

MINUTES

JANUARY 26, 2011

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 26, 2011 at 7:00 p.m.

The meeting was called to order by Director Chamberlain and upon roll call, the following members were present: Freeholder Everett Chamberlain, Freeholder Richard Gardner and Freeholder Jason Sarnoski. Also attending were County Engineer Dave Hicks, County Counsel Joseph J. Bell and County Administrator Steve Marvin. CFO Charles Houck was absent due to inclement weather.

The Pledge of Allegiance was led by Director Chamberlain.

Director Chamberlain read the following statement: **“ADEQUATE NOTICE OF THIS MEETING OF JANUARY 26, 2011 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. Gardner, seconded by Mr. Sarnoski, the Minutes of the Budget Session held on January 5, 2011 were approved.

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

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the Minutes of the Budget Session held on January 8, 2011 were approved.

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

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the Minutes of the Regular Session held on January 12, 2011 were approved.

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

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the Minutes of the Executive Session held on January 12, 2011 were approved.

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

Public Comments (Agenda Items Only)

Walt Menegus of White Township wanted to comment on Agenda Item I4, the pending reappointment of Everett Chamberlain to the Pollution Control Financing Authority (PCFA). He thought it didn't look good for a sitting Freeholder to serve on that authority and someone else should have a chance. He asked why it was important for a Freeholder to serve in this capacity. Mr. Chamberlain said: evidently, the Governor thinks it's important if you look at today's news. Members of the Passaic Valley Sewerage Commission (PVSC) were asked to resign or be dismissed due to a litany of abuses. The PCFA had a history of financial problems and mismanagement. Mr. Menegus said a million and a half dollars due to

White Township from the PCFA never came its way for years. “But I wasn't on the Board then,”

MINUTES**JANUARY 26, 2011**

Mr. Chamberlain said, "So there's another reason." Mr. Chamberlain said he thought the Governor understands the problems with authorities; they're independent bodies that can go in different directions and he wants more oversight. "I think we need Freeholder representation on there; I think we have to provide oversight," Mr. Chamberlain said, adding there's too much that can happen and has happened, so he respectfully disagreed with Mr. Menegus.

Elaine Reichart of White Township asked for more information on Agenda Item J4 pertaining to the salary of the Deputy Surrogate. Mr. Chamberlain invited Surrogate Kevin O'Neill to address the question. Mr. O'Neill said his nominee for the post is Attorney Thomas Thorp. He called him an "excellent, excellent person". The requested annual salary is \$78,000. Ms. Reichart said her comment was not really about this individual, but rather that there is scant information published on the agendas. She requested that the pending resolutions with all the particulars be posted on the County's website a week in advance if possible so the public can read them and see what's going on.

Tammy Smith of Knowlton Township was interested in the PCFA reappointment. She prefaced her comments by identifying herself as a member of Governor Christie's statewide Urban Coalition and Executive Committee member of the New Jersey Association of Women Business Owners and a member of the Women's Political Caucus of NJ in addition to holding volunteer positions in Warren County. She cited an article published in The Express-Times on September 26, 2010 in which County Counsel Joe Bell was quoted as saying that holding dual positions on the PCFA and Freeholder Boards could become problematic because new State law gives Freeholder Directors veto power over actions taken by a County authority. According to the article, Mr. Chamberlain at the time said he would most likely follow the attorney's recommendations and step down from the PCFA upon his term expiration. His concern was finding a replacement that would keep the PCFA on its current track and avoid financial abuses of the past, the article said.

Ms. Smith wanted it to be known that she had personally hand-delivered an application packet of a credible candidate who is currently employed by New Jersey Law Enforcement; involved in the community and highly favored by community leaders; brings a wealth of knowledge, resources and solutions that can provide sustainable, renewable energy solutions, create jobs and generate revenue for Warren County. She said this applicant was not contacted for an interview. Ms. Smith said Governor Christie has expressed his dissatisfaction with State offices and agencies operating with blatant conflicts, nepotism and cronyism. She hoped that we could move away from such practices in Warren County. She asked the Freeholder Board what affirmative actions it intended to immediately make to address and rectify the inequity of minorities and women elected and/or appointed to County positions.

Regarding the Deputy Surrogate's salary being set at \$78,000, Mark Bond of Washington Borough asked what last year's salary was for the position. The answer was \$57,000 and change. Mr. Bond asked why the increase. Mr. Chamberlain said we're bringing in a highly qualified person; an attorney with years of experience. Mr. Chamberlain said he attended a meeting with Assignment Judge Ciccone who recommended Surrogate O'Neill seek an attorney for the position. Mr. Bond asked the Board if it could

justify that much of a salary increase for an employee of the County in these economic times. Mr. Chamberlain said the average salary of attorneys in the County Prosecutor's Office is more than \$83,000. With the complaints we've gotten regarding the Surrogate's Office through Judge Ciccone and others, Mr. Chamberlain said we have to get a very qualified person in there. Mr. Gardner revealed that the person selected for the job will not be entering the pension system which saves about \$9,000. The Office of the Surrogate is a pure public service agency and considering the level of problems that existed in previous years, Mr. Gardner said he thought what worked out

MINUTES**JANUARY 26, 2011**

to be about a \$12,000 increase for the position was warranted. With our aging population, there will be an increase in cases to come before the Surrogate. Other counties do employ attorneys in this post.

Mr. Bond asked if Mr. Thorp would be working exclusively for the County or practice on the side. Mr. Chamberlain said he would be working exclusively for the County. Mr. Sarnoski said that was not true. Mr. Gardner said the only caveat is that Mr. Thorp is allowed by law to continue to hold his position as Attorney for the Town of Hackettstown, but as far as private practice, Mr. Gardner said he is closing up shop. Mr. Bond asked if the job was competitively advertised. The answer was no and it didn't have to be. Mr. Bond said, don't you think you may be paying more for these services than if it had been advertised? Mr. Gardner said he did not think so. Mr. Bond stated his opinion that it was in the best financial interest of the County to advertise and competitively solicit bids for these types of jobs. Mr. Chamberlain pointed out that this is an appointment by the Surrogate. We're just approving the salary.

Mr. Sarnoski said he was going to save his comments on the topic for later, just before the vote is taken.

Elaine Reichart asked about the position's term. There is no term limit. He serves at the pleasure of the Surrogate.

Fred Foti of White Township asked County Counsel to review the ethics on the PCFA reappointment. Mr. Bell said for public officials today, issues in the area of conflict of interest can be troublesome. He said he has always advised the clients to look at their oath; where they will faithfully, and justly perform their duties as being trustees of the public and Mr. Bell said he has never had a problem in nine years of service. Mr. Bell said generally and typically, there are four areas of conflict of interest: direct pecuniary, indirect pecuniary, direct personal and indirect personal. We have to look at these particular conflicts weighed against the statutory legislation encompassing the PCFA. Warren County has historically had three Freeholders serving on the PCFA going back to its roots. The legislation, N.J.S.A. 40:37C, discusses the fact that holding a municipal office or county office is not an impediment to serving as a member of the PCFA. Mr. Bell's concern was that there may be, though he wasn't certain, a stipend or salary associated with taking that position. Speculating that this issue may pass this evening by a 2-1 vote, Mr. Bell thought it may constitute a direct violation because it could be a direct pecuniary interest associated with the position.

