

Donna Belton

21-163

From: Anonymous34623 <opra+request-20174-581ff7de@requests.opramachine.com>
Sent: Tuesday, February 09, 2021 11:00 PM
To: clerkforms
Subject: OPRA request - Howell Township PBA 228 Contract Supporting Documents

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Howell Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Please provide a copy of the letter received by the township from the Monmouth County Chief's of Police Association and all associated emails and/or documents to Mayor Theresa Berger and the governing body regarding the Howell Township PBA Local 228 contract negotiations. This was discussed in detail at the council meeting on February 9th, 2021.

Yours faithfully,

Anonymous Resident

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-20174-581ff7de@requests.opramachine.com

Is clerkforms@twp.howell.nj.us the wrong address for OPRA requests to Howell Township? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3dhowell_township&c=E,1,hC2onq7n0Cd2r53XjNZLQcnmJdObiqL_H00M3_xlzQIF3hhxm_IAToKCNWJ11SCunmC8qiBfPD-_OA9E0SgNSA5tC_2OfQ6yoC1O1kXm9upo&typo=1



**Monmouth County
POLICE CHIEFS ASSOCIATION
of New Jersey
Incorporated**

125 Corlies Ave. #1 • Allenhurst, NJ 07711 • www.mcpcan.org

President

Chief Andrew A. Kudrick, Jr.
Howell Twp
akudrick@mcpcan.org

Vice President

Chief Michael Bauer
Manasquan Borough
mbauer@mcpcan.org

Second Vice President

Chief Mike Kelly
Oceanport Borough
mkelly@mcpcan.org

Sergeant At Arms

Chief Darren McConnell
Red Bank Borough
dmccConnell@mcpcan.org

Secretary

Chief Michael Schneider
Allenhurst Borough
mschneider@mcpcan.org

Treasurer

Ret. Chief Kevin Sauter
Colts Neck Twp
ksauter@mcpcan.org

Immediate Past President

Chief R. Craig Weber
Middletown Twp
cweber@mcpcan.org



February 9, 2021

Via E-Mail

Mayor Theresa Berger and Council
4567 Rt.9
Howell, N.J. 07731

RE: INTERFERENCE OF POLICE OPERATIONS

Dear Mayor Berger,

Howell Police Chief Kudrick regrets to have solicited the assistance of the Monmouth County Police Chief's Association. He is forced to do so as direct contact with you or the governing body would be a violation of an administrative directive issued by Township Manager Brian Geoghegan (manager). The issue is of significance importance and time is critical. Chief Kudrick has attempted to address this issue with Mr. Geoghegan however he ignored the chief's communications.

The issue surrounds the decision by the manager within the proposed Howell P.B.A. collective bargaining agreement ("contract") that allows vacation days of the officers to take precedent over the scheduling of mandatory training. In addition, the new wording strictly limits the amount of training days that would be authorized from several weeks to only several days. An appropriate authority (manager) should never attempt to interfere with the day-to-day operations of the police department. Nonetheless include provisions in a labor agreement that adversely affect the operations of a police department. It is the position of this association Mr. Geoghegan's actions are a clear violation of both your local ordinance § 2-36 and N.J.S.A. 40A:14-118 of state law both of which clearly delineate the authority of the chief of police to manage the day-to-day operations of the police department.

This is highly concerning to the association as this could have a contagious effect on other unions throughout the county and subsequently cause the very same issues for those police chiefs. As such, the Executive Board of the Monmouth County Police Chief's Association has unanimously agreed to support Chief Kudrick as he protects the integrity of the Howell Police Department. This support

Mayor Theresa Berger
Re: INTERFERENCE OF POLICE OPERATIONS
February 9, 2021
Page 2

includes potential legal action. That is not the desired course of action by this association. Rather, we believe this issue can be easily resolved as it should have never occurred.

We respectfully request you and the governing body table the contract in its current form. The issues of concern should be removed entirely from the contract. It has never existed in prior contracts for obvious reasons. Further, we recommend you direct Mr. Geoghegan and anyone else under his authority or fellow elected officials to refrain from further interference of the day-to-day operations of the police department. This is the second such incident to occur. Last year, the prosecutor's office had to intervene when the Director of Law Mr. Joe Clark improperly attempted to gain access to the police department's email server.

Chief Kudrick's communications to Mr. Geoghegan outlining his concerns and recommendations are available upon request.

We strongly encourage Mr. Geoghegan heed the warnings and concerns of Chief Kudrick. Failure to do so will have a detrimental effect on the police department and taxpayers of Howell Township.

If you would like additional information or guidance on this issue, please feel free to contact me.

Sincerely,



Chief Michael Bauer
Vice President

Cc: Honorable Christopher J. Gramiccioni
Prosecutor, Monmouth County Prosecutor's Office

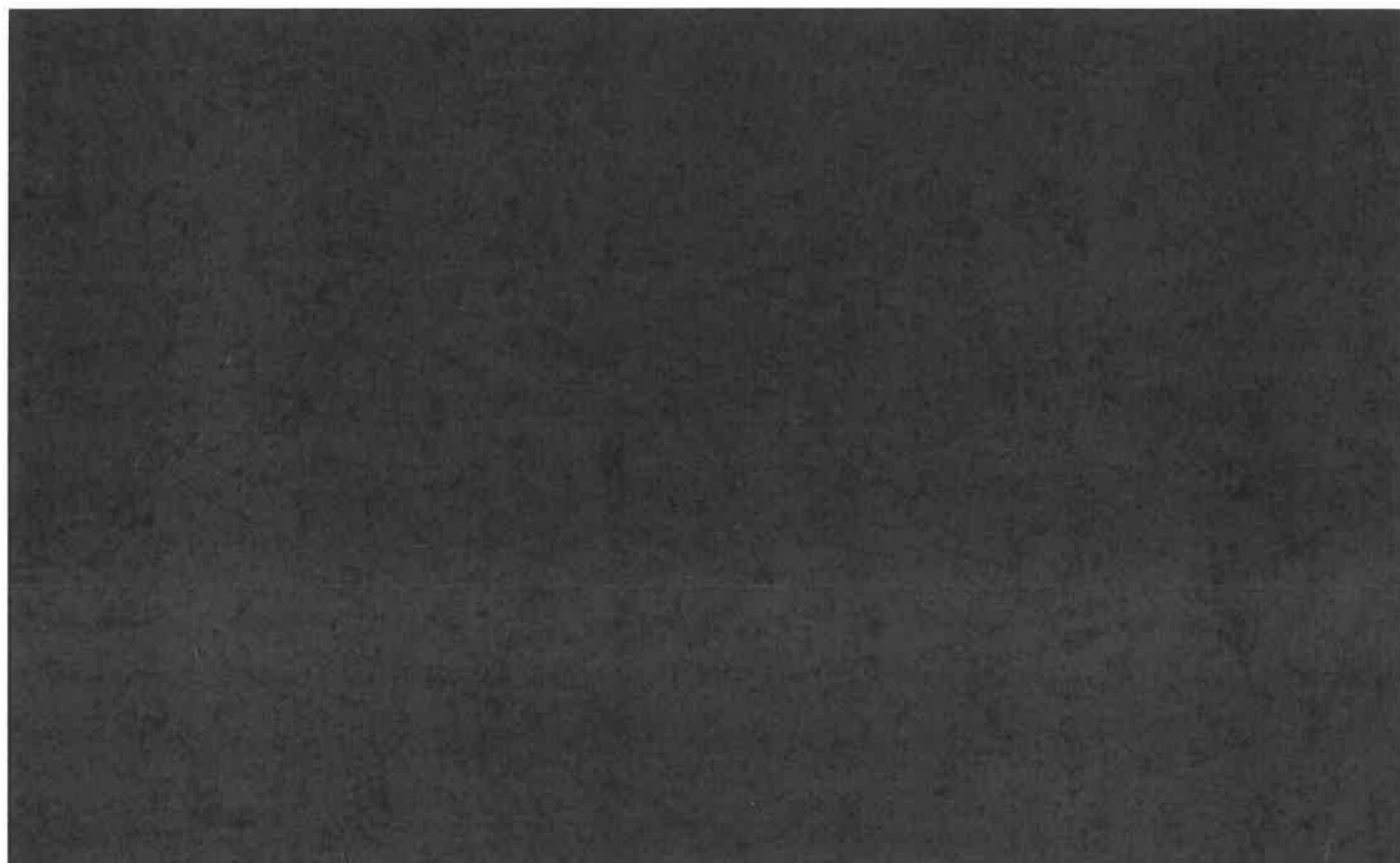
Mr. Robert A. Honecker, Jr.
General Counsel, Monmouth County Police Chief's Association
Ansell Grimm & Aaron, PC

