

MINUTES**JANUARY 2, 2005**

The Board of Chosen Freeholders of the County of Warren met in Reorganization session in Court Room #1 at the Warren County Court House, Belvidere, New Jersey on January 2, 2005 at 4:10 p.m.

The meeting was called to order by Director Gardner and upon roll call, the following members were present: Freeholder Richard Gardner, Freeholder John DiMaio and Freeholder Everett Chamberlain. Also attending were County Counsel Joseph J. Bell and 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 JANUARY 2, 2005 WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A SCHEDULE OF SPECIAL 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."**

The Rev. Frank Fowler of Trinity United Methodist Church in Hackettstown provided an invocation.

Deputy County Clerk Patricia Kolb read the Certification of Election of John DiMaio for the position of Freeholder.

Senator Leonard Lance administered the Oath of Office to John DiMaio who was assisted by his wife, Gina and children, Sierra and Brittani.

Mr. Gardner welcomed everyone and took a moment to thank Congressman Scott Garrett for attending and to recognize the following: State Senator Leonard Lance, Allamuchy Mayor Bob Resker, Allamuchy Council Member Betty Schultheis and her husband, Liberty Township Mayor John Inscho and his wife, Jodee, Hackettstown Council Member Nancy Brown and her husband, Harry, former Warren County Republican Chairman Walter Orcutt, Washington Borough Committeeman Andy Turner, Sheriff Sal Simonetti, Surrogate Susan Dickey and Warren County Prosecutor Scott Ferguson.

A moment of silence was observed at Mr. Gardner's request in honor of the tsunami victims in Asia.

RESOLUTION 01-05

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 2, 2005

RESOLUTION REAPPOINTING RICHARD D. GARDNER AS DIRECTOR OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN FOR THE YEAR 2005.

BE IT HEREBY RESOLVED by the Board of Chosen Freeholders of the County of

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Warren that Richard D. Gardner is reappointed Director of the Board of Chosen Freeholders for the year 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.

Steve Marvin Clerk of the Board

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

Congressman Scott Garrett administered the Oath of Office to Rick Gardner who was assisted by his wife, Janette and children, Daniel and Stephanie.

RESOLUTION 02-05

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 January 2, 2005

RESOLUTION REAPPOINTING JOHN DIMAIO AS DEPUTY DIRECTOR OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN FOR THE YEAR 2005.

BE IT HEREBY RESOLVED by the Board of Chosen Freeholders of the County of Warren that John DiMaio is reappointed Deputy Director of the Board of Chosen Freeholders for the year 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.

Steve Marvin Clerk of the Board

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

RESOLUTION 03-05

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 2, 2005

RESOLUTION AUTHORIZING DIRECTOR OF THE BOARD TO APPOINT SUCH COMMITTEES AS MAY BE REQUIRED BY LAW OR AUTHORIZED BY THIS BOARD OR WHICH THE DIRECTOR MAY DEEM APPROPRIATE AND APPOINTING FREEHOLDERS AS LIAISON OR MEMBER OF VARIOUS BOARDS AND COMMITTEES.

BE IT HEREBY RESOLVED that the Director of the Board of Chosen Freeholders is authorized to appoint such committees as may be required by law or authorized by this Board or which the Director may deem appropriate and that the appointment of Freeholders as liaison or member of various boards and committees is hereby approved:

Freeholder Everett A. Chamberlain

Audio Visual Aids
Board of Taxation
Health Services
Trustee Warren County Legal Services
Planning Board
Prosecutor
Solid Waste
Surrogate

Board of Elections
Div. of Sr. Services
Legal Service
Mosquito Commission
Police Chiefs Association
Sheriff's Office
Superintendent of Schools
War Veterans

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County Adjuster	W.C. Community College
Correctional Center	Domestic Abuse & Rape Crisis Center
Housing Program	Human Services Dept.
Juvenile Detention Center	Medical Examiner
Mental Health Board	Public Safety
Public Works	North Jersey Trans. Planning Comm.
Transportation Committee	County Transportation Outreach
Women's Commission	
W.I.B. (Workforce Investment Board) of Morris/Sussex/Warren	

