

August 20, 2025

Resolution Memorializing the Expiration of the 60 -day Period of the Mayor's Apparent Appointment of the Interim Business Administrator and Withholding Council Authorization of Any Extension of Such Time Period At This Time

Whereas, West Orange Township Interim Business Administrator James P. Abbott announced in an April 24, 2025, email titled "Subject: Re: State Budget Testimony, Adopted Rules, FEMA Funding" that he was resigning his position; and

Whereas, according to Mr. Abbott's email, Mayor Susan McCartney had selected West Orange Township Assistant Business Administrator Peter Smeraldo to become Interim Business Administrator effective May 1, 2025; and

Whereas, Mayor McCartney apparently made this promotion without consulting or even informing the Township Council directly ahead of, or subsequent to, Mr. Abbott's email; and

Whereas, Mr. Smeraldo began serving as the Interim Business Administrator on May 1, 2025, and

Whereas, the West Orange Township Municipal Code § 2-2.2 "Appointment Powers of Mayor," in Sub-section (d), reads:

"Whenever a vacancy exists in any office required by the Charter or this chapter to be filled by the Mayor with the advice and consent of the Council, and there is no holdover incumbent, the Mayor may temporarily fill such vacancy (in

the absence of any contrary provision in the Charter or ordinances) by appointing an acting officer, including the designation of himself [sic] as Acting Business Administrator in the event of a vacancy in that office. Insofar as practical, such appointee shall possess all of the qualifications for a regular appointment to such office and shall have all of the functions, powers and duties of the office until it shall be filled permanently. Any such appointment shall terminate not later than 60 days after the date of the appointment unless the Council shall by resolution authorize one or more extensions of such period.”

Whereas, this Ordinance Section grants the Mayor the ability to appoint without advice and consent from the Council for up to 60 days for the position of Interim Business Administrator; and

Whereas, Mr. Smeraldo has served as Interim Business Administrator for more than 60 days, since May 1, without the Council by resolution authorizing any extension of such period; and

Whereas, Mr. Smeraldo’s appointment to Interim Business Administrator has significantly increased his compensation, as apparently decided by Mayor McCartney; and

Whereas, the position of the Interim Business Administrator is part of the discussions to potentially settle the litigation filed by Mayor McCartney against the previous term of Town Council and continued with the current Town Council without a successful settlement agreement so far; and

Whereas, Township Council at this time desires, as part of its prudent exercise of its duly authorized management of the Township’s financial affairs, to reduce the increased

compensation to Mr. Smeraldo resulting from the mayor's apparent appointment to Interim Business Administrator without a settlement of the litigation ; and

Now, therefore, be it resolved that Township Council hereby memorializes that the 60-day period for an interim appointment for Business Administrator without advice and consent has expired; and

Now, therefore, be it further resolved that the Township Council explicitly withholds any authorization for an extension of such appointment for Mr. Smeraldo as Interim Business Administrator at this time; and

Now, therefore, be it further resolved that the Township Council at this time rejects Mayor McCartney's appointment of Mr. Smeraldo as Interim Business Administrator beyond 60 days, effective immediately; and

Be it further resolved that a certified copy of this Resolution be delivered forthwith to Mayor McCartney, Mr. Smeraldo and the Municipal Clerk.

Adopted: August 20, 2025