

MINUTES**JANUARY 28, 2004**

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 January 28, 2004 at 7:31 p.m.

The meeting was called to order by Director Gardner and upon roll call, the following members were present: Freeholder Richard D. Gardner, Freeholder John DiMaio, and Freeholder Everett Chamberlain.

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 was led by Director Gardner.

Director Gardner read the following statement, **"ADEQUATE NOTICE OF THIS MEETING OF JANUARY 28, 2004 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-LEDGER, AND DAILY RECORD 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. DiMaio, seconded by Mr. Chamberlain, the minutes of the budget hearing held January 10, 2004 were approved as amended.
Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. Chamberlain, seconded by Mr. DiMaio, the minutes of the regular session held January 14, 2004 were approved.
Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the minutes of the executive session held January 14, 2004 were approved.
Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

Under public comments on agenda items only, Walt Menegus, White Township stated that the website agenda did not show the PCFA member appointment. He was informed that this would be on the agenda tonight. The Board responded that initially it was their understanding that this had be completed tonight, but since have found out that it is not necessary, so it is not on the agenda.
Director Gardner asked Mr. Menegus to hold all other questions on matters not on the agenda until the end of the meeting under open public comments.

Mr. Marvin informed the Board that agenda item D3 had to be held until the E8 agenda item was adopted.

RESOLUTION 79 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION TO PAY BILLS FOR MASTER VOUCHER NUMBER 2004 - 04.

MINUTES

JANUARY 28, 2004

Be and it is hereby resolved that Master Voucher Certificate For Certification/Ratification for Payment No. 2004-4 dated January 28, 2004 in the amount of \$ 4,426,989.89 including bills and investments, is approved subject to the review of the vouchers By the Board of Chosen Freeholders.

2004-3	\$ 1,242,651.10
2004-4	\$ 1,918,804.67
Sub Total	\$ 3,161,455.77
Payroll 1/22/04	\$ 1,265,534.12
GRAND TOTAL	\$ 4,426,989.89

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 80 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

TRANSFER IN THE 2003 RESERVED APPROPRIATIONS:

TO:	JUVENILE RET.& REHAB CTR., S&W	\$ 2,500.00	
	ROADS, S&W	\$ 46,000.00	
	DEPT. OF HUM. SERV., DIV. OF TEMP.		
	ASST. & SOC. SERV., S&W	38,000.00	
	SHERIFF, OE	2,400.00	
	UTILITIES - GASOLINE	4,000.00	\$ 92,900.00

FROM:

PROV. FOR SALARY ADJ. & NEW EMPLOYEES	\$ 30,000.00	
COUNTY HEALTH SERVICE INTERLOCAL		
AGREE., S&W	47,000.00	
BUILDINGS & GROUNDS, S&W	11,900.00	
ROADS, OE	4,000.00	\$ 92,900.00

WHEREAS, NJSA 40A:4-59 states that transfers can be made to Reserved Appropriations through March 31, and

WHEREAS, by unforeseen demand there has arisen the necessity for expenditures to fulfill the purposes of the appropriations as stated in the 2003 Budget and Tax Levy in the following accounts:

Juvenile Ret. & Rehab. Ctr., S&W	\$2,500.00	
Roads, S&W	46,000.00	
Dept. of Hum. Serv., Div. of Temp. Asst. & Soc. Serv., S&W	38,000.00	
Sheriff, OE	2,400.00	
Utilities - Gasoline	4,000.00	\$ 92,900.00

and there being an excess in appropriations heretofore made as follows:

Prov. Of Salary Adj. & New Employees	\$ 30,000.00
--------------------------------------	--------------

MINUTES**JANUARY 28, 2004**

County Health Serv. Interlocal Agree.,S&W	47,000.00	
Buildings & Grounds, S&W	11,900.00	
Roads, OE	4,000.00	\$ 92,900.00

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that by a Majority Vote of this Board that the following transfers in the 2003 Reserved Appropriations be made:

		<u>TO</u>		
012770 R5011 Juv. Ret. & Rehab. Ctr., S&W		\$ 2,500.00		
012900 R5014 Roads, S&W		46,000.00		
013450 R5011 Dept. of Hum. Serv., Div. of Temp. Asst. & Soc. Serv., S&W		\$38,000.00		
012700 R5023 Sheriff, OE		2,400.00		
014600 R5074 Utilities – Gasoline		4,000.00	\$ 92,900.00	
		<u>FROM</u>		
014250 R5011 Prov. For Salary Adj. & New Employ.		\$ 30,000.00		
013300 R5011 County Hlth. Serv. Inter. Agree.,S&W		35,000.00		
013350 R5011 County Hlth. Serv. Inter. Agree.,S&W		12,000.00		
013100 R5011 Buildings & Grounds, S&W		11,900.00		
013150 R5051 Roads, OE		4,000.00	\$92,900.00	

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.

Tammy M. Lynn Deputy Clerk

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner

RESOLUTION 81 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

**RESOLUTION APPOINTING DOROTHY H. HARBECK AS
WARREN COUNTY ASSISTANT COUNTY COUNSEL.**

WHEREAS, there exists a need for the Warren County Board of Chosen Freeholders to appoint an Assistant County Counsel; and

WHEREAS, Dorothy H. Harbeck, who is a member of the law firm of Bell, Gage and Harbeck and has been recommended for appointment to the position;

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Chosen Freeholders hereby appoints Dorothy H. Harbeck, Esq. as Warren County Assistant County Counsel.

Mr. Chamberlain commented that he sees no financial commitment for this resolution. Mr. Bell responded that is correct, Ms. Harbecks services are covered within his agreements with the Board.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 82 - 04

MINUTES**JANUARY 28, 2004**

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION PETITIONING THE GOVERNOR, FEDERAL AND STATE LEGISLATIVE DELEGATION, FEDERAL DEPARTMENT OF HOMELAND SECURITY, AND THE ATTORNEY GENERAL, AMONG OTHERS, TO SEEK LOCAL PARTICIPATION IN PLANNING FOR HOMELAND SECURITY INVESTMENTS.