Mr. Chamberlain said we also have Joe Houston here who is counsel to the County and the PCFA. Mr. Houston advised Mr. Chamberlain that there is not a conflict.

Harry Brown of Hackettstown also wanted to talk about the PCFA reappointment. He said he was opposed to it, but not for any of the reasons stated so far. He said one of the t

things Mr. Chamberlain prided himself on when he first became a Freeholder was change, such as getting people off boards and preventing entrenched interests like the PCFA had. He said Mr. Chamberlain got on the PCFA and did a great job cleaning up problems, but urged him not to vote for his own reappointment because it appeared he was in danger of creating the kind of entrenchment that he had been against in the past.

Mr. Chamberlain said it was not the entrenchment that concerned him at the PCFA, but rather, the mismanagement. He wanted to be sure theft and mismanagement of funds can never happen again before leaving the Authority. "I went through it," he said. "Most of you who are commenting don't have any idea of the responsibilities of the PCFA." He said Tammy Smith could not even remember the name of the Authority when she called to recommend an individual for it.

MINUTES

JANUARY 26, 2011

Most people do not know the function of what the PCFA does, the problems there nor the risk to the township and the taxpayers.

Since her name was mentioned, Tammy Smith provided clarification regarding her phone conversation with Mr. Chamberlain. She said she had apologized at the time for not having the name and acronym of the Authority in front of her, but with her 18 years of experience as a Risk Manager and dealing with the New Jersey State Waste Management Plan and several authorities she works with in the public sector in New Jersey, she said she is familiar with State waste management plans.

Mr. Foti said since Mr. Chamberlain mentioned the problems that existed at the PCFA and having concerns now, he asked if he trusted the people serving on the PCFA now and where is the accounting and auditing to review the processes? Where are the checks and balances? Mr. Chamberlain said when he went on the PCFA, there were no checks and balances. One of the first things we did was establish an interlocal agreement with the County for financial oversight and then did the same thing with legal services, but that can be changed by two appointments by this Freeholder Board. The PCFA can revert back very quickly. Mr. Foti asked about who performed audits now and in the past. Mr. Chamberlain said we've had Nisivoccia, Ardito and now we have Nisivoccia again.

Mr. Chamberlain said around the Year 2001, a forensic audit was ordered by the Freeholder Board at that time. We're not sure if it was actually done. When we brought in Ardito to audit, along with our Treasurer, current commissioners and legal counsel, we found most of the problems. The auditor didn't expose it. Mr. Bond said perhaps auditing should be done more than once a year, but he believed internal accounting controls and auditing should be the line of defense. You should have corrected the problems and have those controls in place so you can walk away without concern. He wondered how much longer does it take to get it right?

Mr. Chamberlain said we are going through some reorganization at the PCFA. "Before I get off, I want to ensure that what happened before can never happen again." All it would take is two appointees to take away the interlocal agreements and remove those controls. He said those of you that live in White township, knowing the situation up there before including the odor problems, should not ever want things to revert to the way they were before. I take my responsibility very seriously; it concerns me because White Township is at the most risk.

When Mr. Foti asked how many terms he has served, Mr. Chamberlain said he thought just one, but gave some background. He said he was receiving notes in his mailbox alleging financial and personnel problems at the landfill and urging him to look into it. Initially dismissing it as a disgruntled employee, he continued to receive the notes. Then PCFA Board Member Angelo Accetturo approached him to ask for help straightening things out. That's when he put himself on and a few others and asked some to resign.

Walt Menegus asked for clarification regarding the Deputy Surrogate's benefits. He was assured Mr. Thorp was not enrolling in the Public Employee Retirement System. Back to the PCFA, Mr. Menegus said there's no denying Mr. Chamberlain has done a good job there. Before him, Mr. Cannon was on it and should be credited for getting close to something before being thrown off the Authority. Mr. Chamberlain did not know this person.

Judy Chamberlain of White Township voiced concerns regarding Mr. Sarnoski's employer, First Energy, which she said was a subsidiary of JCP&L. This County spends an awful lot of money on power consumption. Is there a conflict of interest there? Mr. Bell said that's an

MINUTES**JANUARY 26, 2011**

interesting issue; I've looked at that because it was raised before. An elected official working for a power company or phone company voting on approval of a bill list is termed a *de minimus* or insignificant, conflict. It would not rise to the level of being a conflict. Mrs. Chamberlain said, what about the connection between Covanta and the landfill and the power generated and sent to the grid to First Energy or JCP&L. Mr. Bell said if Mr. Sarnoski were a member of the PCFA, that would directly be a conflict.

Mr. Sarnoski said I think we need to understand my position and the organization of power in the State of New Jersey. I'm part of a regulated industry as far as transmission and distribution in JCP&L. There are many people serving as members of PSE&G, JCP&L, etc. while also serving as elected officials. Mrs. Chamberlain said she understands that, but they pretty much have a monopoly in this area. "It's not a monopoly, it's a regulated industry. That's very different," Mr. Sarnoski said. If you understand how a regulated industry works, there are checks and balances put in place on a state level so those conflicts don't happen. Regarding the Covanta issue, that's part of the deregulated side and there is a specific line drawn between those two different parts of a company where Covanta, which is generating electricity and selling it into the power grid has one obligation and our power company, as a delivery resource, has another obligation. We are very highly regulated about what we have to do and our obligations. So my sitting on this Board has no financial impact on myself.

Mrs. Chamberlain said Mr. Sarnoski is concerned about Phillipsburg and wasn't around when the people of White Township were dealing with odor issues and other problems associated with that landfill. "White Township is very concerned that they have representation on this board," Mr. Chamberlain said. The people of White Township are very concerned about how the landfill impacts water quality, air quality and other issues. "As am I," said Mr. Sarnoski.

Mr. Chamberlain said he had also spoken with the Mayor and Deputy Mayor of White Township and they very strongly want him to stay on the PCFA.

RESOLUTION 55-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION TO PAY BILLS

Be and it is hereby resolved that Master Voucher Certificate **For Certification / Ratification for Payments No. 2011-2 and 2011-3, dated January 26, 2011,** in the amount of **\$4,608,659.52** including payrolls, allowances, bills and investments, is approved subject to the review of the vouchers by the Board of Chosen Freeholders.

