

January 1, 2025

**BOROUGH OF BRADLEY BEACH
MONMOUTH COUNTY**

RESOLUTION 2025-34

**RESOLUTION TERMINATING ACTING BUSINESS ADMINISTRATOR
MEREDITH DEMARCO**

offered the following Resolution and moved its adoption:

WHEREAS, Meredith DeMarco was designated as the Acting Business Administrator by former Mayor Larry Fox to a temporary 90-day appointment, pursuant to Borough Ordinances and Superior Court Order; and

WHEREAS, Mayor Fox unilaterally issued an employment agreement to Meredith DeMarco, as Acting Business Administrator, on or about October 1, 2023 to Ms. DeMarco for 90 day appointments which was not ratified by the then-Governing Body; and

WHEREAS, the current Governing Body is in receipt of a document purportedly dated November 23, 2024, providing that Mayor Fox reappointed Ms. DeMarco to another 90-day term effective December 23, 2024; and

WHEREAS, as of November 23, 2024, the position of Acting Business Administrator was not vacant; and

WHEREAS, the Governing Body further maintains the authority to terminate the employment of Meredith DeMarco as the Acting Business Administrator effective immediately.

NOW THEREFORE BE IT RESOLVED that this Mayor and Council, for the reasons set forth above and below hereby affirmatively separates from employment Meredith DeMarco:

1. Mayor Larry Fox did not have the statutory authority to make a continuing 90-day temporary appointment and enter into an employment agreement for beyond the initial 90-day temporary appointment, thereby making her continual 90-day temporary appointments *ultra vires* and null and void.
2. Mayor Larry Fox did not have the statutory authority to enter into the employment agreement dated October 1, 2023 with Meredith DeMarco without the approval of the then sitting Governing Body, thereby making the agreement void, now and at its inception.

3. As of November 23, 2024, the position of Acting Business Administrator was not vacant as and as such, because Mayor Fox was considered “lame duck” the November 23, 2024 renewal appointment was *ultra vires*, void *abinitio* and not effective.
4. As of December 31, 2024, the position of Meredith DeMarco, Acting Business Administrator, was terminated consistent with N.J.S.A. 40:69A-1 et. seq. as her appointment terminated with the term of Mayor Larry Fox.
5. As of January 1, 2025, Mayor Al Gubitosi has not reappointed and hereby terminates Meredith DeMarco as Acting Business Administrator consistent with Borough Ordinances §5-14 and §5-19.
6. This Resolution shall take effect immediately.

Seconded by Councilperson Weber and adopted on roll call by the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble	X			
Ms. Greenblatt	X			
Mr. Nowicki	X			
Mr. Weber	X			
Mayor Gubitosi	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the January 1, 2025 Council Reorganization Meeting.

Erica Kostyz
 Erica Kostyz, RMC, CMR
 Municipal Clerk