

Toms River Councilman Brian Kubiel used his influence as a sitting councilman to change bylaws to influence the appointment of his son Kevan Kubiel

(a) Ethic violation No local government officer or employee member of his immediate family shall have an interest in a business or organization or engage in any business, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

Councilman Brian Kubiel contacted the CHIEF OF Toms River Police department to investigate why his son did not get the points he felt he was entitled to.

(g) No local government officer or employee shall use, or allow to be used his public office or employment or any information not generally available to the members of the public which he received or acquires in the course of and by reason of his office or employment for the purpose of securing financial gain for himself or any member of his immediate family or any business organization in which his is associated with.

Name: Brian Kubiel

Title: Toms River Councilman

Please see attached documents supporting this.

Signed anonymous in fear of retribution

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DJ
8200
19-031

- Toms River Police opens/Advertises law enforcement officer candidates' positions with closing date of 07/31/18
- Councilman's son rightfully applies prior to deadline
- Changes in administrative code as it relates to hiring of officer candidates are suggested
- 08/14/2018 5-03 amended to include special points for service/ and hiring of candidates, seemingly giving councilman son an edge. Voted and approved unanimously without abstention from councilman Kubiel on first reading well after list of applicants were known.
- 08/24/2018 - 5-10 adopted on final reading without changes. Unanimously adopted without abstention by Councilman Kubiel . AKA WIDELY KNOWN AND MOCKED BY MY PEERS in Toms River Law enforcement as the "Kubiel Ordinance"
- Email from Councilman Kubiel to Toms River Police Chief asking for investigation when his son did not receive credits for the newly adopted ordinance and did not make the cut.

The Toms River Police Department strives to recruit and employ candidates who meet strict educational, physical and ethical standards. While the recruiting process is ongoing, testing occurs once every 3 years. Applications are only accepted during specific times, immediately prior to a scheduled entrance exam. The 2018 application process for Probationary Police Officer is now closed.

Requirements

If you meet the following criteria you are eligible to apply to the Toms River Police Department for the position of Probationary Police Officer:

- Are you a United States citizen?
- Are you between the ages of 18 and 34?
- Have you earned a Bachelor's degree from an accredited college or university?
 - If not, do you have 64 credits from an accredited college or university AND 2 years of active duty in the military? **OR**
 - Do you have 64 credits from an accredited college or university AND 2 years as a full time regular police officer?

[Click here to read the Toms River Police Department Tattoo Policy](#)

[Click here to read the Maximum Age Requirement Exemptions as per the PFRS Member Handbook \(pg. 4\)](#)

CLICK HERE TO READ OUR FAQs

Application

- The application must be received by the Toms River Police department no later than 11:59PM on July 31, 2018.

In order for the application to be accepted, it must have only the following documents attached, no other documents will be accepted (ie. Resume, certificates not requested, etc.)

1. \$75.00 Money order payable to "Township of Toms River"
2. Copy of Birth Certificate
3. Copy of official translation if foreign born/ non English
4. Copy of Naturalization papers if foreign born
5. Copy of College Diploma
6. Sealed, Official Copy of all college transcripts
7. Copy of DD214 if applicable
8. Copy of PTC certification if applicable

Testing

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 50 (DEPARTMENT OF LAW ENFORCEMENT) TO PROVIDE FOR ADDITIONAL REGULAR AND SPECIAL LAW ENFORCEMENT OFFICERS NECESSITATED BY EXPANDED POLICE DEPARTMENT RESPONSIBILITIES

WHEREAS, in recent years the Toms River Police Department has assumed expanded security and community caretaking responsibilities, including providing security at Town Hall, Township parks, and other facilities; and

WHEREAS, by way of a long-term shared services arrangement with the Toms River Regional Schools Board of Education, beginning with the 2018-2019 school year, the Police Department will, as authorized by state law, also be providing armed security for 10 district schools; and

WHEREAS, the Police Department's contingent of regular and special law enforcement officers must be enlarged so that it can effectively carry out and manage these expanded responsibilities:

NOW, THEREFORE, BE IT ORDAINED by the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Subsection 3 (Establishment of Offices and Positions) of Chapter 50 (Department of Law Enforcement) of the Township Code, is hereby amended and supplemented to provide as follows:

§50-3. Establishment of offices and positions.

