

**SALEM COUNTY BOARD OF CHOSEN FREEHOLDERS**  
**BUDGET MEETING MINUTES**  
**January 21, 2012**  
**9:00 A.M.**

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

Director Acton - that adequate notice pursuant to the Open Public Meetings Act has been given of this meeting.

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

Freeholder Vanderslice - I would like to address the Freeholder Board please. Based on our County Solicitors advise I wish to have the record reflect my yes vote on Resolution 2012-8 appointing Masten and Ray as Special Counsel for Salem County be changed to an abstention. Since the vote for Special Counsel has resulted in political theatrics because Mr. Masten and I serve together on the Board of Directors of the Pennsville National Bank I change my vote to an abstention. I am sorry that Salem County will lose services of very qualified attorneys in Donald Masten and Walt Ray but it has become apparent that the appointment will result in the continuing distraction in the job that we were elected to do for the residents of Salem County. I want this Board of Chosen Freeholders to stay focused on working to make Salem County Government as cost effect and efficient as possible. Also I want to say to my colleagues across the table that I know that you had the same opportunities that I had to review this resolution prior to the meeting and would have preferred that you had discussed this objection with me prior to the meeting. Mr. Ware just for the record it is not a waiver and in the future may I suggest that you get your facts in order before you make a public statement and to Freeholder Timberman and I'm sorry that Mr. Bobbitt is absent it is time that we leave politics behind us and concentrate on representing the people of Salem County. Thank you.

County Solicitor Ross Levitsky - since the issue has been brought up, I also would like to make a statement for the record and I think it duck tails nicely with what Freeholder Vanderslice has just - ultimately you will see that, that was going to be our recommendation. I would like to discuss with the Freeholder Board the issue relating to Freeholder Vanderslice's vote on a resolution to appoint the Law Firm of Masten and Ray as Special Counsel to the Freeholder Board and the ethical implications of that vote included in my presentation is my position concerning allegations which appeared in the press that I was somehow at fault for failing to have advised Freeholder Vanderslice not to vote on this resolution prior to his vote. In the afternoon of January 4<sup>th</sup> 2012 the date of the county's reorganization meeting I received a telephone call from Walter Ray a partner in the Law Firm Masten and Ray and was told that Freeholders would be introducing a resolution later that day appointing Masten and Ray as Special Counsel to the Freeholders. This was the first time I was made aware that such a resolution on the agenda. Walter told me that when he was approached about position appointing Masten Ray to Special Counsel he told the persons who contacted him that he has know me for many years, that I was a very competent attorney and he would only be interested in the position if it didn't interfere with my duties as County Counsel. I said to Walter we have been friends for many years and that I felt comfortable with his firm as Special Counsel and had no objections to him accepting the appointment. I said there may be some times when it wouldn't hurt having another set of eyes reviewing a particular issue and he would not be stepping on my toes if certain matters were handled by his firm. I told him I appreciated the call. The reorganization meeting was held a few hours after this call. At the time of the meeting I was aware of the following facts concerning the relationship of Freeholder Vanderslice and the

