

MINUTES

DECEMBER 6, 2004

The Boards of Chosen Freeholders of the Counties of Hunterdon and Warren met in special session in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on December 6, 2004 at 6:30 p.m.

The meeting was called to order by Warren County Freeholder Director Gardner and upon roll call, the following members were present: Warren County Freeholders Richard Gardner, John DiMaio and Everett Chamberlain and Hunterdon County Freeholders Marcia Karrow, George Melick and Nancy Palladino. Also attending were Warren County Counsel Joseph J. Bell, Hunterdon County Counsel Gaetano DeSapio and Warren County Administrator Steve Marvin.

The Pledge of Allegiance was led by Director Gardner.

Director Gardner read the following statement: **"ADEQUATE NOTICE OF THIS MEETING OF DECEMBER 6, 2004 WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A NOTICE OF THIS SPECIAL MEETING OF THE BOARDS 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. NOTICE WAS ALSO PROVIDED BY FAX TO THE STAR-GAZETTE, WARREN REPORTER, EXPRESS TIMES, NORTH WARREN NEWS, HUNTERDON DEMOCRAT, HUNTERDON REVIEW, THE COURIER, THE TRENTON TIMES AND THE LAMBERTVILLE BEACON. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE."**

RESOLUTION 824-04

On motion for Hunterdon County by Mr. Melick, seconded by Ms. Palladino and on motion for Warren County by Mr. DiMaio, seconded by Mr. Chamberlain, at 6:35 p.m., the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on December 6, 2004

A RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE WARREN COUNTY AND HUNTERDON COUNTY BOARDS 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. 10:4-12b(7) IN ORDER TO DISCUSS LEGAL ISSUES CONCERNING THE HIGHLANDS LEGISLATION/STATUTES.

WHEREAS, the Warren County and Hunterdon County Boards of Chosen Freeholders are 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 and Hunterdon County Boards 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(7) and designated below: *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 may become a party. Any matters falling within the attorney-client privilege, to the extent that

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confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Warren County and Hunterdon County Boards of Chosen Freeholders, assembled in public session on December 6, 2004, that an Executive Session closed to the Public shall be held on December 6, 2004, at 6:35 p.m. in the Freeholders Meeting 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 and Hunterdon County Boards 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 Counties of Hunterdon and Warren on the date above mentioned.

Steve Marvin Clerk of the Board

Recorded Vote (Hunterdon): Mr. Melick yes, Ms. Palladino, yes, Ms. Karrow yes

Recorded Vote (Warren): Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes

The Boards returned to open session at 7:48 pm.

Mr. DeSapio acted as spokesperson for the group and addressed the public and members of the press, articulating that the Hunterdon and Warren County Freeholders intend to unite to pursue litigation based on the unconstitutionality of the Highlands Water Protection and Planning Act. He cited the financial impact the Highlands legislation will have on municipalities, i.e., adverse impacts on their abilities to raise the tax dollars necessary to provide adequate services; that it affects the rights of individual citizens and ability of local government to fulfill responsibilities; that the legislation was influenced by a number of factors other than good science; that we agree with the environmental objectives and are prepared to show those objectives will not be met by this legislation, etc.

Rebecca Schmoyer of The Star-Leger inquired as to the timeline in which the municipalities will be contacted and was told, "shortly."

Bill Bray of The Express-Times asked several questions, among them, an estimate of the number of municipalities that are expected to be in support of legal action. Ms. Karrow told him 25 out of 32 municipalities within the planning and preservation area in Hunterdon County had opposed the Highlands legislation and Mr. Gardner estimated 90% of Warren County municipalities would favor this pursuit.

Addressing Mr. Melick, Mr. Chamberlain and Mr. Gardner, Mr. Bray was interested in how many acres each of them own in the Highlands. Each of the gentlemen declined to answer initially, saying the matter was beside the point.

Mr. Chamberlain stated he has nothing personal to gain in this lawsuit and the decision made tonight was honest, ethical, conservative government.

On motion by Mr. Melick, seconded by Ms. Palladino, the Hunterdon County Board of Chosen Freeholders adjourned the joint session of the meeting at 8:14 pm while the Warren County Board remained in open session.

Recorded Vote: Mr. Melick yes, Ms. Palladino yes, Ms. Karrow yes

There was a short recess.

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On motion by Mr. Chamberlain, 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 December 6, 2004

RESOLUTION TERMINATING THE POSITION OF COUNTY ADJUSTER AND TRANSFERRING THE DUTIES OF COUNTY ADJUSTER UNDER THE DEPARTMENT OF HUMAN SERVICES.