The following offices and positions, and the authorized number of such offices, if so limited below, are hereby established:

- A. [No change.]
- B. Captain of Police/Deputy Chief of Police: three
- C. Lieutenant of Police: seven
- D. Sergeant of Police: twenty-one
- E. [No change.]

F. [No change.]

G. [No change.]

H. Communications Supervisor: one.

I. Full time Communications Dispatcher(s): sixteen

J. Part time Communications Dispatcher(s).

K. Confidential Secretary to Chief of Police: one

L. Records Supervisor: one

M. Bookkeeper: one

N. Assistant Bookkeeper: one

O. Full time Police Attendants: six

P. Adult School Crossing Guards: To be appointed pursuant to N.J.S.A. 40A:9-154.1 when determined by the Chief of Police as necessary and in numbers sufficient for the efficient operation of the Department of Law Enforcement.

Q. Public Service Aide: To be appointed when determined by the Chief of Police as necessary and in numbers sufficient for the efficient operation of the Department of Law Enforcement.

R. Confidential Media Relations Specialist: one

S. Mechanic(s).

T. Clerical support staff.

U. Class 1 Special Officers: not to exceed forty.

V. Class 2 Special Officers: not to exceed twenty-four.

W. Class 3 Special Officers: not to exceed twenty.

2. Section 50-5 (Special Law Enforcement Officers) is hereby re-designated, amended, and supplemented to provide as follows:

§50-5. Special Law Enforcement Officers and Probationary Law Enforcement Officers.

A. Subject to approval by resolution of the Township Council, probationary police officers may be hired as determined by the Chief of Police when necessary and in sufficient numbers for the efficient operation of the Department of Law Enforcement to cover the transitional period caused by pending retirements

of regular police officers. This authority is limited to the one-year period immediately preceding a scheduled retirement.

- B. Special Law Enforcement Officers may be hired as determined by the Chief of Police when necessary and in sufficient numbers, for the efficient operation of the Department of Law Enforcement. The hiring, training, compensation, and functioning of Special Law Enforcement Officers hired pursuant this authority must comply with the Special Law Enforcement Officers Act, N.J.S.A. 40A:14-146.8 to -146.18, and any amendments or supplements thereto, and any applicable provisions of the prevailing collective bargaining agreement between the Township and the official bargaining unit(s) for Township police officers.

3. Subsection B of §50-10 (Police Officers) is hereby amended and supplemented to provide as follows:

- B. Passage of written examination approved by the Chief of Police and the Township Council.

- (1) For applicants who are current Toms River Police Department employees in good standing for a minimum of two years at the application deadline, 5 points will be awarded to the applicant's written examination score.

- (2) For applicants who are current volunteers in good standing with Toms River-based volunteer first aid/FMS squads or fire departments for a minimum of two years at the application deadline, 2 points will be awarded to the applicant's written examination score.

- (3) For applicants who are current Community Services Officers in good standing with the Township paid EMT/CSO program for a minimum of two years at the application deadline, 2 points will be awarded to the applicant's written examination score.

- (4) The additional points assigned pursuant to the preceding subparagraphs are not cumulative. Applicants who serve in multiple capacities will receive credit for the position carrying the highest point total.

4. Section 50-15 (Reserved) is hereby re-established as follows:

§50-15. Deputy Chief of Police.

- A. Officers who have achieved the rank of Captain of Police may be promoted by the Chief of Police to serve in the capacity of Deputy Chief of Police.

- B. To be eligible to serve as Deputy Chief of Police, a Captain must possess the following qualifications prior to designation:

- (1) Two years of continuous service as a Captain in the Toms River Police Department, inclusive of the probationary period.
- (2) A master's degree from an accredited college/university or equivalent cumulative graduate-level credits, coursework, or practical experience.
- (3) Successful completion of an advanced law enforcement management program as approved by the Chief of Police.