Masten and Ray Law Firm. I knew that Freeholder Vanderslice was employed by Pennsville National Bank and that Donald Masten, at least in the past, had been a stockholder in the bank. I say at least in the past since I did not know if Mr. Masten still owned shares in the bank or if over the years he had sold them, gifted them or otherwise disposed of them. Based on this limited personal knowledge it would not have reasonably occurred to me nor would I think there was a conflict of interest for Freeholder Vanderslice to vote on the resolution to appoint the Law Firm Masten and Ray as Special Counsel to the Freeholder Board. If I had been advised prior to the vote that evening of all of the facts of Mr. Masten's relationship with Pennsville National Bank I know exactly what I would have done. I would have advised the Freeholder Board to table the motion appointing Masten and Ray as Special Counsel in order to give me an opportunity to gather all the facts, research the law and provide the Freeholder Board an informed legal opinion. This is what I do anytime I am asked a question or presented an issue for which I do not have a definitive answer. Shortly after the meeting it came to my attention that an ethics complaint for an alleged violation of the New Jersey Local Ethics Law had been filed against Freeholder Vanderslice as a result of his vote on the resolution. I also learned from reviewing the complaint and attached documents the Donald Masten held various official positions with the parent corporation of Pennsville National Bank. I researched the issue and as a result of this research came to the conclusion that although I cannot guarantee when the ethics Board will decide, in my opinion there is a good likelihood that they will find that Freeholder Vanderslice's vote on the resolution was an ethical violation. I advised the Clerk of the Board and the Freeholder Director that although we cannot undo what has been done we should act to minimize any negative repercussions of the vote. Therefore it is my legal opinion that Freeholder Vanderslice should advise the Freeholder Director that he wishes to change his vote on the motion appointing the Law Firm of Masten and Ray as Special Counsel to the Freeholder Board and yes to abstain. Freeholder Vanderslice should also advise the Director that he is officially withdrawing his second to the motion. This will have the effect of negating the resolution in two respects. There will now be no second to the motion so the motion will die and the vote on the motion will now be three for and three against so the motion will not be carried. I don't think any other action need be taken unless another Freeholder makes a new motion to appoint the Law Firm Masten and Ray as Special Counsel to the Freeholder Board in which event I would advise Freeholder Vanderslice not to participate. I feel his course of action would be in the best interest of Freeholder Vanderslice and the Board as a whole. So the only other thing that I would say is that you as a result of that is you probably should withdraw your second to the motion.

Director Acton - and no other action needs to be taken.

Mr. Levitsky - no, no other action needs to be taken.

Freeholder Timberman - I don't think Mr. Vanderslice has had a chance to do this yet because it happens, I believe in the fall, but we have to do a disclosure statement that gets sent up to the state and when you do that it sort of itemizes what relationships you have whether you have stock in a company that's local or you're a board member of any Board that might be related to a Freeholder action and I think that if he gets that form and does that it will help him see what we have to disclose there for it will help you know if there is any other conflicts.

Freeholder Vanderslice - thank you.

Director Acton - I just wonder why they don't have that done as soon as they are elected.

Clerk of the Board Gage - the statute states newly elected officials have to have that in by April 1st.

Director Acton - I thought it was later in the year.

Clerk of the Board Gage - it's the end of the year for everyone else. For anyone that is already serving if you are newly elected, I think I went through this with Mr. Cross, I think he had to have it in by April 1st.

Freeholder Timberman - and where does that come from?

Clerk of the Board Gage - the County Clerk Gilda Gill has those forms.

Freeholder Cross - my only question would be, would it be proper to have the waiver portion of the public segment in the minutes rescinded, taken out the minutes.

Clerk of the Board Gage - that I don't know if you can change the minutes or if should just be documented that it was done.

Mr. Levitsky - it was a waiver originally.

Clerk of the Board Gage - yes

Mr. Levitsky - alright, well it's been discussed I don't think we have to do anything with that.

Freeholder Ware - the resolution was a waiver correct?

Director Acton - no bond counsel was waiver.

Clerk of the Board Gage - yes that was a waiver

Director Acton - no I looked it up last night it was resolution number 5.

Mr. Levitsky - I mean it is what it is so I don't think it matters.

Director Acton - number 5 was the bond counsel.

Freeholder Cross - I guess my question is, if we find out if it was a waiver and it was not a waiver would it be proper to have that taken out of the minutes so that it's not public record because it's incorrect.

Clerk of the Board Gage - I don't think you can. I see where you are coming from Freeholder but I don't think you can

Freeholder Cross - I wasn't sure what the protocol was.

Clerk of the Board Gage - it's corrected at this meeting and that will be reflected there.

### **BUDGET PRESENTATIONS:**

We didn't have any presentations this morning because we are going to do more of the follow up action with union negotiations.