Chief Raymond Haducka
Chairman, Legal Aid and Arbitration
New Jersey State Association of Chiefs of Police

Joseph Clark

From: Joseph Clark
Sent: Tuesday, February 9, 2021 4:41 PM
To: John Bonevich; Brian Geoghegan; GoverningBody
Subject: RE: Monmouth County Chiefs Association Letter - ATTORNEY CLIENT PRIVILEGED COMMUNICATION

I looked over the letter and my brief response is this:



Joe

Joseph A. Clark
Township Attorney
Township of Howell
4567 Route 9 North
2nd Floor
PO Box 580
Howell, NJ 07731
732-938-4500 ext. 2102
www.twp.howell.nj.us

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From: John Bonevich <jbonevich@twp.howell.nj.us>

Sent: Tuesday, February 9, 2021 4:09 PM

To: Brian Geoghegan <bgeoghegan@twp.howell.nj.us>; Joseph Clark <jclark@twp.howell.nj.us>; GoverningBody <GoverningBody@twp.howell.nj.us>

Subject: Fwd: Monmouth County Chiefs Association Letter

----- Forwarded message -----

From: Mike Schneider <mschneider@mcpcanj.org>

Date: Feb 9, 2021 2:40 PM

Subject: Monmouth County Chiefs Association Letter

To: Theresa Berger <tberger@twp.howell.nj.us>

Cc: Thomas Russo <trusso@twp.howell.nj.us>, Evelyn O'Donnell <eodonnell@twp.howell.nj.us>, Pamela Richmond <prichmond@twp.howell.nj.us>, John Bonevich <jbonevich@twp.howell.nj.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am forwarding the attached letter on behalf of the Monmouth County Police Chiefs Executive Board members.

I am being advised that as of this email Mr Geoghegan still has not replied to Chief Kudrick, forcing us to issue this letter.

Chief Michael Schneider
Monmouth County
Police Chiefs Association Secretary

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Donna Belton

From: Brian Geoghegan <bgeoghegan@twp.howell.nj.us>
Sent: Tuesday, January 12, 2021 10:33 AM
To: GoverningBody
Subject: Update

Good morning All. Here is a brief update on a few ongoing issues...

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Thank you,

Brian J. Geoghegan, BS, MAS, CPM

Township Manager

Township of Howell

4567 Route 9 North

2nd Floor

PO Box 580

Howell, NJ 07731

732-938-4500

www.twp.howell.nj.us

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Sent: Wednesday, January 13, 2021 10:23 AM
To: Brian Geoghegan
Cc: John Bonevich
Subject: Re: Update

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Mayor of Howell Township
Tberger@twp.howell.nj.us

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Township Manager
Township of Howell
4567 Route 9 North
2nd Floor
PO Box 580
Howell, NJ 07731
732-938-4500
www.twp.howell.nj.us

From: Theresa Berger
Sent: Tuesday, January 12, 2021 3:39 PM
To: Brian Geoghegan
Cc: John Bonevich
Subject: Re: Update

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Donna Belton

From: Brian Geoghegan <bgeoghegan@twp.howell.nj.us>
Sent: Wednesday, January 13, 2021 10:24 AM
To: Theresa Berger
Cc: John Bonevich
Subject: RE: Update
Attachments: PBA 2017-2019.pdf

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Thank you,

Brian J. Geoghegan, BS, MAS, CPM

Township Manager
Township of Howell
4567 Route 9 North
2nd Floor
PO Box 580
Howell, NJ 07731
732-938-4500
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Mayor of Howell Township
Tberger@twp.howell.nj.us

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Thank you,

Brian J. Geoghegan, BS, MAS, CPM

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Donna Belton

From: Theresa Berger <tberger@twp.howell.nj.us>
Sent: Wednesday, January 13, 2021 10:26 AM
To: Brian Geoghegan
Cc: John Bonevich
Subject: Re: Update

Thank you

Thank you,
Theresa Berger
Mayor of Howell Township
Tberger@twp.howell.nj.us

> On Jan 13, 2021, at 10:24 AM, Brian Geoghegan <bgeoghegan@twp.howell.nj.us> wrote:

Pursuant to N.J.S.A. 47:1A-1 13.c. documents created in connection with collective bargaining negotiations are exempt from OPRA.

> Thank you,
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> Township Manager
> Township of Howell
> 4567 Route 9 North
> 2nd Floor
> PO Box 580
> Howell, NJ 07731
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> Tberger@twp.howell.nj.us
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> PO Box 580
> Howell, NJ 07731
> 732-938-4500
> www.twp.howell.nj.us<<http://www.twp.howell.nj.us/>>

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> <PBA 2017-2019.pdf>

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Donna Belton

From: Evelyn O'Donnell <eodonnell@twp.howell.nj.us>
Sent: Wednesday, January 13, 2021 10:40 AM
To: Brian Geoghegan
Subject: Re: Update

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA.

Thank you,
Councilwoman Evelyn O'Donnell
Sent from my iPhone

On Jan 12, 2021, at 10:32 AM, Brian Geoghegan <bgeoghegan@twp.howell.nj.us> wrote:

Good morning All. Here is a brief update on a few ongoing issues...

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA.

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Thank you,

Brian J. Geoghegan, BS, MAS, CPM

Township Manager

Township of Howell

4567 Route 9 North

2nd Floor

PO Box 580

Howell, NJ 07731

732-938-4500

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Donna Belton

From: Brian Geoghegan <bgeoghegan@twp.howell.nj.us>
Sent: Wednesday, January 13, 2021 10:46 AM
To: Evelyn O'Donnell
Subject: RE: Update

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA.

Thank you,

Brian J. Geoghegan, BS, MAS, CPM

Township Manager

Township of Howell

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From: Evelyn O'Donnell

Sent: Wednesday, January 13, 2021 10:40 AM

To: Brian Geoghegan

Subject: Re: Update

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Thank you,

Councilwoman Evelyn O'Donnell

Sent from my iPhone

On Jan 12, 2021, at 10:32 AM, Brian Geoghegan <bgeoghegan@twp.howell.nj.us> wrote:

Good morning All. Here is a brief update on a few ongoing issues.

