

The Board of Chosen Freeholders of the County of Warren met in special session in its offices in the Administration Building, Belvidere, New Jersey on Friday, July 6, 2001 at 8:35 a.m.

The meeting was called to order by Director DiMaio and upon roll call the following members were present: Freeholder John DiMaio and Freeholder Michael Doherty. Freeholder James DeBosh was absent.

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

Director DiMaio read the following statement: "**ADEQUATE NOTICE OF THIS MEETING WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FAXING A SCHEDULE OF SPECIAL 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 531-01

On motion by Mr. Doherty, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held July 6, 2001.

RESOLUTION AUTHORIZING THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO HOLD AN EXECUTIVE SESSION ON JULY 6, 2001. THE GENERAL NATURE OF THE SUBJECT TO BE DISCUSSED INCLUDES LITIGATION AND 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.
 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.

Naomi J. Stout Deputy Clerk

ROLL CALL: Mr. DeBosh: absent Mr. Doherty: yes Mr. DiMaio: yes

The board went into executive session at 8:36 a.m.

The board returned to open session at 8:55 a.m.

Nothing discussed in executive session has lost its confidentiality.

ORDINANCE 532-01

On motion by Mr. Doherty, seconded by Mr. DiMaio, the following ordinance was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held July 6, 2001.

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF ADDITIONAL FACILITIES AND IMPROVEMENTS AT THE WARREN COUNTY COMMUNITY COLLEGE, AND APPROPRIATING \$4,340,720 AND AUTHORIZING THE ISSUANCE OF \$4,340,720 BONDS OR NOTES OF THE COUNTY OF WARREN, NEW JERSEY, AND UPON FINAL ADOPTION, INCREASING THE PRESENT DOLLAR AMOUNT OF GROSS ISSUED AND AUTHORIZED UNISSUED COUNTY INDEBTEDNESS TO \$39,905,500.

BE IT ORDAINED AND ENACTED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

WHEREAS, the Board of Trustees (the "Board of Trustees") of Warren County Community College (the "College") has determined by resolution adopted November 19, 1998 that funds are necessary for the design and construction of additional Academic and Student Services Facilities (the "Project") for the College, and has delivered statements to that effect to the Board of School Estimate of the County of Warren, New Jersey (the "County") of the estimated cost of the Project and of the amount of money estimated to be needed therefor; and

WHEREAS, the Board of School Estimate has determined by certificate adopted June 16, 1999 that funds are necessary for the purposes specified in the statements of the Board of Trustees and has delivered certificates to that effect together with the statements of the Board of Trustees to the Board of Chosen Freeholders:

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN, AS FOLLOWS;

Section I. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the County. For the improvements stated in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$4,340,720, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 18A: 64A-19(2)(b), the County is not required to make a down payment for the improvements

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described in Section 3 of this bond ordinance.

Section 2. For the financing of the improvements described in Section 3 of this bond ordinance and to meet the \$4,340, 720 appropriation, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$4,340,720 pursuant to the Local Bond Law of New Jersey and Title 18A, Education, of the New Jersey Statutes. In anticipation of the issuance of said bonds and to temporarily finance the improvements described in Section 3 of this bond ordinance, negotiable notes of the County in the principal amount not exceeding \$4,340, 720 are hereby authorized to be issued pursuant to and within the limitations prescribed by said laws.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the design and the construction of an Community Center, as described in greater detail in the Planning Document approved by the Board of Trustees and the Board of School Estimate.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements described in this Section 3 is \$4,340, 720.

(c) The estimated total cost of the improvements described in this Section 3, including debt issuance cost, is \$4,340, 720.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the County may lawfully acquire or make as general improvements,

(b) The period of usefulness of the improvements described in Section 3 of this bond ordinance within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 40 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Clerk of the Board of Chosen Freeholders of the County and a complete executed duplicate thereof will be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey prior to final adoption of this bond ordinance, and such statement shows that the gross debt of the County as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$4,340, 720, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) The certificate of the Board of School Estimate required by Section 18A: 64A-19(1) of Title 18A, Education, of the New Jersey statutes has been filed with the Board of Chosen Freeholders of the County.

(e) It is expected that the Treasurer of the State of New Jersey will certify that bonds of the County in the amount of \$4,340, 720 for a portion of the improvements described in Section 3 of this bond ordinance and debt issuance cost shall be entitled to the benefits of Chapter 12, N.J.S.A. 18A: 64A-22 et seq.

