

MINUTES

SEPTEMBER 24, 2003

The Board of Chosen Freeholders of the County of Warren met in regular session in its offices in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on September 24, 2003 at 7:37 p.m.

The meeting was called to order by Director Doherty and upon roll call, the following members were present: Freeholder Michael J. Doherty, Freeholder Richard D. Gardner, and Freeholder John DiMaio. Also attending were County Engineer Dave Hicks, CFO Charles Houck, County Counsel Joseph J. Bell, County Administrator Steve Marvin, and Deputy Clerk Tammy M. Lynn.

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

Director Doherty read the following statement: **“ADEQUATE NOTICE OF THIS MEETING OF SEPTEMBER 24, 2003 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, THE EXPRESS-TIMES, STAR-LEDGER, 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. Gardner, seconded by Mr. DiMaio, the minutes of the regular meeting held September 10, 2003 were approved as amended.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

On motion by Mr. Gardner, seconded by Mr. DiMaio, the minutes of the executive session held September 10, 2003 were approved.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

Director Doherty announced that tonight Warren County wants to recognize an employee that has dedicated himself to serve the citizens for the past 50 years. He said this is an outstanding accomplishment and he is honored to present this mantel clock as a gift of appreciation to John Pene of the Warren County Road Department. Director Doherty read the following information about Mr. Pene that was prepared by Road Department Supervisor Rick Miller, which states that

“Mr. Pene has been a dedicated employee of the Warren County Road Department for the past 50 years.

After serving a three-year tour of duty in the United States Army during the Korean War, John Pene began his career with the Warren County Road Department as a Laborer on December 16, 1953.

Mr. Pene served in that capacity until March 1954, when he was promoted to Truck Driver, and in December 1961, John began his distinguished career as an Equipment Operator with the Road Department’s Construction Crew.

Then in 1969, Mr. Pene was given the opportunity to become a section foreman and served in that position for one year. However, Mr. Pene missed the roar of the engines and the smell of freshly excavated soil and returned to his true vocation where he spent the next 33 years honing his skills as a Heavy Equipment Operator.

Through the years, Mr. Pene has received numerous near-perfect performance ratings, earning him the respect of his fellow co-workers and supervisors.

When in the field, John Pene demonstrated the highest degree of professionalism while

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operating his equipment, always keeping safety first. When faced with difficult field conditions and in situations where others might falter, John met the challenge and made it look easy.”

Mr. Gardner stated that most people have a job they report to daily but don't care and he wanted to thank Mr. Pene for his dedication to stay on this job for 50 years.

Mr. DiMaio stated that often times when a person finds something they like to do, they keep doing it. After 50 years he told Mr. Pene that he believed this is a tribute to the kind of person he is to stick with it and recognized his work ethics.

Director Doherty stated that he does not want to spend a lot of time discussing the New Jersey Court Rule 1:33.9. But as some people may know there are plans to expand the Courthouse and Library facilities. He wanted to share his findings with the Board before his term expires this year.

Mr. Doherty pointed out in some prior correspondence sent by the Warren County Bar Association that some considerations may be given to expand both facilities. He explained to the Board that Court Rules are to administer practice and procedures.

Mr. Doherty told the Board that he wanted them to have the proper information before any expansion decisions are concluded after his term expires and he thanked the Board for allowing him this time to bring these issues to their attention.

Mr. Gardner stated that he appreciated the information Mr. Doherty provided and this will be very helpful in the future. He also shared that he met with Sheriff Simonetti regarding the recent state mandate to perform DNA testing for all people appearing during court proceedings. Mr. Gardner reported that the Warren County taxpayers own this Courthouse and he gave the Sheriff full privileges to utilize the space necessary in the building. Mr. Gardner reported that he also took a two (2) hour tour with Sheriff Simonetti and wanted to report that he saw needs within the building from a simple maintenance perspective. He agreed with Mr. Doherty that the Board should not be coerced to make changes at the Courthouse, however we need to recognize that the last addition to the Courthouse is nearing the half a century age. Mr. Gardner stated that we still have to be responsible for maintenance concerns as they occur. Mr. Gardner offered to paint the facade himself if that is what it will take to get it done.

Mr. DiMaio said certainly the Board has a responsibility to maintain the Courthouse at all times. He did confirm to Mr. Doherty that he too will not be coerced and will fight being told what must be done, and is willing to go to jail just like he did with the Warren County Community College issue. He thanked Mr. Doherty for laying down the case information they will need to continue the fight and suggested that Mr. Doherty present legislation to reverse the Abbott funding and other inequities. He concluded that he would assist Mr. Doherty with that fight when he begins.

Under public comments on agenda items only Scott McDonald, 342 North Prospect St., Washington Boro asked what Washington Boro land will be condemned on resolution E8. County Engineer Dave Hicks responded that is the South Avenue Bridge over the Shabbecong Creek, the property on the Southwest corner is vacant land that is owned by a company that no one has been able to contact over the past ten years. He explained that as attempts to contact for a fair negotiation failed, this resolution will allow County Counsel to proceed with condemnation if necessary.

Mr. McDonald asked what the purpose of condemning the land would be for.

