

*The Township Committee of the Township of Raritan met on August 26, 2016 at the Municipal Building, One Municipal Drive, Flemington, New Jersey*

**MEETING  
CALLED**

Mayor Gilbert called the regular meeting to order at 8:00 a.m.

**ROLL CALL**

The following were present: Mayor Karen Gilbert, Deputy Mayor Michael Mangin, Comm. Richard Chen, Comm. Craig O'Brien and Comm. Louis Reiner. Also present were Township Attorney Jeff Lehrer, Township Clerk William Bray.

**MEETING  
ADVERTISED**

Mayor Gilbert advised that the meeting was noticed on Tuesday, Aug. 23, 2016 by providing notice to the Hunterdon County Democrat, Star Ledger, Courier-News, Trenton Times and Express Times in accordance with the Open Public Meetings Act and posted on the office bulletin board and the Township Website.

Comm. O'Brien objected to the meeting being legal under the Open Public Meeting's Act. Att. Lehrer asked if it was his position that it was a defective meeting. Comm. O'Brien said it was an illegal meeting because of how it was called. Comm. O'Brien asked what was the authority for calling the special meeting. Comm. O'Brien said he wanted Mayor Gilbert to answer his question. Mayor Gilbert said she would defer to Att. Lehrer who she has been consulting with on the issue. Att. Lehrer said the Committee has a right to overrule the objection by Comm. O'Brien by a motion. Mayor Gilbert made a motion to overrule the objection to holding the meeting, seconded by Comm. Chen. Sufficient votes under the Open Public Meetings Act were made to overrule the objection of Comm. O'Brien. Mr. Lehrer then asked Mr. O'Brien if he desired to continue to participate in the meeting, which he did.

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

Comm. O'Brien said he has a motion to table the meeting. Comm. O'Brien asked how Mr. Giaimis was issued a Rice Notice. Comm. O'Brien said previously a Rice Notice could only be issued by a vote of the Committee. Att. Lehrer said Comm. O'Brien made an objection, a motion has been passed to overrule the objection. Mayor Gilbert said she has consulted closely with Att. Lehrer on the issue.

Comm. Reiner made a motion to go into Closed Session, seconded by Comm. Mangin. Comm. O'Brien said the Committee needed more discussion before they go into Closed Session. Att. Lehrer said the purpose of the Closed Session is to discuss employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or discipline relating to the Raritan Township Administrator. Att. Lehrer said the Committee is now in Closed

Session. Michael Lavery, attorney for Jerry Giaimis, asked to be allowed into Executive Session. Comm. Reiner made a motion to not allow Att. Lavery into Executive Session, seconded by Comm. Chen. Att. Lavery said the Committee can't vote because it is in Executive Session. Att. Lehrer recommended coming out of Closed Session to discuss Att. Lavery's request. Mayor Gilbert asked for a motion to come out of Closed Session to discuss Att. Lavery's request. The motion was made by Comm. Mangin, seconded Comm. Chen. Voice Vote 5-0 motion carried. Comm. Reiner made a motion to not allow Att. Lavery into Closed Session, seconded by Comm. Chen.

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

Vote: 4-Yea, 1-No, motion carried.

Att. Lehrer told the Committee they need a motion to go back into Closed Session. Comm. O'Brien made a motion to table the resolution. Att. Lehrer said the motion failed for lack of a second. Mayor Gilbert asked for a motion to go back into Closed Session. The Motion was made by Comm. Mangin, seconded by Comm. Reiner.

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

Vote: 4-Yea, 1-No, motion carried.

**CLOSED  
SESSION:**

*Closed session Minutes are on a separate document.*

**OPEN  
SESSION:**

*The Committee came out of Closed Session at 8:26 a.m.  
The public portion of the meeting began at 8:26 a.m.*

Mayor Gilbert asked Att. Lehrer to read Resolution 16-196.

**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 Giaimis 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.

Mayor Gilbert asked for a motion to adopt Resolution 16-196. Comm. O'Brien asked if there would be discussion. Mayor Gilbert said there would be discussion after she gets a motion. The motion was made by Comm. Chen, seconded by Comm. Reiner. Mayor Gilbert opened the floor to the Committee for discussion. Comm. O'Brien asked if Resolution 16-196 was on the agenda. Att. Lehrer said the agenda states the Committee reserves the right to take action after the Closed Session. Comm. O'Brien said it was known days ago that the Resolution was coming but it was not placed on the agenda. Att. Lehrer said the Resolution was provided to the Committee and the Township Clerk in draft form. Comm. O'Brien said he does not remember the Committee authorizing him to draft the Resolution. Att. Lehrer said the Mayor as the chair of the Committee can authorize sending a Rice Notice and the drafting of the Resolution. Comm. O'Brien left the dais to address the Committee from the floor.