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA.

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Thank you,

Brian J. Geoghegan, BS, MAS, CPM

Township Manager

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Donna Belton

From: Theresa Berger <tberger@twp.howell.nj.us>
Sent: Tuesday, January 19, 2021 10:10 AM
To: Brian Geoghegan
Cc: John Bonevich; Joseph Clark
Subject: Re: 1/18 update

Pursuant to N.J.S.A. 47:1A-1 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA.

Thank you,
Theresa Berger
Mayor of Howell Township
Tberger@twp.howell.nj.us

On Jan 18, 2021, at 8:16 AM, Brian Geoghegan <bgeoghegan@twp.howell.nj.us> wrote:

A few items that have been worked on over the past week...

Documents that are advisory, consultative, or deliberative in nature are exempt from production under OPRA.
Documents that are subject to attorney-client privilege are exempt from production under OPRA.

Thank you,
Brian J. Geoghegan, BS, MAS, CPM
Township Manager
Township of Howell

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PO Box 580
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Donna Belton

From: Brian Geoghegan <bgeoghegan@twp.howell.nj.us>
Sent: Tuesday, January 26, 2021 11:47 AM
To: Theresa Berger; Thomas Russo; Evelyn O'Donnell; Pamela Richmond; John Bonevich
Subject: PBA
Attachments: Negotiations Summary copy.docx; SKM_C65921012611440.pdf

Pursuant to N.J.S.A. 47:1A-1, 13.c, documents created in connection with collective bargaining negotiations are exempt from OPRA.

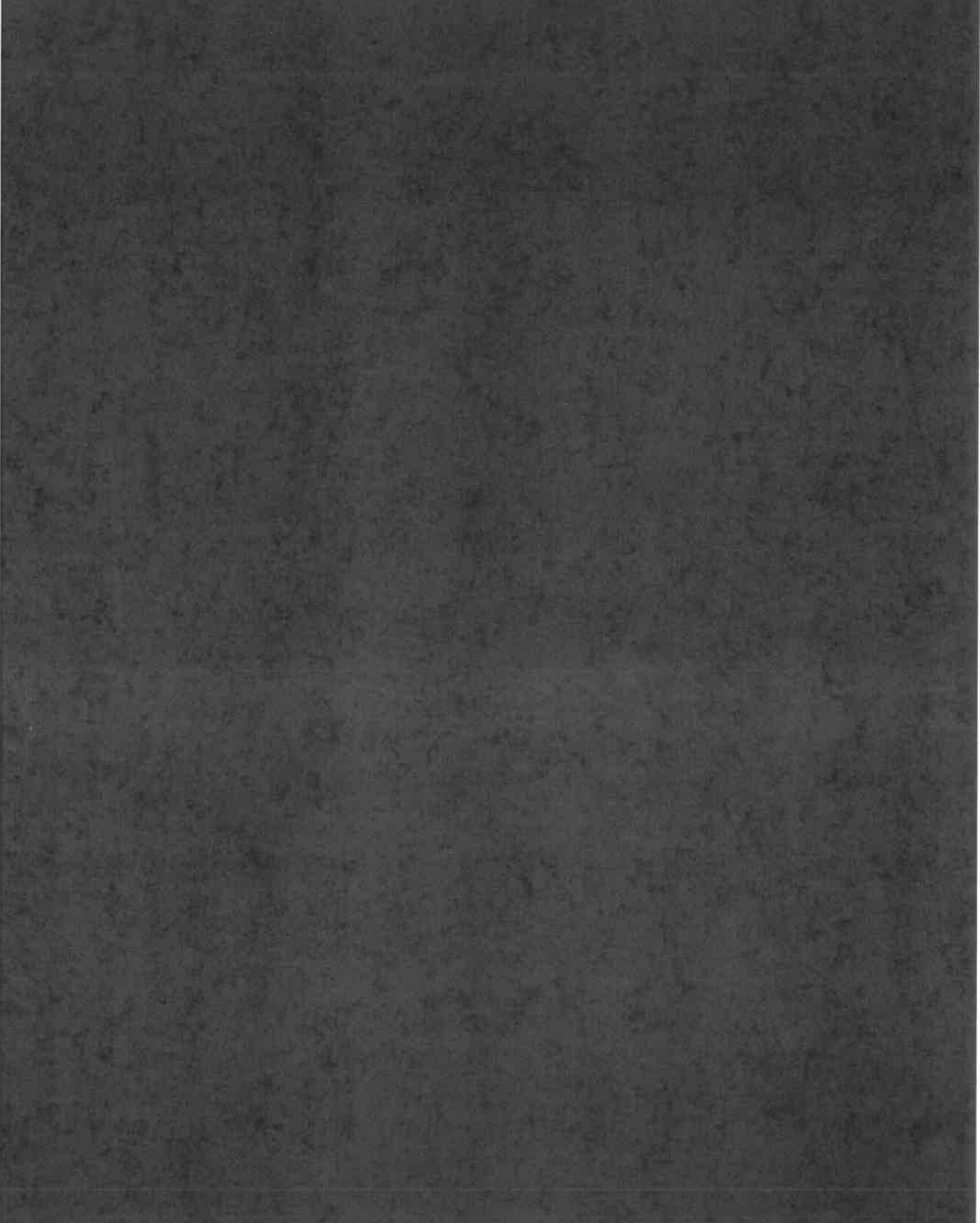
Let me know if you have further questions or concerns.

