

The Board of Chosen Freeholders of the County of Warren met in regular session in the Frelinghuysen Township Municipal Building, Johnsonburg, New Jersey on Wednesday, November 3, 1999 at 7:10 p.m.

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

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".

**RESOLUTION 684-99**

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 November 3, 1999.

**RESOLUTION RESCINDING AUGUST 25, 1999 RESOLUTION  
APPOINTING MEMBERS TO THE WARREN COUNTY  
COMMUNITY COLLEGE BOARD OF TRUSTEES,  
REAPPOINTING ALL CURRENT MEMBERS TO THE COLLEGE  
TRUSTEE SEARCH COMMITTEE WITHOUT SPECIFIC TERMS OF  
OFFICE, AND DIRECTING THE TRUSTEE SEARCH COMMITTEE TO NOMINATE  
INDIVIDUALS FOR CONSIDERATION BY THE BOARD OF  
CHOSEN FREEHOLDERS FOR APPOINTMENT TO THE COLLEGE  
BOARD OF TRUSTEES DURING CALENDAR YEAR 1999.**

WHEREAS, by resolution adopted on August 25, 1999 the Board of Chosen Freeholders of the County of Warren appointed two (2) individuals to the Warren County Community College Board of Trustees for four (4) year terms effective November 1, 1999 and expiring October 31, 2003, filling vacancies resulting from the October 31, 1999 expiration of the terms of two (2) incumbents; and

WHEREAS, the College filed a Complaint in Lieu of Prerogative Writs seeking an order declaring the August 25, 1999 action of the Freeholders to be null and void

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for failure to comply with N.J.S.A. 10:18A:64A-8 (Community College Act) and N.J.S.A. 10:4-6 et seq. (Open Public Meetings Act); and

**WHEREAS**, on the October 29, 1999 return date of an order to show cause, the Honorable Harry K. Seybolt, J.S.C. signed an interim Order declining to permit the individuals appointed on August 25, 1999 to take their seats on the College Board of Trustees on November 1, 1999, and permitting the two (2) incumbents to serve as holdover members of the College Board of Trustees commencing November 1, 1999, pending the final disposition of the College's suit; and

**WHEREAS**, in stating his rationale for signing said interim Order on October 29, 1999, Judge Seybolt stated on the record that the documentation submitted thus far to the Court suggested that while the College was unlikely to succeed on its Open Public Meetings Act allegations, the Court was preliminary persuaded that the Freeholders' action of August 25, 1999 based upon the October 1998 recommendations of the Trustee Search Committee may not have been consistent with the Community College Act, all of the above subject to the results of scheduled pre-trial discovery and future submissions based on such discovery; and

**WHEREAS**, without conceding that its action on August 25, 1999 was violative of any statute, the Board of Chosen Freeholders desires to resolve these matters in a fashion that comports with the preliminary rulings of the Court, thereby avoiding further time-consuming, costly and adversarial litigation;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Warren, as follows:

1. The resolution adopted by the Board of Chosen Freeholders on August 25, 1999, appointing two (2) individuals to the College Board of Trustees effective November 1, 1999 to fill the vacancies resulting from the October 31, 1999 expiration of the terms of two (2) incumbents, which incumbents are presently serving as holdovers until their successors shall have been appointed and qualified, pursuant to N.J.S.A.m 18A:64A-9 and the Court's October 29, 1999 interim Order aforesaid, is hereby rescinded.
2. In order to comport with the language of N.J.S.A. 18A:64A-8 and its pertinent legislative history, suggesting that a college trustee search committee shall serve as a standing committee without specific terms of office, all of the current members of the Trustee Search Committee, appointed pursuant to previous resolutions of the Board of Chosen Freeholders, are hereby reappointed as members of the Trustee Search Committee to serve as a standing committee without specific terms of office. To the extent that previous appointive resolutions contained specific terms of office, said previous resolutions are hereby amended to delete such specific terms of office, and except as thus amended and modified herein, said previous resolutions are hereby confirmed and continued in their entirety.

