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OPEN SESSION

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**REMOVED FOR CAUSE DETERMINATION**

(A motion to adopt Resolution B was made by Trustee Middlesworth seconded by Trustee Brennan. A subsequent motion to return to Open session was made by Trustee Middlesworth seconded by Trustee Leake)

**Nocella, Michael** – Riverton Borough - The Board considered Michael Nocella's application for Deferred retirement in accordance with N.J.S.A. 43:16A-11.2. The statute requires the Board to determine whether he was removed for cause or delinquency from employment with Riverton Borough. The record indicates that he filed his application for Deferred retirement with the Division of Pensions and Benefits on July 2, 2015. The Board approved his application for Deferred retirement benefits based on documentation that indicates that he was not removed for cause because Riverton's administrative charges were never formally served on him. Subsequently, a Settlement Agreement was agreed upon dated August 16, 1995, in which he was placed on "permanent layoff" from the Borough. As a result, he relinquished his rights of tenure pursuant to N.J.S.A. 40A:14-128, and recall pursuant to N.J.S.A. 40A:14-143, and agreed not to apply for or accept employment with the Borough at any time in the future. This settlement was ratified by Borough Council Resolution 61-95, adopted on September 14, 1995. However, since the record established he was not removed for cause, the Board approved his application for Deferred retirement benefits in accordance with N.J.S.A. 43:16A-11.2. (Motion by Trustee Middlesworth seconded by Trustee Bennett)