Mr. Hicks explained that this is needed for a new Bridge to be constructed, which requires easements of the land around it.

RESOLUTION 550-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted

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RESOLUTION 552-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

INSERTION INTO THE 2003 BUDGET OF THE COUNTY OF WARREN IN THE AMOUNT OF \$34,135.00 FROM THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE, OFFICE OF INSURANCE FRAUD.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been available by Law and the amount thereof was not determined at the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the County of Warren request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the year 2003 in the sum of \$ 34,135.00, which item is now available from the State of New Jersey, Department of Law & Public Safety, Division of Criminal Justice, Office of Insurance Fraud.

BE IT FURTHER RESOLVED that a like sum of \$ 34,135.00 be and the same is hereby appropriated under caption:

“UNDER STATE AND FEDERAL PROGRAMS OFF-SET BY REVENUES”

State of New Jersey, Department of Law & Public Safety, Division of Criminal Justice,
Office of Insurance Fraud (administered by Prosecutor's Office)

BE IT FURTHER RESOLVED that the above is the result of the approval by the State of New Jersey, Department of Law & Public Safety and that two (2) certified copies of this Resolution be forwarded to the Division of Local Government Services

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 553-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

INSERTION INTO THE 2003 BUDGET OF THE COUNTY OF WARREN IN THE AMOUNT OF \$108,000.00 FROM THE STATE OF NEW JERSEY, JUVENILE JUSTICE COMMISSION, STATE FACILITY EDUCATION ACT FUNDS FOR COUNTY YOUTH DETENTION CENTERS.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been available by Law and the amount thereof was not determined at the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the County of Warren request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the year 2003 in the sum of \$ 108,000.00, which item is now available from the State of New

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Jersey, Juvenile Justice Commission, State Facility Education Act Funds for County Youth Detention Centers.

BE IT FURTHER RESOLVED that a like sum of \$ 108,000.00 be and the same is hereby appropriated under caption:

“UNDER STATE AND FEDERAL PROGRAMS OFF-SET BY REVENUES”

State of New Jersey, Juvenile Justice Commission, State Facility Education Act Funds for County Youth Detention Centers (administered by Warren Acres)

BE IT FURTHER RESOLVED that the above is the result of the approval by the State of New Jersey, Juvenile Justice Commission and that two (2) certified copies of this Resolution be forwarded to the Division of Local Government Services.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 554-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION APPROVING THE CLOSING OF COUNTY ROUTE #631, WASHINGTON AVENUE, AND COUNTY ROUTE #624, BELVIDERE AVENUE, OXFORD TOWNSHIP ON SATURDAY, OCTOBER 11, 2003 FOR THE 250TH ANNIVERSARY OF OXFORD TOWNSHIP.

WHEREAS, the Township of Oxford has requested permission to close County Route #631, Washington Avenue, from Kent Street to Route 31 and County Route #624, Belvidere Avenue, from Mt. Pisgah Avenue to Route 31, on Saturday, October 11, 2003 for the 250th Anniversary of Oxford Township from 11:00 A.M. to 5:00 P.M.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren does hereby approve the use and closing of County Route #631 and County Route #624 in Oxford Township for the above mentioned event with the following conditions:

1. Approval of the event by Oxford Township.
2. All barricades, detours and traffic control signs shall conform to the Manual on Uniform Traffic Control Devices.
3. Police supervision of the barricading of the roads and handling of safety shall be provided as necessary.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 555-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE LOPATCONG BOARD OF EDUCATION AND THE WARREN COUNTY HEALTH DEPARTMENT TO PROVIDE NURSING SERVICES TO PHILLIPSBURG CHRISTIAN ACADEMY THROUGH THE DIVISION OF PERSONAL HEALTH SERVICES FOR THE SUM OF \$5,300.00 FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH JUNE 30, 2004.

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WHEREAS, Chapter 226 laws of 1991 provided that medical examinations, hearing screenings and other services may be provided to non-public schools as a board of health activity; and

WHEREAS, the Warren County Health Department, Division of Personal Health Services has trained personnel to provide nursing services to Phillipsburg Christian Academy; and

WHEREAS, the Lopatcong Board of Education is interested in continuing last year's agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that the attached contract agreement between the Lopatcong Board of Education and the Warren County Health Department to provide nursing services to Phillipsburg Christian Academy through the Division of Personal Health Services of the Health Department for the sum of \$5,300.00 for the period of September 1, 2003 to June 30, 2004, be and is hereby approved, and further, that the Freeholder Director is hereby authorized and directed to execute said agreement.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 556-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION APPROVING THE APPLICATION FOR FEDERAL AID LOCAL SCOPING FUNDING FOR FISCAL YEAR 2004 FOR THE IMPROVEMENT OF BRIDGE #2100450, WEST CRISMAN ROAD OVER THE PAULINS KILL, BLAIRSTOWN TOWNSHIP.