MINUTES**JANUARY 26, 2011**

2011-2	1/19/11	\$ 903,981.73	
2011-3	1/26/11	966,401.10	
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TOTAL			\$ 1,870,382.83

Wire Transfer

January Medical			1,174,704.99
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Payroll	1/13/11	1,563,571.70	
Subsistence		-	
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TOTAL			<u>1,563,571.70</u>
GRAND TOTAL			<u>\$ 4,608,659.52</u>

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 56-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION AUTHORIZING THE DIRECTOR OF THE BOARD TO EXECUTE GRANT AGREEMENTS #SCP-11-PS-21, SCP-11-PM-21, FC-11-21 AND JABG-10-21 WITH THE NEW JERSEY JUVENILE JUSTICE COMMISSION TOTALING \$311,191 IN ANTICIPATED JUVENILE JUSTICE COMMISSION STATE/COMMUNITY PARTNERSHIP, FAMILY COURT SERVICES AND FEDERAL JUVENILE ACCOUNTABILITY BLOCK GRANT FUNDS (AND A REQUIRED COUNTY CASH MATCH OF \$1,065); FUNDS TO BE USED BY THE WARREN COUNTY DEPARTMENT OF HUMAN SERVICES

WHEREAS, on October 13, 2010, the Board of Chosen Freeholders approved the comprehensive county youth services plan and grant application with the New Jersey Juvenile Justice Commission (JJC) for anticipated funding in the amount of \$311,191

(\$199,228 State/Community Partnership funds, \$102,376 in Family Court Funds, and \$9,587 Juvenile Accountability Block Grant Funds) and a required county cash match of \$1,065; and

WHEREAS, the JJC has subsequently awarded the county this amount to be used by the Warren County Department of Human Services, Division of Administration for program services, program administration and Family Court services during the period January 1, 2011 through December 31, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that the Director of the Board is authorized to execute grant agreements #SCP-11-PS-21, SCP-11-PM-21, FC-11-21, and JABG-10-21 with the NJ Juvenile Justice Commission totaling \$311,191 (\$199,228 State/Community Partnership funds, \$102,376 in Family Court Funds, and \$9,587 Juvenile Accountability Block Grant Funds) and a required county cash match of \$1,065 to be used by the Warren County Department of Human Services, Division of Administration for program services, program administration and Family Court services during the

MINUTES**JANUARY 26, 2011**

period January 1, 2011 through December 31, 2011.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 57-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION APPROVING THE APPLICATION FOR FEDERAL LOCAL SAFETY PROGRAM FUNDING FOR FISCAL YEAR 2012 FOR COUNTY ROUTE #632 SIGN AND PAVEMENT MARKING UPGRADE PROJECT IN FRANKLIN AND WASHINGTON TOWNSHIPS

WHEREAS, there is a need for safety improvements along County Route #632 in Franklin and Washington Townships; and

WHEREAS, the North Jersey Transportation Planning Authority (NJTPA) has invited counties to submit applications for funding under the Local Safety Program & High Risk Rural Roads Program for Fiscal Year 2012.

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

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 58-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION APPROVING THE APPLICATION FOR A HIGHWAY TRAFFIC SAFETY PROJECT GRANT TO HIRE SUMMER INTERNS IN THE YEAR 2012 FOR THE AMOUNT OF \$20,036.00

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 \$20,036.00 for the project period of October 1, 2011 to September 30, 2012.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

MINUTES**JANUARY 26, 2011****RESOLUTION 59-11**

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION ESTABLISHING TWO (2) MID-BLOCK CROSSWALKS ON COUNTY ROUTE #628, WASHINGTON TOWNSHIP, WARREN COUNTY, NEW JERSEY

WHEREAS, Warren Hills High School has requested the establishment of two (2) mid-block crosswalks to access a proposed athletic complex.

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

Section 1. Mid-Block Crosswalks shall be established and maintained at the following locations:

<u>Name of Street</u>	<u>Location</u>
County Route #628 Andrews (Jackson Valley Road)	340 feet east of the easterly curblineline of St. Drive.
County Route #628 Andrews (Jackson Valley Road)	800 feet east of the easterly curblineline of St. Drive.

Section 2. Pavement Markings and warning signs shall be installed and maintained to effect the above designated crosswalks in accordance with the Manual on Uniform Traffic Control Devices.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 60-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ON CERTAIN PORTIONS OF COUNTY ROUTE #628 (JACKSON VALLEY ROAD), WASHINGTON TOWNSHIP, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, in the interest of the public safety it is proposed that the parking of vehicles be regulated along parts of County Routes #628 (Jackson Valley Road) which is controlled by the County of Warren; and

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

Section 1. Pursuant to the provisions of N.J.S.A. 39:4-201, the parking of vehicles shall, at all times, be prohibited upon those parts of the street hereinafter described in Section 2 hereof.

Section 2. No person shall park a vehicle at any time upon those parts of the following described street:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
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MINUTES

County Route #628
(Jackson Valley Road)

Both

JANUARY 26, 2011

between 100' west of St. Andrews Drive
and 1,200' east of St. Andrews Drive

Section 3. Regulatory signs shall be erected and maintained in accordance with the Manual on Uniform Traffic Control Devices.

Section 4. This resolution shall take effect immediately upon adoption and placement of the necessary signs, according to law.

BE IT FURTHER RESOLVED that this resolution shall remain in effect until modified by the Board of Chosen Freeholders of the County of Warren.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 61-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RESOLUTION APPROVING THE APPLICATION FOR A HIGHWAY TRAFFIC SAFETY
PROJECT GRANT TO PURCHASE TRAFFIC COUNT EQUIPMENT IN THE YEAR 2011 FOR
THE AMOUNT OF \$15,180.00**

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 purchase traffic count equipment in the amount of \$15,180.00.

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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 62-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RESOLUTION SUPPORTING THE WARREN HERITAGE BYWAY CORRIDOR MANAGEMENT
PLAN AND AGREEING TO SERVE AS THE FISCAL AGENT FOR SCENIC BYWAY FUNDING**

WHEREAS, the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, and Township of Washington previously passed resolutions supporting the concept of a scenic byway for the length of Route 57 traversing these municipalities and the submission of a Nomination Application to the New Jersey Department of Transportation's New Jersey Scenic Byway Program, and;

WHEREAS, the New Jersey Department of Transportation designated the length of Route 57 traversing these municipalities as a New Jersey State Scenic Byway, to be called the Warren Heritage Byway, on February 4, 2009, in response to the submission of the Nomination

MINUTES**JANUARY 26, 2011**

Application, and;

WHEREAS, the New Jersey Scenic Byway Program requires that a Corridor Management Plan be completed within five years of the designation of any New Jersey State Scenic Byway in order to maintain this designation, and;

WHEREAS, a Study Committee consisting of representatives of the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, Township of Washington, and the County of Warren, in addition to other stakeholders, have completed the Warren Heritage Byway Corridor Management Plan for the length of Route 57 traversing these municipalities, and;

WHEREAS, the benefits of implementing the recommendations of Warren Heritage Byway Corridor Management Plan include:

- An increased public appreciation of the unique character of this roadway;
- An enhanced driving and community visitation experience that is derived from the conservation and interpretation of valuable intrinsic resources, joint marketing to increase economic development, access to recreational amenities, and other roadway improvements to support byway travelers, and;
- The ability to apply for federal funds through the National Scenic Byway Program that can be used to implement the recommendations of the Corridor Management Plan.