Deputy Director Laury made a motion to do the resolutions in bulk with Freeholder Cross seconding his motion. As there was no discussion motion carried by hand 6/0

### **ADMINISTRATIVE**

R. 2012-104

ADMINISTRATIVE

RESOLUTION FOR THE APPOINTMENT OF MEMBERS

TO THE SALEM COUNTY PLANNING BOARD

R. 2012-105  
ADMINISTRATIVE

RESOLUTION FOR THE APPOINTMENT OF MEMBERS TO THE  
COUNTY OF SALEM POLLUTION CONTROL FINANCING AUTHORITY

R. 2012-106  
ADMINISTRATIVE

RESOLUTION APPOINTING A DIRECTOR OF SOCIAL SERVICES  
FOR THE COUNTY OF SALEM

R. 2012-107  
ADMINISTRATIVE

RESOLUTION APPOINTING A COUNTY ENGINEER FOR THE COUNTY OF SALEM

Deputy Director Laury made a motion to adopt the foregoing resolutions with Freeholder Cross seconding his motion. As there was no discussion motion carried by hand vote 6/0.

Under unfinished business Deputy Director Laury - there is a motion to come off the table.

Clerk of the Board Gage - yes there was a motion that was on the table to appoint Debbie Behnke as department head so it would be procedurally you would move to take it off the table

Freeholder Cross made a motion to take the motion off the table to appoint Debbie Behnke Director of Socials Services for the County of Salem seconded by Deputy Director Laury and carried by hand vote 6/0.

Mr. Gage - you now have a motion and second to appoint Debbie Behnke so you can either motion to approve and all vote against or a motion to not approve and all not vote in favor. Follow me.

Mr. Levitsky - I don't follow you.

Mr. Gage - you have a motion to appoint Debbie Behnke you've already done that.

Mr. Levitsky - where'd they do it.

Clerk of the Board Gage - up here so you either motion to approve and go against or motion to not approve and you vote for.

Mr. Levitsky - why don't you just take the motion off the table since it's not necessary.

Clerk of the Board Gage - just move to withdraw the motion

Freeholder Timberman moved to withdraw motion made on January 18<sup>th</sup>. Seconded by Freeholder Ware. As there was no discussion motion carried by hand vote 6/0

Deputy Director Laury - just a note that I am disappointed as a Freeholder that my colleagues on the other side of the isle have made this a political issue after nine years of being in control of estimated approximately 120 appointments and seemed to significantly restructure the administration. We were given two months with three national holidays to make the right choices for Salem County if you had asked Debbie Behnke about her status as the head of Social Services she would have told you that Freeholder Acton, Freeholder Cross and myself assured her we intended to appointment her to the position you did not ask her. Also not one of you had the courtesy to ask any one of the majority Freeholders why she was not appointed at

the reorganization meeting. As the majority party we take all appointments seriously and none more important than a department head. The appointment was simply delayed so that newly appointed elected Freeholder Vanderslice could properly do his due diligence. As you see he voted today in the affirmative and he had significantly completed his due diligence. Debbie as we all agree is a great asset to the people of Salem County. It is disappointing that you have upset her family, her friends and Buster simply for political gain. I hope in the future you ask and think before you make your politically motivated criticism. I was Chairman of the Social Services Committee overseeing Debbie and her department for two years. I can tell you I am proud to have her as part of Salem County and just as important to have as a part of my family. Madam Director thank you for your time.

Freeholder Ware - I am trying to sit here and absorb all of this. We have upset Debbie Behnke. We. Do you know what holdover means Freeholder Laury? Holdover means that you are looking for somebody else to replace that person and I came to you Freeholder Acton and I said who wants a job what are you going to do with Debbie. Did I come to you?

Director Acton - and I said we don't have anybody.

Freeholder Ware - why wasn't she appointed she is a God sent? While you were sitting around the Christmas Tree Christmas Eve and I was sitting around the Christmas Tree she was with a dying client that's the kind of person she is. Why did you put her and her family through this stress and anguish I talked to her dad the other night whose wife is not in good shape and just tore that whole community and family up. Don't tell me we're political don't tell me Freeholder Laury.

Freeholder Timberman - I just want to say it was not political at all. And I think Freeholder Laury you were the biggest disappointment to Ms. Behnke because she really thought that you more than any of the other Freeholders understood what her job was and to not give her an appointment and for her to know about it and not be allowed to talk about it which she was told by Freeholder Acton and Freeholder Laury not to talk about it and that's like saying you got a noose around your neck but you can't scream for help. She had to carry that through the holidays. I think she might have even known by Thanksgiving. She didn't want her disabled son to know certainly did not want her father Mr. Stiles to know and then for you to turn around and say it's political on our part we were acting on what the population was saying. We did not make this a political fiasco on reorganization day because we respected that day to be a day of ceremony and when the public comes to you and says we need to do something we as the attentive minority Freeholders are listening.