WHEREAS, there is a need to improve Warren county Bridge #2100450, West Crisman Road over the Paulins Kill, Blairstown Township due to its functional and structural condition; and

WHEREAS, the North Jersey Transportation Planning Authority (NJTPA) has invited counties to submit applications for funding under the Local Scoping Program for fiscal year 2004.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren in the State of New Jersey that the above application is hereby approved and that the County Engineer is authorized to submit said application with all necessary supporting documentation to the North Jersey Transportation Planning Authority.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 557-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION TO ESTABLISH AND MAINTAIN NO PASSING ZONES ALONG THE ENTIRE LENGTH OF COUNTY ROUTE #676 (GREEN STREET – DECATUR STREET) AND COUNTY ROUTE #676 SPUR (COLUMBIA STREET), KNOWLTON TOWNSHIP.

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BE IT RESOLVED that No Passing Zones be established and maintained along County Route #676 (Green Street-Decatur Street) and County Route #676 Spur (Columbia Street), Knowlton Township, Warren County, New Jersey as authorized by the New Jersey Department of Transportation on:

<u>Route No.</u>	<u>Road Name</u>	<u>Municipality</u>	<u>From</u>	<u>To</u>
676	Green St.	Knowlton Twp.	Washington St.	Decatur Street
676	Decatur St.	Knowlton Twp.	Green St	1200' North of
			Columbia St	(end County
			jurisdiction)	
667 Spur	Columbia St.	Knowlton Twp.	Decatur St.	Church St.

BE IT FURTHER RESOLVED that this resolution shall take effect upon approval by the Commissioner of the Department of Transportation.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 558-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION TO ADOPT AN OFFICIAL TORT CLAIM NOTICE AS RECOMMENDED BY WARREN COUNTY INSURANCE RISK MANAGER.

WHEREAS, the Warren County Insurance Risk Manager has recognized a need to adopt an official Tort Claim Notice; and

WHEREAS, upon review by Warren County Counsel Joseph J. Bell, Esq. this tort claim notice meets the standards necessary and in accordance with N.J.S.A. 59:8-1, et.seq.

NOW, THEREFORE, BE IT RESOLVED by the Warren County Board of Chosen Freeholders authorize that the Official Tort Claim Notice be hereby adopted and made effective immediately.

BE IT FURTHER RESOLVED that all persons making claims against the County of Warren, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et. seq., be required to complete the form herein adopted as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 559-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION AUTHORIZING DIRECTOR OF BOARD TO EXECUTE THE FY'04 SECTION 5311 GRANT AGREEMENT WITH NJ TRANSIT FOR \$350,752 (\$175,286 FEDERAL FUNDS; \$87,643 STATE FUNDS); AND \$87,643 ANTICIPATED COUNTY MATCH FUNDS; SUBJECT

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TO THE AVAILABILITY OF FUNDS.

WHEREAS, on September 10, 2003 the Warren County Board of Chosen Freeholders approved the FY' 04 Section 5311 grant application with NJ Transit Corporation for \$350,752 (\$262,929 Federal and State funds and \$87,643 anticipated county matching funds); and

WHEREAS, NJ Transit has subsequently awarded Warren County FY'04 Section 5311 funds as outlined in the application.

BE IT FURTHER RESOLVED by the Board of Chosen Freeholders that the Director of the Board is authorizes to execute the FY' 04 Section 5311 Grant Agreement with NJ Transit for a total of \$350,752 (\$262,929 Federal and State funds; and \$87,643 county matching funds); funding subject to availability.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 560-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

**RESOLUTION GRANTING APPROVAL OF THE PURCHASE OF DEVELOPMENT
EASEMENTS ON FOUR FARMS IN POHATCONG TOWNSHIP AND PROVIDING COUNTY
FUNDS IN AN AMOUNT NOT TO EXCEED POHATCONG TOWNSHIP'S SHARE OF THE
PURCHASE,**

WHEREAS, the Board of Chosen Freeholders of the County of Warren has determined that the property known as the Marchesi Farm located at Block 111 Lot 14; and the Chelsea Forge Vintners located at Block 110 Lots 13 and 13.04; and the Willard Farm #1 located at Block 113 Lots 20 and 20.03 and the Willard Farm #2 located at Block 113 Lots 5, 10, 11 and 18 all in Pohatcong Township, are available for purchase of development easements in accordance with the requirements of the farmland preservation programs, and

WHEREAS, preliminary approval for the purchase of development rights on these farms has been granted by the State Agriculture Development Committee and final approval by the Warren County Agriculture Development Board, and

WHEREAS, the properties are part of an approved Planning Incentive Grant application, and

WHEREAS, the purchase of the development easements on the properties will encourage the survivability of productive agriculture in Warren County

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

1. The board hereby grants permission for the purchase of the development easements on the above described properties.
2. The county's share in regard to the purchase of said easements shall be no greater than the share that the Township of Pohatcong provides, the county's share is estimated at \$16,625 on the Marchesi farm, \$46,241 on the Chelsea Forge Vintner farm, \$53,791 on the Willard Farm #1 and \$220,410 on the Willard Farm #2.
3. The Freeholder Director or Administrator of Warren County is authorized to sign the Assignment of Deed of Easement, the Cost-sharing Agreement, and any and all documents necessary for the acquisition of the Development Easements on the above properties in the Township of Pohatcong, County of Warren, State of New Jersey under the term outlined above

BE IT FURTHER RESOLVED that adequate funds in the amount of \$337,067 in account #03895 – 5067 have been certified by the Chief Financial Officer, said certification and

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disbursement of funds being contingent upon receipt of reimbursement funds from the New Jersey State Agricultural Development Committee for previously executed farmland preservation purchases.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

RESOLUTION 561-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF CONSTRUCTION EASEMENTS ON LOT 52, BLOCK 100, WASHINGTON BOROUGH FOR THE RECONSTRUCTION OF COUNTY BRIDGE #21001.