Freeholder Richard D. Gardner

Agriculture Development Board	Board of Agriculture
Cooperative Extension Service	County Clerk
Cultural and Heritage	Div. of Long Term Care Services
Environmental Commission	Library Commission
Morris Canal Committee	Municipal & Charitable Conservancy Trust Fund Comm.
Planning Board	Board of Recreation Commissioners
Shade Tree Commission	Soil Conservation
Special Services School District	Technical School
Weights and Measures	

ALL THREE FREEHOLDERS

Freeholders' Office
 Personnel Division
 CFO/Treasurer's Office
 Purchasing Department
 County Counsel
 Information Systems
 Department of Public Information and Tourism
 Planning Department
 Boards of School Estimate

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 yes, Mr. Gardner yes

RESOLUTION 04-05

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 2, 2005

**RESOLUTION DIVIDING WARREN COUNTY MUNICIPALITIES
 INTO THREE DISTRICTS AND ASSIGNING A FREEHOLDER LIAISON
 TO EACH DISTRICT FOR THE YEAR 2005.**

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that

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the municipalities of Warren County are divided into three districts and a Freeholder is assigned as liaison to each district as follows:

<u>District No. 1:</u>	<u>Freeholder Everett A. Chamberlain</u>
Belvidere	Knowlton Township
White Township	Washington Borough
Oxford Township	Washington Township
Blairstown Township	Hardwick Township

<u>District No. 2:</u>	<u>Freeholder John DiMaio</u>
Liberty Township	Independence Township
Mansfield Township	Frelinghuysen Township
Allamuchy Township	Hackettstown
Hope Township	

<u>District No.3:</u>	<u>Freeholder Richard D. Gardner</u>
Phillipsburg	Lopatcong Township
Alpha Borough	Harmony Township
Pohatcong Township	Greenwich Township
Franklin Township	

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 yes, Mr. Gardner yes

RESOLUTION 05-05

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 2, 2005

RESOLUTION TO SCHEDULE REGULAR MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN FOR THE YEAR 2005.

TAKE NOTICE that pursuant to the provisions of N.J.S.A. 10:4-18, the Open Public Meetings Act, the following is a Schedule of Regular Meetings of the Board of Chosen Freeholders of the County of Warren for the year 2005. All regular meetings shall be held in the Freeholder Meeting Room, Wayne Dumont, Jr. Administration Building, 165 County Route 519 South, Belvidere, New Jersey on:

January	12	at 7:30 pm	R	August	10	at 7:30 pm	R
January	22	at 9:00 am	B	August	24	at 7:30 pm	R
January	26	at 7:30 pm	R	September	14	at 7:30 pm	R
February	23	at 7:30 pm	R	September	28	at 7:30 pm	R
March	9	at 7:30 pm	R	October	12	at 7:30 pm	R
March	23	at 7:30 pm	R	October	26	at 7:30 pm	R
April	13	at 7:30 pm	R	November	9	at 7:30 pm	R
April	27	at 7:30 pm	R	*November	22	at 7:30 pm	R
May	11	at 7:30 pm	R	December	14	at 7:30 pm	R
May	25	at 7:30 pm	R	December	28	at 7:30 pm	R
June	8	at 7:30 pm	R				
June	22	at 7:30 pm	R				
July	13	at 7:30 pm	R				
July	27	at 7:30 pm	R				

R = Regular Meeting

B = Budget Meeting

All Work Session Meetings will be advertised in the Star Ledger as needed.

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* Please note that the second meeting in November is being held on Tuesday, November 22nd instead of Wednesday, November 23rd.

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 yes, Mr. Gardner yes

RESOLUTION 06-05

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 2, 2005

**RESOLUTION DESIGNATING THE STAR LEDGER AS THE OFFICIAL NEWSPAPER
AND THE DAILY RECORD AS THE ALTERNATE OFFICIAL NEWSPAPER
IN WHICH SHALL BE PUBLISHED ALL ADVERTISEMENTS AND NOTICES
REQUIRED BY LAW TO BE PUBLISHED ON BEHALF OF THE COUNTY OF WARREN.**

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that The Star Ledger is hereby designated as the official newspaper and the Daily Record as the alternate official newspaper in which shall be published all advertisements and notices required by law to be published on behalf of the County of Warren. This action is taken pursuant to N.J.S.A. 40:23-13 and N.J.S.A. 35:1-2.2 et seq.