C. This designation is not subject to a probationary period.

D. The Deputy Chief(s) of Police shall perform those duties assigned by the Chief of Police.

E. The Deputy Chief of Police shall perform the functions of Chief of Police in the event the Chief is absent, incapacitated, or unavailable. If more than one Deputy Chief has been designated, the Chief, with the approval of the Business Administrator, shall establish an order of succession.

F. In the event of a vacancy in the office of Chief of Police, the Deputy Chief of Police shall serve as Acting Chief of Police until a successor is confirmed. If more than one Deputy Chief has been designated, the Mayor shall determine which of them shall serve as Acting Chief until a successor is confirmed.

G. The designation of a Deputy Chief of Police does not create an opening or vacancy in the rank of Captain and therefore no promotion to that rank is permitted while a Deputy Chief remains employed by the Department.

5. All other provisions of Chapter 50 remain in full force and effect.

6. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

7. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

8. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

L- Aug 14, 2018 36

APPROVED	_____
NOT APPROVED	_____
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COUNCIL PRESIDENT	

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER 50 (DEPARTMENT OF LAW
ENFORCEMENT) TO PROVIDE FOR ADDITIONAL REGULAR AND
SPECIAL LAW ENFORCEMENT OFFICERS NECESSITATED BY
EXPANDED POLICE DEPARTMENT RESPONSIBILITIES

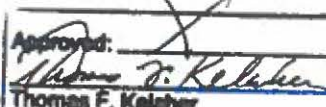
PURPOSE: TO PROVIDE FOR ADDITIONAL REGULAR
AND SPECIAL LAW ENFORCEMENT OFFICERS
NECESSITATED BY EXPANDED POLICE
DEPARTMENT RESPONSIBILITIES

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 14, 2018 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirschblond Meeting Room of the Municipal Building in said Township on August 28, 2018 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.



APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, N.J. 08753

ALISON CARLISLE
TOWNSHIP CLERK

Approved:	
	Thomas F. Kelcher
Date:	8/28/18
Not Approved:	
	Thomas F. Kelcher
Date:	

L-Aug 14, 2018-36 - NOTICE

**REGULAR AND SPECIAL LAW ENFORCEMENT OFFICERS NECESSITATED BY
EXPANDED POLICE DEPARTMENT RESPONSIBILITIES**

WHEREAS, in recent years the Toms River Police Department has assumed expanded security and community caretaking responsibilities, including providing security at Town Hall, Township parks, and other facilities; and

WHEREAS, by way of a long-term shared services arrangement with the Toms River Regional Schools Board of Education, beginning with the 2018-2019 school year, the Police Department will, as authorized by state law, also be providing armed security for 10 district schools; and

WHEREAS, the Police Department's contingent of regular and special law enforcement officers must be enlarged so that it can effectively carry out and manage these expanded responsibilities;

NOW, THEREFORE, BE IT ORDAINED by the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Subsection 3 (Establishment of Offices and Positions) of Chapter 50 (Department of Law Enforcement) of the Township Code, is hereby amended and supplemented to provide as follows:

2.

§50-3. Establishment of offices and positions.

The following offices and positions, and the authorized number of such offices, if so limited below, are hereby established:

- A. [No change.]
- B. Captain of Police/Deputy Chief of Police: three
- C. Lieutenant of Police: seven
- D. Sergeant of Police: twenty-one
- E. [No change.]
- F. [No change.]
- G. [No change.]
- H. Communications Supervisor: one
- I. Full-time Communications Dispatcher(s): sixteen
- J. Part-time Communications Dispatcher(s):
- K. Confidential Secretary to Chief of Police: one
- L. Records Supervisor: one
- M. Bookkeeper: one
- N. Assistant Bookkeeper: one
- O. Full time Police Attendants: six

P. Adult School Crossing Guards: To be appointed pursuant to N.J.S.A. 40A:9-154.1 when determined by the Chief of Police as necessary and in numbers sufficient for the efficient operation of the Department of Law Enforcement.

Q. Public Service Aide: To be appointed when determined by the Chief of Police as necessary and in numbers sufficient for the efficient operation of the Department of Law Enforcement.