WHEREAS, the Board of Chosen Freeholders of the County of Warren has determined that Bridge #21001, South Wandling Avenue over the Shabbecong Creek, must be reconstructed; and

WHEREAS, permanent and temporary construction easements are necessary for the project on a portion of tax lot 52, block 100 as shown on the attached plan; and

WHEREAS, the County has attempted to locate the record owners of the property to negotiate a fair settlement but have been unsuccessful; and

WHEREAS, the last known address of the record owners, W.F. Associates, a Partnership also known as Carp Kish Realty was Box 151, Allamuchy Township.

NOW, THEREFORE BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that:

1. Warren County Counsel is hereby authorized to institute condemnation proceedings for the acquisition of construction easements on tax lot 52, block 100 in Washington Borough for the reconstruction of Warren County Bridge #21001.
2. These proceedings shall not commence until all efforts to locate the owners and negotiate a fair settlement have been exhausted as provided in N.J.S.A. 20:3-6.
3. Adequate funds have been established in account S0165 5380 005380 5064 and certified by the County Chief Financial Officer.
4. The County Chief Financial Officer is hereby authorized to draw a check in the amount of \$3,000.00 made payable to the New Jersey Superior Court to be deposited with the Court regarding this condemnation proceeding.
5. This resolution shall take effect immediately upon passage.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 562-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN, NEW JERSEY APPROVING SETTLEMENT OF A LAWSUIT ENTITLED COUNTY OF WARREN v. SUMMIT RISK SERVICES, ET AL. DOCKET NO. L-2704-02 IN THE AMOUNT OF THREE HUNDRED NINE THOUSAND SEVEN HUNDRED FORTY DOLLARS AND FIFTY-ONE CENTS (\$309,740.51).

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WHEREAS, a lawsuit was instituted on behalf of the County of Warren against Summit Risk Services and General Star Indemnity Company seeking indemnification and reimbursement under insurance policies for legal fees and expenses in connection with a lawsuit filed against the County entitled AHS HOSPITAL CORP./MORRISTOWN MEMORIAL HOSPITAL V. COUNTY OF WARREN, Docket No. MRS-L-2057-01, which lawsuit against the County was settled and as a result of said settlement the County paid out a total of Three Hundred Eighty-Three Thousand Twenty-Eight Dollars and Eighty-Two Cents (\$383,028.82); and

WHEREAS, negotiations by and between the County Counsel and Counsel for Summit Risk Services and General Star Indemnity Company arriving at the amount of Three Hundred Nine Thousand Seven Hundred Forty Dollars and Fifty-One Cents (\$309,740.51) to be paid to the County as a fair and reasonable settlement of each and every claim; and

WHEREAS, County Counsel has reviewed and approved the Release proposed to be executed by the County to release the aforesaid claims in exchange for the settlement payment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren, New Jersey approving the settlement of the lawsuit entitled COUNTY OF WARREN v. SUMMIT RISK SERVICES, et al., DOCKET NO. -L-2704-02 for the sum of Three Hundred Nine Thousand Seven Hundred Forty Dollars and Fifty-One Cents (\$309,740.51), said sum to be paid upon approval of this resolution and advisement to the Superior Court that the matter has been settled with prejudice, and authorizing the County Administrator to execute the Release which is on file in the office of the Deputy Clerk, 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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 563-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN, NEW JERSEY APPROVING SETTLEMENT OF A LAWSUIT ENTITLED COUNTY OF WARREN v. POHATCONG TOWNSHIP, DOCKET NO. L-208-03 IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00).

WHEREAS, a lawsuit was instituted on behalf of the County of Warren against Pohatcong Township seeking reimbursement of costs incurred in connection with the hiring and training of Sheriff's Officer Michael Cozze, who resigned his position with the Warren County Sheriff's Office shortly after he completed his training to go to work for Pohatcong Township; and

WHEREAS, negotiations by and between the Sheriff's Office and Pohatcong Township arriving at the amount of Fourteen Thousand Five Hundred Dollars (\$14,500.00) to be paid to the County as a fair and reasonable settlement of each and every claim; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren, New Jersey approving the settlement of the lawsuit entitled COUNTY OF WARREN v. POHATCONG TOWNSHIP, DOCKET NO. -L-208-03 for the sum of Fourteen Thousand Five Hundred Dollars (\$14,500.00), said sum to be paid upon approval of this resolution and advisement to the Superior Court that the matter has been settled with prejudice.

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.

Tammy M. Lynn Deputy Clerk

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ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 564-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION ASSIGNING JOSEPH J. BELL & ASSOCIATES TO REPRESENT THE COUNTY OF WARREN AS SPECIAL COUNSEL WITH REGARD TO RECENTLY FILED LAWSUIT.