Director Acton - thank you guys for your comments.

Freeholder Cross - I would like to make a motion from the floor that we approve Mr. Kevin Foley to a full 35 hour a week position at his current hourly rate. Motion was seconded by Deputy Director Laury.

Clerk of the Board Gage - I believe that would have to be a waiver since it wasn't sent us.

Freeholder Timberman - what about the issue of going of the unemployment

Clerk of the Board Gage - it wasn't on the agenda so it would have to be approved as a waiver and then discussion.

Deputy Director Laury made a motion to waive the rules so that we can vote on this resolution with Freeholder Cross seconding his motion. Motion carried by hand vote of 6/0.

Resolution to appoint Kevin Foley to a full time position at 35 hours a week at the current pay rate which is \$19.07 per hour.

Director Acton - which is actually less than what we were paying the former.

Freeholder Timberman - what about the issue that I asked on January 18<sup>th</sup> that he had asked for a reduced salary so that he could continue to collect unemployment benefits.

Freeholder Cross - the fact of the matter is that Mr. Foley operated strictly under the guidelines that are set out by the federal government. He is entitled to \$616 per week in his unemployment compensation. When working you are allowed to earn 120% over that number which brought the new number to \$730. Any monies that he earned through the county which he was as of the unanimous vote that approved him on January 4<sup>th</sup> at reorg we were taking dollar for dollar from his unemployment benefits. He was also qualified under some educational programs that are available to him to go through the certification courses for CFO and also for a purchasing agent. So they were the terms and how we were operating was correct according to the rules that are out there right now. He agreed to have the salary lowered for the simple reasons that he was under the guidelines that it was the \$20,000 line item he was looking to get a 20 hour work week so he could get acclimated to the system and to the position and if you work out 20 hour weeks over 52 week year it comes out to \$20,000. It was approved by the unions I believe its civil service and with the union the new rate in actuality it would be saving money, saving the county money, in the long term and would also allow for smooth transition if we do a 35 hours week this smooth transition into a pending retiring that we have coming in the Purchasing Department as well. Treasures Department I apologize. Whereas we can hold two jobs into one position.

Freeholder Timberman - so he's not going to be collecting Un-insurance benefits?

Freeholder Cross - If we go to a 35 hour week take off dollar for dollar I believe that's a difference of \$53.

Freeholder Ware - he's still going to be collecting unemployment?

Freeholder Cross - that would be up to him. We would have to ask Mr. Foley at that point but if he is under the guidelines he would still be eligible.

Freeholder Timberman - I had asked about his certification is he currently enrolled in a course for the Purchasing Agent.

Director Acton - yes he is.

Freeholder Timberman - when does that end?

Freeholder Cross - March the course ends in March at the same time his certifications. If we can Madam Director if we can go out into the audience Mr. Foley is here we can ask him and maybe he can shed some light on it.

Director Acton asked Mr. Foley to come forward. Freeholder Timberman has a question regarding your certification.

Freeholder Timberman - Mr. Foley you are taking certification courses right now for purchasing agent.

Mr. Foley - I get my certification as a certified municipal finance officer the next step is to get certified as a qualified purchasing agent. In the State of New Jersey you are a CMFO you can take one additional course for the QPA exam after the CMFO exam. That's my intention.

Freeholder Timberman - do you know when the course will be offered?

Mr. Foley - I don't know when the course will be offered and I don't know when the exam will be offered. Sometime in the next year.

Freeholder Timberman - can we make that a condition of employment that he has to pass this by the end of the year.

Mr. Foley - I think that the law requires the qualifying Purchasing Agent to pass that exam within two years. I would prefer that but within a year is fine.

CCFO Doug Wright - we are not required to have a qualified purchasing agent. If you don't have a qualifying purchasing agent then you have to use the lower bid threshold.