R. Confidential Media Relations Specialist: one.

S. Mechanic(s).

T. Clerical support staff.

U. Class 1 Special Officers: not to exceed forty.

V. Class 2 Special Officers: not to exceed twenty-four.

W. Class 3 Special Officers: not to exceed twenty.

3. Section 50-5 (Special Law Enforcement Officers) is hereby re-designated, amended, and supplemented to provide as follows:

§50-5. Special Law Enforcement Officers and Probationary Law Enforcement Officers.

A. Subject to approval by resolution of the Township Council, probationary police officers may be hired as determined by the Chief of Police when necessary and in sufficient numbers for the efficient operation of the Department of Law Enforcement to cover the transitional period caused by pending retirements of regular police officers. This authority is limited to the one-year period immediately preceding a scheduled retirement.

B. Special Law Enforcement Officers may be hired as determined by the Chief of Police when necessary and in sufficient numbers, for the efficient operation of the Department of Law Enforcement. The hiring, training, compensation, and functioning of Special Law Enforcement Officers hired pursuant this authority must comply with the Special Law Enforcement Officers Act, N.J.S.A. 40A:14-146.8 to 146.18, and any amendments or supplements thereto, and any applicable provisions of the prevailing collective bargaining agreement between the Township and the official bargaining unit(s) for Township police officers.

4. Subsection B of §50-10 (Police Officers) is hereby amended and supplemented to provide as follows:

B. Passage of written examination approved by the Chief of Police and the Township Council.

(1) For applicants who are current Toms River Police Department employees in good standing for a minimum of two years at the application deadline, 5 points will be awarded to the applicant's written examination score.

7. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

8. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

9. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

A motion was made by Council Member Turnbach, seconded by Council Member Wittmann and carried, with Council Members Huryk, Rodrick, Turnbach, Wittmann, and Council President Kubiel voting yes, and with Council Members Hill and Maruca absent, that the foregoing Ordinance be adopted on first reading with publication notice as follows.

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 14, 2018 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on August 28, 2018 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:
KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 17, 2018.

Ordinance was adopted on first reading with Council Members Huryk, Rodrick, Turnbach, Wittmann, and Council Member Kubiel voting yes, and with Council Members Hill and Maruca absent.

CONSENT AGENDA

Council President Kubiel announced the consideration of the Consent Agenda and noted if anyone had a desire to discuss an individual item it would be removed from the Consent Agenda.

A motion was made by Council Member Huryk, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, Wittmann, and Council President Kubiel voting yes, and with Council Members Hill and Maruca absent, to approve all the following items listed on the Consent Agenda, except item C, K, and R, which were done separately.

RESOLUTION

AUGUST 14, 2018

(2) For applicants who are current volunteers in good standing with Toms River-based volunteer first aid/EMS squads or fire departments for a minimum of two years at the application deadline, 2 points will be awarded to the applicant's written examination score.

(3) For applicants who are current Community Services Officers in good standing with the Township paid EMT/CSO program for a minimum of two years at the application deadline, 2 points will be awarded to the applicant's written examination score.

(4) The additional points assigned pursuant to the preceding subparagraphs are not cumulative. Applicants who serve in multiple capacities will receive credit for the position carrying the highest point total.

5. Section 50-15 (Reserved) is hereby re-established as follows.

§50-15. Deputy Chief of Police.

A. Officers who have achieved the rank of Captain of Police may be promoted by the Chief of Police to serve in the capacity of Deputy Chief of Police.

B. To be eligible to serve as Deputy Chief of Police, a Captain must possess the following qualifications prior to designation:

- (1) Two years of continuous service as a Captain in the Toms River Police Department, inclusive of the probationary period.
- (2) A master's degree from an accredited college/university or equivalent cumulative graduate level credits, coursework, or practical experience.
- (3) Successful completion of an advanced law enforcement management program as approved by the Chief of Police.

C. This designation is not subject to a probationary period.

D. The Deputy Chief(s) of Police shall perform those duties assigned by the Chief of Police.

E. The Deputy Chief of Police shall perform the functions of Chief of Police in the event the Chief is absent, incapacitated, or unavailable. If more than one Deputy Chief has been designated, the Chief, with the approval of the Business Administrator, shall establish an order of succession.