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3. The Trustee Search Committee is hereby directed to nominate no less than five (5) individuals for consideration by the Board of Chosen Freeholders for appointment to the College Board of Trustees, it being the stated intention of the Board of Chosen Freeholders to consider said nominees for appointment to the two (2) Trustee positions whose terms expired on October 31, 1999, as well as for any additional Trustee vacancies which may occur by resignation or otherwise during the remainder of calendar year 1999. In view of the foregoing, the Trustee Search Committee is hereby directed to submit such nominees to the Board of Chosen Freeholders as expeditiously as is possible without interfering with the review and deliberation procedure that the Trustee Search Committee deems necessary and appropriate in its best judgement. The Trustee Search Committee is hereby directed to include in its review and deliberation procedure all individuals who have expressed an interest in serving as a College Trustee within the past twelve (12) months.
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.

Naomi J. Stout Deputy Clerk

Mr. Lance asked whether the within action will preclude filing an appeal. County Counsel Wallace stated that the intention of the resolution is to moot the case which is not currently appealable as there has been no decisions.

ROLL CALL: Mrs. Stone: abstain

Mr. Lance: yes

Mrs. Dickey: yes

Mrs. Dickey thanked Mayor Rydell for hosting the meeting.

Mayor Rydell welcomed the Board. He asked the Board to have the Engineers look into some drainage problems with a bridge (culvert) on Heller Road with a view to possible replacement. This area occasionally overflows especially in winter. He has already discussed this with Jim Bernaski. The Board agreed to have the Engineer's Department examine and assist as necessary.

Discussions with residents and the Frelinghuysen Emergency Management Coordinator were held regarding recent service failures by GPU including last night's storm, extended power outages, inadequacy of GPU response and difficulties contacting GPU representatives. The County OEM will act as central point of report collection in this regard so that a comprehensive complaint may be filed by the BCF with the Board of Public Utilities.

A resident described a problem with a storm drain pipe at 197 State Park Road as the pipe is being crushed, has become oval and doesn't handle the volume of water in the area. During Hurricane Floyd, a "river" 50 feet wide and 8-12 inches deep was flowing past the pipe and over the road. The County Engineer's Department will check jurisdiction and advise.

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A brief discussion regarding bonding for farmland preservation was held with comments regarding importance of leveraging funds from the State.

Mayor Rydell introduced NJSP Corporal Wilks, the community officer assigned to Hope and Frelinghuysen. Corporal Wilks described problems he was having obtaining approvals for roadway improvements he suggested be made at the Hope School i.e. additional crosswalks, signage, painting, etc. After some discussion, it was suggested these problems be brought to the attention of the Public Works committee at their meeting next week.

Mayor Rydell ask about the status of the recycling program for next year. Mrs. Dickey supports running the program through municipal reimbursement as it is a municipal responsibility. Mr. Lance stated that the Center should be closed as it is not cost effective and Mrs. Stone said that it is a good program worthy of funding support from the county.

Some discussions were held regarding the status of PCFA, outstanding debt, responsibility for debt, status of Myers' bill, etc.

**RESOLUTION 685-99**

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 November 3, 1999.

**RESOLUTION AUTHORIZING THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO HOLD AN EXECUTIVE SESSION ON NOVEMBER 3, 1999. THE GENERAL NATURE OF THE SUBJECT TO BE DISCUSSED INCLUDES VARIOUS PERSONNEL MATTERS; CONTRACTS; LITIGATION; LAND ACQUISITION; ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS; PUBLIC SAFETY AND PROPERTY; 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:

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1. Various personnel matters.
2. Contracts.
3. Litigation.
4. Land acquisition.
5. Attorney/client privileged communications.
6. Public safety and property.

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

The Board returned to open session at 9:05 p.m.

On motion by Mr. Lance, seconded by Mrs. Dickey, the board authorized County Counsel to take actions as discussed in executive session.

ROLL CALL: Mrs. Stone: no                      Mr. Lance: yes                      Mrs. Dickey: yes

On motion by Mrs. Stone, seconded by Mr. Lance, and there being no further business to come before the board at this time, the meeting was adjourned at 9:07 p.m.

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

ATTESTED TO:

NAOMI J. STOUT, DEPUTY CLERK