved in this. He will notify them tomorrow of the allegation.

Vex asked the Chief if he is working 40 hours a week. The Chief said he believes that he is working in excess of 40 hours a week in many weeks, but always at least 40 hours.

The Chief submitted a list of the various associations and boards that he is a member of and goes to meetings during the month. He said he is a police instructor and teaches at the high school. He and Lt. Cicerelle also host classes and train officers. This has saved the Township a lot of money by doing this.

RJ Strunk said, as he found there was impropriety in the Finance Office, he pursued it. As a citizen and a committeeman, he is allowed to make OPRA requests and above that, when he becomes a member of the committee, he has a responsibility to the taxpayers to make sure the people are living up to their contracts. This document shows a time line of the consistency where he did not believe the Township is getting their 40 hours a week as per the contract. The Chief continues to make allegations to him, some of it is his perception and the Chief does not like to be watched or questioned on anything he does. Other people in the Township did not like this being brought to their attention. However, he has an obligation, as a committeeman, when he has questions to bring them to the Committee. He has been in touch with the Mayor on this subject. In this particular issue, he has been in touch with Attorney Vex and he gave him a methodology in which he thinks I should pursue it and he did that. In regards to the tapes, he asked Vex about this and he was advised that Strunk could pursue this since there are swipe cards to be able to get the information to again help establish when the Chief was coming in. He did this with advice of counsel. He has been in touch with the Mayor about it. He proceeded, on counsels advice, to come to this point in time. He would like to be able to review the tapes and the swipe card information before bringing it to this point to make sure he was correct. There is a video record and electronics that would verify exactly if this is correct, as far as a starting time. He has not been allowed to do this. He was advised that this was the method he must use to be able to bring to the Committee's attention. He pursued a course based on advice from counsel, which has brought them to this point.

Strunk said, unfortunately they are getting side tracked from the issue of whether this establishes a pattern, they possibly are not getting their 40 hours and that is the reason they are talking about this. They can talk about other peripheral issues, but the fact remains they have a record submitted to the Committee based on the Chief not doing his 40 hours. That is the reason they are having this discussion. You can say this is a total lie or a total waste, but fact is things have been observed and there is a possibility that an employee is not living up to their contractual issue. That is why this has been brought to Committee's attention. It is a difficulty and corrective action needs to be taken to verify they are getting the 40 hours.

John Horensky asked, just randomly picking a date and time, July 8, 2008, 10:06 a.m., no chief at building, do you know what time you started to check to see when the Chief was there? Was he there at 10:05 a.m.? Strunk said when he rode by the building at that time he was not there. Do you know if the Chief was there between 10:07 a.m. and 10:15 a.m. - Strunk did not. Horensky said you cannot say this is a total lapse of time, these are specific snippets of instances and time when the Chief's car was not there, not to say the Chief was not there. The car could have been in the shop or being used by someone else. Strunk said, to expand on that question, typically the Chief parks in one spot, so it can be observed. Over 95 different times it seems to establish a consistent pattern and he felt it should be addressed.

Horensky said he appreciates the fact that Strunk is trying to save taxpayers dollars, but when you look at something and make an allegation as critical as somebody's performance, it behooves you as a person on the Committee to use some degree of respect and some degree of concern. You do not go out and go on a witch hunt like this without talking to the Chief. How many times have you talked to the Chief personally about any of these issues? How many times have you gone into the Chief and asked on a specific date I did see you here at 9:15 a.m., do you know where you were? Did you try to resolve the issue without taking it to the extreme that you did here? Horensky said it is like a carpenter trying to put a six penny nail in, but using a 20# sledge hammer. Here is your 20# sledge hammer, you can accomplish what you want to accomplish, which he hoped was making sure the employees are working properly and giving the Township's Citizens the service they desire, without bashing someone over the head. This has been your MO. It was this way with Cathy Gangaware, it was this way with me, when you took me to the Attorney General's Office, you did that because you thought it was your duty to turn me in, without coming to me and asking anything. So you use a 20# sledge hammer to do everything you do without asking first, without trying to resolve an issue and he knows, it is just his perception, because that is your answer to me. "Its your perception John," because this has been used many times in the past. Horensky said he had no doubt in the world on December 17 the Chief was not in the building at 8:57 a.m. on Strunk's clock, his car was not at the building. Horensky said he thinks Strunk stretched what he saw, to try to pull something and identify something and try to find the problem, instead of asking and trying to resolve it and be civil about it. You just go ahead and try to destroy somebody's personality and you have done it before, tried it before, and taken many committee members to task, because it was not the way he wanted it done. Horensky said, his feeling is that, he is doing some harassment to the Chief.