Freeholder Timberman - I'm asking that, that be like a higher bid threshold so I'm asking that, that be a qualification.

CCFO Wright - I'm not questioning that I'm just stating that there isn't any kind of years requirement to get a QPA because you don't have to have someone who is a QPA.

Freeholder Ware - he's going to be 35 hours a week full time.

Freeholder Cross - that would be a full time position 35 hours a week at the, I believe, the hourly rate is \$19.23 or 32 which works out to approximately 676.20 if you're using \$19.32. He is entitled under the guidelines of the program for \$730 with 120 percent of 616.

Freeholder Ware - so the rest of it he would take in unemployment.

Freeholder Cross - that would be his decision.

Freeholder Ware asked Mr. Foley if that was correct.

Mr. Foley - yeah

Freeholder Cross - is that clear Mr. Foley. You're entitled to \$730 and everything that you earn off that is dollar for dollar compensation from unemployment?

Mr. Foley - after \$700 reduction to 35 hours a week that's 700 bucks a week basically so there might be a couple of bucks coming from unemployment.

Director Acton - but you probably would not take it?

Mr. Foley - I'm not sure I have an option not to take it. The forms and requirements from the Department of Labor you have to give them the facts and then they make the determination.

Freeholder Cross - Mr. Foley if you can clarify it for me to the best of your ability under the guidelines under the unemployment program part time and or full time skill that you earn dollar for dollar?

Mr. Foley - if I'm full time that's a different section of the law but beyond 80 percent of my former working hours would become a full time job and I'm no longer qualified for unemployment at that point and time. Now 80 percent of 35 hours is 28 hours, so I will no longer be able eligible for unemployment.

Freeholder Wares - so full time he will be getting benefits?

Director Acton - no he will not get benefits.

Clerk of the Board Gage - he cannot get benefits.

Freeholder Vanderslice - you talking unemployment or the benefits that the county offers? You have to understand he's training for a transitional position.

Freeholder Cross - we have an impending March retirement in the Treasurers Department in addition to the part time Purchasing Agent which we are looking to transition into that position and hire an additional person to fill the void.

As there was no further question the motion carried by hand vote 4/2 with Freeholder's Ware and Timberman against.

Closed session motion Deputy Director Laury seconded by Freeholder Cross at 9:33.

**CLOSED SESSION**

R. 2012-109

ADMINISTRATIVE

RESOLUTION AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING  
OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF SALEM

Deputy Director Laury made a motion to adopt the foregoing resolution with Freeholder Cross seconding his motion. As there was no discussion motion carried by hand vote 6/0.

**EXECUTIVE SESSION OF THE  
SALEM COUNTY BOARD OF CHOSEN FREEHOLDERS  
OLD SALEM COURT HOUSE  
JANUARY 21, 2012**

The Freeholders entered executive session by resolution at 9:45 AM.

Present: Freeholders Laury, Cross, Vanderslice, Ware, Timberman and Acton. Also present was Evorn Ford, Administrator, Earl Gage, COB, and Doug Wright, CFO.

The Freeholders discussed the budget in detail noting revenues, expenditures, and possible ways in which to balance the budget with the minimal amount of layoffs and furloughs as possible. It was determined that the amount that we need to secure is approximately 1.9 million dollars in savings or reductions. That number is subject to further review as administration looks through the employment lists, and vacant funded positions. It was also suggested that we investigate the possibility of an incentive retirement program for employees that are eligible to retire but for various reasons are not taking their pensions at this time.

The meeting resumed open session by motion from Freeholder Laury, second by Freeholder Cross, carried 6/0 at 11:35 am.

R. 2012-110

ADMINISTRATIVE

RESOLUTION AMENDING THE TEMPORARY BUDGET FOR THE COUNTY OF SALEM

Deputy Director Laury made a motion to adopt the foregoing resolutions with Freeholder Cross seconding his motion. As there was no discussion motion carried by hand vote 6/0.

Deputy Director Laury made a motion to adjourn with Freeholder Cross seconding and carried by hand vote 6/0 at 11:38 am.

Respectively submitted,

Earl R. Gage  
Clerk of the Board