Thank you,
Brian J. Geoghegan, BS, MAS, CPM
Township Manager
Township of Howell
4567 Route 9 North
2nd Floor
PO Box 580
Howell, NJ 07731
732-938-4500
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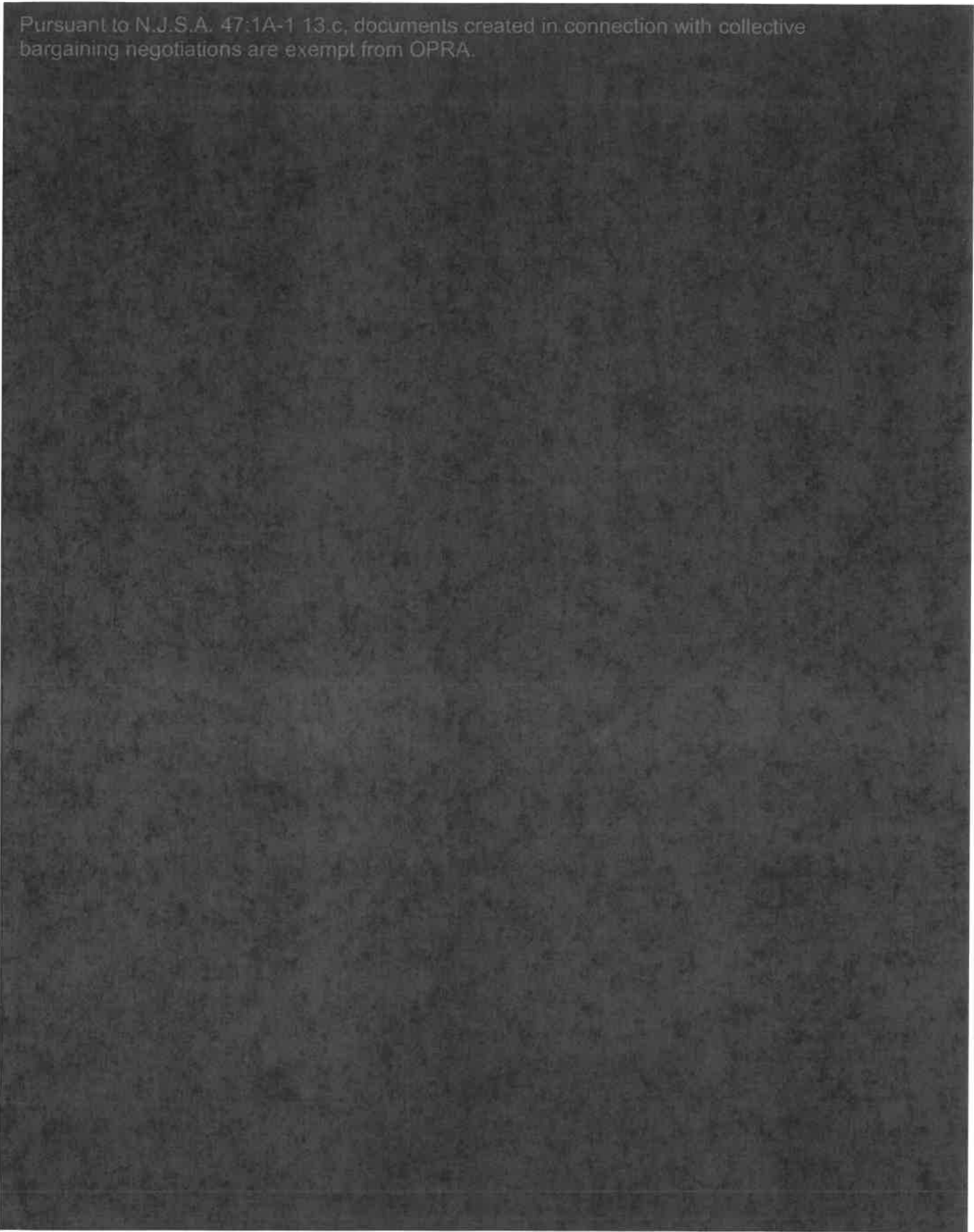
