

TOWNSHIP OF RARITAN

COUNTY OF HUNTERDON, STATE OF NEW JERSEY

RESOLUTION #16-196

**RESOLUTION TERMINATING THE EMPLOYMENT OF JERRY GIAIMIS AS
TOWNSHIP ADMINISTRATOR OF THE TOWNSHIP OF RARITAN**

WHEREAS, N.J.S.A. 40A:9-136 authorizes a governing body, by ordinance, to create the position of township administrator; and

WHEREAS, Section 2.12.020 of the Revised General Ordinances of the Township of Raritan, provides that a township administrator shall be appointed by a majority vote of the Township Committee, and shall hold office “at the pleasure” of the Township Committee; and

WHEREAS, N.J.S.A. 40A:9-138 and Section 2.12.020C. provide that a township administrator may be removed upon passage of a resolution of removal adopted by two-thirds (2/3) majority vote of the Township Committee; and

WHEREAS, N.J.S.A. 40A:9-138 further authorizes a governing body to provide that the resolution shall have immediate effect; provided, however, that the governing body shall cause to be paid to the administrator forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months; and

WHEREAS, in accordance with Section 2.12.020 of the Revised General Ordinances of the Township of Raritan, the Township Committee, on October 1, 2015, adopted Resolution #15-215 appointing Jerry Giaimis as the Township Administrator of the Township of Raritan (the “Administrator”) for a term which began on October 1, 2015; and

WHEREAS, Resolution 15-215 sets forth the terms and conditions of the employment of the Administrator; and

WHEREAS, Paragraph 7 of the terms and conditions set forth in Resolution 15-215 provides that upon retirement, severance or termination, the Administrator shall receive those payouts then in effect for Township non-union supervisory employees not exceeding payments authorized by applicable law, rule, regulation, ordinance or resolution; and

WHEREAS, Paragraph 10 of the terms and conditions set forth in Resolution 15-215 further provides that, notwithstanding Paragraph 7, upon termination of the Administrator by the Township Committee, the Administrator will be entitled to receive, in addition to the three (3) months of severance pay required by N.J.S.A. 40A:9-138, one (1) additional month of severance pay upon hiring; and

WHEREAS, a Special Meeting (the “Special Meeting”) of the Township Committee was called by the Mayor to be held on August 26, 2016, at which Special Meeting the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or discipline relating to the employment of the Raritan Township Administrator was discussed; and

WHEREAS, the Township Committee, by this Resolution, ratifies and confirms the calling of such Special Meeting; and

WHEREAS, adequate notice of the Special Meeting was given on August 23, 2016 to the Hunterdon County Democrat, Star Ledger, Courier-News, Trenton Times and Express Times in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., and was posted on the Raritan Township bulletin board as well as on the Raritan Township website; and

WHEREAS, the Administrator was also given at least forty-eight (48) hours written notice of the Special Meeting, as well as the opportunity to request an open public discussion.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Raritan, in the County of Hunterdon, State of New Jersey, as follows:

1. The employment of Jerry Giannis as the Raritan Township Administrator is hereby terminated, effective immediately upon adoption of this Resolution.
2. This Resolution was adopted upon the vote of at least two-thirds (2/3) majority vote of the Township Committee.
3. Pursuant to Paragraph 7 of Resolution 15-215, the Administrator shall be entitled to five (5) unused vacation days, but shall not be entitled to any unused sick days, personal days or floating days.
4. The Administrator shall also be entitled to four (4) months severance pay, which includes three (3) months pay in accordance with N.J.S.A. 40A:9-138, and one (1) month additional severance pay to which he became entitled upon hiring pursuant to Paragraph 10 of Resolution 15-215.
5. The Administrator shall be further entitled to any unpaid salary from August 19, 2016 (the last pay date) until August 26, 2016, the effective date of this Resolution.

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN

William Bray
Acting Township Clerk

Karen Gilbert
Mayor

CERTIFICATION

I, William Bray, Acting Township Clerk of the Township of Raritan, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on August 26, 2016.

William Bray
Acting Township Clerk

Roll Call	Moved	Seconded	Ayes	Nays	Abstain	Absent
Richard Chen, Committee Member			X			
Michael Mangin, Deputy Mayor		X	X			
Craig O'Brien, Committee Member				X		
Lou Reiner, Committee Member		X	X			
Karen Gilbert, Mayor			X			