WHEREAS, the Corridor Management Plan also recommends that the County of Warren serve as the fiscal agent on behalf of the stakeholders.

NOW, THEREFORE, BE IT RESOLVED, that the Warren County Board of Chosen Freeholders supports the Warren Heritage Byway Corridor Management Plan as a tool for voluntarily preserving the intrinsic natural, scenic, recreational, historic, cultural, and archaeological resources along this roadway.

BE IT FURTHER RESOLVED, that the County of Warren will continue to work together with the members of the Study Committee and any other stakeholders to

establish and serve as part of a permanent body to carry out the recommendations of the Warren Heritage Byway Corridor Management Plan to achieve the benefits of such collaboration.

BE IT FURTHER RESOLVED, that the County of Warren will serve as the fiscal agent on behalf of the stakeholders for funding that is applied for and received under the State and Federal Scenic Byways 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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 63-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION AUTHORIZING THE WARREN COUNTY CULTURAL AND HERITAGE COMMISSION TO ACCEPT A MATCHING STATE/COUNTY LOCAL ARTS PROGRAM GRANT AWARD IN THE AMOUNT OF \$64,506 FOR FY 2011 FROM THE NEW JERSEY STATE COUNCIL ON THE ARTS

WHEREAS, in accordance with N.J.S.A. 40:33A-1, the Warren County Board of Chosen Freeholders adopted a Resolution creating the Warren County Cultural and Heritage Commission on October 11, 1972; and

WHEREAS, the Warren County Cultural and Heritage Commission was designated as the New Jersey State Council on the Arts Block Grant Agency by Warren County Resolution dated October 23, 1991; and

WHEREAS, the development of the arts in Warren County is deemed a valuable cultural asset and will have a positive impact on the quality of life in Warren County;

MINUTES**JANUARY 26, 2011**

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Chosen Freeholders does hereby authorize the Warren County Cultural and Heritage Commission to accept and administer the New Jersey State Council on the Arts Local Arts Program Grant funds in the amount of \$64,506 for FY 2011 in Warren County.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 64-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION SUPPORTING THE DIVISION OF TEMPORARY ASSISTANCE AND SOCIAL SERVICES' RECOMMENDATION TO ACCEPT THE LIQUIDATION OF REAL ESTATE FOR THE PURPOSE OF DETERMINING MEDICAID ELIGIBILITY; ACCEPTANCE BASED ON SALE OF PROPERTY AT AN AMOUNT LESS THAN FAIR MARKET VALUE; ACCEPTANCE OF SALE AT \$63,600

WHEREAS, the NJ Medicaid Only Manual (10:71-4.7) requires that a Medicaid applicant receive Fair Market Value for any resource that is subject to a plan of liquidation for the purpose of determining program eligibility by the Warren County Division of Temporary Assistance and Social Services (TASS); and

WHEREAS, according to the Manual, it is the responsibility of the county welfare agency (or TASS) to determine whether Fair Market Value is received for any real property at the time of disposition; and

WHEREAS, in the event the property is to be sold at an amount that is below Fair Market Value, as determined by independent appraisal(s) or evaluations authorized by TASS, the final approval is the responsibility of the Director of the Board of Chosen Freeholders; and

WHEREAS, the property listed below has, on three occasions, been appraised by TASS at \$98,000 in October, 2009, \$61,500, and \$85,000 in December, 2010:

535 So. Main Street
Phillipsburg, NJ 08865

and; **WHEREAS**, the average of these appraisals exceeds the amount offered for the sale of the property; but due to continued market decline and condition of this property, Warren County TASS recommends the county accept the offer of \$63,600.

NOW, THEREFORE BE IT RESOLVED, that the Warren County Board of Freeholders supports the recommendation of Warren County TASS to accept the sale offer for 535 So. Main Street, Phillipsburg, NJ, for the purpose of determining program eligibility for a Medicaid applicant.

BE IT FURTHER RESOLVED that the Director of the Board is hereby authorized to sign the Medicaid Liquidation Form for the Warren County Division of Temporary Assistance and Social 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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 65-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

MINUTES **JANUARY 26, 2011**
**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE
 ADVERTISEMENT FOR BIDS FOR THE RESTORATION OF INTER-COUNTY BRIDGE
 #16007/L-97-W OLD TURNPIKE ROAD OVER THE MUSCONETCONG RIVER,
 MANSFIELD/LEBANON TOWNSHIPS, WARREN/HUNTERDON COUNTIES,
 CONTRACT #WC1111**

BE IT RESOLVED that the plans and specifications for Contract #WC1111 for the restoration of Inter-county Bridge #16007/L-97-W, Old Turnpike Road over the Musconetcong River, Mansfield/Lebanon Townships are hereby approved.

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to advertise for proposals for the above project at least 10 days prior to the receipt of bids in

THE STAR LEDGER

TENTATIVE SCHEDULE
ADVERTISING DATE - THURSDAY, FEBRUARY 3, 2011
BIDS TO BE RECEIVED - TUESDAY, MARCH 15, 2011
AWARD DATE - WEDNESDAY, MARCH 23, 2011

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 66-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RESOLUTION RE: APPROVAL OF SPECIFICATION WC1101 AND AUTHORIZATION TO
 ADVERTISE FOR BIDS FOR THE WARREN COUNTY CORRECTIONAL CENTER
 CHILLER REPLACEMENT**

BE IT RESOLVED that specification WC1101 for the chiller 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 will be provided in capital account 0410A505/5062 – HVAC – Jail, Admin Building.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 67-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RESOLUTION RE: APPROVAL OF SPECIFICATION WC1105 AND AUTHORIZATION TO
 ADVERTISE FOR BIDS FOR LAB WORK AND TESTS FOR THE WARREN COUNTY PUBLIC
 HEALTH NURSING AGENCY**

BE IT RESOLVED that specification WC1105 for lab work and tests for the Warren

MINUTES**JANUARY 26, 2011**

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 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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 68-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC1106 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR TIRES AND TUBES FOR THE WARREN COUNTY ROAD DEPARTMENT MOTOR POOL

BE IT RESOLVED that specification WC1106 for tires and tubes for the Warren County Road Department Motor pool 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 013150/5100 – Motor Pool Program Operating Expenditures.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 69-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC1107 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR AIR CONDITIONING MAINTENANCE AND SERVICE AT WARREN HAVEN

BE IT RESOLVED that specification WC1107 for air conditioning maintenance and service at Warren Haven 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 will be provided in budget account 013504/5024 – Warren Haven Maintenance Facility Maintenance Repair and Cleaning.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 70-11

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

MINUTES**JANUARY 26, 2011**

by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC1108 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR HEATING AND AIR CONDITIONING MAINTENANCE AND SERVICE

BE IT RESOLVED that specification WC1108 for heating and air conditioning maintenance and service 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 will be provided in budget account 013100/5024 – Building & Grounds Maintenance Facility Maintenance Repair and Cleaning.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 71-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC1109 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR OFFICE SUPPLIES AND ASSOCIATED PRODUCTS FOR ALL COUNTY DEPARTMENTS

BE IT RESOLVED that specification WC1109 for office supplies and associated products for all Warren County Departments is hereby approved.

