

# Pt. Beach cop sues council over firing

## Claims dispatcher ditched without notice

By **MATTHEW McGRATH**  
TOMS RIVER BUREAU

### POINT PLEASANT BEACH —

A borough police officer is suing the Borough Council for violating the state laws regulating public meetings.

In his complaint, Lt. Robert Dikun said the council did not give Daniel Siculietano, who was hired on a full-time basis at a salary of more than \$50,000 each year, adequate notice about the discussion of his employment by the Borough Council.

"Failures like this work against the principles of transparency and open government — they have to be more than just buzz words," Dikun said in a prepared statement. "The taxpayers are entitled to it and have every right to expect it."

Dikun wants the court to say that the Borough

Council knowingly violated the state open meetings law, wants the mayor and six council members to be assessed proper penalties, and he wants to prevent the borough from protecting the seven elected officials with its liability insurance. The penalties range from \$100 to \$500. In Jan. 19, the council met in a closed session to discuss firing Siculietano, a full-time provisional police dispatcher with benefits, and replace him with two part-time communications officers without benefits, Dikun alleges.

"The decision to eliminate that position was not discussed in closed session," Councilman Sean Hennessy said. "I made the decision to rescind his provisional appointment and replace it with two part-time positions ... It saved the town money, about \$41,000."

Hennessy confirmed that he did suggest the change to the position in public following a closed session, but it was not discussed behind closed doors. However, the agenda for that evening indicated that it would be discussed.

The decision to hire Siculietano in December was split 4-3, with Mayor Vincent Barrella casting the tie-breaking vote, Hennessy said. Hennessy, Councilmen Frank Rizzo and Raymond Cervino voted against Siculietano's appointment.

The vote to rescind that appointment also was split. The council voted 4-2 in favor of eliminating the position. Councilwoman Kristine Tooker and Tim Lurrie cast the dissenting ballots, Tooker confirmed.

"It surprises me that I would be named in this lawsuit because I voted to keep the position," Tooker

said. "I don't like when morale suffers because of the council's actions."

Dikun, an officer in the Investigation and Professional Standards Division within the borough Police Department, filed his complaint Monday in Superior Court in Toms River.

"This complaint was not filed in my official capacity within the Police Department," Dikun said. "I do not support the abolition of an essential position, which can have the effect of jeopardizing public safety."

Dikun, who also is an attorney, is not representing Siculietano, he said.

"It is a civil claim, and nothing more, that arises from the council's failure to adhere to the statutory provisions of the act," Dikun said.

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