WHEREAS, the Federal and State governments are investing very large sums of money to protect the nation's security and to provide appropriate resources to respond to a variety of potential emergencies; and

WHEREAS, many of these funds are being delegated to counties in New Jersey for the acquisition and deployment of equipment and material that are being specified by Federal and State agencies based upon an assessment of regional and statewide needs, but apparently, without benefit of an assessment of local weaknesses and needs; and

WHEREAS, there has apparently been very little consideration as to the severe impact such measures have on staffing, facilities, and other infrastructure and communications interoperability needs of the counties and local governments; and

WHEREAS, many of the directives appear to those of us on the implementation end of the process to provide nothing for such staffing, infrastructure, and communications interoperability needs of the counties and local governments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that it hereby calls upon the Governor James McGreevey, New Jersey Attorney General Peter C. Harvey, Commissioner Clifton R. Lacey of Health and Senior Services, the New Jersey Office of Homeland Security, the New Jersey Legislature, Congress, and Secretary Thomas Ridge of the Federal Department of Homeland Security, to:

1. Introduce local hands-on knowledge of the emergency management infrastructure that should be developed prior to the embellishments that are now being funded so far through many grants of significant public monies emanating from Washington and Trenton into the homeland security planning process.
2. Incorporate the opinions, perspectives, and knowledge of general government, public safety and emergency service personnel at the county level into the planning and design of homeland security investments.
3. Redesign the implementation process for Homeland Security plans and programs consistent with the above.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Honorable James McGreevey, Governor, State of New Jersey; the Honorable Peter C. Harvey, New Jersey Attorney General; the Honorable Clifton R. Lacey Commissioner, of Health and Senior Services; the New Jersey Office of Homeland Security; the New Jersey Legislature; Congress; and the Honorable Thomas Ridge, Secretary, of the Federal Department of Homeland Security; Warren County's Federal and State Legislative delegation; Freeholder Directors of Hunterdon, Morris, Somerset and Sussex Counties; and Executive Director, and the New Jersey Association of Counties.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 83 - 04

On motion by Mr. Chamberlain, 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

MINUTES**JANUARY 28, 2004**

January 28, 2004.

RESOLUTION RE: AUTHORIZING DIRECTOR OF THE BOARD TO SIGN THE FY 2004 APPLICATION FOR TWO PARATRANSIT VEHICLES THROUGH THE FEDERAL SECTION 5310 PROGRAM SPONSORED BY THE US DEPARTMENT OF TRANSPORTATION – FEDERAL TRANSIT ADMINISTRATION AND THE NEW JERSEY TRANSIT CORPORATION.

WHEREAS, the Warren County Board of Chosen Freeholders is eligible to receive vehicles through the FY 2004 Section 5310 Program sponsored by the US Department of Transportation - Federal Transit Administration and NJ Transit Corporation; and

WHEREAS, the Warren County Department of Human Services, Division of Contract Administration, has prepared an application for these funds to support the purchase of two minibuses with rear lift for use in the county's paratransit program; and

WHEREAS, Section 5310 funding will support the total purchase costs of these vehicles.

NOW, THEREFORE BE, IT RESOLVED the Director of the Warren County Board of Chosen Freeholders is authorized to sign the FY 2004 Section 5310 application for two paratransit vehicles through the US Department of Transportation - Federal Transit Administration and NJ Transit Corporation.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 84 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION APPROVING THE WARREN COUNTY DEPARTMENT OF HUMAN SERVICES APPLICATION FOR 2004 PERSONAL ATTENDANT SERVICES PROGRAM FUNDING WITH THE NJ DEPARTMENT OF HUMAN SERVICES, TOTALING \$98,807 FOR THE PERIOD JANUARY 1, 2004 – DECEMBER 31, 2004; SUBJECT TO THE AVAILABILITY OF FUNDS.

WHEREAS, the NJ Department of Human Services, has made Personal Attendant Services Program funding available to Warren County totaling \$98,807 for Calendar Year 2004; and

WHEREAS, the Warren County Department of Human Services has prepared a grant application to the NJ Department of Human Services for use of these funds and will retain \$2,745 of these funds for administrative purpose; and

WHEREAS, the funds will be subcontracted as follows:

Cerebral Palsy of New Jersey

\$ 96,062

NOW, THEREFORE, BE IT RESOLVED by the Warren County Board of Chosen Freeholders that the application for Calendar Year 2004 Personal Attendant Services Program funding to the NJ Department of Human Services for \$98,807 is approved subject to the availability of these funds.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 85 - 04

MINUTES**JANUARY 28, 2004**

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION RE: AUTHORIZING THE DIRECTOR OF THE BOARD TO EXECUTE A LETTER OF AGREEMENT WITH THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE IN THE AMOUNT OF \$150,849.50 TO SUPPORT THE COORDINATION OF THE MUNICIPAL ALLIANCE FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004.

WHEREAS, on October 22, 2003 the Warren County Board of Chosen Freeholders approved the 2004 Municipal Alliance Spending Plan for anticipated funding through the NJ Governor's Council in the amount of \$ 150,849.50; and

WHEREAS, the funds are to be used as follows:

Alliance Coordination	\$ 45,000.00
Municipal Alliance Programs	\$105,849.50

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Director of the Board of Chosen Freeholders be authorized to execute a Letter of Agreement with the Governor's Council on Alcoholism and Drug Abuse to support Municipal Alliance Coordination; Agreement ceiling not to exceed \$ 150,849.50 for the period January 1, 2004 through December 31, 2004.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 86 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION APPROVING THE APPLICATION FOR A HIGHWAY TRAFFIC SAFETY PROJECT GRANT TO HIRE SUMMER INTERNS IN THE YEAR 2005 FOR THE AMOUNT OF \$17,808.00.

WHEREAS, there are monies available under a Highway Traffic Safety Project Grant with the New Jersey Office of Highway Traffic Safety for Safety Construction and Operational Improvements; and

WHEREAS, it would be in the best interest of the County of Warren to apply for said monies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that the Director of the Board and the Clerk are hereby authorized to sign any and all documents in order to effectuate the Highway Traffic Safety Project Grant with the New Jersey Office of Highway Traffic Safety to hire summer interns in the amount of \$17,808.00 for the project period of May 1, 2005 to September 30, 2005.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 87 - 04

MINUTES**JANUARY 28, 2004**

On motion by Mr. Chamberlain, 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 January 28, 2004.

