

MINUTES**December 2, 1995**

The Board of Chosen Freeholders of the County of Warren met in a special emergency session at the Warren Grange #110, Broadway, NJ (Franklin Township) on Saturday, December 2, 1995 at 9:30 p.m.

The meeting was called to order by Director Susan Dickey. Upon roll call the following members were present: Freeholder Susan Dickey, Freeholder Ann Stone and Freeholder Kenneth Miller. County Counsel David Wallace was also in attendance.

The first item of business was a vote on whether the meeting should be held on an emergency basis and without adequate notice under the Open Public Meetings Act.

On motion by Mrs. Stone, seconded by Mr. Miller, the board voted to hold this emergency meeting.

ROLL CALL: Mr. Miller: yes Mrs. Stone: yes Mrs. Dickey: yes

Director Dickey read the following statement: "UPON AFFIRMATIVE VOTE OF THREE QUARTERS OF THE MEMBERS PRESENT THE BOARD OF CHOSEN FREEHOLDERS HAS CONVENED THIS MEETING NOTWITHSTANDING THE FAILURE TO PROVIDE ADEQUATE NOTICE IN ORDER TO DEAL WITH THE ISSUE OF ASHPHALT, AN ASH PAVING MATERIAL, WITHIN WARREN COUNTY IN DIRECT VIOLATION OF A RESOLUTION PASSED BY THE WARREN COUNTY FREEHOLDER BOARD ON OCTOBER 27, 1993. USE OF THIS MATERIAL WITHIN WARREN COUNTY IS SCHEDULED FOR DECEMBER 5, 1995. ONE MEMBER OF THE FREEHOLDER BOARD WILL BE UNAVAILABLE FOR MEETINGS AS OF DECEMBER 4, 1995 FOR MEDICAL REASONS. A DELAY IN HOLDING THIS MEETING COULD RESULT IN THE PROPOSED PAVING/PAD CONSTRUCTION AT THE PCFA FACILITY AND USE OF THIS MATERIAL COULD RESULT IN GROUND WATER POLLUTION WHICH IS A SUBSTANTIAL HARM TO THE PUBLIC. THIS MEETING WILL BE LIMITED TO THE DISCUSSION OF THIS SINGLE ISSUE. NEED FOR THIS MEETING COULD NOT HAVE BEEN FORESEEN IN TIME FOR ADEQUATE NOTICE TO BE GIVEN AS MATERIAL ADVISING OF THE PROPOSED USE OF ASHPHALT WAS NOT AVAILABLE TO ALL BOARD MEMBERS PRIOR TO DECEMBER 1, 1995.

THIS MEETING WAS CONVENED AT THE REQUEST OF THE FREEHOLDER DIRECTOR THROUGH COUNTY COUNSEL TO BE HELD AT A TIME AND PLACE AT WHICH THE BOARD WAS ASSEMBLED FOR A SOCIAL GATHERING.

Considerable discussion followed.

On motion by Mrs. Stone, seconded by Mr. Miller, authorization was given to county counsel to do the necessary investigative work and research to determine whether the county has the authority to control the use of "ashphalt" by the PCFA on the PCFA site which is owned by the county and leased to the PCFA, and whether the resolutions of the freeholders adopted on September 22, 1993 and October 27, 1993 concerning ashphalt govern the ashphalt paving project which the PCFA is scheduled to participate in on December 5, 1995 and whether such project in whole or in part violates either or both of those resolutions, and if cessation cannot be achieved with the PCFA voluntarily, and if the county has valid legal authority in support thereof, to take whatever action is necessary to cause a cessation of the project, or if that is not appropriate to cause a cessation of the excess ashphalt being returned to Warren County, and if that is not appropriate to take the necessary action to cause the cessation of the construction of a pad within the PCFA site utilizing such excess ashphalt.

ROLL CALL: Mr. Miller: yes Mrs. Stone: yes Mrs. Dickey: yes

On motion by Mrs. Stone, seconded by Mr. Miller, the meeting was adjourned at 10:25 p.m.

ROLL CALL: Mr. Miller: yes Mrs. Stone: yes Mrs. Dickey: yes

ATTESTED TO:

Naomi J. Stout, Deputy Clerk