**CLOSED SESSION MINUTES**

**APRIL 8, 2014**

**FOLLOWING THE CAUCUS MEETING**

A closed session was held following the April 8, 2014, caucus meeting. The closed session convened at 7:10pm. Still present were Council President Popiolek, Councilwoman Bergeron, Councilman Robenolt, Councilman Ludwig and Councilwoman Nicholson. Also present were Mayor Klaus, Solicitor Tim Higgins, Denise Moules and Terry Shannon.

Maureen started off the closed session with a discussion about the proposed contract for Chief Roberts. She said that what he has requested is $104,000, $106,000, $108,500, $111,000 and $114,000 retroactive to 2013. There was also a discussion about his comp time. That is still being discussed. Shawn said he wants to use it as time-off. There is no dispute that he has the time—we just need to decide how the time will be used. This is accumulated vacation and holiday time. Shawn added that what he is asking for is not astronomical considering that Joe was making at $130,000. Everyone corrected him that Joe in fact retired at $110,000. Patti asked Tim if someone gets a five-year contract and leaves after two, does the contract just end and Tim confirmed that yes, the contract would end when the individual leaves. Terry asked if Dave put his accumulated time in writing and Maureen said he is not asking for that. Shawn said it is not in writing as of yet but they asked him for it. Terry reiterated that Dave needs to provide the accumulated time off in writing so it can be incorporated into the contract. Maureen asked why their time is not on their checks and Terry answered that it is for everyone except for the police. Those records have been maintained by them directly. If you want that changed, it needs to be addressed with the police. She added that at the end of the year, any time leftover goes away—we do not accumulate from year-to-year. We do not have an unfunded liability for any employee. Shawn said he does not think the accumulated time should be incorporated into the contract and Tim said it should be. It can be a separate article that can go away for any subsequent contract. Denise said that she believes Dave wants to take some of the time off and be paid for the remaining time. Because of Joe’s retirement, there are funds left in the 2013 budget.

Regarding his permanent appointment as Chief, Shawn said he is good with the appointment and Dave has earned it. Everyone agreed and said the resolution can be on the agenda. Maureen then said Dave also discussed the sergeant appointment. There was a written and an oral test and his own grading system and he has his three top candidates. His number one choice is Steve Kelly. The Public Safety committee still wants to review personnel files to look at performance before a decision is made. Dave’s second was Hibbitt and the third was Uron. Maureen added that one of the things he was focused on is a detective but we can’t afford it. Dave believes he was promised a 15th officer. Patti said he was not promised that—it is on tape that we said if the funds are available, we can consider it. Kirk said that when George Preen retired, Joe was going to be a working chief and they would not need a 15th officer. Joe got the appointment and then all of this started. We paid a lot of money for a study that supported the current staffing. Patti asked if we have that study and Terry said she can provide it. Tim said that Title 40A says that the appointing authority is the governing body. If you say it is 14, then it is 14. I wrote a lengthy opinion on this to both Joe and Kirk. Joe kept saying they cannot use CLEO’s as it is a violation of the title and I told him he was wrong. Kirk said the statute says you cannot lay off a full-time officer and replace with CLEO’s. That is not the case here—we are not allowing them to increase staffing so they can supplement with CLEO’s. Shawn said this is not really a money issue—you believe they do not need more than 14 officers. Maureen responded that a small town has a lot of issues fulfilling all of their obligations such as vacations, people being out due to illness or injury, and yes—it would be easier with 15. But I also believe that they need to support it. They need to do what they can to make that happen. Kirk added that for years we have been one of the lowest in court revenues. Tim asked Denise how much Merchantville brings in and she responded $15,000-$18,000 per month. We just brought in $7900 last month. Shawn said they listened to Dave’s proposal for a detective and he wants to know what our surrounding towns are doing. He said since he has been on council, there has been a war on whether or not it should be 14 or 15. Dave is trying to bring up revenues. He is doing all the things he was asked but he was not getting what he feels he was promised. Mayor Klaus said he was told that if we have the money, we may be able to do it but we don’t. Patti said when he chose Jose, it was told he could either have Jose now and possibly a 15th officer later or he could have had two cheaper officers instead of Jose. He chose Jose. The way the budget looks, we may not be able to hire a 15th officer. Shawn said we just need to get Dave off the mouse wheel. Patti said we need to explain to him that we just do not have the money. Maureen said we need to tell him that his plan for a detective just is not going to work financially. Dave was looking at a shared detective with Heights but they don’t it if we don’t have a dedicated detective.

To wrap-up, Shawn said we will tell Dave that because of the budget, we just can’t do it this year. Patti said to make sure you show him the budget to explain why. Wayne said he does support a 15th officer but he also told Dave to hire the CLEO’s and build up the revenues. Patti said she believes that Dave will refuse to hire CLEO’s. Wayne asked Tim if we can force CLEO’s to be used and Tim said that you set policy in this room. If you instruct the Chief to use CLEO’s and he refuses, then it becomes a disciplinary issue. Everybody is hiring CLEO’s to supplement their departments. Wayne then said that in the Kroll report, it talks about having the sergeants work different shifts so they straddle shifts. Dave said that by doing that you are eliminating a sergeant position. Wayne’s suggestion is that the fourth sergeant could be the detective. The problem is the individual Dave wants as the detective is not presently a sergeant. Wayne said he believes this scenario would work. You would have the sergeants straddling shifts who would cover supervision, you would also have one person as a dedicated detective who could fill-in when one of the sergeants is off. Then supplement with CLEO’s during the day. Kirk said this was suggested to Joe numerous times. Patti said she likes that plan. Shawn said the problem is there is mistrust and it we don’t solve it, it will continue. Kirk said we spent the money on the Kroll report because Joe over-expended his overtime budget by $100,000. Otherwise we would not have spent the money. Tim added that the County Chiefs would have done the study for free but Joe fought it. That is why we had to spend the $35,000.

To summarize, Maureen said they will meet with the Chief to discuss his accumulated time. We will hold off on the permanent appointment for now until the contract language is resolved. Mayor Klaus suggested we can finalize this at the budget meeting. It does not have to be finalized tonight. Kirk said we need to make sure that he is the Chief who is going to see and be able to live with our vision for the department. It was finally decided we would wait for his permanent appointment and contract approval until all of this has been discussed with him and resolved. The public safety committee will meet with Dave to finalize. If everything is done in time, it can be done at the council meeting on Tuesday or the special meeting following.

On a motion by Councilwoman Nicholson and Councilman Robenolt, the closed session was adjourned to open session and the meeting was adjourned at 8:11pm.

Terry Shannon

Terry Shannon, Municipal Clerk