**RESOLUTION APPROVING THE APPLICATION FOR A HIGHWAY TRAFFIC SAFETY PROJECT
GRANT FOR A STOP SIGN REFLECTIVE PANEL PROJECT
IN THE AMOUNT OF \$5,000.00.**

WHEREAS, there are monies available under a Highway Traffic Safety Project Grant with the New Jersey Office of Highway Traffic Safety for Safety Construction and Operational Improvements; and

WHEREAS, it would be in the best interest of the County of Warren to apply for said monies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that the Director of the Board and the Clerk are hereby authorized to sign any and all documents in order to effectuate the Highway Traffic Safety Project Grant with the New Jersey Office of Highway Traffic Safety to hire summer interns in the amount of \$17,808.00 for the project period of May 1, 2005 to September 30, 2005.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 88 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

**RESOLUTION AMENDING THE "5-4-5 REVOLVING LOAN FUND." LENDING PROGRAM AND
REAPPROPRIATING THE CDBG ECONOMIC DEVELOPMENT LOAN TRUST FUND PROCEEDS
FOR THE ACQUISITION OF REAL PROPERTY TO BE USED AS THE SITE FOR THE NEW
JERSEY TRANSPORTATION HERITAGE CENTER.**

WHEREAS, the Board of Chosen Freeholders of the County of Warren enacted a Re-Use Lending Plan and created the "5-4-5 Revolving Loan Fund" using \$250,000 of the Community Development Block Grant Economic Development Loan Trust Fund, offering 5 percent loans for 5-year terms to businesses that meet the criteria established in the revised Re-Use Lending Plan on September 26, 2001; and

WHEREAS, Board of Chosen Freeholders of the County of Warren finds that the unexpended funds remaining in the CDBG Economic Development Grant Fund, consisting of grant proceeds and interest in the amount of \$821,204.68 will be more effective in creating Economic Development initiatives in Warren County by financing other projects, specifically the acquisition of the property to be used as the site for the proposed New Jersey Transportation Heritage Center in Phillipsburg; and

WHEREAS, the bond proceeds currently appropriated for the acquisition of the property can be used for construction of facilities to house necessary and mandated county administered programs and services, thereby eliminating the need to borrow additional funds for that purpose.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby abolishes the Re-Use Lending Plan and discontinues the "5-4-5 Revolving Loan Fund" program.

BE IT FURTHER RESOLVED that the unexpended proceeds remaining in the CDBG Economic Development Grant Fund be appropriated for the acquisition of the property to be

MINUTES**JANUARY 28, 2004**

used as the site for the proposed New Jersey Transportation Heritage Center in Phillipsburg; and that as the existing loans are paid, the proceeds and interest of said loans will be appropriated for the purpose as well.

BE IT FURTHER RESOLVED that the maximum amount of funding for the New Jersey Transportation Heritage Center property acquisition from this funding source be limited to the current commitment of \$ 875, 000.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 89 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

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-287-02, APPEAL DOCKET NO. 2270-02-T3 IN THE AMOUNT OF TWO THOUSAND DOLLARS (\$2,000.00).

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 PARUTA V. SUPPLEE, Et.al. Docket No. L-104-02, which lawsuit against the County was dismissed; 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 Two Thousand Dollars (\$2,000.00) 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 SERVICE, et. al., DOCKET NO.-L-287-02, Appeal Docket A-2270-02-Te, for the sum of Two Thousand Dollars (\$2,000.00), said sum to be paid upon approval of this resolution and advertisement 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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 90 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

RESOLUTION CANCELING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR VARIOUS CAPITAL PROJECTS TO CAPITAL SURPLUS.

WHEREAS, the Board of Chosen Freeholders of the County of Warren, New Jersey

MINUTES**JANUARY 28, 2004**

(the "County"), adopted Bond Ordinances appropriating funds for various capital improvements in accordance with NJSA 40A: 2-1 et seq.; and

WHEREAS, following the effective dates of the Ordinance, the County issued obligations to fully fund the Ordinance and to finance the improvements or purposes authorized therein; and

WHEREAS, the capital projects authorized by the Ordinances have been completed or the appropriations are no longer needed for the purposes stated in the Ordinance by virtue of the receipt of grant proceeds to fund the project(s); and

WHEREAS, as a result of the appropriation of the grant proceeds and the completion of the capital projects, the County has determined that a portion of the proceeds of the obligations issued pursuant to the Ordinances (the "Excess Proceeds") are not necessary for the projects; and

WHEREAS, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Board of Chosen Freeholders has determined that it is in the best interest of the County to reappropriate the Excess Proceeds to finance the cost of a purpose for which bonds may be issued, and, thereby, avoid the need to incur additional County debt to finance such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Section 1. The following funded appropriations remaining as balances in Bond Ordinances heretofore adopted by the County of Warren, New Jersey (the County) are hereby cancelled and transferred to the Capital Surplus:

1.a: BOND ORDINANCE NUMBER 1999-B, PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$5,393,075 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$4,999,921 BONDS OR NOTES OF THE COUNTY FOR FINANCING PART OF SUCH APPROPRIATION.

Date of Introduction: 1/27/99, Date of Adoption: 2/10/99, Amended 12/13/2000 and 7/24/2002

Appropriation amount to be transferred:

0499B701-5065	NJ Railroad Museum Property	<u>\$821,200.00</u>
---------------	-----------------------------	---------------------

1.b: BOND ORDINANCE 2003-B PROVIDING FOR THE ACQUISITION OF LAND TO BE ACQUIRED FOR OPEN SPACE PRESERVATION PURPOSES, IN AND BY THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$5,775,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,500,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF AND, UPON FINAL ADOPTION, INCREASING THE PRESENT DOLLAR AMOUNT OF GROSS COUNTY INDEBTEDNESS TO \$33,228,871.