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 yes, Mr. Gardner yes

RESOLUTION 07-05

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 2, 2005

**RESOLUTION APPOINTING MEMBERS FOR REPRESENTATION IN
NEW JERSEY ASSOCIATION OF COUNTIES.**

WHEREAS, the New Jersey Association of Counties requires official designation of voting and alternate members for each county;

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren does hereby reappoint, for representation in the New Jersey Association of Counties, Richard D. Gardner as the Voting Member and Everett A. Chamberlain as the 1st Alternate Voting Member and Steve Marvin as the 2nd Alternate Voting Member.

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 yes, Mr. Gardner yes

RESOLUTION 08-05

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 2, 2005

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN DESIGNATING
OFFICIALS AUTHORIZED TO INVEST AND DISBURSE FUNDS,
AUTHORIZED DEPOSITORIES, PERMITTED INVESTMENTS AND
REPORTING REQUIREMENTS FOR WARREN COUNTY PUBLIC MONIES.**

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BE IT HEREBY RESOLVED by the Board of Chosen Freeholders of the County of Warren that pursuant to N.J.S.A. 40A:5-14, the annual Cash Management Plan prepared by the Chief Financial Officer of the County of Warren is hereby approved and adopted.

BE IT FURTHER RESOLVED that the Board directs the official charged with the custody of public funds covered under the plan to deposit and invest said funds in accordance with the provisions of said plan.

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 yes, Mr. Gardner yes

RESOLUTION 09-05

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 2, 2005

PROVISION UNDER N.J.S.A. 40A:4-19 TO OPERATE UNDER A TEMPORARY APPROPRIATION IN THE AMOUNT OF \$22,184,627.00 THROUGH THE DATE OF ADOPTION OF THE 2005 BUDGET.

WHEREAS, New Jersey Statutes 40A:4-19 provides that every County must make temporary appropriations during the period January 1 to January 30 to cover commitments made during the period of January through the date of the adoption of the Budget, the total of said appropriations for the preceding year, excluding the amount of appropriations for the Debt Service, Capital Improvement Fund and Public Assistance, and

WHEREAS, the date of this Resolution is within the first thirty days of January, and

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations in the total amount of \$22,184,627.00 be made and that a certified copy of this Resolution be transmitted to the Financial Officer's Department for their records.

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 yes, Mr. Gardner yes

RESOLUTION 10-05

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 2, 2005

RESOLUTION REAPPOINTING JOSEPH J. BELL, ESQ. AS WARREN COUNTY COUNSEL AND AUTHORIZING AN EMPLOYMENT AGREEMENT AND REAPPOINTING NANCY C. GAGE AS WARREN COUNTY ASSISTANT COUNTY COUNSEL.

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

1. Pursuant to N.J.S.A. 40A:9-43, Joseph J. Bell, Esq., an Attorney-at-Law of the State of New Jersey with offices located at 40 Bloomfield Avenue, Denville, NJ 07834 is hereby reappointed as Warren County Counsel for a three (3) year term of office commencing January 1, 2005 and until December 31, 2007.
2. The Employment Agreement between the Board and Mr. Bell, setting forth the terms and conditions of said appointment and employment in regard to duties, responsibilities and compensation which Employment Agreement is

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made a part of this resolution by reference, is incorporated herein as if set forth verbatim, is hereby approved and the Freeholder Director is authorized to execute said Employment Agreement on behalf of the Board.

3. Nancy C. Gage, a member of the firm of Bell & Gage, is hereby reappointed as Warren County Assistant County Counsel.

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 yes, Mr. Gardner yes

RESOLUTION 11-05

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 2, 2005

**RESOLUTION AMENDING AND SUPPLEMENTING THE PROFESSIONAL SERVICES
CONTRACT OF EMPLOYMENT BY AND BETWEEN THE COUNTY OF WARREN
AND JOSEPH J. BELL OF BELL & GAGE AS WARREN COUNTY COUNSEL
AND AUTHORIZING A SPECIAL COUNSEL AGREEMENT.**

WHEREAS, Joseph J. Bell, Esq. of Bell & Gage was selected to serve as Warren County Counsel on January 2, 2005; and