WHEREAS, the Board of Chosen Freeholders has previously authorized the appointment of Joseph J. Bell & Associates as Special County Counsel to represent the Board of Chosen Freeholders as well as its constitutional officers, agencies and departments with regard to lawsuits brought for or against the County, its officers and employees; and

WHEREAS, a lawsuit entitled *Eric Washington v. James D. Donegan, John G. Laky, Jr., Dave Heater, Jody Emery, Toni Latario, Frank Busci, County of Warren, County of Warren Board of Chosen Freeholders, Warren County Executive Steve Marvin, Warren County Prosecutor's Office (A Government Agency), John and Jane Doe(s), names fictitious, Individually, Jointly and Severally*, was filed on July 7, 2003, under civil action no. 03CV2855(GEB) (hereinafter, the "Washington case"); and

WHEREAS, upon receipt of the complaint initiating the Washington case, Joseph J. Bell & Associates was asked to protect the interests of the County in the Washington case until such time as insurance coverage for said case was determined; and

WHEREAS, General Star Indemnity Company (hereinafter, "General Star") provides Police Professional Liability Coverage to the County, and on August 26, 2003, General Star notified the County that they would provide for the defense of the Washington case in accordance with that policy.

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

Joseph J. Bell, Esq. of Joseph J. Bell & Associates, as Special Warren County Counsel, shall be compensated at the rate of \$130.00 per hour and \$125.00 per hour for services performed by his associates, said agreement being in conformity with existing Special Counsel and County Counsel contracts, and shall be reimbursed in accordance with said agreement for: (1) all fees and expenses incurred from the date of the filing of the complaint in the Washington case to the present in defending said suit; and (2) all fees and costs incurred in connection with the recovery of and collection of all fees and costs incurred prior to the date of this resolution from General Star Indemnity Company.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 565-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

APPROVAL OF WC0376C AND AUTHORIZATION TO ADVERTISE FOR COMPETITIVE CONTRACTS FOR 2004 HUMAN SERVICES COMMUNITY PROGRAM FUNDING.

BE IT RESOLVED, that the specification WC0376C for competitive contracts for 2004 Human Service Community Program funding is hereby approved;

BE IT FURTHER RESOLVED, that the Director of Purchasing is hereby directed to

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advertise for bids for the above in the Forum/Star Gazette.

Funds for and resulting contracts will be dependent upon funding and adoption of the 2004 county budget and anticipated 2004 Chapter 51 grant funds through the NJ Department of Health and Senior Services.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 566-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC0373 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR CCTV MAINTENANCE FOR THE WARREN COUNTY CORRECTIONAL CENTER AND WARREN ACRES.

BE IT RESOLVED, that specification WC0373 for CCTV Maintenance for the Warren County Correctional Center and Warren Acres is hereby approved

BE IT FURTHER RESOLVED, that the Director of Purchasing is hereby directed to advertise for bids for the above in the Star Gazette.

Funds for this contract will be provided in budget account 012770/5029 – Warren Acres – Sub Contracted Services and 012800/5026 – Correctional Center – Contracted Equipment Maintenance

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 567-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC0374 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR SAFETY MASKS AND ASSORTED SAFETY EQUIPMENT FOR THE WARREN COUNTY COMMUNICATION CENTER.

BE IT RESOLVED, that specification WC0374 for safety masks and assorted safety equipment for the Warren County Communications Center is hereby approved

BE IT FURTHER RESOLVED, that the Director of Purchasing is hereby directed to advertise for bids for the above in the Star Gazette.

Funds for this contract will be provided in grant account F3252 5351 5100 – Homeland Security Grant

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 568-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

MINUTES**SEPTEMBER 24, 2003****RESOLUTION RE: APPROVAL OF SPECIFICATION WC0375 AND AUTHORIZATION TO ADVERTISE FOR TWO REAR TAILGATE SPREADERS FOR THE WARREN COUNTY ROAD DEPARTMENT.**

BE IT RESOLVED, that specification WC0375 for two rear tailgate spreaders for the Warren County Road Department is hereby approved

BE IT FURTHER RESOLVED, that the Director of Purchasing is hereby directed to advertise for bids for the above in the Star Gazette.

Funds for this contract will be provided in capital account 0403A602/5050 – Capital – Roads – 4x4 Trucks with Plows

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 569-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC0377 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR HAZARDOUS MATERIAL VEHICLE FOR THE WARREN COUNTY HEALTH DEPARTMENT.

BE IT RESOLVED, that specification WC0377 for a hazardous material vehicle for the Warren County Health Department is hereby approved

BE IT FURTHER RESOLVED, that the Director of Purchasing is hereby directed to advertise for bids for the above in the Star Gazette.

Funds for this contract will be provided in grant account S33355325 – 2003 CEHA Grant Equipment

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 570-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION RE: AWARDING THE PROFESSIONAL SERVICES AGREEMENT WC0372R FOR CONSTRUCTION OBSERVATION ENGINEERING SERVICES, FOR THE CONSTRUCTION OF THE FOX FARM ROAD, COMMUNICATIONS TOWER FOR THE WARREN COUNTY COMMUNICATIONS CENTER TO FRENCH & PARRELLO ASSOCIATES, P.A., IN THE TOTAL AMOUNT OF \$24,000.00.