Date of Introduction: 4/23/2003, Date of Adoption: 5/14/2003 Amount of Appropriation to be transferred:

0403B701-5060	Section 20 Cost	<u>\$ 115,425.00</u>
---------------	-----------------	----------------------

Total returned to surplus	<u>\$ 936,625.00</u>
---------------------------	----------------------

SECTION 2. 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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 91 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

RESOLUTION APPROVING THE CONTRACT DOCUMENTS FOR CONTRACT #WC0405P FOR

MINUTES

JANUARY 28, 2004

**ENGINEERING SERVICES FOR THE RECONSTRUCTION OF
WARREN COUNTY BRIDGE #07013 & CULVERTS #04024 & #11088,
GREENWICH, BLAIRSTOWN & HOPE TOWNSHIPS.**

BE IT RESOLVED that the contract documents for Contract #WC0405P for Engineering Services for the Reconstruction of Warren County Bridge #07013 & Culverts #04024 & #11088, Greenwich, Blairstown & Hope Townships are hereby approved.

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to solicit proposals from qualified firms for the above project.

TENTATIVE SCHEDULE

PROPOSAL DATE - Thursday, March 4, 2004

AWARD DATE – Wednesday, March 24, 2004

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 92 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

**RESOLUTION RE: APPROVAL OF SPECIFICATION WC0406 AND AUTHORIZATION TO
ADVERTISE FOR BIDS FOR TIRES AND TUBES FOR THE WARREN COUNTY ROAD
DEPARTMENT MOTORPOOL.**

BE IT RESOLVED, that specification WC0406 for tires and tubes for the Warren County Road Department Motorpool 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-Ledger.

Funds for this contract will be provided in budget account 013150/5034 – Motor Pool – Motor Vehicle Parts and Accessories

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 93 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

**RESOLUTION RE: APPROVAL OF SPECIFICATION WC0407 AND AUTHORIZATION TO
ADVERTISE FOR BIDS FOR LAB WORK AND TESTS FOR THE WARREN COUNTY PUBLIC
HEALTH NURSING AGENCY.**

BE IT RESOLVED, that specification WC0407 for lab work and tests for the Warren County Public Health Nursing Agency 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-Ledger.

Funds for this contract will be provided in budget accounts 013302/5030 – Public Health Nursing Community Health services, Operating Supplies and 013302/5046 – Public

MINUTES**JANUARY 28, 2004**

Health Nursing Community Health Service T.B. Program

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 94 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC0408 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR PRESCRIPTION DRUG SERVICE AT THE WARREN COUNTY CORRECTIONAL CENTER.

BE IT RESOLVED, that specification WC0408 for prescription drug service for the Warren County Correctional 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-Ledger.

Funds for this contract will be provided in budget account 012800/5093 – Correctional Center – Medical Expenses Including Physicals

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 95- 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC0409 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR ROOF REPLACEMENT AT THE WARREN COUNTY CORRECTIONAL CENTER.

BE IT RESOLVED, that specification WC0409 for roof replacement for the Warren County Correctional 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-Ledger.

Funding for this contract is contingent upon funds being available in the 2004 Budget

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 96 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION RE: AWARD OF A PURCHASE ORDER TO ELECTION SYSTEMS & SOFTWARE TO PROVIDE COMPUTER SOFTWARE AND HARDWARE MAINTENANCE FOR THE PERIOD OF JANUARY 1, 2004 THROUGH DECEMBER 31, 2004 FOR THE WARREN COUNTY ELECTION BOARD IN THE TOTAL AMOUNT OF \$53,713.00.

WHEREAS, it has been recommended that the county issue a purchase order for

MINUTES**JANUARY 28, 2004**

computer maintenance services on specific special licensed computer software; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(dd)) is an exception and requires a resolution authorizing the award of contracts without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Director of Purchasing has certified that this meets the statute and regulations governing the award of said contracts,

NOW THEREFORE, BE IT RESOLVED, that a contract be awarded to Election Systems & Software of Omaha, Nebraska for providing computer hardware and software maintenance on licensed products for the Warren County Election Board

BE IT FURTHER RESOLVED by the Board of Chosen Freeholders of the County of Warren as follows:

1. The Director of Purchasing is hereby authorized and directed to issue a purchase order to Election Systems & Software of Omaha, Nebraska
2. This contract is awarded without competitive bidding as an "Exception" in accordance with 40A:11-5(dd) of the Local Public Contracts Law because the services provided are for proprietary computer hardware and software maintenance.
3. A notice of this action shall be published in the The Star-Ledger.

Funding for this contract is provided in budget account 011250/5026 – Election Board - 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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 97 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION RE: AWARD OF A PURCHASE ORDER TO SUNGARD PENTAMATION INC., TO PROVIDE COMPUTER SOFTWARE AND HARDWARE MAINTENANCE FOR THE PERIOD OF JANUARY 1, 2004 THROUGH DECEMBER 31, 2004 FOR THE WARREN COUNTY INFORMATION SYSTEMS DEPARTMENT IN THE AMOUNT OF \$60,000.00.

WHEREAS, it has been recommended that the county issue a purchase order for computer maintenance services on specific special licensed computer software; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(dd)) is an exception and requires a resolution authorizing the award of contracts without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Director of Purchasing has certified that this meets the statute and regulations governing the award of said contracts,

NOW THEREFORE, BE IT RESOLVED, that a contract be awarded to Sungard Pentamation Inc., of Bethlehem, Pennsylvania for providing computer hardware and software maintenance on licensed products for the Warren County Information Systems Department

BE IT FURTHER RESOLVED by the Board of Chosen Freeholders of the County of Warren as follows:

1. The Director of Purchasing is hereby authorized and directed to issue a purchase order to Sungard Pentamation Inc., of Bethlehem, Pennsylvania
2. This contract is awarded without competitive bidding as an "Exception" in accordance with 40A:11-5(dd) of the Local Public Contracts Law because the services provided are for proprietary computer hardware and software maintenance.

MINUTES**JANUARY 28, 2004**

3. A notice of this action shall be published in the Star-Ledger.

Funding for this contract is provided in budget account 011400/5029 – Information Systems – Contracted 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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 98 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION RE: AUTHORIZATION TO ISSUE A PURCHASE ORDER TO COUNTY BUSINESS SYSTEMS, UNDER NEW JERSEY STATE CONTRACT #A57047 COVERING FURNITURE, SYSTEM, OPEN PLAN / LANDSCAPE FOR COMPUTER STATIONS FOR NEW IMAGING SYSTEM FOR THE WARREN COUNTY CLERK'S OFFICE IN THE TOTAL AMOUNT OF \$49,787.80.