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

Funds for this contract will be provided in individual budget accounts in all departments.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 72-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: APPROVAL OF SPECIFICATION WC1110 AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR JANITORIAL SERVICE AT COUNTY LIBRARIES FOR THE PERIOD OF MAY 1, 2011 THROUGH APRIL 30, 2012

BE IT RESOLVED that specification WC1110 for janitorial service at Warren County Library locations 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 153908/5024 – Library Facility Maintenance, Repair and Cleaning.

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 26, 2011.

MINUTES**JANUARY 26, 2011**Steve Marvin, Clerk of the Board

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

RESOLUTION 73-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION AWARDED CONTRACT #WC1081FO-2 TO CHERRY, WEBER & ASSOCIATES, P.C. FOR ENGINEERING SERVICES FOR PHASE II FOR THE RESTORATION OF WARREN COUNTY BRIDGE #20002, STILL VALLEY ROAD OVER THE POHATCONG CREEK, POHATCONG TOWNSHIP IN THE CONTRACT AMOUNT OF \$139,646.00

WHEREAS, the County has received Qualification Statements for Contract #WC1081FO for Bridge and Culvert Survey, Design, and Permitting; and

WHEREAS, this contract is awarded in accordance with N.J.S.A.19:44A-20.4, as a fair and open contract; and

WHEREAS, the proposal submitted by Cherry, Weber & Associates, P.C. meets the needs of the program, price and other factors considered in the amount of \$139,646.00; and

WHEREAS, adequate funds are available in accounts 0410A305 5064 and 0409A308 5064 and certified by the County Chief Financial Officer.

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

1. The agreement between the Board of Chosen Freeholders of the County of Warren and Cherry, Weber & Associates, P.C. of Phillipsburg, N.J. for professional services for the above project in the amount of \$139,646.00, currently on file in the Office of the County Engineer, be made a part of this resolution by reference and approved and entered into by the Board on behalf of the County of Warren.
2. The Director is hereby authorized to execute said letter of agreement by signing same.
3. A notice of this action shall be published in the Star Ledger.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 74-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION APPROVING CONTRACT MODIFICATION #1 FOR CONTRACT #WC0963FO WITH HAROLD E. PELLOW & ASSOC., INC. FOR ENGINEERING SERVICES FOR THE DESIGN OF IMPROVEMENTS TO COUNTY ROUTE #640, SOUTH LINCOLN AVENUE, WASHINGTON TOWNSHIP FOR A NET INCREASE OF \$3,500.00 AND A REVISED CONTRACT AMOUNT OF \$28,450.00

WHEREAS, Contract #WC0963FO was awarded to Harold E. Pellow & Associates, Inc. for Engineering Services for the design of improvements to County Route #640, South Lincoln Avenue, Washington Township In the amount of \$24,950.00; and

WHEREAS, the contract is awarded in accordance with N.J.S.A 19:44A-20.4 as a non-fair and open contract; and

MINUTES**JANUARY 26, 2011**

WHEREAS, the project requires the delineation of wetlands, design of a culvert replacement and preparation of a wetlands permit for a net increase of \$3,500.00; and

WHEREAS, adequate funds are available in account 0409A201 5063 and certified by the County Chief Financial Officer.

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

1. Hereby approving Contract Modification #1 with Harold E. Pellow & Associates, Inc. for the above project for a net increase of \$3,500.00.
2. The Director is hereby authorized to execute said letter of agreement by signing same.
3. A notice of this action shall be published in the Star Ledger.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 75-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION APPROVING CHANGE ORDER #1 FOR CONTRACT #WC1043 WITH SPARWICK CONTRACTING, INC. FOR THE REHABILITATION OF WARREN COUNTY BRIDGE #23007, BUTZVILLE ROAD OVER THE PEQUEST RIVER, WHITE TOWNSHIP FOR A NET INCREASE OF \$49,276.00 AND A FINAL CONTRACT AMOUNT OF \$705,476.00

WHEREAS, Contract #WC1043 was awarded to Sparwick Contracting, Inc. for the Rehabilitation of Warren County Bridge #23007, Butzville Road over the Pequest River, White Township in the amount of \$656,200.00; and

WHEREAS, additional costs in wingwalls due to unsound concrete and truss repair costs due to additional rivets needing to be removed and replaced with high strength bolts resulted in a net increase of \$49,276.00.; and

WHEREAS, said changes were recommend by the County Engineer; and

WHEREAS, adequate funds have been established in accounts S71655303 5063, S81655303 5063 and 0410A302 5064 and certified by the County Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED that the members of the Board of Chosen Freeholders of the County of Warren do hereby approve change order #1 for the above project with Sparwick Contracting, Inc. for a net increase of \$ \$49,276.00 and a final contract amount of \$705,476.00.

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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 76-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: AWARD OF A PURCHASE ORDER TO INTERACT PUBLIC SAFETY SYSTEMS TO PROVIDE COMPUTER SOFTWARE MAINTENANCE FOR THE PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2011 FOR THE WARREN COUNTY COMMUNICATIONS CENTER IN THE TOTAL AMOUNT OF \$19,828.80

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

MINUTES**JANUARY 26, 2011**

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, this contract is awarded in accordance with N.J.S.A.19:44A-20.4, as a non-fair and open contract; and

WHEREAS, Warren County has received all necessary documentation to allow award of this contract including the Business Entity Disclosure Certification, Certificate of Compliance With Campaign Contribution Law and the Determination of Value and these forms are on file; 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 InterAct Public Safety Systems, of Dallas, Texas for providing computer software maintenance on licensed products for the Warren County Communications Center

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 InterAct Public Safety Systems of Dallas, Texas.
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 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 012500/5026 – Public Safety - 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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 77-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RESOLUTION RE: AWARD OF A PURCHASE ORDER TO THORNBERRY TO PROVIDE
COMPUTER SOFTWARE MAINTENANCE FOR THE PERIOD OF JANUARY 1, 2011
THROUGH DECEMBER 31, 2011 FOR THE WARREN COUNTY PUBLIC HEALTH NURSING
AGENCY IN THE TOTAL AMOUNT OF \$39,384.00**

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, this contract is awarded in accordance with N.J.S.A.19:44A-20.4, as a non-fair and open contract; and

WHEREAS, Warren County has received all necessary documentation to allow award of this contract including the Business Entity Disclosure Certification, Certificate of Compliance With Campaign Contribution Law and the Determination of Value and these forms are on file; and

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

MINUTES**JANUARY 26, 2011**

NOW THEREFORE, BE IT RESOLVED, that a contract be awarded to Thornberry Ltd., of Lancaster, Pennsylvania for providing computer software maintenance on licensed products for the Warren County Public Health Nursing Agency