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(f) The College will requisition proceeds of the obligations authorized by this bond ordinance in accordance with the procedures set forth in N.J.S.A. 18A: 64A-19(3).

(g) An aggregate amount not exceeding \$200,000 for items of expense listed in Section 40A: 2-20 of the Local Bond Law is included in the foregoing estimate of the cost of the improvements described in Section 3 of this bond ordinance.

Section 5. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the County and the County shall be obligated to levy ad valorem taxes upon all of the taxable property within the County for the payment of said obligations and interest thereon without limitation as to rate or amount to the extent that other moneys are not available therefor. It is expected that the Treasurer of the State of New Jersey will certify that bonds of the County in the amount of \$4,340, 720 shall be entitled to the benefits of Chapter 12.

Section 6. The capital budget of the County is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Clerk of the Board of Chosen Freeholders and are available for public inspection.

Section 7. Any funds from time to time received by the County as contributions-in-aid of financing the improvements described in Section 3 of this bond ordinance, including, but not limited to, the State of New Jersey Chapter 12 money, shall be used for financing the improvements described in Section 3 of this bond ordinance by application thereof either to the direct payment of the cost of said improvements or to the payment or reduction of the authorization of the obligations of the County authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for the direct payment of the cost of the improvements described in Section 3 of this bond ordinance shall, be held and applied by the County as funds applicable only to the payment of obligations of the County authorized by this bond ordinance.

Section 8. The County reasonably expects to finance the cost of the improvements described in Section 3 of this bond ordinance with the proceeds of its debt, including its bonds or notes. If the County pays such costs prior to the issuance of its debt, including bonds or notes; the County reasonably expects to reimburse such expenditures with the proceeds of its debt, including bonds or notes. The maximum principal amount of its debt, including bonds or notes, to be issued to finance the cost of the improvements described in Section 3 of this bond ordinance, including amounts to be used to reimburse the County for expenditures with respect to such costs which are paid prior to the issuance of its debt, including bonds or notes, is \$4,340, 720.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption as provided by the Local Bond Law.

APPROVED ON FIRST READING
DATED: July 6, 2001

RECORDED VOTE

Mr. DeBosh, Absent

Mr. Doherty, Yes

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Mr. DiMaio, Yes

NAOMI J. STOUT
Deputy Clerk of the Board of Chosen Freeholders

ADOPTED ON SECOND READING
DATED: August 8, 2001

RECORDED VOTE

Mr. DeBosh,

Mr. Doherty

Mr. DiMaio

NAOMI J. STOUT
Deputy Clerk of the Board of Chosen Freeholders

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. Doherty said he is voting on this ordinance against his will, on order by the court and under duress but without prejudice. He feels he and Mr. DiMaio have stood up for the taxpayers who said they did not want this expansion. 67% did not want the expansion. What's being done is legal maneuvering by educational bureaucrats. No formal resolution was ever passed by the BCF for the creation of the college. The action taken by the college was done purposely so that the people did not have the right to vote on this issue. Steps were taken to deny the public the right to the final say. The college did not follow the statutes and this will be brought to the attention of the courts. Constitutional rights are being violated. It goes against his will to vote on this issue but he has no choice in this matter. Much has been threatened. Freeholder boards have no control over their budgets.

Mr. DiMaio said that he agrees with what Mr. Doherty said. An injustice has been served on the citizens of the county. He is not against education or the college but he feels they have lost focus on what is important. We have to try to refocus on curriculum. Enrollment at the college is declining and the Board of Trustees and the college President are not focused on the goals of Warren County. The property taxes in New Jersey are very high and the problem is a combined group of items. The people who send out the tax bills are forced to comply. He too, is voting under duress.

ROLL CALL: Mr. DeBosh: absent Mr. Doherty: yes, he is voting by court order, under duress, against his will but without prejudice Mr. DiMaio: yes, he is voting under court order, under duress, against his will but without prejudice.

Under public comments, Ed Smith said he has followed this issue very closely and these two men stood up for the rights of the people of Warren County. These public officials have been instructed by the courts to fund this expansion even though the taxpayers voted no. This is unbelievable. These two men rode it to the end and he supports them entirely.

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On motion by Mr. Doherty, seconded by Mr. DiMaio, and there being no further official business to come before the board at this time, the meeting was adjourned at 9:08 a.m.

ROLL CALL: Mr. DeBosh: absent Mr. Doherty: yes Mr. DiMaio: yes

ATTESTED TO:

Naomi J. Stout, Deputy Clerk