



MINUTES
SPECIAL MEETING
BOROUGH OF EMERSON
MAYOR AND COUNCIL

April 18, 2016
6:30 P.M.

Borough Hall-Council Chambers
Emerson, NJ 07630



I. CALL TO ORDER

Mayor Lamatina called the meeting to order at 6:45 p.m. and identified the emergency exits.

II. ROLL CALL

Mayor Lamatina asked Ms. Dietsche to call the roll of the Governing Body.

Present: Mayor Lamatina, Councilwoman DiPaola, Councilman Downing, Council President Knoller, Councilman Lazar, Councilman Tripodi

Absent: Councilman Worthington

Also present were Borough Administrator Robert S. Hoffmann, Borough Attorney Wendy Rubinstein, Labor Attorney Ellen Horn and Borough Clerk Jane Dietsche.

III. PUBLIC COMMENT

☞ **Motion** to open the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Councilman Tripodi and carried at 6:46 p.m.

Seeing no hands, Mayor Lamatina asked for a motion to close the meeting to comments from the public.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilwoman DiPaola, **seconded** by Council President Knoller and carried at 6:47 p.m.

IV. UNFINISHED BUSINESS

- Public Hearing – Dan O'Brien – Personnel Matter

Labor Attorney Ellen Horn and Defense Attorney Gina Calogero each gave an opening statement related to the Amended Notice of Disciplinary Action pertaining to Former Fire Chief Daniel O'Brien. The charges included misconduct, incompetency, inefficiency or failure to perform duties, neglect of duty, destruction of Borough of Emerson property, damaging Borough of Emerson property, tampering with Borough of Emerson property, theft of Borough of Emerson property, conduct unbecoming a public volunteer and other sufficient cause.

The first witness called was Former Fire Chief Tom Carlos who was sworn in under oath by Ms. Rubinstein. Mr. Carlos was questioned by Ms. Horn about items related to the charges pertaining to Mr. Dan O'Brien. At the conclusion of Ms. Horn's questioning, Ms. Calogero cross examined Mr. Carlos. Subsequently, questions were redirected by Ms. Horn and Ms. Calogero.

Ms. Horn called the next witness, Sergeant Mark Savino and Fire Department Senior Captain of the Emerson Fire Department who was sworn in under oath by Ms. Rubinstein. Sergeant Savino was questioned by Ms. Horn about a firefighter grant application. Sergeant Savino was cross examined by Ms. Calogero. Questions were then redirected by Ms. Horn and Ms. Calogero.

Ms. Calogero called the next witness, Ms. Linda Bertie, who was sworn in under oath by Ms. Rubinstein. Ms. Bertie was questioned by Ms. Horn about events of the evening of December 31, 2014. Ms. Bertie was cross examined by Ms. Horn. Questions were then redirected by Ms. Calogero.

Ms. Calogero called Former Fire Chief Daniel O'Brien as the next witness. Ms. Rubinstein swore him in under oath. Mr. O'Brien was questioned by Ms. Calogero about items related to the charges pertaining to him.

As the 11:30 p.m. curfew approached, Mayor Lamatina noted that the meeting would end on time and that the Governing Body would have to reconvene at a future date to continue the hearing. Ms. Calogero stated that she intended to call four additional witnesses. She also requested that Councilman Worthington only be permitted to participate at a future hearing if he reviewed the recording of that evening's Special Meeting.

V. CLOSED EXECUTIVE SESSION – Resolution No. 130-16

The Governing Body declined to go into Closed Session.

#16-04/18-05 Fire Department Personnel Hearing Deliberation N.J.S.A. 10:4-12(b)(8)

VI. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, a motion to adjourn was **moved** by Councilman Tripodi, **seconded** by Councilwoman DiPaola and carried at 11:29 p.m.

Respectfully submitted,

Jane Dietsche, RMC
Borough Clerk