WHEREAS, the Board of Chosen Freeholders negotiated a contract for legal services wherein County Counsel would serve in a general legal capacity; and

WHEREAS, the Board of Chosen Freeholders have reviewed the services of County Counsel and finds that County Counsel has been defending and prosecuting cases which were not contemplated between the parties as being general legal services; and

WHEREAS, the Board of Chosen Freeholders has previously authorized the appointment of Bell & Gage 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, lawsuits and other matters not contemplated by the parties for which Mr. Bell has begun a defense or prosecution include the following, which will be compensated at the Special County Counsel rate:

Alpha 519 LLC, Docket No. L-287-03

County of Warren v. Peter C. Harvey, et al, Docket No. WRN-L-190-04

Highlands Litigation (Pending)

Counterman v. Correctional Center, et al, Docket No. 03 CV 1974

Miller v. Warren County, Docket No. L-365-02

Smith v. Warren County, Docket No. F-17188-02

Coopersmith v. Warren County, Docket No. WRN-L-190-04

Eric Washington v. James Donegan, et al, CA No. 03-2855 (GEB)

All Bail Bond Forfeiture Proceedings requiring preparation of litigation and Court appearances

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Representation of the Construction Code Board of Appeals

Foreclosure and Collection Matters

Representation of County Constitutional Officers, County Clerk, Surrogate, Sheriff

Interest Arbitration Proceedings – PBA 331, Prosecutor’s Detectives

As well as other matters assigned by the County Administrator.

WHEREAS, future assignments for legal representation shall be approved by the Board of Chosen Freeholders on an “as needed” basis and approved by Resolution at Freeholder meetings.

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

SECTION 1. Bell & Gage is hereby appointed as Special County Counsel for the purpose of representing the County of Warren, its Board of Chosen Freeholders, Agencies and Departments, in connection with such matters as the Board of Chosen Freeholders may assign from time to time. Said assignment to be made by a duly adopted Resolution of the Board of Chosen Freeholders at a public meeting.

SECTION 2. Joseph J. Bell, Esq. of Bell & Gage, as Special Warren County Counsel, shall be compensated at the rate of one hundred thirty dollars (\$130.00) per hour and one hundred twenty-five dollars (\$125.00) per hour for services performed by his associates, said agreement being in conformity with existing County Counsel contracts.

SECTION 3. Assignment of the cases listed above shall be considered assignments of Bell & Gage as Special County Counsel pursuant to the terms of the Special Counsel Agreement nunc pro tunc.

SECTION 4. Certain cases undertaken under the General Contract as entered on January 1, 2002/2003/2004 will be continued to be represented under this contract.

BE IT FURTHER RESOLVED that any future assignments of legal representation shall be assigned as Special Counsel by the Board of Chosen Freeholders pursuant to the form of Special Counsel Agreement relating to lawsuits filed on behalf of or against the County on an “as needed” basis; and

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.

Steve Marvin Clerk of the Board

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

RESOLUTION 12-05

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 2, 2005

**RESOLUTION REAPPOINTING CONNELL FOLEY LLP, MICHAEL SHADIACK, ESQ.,
AS SPECIAL LABOR COUNSEL TO WARREN COUNTY AND AUTHORIZING THE
FREEHOLDER DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT.**

WHEREAS, it is in the public interest to maintain effective legal representation of Warren County; and

WHEREAS, in furtherance thereof, the Board has determined that Connell Foley LLP, Michael Shadiack, Esq., should be retained to perform professional labor counsel services on behalf of the County.

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

1. The Agreement between the Board and Connell Foley LLP, Michael Shadiack, Esq., setting forth the terms and conditions of said appointment in regard to duties, responsibilities and compensation, which Agreement is made a part of this resolution by reference and is incorporated herein as if set forth verbatim, is hereby approved by the Board and the Director of the Board is hereby authorized to execute said Agreement on behalf of the Board.

2. Said Agreement is made, negotiated and awarded by the Board without public advertising for bids and bidding therefore, as said Agreement is for professional services under the provisions of the Local Public Contracts Law in as much as the services thereunder are rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law.

3. Notice of this action, stating the nature, duration, service and amount of said Agreement are on file and available for public inspection in the Office of the Clerk of the Board shall be published in the Star Ledger as required by law within ten (10) days of the adoption of this resolution.