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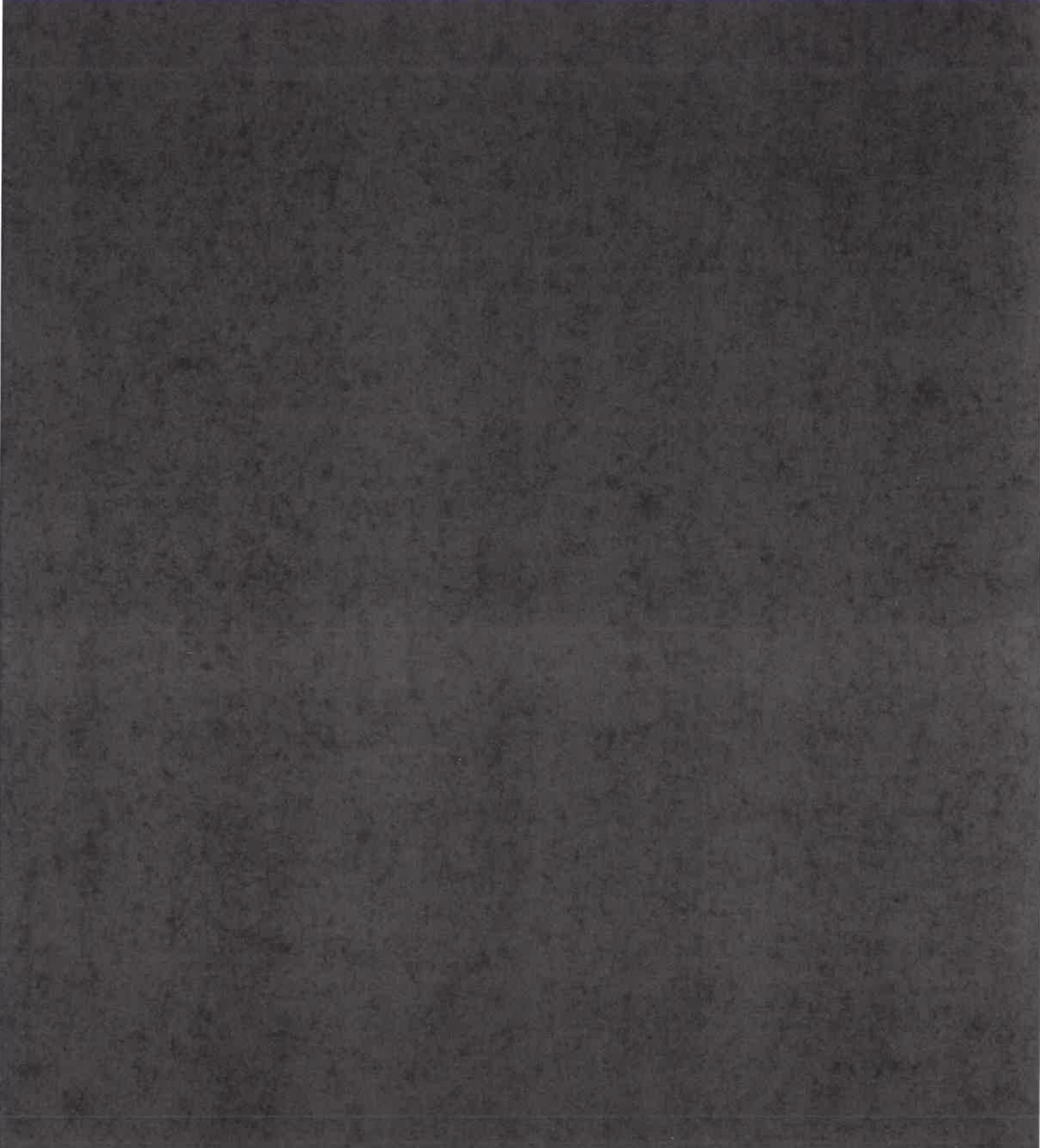
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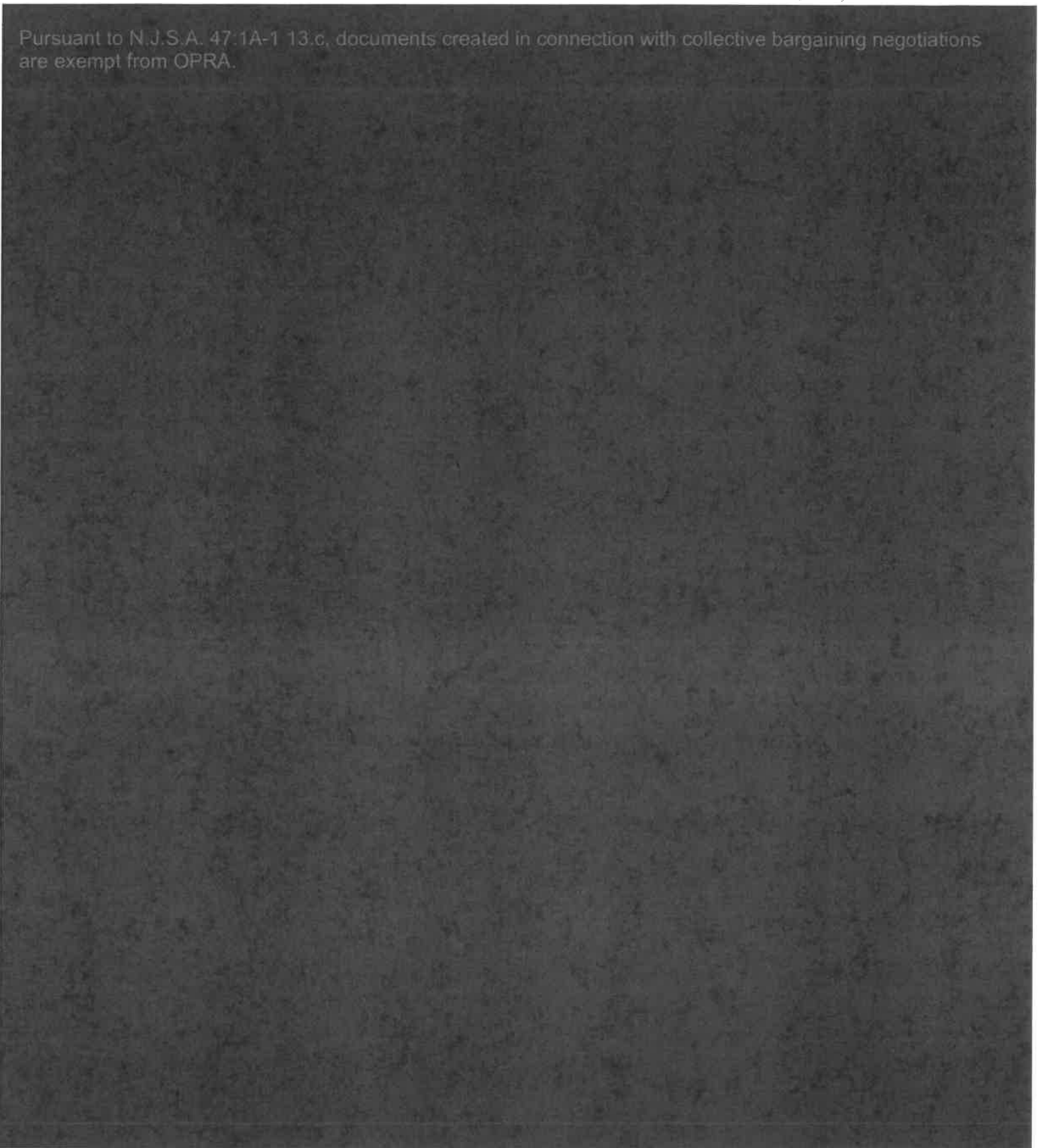
