

MINUTES**JANUARY 30, 2008**

The Board of Chosen Freeholders of the County of Warren met in Budget Session in its offices in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on January 30, 2008 at 7:30 p.m.

The meeting was called to order by Director DiMaio and upon roll call, the following members were present: Freeholder John DiMaio, Freeholder Richard Gardner and Freeholder Everett Chamberlain. Also attending were CFO Charles Houck, Fiscal Analyst Dan Olshefski and County Administrator Steve Marvin.

The Pledge of Allegiance was led by Director DiMaio.

Director DiMaio read the following statement: **“ADEQUATE NOTICE OF THIS MEETING OF JANUARY 30, 2008 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.”**

RESOLUTION 94-08

On motion by Mr. Gardner, seconded by Mr. Chamberlain, at 7:33 p.m., the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 30, 2008.

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,

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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 may 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 30, 2008 that an Executive Session closed to the Public shall be held on January 30, 2008 at 7:33 p.m. 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 at a meeting held on January 30, 2008.

Steve Marvin, Clerk of the Board

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

Mr. Marvin, Mr. Chamberlain, Mr. Gardner and Mr. DiMaio entered into Executive Session with Architect Ray O'Brien to discuss matters pertaining to contracts and potential litigation.

On motion by Mr. Chamberlain, seconded by Mr. Gardner, the Board adjourned executive session at 8:25 p.m. and returned to open session.

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

Mr. Olshefski distributed a detailed list of Capital Improvement Program requests and recommendations for the Board's review. Included were resurfacing projects, road and drain improvements and bridge improvements provided by the Engineering Department. The projects seemed to be accepted as presented with a general understanding that County Engineer Dave

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Hicks implements an established maintenance and repair cycle.

Many of the Capital Improvement Items were characterized as general maintenance or upgrade projects to be expected year after year. A few line items were highlighted to bring attention to the fact that these expenses were either new or one time projects for this year only. By department, the highlighted requests were:

- Information Systems:
E-mail Server/Services
- Public Safety:
Radio System Upgrade (Phase IV) Plan & Design
Radio System Upgrade (Phase IV & V) Infrastructure
Backup Dispatch Center
Allamuchy Tower Acquisition and Upgrade
- Warren Haven:
Phase III Resident Room Window Replacement in 1976 Wing
- Freeholders:
Warren County Community College Parking Lot

Of these, all were recommended by the Fiscal Analyst except for the E-mail Server/Services, a \$455,000 request. In the financial arrangement for WCCC's building expansion, the Freeholders had previously agreed to devote net interest generated by the bond to make improvements to the College parking lot.

Regarding the Public Safety projects, Department Director Dave Gallant was scheduled to appear at the next Budget Session on February 2 to answer any questions. Mr. Marvin said there was a good possibility that the Plan & Design expense of \$150,700 would be grant funded.

Discussion then turned to Court House maintenance and how these projects might dovetail with planned sectional renovations. The Board debated the wisdom of spending money on a new furnace for the entire building since future renovations will incorporate a series of smaller independent HVAC zones. Mr. Marvin pointed out that due to space constraints, there will never be an opportunity to empty the building to fully re-do HVAC and electrical all at once. The current system runs on oil heat, but any newly installed system would most likely utilize gas. A new fire alarm system was also slated to be installed. Mr. Chamberlain didn't want to do things twice. He wanted to try and find a way to incorporate improvements while the renovations are done in stages for a long-term rather than short-term effect. Mr. Gardner said the heating system had to be tackled. No final decisions were reached.

Other topics touched upon included various roof, door and window replacements, a new garage air filtration system in the Belvidere Garage (an OSHA requirement), Morris Canal planning and design work and a wastewater treatment plan.

Mr. Chamberlain thought before we redesign the wastewater treatment plant, we should look into getting out of the wastewater treatment business. Although informal conversations have taken place in the past, the Board thought it would be wise to start an official dialog with Washington Borough regarding the possibility of linking the County College and Technical School to the borough's wastewater treatment plant. It was decided Mr. Marvin would write a letter to the Washington Borough Council. For this pursuit to become viable, it was acknowledged the Wastewater Treatment Plans of Washington Borough, Washington Township and Franklin

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Township would all have to be amended. If water quality is an issue for them, they should endorse this, Mr. Chamberlain said.

The agenda for the next Budget Session is to include presentations by Public Safety at 9:00 a.m. and Prosecutor Scott Ferguson at 10:00 a.m., followed by a general review to date and a revisit of questions posed at the January 12 meeting. Mr. Houck said he was still waiting to hear from the State regarding two CAP calculations.

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 30, 2008.

SCHEDULED TWO ADDITIONAL BUDGET SESSIONS TO BE HELD ON WEDNESDAY, FEBRUARY 20, 2008 AT 7:00 P.M. AND SATURDAY, FEBRUARY 23, 2008 AT 9:00 A.M. IN THE FREEHOLDERS' MEETING ROOM, WAYNE DUMONT, JR. ADMINISTRATION BUILDING, 165 ROUTE 519S, BELVIDERE, NJ AND ALSO AMENDED THE STARTING TIME FOR THE PREVIOUSLY SCHEDULED REGULAR SESSION MEETING ON WEDNESDAY, MAY 28, 2008 FROM 7:30 P.M. TO 5:00 P.M.

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 at a meeting held on January 30, 2008.

Steve Marvin, Clerk of the Board

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

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 30, 2008.

AUTHORIZING THE LAW FIRM OF HUESTON MCNULTY TO PURSUE AN APPEAL OF THE RECENT COURT DECISION DISMISSING THE COUNTY'S CHALLENGE OF THE HIGHLANDS LEGISLATION FOR A POSSIBLE ANTICIPATED COST OF \$25,000 AND FILE A FRIEND OF THE COURT BRIEF ON BEHALF OF THE NEW JERSEY FARM BUREAU, EXPECTED TO COST BETWEEN \$10,000 AND \$12,000

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 at a meeting held on January 30, 2008.

Steve Marvin, Clerk of the Board

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

"I think we've come this far trying to protect the rights of the little people against a government that is overbearing," Mr. Chamberlain said. Having witnessed the actions of the Court firsthand, Mr. Gardner thought it was "imperative" for people to have the opportunity to take the matter through due process. The decision was as politically oriented as any decision could be, Mr. Gardner said. We've come this far, hopefully as a result, we'll get a fairer hearing, said Mr. DiMaio. Mr. Chamberlain said it's a shame the Courts are so politicized.

On motion by Mr. Gardner, seconded by Mr. Chamberlain, and there being no further business to come before the Board at this time, the meeting was adjourned at 9:39 p.m.

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

ATTESTED TO:

Steve Marvin, Clerk of the Board