BE IT RESOLVED, that the purchasing department is authorized to issue a purchase order for various computer work stations and furniture for the Warren County Clerk's Office and is hereby awarded

to County Business Systems, Mt. Laurel, New Jersey

in the amount of \$49,787.80

at the prices established under New Jersey State Contract #A57047

Funding for this contract has been provided in trust account 35120/5053 – County Clerk Trust Account

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 99 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

**RESOLUTION APPOINTING, MEMBERS TO THE
WARREN COUNTY ENVIRONMENTAL COMMISSION,**

BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby appoint the following individuals to the Warren County Environmental Commission:

Region I (Hope Township)

(To fill expired term of Alfred Handy)

Nancy Chambellan

PO Box 309

Hope, NJ 07844-0309

Term: 1/14/04 – 7/25/07

At Large Rep. (White Township)

(To fill unexpired term of Richard Furr)

MINUTES**JANUARY 28, 2004**

Tyrone Schulze
 107 Free Union Road
 Belvidere, NJ 07823

Term: 1/14/04 – 7/25/05

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 100 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

**RESOLUTION TO APPOINT A MEMBER TO THE WARREN COUNTY
 SOLID WASTE ADVISORY COUNCIL,**

BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby appoints the following member to the Warren County Solid Waste Advisory Council, effective January 28, 2004.

Representing Blairstown Township
 Anthony DeSimone
 32 Mount Hermon Road
 Blairstown, NJ 07825

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the Board approved with regret the recommendation to accept the resignations effective immediately from Laura Clark-Curtis and Maryanne Lyons of the Warren County Transportation Advisory Council (TAC).

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, a resolution is to be prepared for the next regular meeting approving the reappointment of members to the Warren County Transportation Advisory Council (TAC), all with a Term to Expire: December 31, 2006, reappointing Thomas Kennedy, Donna Erickson, Susan Lennon, Caroline Willner, Kimberly Petrasovits, Carol Ouellette, Carolyn Wolf, Barbara Lear, and Richard Lowe.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, the Board approved with regret the recommendation to accept the resignation effective immediately from Laura Clark-Curtis from the Warren County Advisory Council on Disabilities.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, a resolution is to be prepared for the next regular meeting approving the reappointment of members to the Warren County Shade Tree Commission, reappointing Bert Kuhn, and William Kohler, both with Term to Expire December 31, 2008.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 101 - 04

MINUTES**JANUARY 28, 2004**

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION CREATING A FULL-TIME POSITION OF GRADUATE NURSE, PUBLIC HEALTH, CLASSIFIED, WITHIN THE WARREN COUNTY HEALTH DEPARTMENT, DIVISION OF PUBLIC HEALTH NURSING SERVICES,

BE IT RESOLVED by the Warren County Board of Chosen Freeholders that a full-time position of *Graduate Nurse, Public Health*, classified, is created in the Warren County Health Department, Division of Public Health Nursing Services, for the purpose of employee training; and

BE IT FURTHER RESOLVED by the Warren County Board of Chosen Freeholders that the newly created position of *Graduate Nurse, Public Health*, classified, commence February 16, 2004 and expire on February 27, 2004 at an annual salary of \$47,177.

Mr. Chamberlain asked if the dates are correct. Mr. Marvin confirmed it was, and needed for proper training during the position transition, there will be two employees during that time.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 102 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION CREATING A FULL-TIME POSITION OF INTERIM TRUCK DRIVER, CLASSIFIED, WITHIN THE WARREN COUNTY ROAD DEPARTMENT,

BE IT RESOLVED by the Warren County Board of Chosen Freeholders that a full-time position of *Interim Truck Driver*, classified, is created in the Warren County Road Department to insure the efficiency and effectiveness of ongoing operations.

NOW, THEREFORE BE IT RESOLVED by the Warren County Board of Chosen Freeholders that a full-time position of *Interim Truck Driver* is created and established on AFSCME Local 3287, Range 0640 and made effective 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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

RESOLUTION 103 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION REAPPOINTING STEVE MARVIN WARREN COUNTY ADMINISTRATOR AND AUTHORIZING THE FREEHOLDER DIRECTOR TO EXECUTE AN EMPLOYMENT AGREEMENT,

MINUTES**JANUARY 28, 2004**

WHEREAS, the Board of Chosen Freeholders of the County of Warren is authorized to appoint a county administrator pursuant to N.J.S.A. 40A:9-42.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Warren that Steve Marvin is hereby reappointed County Administrator for a term of five (5) years commencing February 10, 2004 and terminating February 9, 2009, subject to the terms of an employment agreement, incorporated herein by reference. The Freeholder Director is hereby authorized and directed to execute said employment 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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

Mr. Marvin thanked the Board.

RESOLUTION 104 - 04

On motion by Mr. Chamberlain, 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 January 28, 2004.

RESOLUTION CREATING ONE (1) FULL-TIME INTERIM POSITION OF COUNTY CORRECTION SERGEANT WITHIN THE WARREN COUNTY CORRECTIONAL CENTER,

WHEREAS, a request is submitted by the Warden of the Warren County Correctional Center to create one (1) full-time interim County Correction Sergeant position to serve as a replacement for a County Correctional Sergeant on leave of absence for health reasons as provided under N.J.A.C. 4A: 4-1.6 Interim Appointments; and

WHEREAS, this request is made to insure the ongoing effectiveness of security operations within the Correctional Center.

BE IT RESOLVED by the Warren County Board of Chosen Freeholders that an interim position of County Correction Sergeant is created and made effective immediately and;

BE IT FURTHER RESOLVED that this interim position be abolished effective March 15, 2004.

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

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

Under reports and comments, County Counsel Joseph J. Bell reported that he has several items to discuss in executive session relating to litigation matters.

County Engineer Dave Hicks had nothing to report.

County Planner Dave Dech had nothing to report.

