

**MINUTES****February 19, 1997**

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, February 19, 1997 at 7:30 p.m.

The meeting was called to order by Director Ann Stone and upon roll call the following members were present: Freeholder Ann Stone, Freeholder Susan Dickey and Freeholder Stephen Lance.

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

Director Stone 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".

The Warren County Community College Board of Education Estimate hearing began at 7:00 p.m. and was adjourned at 7:30 p.m.

Under public comments, Dennis Bertland, Chairman, Morris Canal Committee expressed his disappointment on the action of the board regarding the Stewart's Hunt issue and the decision of the board to give up the public access.

**RESOLUTION 111-97**

On motion by Mr. Lance, seconded by Mrs. Dickey, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held February 19, 1997.

**RESOLUTION TO PAY BILLS**

**BE AND IT IS HEREBY RESOLVED** that the Master Voucher Certificate for Certification for Payment No. 97-4 dated February 19, 1997 in the amount of \$1,206,573.48 including bills and investments, is approved subject to the review of the vouchers by the Board of Chosen Freeholders.

Payroll 2/12/97	975,503.11
Purchase Orders	<u>231,070.37</u>
TOTAL	1,206,573.48

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. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes

**RESOLUTION 112-97**

On motion by Mrs. Dickey, seconded by Mr. Lance, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held February 19, 1997.

**RESOLUTION OPPOSING A2091/S1257 CONCERNING THE EXEMPTION  
OF PENDING DEVELOPMENT PROJECTS FROM CERTAIN RULES**

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**AND SUPPLEMENTING P.L. 1968, C.410 (C:52:14B-1 et.seq.)**

**WHEREAS**, A-2091/S-1257 would provide "exemption from all new or amended State rules for projects deemed complete at time of adoption of rule or rule change", and

**WHEREAS**, this special interest legislation grandfathers for five (5) years every application deemed "complete" at the municipal level, exempting them from any publicly adopted change in state regulations and thereby effectively subverting the Municipal Land Use Law (MLUL); and

**WHEREAS**, by allowing the developer to choose whether or not to be subject to new rules, it also subverts agency rulemaking and the opportunity for the public process; and

**WHEREAS**, between the years 1989 through 1996, local planning and zoning boards were denied the opportunity to proactively plan their communities because of the Permit Extension Act, N.J.S. 40:55D-130 et seq; and

**WHEREAS**, on July 26, 1996, Department of Environmental Protection (DEP) Commissioner Robert Shinn signed an administrative order directing all divisions of the DEP to execute their duties in compliance with the State Plan; and

**WHEREAS**, A-2091/S-1257 appears to be aimed at rendering ineffectual changes state agencies are planning to make to incorporate State Plan policies and principles into their regulations;

**NOW THEREFORE BE IT RESOLVED**, the Board of Chosen Freeholders of the County of Warren, register their objection to the passage of A2091/S1257 as it is legislation designed to serve special development interest, remove local land use supervision and thwart the opportunity for public input.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Governor Christine Todd Whitman, Senator Joseph M. Kyrillos Jr., Committee Chair of the Senate Natural Resources Committee; Assembly Speaker Jack Collins, Commissioner Robert Shinn, DEP; Herb Simmons, Executive Director Office of State Planning; New Jersey Association of Counties (NJAC), New Jersey League of Municipalities, all Freeholder Boards, Warren/Hunterdon/Sussex County Mayors.

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. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes

**RESOLUTION 113-97**

On motion by Mr. Lance, seconded by Mrs. Dickey, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held February 19, 1997.

**RESOLUTION APPROVING CHANGE ORDER #1 FOR THE CONTRACT #WC9601-6  
FOR THE 1996-1997 MAINTENANCE REPAIR AND CONSTRUCTION MATERIALS  
WITH HARMONY SAND & GRAVEL, INC. FOR ITEM #10 - ABRASIVE  
GRITS - (DELIVERED) FOR A NET INCREASE OF \$10,740.00  
AND A REVISED CONTRACT AMOUNT OF \$75,802.50**

**WHEREAS**, Contract #WC9601-6 was awarded to Harmony Sand & Gravel, Inc. P.O. Box 277, Belvidere, NJ 07823 for the 1996 - 1997 Maintenance Repair and Construction Materials - Item #10 Abrasive Grits (Delivered) in the Contract amount of \$65,062.50;

**WHEREAS**, additional Abrasive Grits is needed for all County Routes to be used for gritting County roadways when icy etc; and

**WHEREAS**, adequate funds have been established in Account R-A01-0401021.00.561

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and certified by the County Treasurer.

**NOW, THEREFORE, BE IT RESOLVED** that the members of the Board of Chosen Freeholders of the County of Warren does hereby approve Change Order #10 for the above usage for a net increase of \$10,740.00 and a revised Contract in the amount of \$75,802.00.

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. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes

On motion by Mrs. Dickey, seconded by Mr. Lance, the resignation received from David Keeney as a member to the Warren County Special Services School District effective February 7, 1997 was accepted with regret and a letter of thanks is to be sent to him.