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 yes, Mr. Gardner yes

RESOLUTION 13-05

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 2, 2005

**RESOLUTION REAPPOINTING SIRKIS & LAVERY ESQS., AS
SPECIAL COUNSEL TO WARREN COUNTY AND AUTHORIZING THE FREEHOLDER
DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT.**

WHEREAS, it is in the public interest to maintain effective legal representation of Warren County; and

WHEREAS, in furtherance thereof, the Board has determined that Sirkis & Lavery Esqs., should be retained to perform professional counsel services on behalf of the County.

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

1. The Agreement between the Board and Sirkis & Lavery Esqs., setting forth the terms and conditions of said appointment in regard to duties, responsibilities and compensation, which Agreement is made a part of this resolution by reference and is incorporated herein as if set forth verbatim, is hereby approved by the Board and the Director of the Board is hereby authorized to execute said Agreement on behalf of the Board.

2. Said Agreement is made, negotiated and awarded by the Board without public advertising for bids and bidding therefore, as said Agreement is for professional services under the provisions of the Local Public Contracts Law in as much as the services thereunder are rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law.

3. Notice of this action, stating the nature, duration, service and amount of said Agreement are on file and available for public inspection in the Office of the Clerk of the Board shall be published in the Star Ledger as required by law within ten (10) days of the adoption of this resolution.

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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 yes, Mr. Gardner yes

RESOLUTION 14-05

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 2, 2005

**RESOLUTION REAPPOINTING APRUZZESE, MCDERMOTT, MASTRO AND MURPHY, P.C.,
AS SPECIAL COUNSEL TO WARREN COUNTY AND AUTHORIZING THE FREEHOLDER
DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT.**

WHEREAS, it is in the public interest to maintain effective legal representation of Warren County; and

WHEREAS, in furtherance thereof, the Board has determined that Apruzzese, McDermott, Mastro & Murphy, P.C., should be retained to perform professional counsel services on behalf of the County.

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

1. The Agreement between the Board and Apruzzese, McDermott, Mastro & Murphy, P.C., setting forth the terms and conditions of said appointment in regard to duties, responsibilities and compensation, which Agreement is made a part of this resolution by reference and is incorporated herein as if set forth verbatim, is hereby approved by the Board and the Director of the Board is hereby authorized to execute said Agreement on behalf of the Board.

2. Said Agreement is made, negotiated and awarded by the Board without public advertising for bids and bidding therefore, as said Agreement is for professional services under the provisions of the Local Public Contracts Law in as much as the services thereunder are rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law.

3. Notice of this action, stating the nature, duration, service and amount of said Agreement are on file and available for public inspection in the Office of the Clerk of the Board shall be published in the Star Ledger as required by law within ten (10) days of the adoption of this resolution.

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 yes, Mr. Gardner yes

RESOLUTION 15-05

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 2, 2005

**RESOLUTION AUTHORIZING DIRECTOR OF THE BOARD TO EXECUTE A
PROFESSIONAL SERVICES AGREEMENT FOR CERTAIN FINANCIAL
ADVISORY SERVICES FOR THE COUNTY OF WARREN, NEW JERSEY,
WITH VALCO CAPITAL LTD., SEWELL, NEW JERSEY.**

WHEREAS, there exists a need for specialized financial consulting services in connection with the authorization and the issuance of bonds and notes by the County of

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Warren (the "County"), a body corporate of the State of New Jersey, including the preparation of a comprehensive plan to finance the County's multi-year capital improvement needs, negotiating ratings, terms and approvals with the financial community and the preparation of financial documents acceptable to the financial community; and

WHEREAS, such financial advisory services can be provided by a recognized financial consultant and the firm of VALCO Capital Ltd., Sewell, New Jersey, is so recognized by the financial community; and

WHEREAS, funds are appropriated for this purpose in account 0400B703-5060 and/or will be appropriated by ordinance(s) approved throughout 2005,

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

1. The financial consulting firm of VALCO Capital Ltd., Sewell, New Jersey, is hereby retained for the period January 1, 2005 through December 31, 2005, to provide financial advisory and professional services in connection with the financing of the County in accordance with the proposal dated and submitted to the County.
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), because it is for services performed by persons authorized by law to practice a recognized profession.
3. The Director is hereby authorized to execute said Agreement.
4. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Board of Chosen Freeholders.
5. Notice of this action shall be published in THE STAR LEDGER as required by law within ten (10) 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.