Samir Elbassiouny said he had one question, but first he applauded Strunk for taking the time to do this. Can you, on November 30th, state what were you doing 9:30 a.m.? Strunk said he was in town, his days start...no Samir said, where were you exactly at 9:30 a.m. on November 30th? Elbassiouny said, if you are bring documentation a year after a date and try to get somebody to say where they were at that time and what they were doing, what you are doing here is putting the whole Township at risk. Elbassiouny said he is opening up the Township for a law suit, because how many employees has he done this to? If you are looking for the taxpayers

dollars as you claim, why is it only the Chief that you did this to? Why? Strunk said he observed a consistent pattern where he did not believe the Township is getting 40 hours a week and it was necessary to do this to establish it. He is yet to see the car in at 7:30 a.m. in the morning, 8:30 a.m. If this is true, then its a chance for the Chief to bring it to the Committee's attention. Based on this, Strunk did not see how this could add up that the Township is getting a 40 hour week.

Elbassiouny said, pattern, you drove by and did not see his car, therefore, he is a thief, because he is charging the taxpayer money. Strunk said he did not say that. Elbassiouny said yes he did, you said it was a theft of service. Strunk said, no I said it was a possibility, that is why I am bringing this to the Committee's attention. Elbassiouny said you wait a year and a half and nothing is reported. Strunk said he tried when they had an established video record to confirm this was accurate, but he was unable to. So, on advice from counsel, he was to bring this information to the Committee. He wished he could have verified it, with the use of the video or swipe card, but he was denied that use to verify it. He wanted to make it correct.

Elbassiouny said the Chief is not an hourly employee, He does not need to be at the building from 6:00 a.m. to 2 p.m. or 8 a.m. to 4:00 p.m. Strunk said he understands that, but his contract says he is to work 40 hours. Elbassiouny said he is not excusing him from working less than 40 hours a week, he better be here 40 hours a week, he better be working 40 hours a week, whether it is here or outside. The point is, this is not the way to go about things. For 1-1/2 years, this shows a pattern of harassment, this is not the first time you brought something specifically about the Chief. Elbassiouny said that is what he is having a problem with, they need to be more responsible.

John Horensky said,, if you had the video outside, what would that have done, other than say the Chief's car was not here between these hours. Would it have told you where the Chief was? Strunk said no. The Mayor asked that the Committee calm things down. Horensky said you were very interested in seeing that the township people are being properly served, how many times have you followed around a township employee, sat down and watched what they did and say what a good job they did? How many times have you done things with the Chief? Is he doing a good job teaching a class? Horensky said there is a big difference between trying to find somebody and screwing them, as opposed to going back and saying, are you doing you job? You don't know what the Chief is doing when he is not in building. Horensky said, if you have any employee here that you want to make sure is providing services to the citizens, then he asked that the energy be focused positively, not negatively, trying to bang with a hammer. Go in and tell them they are doing a good job for us, I like what your doing,. Horensky said he has tried to drive wedges, tried to find out what is being done wrong, why do you have to live life looking for the wrong in people? Look for what you can do to make the Township better. Look what you can do make sure you empower the employees to make them want to do a good job. Strunk said there are many employees that when they are doing a good job he compliments them.

Mayor David Dempski asked the Chief what meetings he attends. The Chief said the first Thursday of every month is State Chief's Meeting, third Tuesday, Warren County Police Chiefs Meeting, Fridays is the Executive Board for Warren County Chief's Association. He will put the full list in writing and submit to Committee.

Chief Mc Donald asked why this took so long. It was November 2007 and he was waiting to establish a pattern and get video documentation of this. In November 2007, they had no idea they would even have a video documentation. So to say he waited this long to get video documentation is ridiculous. Again, he finds this whole thing ridiculous. The Chief said he is insulted by this. The Chief said when he goes to a golf outing, it is a vacation day, he does not consider this part of his work day, which can be shown on his time card.

The Chief said he felt this was a personal attack on him. For Strunk to take this upon himself and target one individual, after receiving a summons from the police department and riding by the department so many times is bizarre. To target one person, on his own, just because the Chief might not be at headquarters. This is ridiculous.

