

MINUTES
1144 Hooper Ave
Special Meeting
July 17, 2019

Commissioner Convery called a special meeting to order at 4:55 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
Tutela – present Sipe-present
Convery – present

Administrator Kubiel, Attorney Vandyke and Attorney Varady present.
Bisceglie present to take minutes

BILLS

Motion Tutela second Sipe to approve the bill list for July 17, 2019 (SEE INSERTED LIST)

Ayes – 5 Nays – 0 CARRIED

Private Executive Session- *Matters Relating to the Employment Relationship and Legal advice* : Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. *Matters Relating to Litigation, Negotiations and the 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.

Brian Kubiel was served a rice notice and he opted to have his matter heard in public session. The board of fire commissioners will first go into private executive session to discuss litigation matters.

Motion Sipe second Autenrieth to go into Private Executive session@ 4:57pm

Ayes - 5 Nays -0 CARRIED

Motion Sipe second Autenrieth to go into public session @ 5:35 p.m.

Ayes - 5 Nays -0 CARRIED

Motion Sipe second Autenrieth for the clerk to read the investigative report conclusion and it be presented to Mr. Kubiel.

Ayes - 5 Nays -0 CARRIED

Commissioner Sipe addressed Administrator Kubiel and his Attorney stating they are reading the conclusion aloud tonight but will have a formal signed copy mailed tomorrow.

Commissioner Tutela read: The Toms River Board of Fire Commissioners District No.1 is in

receipt of the investigative report prepared by Katherine V. Hatfield ESQ regarding complaints against Brian Kubiel by Monica Bisceglie. The investigative report concludes that Mr. Kubiel did not engage in any unlawful gender-based discrimination or harassment. Moreover, there is no finding of retaliation at this point. The report does conclude that there is a level of dysfunction in the Administrative office that must be addressed. The commissioners are reviewing the report and the recommendations contained therein and will meet with Kubiel to discuss the process moving forward.

Attorney Cohen wanted to make sure that the items being discussed now are in public session. Commissioner Convery stated the discussion is currently in public session as requested by Mr. Kubiel.

Attorney VanDyke stated there was going to be another agenda item but was requested yesterday by Mr. Kubiel's Attorney to be put off until after the court hearing on August 2nd. The commissioners would comply with the request as long as Mr. Kubiel would acknowledge that it won't interfere with any time lines set forth in Administrator Kubiel's contract. Attorney Cohen stated the contract was about written notice and the commissioners have supplied written notice.

Attorney Cohen and Kubiel stepped out of room to consult.

Attorney Cohen stated although they have heard the conclusion that Mr. Kubiel did not engage in any unlawful conduct or harassment and that was the reason for the request to delay tonight's meeting, they are still hoping the judge will order the full disclosure of the report on August 2nd and they are ready to discuss contractual issues this evening.

Attorney VanDyke stated it is his understanding that the clause in Kubiel's current contract where it states Mr. Kubiel would receive a higher percentage raise than originally negotiated if other employees received a higher percentage raise is one of the items that the commissioners would like to discuss.

Special Council Varady stated that the terms and conditions of contract negotiations are not discussed in public session. The purpose of the rice notice was notifying Mr. Kubiel that there is a process and that process will be followed.

Attorney Cohen stated Mr. Kubiel is an exempt firefighter and discussed the laws of the exempt firefighters. Kubiel feels his knowledge has been a great asset to the fire service. Commissioners stated they are not questioning Kubiel credentials or his work performance he has done with the fire service.

There being no further business, motion Autenrieth second Sipe to close the meeting @ 6:53p.m.

Ayes - 5 Nays - 0 CARRIED

Respectfully submitted
Richard Tutela, Clerk
Toms River Fire Commissioner

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02:53 PM

TOMS RIVER TOWNSHIP FIRE DISTRICT #1
2019 Purchase Order Listing By Expenditure Account

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P.O. Type: Contract	Print Perpetual, Revenue, & G/L Accounts: N	Open: N	Void: N	Paid: N
Format: Condensed		Held: N	Aprv: N	Rcvd: Y
Range: 01- -111-05 -001	to 01- -134-03 -746	Bid: Y	State: Y	Other: Y
Rcvd Batch Id Range: First	to Last	Encumbrance Date Range: First	to 12/31/19	Include Non-Budgeted: Y
Prior Year Only: N				
Department Page Break: No	Subtotal CAFR: No	Subtotal Department: No	Subtotal Extd: No	