F. In the event of a vacancy in the office of Chief of Police, the Deputy Chief of Police shall serve as Acting Chief of Police until a successor is confirmed. If more than one Deputy Chief has been designated, the Mayor shall determine which of them shall serve as Acting Chief until a successor is confirmed.

G. The designation of a Deputy Chief of Police does not create an opening or vacancy in the rank of Captain and therefore no promotion to that rank is permitted while a Deputy Chief remains employed by the Department.

6. All other provisions of Chapter 50 remain in full force and effect.

2 A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following

- a) Mayor Thomas F. Kelaher
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Township Clerk
- f) Chief Financial Officer
- g) Police Chief Mitchell Little

HONORING RESOLUTIONS AND PRESENTATIONS

A motion was made by Council Member Hill, seconded by Council Member Maruca, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, Wittmann, and Council President Kubiel voting yes, to make the following honoring proclamations a part of the Minutes.

The following officers were introduced by Police Chief Little for their promotion, and Mayor Kelaher swore them in:

Captain Michael Brosnan to Deputy Chief of Police
Sergeant Peter Sundack to Lieutenant
Ptl. Kyle Marucci to Sergeant
Ptl. James Skripka to Sergeant
Ptl. Scott Duncan to Sergeant

Mayor Kelaher and Council Members introduced Toms River East Little League U11 Team and presented each of them with complimentary certificates.

Council President Kubiel requested a five minutes break at 6:43 p.m.

Alison Carlisle, Township Clerk read the following Ordinance of which the title only was read in full

A motion was made by Council Member Maruca, seconded by Council Member Wittmann, and carried that an Ordinance entitled

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP
CODE TO ESTABLISH A STOP INTERSECTION – WEST RAILWAY AVENUE AND
SIXTH STREET, WITH A STOP SIGN TO BE INSTALLED ON
WEST RAILWAY AVENUE**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Kubiel announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Hill, seconded by Council Member Wittmann and carried, the public hearing was closed.

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Wittmann seconded the motion

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

August 28, 2018

A Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:12 PM.

The meeting was called to order by Council President Kubiel and opened with the salute to the Flag.

Council President Kubiel read the following statement pursuant meeting notice to the Open Public Meetings Act.

**OPEN PUBLIC MEETINGS ACT
STATEMENT**

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Friday, January 5, 2018 and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Monday, January 8, 2018, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on January 2, 2018. The Notice was also posted on the Township web page.

Roll Call

Council Member Hill	- Present
Council Member Huryk	- Present
Council Member Maruca	- Present
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Wittmann	- Present
Council President Kubiel	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Wittmann, seconded by Council Member Turnbach, and carried with Council Members Huryk, Rodrick, Turnbach, Wittmann, and Council President Kubiel voting yes, and with Council Members Hill and Maruca abstaining as they were not at the Regular Meeting of August 14, 2018, to approve the Regular Meeting of August 14, 2018. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

Alison Carlisle, Township Clerk read the following Ordinance of which the title only was read in full.

A motion was made by Council Member Hill, seconded by Council Member Maruca, and carried that an Ordinance entitled:

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 50 (DEPARTMENT OF LAW ENFORCEMENT) TO PROVIDE FOR ADDITIONAL REGULAR AND SPECIAL LAW ENFORCEMENT OFFICERS NECESSITATED BY EXPANDED POLICE DEPARTMENT RESPONSIBILITIES

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Kubiel announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

On motion by Council Member Maruca, seconded by Council Member Turnbach and carried, the public hearing was closed.