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 Thornberry Ltd., of Lancaster, 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.
 3. A notice of this action shall be published in the The Star-Ledger.
- Funding for this contract is provided in budget account 013301/5026 – PHNA – 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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 78-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION RE: AUTHORIZATION TO ISSUE A PURCHASE ORDER TO LIBRARY INTERIORS INC. FOR LIBRARY FURNITURE FOR THE NORTHEAST BRANCH LIBRARY UNDER NEW JERSEY STATE CONTRACT #A66898 COVERING LIBRARY FURNITURE IN THE TOTAL AMOUNT OF \$185,273.60

BE IT RESOLVED that the purchasing department is authorized to issue a purchase order for library furniture for the Warren County Northeast Branch Library and is hereby awarded to . . . Library Interiors Inc., Brick, New Jersey in the amount of . . . \$185,273.60 at the prices established under New Jersey State Contract #A66898

Funding for this contract has been provided in library account 153908/5057 – Northeast Branch Fixtures & Furniture.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

Regarding Agenda Item H6 authorizing the purchase of furniture for the Northeast Branch of the Warren County Library, Mr. Gardner said the project is coming along very nicely and acknowledged the presence of Library Director Maureen Baker Wilkinson. The public excitement is tremendous; it's going to be a real plus for residents in the region.

RESOLUTION 79-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

RESOLUTION REAPPOINTING MEMBERS TO THE WARREN COUNTY TRANSPORTATION ADVISORY COUNCIL

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

MINUTES**JANUARY 26, 2011**

hereby reappoint the following individuals to the Warren County Transportation Advisory Council:

Susan Cuoco
374 Prospect St.
Phillipsburg, NJ 08865

Term to expire: 12/31/13

Fonda M. Fonte
196 Belvidere Ave., Apt. B
Washington, NJ 07882

Term to expire: 12/31/13

Donna Erickson
NJ Div. of Voc. Rehab.
223A Stiger St.
Hackettstown, NJ 07840

Term to expire: 12/31/13

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 80-11

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RESOLUTION REAPPOINTING MEMBERS TO THE
WARREN COUNTY PEQUEST RIVER MUNICIPAL UTILITIES AUTHORITY**

BE IT RESOLVED that the Board of Chosen Freeholders of the County of Warren hereby reappoints the following members to the Warren County Pequest River Municipal Utilities Authority effective February 1, 2010.

A. Morris Scott
320 Hardwick Street
Belvidere, NJ 07823

Term to expire 2/1/16
Representing Belvidere

Robert J. Piazza
729 Franklin Street
Belvidere, NJ 07823

Term to expire 2/1/16
Representing Belvidere

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RECOMMENDATION

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held on January 26, 2011.

**RECOMMENDATION TO ACCEPT THE RESIGNATION OF DENNIS BERTLAND FROM THE
WARREN COUNTY MORRIS CANAL COMMITTEE**

MINUTES**JANUARY 26, 2011**

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 26, 2011.

Steve Marvin, Clerk of the Board

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

In reference to the resignation of Dennis Bertland, Mr. Gardner said he has moved out of the county, but has been instrumental in serving as one of the initial members of the Morris Canal Committee since 1981. That's a long time. He expressed thanks for a job well done. It's going to be a big loss. Mr. Chamberlain agreed.

The Freeholders made comments prior to voting on the PCFA reappointment.

Referring to Mr. Chamberlain, Mr. Gardner said, I know the gentleman sitting next to me. I know some of the unfortunate circumstances that should have been investigated many years ago, but because of Mr. Chamberlain, Angelo Accetturo and Laurel Napolitani, the PCFA has turned around a great deal for the public benefit. "Hats off to you," he said, but there is still work to be done. You can go off a committee at any time. Mr. Gardner said he had a conversation with the gentleman that put his application in and indicated his support of his holding a position elsewhere in the County; but I know how much Mr. Chamberlain understands the Authority and we need somebody on there who understands and has the history; who is going to be a watchdog for White Township, Oxford and the surrounding communities. "I will support you in this endeavor," Mr. Gardner said.

Mr. Sarnoski said as he stated in his September comments to the Freeholder Board, I believe that to be a Freeholder and also sit on an authority overseen by the Freeholders is a conflict of interest and an unnecessary consolidation of power; especially given the Freeholder Director's ability with the approval of the Board, to veto any action taken by that authority. This conflict opinion was agreed with by our own attorney who stated in his opinion letter to the Board that (quoting) "Conflict issues appear to exist due to the fact that the Freeholder Director's action to override a county authority action in effect could create a conflict since Freeholders could be caught in a position between having to vote on a Freeholder Director veto which would clash with the objectives of county authority offices. A recent change in the law which took effect upon signing in August 2010, may create an incompatibility of office requiring Freeholders to choose between which offices to serve. In addition, the Board of Chosen Freeholders may need to affirmatively screen for any such potential conflicts going forward involving county authorities."(End quote.)

This conflict becomes even more blatant with the Freeholder also being the Director of the Board, Mr. Sarnoski continued. Over the last few months since this issue arose, we have appointed new members to boards and authorities (Vo-Tech, Municipal & Charitable Conservancy Trust Fund Committee, Library Commission, etc.). The Board has had ample time to actively seek new members to the PCFA and has even received resumes from

candidates interested in the position. I cannot vote for this appointment which goes against what I believe is ethically correct.

For the record, Mr. Gardner said he respectfully disagreed because he didn't feel at this time we are in conflict of interest since we have two Freeholders that do not sit on that authority and no matter what the Director may bring on the agenda, we have the veto power to make that decision. We have the quorum here. Mr. Chamberlain added that he had the ability to abstain if he feels the vote is a conflict.

Mr. Sarnoski said we don't need Freeholder representation. In my opinion, for a Freeholder

MINUTES**JANUARY 26, 2011**

to sit on that board is not necessary because we do have veto power here. You can bring up any single item that's brought to the PCFA and we can vote on it here and we actually have more power here because you're a one in three vote rather than a one in five vote. Regarding the Governor's feeling on authorities, I actually spent a bit of time on the Passaic Valley Sewerage Commission as an engineer and I can absolutely tell you that the Governor is right in what he's done there, but the reason for that was because of the nepotism, the cronyism that was going on at that commission and the money that was being spent on family and friends. Some of the questions that the Governor asked were not being answered the way he wanted them to be and not being answered adequately and that's why he took the action he did.

Any board can change with two appointments on either board, but as you said, we take our responsibility very seriously, as I do, and I'm going to make sure that I oversee the actions of the PCFA as I oversee all boards and authorities that we oversee. If there's anything that I think is incorrect, I will bring it to this Board and I think we need to give the voters the respect that the people that they vote into the position of Freeholder are the correct people who should be sitting up here and not say that we're not doing our job up here.

Mr. Sarnoski said just today, we did receive a resume from a White Township resident for the PCFA. I'm sure that representation from White Township can be found and excellent representation that isn't just sitting on this Board.

