MINUTES **September 18, 1996**

The Board of Chosen Freeholders of the County of Warren met in regular session in its offices in the Administration Building, Belvidere, NJ on Wednesday, September 18, 1996 at 7:28 p.m.

The meeting was called to order by Director Susan Dickey and upon roll call the following members were present: Freeholder Susan Dickey and Freeholder Kenneth Miller. Freeholder Stone was absent at roll call.

The Pledge of Allegiance to the Flag was led by Director Dickey.

Director Dickey read the following statement: "ADEQUATE NOTICE OF THIS MEETING WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A SCHEDULE OF REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS TO THE WARREN COUNTY CLERK, THE STAR/GAZETTE, BLAIRSTOWN PRESS, THE NEWS, STAR-LEDGER AND THE EXPRESS-TIMES AND BY POSTING A COPY THEREOF ON THE BULLETIN BOARD IN THE OFFICE OF THE BOARD OF CHOSEN FREEHOLDERS. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE".

On motion by Mr. Miller, seconded by Mrs. Dickey, the minutes of the regular meeting of the Board of Chosen Freeholders held September 4, 1996 were approved as presented.
ROLL CALL: Mr. Miller: yes Mrs. Stone: absent Mrs. Dickey: yes

Sharon Cooper, Bowers, Schumann and Welch, presented a check in the amount of $3,039.50 to the county. This represents 50% of the net profit of the participating municipalities in the insurance program for the county; it is based on the experience of the group for the year 1994.

She also spoke to the board about a joint insurance fund that would become effective January 1, 1997 called PACE (a self-insurance fund) that is being reinstated by Selective. The board would need to prepare a resolution and sign an indemnity trust agreement to join this fund. The bylaws are available and she will submit it all to Dave Wallace for his review.

Under public comments, Freeholder Dickey instituted a five minute time limit per speaker and a twenty minute time limit per topic due to the number of the public who have comments at this time.

Reggie Regrut spoke to the board and asked Mrs. Dickey if he would have to submit to a psychological evaluation before he speaks to the board tonight. Before he makes public comments, does he have to agree to an evaluation? Why are these conditions placed upon him when he makes public comments?

Mrs. Dickey said he does not have to submit to an evaluation before he makes public comments.

Regarding a January 15, 1992 letter that he submitted, why is there a difference of $48,000 in the figures. He asked Mr. Dinger if he could answer this question and Mr. Dinger said no, not without doing some research.

Reggie said he wants an answer to this in writing.

He also asked Mrs. Dickey to look at the rest of the documents he submitted and to get back to him. He also asked that Susan conduct an investigation as to whether public records have been destroyed without proper permission from the state.

Terry Newhard, Executive Director of NORWESCAP, and Debbie Beck from First Call For Help, spoke to the board regarding a funding cut of $41,000 (36%) from the First Call For Help program.

Ms. Beck said that they are a general help line and they received 5161 calls last year from people needing assistance; 3788 of these had financial problems (this represents 73% of the people calling) and 27% (1378) of the people needed temporary financial aid. If the program has this large a cut they will have to reduce their staff from three to two, but the call volume will not decrease. Ms. Beck asked that the freeholders look at the potential cut to their program and consider alternatives.

Mr. Newhard stated that calls are the basic need and asked that the freeholders take a look at the ranking tool. They would like to fill the needs when no on else can.

A Mr. McNulty spoke to the audience and said he is embarrassed for the freeholders and apologizes for them. Mr. McNulty submitted copies of video tapes to the board. He stated that the state has decided that the public should pay a tax to support the incinerator instead of shutting it down.

Statements were made by several people to the effect that (1) the phrase "environmental terrorists" is amusing - it is the incinerator is terrorizing the people. (2) we should be rethinking the incinerator as is shown on the tape. (3) burning trash in the incinerator doesn't help to alleviate air pollution. (4) to propose to tax the residents for the incinerator is illegal and unconstitutional.