WHEREAS, there exists a need for the professional services of an Engineer to provide construction observation for the Fox Farm Road Communications Tower for the Warren County Communications Center; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5 et seq.) requires that a resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Director of Purchasing has certified that this contract meets the statute and

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regulations governing the award of such contracts; and

WHEREAS, adequate funds are available in capital account 04000B401/5054 {00B401/5054} – Communications Center – Communications Equipment and certified by the Warren County Chief Financial Officer.

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 French & Parello Associates, P.A., of Holmdel, New Jersey for professional services for the above project, in the amount of \$24,000.00 per letter of agreement 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 (40A:11-5(1)(a)(i) 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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 571-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION RE: AWARD OF CONTRACT WC0368-1 WITH AMERICAN LEGION BERNARDINE-MAY POST FOR A NUTRITION SITE ON A MONTH TO MONTH BASIS FOR THE PERIOD OF OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004 IN THE AMOUNT OF \$550.00 PER MONTH.

BE IT RESOLVED, that this contract is awarded to American Legion Bernardine-May Post 457 to provide a nutrition site in Phillipsburg, New Jersey

The contract is to be on a month to month basis at a monthly rental of \$550.00 per month October 1, 2003 through September 30, 2004

Funding for the 2003 portion of this contract is provided in account F3352 5303 035303-M 5080 – Area Plan Grant Nutrition Space Rental

Funding for the 2004 portion of this contract is subject to the receipt of 2004 grants **BE IT FURTHER RESOLVED**, that the Director of the Board of Chosen Freeholders be authorized and directed to execute the necessary contract.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 572-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION RE: AWARD OF CONTRACT WC0366C COMPETITIVE CONTRACT FOR HEALTHCARE MANAGEMENT SERVICES FOR THE WARREN COUNTY CORRECTIONAL CENTER AND WARREN ACRES FOR THE PERIOD OF NOVEMBER 1, 2003 THROUGH

MINUTES**SEPTEMBER 24, 2003****OCTOBER 31, 2004 WITH THE RIGHT TO EXTEND FOR TWO ADDITIONAL ONE YEAR PERIODS TO CORRECTIONAL HEALTH SERVICES, LLC., IN THE APPROXIMATE AMOUNT OF \$464,328.00 FOR THE FIRST YEAR.**

WHEREAS, one proposal was received, opened and read in public on September 9, 2003, at 1:30 PM prevailing time for the Healthcare Management Services for the Warren County Correctional Center and Warren Acres; and

WHEREAS, the proposals were reviewed by a committee and the Evaluation Report on file with the Clerk of the Board, and the committee has determined that the proposal submitted by Correctional Health Services, LLC., meets all requirements of the specification; and

WHEREAS, adequate funds are available in budget account 012800/5093 – Correctional Center – Medical Expenses, Including Physicals and certified by the Warren County Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED, that a contract is hereby awarded to Correctional Health Services, LLC., of Verona, New Jersey for Healthcare Management Services at the Warren County Correctional Center and Warren Acres in the estimated contract amount of \$464,328.00 for the 1st year, \$482,904.00 for the 2nd year and \$502,224.00 for the 3rd year.

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

1. The Director is hereby authorized and directed to enter into a contract with Correctional Health services LLC., of Verona New Jersey
2. A notice of this action shall be published in the Star Gazette, as required by NJSA:40A:11-4.5g.

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 573-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

RESOLUTION APPOINTING A MEMBER TO FILL AN UNEXPIRED TERM ON THE WARREN COUNTY CULTURAL AND HERITAGE COMMISSION,

WHEREAS, the Warren County Cultural and Heritage Commission has reviewed applicants to fill this vacancy position and has made a recommendation.

NOW, THEREFORE BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby accept the recommendation appointing the following individuals to the Warren County Cultural and Heritage Commission:

APPOINT MEMBER:

Craig Evans
Blair Academy, PO Box 600
Blairstown, NJ 07825

Term to expire: 10/18/07

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 574-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, the following resolution was adopted

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by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

**RESOLUTION TO REAPPOINT A MEMBER TO
THE WARREN COUNTY PLANNING BOARD,**

BE IT FURTHER 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.

Regular Member

Anthony W. Wyhopen
7 Quarry Road
Belvidere, NJ 07823

Term: 9/20/03 – 9/19/06

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

On motion by Mr. DiMaio, seconded by Mr. Gardner, a resolution is to be prepared for the next regular meeting authorizing the reappointment of regular members to the Warren County Mosquito Extermination Commission, Appoint: Michael Sloane and John A. Hawk, both with a Term to expire October 18, 2006.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

On motion by Mr. DiMaio, seconded by Mr. Gardner, accepting the correspondence received from Robert A. Hammell declining reappointment to the Board of the Warren County Technical School.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

RESOLUTION 575-03

On motion by Mr. Gardner, seconded by Mr. DiMaio, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

**RESOLUTION ADJUSTING THE SALARY RANGE
FOR SUPERVISING JUVENILE DETENTION OFFICERS,
SENIOR JUVENILE DETENTION OFFICERS AND JUVENILE DETENTION OFFICERS
WITHIN THE WARREN COUNTY JUVENILE DETENTION CENTER, WARREN ACRES.**

