

**MINUTES OF THE TOWNSHIP COUNCIL
TOWNSHIP OF BERKELEY HEIGHTS
EXECUTIVE SESSION HELD ON SEPTEMBER 23, 2014**

CALL TO ORDER

Mayor Bruno called the Executive Session to order at 7:03 p.m.

ROLL CALL

Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone, Mr. Woodruff and Mayor Bruno answered present.

Also present was Joseph Sordillo Township Attorney and Ana Minkoff, Township Clerk.

EXECUTIVE SESSION –

1. Attorney/Client Privilege-Litigation-Mathis v. Berkeley Heights

Mr. Hall stated the importance of confidentiality at Executive Session meetings. He stated that it has been alleged that Mr. Delia has discussed Little Flower topics, and if that proves to be true he would file a complaint. There is no flexibility.

Mr. Delia asked what he was referring to. He stated that people come up to him and they know issues, and he takes offense to the accusation.

Also present -Mr. Patterson – Attorney and Mr. Depa – Attorney

Mr. Patterson stated that they got a favorable decision from the judge. We will be going back in December, now engaged in discovery; there is a mutual request for documents, moving to deposition very quickly. He will be taking a deposition of Mr. Mathis. There is a tape recording of Mr. Mathis and the Mayor, the recording is shortly after the resignation, it was from a breakfast meeting. Mr. Mathis did not disclose the fact that he was taping the meeting. It has been decided that the Mayor should have his own attorney. It is prudent that we continue to represent the Township. The issue is whether Mr. Mathis resigned; the Mayor makes it clear that his decision is final. He does not believe that this tape will move the judge, but it is something. Mr. Mathis will try to embarrass people and the Township. There was a discussion about the Mayor's son and some members of the Council. He is requesting \$80,000.00 and to be reinstated in name only. I would say on merit do not pay, but the legal bills are getting larger, he has subpoenaed records from the prosecutor's office. This can easily cost in excess of \$100,000.00.

Mr. Delia stated that the email shows that he resigned.

A discussion continued regarding the tape.

Mr. Patterson stated that he wants this paid through payroll, so it impacts his pension.

A discussion continued.

Mr. Hall asked if the tapes hurt the case.

Mr. Patterson responded not significantly, but the depositions may hurt the case. Everyone will be deposed; there will be a lot of rehearsal time.

Mr. Patterson and Mr. Depa left at 7:43 p.m.

Mrs. Kingsley asked about our obligation as a council. She thinks that we do not have the man power or the funds for this suit. Her recommendation would be to settle the case.

Mr. Hall stated that he would not give him the title and he would just give him a stipend, funds should not be pensionable.

A discussion continued.

Mr. Pastore stated that he thinks that this should be settled.

A discussion continued regarding the tape.

Mr. Pirone, Mrs. Kingsley, Mr. Woodruff and Mr. Pastore agreed to settle between \$40,000.00 - \$50,000.00.

Mr. Delia agreed with \$45,000.00 and he should not be allowed to retire as Chief.

Mr. Pirone does not want to go to trial; he would agree to give him up to \$50,000.00 through payroll.

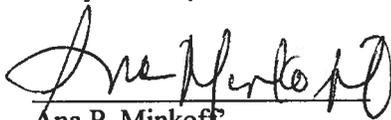
Mrs. Kingsley said she would go as high as \$65,000.00.

All agreed that they did not want to give him back his title that he would not retire as Chief.

A discussion continued regarding the tape.

Adjourned at 8:23 p.m.

Adopted: May 24, 2016



Ana P. Minkoff
Township Clerk