SALEM COUNTY BOARD OF CHOSEN FREEHOLDERS EMERGENCY MEETING MINUTES MARCH 16, 2012 3:30PM

The meeting was called to order by Director Acton: Pledge of Allegiance followed prayer by Deputy Director Laury.

(1)

Director Acton In accordance with NJSA 10:4-9 an emergency meeting of the Salem County Board of Chosen Freeholders has been called for Friday, March 16, 2012 at 3:30Pm to be held at the "Old Court House" located at the intersections of Broadway and Market Street in Salem, New Jersey 08079. The meeting will deal with budgetary matters and personnel issues which are of such urgency and importance that a delay for the purpose of providing adequate notice would likely result in substantial harm to the public interest.

On Roll Call, the following Freeholders were present: Deputy Director Laury, Freeholders Cross, Vanderslice, Ware, Bobbitt, Timberman and Acton.

Solicitor Levitsky stated here's what the statute says. Now we are obviously having this meeting without giving adequate public notice which is normal 48 hours statute says not public body shall hold a meeting unless adequate notice thereof has been provided to the public. The exception is upon the affirmative vote of three quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if:

- (2) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest: and
- (3) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and
- (4) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in section 3.d above, and also by notifying the two newspapers described in section 3.d by telephone, telegram, or by delivering a written notice of same to such newspapers; and
- (5) wither (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, if nevertheless failed to do so.

So before we start the meeting we are going to have to have a vote of three quarters of the members present in favor of holding the meeting without adequate public notice haven been given I can say on these other items. (1) is the meeting is required so you have to make a decision and let the people know something of what the matters are that you will be discussing today. To vote in the affirmative you feel that these matters are of such urgency that if you don't have the meeting there could be some substantial harm to the public interest. (2) the meeting is limited to discussion or action in respect to such matters so our meeting today will be limited to those matters you can't discuss other matters (3) it's about the notice and I can tell you that we did comply to that notice was posted and sent to the two newspapers (4) really is a catch all you either could not have reasonably have foreseen the need for a meeting which is the case or it goes on to say even if you could have foreseen it you didn't give notice so I don't think we really have to spend a lot of time on number 4 but that's basically what the law is so we start with a vote

Deputy Director Laury made a motion to proceed with the emergency meeting with Freeholder Vanderslice seconding his motion. As there was no discussion, motion carried by hand vote 7/0.

Solicitor Levitsky stated my understanding is that the reason that the meeting was called would fall under another section of the statute which would allow the discussion to take place in closed session. Which we do every month so I'll read that paragraph to you which I think it falls under and if we do the one thing we have to vote on it and then we have to tell the members of the public that are here give them an approximation of when you think we'll come back down to vote in open session and take any action on what we discuss upstairs and I think what my understating is of what we are going to be discussing would come under statute 10:4-12 giving the exception to public body meetings. a public body may exclude the public only from that portion of a meeting at which the public body discusses and I think things would come under (8) any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public. From my knowledge with my speaking with you I think all these issues actually fall under here.

Deputy Director Laury made a motion to enter closed session with Freeholder Cross seconding his motions. As there was no discussion, motion carried by hand vote 7/0 at 3:40pm.

Deputy Director Laury made a motion to come out of closed session seconded by Freeholder Timberman. As there was no discussion, motion carried by hand vote 7/0 at 4:18 PM.

Deputy Director Laury made a comment that Lee had to leave and we truly thank him for taking part of his day out today to be here it's exceptional he could make it when he did so thank you Lee.

Deputy Director Laury made a motion to hold the layoff plan for the submission to the State of New Jersey with Freeholder Cross seconding his motion. As there was no discussion, motion carried by hand vote of 6/0.

Director Acton stated it has been discovered that a significant error has been made in the budgetary process. We have a fiduciary responsibility an obligation to our citizens and to the taxpayers of Salem County to make sure everything is in order. This is a personnel matter and I thank you all for coming out and a budget matter.

Deputy Director Laury made a motion to adjourn with Freeholder Vanderslice seconding his motion. As there was no discussion, motion carried by hand vote 6/0 at 4:20pm.

Respectfully submitted,

Earl R. Gage Clerk of the Board

EXECUTIVE SESSION OF THE SALEM COUNTY BOARD OF CHOSEN FREEHOLDERS OLD SALEM COURT HOUSE MARCH 16, 2012

Present: Freeholders Acton, Laury, Cross, Vanderslice, Bobbitt, Ware, Timberman, Administrator Ford, COB Gage, Solicitor Levitsky.

The Freeholders entered executive session by resolution motion by Deputy Director Laury, second by Freeholder Cross, motion carried at 3:40 PM.

The purpose as stated by resolution was to discuss the following status of a financial situation newly discovered by the CFO and brought to the attention of the Director by same. Personnel issues were also to be discussed. Director Acton began by stating that Mr. Wright, the cfo, brought to her attention late Thursday afternoon that he had made an error and had left out of the presented budget a single line item, utilities, that totaled approximately \$2.4 million dollars. She further explained that this now caused a similar shortfall in the otherwise balanced budget. Director Acton began to discuss some short comings with Mr. Wrights' performance and noted that Earl Gage had been frustrated at times. Mr. Gage noted for the record that this Board could not discuss Mr. Wright's job performance because in the haste to call this emergency meeting the next day there was not proper time (48 hours) to Rice notice Mr. Wright. No further discussion could be carried on without this proper notice. Director Acton then discussed the need to bring in the County auditors to take a look at the budget, the need to rescind the layoff plan, and the suspension by resolution of Mr. Wright. Mr. Gage advised that no resolution was needed to suspend Mr. Wright; he then passed out the section in the adopted County and Procedures manual for dealing with appointed officials. Any disciplinary action would be done by administration. Mr. Gage also noted that no resolution was needed to appoint auditor's since the County had appointed auditors at reorganization. Mr. Gage also advised about acting hastily with the layoff plan, as it was easier to amend the current plan if necessary then to formally rescind the current plan.

The Freeholders emerged from closed session at 4:15 by motion by Deputy Laury, second by Freeholder Timberman, carried 6/0. (Mr. Ware left at this time to coach his baseball game, noted by Freeholder Laury).

Respectively Submitted,

Earl R. Gage Clerk of the Board