The Chief asked the Committee's pleasure on this matter. He will certainly be talking to the Prosecutor about this, because it is an accusation of theft.

Strunk said he had no doubt the Chief would take exception to this. In regards to the video, he did not know it would be available. This record was started before that and we now did have it available to possibly confirm my suspicious. That is why he requested the records to look at it before it brought it to the committee's attention. He was looking for when the Chief got to the building and left. He could view the videos and use the swipe card. Chief Mc Donald said he did not spend 40 hours a week in the building, what does that prove? Strunk said it proves, that I am interested as a Committee Person, that we have an employee that has a contractual obligation to provide 40 hours of service. He is interested in whether they are getting that 40 hours of service. This establishes a time line where it looks like there has been a consistent pattern that they possibly are not and that is why this was brought to the Committee's attention.

Horensky asked, are you 100% sure, on any employee in the Township, we are getting 40 hours? Are you 100% sure? Strunk said I would hope so. Horensky, no hoping, is there one employee that you are 100% sure is giving 40 hours? Yes or No, just give me one name. Strunk said 100% sure, he hopes they are. If he has information and thinks an employee is not, he will bring to the Committee. Horensky said it could be put on notice now that every employee now is subject to this kind of action?

Elbassiouny asked, during the drive by, was the police secretary there, township clerk or Lt. Cicerelle's car? How about Nancy? How about Pete? Why was it only the Chief? Elbassiouny said he had no problem with Strunk trying to hold someone accountable. He wants to have it on the record, this seems selective enforcement and this is wrong, that's all. Strunk said this was brought to his attention by a citizen asking, "Why are the police cars not at the Township Building"? So if there are 10 cars and 3 on road, Strunk was trying to find out where are the other cars are at that time. In trying to find out where the cars were, he noticed when he drove by that way in the morning that he was not seeing the Chief at the building. Elbassiouny asked if other cars were there. Strunk said Helen's car was there and she is usually there at 8:00 a.m. or 8:30 a.m. on a consistent basis. Elbassiouny asked when he drove by the building on December 11th or whatever, can he honestly say that Helen's car was there, Strunk said no he could not. Elbassiouny said, no he could not, because he was only looking for the chief's car. Strunk said he was looking to confirm a suspicion. Elbassiouny said, only about the Chief. Strunk said only because he was interested in this particular individual at this time, to see if he was correct or not. Elbassiouny said, he was not sticking up for the Chief at all, what he was having a problem is that Strunk was putting the Township at risk, because you are using selective enforcement. Elbassiouny said this is very irresponsible, because it is only showing that it is only selective enforcement. Strunk said, if he thought another employee was doing something similar, he would also want to bring that information to the Committee. This is the one right now, by contract, 40 hours, but they are not getting the contract. It shows a consistent pattern. Elbassiouny asked when the contract went into effect, Strunk said January 1. Elbassiouny said, so apparently November 2007 you started watching, but he actually did not have a contract. Strunk said, no, he had presented one that was in negotiations. That is when this came about.

Horensky asked Strunk, when the resident approached him about the cars, did he approach the Police Department for an explanation. Strunk said he went to the liaison, who was Mayor Dempski at the time to look into the issue. Strunk said the response was that the Mayor had a conversation with the Chef that no officers were to be taking cars home off after hours. Horensky said this was not the issue. So, if this wasn't the answer to the question, did he pursue it further to get information as to why there was a certain number of cars at the building? Strunk said he did get an answer, the cars were being taken home by the officers and the Mayor took corrective action to make sure it stopped. There was no reason to pursue it further.

The Mayor told the Chief, going back to 2007 is prudent, but he should present a time sheet reporting his standard meetings and other paperwork which should also be part of the record of well. The Chief said they will get a response to this by Monday.

Strunk said he was looking for the Chief to submit a time sheet justifying his 40 hour week from this time forward. The Chief said, after checking with counsel from the Chief's Association, he will provide whatever information he is required to do.

The Chief said there is another issue he would like to bring up. He went back to the fact that he thinks this is personal. He thinks that anything, from this point on at least, between himself and Strunk should be done through the liaison, which is why liaisons are appointed. The Chief said, that Strunk took the initiative by himself, had the Rice Notice issued and letters from the attorney. This is an issue for the Committee to decide how that happened. Everything in the future from Strunk should go through the liaison. The Chief said that anything he is required to give to the governing body, he will do that. He will do that after checking into what is required.