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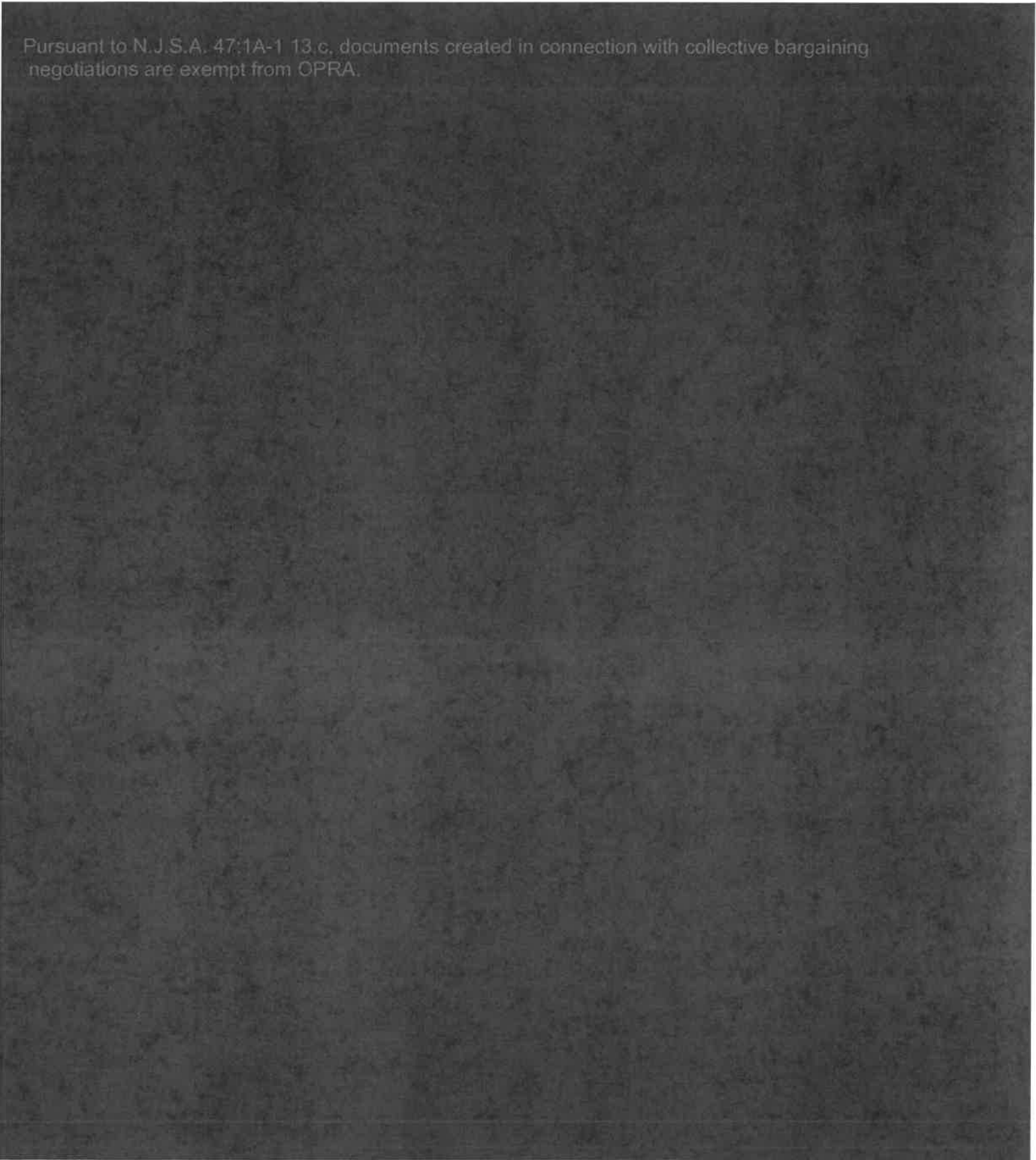
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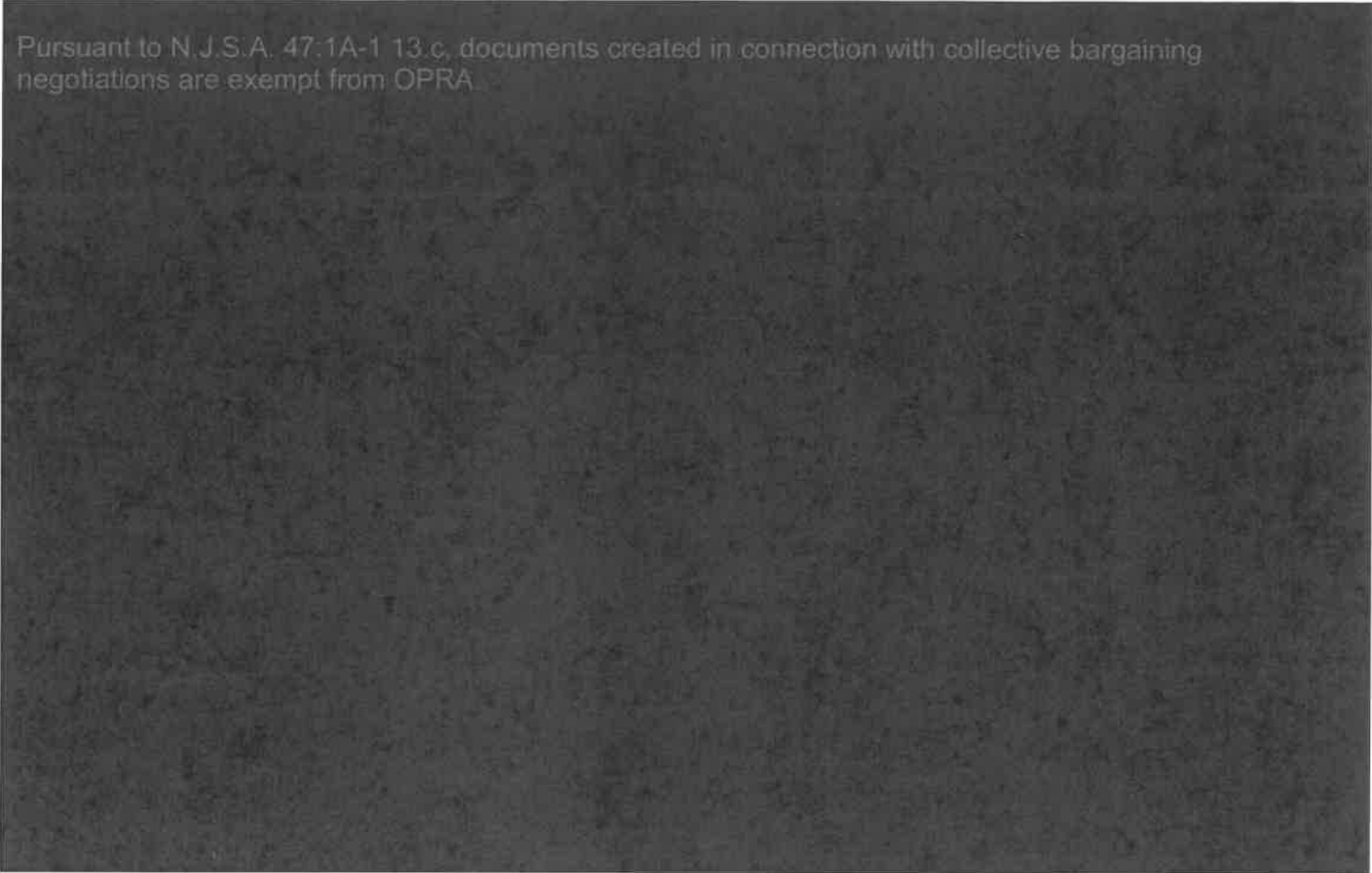
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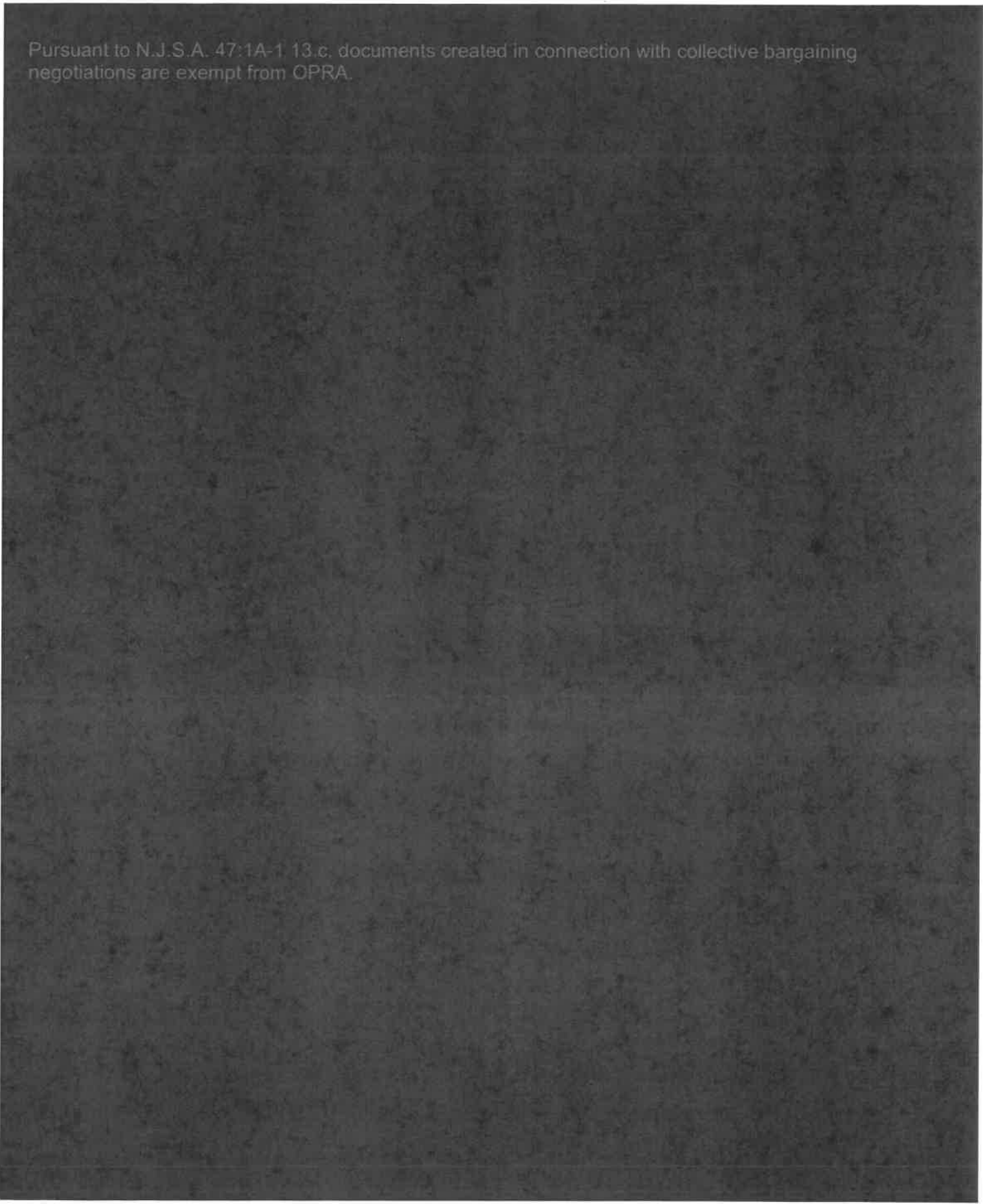