Freeholder Stone came into the meeting at 8:00 p.m.

A gentleman from Phillipsburg said that if the incinerator was shut down, we would have to recycle more. Ogden Martin is a very big company, very efficient but they don't care about Warren County. The incinerator is a mistake that we don't need, we need to bury it and find other things to do with the trash.

Debra Gunther, RN, said she has concerns about health problems in White Township and asked that the board look at the statistics.

Susan Dickey informed the audience that a meeting has been scheduled for October 16, 1996 with the State of NJ Department of Health who will supply statistic and information on cancer risks.

Mr. McNulty suggested that they get someone other than the state, they should get an independent firm.

Laurie Gold said that the fact that they are looking to burn another 100 tons of trash per day is ludicrous. Regarding the language she has read in the papers calling these people "environmental terrorists" is upsetting to her, she objects to this language, these people are your friends and neighbors. Regarding cadmium, much damage is caused by this. Monitoring is not what we were promised and if the facility is not tested more than once a year, than now is the time to get out from under this incinerator.

Delia Quigley pointed out that the cadmium levels in the Popinko children is cause for alarm.

Anna Marie Caldara said she has been coming to these meetings for nine years and she will be taking longer than five minutes to speak because of her time spent on this for the last

nine years. She said that there has been no action taken by this freeholder board. There has been no help from the press. The press gets people to dispute "their" facts. She offered to have Dr. Paul Connick come and debate anyone from Ogden Martin. Would the board consider this?

Mrs. Dickey said she has no problem with this.

Ms. Quigley said that they have evidence that the streams and rivers are polluted, we can't eat the fish. What we are dealing with here is corporate power.

Mrs. Dickey said that she is dealing with an inherited debt. She has no problem with closing the incinerator but it is not ours to close. We have to relieve the people of picking up the debt.

Mr. Dinger mentioned that the time is up on this particular subject.

Someone asked what the debt is and they were told: $50 million on the incinerator, $45 million on the land for a total of $95 million which is just the principal; but in the end, Ogden Martin owns the incinerator.

Someone read a statute stating that the state can't force the taxpayers to pay this debt. Mrs. Dickey will ask county counsel to research this statute. She said that counsel had not heard of this statute and Mr. McNulty said we need to get a new counsel.

Nancy Martin, a resident of Hope for twenty years, said that the board is risking the lives of the children. No one on this board is her friend. She knows five people who could act as counsel on this matter. DEP consists of known liars who are bought out by the large companies. What more does the board need to know to close this incinerator? Also, the board doesn't have the right to set a time limit on their opinions and comments. She wants an answer tonight.

Mr. Dinger again commented that the time limit has expired and that this is not fair to others in the audience.

Margo Rinehart asked if there is anyone here tonight from Ogden Martin.

Sister Miriam from Genesis Farms asked if the board could find out if any milk testing has been done or will it be done. Mrs. Dickey said she would find out and get back to her with the results.

A resident from Frelinghuysen suggested that the board do independent testing and come back with the results. She said that Warren County has the highest rate of three types of cancer in the state. The board should listen and act.

Mrs. Dickey said she has suggested on two different occasions that independent testing be done.

Anna Marie said that independent testing has been done.

Mrs. Stone said that a public forum will be held on October 16th to answer these questions and the latest information will be presented at that time. There are many variables out there that play into this.

Anna Marie protested the five minute time limit set by Mr. Dinger. She said they could have taken over this meeting.

Mr. Dinger said that as a private citizen he feels that they can no longer come to a resolution on this issue, no one can satisfy them.

On motion by Mrs. Stone, seconded by Mr. Miller, RESOLUTION RE: DECLARING AN EMERGENCY AS PROVIDED FOR BY THE LOCAL PUBLIC CONTRACT LAW 40A:11-6 AND AUTHORIZATION TO ISSUE A PURCHASE ORDER TO ERVIN DEREMER SERVICE STATION INSTALLATION INC. TO REPAIR GASOLINE LEAK AT WARREN COUNTY ROAD DEPARTMENT GARAGE IN HOPE, NEW JERSEY IN THE TOTAL AMOUNT OF $14,488.07.