Steve Marvin Clerk of the Board

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

RESOLUTION 16-05

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 2, 2005

**RESOLUTION TO APPOINT AN ALTERNATE MEMBER TO THE NORTH JERSEY
TRANSPORTATION PLANNING AUTHORITY, INC. FOR THE YEAR 2005.
DAVID K. DECH, WARREN COUNTY PLANNING DIRECTOR**

BE IT RESOLVED that David K. Dech is hereby appointed as the alternate voting member, representing the County of Warren, to the North Jersey Transportation Planning Authority, Inc., at those meetings when Freeholder John DiMaio is unable to attend during the year 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.

Steve Marvin Clerk of the Board

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

RESOLUTION 17-05

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 2, 2005

**RESOLUTION REAPPOINTING MEMBERS TO THE WARREN COUNTY
AGRICULTURE DEVELOPMENT BOARD.**

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BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby reappoints the following individuals to the Warren County Agriculture Development Board with terms expiring on December 31, 2008:

REAPPOINT MEMBERS:

Samuel Race (Farmer Member)
388 Hazen-Oxford Road
Belvidere, NJ 07823

Term to expire: 12/31/08

Michael Toretta (Farmer Member)
131 Asbury-Broadway Road
Asbury, NJ 08802

Term to expire: 12/31/08

Joseph Gourniak (General Public/At-Large Member)
125 Frederick Street
Phillipsburg, NJ 08865

Term to expire: 12/31/08

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 yes, Mr. Gardner yes

RESOLUTION 18-05

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 2, 2005

**RESOLUTION REAPPOINTING MEMBER TO THE
WARREN COUNTY LIBRARY COMMISSION.**

BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby reappoints the following individual to the Warren County Library Commission with term expiring on December 31, 2009:

REAPPOINT MEMBER:

Beverly Stoskus
80 East Asbury-Anderson Road
Washington, NJ 07882

Term to expire: 12/31/09

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 yes, Mr. Gardner yes

RESOLUTION 19-05

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 2, 2005

**RESOLUTION ESTABLISHING RESIDENCY PREFERENCE FOR
PROSPECTIVE EMPLOYEES OF WARREN COUNTY.**

WHEREAS, Civil Service rules promulgated at N.J.A.C. 4A: 4-2.11 in the case of Civil Service jurisdictions such as Warren County provide for the establishment of residence standard for local service appointing authorities; and

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WHEREAS, the Board of Chosen Freeholders of the County of Warren has determined that such residency requirements promulgated herein as a residency preference will enhance the quality of employee performance and will produce general economic benefits flowing from local expenditures of employees' salaries;

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

1. Unless otherwise provided by law or by provision within this Resolution, it is preferred that all officers and employees hired by the local unit, the County of Warren, after the effective date of this Resolution be bona fide residents of the County of Warren. A bona fide resident for the purpose of this Resolution is a person having a permanent domicile within the County of Warren and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside of the County of Warren's boundaries prior to permanent appointment. Residence shall mean a single legal residence pursuant to N.J.A.C. 4A: 4-2.11 (b). An applicant seeking to appeal a residency determination shall utilize the procedures contained in N.J.A.C. 4A: 4-6.6. The applicant shall have the burden of proving his or her residence.
2. It is preferred that applicants for positions and employments in the classified service with the County of Warren at the exclusion of the Warren County Prosecutor's Office, the Warren County Sheriff's Office and the Warren County Welfare Board be bona fide residents of the County of Warren. The referenced exclusions are made in accordance with decisional and statutory authority. If the New Jersey Department of Personnel, after ample advertisement, determines that an insufficient number of qualified residents exist for available positions or employment in the County of Warren, it may open eligibility lists for such positions or employments to qualified nonresidents pursuant to N.J.S.A. 40A: 9-1.6, as set forth in Paragraph 3 of this Resolution.
3. Whenever the County Administrator shall determine that there cannot be recruited a sufficient number of qualified residents for available specific positions or employments, the Warren County Personnel Department shall advertise for other qualified applicants. The County Administrator shall thereupon classify all qualified applicants for such positions or employments so determined in the following manner:
 - A. Other residents of contiguous counties.
 - B. Other residents of the State of New Jersey.
 - C. All other qualified applicants.