Comm. O'Brien said: "You have a choice before you. You have the sole power to decide what to do in this case. Yours is the deciding vote. You have that rare opportunity to support someone or ruin them. If you fire Gerry under these circumstances, and yours is the only vote that counts, you are ruining his career and his reputation. Rarely does one person get such a choice and it all rests on your shoulders. My faith teaches me each person is imbued with a unique gift and grace from God. Catholics call that dignity. I am taught that we need to respect that dignity in each of us. If this is the right decision for the town so be it. But did we respect Gerry's dignity in the process? The Bible tells us that when we have a problem with a brother we should go to him and try to resolve it. If that doesn't work, bring a friend and go to him. Have we done that? Did you sit down with Gerry since deciding to fire him? Did you look him in the eye and explain to him? I know when you're mayor the responsibility rests on you and you have to look at things differently. You must rise above the petty concerns of some and consider other factors that committee members

may not. You don't have the luxury of a narrow view. This decision will fall on your shoulders and the consequences will be your responsibility. It will be the only thing people will remember about your year as mayor.

If we fire Gerry, what are the follow on effects to the town? Who's next? I've heard Lou say publicly that he wants to fire the planner. I've heard him say he wants to fire the zoning officer and a member of the construction office as well as the attorney. All of these things have been said in public and many from the Dais. Who's next? All of our employees will be wondering. How will our employees respond to firing Gerry with no reason given? They will shrink back to their safest position and never step up or go out on a limb for us again. I wouldn't. Anything that requires judgment or discretion they will pass on. Those that can find jobs elsewhere will do so. Karen, wouldn't you? A year ago, when we were discussing hiring Gerry, you had reservations and you felt they had not been addressed. Even though the votes were there, I asked the committee to stop the process and gave you time to work through the issue before we voted. It took over a month. Can you be gracious enough to afford me the same courtesy? So I ask you. Is it right to ruin a man's career and his livelihood if a better way can be found? Is it right to have the town pay out over \$40,000 of taxpayer money when a conversation could resolve this?

Is it right to fire someone and not walk in and look him in the eye and tell him? Then vote no and find a better way. Is it right to fire Gerry when we never gave him a performance review? Then vote no for now. Is this the right way to do it? With secret meetings behind closed doors? Excluding people from the conversation and last minute resolutions that are not on the agenda? Then vote no. When this is done, will you look yourself in the mirror and say you're proud of how this was done? I think if you were proud, you would have picked up the phone one time of the many times I called this week and said so. Then vote no and let's find a better way. A way you can be proud of. Or are you saying to yourself "it has to be this way" or "I have no choice" or "it's for the greater good". These are all lies we tell ourselves to justify bad decisions. You always have a choice. Choose the right way and vote no

Did you tell Gerry it was ok to order the equipment for the phones? If you did, then vote no. Did Gerry send you a rebuttal to this counter contract Lou found? Why did you not share it with us? Vote no so we can understand the whole issue and then decide. And decide as a committee like we're supposed to with open discussion and hearing all sides. Have we treated our people with a level of respect and dignity you want your name associated with? If we haven't, then vote no – for now.

Can you live with destroying a good man who you know has helped you many times? Then vote no. Karen, the decision and the responsibility is all yours. Is this really the person you are? Is this the person you want to be or is there a better way? Even if the end result is the same, is this the right way to do it?

Mayor Gilbert asked if there was any member of the public who wished to make a comment. There were none. Mayor Gilbert asked for a motion to adopt Resolution #16-196. The motion was made by Comm. Chen, seconded by Comm. Reiner.

Special Township Committee Meeting Minutes  
August 26, 2016

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

Vote: 4-Yea, 1-No, motion carried.

Mayor Gilbert asked for a motion to adjourn. Voice vote 5-0.

Meeting adjourned at: 8:43 a.m.

Respectfully submitted

William Bray  
Acting Township Clerk