County CFO Charles Houck had nothing to report.

County Administrator Steve Marvin presented the following Hiring Requests from the WC Buildings & Grounds Department for one (1) Maintenance Supervisor, with a vacancy due to a recent retirement; from the WC Environmental Health Department for one (1) Health Educator, with a vacancy due to a recent resignation; and from the Warren County PHNA, for one (1) Graduate Nurse, Public Health, with a vacancy due to a recent retirement. The Board approved.

MINUTES**JANUARY 28, 2004**

Mr. Marvin reported that he has received a request from the Warren County Tech School to schedule the Board of School Estimate meeting. He explained that there is a narrow window for the Tech School to meet with the Board, between the fourth Tuesday in March and the first Thursday in April. He suggested that the Board meet at 7:00 p.m. on March 31, 2004. The Board agreed and asked Mr. Marvin to inform Dr. Mancuso for proper advertising by the Board of Education.

Mr. Marvin explained that the Warren County Community College Board of School Estimate needs to be set and completed before February 15, 2004. He recommended that the Board schedule the meeting for the regular meeting on February 11, 2004. The Board agreed and asked Mr. Marvin to advise Warren County Community College President Dr. Austin to advertise accordingly.

Mr. Marvin reported that traditionally the Warren County Chamber of Commerce requested to meet with the Board during the first regular meeting scheduled in February. He recommends that the meeting be delayed due to other commitments to be completed in February. The Board agreed, and requested Mr. Marvin to inform Chamber President/CEO Robert Goltz to move the review meeting back to one of the regular meetings scheduled for March 2004.

Mr. Marvin reported that the Board of Recreation Commissioners has requested a joint meeting with the Board. The Board agreed that more might be accomplished by having the Freeholder Liaison attend their next meeting. Mr. Chamberlain asked if it would be acceptable for him to attend to observe. Mr. Marvin responded yes.

Mr. Marvin reminded the Board that the next Five County Coalition meeting would be February 4, 2004 with Hunterdon County hosting the meeting. He informed the Board that he will not be attending this meeting and asked the Board who would be attending so he could RSVP. Mr. Gardner and Mr. DiMaio responded that they would be attending. Mr. Chamberlain stated he would advise soon.

Mr. Marvin concluded his report by reminding the Board that Prosecutor Ferguson will be sworn in Friday, January 30, 2004 at 4:00 p.m.

Under Freeholder comments, Mr. DiMaio reported that he has been attending the Five County Coalition meetings and working with the Highlands Subcommittee to prepare comments to be forwarded to the State Highlands Regional Task Force. He distributed the comments for the Board to review and approve for submission. Mr. DiMaio asked Planning Director Dave Dech to highlight the issues. Mr. Dech explained that the committee is strong on advocating the home rule approach, instead of a regional entity.

Mr. DiMaio added that Sussex County has expressed concerns for loss of funding and inequities for landowners. He asked if the Board would review and confirm approval so that the comments could be submitted to our affected Municipalities for comment.

Mr. Chamberlain recognized the importance of the comments and stated that he will review them and let Mr. Dech know before the end of the week. The Board agreed that pending Mr. Chamberlain's review, Mr. Dech should prepare a letter to transmit to the Municipalities.

Mr. Chamberlain reported that he had a few items to discuss. He wanted to begin with the Nature's Choice expansion application recently sent to the DEP. Mr. Chamberlain would like to go on record that he opposes this and would not support this application.

Mr. Dech responded that he agrees that Warren County should oppose this application.

MINUTES**JANUARY 28, 2004**

He was informed by the DEP that Nature's Choice application was deemed incomplete. Mr. Dech stated that it is his understanding that based on regulations, this is an administrative action which requires Board approval of an amendment to the Solid Waste Management Plan.

After some discussion between the Board, Mr. Dech, and Mr. Marvin, the Board concluded that Mr. Dech should write to the DEP seeking review of this application through the Solid Waste Management Plan amendment process.

On motion by Mr. Chamberlain, seconded by Mr. DiMaio, the Board authorized Planning Director Dave Dech to issue a letter to the DEP demanding a Solid Waste Management Plan amendment procedure in Warren County before any further administration action is taken on the Nature's Choice permit application.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

Mr. Chamberlain stated that he has concerns about the recently reappointed County Adjuster running for the position of Warren County Republican Party Chairman. He discussed the purpose of the resolution adopted by the Board in 2003 to preclude Professional service contracts being awarded to political committee officers. He asked the Board to discuss the potential for resignation of this individual on that basis.

Mr. Bell stated that this individual is an employee not a professional services agreement as outlined in the 2003 resolution. He stated that the Adjuster has the right to be "Rice Noticed" which allows him the right to be informed prior to discussion relating to his employment.

Mr. Chamberlain responded that he is looking for procedures to guide him in acting accordingly. As an elected official, it is necessary for him to ask certain questions to have the understanding necessary for him to accurately make decision.

Mr. DiMaio and Mr. Marvin both responded that although they are reluctant to discuss this issue, they agree that the resolution was created to address one individual, the former County Republican Party Chairman.

Mr. Chamberlain stated then he believes this resolution needs to be reviewed. Mr. Bell offered to send the resolution to the Courts for review via a declaratory judgment motion. Mr. DiMaio agreed that would be a good option and he wanted to remind the Board that the person discussed right now is a County employee and not currently GOP chair.

Mr. Gardner stated that he has tried to stay out of this issue, but in light of the discussion, he would like to see some clarification of the resolution.

Mr. Gardner had nothing to report.

Under closing public comments, Walt Menegus, White Township stated he wanted to inform the Board while there are operation hours filed by Nature's Choice they exceed them already, so their application to request a time extension would lead White Township to believe they would operate 24 hours a day. He thanked the Board for taking the additional measures to support the White Township litigation against Nature's Choice and with amending the County Solid Waste Management Plan.

Mr. Menegus asked the Board if they will be making an appointment for the PCFA member position, if not, the PCFA meeting scheduled for February 4, 2004 will be one member short.

Mr. Gardner responded that the Board is reviewing applicants and recommendations and plan to complete their decision at the next regular meeting scheduled for February 11, 2004.