WHEREAS, the Warren County Board of Chosen Freeholders is in receipt of a recommendation from the Warden to adjust the salary ranges for all *Supervising Juvenile Detention Officers, Senior Juvenile Detention Officers and Juvenile Detention Officers* in response to a contractual commitment as set forth in Article II, Paragraph C between Warren County and AFSCME Local 3287; and

WHEREAS, the Warren County Board of Chosen Freeholders acting upon said recommendation desires to make these salary range adjustments in the interest of employee retention, quality of public service and for the overall effective and efficient operation of the County's Juvenile Detention Center, Warren Acres;

NOW, THEREFORE BE IT RESOLVED by the Warren County Board of Chosen Freeholders that the following listed salary ranges be adjusted for all *Supervising Juvenile Detention Officers, Senior Juvenile Detention Officers and Juvenile Detention Officers* and be

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made effective September 25, 2003.

BE IT FURTHER RESOLVED that any Juvenile Detention Officer with five (5) or more years of service prior to the effective date of this resolution shall receive a one time adjustment of two additional steps on their current salary range prior to the approved range adjustment.

Juvenile Detention Officer:	Adjusted from Range 0540 to Range 0640
Senior Juvenile Detention Officer:	Adjusted from Range 0640 to Range 0740
Supervising Juvenile Detention Officer:	Adjusted from Range 1140 to Range 1240

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.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes.

Under reports and comments, County Counsel Joseph J. Bell reported that he has one item relating to litigation in executive session.

County Engineer Dave Hicks reported that there is a problem without a clear answer. He received correspondence from JCP&L relating to their not being responsible beyond their pole for underground services for private residents or businesses. He explained that there are potential costs that would be imposed if there is a need for underground wire repair or servicing. It seems this policy changed when JCP&L merged with First Energy. He told the Board that he is preparing a document for County Counsel Joseph J. Bell to review, which should help in protecting the rights of the county citizens.

Mr. Gardner responded that it certainly appears that First Energy doesn't care.

Mr. Doherty thanked Mr. Hicks for the update.

County Planner Dave Dech reported that he delivered a copy of the executive order from Governor McGreevey regarding the creation of the Highlands Regional Task Force. He explained that there are significant differences from the recommendations made by the Five County Coalition. Mr. Dech stated there will be less local control and input with this task force and he wanted the Board to be aware of this.

Mr. DiMaio responded that he received a call from Morris County Freeholder Margaret Nordstrom who is very upset with this created Task Force. She explained this will affect a lot of the Morris County area and there will not be a representative.

Mr. Gardner stated that Governor McGreevey listens to the Sierra Club and with all due respect there are issues relating to water supply and land preservation that won't be adequately addressed by this Task Force.

County CFO Charles Houck had nothing to report.

County Administrator Steve Marvin asked the Board to review the draft budget call letter. He would like to send it out on October 1, 2003 and have the departments return the requests no later than October 31, 2003. Mr. Gardner asked if this is a status quo request. Mr. Marvin responded that it is the same as the ones sent in the past. The Board approved the 2004 budget call letter for distribution.

Mr. Marvin asked the Board if they had time to review the request from Acting Environmental Health Director Claude Mitchell regarding collecting the Solid Waste enforcement fees for 2004. He explained that traditionally the county has waived the fees for the past five or six years in the interest of PCFA. He did want to point out that by waiving the fees the Health Department has \$35,000 less to offset their budget. The Board agreed to waive the fees for 2004.

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Mr. Marvin explained the hiring request presented is nothing out of the ordinary, and ask the Board for approval of the hiring request submitted by the WC Bridge Department, for one Laborer position that had a vacancy due to recent promotions within the Department. The Board approved.

Mr. Marvin told the Board that he reviewed the latest plans presented by Warden Foster for a Firearms Training Facility at the PCFA Landfill. He stated that if the Board approves this facility we would be able to get the other department heads organized to do a courtesy presentation at the White Township Planning Board meeting scheduled for October 14th.

Mr. Hicks presented a map of the facility plans to the Board and explained that this is the best site within the county for the Firearms Training Facility. After much discussion between the Board, Mr. Hicks and Mr. Marvin it was agreed that this would be the best site within the county. There is a natural sound barrier already in place. The cost will be minimal and the savings will benefit not only the County Firearms Training but the local municipality training needs as well.

On motion by Mr. Gardner, seconded by Mr. DiMaio, Resolution authorizing a Warren County Firearms Training Facility to be constructed at the PCFA site in White Township.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

Mr. Marvin told the Board that he received a contact from Carol Hertwick-Lowy of the Housing Program asking for help. She told him that traditionally Warren County was awarded between \$300,000 and \$400,000 a year for the Small Cities Rehabilitation Program. Mr. Marvin informed the Board that due to an apparent re-crafting of the grant award process by NJ-DCA it is possible Warren County may not receive any monies in 2004. He presented a draft letter from the Board asking Legislators from the 23rd District to get involved in the interest of maintaining this program for Warren County. The Board approved sending the letter.