The appointing authority shall first appoint all those in class A and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a position or positions, or employment or employments, remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment. The preference established by this Paragraph shall in no way diminish, reduce or affect the preferences granted pursuant to any other provisions of the law. The New Jersey Department of Personnel shall be notified that such preference schedule has been determined to be applicable for any specific position or employment, in order that the New Jersey Department of Personnel may classify all applicants for such position or employment accordingly.

4. Whenever the County Administrator shall determine that there are certain specific positions and employments requiring special talents or skills which are necessary for the operations of the County of Warren and which are not likely to be found among the residents of the County of Warren, such positions or employments so determined shall, pursuant to N.J.S.A. 40A: 9-1.7 be filled without reference to residency. At the time of such a determination, the County Administrator will indicate the formal criteria under

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which it has been determined that the position or employment requires special skills or talents. The criteria pursuant to which such positions and employments shall be so determined are as follows: (A) Any position or employment, the services which are specialized and qualitative in nature. (B) Any position or employment which requires expertise and extensive training. (C) Any position or employment, the services of which will be required to be performed by an individual who has a proven reputation in the particular field or endeavor. (D) Any position or employment, the talents, skills, services or other important characteristics of which cannot be reasonably described by written specifications. (E) Any position or employment, the services of which must or foreseeably will be rendered or performed by a person authorized by law to practice a recognized profession or a person whose practice is regulated by law. (F) Any position or employment whose performance requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

5. Preference shall be given in promotion to officers and employees of the local unit, County of Warren, who are bona fide residents of the County of Warren. When promotions are based upon merit as determined by suitable promotion tests or other objective criteria, a resident shall be given preference over a nonresident in any instance when all other measurable criteria are equal. The preference granted by this Paragraph shall in no way diminish, reduce, or affect the preference granted pursuant to any other provision of law.
6. Should any portion of this Resolution be declared illegal or invalid by any court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect, the provisions hereof being fully severable;
7. This Resolution shall in no way affect or apply to persons already in the employ of the County of Warren as of the effective date of this Resolution. Nothing in this Resolution shall restrict employees from relocating their residence outside of Warren County after permanent employment.
8. This Resolution shall take effect upon adoption of same.
9. All prior resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed as to such inconsistency only.
10. A copy of this Resolution shall be provided to the New Jersey Department of Personnel and all Warren County department heads, to indicate the intent of the Board of Chosen Freeholders. Any subsequent modification of this Resolution shall be forwarded to the New Jersey Department of Personnel within twenty (20) days after 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.

Steve Marvin Clerk of the Board

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

RESOLUTION 20-05

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 2, 2005

**RESOLUTION APPOINTING KAREN KUBERT AS WARREN COUNTY ADJUSTER
AND CREATING AN UNCLASSIFIED POSITION OF DIVISION HEAD
BOTH TO BE EFFECTIVE JANUARY 1, 2005.**

WHEREAS, the Board of Chosen Freeholders of the County of Warren desires to designate Karen Kubert to serve as County Adjuster and;

WHEREAS, the Board of Chosen Freeholders of the County of Warren desires to

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create the position of Division Head, Unclassified, under N.J.S.A. 11A:3-5(l) to assist in the duties and responsibilities pertaining to the County Adjuster and all other related duties as directed by the Human Services Director/County Adjuster.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that pursuant to N.J.S.A. 30:4-34, Karen Kubert is hereby designated to serve as County Adjuster effective January 1, 2005; and a position of Division Head, Unclassified, established on Grade 8, is hereby created in accordance with N.J.S.A. 11A:3-5 (l), to assist in the duties and responsibilities pertaining to the County Adjuster also effective January 1, 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.

Steve Marvin Clerk of the Board

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

Senator Leonard Lance administered the Oath of Office to Sheriff Sal Simonetti who was assisted by his granddaughter, Kellie Smigel.

