

**MINUTES
OF THE MAYOR AND COUNCIL SPECIAL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
MARCH 9, 2017
OPEN PUBLIC MEETING 7:30 PM**

CALL TO ORDER: Announce Quorum

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Francis stated "This meeting is held in accordance with the 1975 Open Public Meetings Act, NJSA 10:4-6 et seq., annual notice having been forwarded to the New Jersey Herald/New Jersey Sunday Herald, and posted on the bulletin board maintained in the Municipal Building for public announcements." (Mayor noted fire exits)

ROLL CALL: The Clerk called the roll and the following members were present: Councilman Bunce, Councilwoman Galate, Councilman Hoferkamp, Councilman Padula, Councilman Schindelar, Councilman Young and Mayor Francis.

PUBLIC COMMENT:

Councilman Bunce made a motion to open the meeting to the public for any questions or comments concerning any issue related to the good and welfare of the Borough. (Comments limited to 5 minutes). Seconded by Councilman Padula. All were in favor.

After giving all persons present an opportunity to address the Governing Body, Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Young. All were in favor.

RESOLUTION FOR EXECUTIVE SESSION:

Councilman Bunce made a motion to adopt a resolution to adjourn into Executive Session to discuss personnel and matters of attorney/client privilege. Seconded by councilman Young.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HOPATCONG THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

Councilman Bunce made a motion to adjourn Executive Session and return to the regular order of business. Seconded by Councilman Young. All were in favor.

Resolution #2017-72 – Terminating Employment of the Business Administrator

Councilman Bunce made a motion to adopt a resolution terminating the employment of the Business Administrator for the Borough of Hopatcong. Seconded by Councilman Padula.

WHEREAS, the current Business Administrator serves pursuant to an appointment of the governing body and an employment agreement dated on or about November 23, 2016;

WHEREAS, the procedure for terminating the Business Administrator is set forth in N.J.S.A. 40A:9-138;

WHEREAS, the Business Administrator's employment agreement references N.J.S.A. 40A:9-138 in Section 7 relating to Termination;

WHEREAS, Borough Ordinance 33-2D(2) provides a slightly different procedure for termination;

WHEREAS, in any contradiction between state statute and borough ordinance, the state statute supersedes a borough ordinance;

WHEREAS, the Borough Council desires to terminate the Borough Administrator's contract without delay so an appropriate search can begin for a replacement;

WHEREAS, the Borough Council will allow for a period of reconsideration to address the due process provided for in the Borough Ordinance;

NOW THEREFORE IT BE RESOLVED by the Borough Council of the Borough of Hopatcong that the Business Administrator's contract is hereby terminated effective immediately and the Business Administrator is immediately relieved of his duties;

NOW THEREFORE BE IT FURTHER RESOLVED, that this resolution will serve as the preliminary resolution as set forth in Borough Ordinance 33-2D(2) and the Business Administrator shall have 5 days to may file a statement of reconsideration;

NOW THEREFORE BE IT FURTHER RESOLVED, if no written request is received from the Business Administrator, this resolution of termination will become final without further action;

NOW THEREFORE BE IT FURTHER RESOLVED, the Business Administrator will remain on the payroll pursuant to the severance payment requirements of N.J.S.A. 40A:9-138; and

NOW THEREFORE BE IT FURTHER RESOLVED, that a resolution shall be prepared by the Borough Attorney and the CFO setting forth all amounts due to the Business Administrator under the statute and the Employment Agreement and presented to the Council for approval within 30 days.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

ADJOURNMENT:

Councilman Bunce made a motion to adjourn the Special Meeting of March 9, 2017. Seconded by Councilman Young. All were in favor.

Michael Francis, Mayor

Catherine Schultz, RMC