Vex said he believed that the Committee could, if they wanted to, request the Chief to provide a basic log of what he is doing. Obviously, if he is doing an investigation that would not be allowed. It might give you some information, but has anyone ever been required to keep a log on their job? It might clear up some misconceptions, but this is something the Committee must decide. However, when the Chief checks into this further with the Chief's Association, this may not be allowed. Vex said on the Police Chief's Bill of Right, 40A:14-118 says the Committee has the right to request the Chief report to them monthly and make such reports as requested. The Chief asked for clarification, this would be reports requested by the Township Committee, not an individual. Vex said it must be a Committee decision. The Mayor said a monthly calendar showing the meetings the Chief attends would certainly remove any questions. The Mayor said it would be appropriate to do that and put on record as well.

Strunk made a motion, based on the information that has been submitted to the Committee, that Chief Mc Donald submit a time sheet accounting for his 40 hours, and it is concurrent with his pay period. Elbassiouny asked would it be for specific times or I worked 40 hours. The Chief said the attorney had made a comment during the meetings that this might be an insult to the Chief, Strunk has never been concerned about that, insulting people has never been one of his concerns. The Chief said, if this is being done in an effort to appease Strunk, then he takes issue with it. If it is something the entire Township Committee thinks is necessary, because he is going into his 13th year as Chief of Police and he can only recall one complaint from a citizen in that time about the police department. However, there have been many comments praising the department for its action and the job it does. Elbassiouny said he did not think the motion should be considered, because it is just for the Chief. Strunk said he would be happy to amend it for all the employees. Strunk said when there was a problem with the CFO she was asked to submit a time sheet, so this is consistent when there has been a problem in the past, to make sure they are getting a time line of what they are getting for what they are paying for. Strunk said they have done it before and it was agreed upon by the Committee.

Vex said he wanted to point out that Chief Mc Donald just received all this and he must be given a chance to respond to it all. The Township Committee agreed with this.

Chief Mc Donald wanted something clarified, when Strunk said that when we, meaning the Committee, had questions regarding Gangaware, we had her submit a report. Does the Washington Township Committee have a problem with the job performance of the Police Chief or does Strunk have a problem with the performance of the Police Chief? He used the word "we" requested this, because "we" were having problems. If its not a case of the entire Committee, then the Chief wanted Strunk to say for the record that "I" have a problem, as opposed to "we."

Strunk said he brought a problem to the Committee's attention and as he did with the CFO, there is a decision made that she should submit a time sheet. He had no problem with the Chief having a chance to respond. If the Committee, at that time, decides that he should submit a time sheet justifying his 40 hours, that is the decision of the Committee. He felt the information regarding an employee, nothing to do with the Police Department, but a contractual obligation with an employee, which he has done with other employees as well. He has not singled anybody out when there has been a concern, he did it before and he is doing it again, because there is a contractual obligation. He felt, as a Committeeman, he needed to protect the interests of the Township. If the rest of the Committee feels they do not want a time sheet, then it has been brought to their attention. Strunk held his motion until the next meeting so the Chief has a chance to respond.

Howard Vex left the meeting at 10:37 p.m.

COAH AND HIGHLANDS DISCUSSION

The Mayor said there are two transitional areas that he wanted to talk about to make sure the foundation is in place for next year. They are COAH and Highlands Master Plan. They appear separate, but they are coupled together. With COAH, there have been many law suits and motions to delay the new Third Round Rules to be implemented by the end of this year. All attempts have failed to date, there has been no motions to delay it. Should there be no motions or actions taken, any governing body that does not have either a Stay of Execution or have their Third Round Plan in, will lose the Affordable Housing Trust Fund and subject to Builders Remedy.

The Mayor said what the Township can do in terms of the COAH obligations, in terms of the Highlands, the Township is about 1/3 in the Preservation Area and 2/3 in the Planning Area. The Township must be compliant with the Regional Master Plan in the Preservation Area. There is no way out of this. They can however, voluntarily, agree to include your Planning Area in the Highlands Regional Master Plan. However, before you do that, the State allows you to do a study after you file an intent to conform, after you do a review by your Planner. At the next meeting, there will be two resolutions on the table. One will be an Intent to Conform to Regional Master Plan and the other one will be requesting an official waiver to delay the COAH submission until December 8, 2009. So, if the Township agrees to do a study, which the State will pay for, a grant has been applied for in the amount of \$15,000 for Land Use Board so the Planner can review all the positive and negative impacts of completely integrating the Township into the Preservation and Planning Areas. If they do the study and file an Intent to Conform, it is not binding, for the Planning Area. The Preservation Area they must do. The Township is saying they need more time to review their options next year so they can further evaluate Highland as well as COAH.