Mr. Marvin finished his report by reminding the Board that the county service awards dinner is October 3rd at 6:00 p.m. and would be held at the Harker's Hollow Country Club in Harmony Township.

Under Freeholder comments, Mr. DiMaio asked if there were any topics for a work session at the November 19th scheduled meeting. He stated if not, he would like to cancel that meeting as it conflicts with the League of Municipalities Convention.

Mr. Doherty asked if the Board would change the time on the October 8th regular meeting to a day meeting as he has a conflict in the evening. After some discussion between the Board and Mr. Marvin, they agreed to change the October 8, 2003 meeting time to 9:00 a.m., and to cancel the November 19, 2003 work session meeting.

On motion by Mr. DiMaio, seconded by Mr. Gardner, the County Administrator is hereby authorized to advertise that the Board of Chosen Freeholders will change the time of the October 8, 2003 meeting from 7:30 p.m. to 9:00 a.m., and cancel the November 19, 2003 work session meeting.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

Mr. DiMaio stated that the Board just accepted the letter declining reappointment from Mr. Robert Hammell as a member of the Warren County Technical School Board. He asked that the Board find a replacement for this Board so that services relating to education and tax concerns are continued by a capable representative.

Mr. DiMaio reported that the next SWAC meeting is scheduled for next week and there should be a decision relating to the landfill expansion request. He would like to have this topic added to the October 8, 2003 agenda.

Mr. Gardner agreed with Mr. DiMaio, and said he believes SWAC has had enough time to review the request to expand the PCFA landfill capacity.

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Mr. Marvin told the Board that there are statutory procedures to follow, municipalities need to be notified, advertisement deadlines for public hearings, and a laundry list of documentation to be assembled and forwarded to the NJ-DEP. The Board approved.

Mr. Gardner thanked Public Information and Tourism Director Art Charlton for an outstanding job publicizing the Warren County hosted Small Farm Expo that was held recently. He reported that he was honored along with Mr. Doherty to take part in the opening ceremonies.

Mr. Gardner also asked if a proclamation could be prepared to recognize one of Warren County's department heads that was called to active duty, John Hawk.

Mr. Marvin suggested that a bit of research be allowed, as he believes that there may be other employees serving the country on active duty. The Board agreed.

Mr. Doherty had nothing to report.

Under closing Public comments, Ann Stone of Greenwich Township thanked Mr. Gardner for recognizing John Hawk for his years of service in the military.

Mrs. Stone told the Board that she recently received a letter from the Division of Senior Services Director stating that all Municipal Coordinator meetings have been cancelled through the end of 2003. She told the Board that she was recently appointed as the Greenwich Township Coordinator.

Mrs. Stone asked the Board why they eliminated all departments created for seniors and put them under the Department of Human Services, then abolished the Welfare Board. She told the Board that when she left Warren County as a Freeholder in 2000 there were more seniors than services provided and she believes that this Board is removing even more services for the elderly.

Mrs. Stone asked the Board to reinstate the Municipal Coordinator meetings.

Mr. DiMaio told former Freeholder Stone that certainly this Board looked at ways to consolidate departments for efficiency but never for reduction of services. He told Mrs. Stone that he will ask Human Services Director Karen Kubert and Executive Director of the Division of Senior Services Susan Lennon to review her request and respond.

Christopher Pessolano, Purchasing Director advised the Board that the County Auction was held on September 13th, and although the weather was not good, the total sales were \$34,000. He also thanked the Warren County Road Department for their assistance and for use of the Belvidere Garage to house the items that were auctioned off.

RESOLUTION 576-03

On motion by Mr. DiMaio, seconded by Mr. Gardner, at 9:11 p.m. the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on September 24, 2003.

A RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Warren County Board of Chosen Freeholders is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.*, and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Warren County Board of Chosen Freeholders to discuss

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in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) *Matters Required by Law to be Confidential:* Any matter which, by express provision of Federal law of State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) *Matters Where the Release of Information Would Impair the Right to Receive Funds:* Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) *Matters Involving Individual Privacy:* Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) *Matters Relating to Collective Bargaining Agreements:* Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:* Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters Relating to Public Safety and Property:* Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection; any investigations of possible violations of the law.
- (7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or many become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) *Matters Relating to the Potential Imposition of a Penalty:* Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bearing responsibility

NOW, THEREFORE, BE IT RESOLVED by the Warren County Board of Chosen Freeholders, assembled in public session on **September 24, 2003**, that an Executive Session closed to the Public shall be held on September 24, 2003 at 9:11 pm in the Freeholders Conference Room located at the Wayne Dumont, Jr. Administration Building, 165 County Route 519 South, Belvidere, New Jersey 07823 for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Warren County Board of Chosen Freeholders that the public interest will no longer be served by such confidentiality.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen

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Freeholders of the County of Warren on the date above mentioned.

Tammy M. Lynn Deputy Clerk

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

The Board returned to open session at 10:25 p.m.

On motion by Mr. DiMaio, seconded by Mr. Gardner, and there being no further action to be taken the meeting was adjourned at 10:25 p.m.

ROLL CALL: Mr. DiMaio yes, Mr. Gardner yes, Mr. Doherty yes

ATTESTED TO:***Tammy M. Lynn, Deputy Clerk***