**ROLL CALL:** Mr. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes

A resolution is to be prepared for the next freeholder meeting appointing Anthony Amato to this board.

**RESOLUTION 114-97**

On motion by Mr. Lance, seconded by Mrs. Dickey, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held February 19, 1997.

**RESOLUTION CREATING THE POSITION OF DIRECTOR, OFFICE OF THE HANDICAPPED, CLASSIFIED, IN THE WARREN COUNTY OFFICE ON AGING AND ABOLISHING THE POSITIONS OF DIRECTOR, OFFICE OF THE HANDICAPPED AND CLERK STENOGRAPHER, CLASSIFIED, IN THE WARREN COUNTY DEPARTMENT OF HUMAN SERVICES**

**BE IT RESOLVED** by the Warren County Board of Chosen Freeholders that the position of Director, Office of the Handicapped, classified, is created within the Warren County Office on Aging, to augment the delivery of services to the elderly and to enhance efficiency and effectiveness of operations; and

**BE IT FURTHER RESOLVED** that the positions of Director, Office of the Handicapped and Clerk Stenographer, classified, in the Warren County Department of Human Services be abolished; and

**BE IT FURTHER RESOLVED** by the Warren County Board of Chosen Freeholders that the position of Director, Office of the Handicapped be established on a thirty-five hour work week on AFSCME Range 18 and take effect February 20, 1997.

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. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes

A resolution was received from Salem County in support of increased State funding to community colleges. The board asked that a similar resolution be prepared for the next meeting.

County Counsel David Wallace had items for executive session only.  
The county engineer and county planner were not at the meeting.  
County CFO Pete Houck had an item for executive session only.

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County Administrator Henry Dinger submitted two hiring requests and they were both approved.

Regarding the issue of the Tobacco Age-of-Sale, the board was not interested in getting involved.

Mr. Dinger asked if the board had decided where to hang Wayne Dumont's portrait and suggested that it may be viewed by more people if hung in the entrance hall. The board will think about it and decide at the next meeting.

None of the freeholders had any comments at this time.

Under public comments, Tara Misanotti of Columbia asked if the board has considered putting a referendum on the ballot regarding the incinerator issues. Mrs. Dickey said that nothing is in process at this time. The county is obligated with a service agreement for payment of the costs of the incinerator but this is not a closed issue. Ms. Misanotti asked if the board would consider an Incinerator Awareness Week.

Mrs. Stone said that PCFA wants the county to take over recycling. She said that we must stress the importance of recycling. Mr. Lance said that we must make a commitment for more recycling and this should be taken into consideration when interviews are held for appointments to PCFA.

Dennis Bertland said he is very distressed about the board's decision to give up public access at Stewart's Hunt. Ann Stone is liaison to the Morris Canal and she should think hard and seriously about giving up any easements.

Mrs. Jean Donahue asked the board if they are giving any consideration to changing the county's hiring practices and Mr. Wallace said that he is talking to several surrounding counties regarding their practices and has not yet received any responses.

Several others spoke of the public access issue asking the board to reconsider giving up the easement.

Several options suggested were: 1) to put aside the settlement 2) Mr. Lance should meet with the Morris Canal Committee and the Board of Recreation Commissioners and 3) that the freeholders consider a possible alternate solution for the homeowners. Jim Lee said that it is inconceivable that anyone who is in favor of open space would abandon this easement. Mr. Lance said that he will be attending the Morris Canal Committee meeting on March 4th.

Ray Bohacz asked if he can set up a meeting with Mr. Dinger and Mr. Dinger said he should call his office and make an appointment.

There were no press comments or questions.

**RESOLUTION 115-97**

On motion by Mrs. Dickey, seconded by Mr. Lance, the following resolution was unanimously adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held February 19, 1997.

**RESOLUTION AUTHORIZING THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO HOLD AN EXECUTIVE SESSION ON FEBRUARY 19, 1997. THE GENERAL NATURE OF THE SUBJECT TO BE DISCUSSED INCLUDES VARIOUS PERSONNEL MATTERS; CONTRACTS; LITIGATION, LAND ACQUISITION;**

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**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. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes**

Director Stone called for a ten minute recess at 8:40 p.m.

The board went into executive session at 9:00 p.m.

The board returned to open session at 10:50 p.m.

Nothing discussed in executive session has lost its confidentiality.

On motion by Mr. Lance, seconded by Mrs. Dickey, a letter is to be sent to PCFA which authorizes CFO Pete Houck to attend the meetings.

**ROLL CALL: Mr. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes**

On motion by Mrs. Dickey, seconded by Mr. Lance, and there being no further official business to come before the board at this time, the meeting was adjourned at 10:51 p.m.

**ROLL CALL: Mr. Lance: yes Mrs. Dickey: yes Mrs. Stone: yes**

**ATTESTED TO:**

Naomi J. Stout, Deputy Clerk