Council Member Hill offered the following ordinance and moved its adoption, Council Member Maruca seconded the motion

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.
2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press

The foregoing Ordinance was adopted on roll call by the following vote:

Council Member Hill	- Present
Council Member Huryk	- Present
Council Member Maruca	- Present
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Wittmann	- Present
Council President Kubiel	- Present

A motion was made by Council Member Hill, seconded by Council Member Rodrick, and carried with Council Members Hill, Huryk, Maruca, Rodrick, Turnbach, Wittmann, and Council President Kubiel voting yes, to approve the following Resolution

RESOLUTION DECLARING A SITUATION NECESSITATING THE IMMEDIATE ENACTMENT OF AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 50 (DEPARTMENT OF LAW ENFORCEMENT) TO PROVIDE FOR ADDITIONAL REGULAR AND SPECIAL LAW ENFORCEMENT OFFICERS RESULTING FROM EXPANDED POLICE DEPARTMENT RESPONSIBILITIES

AUGUST 28, 2018

WHEREAS, the Township of Toms River has adopted on final reading an Ordinance Amending and Supplementing Chapter 50 (Department of Law Enforcement) to Provide for Additional Regular and Special Law Enforcement Officers Resulting from Expanded Police Department Responsibilities, and

WHEREAS, the ordinance recognizes it to be in the best interest of the public to provide for additional regular and special law enforcement officers as the result of expanded Police Department responsibilities, and

WHEREAS, based upon the statutory 20-day ordinance enactment period, the Ordinance will not become effective until mid-September, creating an emergent situation because Class 3 Special Officers are needed commencing the first week of September for the opening of public schools, and

WHEREAS, N.J.S.A. 40:69A-181 provides for immediate adoption of an ordinance after its final passage in the event of an emergency and upon approval by a two-thirds majority of the fully authorized membership of the Township Council,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, by an affirmative vote of at least two-thirds of the fully authorized membership of the Township Council, as follows:

1. The establishment and use of Class 3 Special Officers and related supervisory personnel requires the immediate effectuation of this ordinance to provide for the enhanced protection of students and school personnel

- (4) The additional points assigned pursuant to the preceding subparagraphs are not cumulative. Applicants who serve in multiple capacities will receive credit for the position carrying the highest point total.

Upon review of the information you supplied on the Candidate Survey and verification with the Toms River Township Human Resource Department, CSO Department, and /or respective volunteer organization, no points will be awarded to your written examination score. The ordinance offers points to current volunteers and, unfortunately, your status as a paid member at the Silverton First Aid Squad does not apply. Our records also indicate that you started as a Part-Time Dispatcher with the Toms River Police Department on 10/17/16. This falls short of the minimum 2 years required for points awarded to Toms River Police Department employees.

Sgt. Maire

Confidentiality Notice This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you receive this communication in error, please notify me immediately by replying to this message and deleting it from your computer. Thank you!

Sent:
To:
Subject:

Little, Mitch
Thursday, September 13, 2018 5:18 PM
Brian Kubiel
Re: Written Test Points

We are looking at it again Brian. We have to make sure we treat everyone equally. Our records indicate he was a fire dispatcher paid by the Fire Commissioners, not a PD employee for 2 years. It has always been very clear that Fire Dispatchers don't work for us. The same would go for CSOs or mechanics. They are not PD employees. As far as EMS, Silverton said he's paid not volunteer. Same went for Tim Geoghegan.

Sent from my iPhone

On Sep 13, 2018, at 4:37 PM, Brian Kubiel <bkubiel@trfire.org> wrote:

Can you look into this. Silverton EMS since 2012 and dispatcher for more than two years.

Brian

From: "Maire, Guy" <gmair@trpolice.org>
Date: September 13, 2018 at 13:39:33 EDT
To: "kevan.kubiel@gmail.com" <kevan.kubiel@gmail.com>
Cc: "Dellane, Pat" <pdellane@trpolice.org>
Subject: Written Test Points

Mr. Kubiel,

Pursuant to Subsection B of Toms River Township Ordinance 50-10
(Police Officers):

B: Passage of written examination approved by the Chief of Police and
the Township Council.

- (1) For applicants who are current Toms River Police Department employees in good standing for a minimum of two years at the application deadline, 5 points will be awarded to the applicant's written examination score.
- (2) For applicants who are current volunteers in good standing with Toms River-based volunteer first aid/EMS squads or fire departments for a minimum of two years at the application deadline, 2 points will be awarded to the applicant's written examination score.
- (3) For applicants who are current Community Services Officers in good standing with the Township paid EMT/CSO program for a minimum of two years at the application deadline, 2 points will be awarded to the applicant's written examination score.