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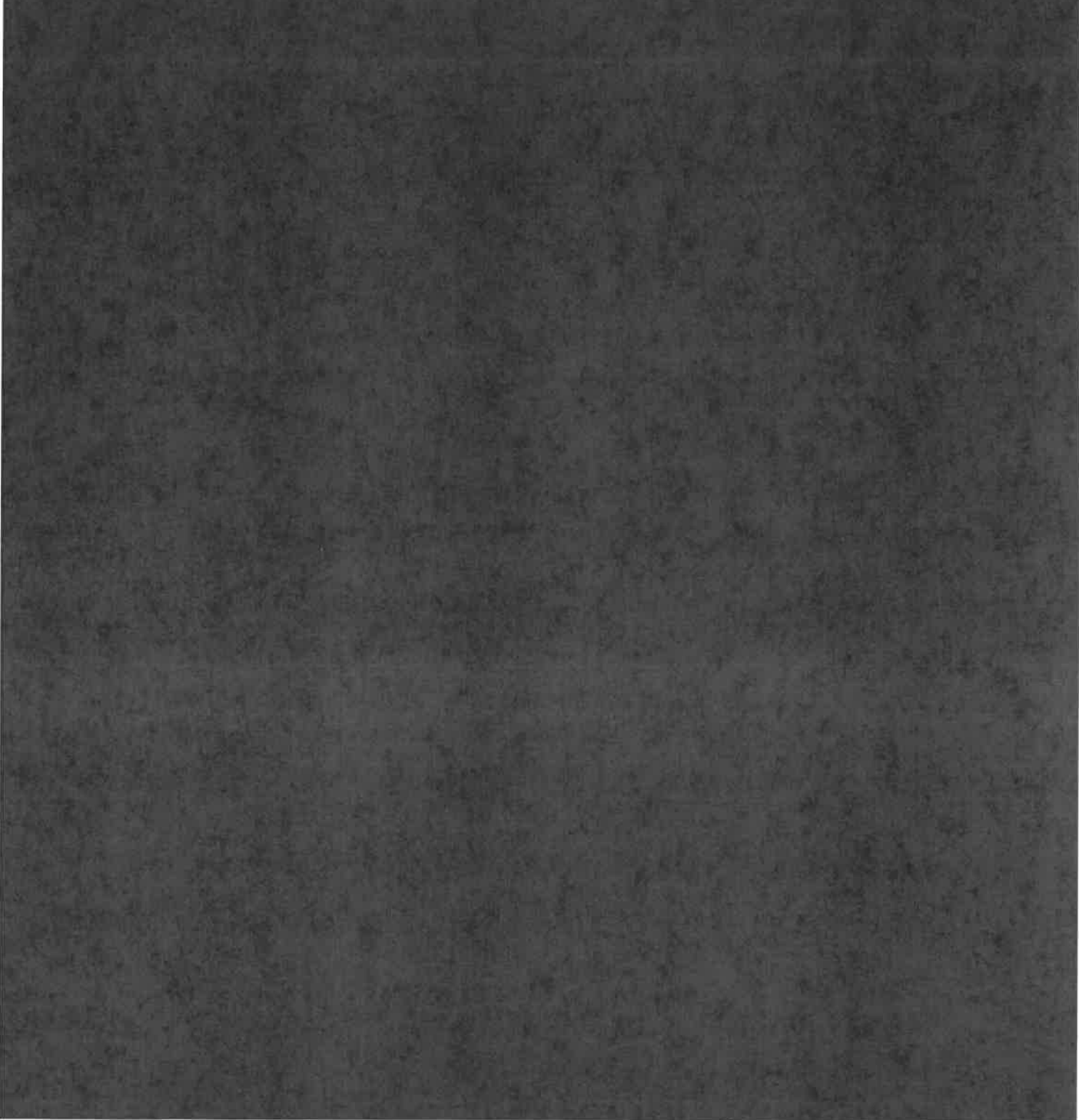
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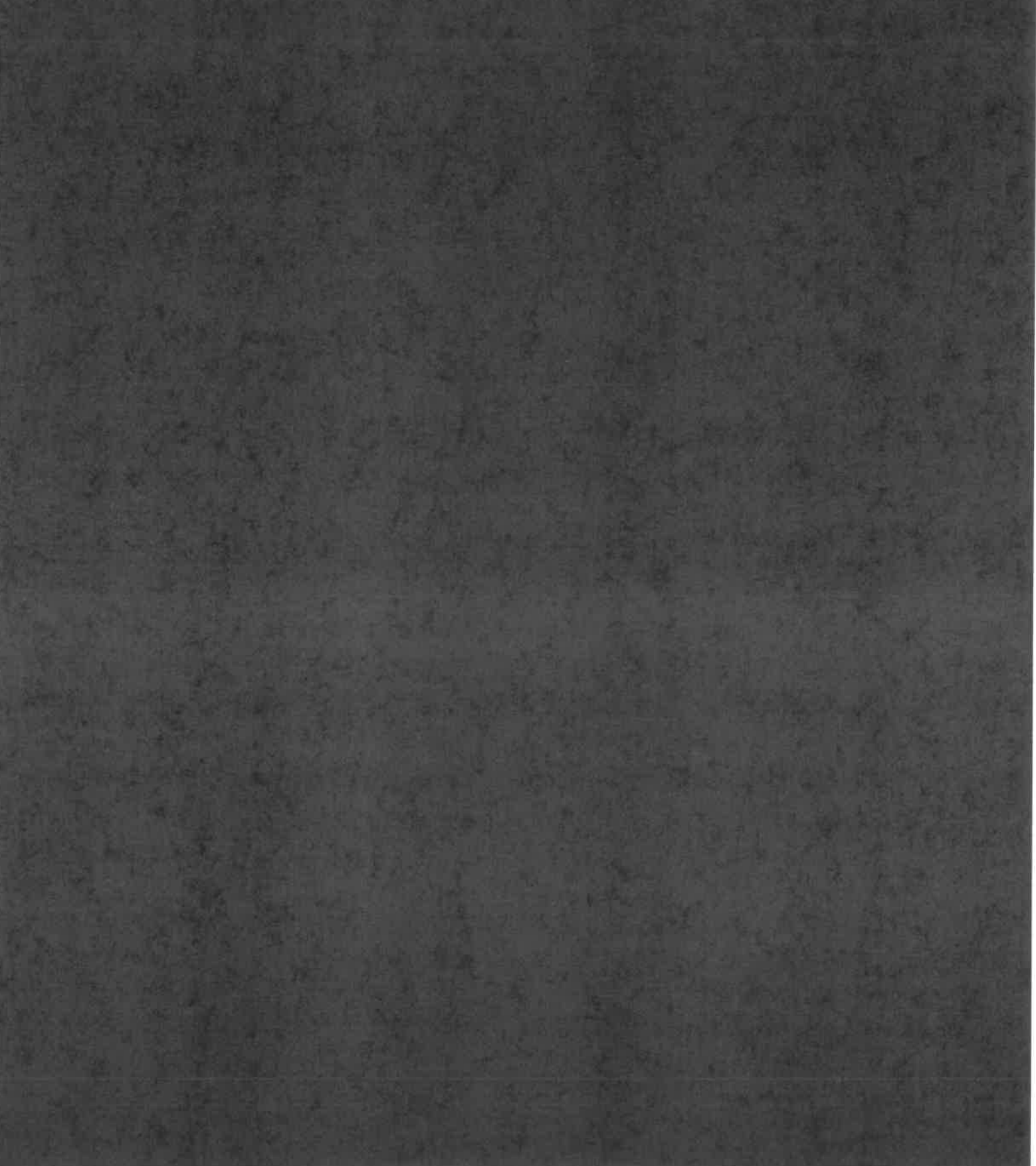
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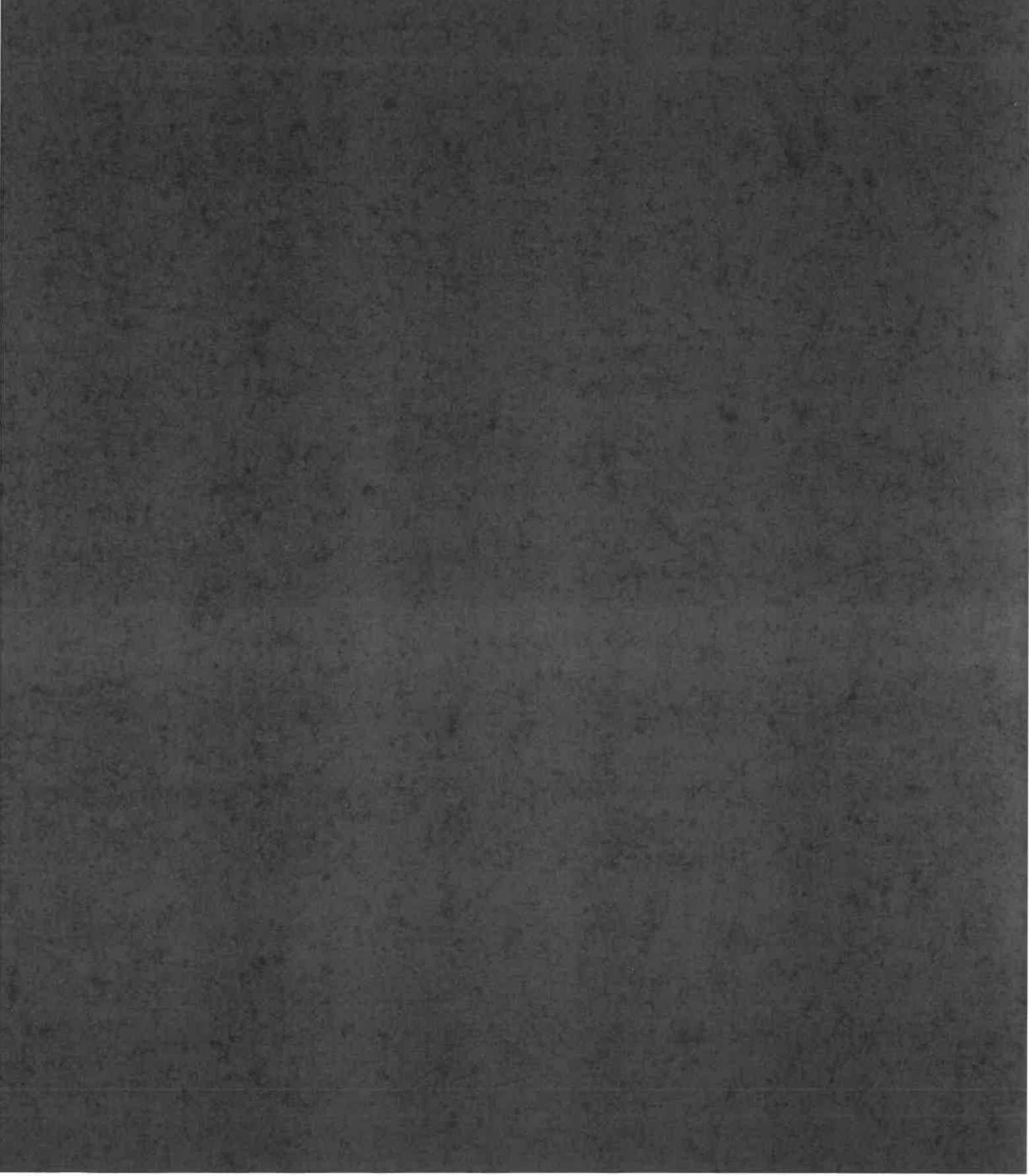
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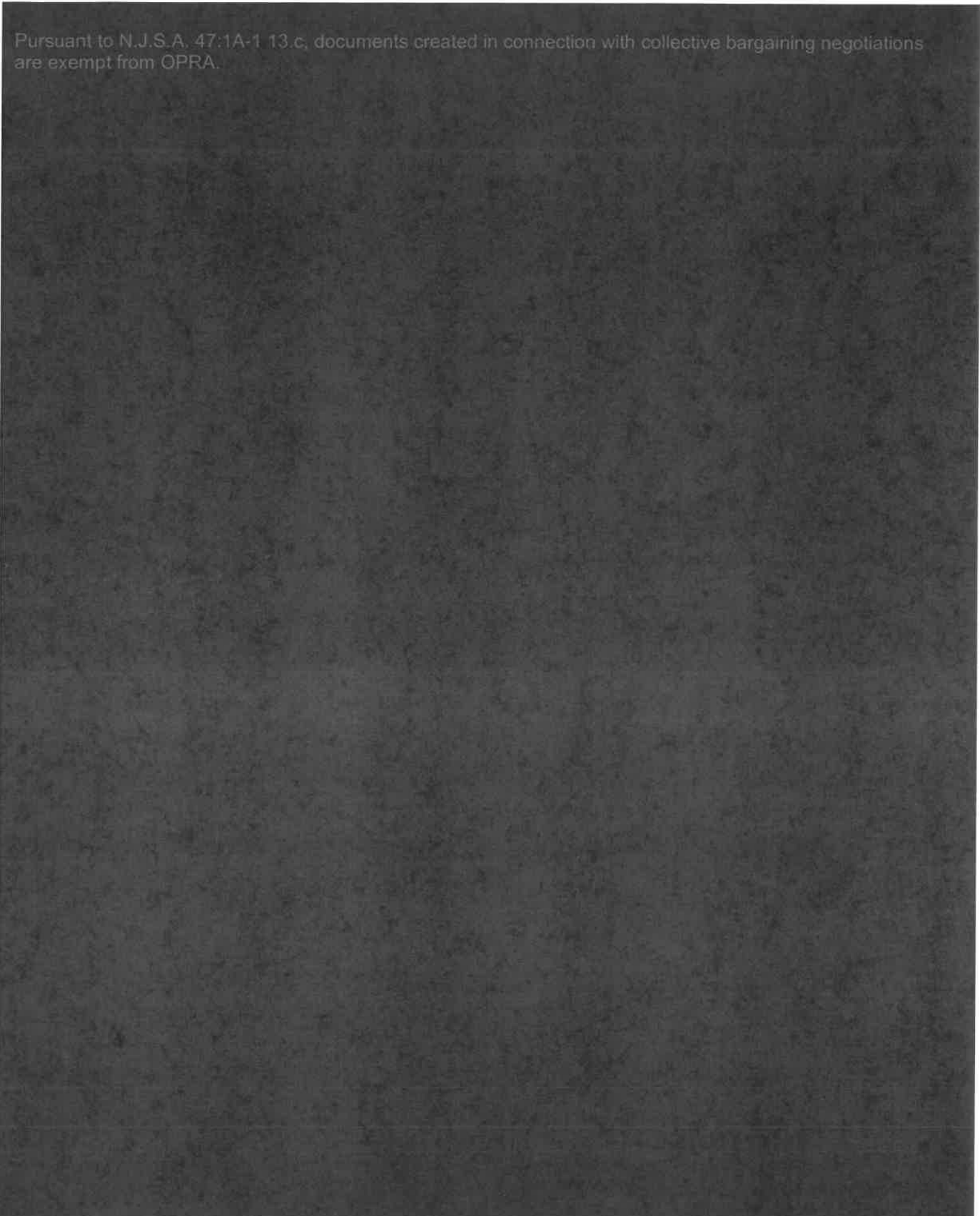
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