Mr. Menegus stated that White Township supports reappointing Jim Cannon and

MINUTES**JANUARY 28, 2004**

began to read the letter he sent to the Board. Mr. Gardner recognized the letter as received already and asked him to stop, so others may speak.

Richard Kowal, White Township Environmental Commissioner, delivered a letter to the Board asking to support reappointing Jim Cannon. He also explained that the landfill still has odor problems affecting the schools and his family. Mr. Gardner thanked him.

Keith Grambling, White Township resident stated that he supports reappointing Jim Cannon to the PCFA. Mr. Gardner thanked him.

Victor Allen, White Township, asked the Board to reappoint Jim Cannon to the PCFA. He stated the Mr. Cannon is their voice and is not afraid to ask questions or to speak up on their behalf. Mr. Allen stated that he heard rumors that Oxford Township may get this position. It is his opinion that both White Township and Oxford Township should have a minimum of two (2) representatives on the PCFA of Warren County. Mr. Gardner thanked him.

Jim Ashe, White Township Committeeman asked the Board to support their request to have Jim Cannon reappointed. In addition, he informed the Board that White Township is unable to enforce the operating time violations at Natures' Choice because of Judge Coyle's recent rulings.

Phil Martell, White Township resident in Brookdale told the Board that he moved here three years ago from New York. He was here to ask the Board to support reappointing James Cannon, because he brings back the necessary information for the White Township residents. Mr. Gardner thanked him.

Mr. Scott, 11 Titman Road, White Township told the Board that he lives closest to the landfill and odor problems still exist. He was just diagnosed with bronchitis and his family has been sick, this has to stop. He asked the Board to support reappointing James Cannon to the PCFA Board. Mr. Gardner thanked him.

James Cannon, White Township thanked everyone for coming out tonight supporting him as the candidate to be reappointed to the PCFA Board since his term expires on February 1, 2004. He told the Board that White Township will lose a representative at the February 4, 2004 meeting. Mr. Cannon stated that while he is not an Engineer, he goes to the meetings regularly and asks questions for the good of the citizens in White Township and Warren County. Mr. Gardner thanked him.

Director Gardner stated that he has been on the phone with the Executive Director of the PCFA constantly since they met in November 2003. He has noticed the odors again and again on his way to this building for meetings. Mr. Gardner explained that while attempts to resolve the odor problem has been made, the engineers did not take in to account that the vents would freeze this winter.

Mr. DiMaio stated he noticed the odor on his way to the budget meeting last Thursday, so he called from his cellphone, and stated that he could not repeat his actual conversation without offending someone, but Mr. Carlton received the message loud and clear that this Board will not tolerate the current efforts, and expect this to be corrected.

Mr. Chamberlain stated that he lives in White Township and lives with the odors and has made calls too. He told Mr. Carlton that he has concerns with the current engineers hit and miss methods to remediate the odor. He also stated that he does not see a clear plan, which concerns him. Mr. Chamberlain stated that he agrees with Mr. Cannon to direct the

MINUTES**JANUARY 28, 2004**

PCFA to have the necessary funds in the closure account and he promised that he will be a watchdog to make sure the landfill is closed in 2006/07 as scheduled.

There were no press comments or questions.

RESOLUTION 105 - 04

On motion by Mr. DiMaio, seconded by Mr. Chamberlain, at 8:29 p.m., the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 28, 2004.

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 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

MINUTES

JANUARY 28, 2004

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 **January 28, 2004**, that an Executive Session closed to the Public shall be held on January 28, 2004 at 8:29pm 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 Freeholders of the County of Warren on the date above mentioned.

Tammy M. Lynn Deputy Clerk

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. Chamberlain, seconded by Mr. DiMaio, the Board returned to open session at 9:37 p.m.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

Director Gardner asked to begin discussion of the FY 2004 budget. Mr. Marvin responded that the prior decisions were incorporated and a new report has been distributed. The Board reviewed the portion of the report on the Open Space funds leftover from 2003 and anticipated in 2004 showing approximately \$1.9 million. Mr. Marvin responded that was the result of three factors; the current balance, the projected reimbursement from the SADC and the tax collections throughout the year.

Mr. Marvin moved to the follow-up report from Human Services Director Karen Kubert. Reductions in the PEER Group Funding would affect the ARC, reductions in treatments for Youth Services and outpatient services through the Family Service contracts, and one county staff member voluntarily reduced work hours for personal reasons.

Director Gardner stated that he noticed a lot of work went into this report.

Mr. DiMaio responded that this is exactly what they asked for, which shows what can happen when grant driven programs are lost. It is a hard decision and he appreciates the information to base his decision on.

Mr. Marvin explained that after reviewing the statutes it is acceptable to keep the Library tax rate the same as last year and any in free balance revenue can go towards future capital improvements.

Mr. Marvin reported that Insurance Risk Manager Randy May was able to package all but the pollution insurance for the Mosquito Extermination Commission in with the County's

MINUTES**JANUARY 28, 2004**

insurance lines resulting in a reduction in their budget operating expense line.

The Board reviewed the Motor Pool list with Mr. Marvin and Mr. Olshefski, and they confirmed there were no new vehicles only replacement vehicles. Mr. Olshefski confirmed to Mr. DiMaio that the '03 and '04 comparison is almost the same with the exception of the Special School District request for the bus with the chair lift.

Mr. Marvin asked Mr. Olshefski to begin the salary wage reports. Mr. Olshefski explained that the Prosecutor grants were being reduced by \$175,000. After some discussion it was confirmed the Prosecutor is planning on staying status quo with a total budget of \$3,547,000 for salary and wages and \$1,400,000 for operating expenses.

Mr. Marvin began the Personnel requests. He explained that Buildings and Grounds has two retirements and Mr. Durborow is working on changing some position titles, which would save \$32,000 in salary and wages, which he recommends.

Mr. Chamberlain asked if the staff total would be reduced. Mr. Marvin responded no, titles are being reorganized.

Mr. Marvin reminded the Board that the additional OEM position would need to be added to the budget with \$25,000 to cover the 3 month overlap period.