Expend Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
01- -112-05 -024	HEALTH BENEFITS/DISABILITY					
B0074	BENECARD SERVICES, INC.	19-00767	07/19 PRESCRIPTION PLAN#1319	5,223.85	0.00	
01- -113-02 -064	TOOLS & EQUIPMENT					
C0172	CONTINENTAL FIRE & SAFETY	19-00693	EQUIP. CO#2	54.99	0.00	
01- -113-05 -074	OFFICE EQUIPMENT					
F0171	4X TECHNOLOGIES, LLC	19-00617	6 & 7/19 SERVICES	119.99	0.00	
01- -114-05 -101	HYDRANT RENTAL					
N0007	N.J. AMERICAN WATER CO.	19-00771	6/19 HYDRANTS	7,622.43	0.00	
01- -119-01 -274	PHYSICALS					
D0185	DYNAMIC TESTING SERVICE	19-00740	TESTING INV#11518	440.00	0.00	
M0080	MERIDIAN OCCUPATIONAL HEALTH	19-00765	DEHOPE, STILTON, NESTERIAK	1,306.00	0.00	
				1,746.00		
01- -120-05 -311	LEGAL NOTICES					
N0115	NEW JERSEY ADVANCE MEDIA, LLC	19-00792	SPECIAL MTG DIST#1	20.15	0.00	
01- -122-01 -386	CONFERENCES					
O2880	GOLDEN, JAMES P.	19-00786	REIMB. CONFERENCE EXPENSES	91.32	0.00	
01- -126-01 -529	FUEL					
B0141	BOROUGH OF LAVALLETTE	19-00741	06/19 FUEL	146.98	0.00	
P0148	POINT BAY FUEL, LLC	19-00753	06/19 FUEL ACCT#104124	379.62	0.00	
T0175	TOWNSHIP OF TOMS RIVER	19-00754	6/19 FUEL DIST#1	954.37	0.00	
O0059	OCEAN GATE YACHT BASIN	19-00768	FUEL DIST#1	86.76	0.00	
				1,567.73		
01- -126-10 -529	FUEL					
T0175	TOWNSHIP OF TOMS RIVER	19-00754	6/19 FUEL DIST#1	56.06	0.00	
01- -127-01 -567	COMMUNICATIONS					
F0171	4X TECHNOLOGIES, LLC	19-00617	6 & 7/19 SERVICES	635.80	0.00	
R0012	RACKSPACE US, INC.	19-00764	EMAIL MAY ACCT#030-34971557175	751.50	0.00	
				1,387.30		
01- -127-05 -567	COMMUNICATIONS/UTILITIES					
F0171	4X TECHNOLOGIES, LLC	19-00617	6 & 7/19 SERVICES	359.49	0.00	
R0012	RACKSPACE US, INC.	19-00764	EMAIL MAY ACCT#030-34971557175	219.75	0.00	
				579.24		

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TOMS RIVER TOWNSHIP FIRE DISTRICT #1
2019 Purchase Order Listing By Expenditure Account

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Expend Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
01- -128-01 -606	OFFICE SUPPLIES/SHIPPING					
C0172	CONTINENTAL FIRE & SAFETY	19-00693	EQUIP. CO#2	26.00	0.00	
U0065	UPS	19-00795	SHIPPING ACCT#E5400F	34.60	0.00	
				<u>60.60</u>		
01- -128-05 -607	OFFICE SUPPLIES/SHIPPING					
W0044	WATCHUNG SPRING WATER CO. INC.	19-00763	WATER DIST#1	32.19	0.00	
01- -129-01 -648	VEHICLE REPAIR					
E0004	E.R.S. FLEET REPAIR, INC.	19-00772	2501,25,2607,31,2705	9,403.54	0.00	
O0015	OCEAN BEACH MARINE CENTERS	19-00780	#2626 REPAIRS	581.98	0.00	
				<u>9,985.52</u>		
01- -129-01 -649	EQUIPMENT REPAIR					
C0172	CONTINENTAL FIRE & SAFETY	19-00793	REPAIRS	372.21	0.00	
01- -129-01 -652	SCOTTS REFILL/REPAIR					
M0090	MES INC.	19-00742	REPAIRS	1,117.68	0.00	
01- -129-01 -654	CASCADE MAINTENANCE					
A0076	AIR & GAS TECHNOLOGIES, INC.	19-00782	REPAIR CO#2	50.55	0.00	
01- -129-05 -655	MAINTENANCE SERVICES					
S0300	STEWART BUSINESS SYSTEMS	19-00770	COPIER MAINT. DIST#1	344.21	0.00	
01- -130-05 -290	PAYROLL SERVICES					
K0103	KRONOS, INC.	19-00766	WORKFORCE 06/19 INV#11436163	199.18	0.00	
01- -134-03 -745	2017 APPARATUS					
B0118	BLUE LINE EMERGENCY	19-00297	LIGHTING PKG FOR NEW 2500	21,226.07	0.00	
	Fund Total:			51,857.27		
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Total Charged Lines:	46	Total List Amount:	51,857.27	Total Void Amount:	0.00	