Mr. Miller had asked at the last meeting that George Ulmer come before the board and explain this situation which he did at this time. After discussion it was decided to amend the resolution to cover the emergent monies.

RESOLUTION 533-96

On motion by Mrs. Stone, seconded by Mr. Miller, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION RE: DECLARING AN EMERGENCY AS PROVIDED FOR BY THE LOCAL PUBLIC CONTRACT LAW 40A:11-6 AND AUTHORIZATION TO ISSUE A PURCHASE ORDER TO ERVIN DEREMER SERVICE STATION INSTALLATION INC. TO REPAIR GASOLINE LEAK AT WARREN COUNTY ROAD DEPARTMENT GARAGE IN HOPE, NEW JERSEY IN THE TOTAL AMOUNT OF $8,395.00

WHEREAS, the Supervisor of Roads, George Ulmer has reported that there was a gasoline leak at the Hope Garage; and

WHEREAS, it was necessary due to the anticipation of further leakage to repair the ruptured lines as soon as possible; and

WHEREAS, without ordering the repairs we could enter into a situation where we would have soil and water contamination, which would affect the health, safety and welfare of the residents of Warren County and request that the normal County formal bid procedures be by-passed; and

NOW THEREFORE BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby declares an emergency situation as provided by the Local Public Contract Law 40A:11-6 and authorizes a purchase order for gas line repairs be issued to Ervin Deremer Service Station Installation Inc., Glen Gardner, New Jersey for a total amount of $8,395.00

Funding for this contract is provided in account A01-04-01021.00.517 - Roads Garage Maint. & Repair

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

Regarding the resolution entitled: "RESOLUTION RE: APPROVING THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES FOR A HISTORICAL STRUCTURAL REPORT OF THE OXFORD FURNACE FOR THE WARREN COUNTY CULTURAL & HERITAGE COMMISSION TO CULTURAL RESOURCE CONSULTING GROUP OF HIGHLAND PARK, NEW JERSEY IN THE AMOUNT OF $18,300.00", George Warne was asked to explain the need for this report.

George said that a historical site survey must be done and that this is a well-known group whom they have worked with before. Mrs. Stone asked why they didn't get three proposals and George said it is not necessary as it is a professional service. Mr. Miller had

some concerns about why we are doing this and the board asked that the resolution be held until October 9th so that they can read the report.

RESOLUTION 534-96

On motion by Mrs. Stone, seconded by Mr. Miller, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION RE: APPROVING THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES FOR GAAP FINANCIAL CONVERSION FOR THE WARREN COUNTY TREASURER'S DEPARTMENT TO KPMG PEAT MARWICK LLP OF SHORT HILLS, NEW JERSEY IN THE AMOUNT OF $40,000.00

WHEREAS, there exists a need for the professional services of a consultant for an accounting conversion to the GAAP Financial system; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that a resolution authorizing the award of contracts for "professional services" without competitive bidding must be publicly advertised; and

WHEREAS, adequate funds are available in grant account 0010280022.200-96 GAAP Reporting Pilot Program

NOW THEREFORE BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Warren in the State of New Jersey as follows:

1. The agreement between the Board of Chosen Freeholders of the County of Warren and KPMG Peat Marwick LLP, of Short Hills, New Jersey for professional services for the above project in the amount of $40,000.00, per letter of agreement which is currently on file in the Office of the Director of Purchasing, be made part of this resolution by reference and approved and entered into by the Board on behalf of the County of Warren.
2. The Director is hereby authorized to execute said letter of Agreement by signing same.
3. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contracts Law because the services are to be performed by a person or persons authorized by law to practice a recognized profession.
4. A notice of this action shall be published in the Star Gazette, as required by law, within ten days of its adoption.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

On motion by Mrs. Stone, seconded by Mr. Miller, resignations were received and accepted with regret, from Anthony Wood and John Musarra as members of the LACA/DA, both effective immediately.