Mr. Marvin explained that Senior Planner Greg Sipple and the White Lake Task Force submitted a request for a Land Steward for the White Lake Management project discussed during a work session in 2003. The cost of \$20,000 could be drawn from the Open Space funds. After much discussion between the Board and Mr. Marvin, he was directed to inquire about having one of the conservancy groups manage the position with the Board developing a grant agreement. This option will eliminate adding an additional county position and its overhead costs.

Mr. Marvin reported that he received a call from Election Board member Noel Stecker requesting the Board rescind the 03 reduction in salary and return the salary levels back to its original level. He wanted the Board to be aware that he informed Mr. Stecker to contact the Board directly.

Mr. Marvin proceeded to the miscellaneous requests. He recommended the promotion request for Warren Haven to have a Principal Timekeeper and the Personnel Department to have a Confidential Aide. He continued that he is leaning towards recommending the 14 Senior Institutional Attendant positions at Warren Haven. This will create the necessary middle management supervisor positions.

Mr. Chamberlain responded that he sees Warren Haven breaks even on their requests. Mr. Olshefski confirmed that the Medicaid reimbursements cover most of the expenses. The Board agreed with Mr. Marvin's recommendations.

Mr. Marvin stated that he is not recommending the merit increases. As far as the Sheriff's office, he will ask the Board to discuss that directly with the Sheriff.

Mr. Marvin reviewed the Warren Acres request from Warden Foster and Captain Castner to have some of the part time Juvenile Detention Officers changed to four (4) full time Officers to avoid the constant turnover. He explained that this will reduce the overtime costs.

Mr. Chamberlain asked how many juveniles there were. Mr. Marvin explained the facility allows up to 27, but to keep with the current staff and the statute requires that there be a teacher ratio of 12 juveniles to 1 teacher thus there are no more that 24 juveniles. He

MINUTES**JANUARY 28, 2004**

confirmed not all the juveniles are from Warren County.

Mr. Marvin stated that he is not recommending the hour changes from the Engineers Office. But that doesn't preclude the Board from discussing this further with the County Engineer.

Mr. Marvin proceeded to the Surrogates request, and suggested that this will be Board discretion. After some discussion between the Board and Mr. Marvin, they requested a follow up report from the Surrogate to prove the need for additional staff versus increased hours of the current staff.

Director Gardner stated that he would like a message sent additional staff is not acceptable. Mr. Chamberlain and Mr. DiMaio agreed.

Mr. Marvin explained that PHNA is requesting to switch from a Home Health Aide position with a salary of \$23,800 to a Nurse position with a salary of \$47,000. He explained this is a total wash for Warren County since the service generates the revenue to cover the cost.

Mr. Marvin reviewed the new positions for the Road Department and recommends abolishing the Tree crew program totally. The salary and wages provided for the Tree crew could be moved to operating expense for subcontracting and that would eliminate the liability exposure of having this service performed by staff.

Mr. Marvin stated that he recommends the request submitted by Warden Foster to add five (5) Corrections Officers and one (1) Sergeant for proper coverage of the facility and all additional programs put in place.

Mr. Marvin reported that after his review with Personnel Director Jerry Coyle of Weights and Measure Superintendent Santos' request they would recommend a seasonal position of Weights and Measures Apprentice.

Mr. Marvin did not recommend the Prosecutor Investigator position.

Mr. Marvin reviewed the many positions submitted by Acting Environmental Health Director Claude Mitchell. The Medical Director position is required by NJAC and the others are fully grant funded. He did however, remind the Board that they need to remember that as history has proven some grants are being reduced.

Mr. Marvin explained the history behind the Public Work Inspector position. He stated that since that employee retired the Engineers Department has been subcontracting the work. Mr. DiMaio responded that he would like to continue subcontracting on a need basis.

Mr. Marvin reviewed the Public Information Directors request for a Confidential Aide. The Board was not inclined to add this position. Mr. Marvin agreed and explained that he has discussed with the Director a college interns program.

Mr. Marvin did not recommend the two (2) Social Service positions for TASS and the three (3) Sheriff Officer positions. The Board agreed. He did however suggest keeping the Senior Service Field Rep. through Manpower services in the Division of Senior Services. The Board agreed.

Mr. Marvin presented a request to establish a Human Resources Manager at Warren Haven to control and reduce the overburden of disciplinary actions that are occurring at this

MINUTES**JANUARY 28, 2004**

facility. He believes that too much of Mr. Coyle's time is spent on these matters and establishing an on-site H.R. presence would be beneficial. The Board concurred.

Mr. Marvin asked the Board if they are ready to introduce the budget. Mr. DiMaio responded that some items were just increased and asked if the tax report has been received.

Mr. Olshefski stated the Tax Administrator Pritchett is waiting for Franklin Township figures. He sees that she has been very conservative in comparison to last years report. The Board insisted that they would like the complete estimated ratables report before finalizing on a budget to introduce.

Mr. Olshefski will meet with Mr. Marvin on January 29th and a final report, will be prepared, and faxed to the Board.

Mr. Gardner expressed his concerns that the '03 budget was \$79 million and the '04 budget is \$86 million. Mr. Olshefski explained the 03 budget finalized at a total of \$85 million after all the grant insertions were received.

Mr. DiMaio stated that his concern is in the surplus, which should not be reduced, and it is necessary to allow for rate stabilization for the future.

Mr. DiMaio stated that he doesn't want to cut anymore from surplus and would like to wait for the confirmed report from the Tax Administrator.

Mr. Marvin responded that there will be a lot of work necessary for Mr. Houck and Mr. Olshefski to get the introduction documents prepared and he asked the Board to let them know as soon as possible after the final ratable report is provided, what direction to take with preparation of the budget documents.

On motion by Mr. Chamberlain, seconded by Mr. DiMaio, the Board authorized County Administrator Steve Marvin to advertise a Budget Work Session to be held on Wednesday, February 4, 2004 at 3:00 p.m. in the Freeholder Meeting Room, Wayne Dumont, Jr. Administration Building, White Township, New Jersey.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

On motion by Mr. Chamberlain, seconded by Mr. DiMaio, and there being no further official business to come before the Board at this time, the meeting was adjourned at 11:16 p.m.

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes.

ATTESTED TO:

Tammy M. Lynn, Deputy Clerk