

SPECIAL EMERGENCY MEETING MINUTES
Mayor and Council Borough of Demarest March 14, 2022 @ 3PM

The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by notice of the date, time and place of this special meeting via email to the Record and Star Ledger on March 11, 2022, by posting of same at Borough Hall, and by filing with the Borough Clerk of Demarest pursuant to N.J.S.A. 10:4-8(d).

Mayor Iannuzzi called the meeting to order at 3:08pm. The roll was called by the Borough Attorney acting as Clerk for the Special meeting: Councilmembers Carroll, Fox, Hamilton and Connelly and Mayor Iannuzzi were present, Councilmembers LaPira and Slowikowski were absent.

A motion to adopt the meeting agenda was offered by Council President Carroll and was seconded by Councilwoman Hamilton and was adopted on a 4-0 vote. Steven Kleinman and Danielle Panizzi of Cleary Jacobbe, the borough's labor counsel, were introduced and confirmed that Martha Francis was provided with a RICE notice during a March 11, 2022 meeting with labor counsel and the Borough Administrator, and had opted to have the hearing of today's meeting held in open, public session.

Ms. Panizzi addressed the Mayor and Council and indicated that she had been participating in an investigation into the performance of several borough employees, and that with respect to Ms. Francis, an examination of her borough owned and issued computer revealed that Ms. Francis had been performing functions related to her part time employment with the Borough of Harrington Park during her Demarest work day, a violation of the borough's personnel policy related to email and computer use. Ms. Francis, who also functions as a crossing guard within the borough, was hired as a full time administrative assistant on March 15, 2021, and thus, is still a probationary employee. Furthermore, there were several reported incidents of insubordination and neglect of duty by Ms. Francis, including refusing to continue her function as the Zoning Board Secretary, which was a critical function of her employment. There were other examples given, as well, such as complaints from the zoning board chair that Ms. Francis did not take direction or accept responsibility for errors and mistakes.

Councilwoman Fox questioned whether there was an overlap in the work hours for the crossing guard and administrative functions. It was unclear whether the two positions conflicted or were being paid simultaneously, sometimes referred to as 'double dipping.' Following the presentation, the labor attorneys recommended that as a probationary employee, for all of the reasons discussed, Ms. Francis should be separated from all employment with the borough. Whereupon, a motion was heard from Council President Carroll to terminate the employment of Ms. Francis in all positions with the borough, and a second was

heard from Councilwoman Fox. A motion was then made to open the meeting to the public by Mr. Carroll, with a second from Ms. Hamilton, adopted by acclamation.

Martha Francis was recognized by the Chair and stated that employees are permitted to use their borough issued computers for personal business on non-working time. It was unclear whether this was her opinion or a reference to an official policy. She continued that regardless of the allegations against her, which she did not deny, she worked from home on evenings and weekends; the zoning board assignment was not in her job description as an Administrative Assistant, and her probationary status was what she considers a 'gray area' since she has been employed by the Borough for over 4 years as a crossing guard. She continued that she believed she always gave the borough its money's worth as an employee and that she worked more than the time she was paid for. This was clearly her opinion, and was not corroborated by any documentation or supporting testimony.

Upon the conclusion of Ms. Francis' remarks, a motion to close the meeting to the public was made by Council President Carrol, which was seconded by Councilwoman Hamilton and passed by acclamation. There being a motion and a second on the floor to terminate the employment, a roll call was taken and the resolution was adopted on a 4-0 vote.

Council President Carroll then offered a motion condemning the Russian invasion of Ukraine, which was seconded by Councilwoman Hamilton, which was adopted on a 4-0 vote.

Whereupon, there being no further business to come before the Council, a motion to adjourn was made by Councilman Carroll, seconded by Councilwoman Hamilton, and passed by acclamation. Meeting was adjourned at 3:28pm.