WHEREAS, there exists a need for prudent fiscal discipline and administrative efficiency, the Warren County Freeholders wish to conserve precious resources and promote proper and effective communication within the scope of County Adjuster Services;

WHEREAS, N.J.S.A. 30:4.34 provides the County governing body shall designate a County Official or employee as County Adjuster;

WHEREAS, an employee of the Warren County Department of Human Services will provide the most effective services as County Adjuster because of the resources of the department;

NOW, THEREFORE, BE IT RESOLVED by the Warren County Board of Chosen Freeholders that Douglas Steinhardt's position of County Adjuster is abolished as of January 1, 2005; and

BE IT FURTHER RESOLVED the Warren County Board of Chosen Freeholders will designate on January 2, 2005, an employee of the Warren County Department of Human Services as County Adjuster.

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.

Steve Marvin Clerk of the Board

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio no, Mr. Gardner yes

Mr. DiMaio asked what the savings would be as far as the budget goes.

Mr. Gardner said it would be about a 50% reduction in expenditures. This will now be a part-time position so full-time benefits will not be paid.

Mr. DiMaio asked if there was a person in mind and Mr. Gardner said it would be decided between Human Services Director Karen Kubert and himself.

Mr. DiMaio expressed skepticism that this decision had been thoroughly planned out.

Mr. Chamberlain said the Human Services Department has a computer system and personnel in place. Continuity will be established over the years, avoiding the likelihood of being back-billed as a result of turnover in this position in the past.

Mr. DiMaio said he thinks this decision is politically driven and he can't support it.

Mr. Gardner said he begs to differ; this is a cost saving measure. Mr. DiMaio said, "Mike Doherty and I set this up and thought Doug Steinhardt was the right person for the job."

Mr. Gardner agreed that Mr. Steinhardt is doing an outstanding job as Warren County Republican Party Chairman, but at this time, the position is coming up for reappointment. We're trying to keep cost constraints in government, regardless of who we are friends with.

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Mr. Chamberlain stated the decision was based on honest, ethical, conservative government.

RESOLUTION 826-04

On motion by Mr. Chamberlain, 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 December 6, 2004

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT.

WHEREAS, Warren County (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position.

NOW, THEREFORE, BE IT RESOLVED by the Warren County Board of Chosen Freeholders that Brown & Brown of New Jersey, Inc. and its affiliates, Washington NJ, is hereby appointed as its local Risk Management Consultant, and the Freeholder Director and County Administrator are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2005 in the form attached hereto.

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.

Steve Marvin Clerk of the Board

Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio no, Mr. Gardner yes

Mr. DiMaio said, "Along the lines of good conservative government," in 2001, he and Mike Doherty had recognized there were some flaws with risk management. The ineffectiveness of the agent at that time became evident when the Butler Park Bridge had been "crashed into the river" by a contracting company and repair was delayed due to the agent and insurance carrier disputing the value assigned by engineers. Another example cited by Mr. DiMaio was Warren County Technical School Board of Education being prepared to sue – if they haven't already – over what is a "shell of a policy".

In December of 2002, said Mr. DiMaio, we brought someone in who did an outstanding job. In the first year alone, we saved \$197,000 due to the new broker switching to Statewide Insurance Fund from PAIC, plus \$72,000 in savings as a result of rolling the Mosquito Commission and Library into the policy for an approximate total savings of \$260,000 in the first year alone.

Mr. Gardner replied that nothing is changing in the terms of coverage; the insurance policy will remain and Brown & Brown of New Jersey will be Risk Manager. He agreed that changes needed to be made years ago. Employment will be coming back into the county by utilizing the Washington location, which is important as a portion of revenues generated by the premiums will stay in the county.

Mr. Chamberlain said that if Vo-Tech is suing, we're not sure whether they have good coverage or not. We don't know what the outcome will be. We had someone look at it whose experience is in private insurance, not public liability law. He reinforced Mr. Gardner's assertion that we should support local companies. In addition, if for some reason, the new

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Risk Management Consultant seems unsatisfactory, we can make a change in thirty (30) days per the contract.

On motion by Mr. Chamberlain, seconded by Mr. DiMaio, and there being no further business to come before the Board at this time, the meeting was adjourned at 8:30 p.m.

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

ATTESTED TO:

Steve Marvin, Clerk of the Board