

COMMITTEE MEMBER Mayor Edward Nolan OFFERED THE FOLLOWING RESOLUTION AND MOVED ITS ADOPTION:

RESOLUTION #2017-79

**RESOLUTION OF SUSPENSION WITHOUT PAY OF JEFFREY FOSTER, AN
EMPLOYEE OF THE TOWNSHIP OF SHREWSBURY**

WHEREAS, it has been determined that Public Works Supervisor, Jeffrey Foster, hired by Resolution 15-35 by the Township Committee on March 24, 2015, had purchased camera equipment for the Township Garage, which took and retained images of all activities in and out of the garage area, and perhaps the neighboring park, without authorization by the Township Committee since 2016; and

WHEREAS, Section 16, Subsection (a) of the Personnel Code Ordinance 3.22.11(b) establishes improper conduct by employees that may be subject to progressive discipline under the Ordinance; and

WHEREAS, the Township Committee had an Executive Session on May 23, 2017 after proper notice pursuant to N.J.S.A. 10:4-12(b) 8 and Rice v. Union County Regional High School Board of Education, 155 N.J. Super. 64 (App. Div. 1977) to employee, Jeffrey Foster, concerning the alleged violation of the Personnel Code and the need to discuss the same in Executive Session; and

WHEREAS, employee, Jeffrey Foster, appeared for the Executive Session and a hearing was undertaken by the Township Committee over the allegations, in the presence of the Chief Financial Officer, Suzanne Veitengruber and Township Attorney, Gene J. Anthony, Esq.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Shrewsbury, County of Monmouth and State of New Jersey, that the governing body has factually determined that Jeffrey Foster did purchase camera equipment for the Township garage, which took and retained images of all activities in and out of the garage area, and perhaps the neighboring park without formal authorization by the Township Committee, and that this was improper conduct, including an unauthorized purchase of property, misuse of property, violation of rules and policies of the Township Committee, and may have resulted in unauthorized disclosure of confidential Township information in violation of the aforesaid Personnel Code, and that although this action is partially mitigated by the fact that one Township Committeeperson in 2016 authorized the aforesaid action, namely, then Mayor, Alfred Melillo; however, one Township Committeeperson alone could not have authorized the type of activity undertaken, and the employee was experienced enough in municipal government to know that he

needed the authorization of the entire Township Committee, and hence, said activity is considered a significant violation of the Personnel Code; keeping in mind there were no prior formal disciplinary actions taken against the employee other than a verbal warning by the Chief Financial Officer, Suzanne Veitengruber as part of the Personnel Committee in April, 2017 concerning other activity. Therefore, the Township Committee hereby suspends the employee, Jeffrey Foster, for a period of ten (10) consecutive work days without pay, effective Wednesday, May 24, 2017 and ending Wednesday, June 7, 2017 with the employee returning to work on Thursday, June 8, 2017.

BE IT FURTHER RESOLVED, that the employee cannot use existing available vacation or sick time to compensate the employee for those suspended days, and the suspended period does not include holidays, such as Memorial Day.

BE IT FURTHER RESOLVED, that there shall be no suspension of health benefits during the suspended period, but the employee will still be responsible for making his normal required contribution towards the costs of health insurance premiums, and any healthcare contribution in arrearage as a result of this suspension shall be applied to future paychecks.

BE IT FURTHER RESOLVED, that the employee may seek an appeal of the aforesaid suspension pursuant to Section 11 of the Personnel Code Ordinance without a stay of execution of this Resolution.

Seconded by Committee Member Deputy Mayor, Glen Puhak and adopted on roll call by the

following votes:

ROLL CALL

Affirmative: 3 (Edward Nolan, Glen Puhak, Maryellen Bailly)

Negative: 0

Absent: 0

Dated: May 23, 2017

EDWARD NOLAN
Mayor

ATTEST:

TERI GIERCYK
Township Clerk

I hereby certify the foregoing to be a true copy of the resolution adopted
by the Shrewsbury Township Committee on May 23, 2017.

TERI GIERCYK
Township Clerk