

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

SPECIAL MEETING

JUNE 29, 2011

1. Councilwoman Tsigounis led the Salute to the Flag and Pledge of Allegiance.
2. The Borough Clerk announced that this is a Special Meeting of the Mayor and Council of which at least 48 hours' notice has been given by posting in the Borough Hall, publication in The Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 6:05 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Police Chief Wrixon, Capt. Domville, Lt. Saunders, Lt. Cebulski.

NEW BUSINESS

5. Mayor Romeo announced we are here for a public meeting to consider charges against Officer Levitzki and proceed with opening remarks from each of the attorneys.
6. Council Member Olmo recused himself from the meeting because he is a Police Officer and PBA president in another town.
7. Motion by Council Member Mueller and seconded by Council Member Cleary to hear from both attorneys.

Roll Call: Yes – Unanimous

Motion adopted.

8. William Lundsten said he was the prosecuting attorney for the Borough of Cresskill regarding the disciplinary actions against Mr. Levitzki. I believe everyone has received a copy of Judge Guida's thorough and substantial recommendations including regard to penalty. This hearing was conducted over (8) separate hearing days with 14 witnesses (8 on behalf of Mr. Levitzki) with Mr. Levitzki declining to testify on his own behalf. Mr. Levitzki was found guilty based on three separate incidents of conduct – February 9, February 10 and June 2, 2010. The incident of June 2nd was approximately three weeks after receiving a formal reprimand regarding another borough employee. Judge Guida's 39 page report included 6 counts that were proven. I urge the Council to adopt his recommendation in that Officer Levitzki be terminated. That recommendation is well grounded on facts and case law. I am ready to answer any questions.

There were no questions from the Council for Mr. Lundsten.

9. Albert Wunsch said he represented Mr. Levitzki in this matter. There were undercurrents that I could not get into because my hands were tied by the hearing officer which fueled the basis of the charges to attack a man whose reputation was impeccable. He worked his way up and has served this borough with distinction. In my opinion, the charges against him were ridiculous. In three instances, the town is relying on the testimony of Mr. Calimano, Mr. Hakim and Officer Banta. There were a lot of things that came out in this trial that were never addressed by the Police Dept. I went after every statement made that demonstrated the inaccuracies and problems that the State had with regard to their case. The Police manual for Cresskill has a protocol for an individual with no prior disciplinary issues. Follow that manual.

Mr. Hakim continued to socialize with Mr. Levitzki after this so-called horrible event. It was done as a joke, not designed to hurt or put him in danger. The situation with Mr. Calimano and the so-called statements written on his car were not proven in the least. You've already expended a great deal of money with regards to this. Mr. Corrigan testified that his bill to this town was over \$50K for conducting an I.A. investigation. This case deserves little scrutiny other than telling Officer Levitzki not to do it again. Send him to anger management, suspend him, but don't take away his job. These are three incidences in a stellar career that do not warrant a termination. There were numerous commendations and accolades attributed to Officer Levitzki. There was a photo of him trying to render first aid to a girl in New Milford that will forever stay with me. He should be counseled and punished, but not terminated.

There were no questions from the Council for Mr. Wunsch.

10. Motion by Council Member Brennan and seconded by Council Member Cleary to open the meeting to the public.

Roll Call: Yes – Unanimous Motion adopted.

11. Mayor Romeo opened the meeting to the public.

12. No one wished to be heard.

13. Motion by Council Member Brennan and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

14. Resolution by Council Member Brennan and seconded by Council Member Cleary:

RESOLVED that pursuant to Subsection 7(b) of the Open Public Meetings Act the public can be excluded from a public meeting so that proceedings can be conducted in closed session and the Mayor and Council now intending to discuss:

pending or anticipated litigation involving Cresskill;

personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel; Deliberation - Police

negotiations involving employees of Cresskill;

protection of the safety of public property;

matters which, if disclosed, would work an unwarranted invasion of privacy;

purchase or lease of real property;

deliberations after a public hearing that may result in the imposition of a penalty or loss or suspension of a license or permit;

matters which, if disclosed, would impair a right to receive United States Government funds;

matters rendered confidential by Federal or State law;

this meeting shall be continued in closed session and the discussion in closed session shall be disclosed to the public upon taking final action thereon, provided disclosure shall not release the attorney-client privilege or constitute an undue invasion of privacy.

RESOLVED further that it is anticipated, the Mayor and Council will return to open session upon conclusion of the closed session.

Roll Call: Yes - Unanimous. Resolution adopted.

15. Motion by Council Member Brennan and seconded by Council Member Cleary to reopen the meeting.

Roll Call: Yes – Unanimous Motion adopted.

16. Resolution by Council Member Brennan and seconded by Council Member Savas:

WHEREAS, on September 10, 2010, Police Chief Edward Wrixon filed disciplinary charges against Police officer Brad Levitzki;

WHEREAS, the Council appointed retired Superior Court Judge Robert R. Guida to conduct a hearing on these charges;

WHEREAS, hearings were held on December 9, 17, and 20, January 3, 17, and 19, February 9, and March 24, 2011; and

WHEREAS, Officer Levitzki was represented by legal counsel; and

WHEREAS, on May 16, 2011, Judge Guida issued his report and recommendations finding Levitzki guilty of the charges that had been filed against him;

WHEREAS, on June 8, 2011, Judge Guida recommended that Levitzki be terminated; and

WHEREAS, Officer Levitzki's counsel has been given the opportunity to respond to these recommendations; and

WHEREAS, the Council has reviewed Judge Guida's reports and recommendations;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Borough Council adopts Judge Guida's report and recommendations; and
2. Brad Levitzki's employment as a Borough Police Officer is terminated retroactive to October 29, 2010.

Roll Call: Yes – Council Members Brennan, Cleary, Mueller, Savas, Tsigounis
 No – None
 Absent – Recused – Council Member Olmo
 Abstain – None
 Resolution adopted.

17. Motion at 6:49 P.M. by Council Member Brennan and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
 Mayor

Barbara A. Nasuto
 Borough Clerk