

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
February 28, 2019 7:00 p.m.

This is a special meeting of the Township Committee of Independence Township, Warren County, New Jersey. This meeting was called to order by Mayor Robert Giordano at 7:00 p.m. with the following announcement: "Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a schedule of regular meetings to the Star Gazette and The Express Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk." The Pledge of Allegiance to the American Flag was led by Mayor Giordano.

ROLL CALL:

Present: Mayor Robert Giordano, Deputy Mayor Cogle, Bonnie Kelsey, Mike Pennington, Tim Norton and Debi Hrebenak. Also present were Attorney Leslie Parikh

Absent: None recorded

EXECUTIVE SESSION: 7:00 pm – 9:25 pm

The following Resolution was approved at 7:00 p.m. to enter Executive Session with a motion by Deputy Mayor Cogle, seconded by Mrs. Kelsey and followed by a unanimous roll call.

WHEREAS: N.J.S. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren, State of New Jersey, as follows:

The public shall be excluded from discussion of the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

Personnel

It is anticipated at this time that the above matter will be made public upon completion of the matter discussed.

A motion was made by Deputy Mayor Cogle at 9:25 p.m. to exit the executive session, seconded by Mrs. Kelsey followed by a roll call of all ayes.

Mayor Giordano stated that the executive session was to discuss personnel.

Resolution 19-27

**RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE AUTHORIZING
PLACEMENT OF THE CHIEF OF POLICE ON ADMINISTRATIVE LEAVE
WITHOUT PAY**

WHEREAS, New Jersey Attorney General's Policy and Procedures (the "Attorney General Guidelines") state that any complaint against a law enforcement executive must be referred to the County Prosecutor's Office; and

WHEREAS, the Warren County Prosecutor's Office has advised it is investigating certain actions involving the Chief of Police, Keith Aiello; and

WHEREAS, based on that investigation Chief Aiello has been placed on administrative leave with pay; and

WHEREAS, the Appointing Authority has just received notice that the Warren County Prosecutor's Office has completed a separate investigation stemming from the Chief's conduct on November 9, 2017; and

WHEREAS, that investigation sustained that Chief Aiello violated in significant and life-threatening ways the New Jersey Attorney General's Police Vehicular Pursuit Policy and the Independence Police Department Rules Manuel; and

WHEREAS, the Appointing Authority will be bringing disciplinary action with regard to the findings made in connection with the Chief's conduct on November 9, 2017; and

WHEREAS, the Chief of Police is the chief law enforcement officer in the Township and is responsible for not only overseeing the day to day operations of the Police Department and making sure that the Attorney General's Policies and the Independence Police Manuel are followed, but is also charged with the obligation to set a proper standard and model for subordinate officers; and

WHEREAS, in light of the nature of the charges against the Chief it is appropriate that the Chief be placed on administrative leave without pay; and

WHEREAS, it is also appropriate that the Chief be given the opportunity to contest the conversion of his administrative leave with pay to one of administrative leave without pay by presenting evidence to the Mayor and Committee why that should not occur.

NOW, THEREFORE, BE IT RESOLVED that Chief Aiello's employment status is hereby modified to an administrative suspension without pay effective March 5, 2019, until further action is taken. However, prior to the suspension, Chief Aiello will be given the opportunity to request a meeting before the Appointing Authority or its representative or may contest the conversion from administrative leave with pay to administrative suspension without pay in writing. Any request for the opportunity to either orally address the Appointing Authority or to submit a written response must be delivered to the Appointing Authority by the close of business, Monday, March 4, 2019.

BE IT FURTHER RESOLVED that if an opportunity to address the Appointing Authority is requested, such hearing will be held on March 5, 2019 at 5:30 PM. Further, any such hearing shall be limited to the question of whether converting Chief Aiello's administrative leave with pay status should not be modified to an administrative suspension without pay. It shall not be a hearing on the merits of the substantives charges which may be brought against Chief Aiello. If Chief Aiello chooses to submit a written response, said response must be submitted to the Appointing Authority by the close of business on March 5, 2019. Further, any such writing may set forth valid reasons why the placing of Chief Aiello on administrative leave without pay is improper.

A motion was made by Mr. Pennington to adopt Resolutions 19-27 as written. Deputy Mayor Cogle seconded the motion with roll call as follows:

Ayes: Mr. Norton, Mrs. Kelsey, Mr. Pennington, Deputy Mayor Cogle, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

If needed, a special meeting will be held on March 5, 2019 at 5:30 at the municipal building.

ADJOURNMENT: A motion was made by Deputy Mayor Cougle to adjourn the meeting at 9:29 p.m. Mr. Norton seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Norton, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR
Municipal Clerk