Mr. Chamberlain said he appreciated that and if Mr. Sarnoski feels that way, he should never sit on any commissions or authorities. I appreciate that and respect that. The problem is what happened at the PCFA; I don't think Mr. Sarnoski was even a resident of the County then. He wasn't here when the White Township School had to close its doors because of odors and health problems. He wasn't here when the residents of White Township were calling me all hours of the night and saying we can't go outside – the odors. He wasn't here when we had people taking trips and abusing public money. He has no history. I have the history, and that's unfortunate on his part, but I understand what can happen and I want to protect against that before we go forward.

Mr. Gardner added that the financial stewardship was lacking for years. Now, the PCFA is on rock solid steady ground financially and that is key because the post-closure funds needed to be in place. Any closure plans would have to be further in the future if the prior authority members were allowed to continue the way they were acting. The responsibility, the honor of people that sit there, is very clear to me and that's why I support this.

RESOLUTION 81-11

On motion by Mr. Gardner, 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 26, 2011.

RESOLUTION REAPPOINTING A MEMBER TO THE POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY

WHEREAS, the resolution of the County of Warren, entitled "Resolution Creating the Pollution Control Financing Authority of Warren", adopted August 14, 1974, has become and is fully effective and the Clerk of the Board of Chosen Freeholders has filed a certified copy thereof in the Office of the Secretary of State of New Jersey as provided in Section 4 (e) of the New Jersey Industrial Pollution Control Financing Law, and there has been duly created and there is validly existing the Pollution Control Financing Authority of Warren County, a body corporate and politic of the State of New Jersey, pursuant to said New Jersey Industrial Pollution Financing Law; and

WHEREAS, the Warren County Board of Chosen Freeholders must file with the Secretary of State of the State of New Jersey a resolution reappointing or replacing members of the

MINUTES**JANUARY 26, 2011**

Authority; and

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

Section 1. The following person is reappointed as a member of the Pollution Control Financing Authority of Warren County to serve for a term expiring on the first day of February of the year set opposite his name:

Everett A. Chamberlain Term to expire: February 1, 2016

Section 2. A copy of this resolution, duly certified by the Clerk of the Board of Chosen Freeholders of the County of Warren shall forthwith be filed by said Clerk in the Office of the Secretary of State of the State of New Jersey.

Section 3. This resolution shall take effect February 2, 2011.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 82-11

On motion by Mr. Gardner, 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 26, 2011.

RESOLUTION REAPPOINTING SUSAN LENNON, WARREN COUNTY EXECUTIVE DIRECTOR, OFFICE ON AGING, DIVISION OF AGING AND DISABILITY SERVICES

WHEREAS, the Board of Chosen Freeholders of the County of Warren desires to reappoint an Executive Director, Office on Aging, Division of Aging and Disability Services, pursuant to N.J.S.A. 40:23-6.41;

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that Susan Lennon is hereby reappointed Executive Director, Office on Aging, Division of Aging and Disability Services effective January 24, 2011.

BE IT FURTHER RESOLVED that 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 at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 83-11

On motion by Mr. Gardner, 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 26, 2011.

**RESOLUTION REAPPOINTING BARRY W. SMITH,
WARREN COUNTY INFORMATION SYSTEMS DIRECTOR**

WHEREAS, the Board of Chosen Freeholders of the County of Warren desires to reappoint an Information Systems Director pursuant to N.J.S.A. 11A:3-5(l);

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that Barry W. Smith is hereby reappointed Information Systems Director effective January 24, 2011.

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

MINUTES**JANUARY 26, 2011**

Freeholders of the County of Warren at a meeting held on January 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 84-11

On motion by Mr. Gardner, 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 26, 2011.

RESOLUTION APPOINTING WILLIAM HUNT AS WARREN COUNTY DEPUTY EMERGENCY MANAGEMENT COORDINATOR/DEPUTY PUBLIC SAFETY DIRECTOR, UNCLASSIFIED, WITHIN THE DIVISION OF EMERGENCY MANAGEMENT IN THE WARREN COUNTY DEPARTMENT OF PUBLIC SAFETY

BE IT HEREBY RESOLVED by the Warren County Board of Chosen Freeholders that in accordance with N.J.S.A. App. A:9-42.1b(a), William Hunt is appointed to the position of Warren County Deputy Emergency Management Coordinator /Deputy Public Safety Director within the Division of Emergency Management in the Warren County Department of Public Safety effective January 27, 2011.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

RESOLUTION 85-11

On motion by Mr. Gardner, 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 26, 2011.

RESOLUTION REAPPOINTING CHRISTOPHER J. PESSOLANO, WARREN COUNTY PURCHASING AGENT

WHEREAS, the Board of Chosen Freeholders of the County of Warren desires to appoint a Purchasing Agent pursuant to N.J.S.A. 40:9-30;

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren that Christopher J. Pessolano is hereby reappointed Purchasing Agent for a term of three (3) years commencing on January 25, 2011 and terminating January 24, 2014.

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 26, 2011.

Steve Marvin, Clerk of the Board

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

Prior to roll call on Agenda Item J5 establishing the salary for the Deputy Surrogate, Mr. Sarnoski made some comments.

Mr. Sarnoski said with regard to this appointment, although I think Mr. Thorp's experience and qualifications make him a fine candidate for the position of Deputy Surrogate, I do not approve of Mr. Thorp's appointment at the salary being requested. The Surrogate's Office is very well aware of the constraints being put on the County Government by the CAP Law, the conservative nature of this Board and the economic times we are living in today. As we go through the budget cycle this year, we are constantly asking departments to cut the amount of money they are asking for and looking at any positions that can be cut to reduce the size of government. This current request for the Deputy Surrogate position reflects a seven percent increase in the overall budget of the Surrogate's Office and a 37 percent increase in salary for the position of Deputy Surrogate, a fact that cannot be ignored by this Board. What is more, Mr. Thorp will be continuing his practice

MINUTES**JANUARY 26, 2011**

as a municipal attorney, making another salary. Mr. Thorp, being an attorney, should have little bearing on the salary request. Though an attorney's experience in the office may be a good thing, we have not had one in the past and it is not required by statute. The County Prosecutors, attorneys who advocate for victims' rights and serve to protect our residents, average a little more than the salary we have in front of us today and they cannot practice outside of their positions. Yet, some on this Board are looking to cut positions in that office to save money while we spend it here. I think that if Mr. Thorp wishes to take a position in public service as the Surrogate's Office is, he needs to be aware that this County and this Board has been very conservative in the past and the current standing order the Board has put to every department is to hold the line on increases. He cannot expect to make the same amount of money that he has in his private life. I am sure he is a well qualified candidate, but I cannot approve appointment at this salary. Thank you.

