

Minutes of a Special Meeting of The Brick Township

December 13, 2016 – 6:30 p.m.

1. SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA

Chairman Cevasco called for a Salute to the Flag.

2. OPENING STATEMENT

Ms. Sylvester read the opening statement as follows: *“This meeting is being conducted pursuant to the Open Public Meetings Act, being Chapter 231 of the Laws of 1975. In accordance with the requirements of this law, a Special Meeting Notice was published on December on December 5, 2016 in the Asbury Park Press. Similar Notice was given to the Clerk of the Township of Brick and placed on the bulletin board maintained for this purpose by the Authority as well as the Authority’s official website.”*

3. ROLL CALL

Commissioners Present

Gregory M. Flynn
Thomas C. Curtis
James Fozman
Susan Lydecker
Maria Foster
George Cevasco

Also Present

Chris A. Theodos, Exec. Dir.
Mark Kitrick, Esq. Labor Counsel
Nick Montenegro, Esq., Counsel
Marie Sylvester, Exec. Supervisor

5. OLD BUSINESS

a. Employee Contract Negotiations – Exempt

Ms. Sylvester stated, “We will allow the record to show that a resolution was introduced to go into executive session at this point in the meeting of The Brick Township Municipal Utilities Authority on December 13, 2016 for the purpose of discussing confidential personnel matters. Whereas, Section 7 of the Open Public Meetings Act, NJSA 10:4-12 permits the exclusion of the public in an executive session in a meeting of the Board of Commissioners in certain circumstances, and Whereas the public body is of the opinion that such circumstances exist. Now therefore be it resolved by The Brick Township Municipal Utilities Authority of the Township of Brick in the County of Ocean, State of New Jersey as follows: The public shall be excluded from discussions on the actions upon the hereinafter specified subject matter and that being confidential personnel matters. It is anticipated at this time that the subject matter will be made public if and when confidentiality is no longer needed and action may be taken. This resolution shall become effective immediately.”

Comm. Fozman made a motion to go into exempt session. Seconded by Comm. Lydecker

AYES: Comm. Flynn, Curtis, Fozman, Lydecker, Cevalasco
NAYES: None
ABSTAIN: None

At this point in the meeting 6:34 p.m. the group entered exempt session.

Ms. Sylvester excused herself from the room for these discussions.

On motion duly made and seconded in exempt session, and a unanimous vote, the group returned to open session at 9:55 p.m.

Counselor Montenegro stated, "There should be a motion to instruct the Labor Counsel to negotiate the labor contracts as discussed in executive session."

Comm. Fozman made a motion to approve this action. Seconded by Comm. Flynn.

AYES: Comm. Flynn, Curtis, Fozman, Lydecker, Cevalasco
NAYES: None
ABSTAIN: None

Chairman Cevalasco stated, "Before we adjourn, I would just like for the record to state that I have an objection, not personal, but an objection to Executive Director Theodos acting as the sole negotiator for this commission. I would like to see at least one commissioner at those negotiation sessions."

Comm. Lydecker asked, "Who would you propose Mr. Chairman?"

Chairman Cevalasco replied, "Just one commissioner along with him. That's it. I don't think it should be just the executive director and the attorney. I think there should be a commissioner."

Comm. Fozman stated, "I don't think that he can propose anything that we didn't instruct him to propose. He can't negotiate anything that we didn't give him authorization to negotiate."

Mark Kitrick stated, "I want to be clear. I am just part of the team. I am not negotiating. It is based on what is being recommended by the Board and that is what Chris and I will bring forth."

Chairman Cevalasco stated, "I just wanted my feelings on the record."

Comm. Curtis asked, "Do we have to do anything with that or is that just the way it is?"

Counselor Montenegro stated, "Unless someone wants to continue the discussion or bring a motion to have a commissioner join with the executive director to negotiate. If that motion is seconded then it gets a roll vote."

Chairman Cevalasco stated, "I make a motion that at least one commissioner be assigned to the negotiating team for this Authority."

Counselor Montengro asked, "Is there a second?"

There being no second. Counselor Montenegro stated, "Motion fails."

Comm. Cevalasco asked for a motion to adjourn.

Comm. Curtis made a motion to adjourn. Seconded by Comm. Flynn.

AYES: Comm. Flynn, Curtis, Fozman, Lydecker, Cevalasco

NAYES: None

ABSTAIN: None

6. NEW BUSINESS

7. PUBLIC DISCUSSION

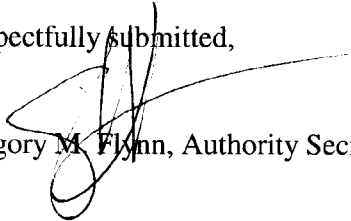
8. CLOSING STATEMENT

Ms. Sylvester advised, *"The next meeting of the Authority will be a Public Meeting on Monday, December 19, 2016 at 7:00 p.m. in the main conference room."*

9. ADJOURNMENT

There being no further business to discuss the meeting adjourned at 9:59 p.m.

Respectfully submitted,


Gregory M. Flynn, Authority Secretary

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