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

Letters of thanks are to be sent to Mr. Wood and Mr. Musarra for their service to this board.

On motion by Mrs. Stone, seconded by Mr. Miller, a resignation was received and accepted with regret from Uwe Weindel as a member to the WCCC Board of Trustees effective at the end of his term, November 1, 1996.

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

Recommendations have been submitted to fill terms on the WCCC Board of Trustees which expire 10/31/96. Names submitted by the Board of Trustees are James M. Cooper, Jr. of Belvidere and Steven L. Scher of Oxford.

Both Mrs. Stone and Mrs. Dickey feel these two people are very well qualified to serve on this board. Mr. Miller said that this action smacks of pure politics. Mr. Miller again questioned the process and also asked why the incumbent was not mentioned. He would like to reject the list and return it to the search committee.

Mrs. Stone asked if this had ever been done before and Mrs. Dickey said she has no problem with the list. Mr. Miller again asked that the list be rejected and also asked why the incumbent was not being put back on the board.

On motion by Mrs. Stone, seconded by Mrs. Dickey, a resolution is to be prepared for the next freeholder meeting with the names of the two new people.
ROLL CALL: Mr. Miller: no Mrs. Stone: yes Mrs. Dickey: yes

On motion by Mr. Miller, seconded by Mrs. Stone, a resignation was received June 11, 1996, and accepted with regret, from Robert Peabody as a member of the Warren County Economic Development Advisory Council.
ROLL CALL: Mr. Miller: yes Mrs. Stone: yes Mrs. Dickey: yes

A letter of thanks is to be sent to Mr. Peabody for his service to this council.

RESOLUTION 535-96

On motion by Mrs. Stone, seconded by Mr. Miller, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION APPOINTING A MEMBER TO THE WARREN COUNTY PLANNING BOARD

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that the following member is appointed to the Warren County Planning Board for a term of three years, pursuant to N.J.S.A. 40:27-1.

William E Hann, Jr. Term to expire: 9/19/99
183 Haggerty Avenue
Phillipsburg, NJ 08865

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

RESOLUTION 536-96

On motion by Mr. Miller, seconded by Mrs. Stone, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION REAPPOINTING A MEMBER TO THE WARREN COUNTY PLANNING BOARD

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that the following member is reappointed to the Warren County Planning Board for a term of three years, pursuant to N.J.S.A. 40:27-1.

Robert I. Frey Term: 9/20/96 to 9/19/99
100 Snyder Road
Phillipsburg, NJ 08865

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

RESOLUTION 537-96

On motion by Mrs. Stone, seconded by Mr. Miller, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION REAPPOINTING LEONARD MCGHEE TO THE POSITION OF WARDEN, WARREN COUNTY CORRECTIONAL CENTER FOR A FIVE YEAR TERM EFFECTIVE AUGUST 5, 1996 AND TO EXPIRE AUGUST 4, 2001

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that pursuant to N.J.S.A. 30:8-20, Leonard McGhee is hereby reappointed to the position of Warden, Warren County Correctional Center for a five year term effective August 5, 1996 to expire August 4, 2001.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

A resolution was received from Ocean County opposing the proposed state budget cuts which would seriously affect funding to the Ocean County Vocational Technical School.

Mrs. Stone asked that we get input from VoTech and prepare a similar resolution for September 25th.

A resolution was received from the WC Planning Board recommending that Loren Picking be appointed, when all recommendations have been received, as the County Planning Board designee to sit on the Open Space and Farmland Preservation Trust Fund Committee.

A resolution was received from Mercer County petitioning the governor and state legislators to review and enact revisions in the school busing limits.

County Counsel Dave Wallace was not present but was represented by his associate Brett Reina who had items for executive session only.