Congressman Scott Garret spoke of being honored to represent Warren County. With its beauty, open space, farmland and heritage, he understands why people love to call Warren County home. He praised the Board for the work they have done to preserve the County's land and heritage for future generations. He recalled touring the area in the wake of Hurricane Ivan. He said the quality of all three gentlemen on the Board is evident and he looks forward to them working hard in the future.

Senator Leonard Lance congratulated Mr. Gardner on his reappointment as Freeholder Director and also Congressman Garrett for his re-election. He joked that he is usually the only person from Hunterdon County at these proceedings, but noted that also attending were Hunterdon County Freeholders Marcia Karrow and Frank Fuzo, to whom he pays his taxes. He mentioned that he had recently sworn in Acting Governor Richard Codey; that 2004 was a "tough year" for the State with "a cloud" from August 15-November 15, 2004. He and Mr. Codey are in agreement in terms of ethics, integrity and true property tax reform. He wished everyone a Happy New Year.

Surrogate Susan Dickey also wished all a Happy New Year with good health, prosperity and success. She congratulated Mr. DiMaio on his victory, Mr. Gardner on his Directorship and wished the Board success in good government.

Sheriff Sal Simonetti offered congratulations to Mr. Garrett, Mr. DiMaio and Mr. Gardner and thanked Senator Lance for swearing him in. Regarding his own position, Mr. Simonetti said he likes to think he's done a better job and will continue doing so for the next three years by serving with courtesy, compassion and common sense.

Former Freeholder Ken Miller praised the Board for being extremely supportive of establishing a Transportation Heritage Center in the county; that this is his passion and he is going to try to make Warren County a destination for tourism. He urged the audience to buy today's Star-Ledger since it included an article on Leonard Lance, to whom he expressed appreciation for coming.

Mr. Chamberlain noted that he has just completed his first year as a Freeholder and that he has gained a lot of respect for his fellow and former Board members. It is a learning process and he is excited about the future. He wished all a Happy New Year.

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Mr. DiMaio thanked Congressman Garrett and Senator Lance for coming. He said he is honored to be a member of the Board and is grateful to serve. He spoke of the New Year being full of hope and expectation; he thanked his family for their love and support. He noted that at the end of this year, he will have spent half of his life as some type of elected official. "In 1980, I thought I had all the answers," but things are constantly changing around us. Finding solutions are sometimes elusive; how we deal with issues is what matters most. Many times he has been approached to help with situations. Some are easy to rectify. Government cannot solve others, but the problem is no less important to that individual.

Compared to what people in Asia and Africa have experienced with the tsunami, our problems pale in comparison, said Mr. DiMaio. The same can be said for our troops in harm's way. We need to improve where we need to and eliminate what we don't need without basing our decisions on any emotional feeling. "We will accept challenges to do what's right for Warren County."

Mr. Gardner congratulated Mr. DiMaio, saying it is a pleasure to work with him as well as with Mr. Chamberlain. He thanked Mr. Garrett and Mr. Lance for coming. Reflecting on 2004, he spoke of the challenges associated with Hurricane Ivan in terms of dealing with FEMA in attempts to secure federal aid for Warren County. There are still some problems out there, but we've done a great job, he said.

On the horizon in 2005, Mr. Gardner said he is excited about the implementation of the County Projects Committee. The Court House is in need of restructuring as is the Library Headquarters. The Committee is "up and running"; each colleague will have full and equal participation. Change doesn't happen overnight, finances are very important and we will be looking for the public's voice when we have drawn our conclusions.

The County now has close to 110,000 residents, said Mr. Gardner and we have to provide services in the most cost effective and efficient manner possible. We must control the cost of government at every level. We have to empower the next generation.

Mr. Gardner said it has been a pleasure to work with the new President of Warren County Community College, Dr. William Austin. He mentioned exploring the potential of professional grant writing in the future. He urged everyone to be safe on the roads and wished all a Happy Holiday.

On motion by Mr. DiMaio, seconded by Mr. Chamberlain and there being no further business to come before the Board at this time, the meeting was adjourned at 4:50 p.m.
Recorded Vote: Mr. Chamberlain yes, Mr. DiMaio yes, Mr. Gardner yes

ATTESTED TO:**Steve Marvin, Clerk of the Board**