Horensky said he had problems with the proposed resolutions given to review. He preferred the Township put a resolution together that does not extol the glories of the Highlands Act and Council, in the resolution. He make recommendations to the resolution which will be drafted for the next meeting by Lavery.

The Mayor said he had another Executive Session on potential litigation.

OTHER

Strunk said they need to address an issue at the new building. They had been paid to balance the heat, but the conference room is excessively hot and the meeting room is very cold, especially by the exit. He said the contractor should be called back to balance the system. Secondly, he would like permission from the Committee to throw a Christmas Appreciation Lunch for the employees, which was given.

PUBLIC CONCERNS AND COMMENTS

Frank Cregan, 62 Merlin Drive, said he could not believe what he heard tonight. He really cannot believe it. It is

sickening. In defense of the Chief, Cregan attended Citizens Police Academy for six weeks in early 2007 and the Emergency Response Team Training in summer of 2007. The training sessions were from 7:00 p.m. to 10:00 p.m. at night, who was there for 8 to 12 hours during those sessions, the Chief and two of his patrolmen. The County people have a lot of respect for him and the department. He could not believe it, RJ, you are vindictive or sick. Cregan said he really meant that, because in the corporate world, that is what we would call somebody who on a consistent basis, all hours of the night and day, it is sick. The way you judge people in the corporate world is by performance and the Chief's performance is outstanding as far as he knew, because he sees it. Cregan said he was so upset about the waste of time this has caused RJ, you should look at your own performance. Strunk said he did all the time, thank you. Cregan asked if he wanted him to give a critique of it. Strunk said he had a right to say anything he wanted to say. Cregan said he would not criticize him right now, he would reserve that for a later time., including the building performance. On the CFO problem, how long did it take him? Strunk said as soon as he became liaison, he became suspicious in the first few months. It took over a year to confirm it. Cregan asked why it took so long. Strunk said that is the way government works. Cregan asked, is that how government works, you follow people around and document their time. He didn't see the list, but it is appalling that somebody has to waste their time on this when the performance is the key judgement, not the hours put in. Strunk said it is a contractual obligation. Cregan said the contractual obligation is to perform. Strunk said not as far as the document signed by the Chief. Cregan told Strunk he was so small, you are sick.

Tom Prisk, 5 Merlin Drive, said he has set through the last five years of this, same cast of characters. He said this was appalling, to waste the Committee's time on a Chief that has performed. Susan Bloodgood ran a program for the County, 7 or 8 things, three hours per item. The sessions were tremendous, they visited the jail. The Chief came in with Assault Team and Canine Corp. These people could not perform if the Chief did not perform. To say a person should be performing on how much time he spends in an office is crazy. You could have a person working 40 hours and sit on their ass and do nothing. OK - you cannot judge a person that way. Prisk said this is being vindictive. In terms of Strunk's performance, I went back and listened to the tapes for the last 5 years from buying the building to moving in. He said the Chief is doing one hell of a job. The Chief goes to a PBA outing and takes a vacation day. He said it was unforgivable to treat a person like this.

Strunk made a motion to move Resolution 130B to go into Executive Session at 10:48 p.m. for potential litigation, Elbassiouny seconded. All were in favor.

The doors were opened. Elbassiouny made a motion to come out of Executive Session at 11:19 p.m., Strunk seconded All were favor.

Lavery said they emerged from Executive Session where they discussed two matters, one being potential litigation matter and one personnel matter. No official action will be taken. Copies of the minutes will be available at such time the Committee determines there is no harm to public interest.

Elbassiouny said he received a letter of resignation from Carolyn Quinn, Technical Assistant in Code and Construction Office. The position has been advertised on web site and League of Municipalities. They are looking to fill this position by next week.

Horensky made a motion to adjourn at 11:23 p.m., Elbassiouny seconded. All were in favor.

Respectively submitted,

Mary Ann O'Neil RMC/CMC/MMC
Township Clerk