County Engineer David Hicks had no report.

County Planner David Dech reminded the board that two alternates need to be appointed to the planning board and was advised that there is an application on file in the freeholder office for one prospective member.

CFO Pete Houck had nothing to report.

Under the County Administrator's report, the hiring requests for Correctional Officer and Truck Drive, Road Dept., were approved. The requests for two laborers in the Road Dept. were put on hold.

A request for someone to borrow snow fencing from the Road Dept. was approved.

Under freeholder comments, Mr. Miller had no comments.

Mrs. Stone said that for the record, she does not agree with Mr. Dinger on his recommendations on the hiring requests.

Mrs. Stone also asked that a security issue that she had wanted to discuss tonight will be held until September 25th.

Mrs. Dickey proposed that we network with other counties and get more information on incinerators; bonding, etc.

Mr. Miller brought up the snow fencing request approved earlier and it was decided to get more information on this before we give approval to the party who called.

Mr. Miller advised that he thinks a Senate Committee Waste Hearing is being held tomorrow afternoon and he will get further information to the board. Several members of PCFA will be attending.

Under closing comments, Reggie Regrut asked that Mrs. Dickey respond in writing to him regarding the difference in funding as mentioned in a January 15, 1993 letter. He had also asked previously for an explanation of the impact of these budget cuts but has received no response. He asked again what the impact of these cuts does to Human Services and Mental Health.

Mr. Dinger said he has no specifics, there are too many variables.

There were no press comments or questions.

RESOLUTION 538-96

On motion by Mrs. Stone, seconded by Mr. Miller, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION TO PAY BILLS

BE AND IT IS HEREBY RESOLVED that the Master Voucher Certificate for Certification for Payment No. 96-24 dated September 18, 1996 in the amount of $1,042,038.74 including bills and investments, is approved subject to the review of the vouchers by the Board of Chosen Freeholders.

96-24	102,565.79
Payroll (9/12)	939,472.95
Total	1,042,038.74

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

RESOLUTION 539-96

On motion by Mr. Miller, seconded by Mrs. Stone, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held September 18, 1996.

RESOLUTION AUTHORIZING THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO HOLD AN EXECUTIVE SESSION ON SEPTEMBER 18, 1996. THE GENERAL NATURE OF THE SUBJECT TO BE DISCUSSED INCLUDES VARIOUS PERSONNEL MATTERS; CONTRACTS; LITIGATION, LAND ACQUISITION; ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS AND IT IS ANTICIPATED THAT THE ABOVE STATED SUBJECT MATTER WILL BE MADE PUBLIC AT SUCH

TIME AS THE PUBLIC INTEREST PERMITS DISCLOSURE AND/OR WHEN A REQUEST IS MADE CONSISTENT WITH THE OPEN PUBLIC MEETINGS ACT AND WITH STATUTORY AND COMMON LAW "RIGHT TO KNOW" PROVISIONS

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 231,P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren in the State of New Jersey, pursuant to Section 8 of said act, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is:
    1. Various personnel matters.
    2. Contracts.
    3. Litigation.
    4. Land acquisition.
    5. Attorney/client privileged communications.
3. It is anticipated that the above stated subject matter will be made public at such time as the public interest permits disclosure and/or when a request for disclosure is made consistent with the Open Public Meetings Act and with statutory and common law "right to know" provisions.
4. This resolution shall take effect immediately.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

s/Naomi J. Stout, Deputy Clerk

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

The board went into executive session at 10:10 p.m.

The board returned to open session at 10:15 p.m.

Nothing discussed in executive session has lost its confidentiality.

On motion by Mr. Miller, seconded by Mrs. Stone, and there being no further official business to come before the board at this time, the meeting was adjourned at 10:15 p.m.
ROLL CALL: Mr. Miller: yes Mrs. Stone: yes Mrs. Dickey: yes

ATTESTED TO:

Naomi J. Stout, Deputy Clerk