MINUTES
TOMS RIVER FIRE COMMISSIONERS DISTRICT NO. 1
1144 Hooper Ave, Conference Room "A"
Special Meeting
October 30, 2018

Commissioner Convery called a special meeting to order at 7:00 p.m. with a Salute to the Flag. A moment of silence was observed. The following statement was made:

> Adequate notice of this meeting has been provided in accordance with the Provisions of the Open Public Meetings Act by notice being posted in the Municipal Building, 33 Washington Street, Toms River; being filed with the municipal clerk and being transmitted to the Asbury Park Press and Star Ledger and to all persons who have requested copies in accordance with statute.

ROLL CALL

Autenrieth – present Latshaw – present
Ambrosio – present Sipe-present
Convery – present

Attorney Vandyke present.
Bisceglie present to take minutes

Monica Bisceglie and Brian Kubiel were both served rice notices. Commissioner Convery received a written request @ 3:30 p.m. on 10/30/18 from Administrator Brian Kubiel to have his matter heard in open session.

Attorney VanDyke stated parts of this matter involve two people and only one of the two individuals requested this matter in open session. Attorney Vandyke stated the portion that pertains to Administrator Kubiel can be heard in open session as he requested.

Brian Kubiel asked questions in relation to the board hiring special counsel. He asked specific questions as it relates to hiring special counsel to do an investigation.

PRIVATE EXECUTIVE SESSION- Motion Sipe second Autenrieth to go into Private Executive Session @ 7:23 p.m. Ayes - 4 Nays -0 Abstain-1 (Ambrosio)

Matters Relating to Litigation, Negotiations, Attorney-Client Privilege and Legal advice: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

ROLL CALL VOTE

Latshaw-Yes Ambrosio- Recused
Autenrieth-Yes Sipe-Yes
Convery-Yes

CARRIED

Commissioner Ambrosio recused himself and left the room.

Monica Bisceglie also left the room.

Motion Autenrieth second Latshaw to go into open session @ 8:15 p.m.

Ayes - 4 Nays -0 CARRIED

RATIFICATION OF COURT AGREEMENT- A Resolution was presented to ratify court agreement reached on October 24th 2018 in the matter of Brian Kubiel.

ROLL CALL VOTE
Latshaw-Yes Ambrosio- Abstain
Autenrieth-Yes Sipe-Yes
Convery-Yes CARRIED

RESOLUTION TO HIRE SPECIAL COUNSEL. – Attorney VanDyke stated this will be tabled until an RFP to hire special counsel is advertised and received.

Motion Autenrieth second Sipe to advertise to hire special counsel.

ROLL CALL VOTE
Latshaw-No Ambrosio- Abstain
Autenrieth-Yes Sipe-Yes
Convery-Yes CARRIED

There being no further business, motion Autenrieth second Sipe to close the meeting @ 8:25 p.m. **Ayes - 5 Nays -0 CARRIED**

Respectfully submitted
Jesse Sipe, Clerk
Toms River Fire Commissioners

RESOLUTION OF THE TOMS RIVER TOWNSHIP FIRE COMMISSIONERS, DISTRICT No.1, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING AGREEMENT REACHED ON OCTOBER 24, 2018, IN THE MATTER OF BRIAN KUBIEL V. TOMS RIVER BOARD OF FIRE COMMISSIONERS, FIRE DISTRICT No. 1, ET AL., DOCKET No. OCN-L-2306-18

WHEREAS, the Board of Commissioners of the Toms River Township Fire District No.1, were named as defendants in the above-captioned lawsuit; and,

WHEREAS, on October 24, 2018, the parties appeared in Court on the return date of the order to show cause; and,

WHEREAS, on October 24, 2018, the parties reached an agreement in court and said agreement was put on the record; and,

WHEREAS, the Board of Fire Commissioners agrees with the terms of the understanding reached in Court;

NOW, THEREFORE, BE IT RESOLVED by the Toms River Township Fire Commissioners, District No. 1, County of Ocean, State of New Jersey, agree to the following terms as set forth on the record in the above-captioned matter:

1. Plaintiff, Brian Kubiel, agrees to withdraw his Order to Show Cause and Verified Complaint subject to the official ratification of the settlement by the Board of Fire Commissioners.

2. The Board of Fire Commissioners agrees to give Brian Kubiel 48-hours' notice if it intends to discuss the terms and conditions of employment at any meeting.

3. The Board of Fire Commissioners agrees to give statutory notice in regard to any meeting in which in intends to discuss the appointment of special counsel in accordance with all applicable laws.

4. If disciplinary charges are preferred against Brian Kubiel by the Board of Fire Commissioners, the partiers agree that they will jointly choose a mutually agreeable hearing officer or arbitrator who shall render the final decision as to the disposition of all such charges.

5. The Board of Fire Commissioners agree that Commissioner Craig Ambrosio will be disqualified as to participation in voting in regard to the employment contract and investigation or charges in regard to Brian Kubiel.

6. The resolution of October 24, 2018, appointing special counsel is rescinded effective October 24, 2018.

7. The Board of Fire Commissioners represents that as the present time it does not intend to terminate Brian Kubiel's employment.

8. The Board of Fire Commissioners hereby ratifies this agreement.

9. That the Clerk of the Fire Commissioners shall forward a certified copy of this Resolution to the *following:*

A. Chairman;
B. Brian Kubiel; and,
C. Peter J. Van Dyke, Esq.;

CERTIFICATION

I, Jesse Sipe Clerk of the Toms River Township Fire Commissioners District No. 1, in the County of Ocean, State of New Jersey, do hereby certify the above to be a true copy of a resolution duly adopted at its meeting held on October 30, 2018.

JESSE SIPE
Clerk Fire District No.1

10-30-18
Date: