



REGULAR MEETING MINUTES

Shrewsbury Township
1979 Crawford Street
Shrewsbury Township, NJ 07724

Teri Giercyk, RMC
Municipal Clerk

Phone (732) 542-0572
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Shrewsbury Township Committee

February 15th 2017

REGULAR MEETING - 7:00 PM

MINUTES

COMMITTEEMEMBER NOLAN MOVED THE ADOPTION OF THE FOLLOWING MINUTES:

CALL MEETING TO ORDER by Mayor Edward Nolan at 7:00 P.M.

In accordance with the requirements of Section 4(a) of C.231, P.L. 1975, the required Annual Notice of this meeting was published in Asbury Park Press on January 5, 2017, in addition, to posting on the bulletin board in the Municipal Building on January 1, 2017 by the Municipal Clerk. The meeting called to order by Sue Veitengruber in accordance with the Open Public Meetings Act at 7:00 P.M. on this 15th day of February 2017.

ROLL CALL:

GOVERNING BODY MEMBERS PRESENT: Committeewoman Bailly, Committeeman Puhak, and Mayor Nolan.

ABSENT: None

TOWNSHIP OFFICIALS PRESENT: Municipal Clerk/C.F.O. Sue Veitengruber, and Township Attorney Gene Anthony.

MEMBERS OF THE PUBLIC WERE IN ATTENDANCE

SALUTE TO THE FLAG

APPROVAL OF MINUTES:

Regular Meeting Minutes – 1/24/2017

**Moved by Mayor Nolan, seconded by Mr. Puhak.
Ayes – Mrs. Bailly, Mr. Puhak, and Mayor Nolan.**

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CORRESPONDENCE

1. **Monmouth County Historic Commission**
2. **NJDEP Permit Renewal Advisory**
3. **NJDEP Tree Recovery Program**
4. **Notice of Elected Officials Training**
5. **Proposal for Marshall Arts Program**

**Moved by Mrs. Bailly, seconded by Mayor Nolan.
Ayes – Mrs. Bailly, Mr. Puhak, and Mayor Nolan.**

REPORTS:

MUNICIPAL ATTORNEY

Mr. Anthony: Gave his report on current agenda items.

FINANCE:

Sue Veitengruber: Gave her report on current finances.

No other reports.

ORDINANCES FOR ADOPTION:

**TOWNSHIP OF SHREWSBURY
ORDINANCE # 2017-1
ORDINANCE RESCINDING THE PRIOR ORDINANCE #2015-08 REGULATING AND
CONTROLLING OF UNCONFINED AND FERAL CATS**

WHEREAS, Shrewsbury Township, as a public municipality may create, amend or rescind ordinances that it feels is in the public interest; and

WHEREAS, the Township Committee feels that an existing ordinance should be rescinded and a new ordinance take its place dealing with the issue of feral cats.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor

and Township Committee of the Township of Shrewsbury, County of Monmouth and State of New Jersey as follows:

Sections 1 through 3 of a prior Ordinance Regulating and Controlling Unconfined and Feral Cats shall hereby be repealed and rescinded.

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BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall

take effective immediately upon final adoption and publication in the manner prescribed by law.

BE IT FURTHER ORDAINED AND ENACTED, that all ordinances or parts of ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Edward Nolan, Township Committeeperson introduced the aforesaid Ordinance and Glenwood Puhak, Township Committeeperson Seconded said Ordinance for introduction.

ROLL CALL

Affirmative: Nolan, Puhak, Bailly

Negative: None

Abstain: None

Absent: None

Edward Nolan, Township Committeeperson, moved the aforesaid Ordinance for second reading for Public Hearing and upon closure of said Public Hearing moved for its final reading and adoption, seconded by Glenwood Nolan, Township Committeeperson.

ROLL CALL

Affirmative: Nolan, Puhak, Bailly

Negative: None

Abstain: None

Absent: None

DATE INTRODUCED: January 24, 2017

DATE ADOPTED: February 15, 2017

EDWARD NOLAN, Mayor

ATTEST:

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SUZANNE VEITENGRUBER, RMC, CMFO
MUNICIPAL CLERK

RESOLUTIONS:

COMMITTEEMEMBER BAILLY OFFERED THE FOLLOWING RESOLUTION AND MOVED ITS ADOPTION:

RESOLUTION #2017-37
AMEND TEMPORARY BUDGET

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2017 budget is adopted, and no adequate provision has been made in the 2017 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$4,281.16,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Shrewsbury, in the County of Jersey, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$3,981.16 as follows:

- MCIA Interest \$ 721.16
- Fire Hydrants \$1,260.00
- Natural Gas \$2,000.00

2. Said emergency temporary appropriations will be provided for in the 2017 budget.

3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Seconded by Committeemember NOLAN and adopted on roll call by the following vote:

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Bailly	X		X			
Puhak			X			
Nolan		X	X			

I hereby certify the above to be a true copy of the resolution adopted by the Township Committee at the Meeting held on February 15, 2017.

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Suzanne M. Veitengruber, RMC, CMFO
Municipal Clerk

Edward P. Nolan
Mayor

COMMITTEEMEMBER BAILLY OFFERED THE FOLLOWING RESOLUTION AND MOVED ITS ADOPTION:

RESOLUTION #2017-38
AUTHORIZING THE USE OF THE MUNICIPAL GYMNASIUM
FOR A PRIVATE PARTY

WHEREAS, the Township has authorized procedures for the rental of gymnasium, patio, park and other facilities of the Township of Shrewsbury, and

WHEREAS, Shannon D. Turner of 82 Belshaw Avenue, Shrewsbury Township, NJ has requested the use of the gymnasium for a children’s birthday party on Saturday, March 18, from 3 to 7 pm, and

Whereas, Shannon D. Turner has acknowledged receipt of the rules and regulations concerning the use of the gym for private parties, and

WHEREAS, Shannon D. Turner will provide the proper damage deposit, rental fee and certificate of insurance

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Shrewsbury, in the County of Jersey, State of New Jersey, that Shannon D. Turner be granted permission to use the gymnasium on Saturday, March 18, 2017 from 3 pm to 7 pm upon receipt of the proper fees and documents, and

BE IT FURTHER RESOLVED, that the damage deposit will be returned upon written request to Shannon D. Turner after an inspection of the facility by a representative of the Township of Shrewsbury who shall certify that the facility was left clean and with no damage, and

BE IT FURTHER RESOLVED, that such request shall appear on the next bill list after written request by Shannon D. Turner.

Seconded by Committeemember NOLAN and adopted on roll call by the following vote:

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Bailly	X		X			
Puhak			X			
Nolan		X	X			

I hereby certify the above to be a true copy of the resolution adopted by the Township Committee at the Meeting held on February 15, 2017.

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Suzanne M. Veitengruber, RMC, CMFO
Municipal Clerk

Edward P. Nolan
Mayor

COMMITTEEMEMBER BAILLY OFFERED THE FOLLOWING RESOLUTION AND MOVED ITS ADOPTION:

**Resolution #2017-39
PAYMENT OF THE BILLS**

The Township Committee of the Township of Shrewsbury hereby authorizes Payment of the Bills in the amount of \$ 71,535.92.

Seconded by Committeemember NOLAN and adopted on roll call by the following vote:

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Bailly	X		X			
Puhak			X			
Nolan		X	X			

I hereby certify the above to be a true copy of the resolution adopted by the Township Committee at the Meeting held on February 15, 2017

Suzanne M. Veitengruber, RMC, CMFO
Municipal Clerk

Edward P. Nolan
Mayor

NEW BUSINESS:

OLD BUSINESS:

PUBLIC PORTION:

– Do I hear a motion to open the meeting to the public? Moved by Mrs. Bailly, seconded by Mr. Puhak.

Ayes – Mrs. Bailly, Mr. Puhak, and Mayor Nolan.

No further public comment.

– Do I hear a motion to close the meeting to the public? Moved by Mayor Nolan, seconded by Mr. Puhak.

Ayes – Mrs. Bailly, Mr. Puhak, and Mayor Nolan.

DATE OF NEXT MEETING: February 28, 2017 at 7PM

RESOLUTION: Executive Session – Personnel Matters

EXECUTIVE SESSION – Personnel, Joseph Muzetska.

-Motion to move to executive session – Moved by Mayor Nolan, seconded by Mr. Puhak.

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Ayes – Mrs. Bailly, Mr. Puhak, and Mayor Nolan.

Note: Mrs. Bailly excused herself prior to executive session due to conflict.

RETURN TO PUBLIC SESSION – RESOLUTIONS:

COMMITTEEMEMBER PUHAK OFFERED THE FOLLOWING RESOLUTION AND MOVED ITS ADOPTION:

RESOLUTION 2017-40
RESOLUTION FOR TERMINATION OF PUBLIC EMPLOYEE
JOSEPH MUZETSKA

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)8 and Rice v. Union County Regional High School Board of Education, 155 N.J. Super. 64 (App. Div. 1977), a notice was mailed on January 4, 2017 by Certified Mail/RRR and regular mail to public employee, Joseph Muzetska, an employee of the Township of Shrewsbury who serves as Code Enforcement/Special Code Enforcement/Housing Inspector/Parking Enforcement Officer, requesting his presence on January 10, 2017 concerning Mr. Muzetska’s request for medical leave and other issues concerning his employment with Shrewsbury Township (“Rice” letter); and

WHEREAS, Joseph Muzetska had previously on December 31, 2016 submitted a letter from Dr. Sumul N. Raval, requesting that Mr. Muzetska be excused for three months from work until March 31, 2017, but upon receipt of the “Rice” letter, at Mr. Muzetska’s residence at 36 Rutland Place, Eatontown, New Jersey 07724, Mr. Muzetska indicated that because of his medical condition he could not appear before the Township Committee and hoped to reschedule the “Rice” hearing sometime in the future; though no time was specified; and

WHEREAS, as a result of the aforesaid request, a request was forwarded to Mr. Muzetska on January 26, 2017 via Certified Mail/RRR and regular mail to his address in Eatontown, New Jersey requesting release of medical records to a doctor assigned by the Township, namely Dr. Jared Schulman, and requesting that Mr. Muzetska see Dr. Schulman concerning his condition on February 6, 2017 at 10 am for an examination/evaluation; and

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WHEREAS, Joseph Muzetska failed to authorize the release of the aforesaid records, and failed to appear at the Township's doctor's evaluation, but indicated through his wife, Barbara Muzetska, on February 14, 2017 that although he had received the aforesaid letters and requests, Mr. Muzetska's medical condition, while now residing in St. Thomas, Virgin Islands, would not allow him to appear before the Township Committee and apparently with regard to any doctors evaluation, and his future availability was not certain; and

WHEREAS, by "Rice" letter of February 2, 2017, Joseph Muzetska was advised of a hearing to be scheduled concerning his position in Shrewsbury Township to be heard on February 15, 2017, which Mr. Muzetska, through his wife in an email of February 14, 2017 indicated he could not appear because of his medical condition and his present residence in St. Thomas, Virgin Islands; and

WHEREAS, Shrewsbury Township has an Ordinance establishing a Personnel Code, subject to amendment, which provides under Section 11, entitled "Separation" for the basis of termination, and requires progressive discipline and lists grounds to discipline, including termination, and including but not limited to failure to report to work day or days prior to or following a vacation, holiday and/or leave and/or any other unauthorized day of absence, insubordination, unscheduled absence and chronic or excessive absence, violation of any Township rules or policies and other sufficient causes; and

WHEREAS, Joseph Muzetska has had a long history of disciplinary issues beginning at least in 2009 with complaints from Sandra Davis, Executive Director of the Alfred Vail Mutual Association; resulting in the Personnel Committee, per the Personnel Code, meeting with Joseph Muzetska concerning said complaints; a complaint from Jessica Kennedy of June 24, 2010 referred to the Personnel Committee; a complaint from Robert Parnell of June 18, 2011 concerning enforcement of the ordinances, leading to Personnel Committee review and a "Rice" letter of July 19, 2011 for a hearing scheduled on August 9, 2011 concerning Mr. Muzetska's duties, hours of employment and certain problems associated with his job; and

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WHEREAS, Mr. Muzetska requested that the aforesaid hearing be rescheduled based on an unsubstantiated illness, and the aforesaid hearing was rescheduled for November 10, 2011, in which Mr. Muzetska was required to provide monthly report of his duties as a Code Enforcement/Special Code Enforcement/Housing Inspector/Parking Enforcement Officer, and was warned that the issues raised do not appear to be totally resolved; and

WHEREAS, Shrewsbury Township, through its attorney, Gene J. Anthony, Esq., sent a letter to Joseph Muzetska, dated March 26, 2012, indicating that it had not received monthly reports on a regular basis in 2012 and requested enforcement of certain ordinances; and

WHEREAS, a complaint was filed by the law firm of Stark & Stark on behalf of Alfred Vail Mutual Association concerning the actions of Joseph Muzetska, leading to a "Rice" letter and request for a hearing, dated March 26, 2014, after a personnel meeting by the Personnel Committee on February 28, 2014, and Mr. Muzetska claimed unavailability due to medical conditions, but could not provide a return date for hearing; and

WHEREAS, Chief Financial Officer, Adeline Schmidt of the Personnel Committee issued a memorandum of March 27, 2014 requesting a meeting with Mr. Muzetska on March 28, 2014, addressing complaints and concerns with regard to Mr. Muzetska's vacation and sick time, lack of detailed monthly Code Enforcement Reports, total hours of work per week, use of personal time while working for Shrewsbury Township, complaint from Alfred Vail Mutual Association, complaints of hostile work environment and allowing non-Township employees to occupy Township vehicles utilized by Mr. Muzetska during work hours; and

WHEREAS, Mr. Muzetska continued to find reasons to not appear at "Rice" hearings, requesting an adjournment in April of 2014; May 27, 2014 and June 5, 2014; and

WHEREAS, a third "Rice" letter was sent out on September 4, 2014, concerning an Executive Session Hearing on the evening of September 23, 2014 concerning the continued absence of Mr. Muzetska from the job and his lack of utilization of a substitute other than a substitute obtained by the Township, and based on a need to address complaints raised by the law firm of Stark & Stark; and

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WHEREAS, the aforesaid hearing of September 23, 2014 was held and all of the aforesaid complaints were addressed, and it was noted that under Section 1, Subsection 1(b) of the Personnel Ordinance, permanent, part-time employee is one who works regularly, but “less than 8 hours per normal working day and/or five days per week, but a minimum of 18 hours per week.” Mr. Muzetska was required once again to keep track and document by punching in on a time clock for the time that he was on the job (which he had failed to do in the past), was admonished once again that he had to produce detailed monthly Code Enforcement Reports (which he had failed to do on a regular basis); that he had violated Section 16, Subsection D, entitled, “Use of Equipment of Vehicles” of the Personnel Code by using municipal vehicles during work time with unauthorized person(s) within the vehicle; that he was required to read the Personnel Code concerning hostile work environment and conduct himself accordingly with regard to conduct with other employees and members of the official governing body and Mr. Muzetska was put on 30 day’s probation in addressing all of the aforesaid issues and correcting all violations; all of which was confirmed in writing to Mr. Muzetska by letter of October 6, 2014; and

WHEREAS, by letter authorized by the Township Committee of December 8, 2014 to Mr. Muzetska, Mr. Muzetska was put on notice that he was in violation of his probation in that he continued to not satisfy the requirements of a detailed monthly Code Enforcement Report, and that he had to respond to a complaint that was filed with regard to his performance by Michelle Six, of 71 Crawford Street; and

WHEREAS, Mr. Muzetska continued to be in violation of the requirements of the Personnel Code and directives of the Chief Financial Officer and the Township Committee throughout 2015 and 2016 and is now absent from the job, and will be for at least three months, but will not submit himself for a medical examination, release his medical reports to a qualified doctor, or submit himself to the Township Committee on a “Rice” hearing.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Shrewsbury, County of Monmouth and State of New Jersey, that the Township Committee had a hearing

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per a “Rice” letter of February 2, 2017 on February 15, 2017 with Joseph Muzetska not being present, and has concluded that over a period of at least 7 years Mr. Muzetska has been involved in multiple violations of the Personnel Code; that progressive discipline has been followed by the Township Committee in addressing numerous complaints and violations, and that Mr. Muzetska’s conduct is such that he has abandoned his employment position, has failed to appear for employment or be subject to a physical evaluation or records release concerning his absences, and at this point in time, Joseph Muzetska’s employment shall be terminated effective February 15, 2017.

BE IT FURTHER RESOLVED, that the Township Committee concluded that it would not grant any further extensions of time for subsequent hearings as requested by Joseph Muzetska.

Seconded by Committeemember NOLAN and adopted on roll call by the following votes:

ROLL CALL

Affirmative: PUHAK, NOLAN

Negative:

Abstain:

Absent: BAILLY

Dated: February 15, 2017

EDWARD NOLAN
Mayor

ATTEST:

SUZANNE VEITENGRUBER, RMC, CMFO
Municipal Clerk

I hereby certify the foregoing to be a true copy of the resolution adopted by the Shrewsbury Township Committee on February 15, 2017.

SUZANNE VEITENGRUBER, RMC, CMFO
Municipal Clerk

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ADJOURNMENT

– Do I hear a motion to adjourn the meeting? Moved by Mr. Puhak, seconded by Mayor Nolan.
Ayes – Mr. Puhak, and Mayor Nolan.

Seconded by Committeemember PUHAK and adopted on roll call by the following vote:

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Bailly						X
Puhak		X	X			
Nolan	X		X			

December 26, 2017
Respectfully submitted,

Teri Giercyk, RMC
Municipal Clerk

Approved: _____ Date _____
Teri Giercyk, RMC