

Chairman Dator's Opening Remarks – March 28, 2012 – Special Emergency Meeting

I have called this Special Emergency Meeting of the Authority in response to the County Executive's veto of the Authority Meeting held on March 22, 2012.

First, it is important to note that every reason given by the County Executive in her veto message of March 23, 2012 is incorrect.

- She states that the notice of the Special Meeting was defective because it did not include a statement that a closed session may be held. There is no requirement in the Open Public Meetings Act that a notice of closed session or the possibility of a closed session is required.
- County Executive asserted that there was no offer of a public comment session, alleging that it violated the Open Public Meetings Act. On the contrary, the Act is very clear stating that a public comment session is not required, and the Authority acted well within its discretion under the law to not have a public comment session.
- Next, she asserted that participation by two Commissioners by telephone was a "clear violation of the Open Public Meetings Act and New Jersey case law." The Open Public Meetings Act specifically authorizes telephonic participation, particularly with regard to special meetings called on short notice, and there is no case law that holds to the contrary.
- Lastly, the County Executive complained that the recent appointment of Elizabeth Salazer required her to be sworn in at the Meeting. As the swearing in of Ms. Salazer was scheduled for the next public meeting scheduled for April 3, 2012, and the Special Meeting of March 22 was specifically called to address only one issue, the March 19, 2012 order of the Division of Local Government Services, swearing in Ms. Salazer was not required, but would have deprived her of the proper respect by having her sworn in at a regular meeting with due notice so she could invite anyone that she wished to attend the meeting.

Despite the fact that there is no legal basis for the County Executive's veto, I have decided to hold another Special Emergency Meeting to address the County Executive's unfounded allegations, eliminating any doubt as to the legitimacy of the actions taken by the Authority, and most especially, that no member of the public can question the integrity of this Authority.

The purpose of this Meeting is the same as that of our previous meeting, to consider authorizing an appeal of the order from the Director of the Division of Local Government Services to the Local Finance Board. The purpose was never, as alleged by the County Executive in her Press Release of March 23, "the filing of a lawsuit by the NBCUA against the County Executive's Office."

Accordingly, I have called this Special Emergency Meeting and asked our Counsel and Executive Director to comply with all the issues raised in the County Executive's veto message. An appeal to the Local Finance Board must be filed by March 29.