Mr. Gardner said one of the things about an elected office holder is you have to make decisions on the balance of what's in the interest of the public good. Particularly in a very sensitive office like the Surrogate's Office, when you have families that are under pressure with loved ones dying, it causes a lot of consternation and it's a daunting task. We've gone through a period of time where there have been numerous problems. I've heard from some of the clients myself, many phone calls, and I know about meetings with the Assignment Vicinage Judge to try and straighten out problems of the past. Yes, there's an increase in salary, but we have a significant increase in the level of manpower, legal professionalism that will be there and the ability to take care of problems that were not taken care of in the past and I think it's incumbent upon the Board to understand the nature of what we're dealing with and I feel this move would certainly be a benefit to those who need it the most in a

special time of their lives. So while it is not statutorily required, I think it's important to do this and I support it. I was able to ask that he not be receiving the retirement fund. He actually came down a little bit in salary, so I'm pleased that we have a highly qualified attorney to sit there as a Deputy and to help with the workload as it will increase in years going forward. Thank you.

Mr. Chamberlain said again, Mr. Sarnoski was not here when we received all the complaints. Judge Ciccone, the Assignment Judge, was receiving complaints and in my discussions with her in meetings with Kevin O'Neill, she highly recommended hiring an attorney as Deputy and I understand the reasons why. I think we got a very highly qualified person and I think if you compare the salary of the individual who served as Deputy before and look at the qualifications of that individual and then look at the qualifications of this individual, we're comparing apples to oranges. You have to pay for expertise; you have to pay for knowledge, and I think at \$78,000, getting somebody in with this high level of experience and qualifications, the people skills that he has; I think Warren County is very fortunate.

RESOLUTION 86-11

On motion by Mr. Gardner, 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 26, 2011.

**A RESOLUTION ESTABLISHING THE ANNUAL SALARY FOR THE DEPUTY SURROGATE
WITHIN THE WARREN COUNTY SURROGATE'S OFFICE
IN ACCORDANCE WITH N.J.S.A. 2B:14-13**

WHEREAS, Surrogate Kevin O'Neill has selected Thomas K. Thorp for appointment to the position of Warren County Deputy Surrogate in accordance with N.J.S.A. 2B:14-10, and has recommended an annual salary for said appointment.

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Chosen Freeholders does hereby approve in accordance with N.J.S.A. 2B:14-13 an annual salary of \$78,000.00 for Deputy Surrogate Thomas K. Thorp to be made effective February 14, 2011.

MINUTES**JANUARY 26, 2011**

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 26, 2011.

Steve Marvin, Clerk of the Board

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

Reports and Comments

County Counsel Joe Bell had no report. County Engineer Dave Hicks only advised safe travel since it was snowing outside. County Planner Dave Dech had no report and County CFO Charles Houck was absent.

County Administrator Steve Marvin had the Vacancy Report for the Board's review. One notable development was that First Assistant Prosecutor Angela Borkowski was approved as a Superior Court Judge as of yesterday so her departure is imminent. Prosecutor Scott Ferguson expressed intent to fill the position with a current Assistant Prosecutor at a salary less than what Ms. Borkowski is earning simply to maintain the lines of authority in the office and Mr. Marvin was in support of that. That means there are three vacant attorney

positions in the Prosecutor's office as of next Monday.

Mr. Chamberlain asked if the Board needed to take action regarding Boards of School Estimate Meetings. Mr. Marvin said no; this is actually noticed by the schools, but he just needed to know whether it was agreeable to schedule the Warren County Community College for 6:00 p.m. prior to the Regular Session on February 23, 2010. That was fine with all three Freeholders. It was also decided to schedule Special Services School District for March 23, 2011 at 5:30 p.m. followed by Warren County Technical School at 6:00 p.m.

On motion by Mr. Gardner, seconded by Mr. Sarnoski, **SCHEDULED BUDGET MEETING FOR FEBRUARY 9, 2011 AT 5:30 P.M.**

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

Although Freeholder Comments were next on the agenda, due to the inclement weather, Mr. Chamberlain invited representatives from the Musconetcong Watershed Association to address the Board.

President Bill Leavens said he thought the Freeholders and Warren County community ought to be concerned about the pending decrease of outflow from Lake Hopatcong, known at the low water paragraph in the State's revised water level management plan. The group asked that the DEP perform the same environmental assessments required of anyone doing anything that would affect water quality in the river. C.J. Koop, an MWA Trustee and member of the River Management Council which actively implements the River Management Plan, said the paragraph is hazardous. Should this be put into practice, not only would the lake and its level be compromised, but also, all the tributaries located downstream and the ecology. There is a significant movement to have the paragraph removed. Mr. Chamberlain asked if the Federation of Sportsmen had weighed in on the issue. Ms. Koop said only verbal from them so far, not on paper yet.

Some background and history was provided along with concerns that the Musconetcong Sewerage Authority releases based on expected inflow from the lake. Larry Beyer of the DEP said the DEP cannot damage downstream uses including the ecology of the Musconetcong River for the benefit of Lake Hopatcong. Ms. Koop said we need the scientific basis for this reduction of flow. The group had submitted a resolution to the Board to have the paragraph removed. County Counsel suggested the resolution be fine tuned before action, but "you have the Board's support,"

MINUTES**JANUARY 26, 2011**

Mr. Chamberlain said.

Elaine Reichart asked what is the CFS release right now and what was it going to? Historically, it has been a minimum of 12 cubic feet per second and if this paragraph remains, it will be unknown and arbitrary. Ms. Reichart asked if this was a water supply lake. MWA officials said no. It is now recreational though it was partly initially created as part of the Morris Canal and provided the water power, but that situation no longer exists.

Harry Brown, Chairman of Hackettstown Municipal Utility Authority, said we wholeheartedly support this proposition and thanked the Freeholders for their positive encouragement. It is very important to the residents of the Town of Hackettstown and many of the residents of Mansfield and Independence Townships to have sufficient flow going past our treatment plants in order to dilute our discharge.

Closing Public Comments

Harold Warne of Washington said he was not happy with the response to his cost cutting suggestions offered at a prior meeting. More importantly, he failed to see how serious deficiencies in resident care at Warren Haven can be ignored. He said Freeholders Gardner and Chamberlain seem to have no interest in providing oversight to the nursing home despite an increasing number of deficiencies which contributed to two pending lawsuits against Warren County and Warren Haven. Freeholder Sarnoski is the only Freeholder that seems to think it might be prudent to invest in an increasing number of deficiencies in resident care. Freeholder Chamberlain's position is that he listens to the experts when it comes to the nursing home. However, Mr. Warne thought these experts, the administration of Warren Haven, were the same people responsible for an increase in deficiencies at the facility. Correct me if I'm wrong, but those experts would be the administration of Warren Haven; the same persons who are responsible for the increasing number of deficiencies and pending lawsuits. It might be time for amateurs with common sense to play a role in overseeing the home. Actually, the Federal Government agrees with me. That's for another time. Freeholder Gardner likes to say how wonderful the home is, something the voters like to hear. What the voters and supporters of the home might not like to hear is that he's unwilling to provide oversight to the home when serious issues of resident care are involved. It appears that Freeholders Gardner and Chamberlain are going to let the home self-destruct. My problem with this is it is being done at the expense of resident care. As a longtime supporter of Warren Haven and its staff, I feel it necessary to again inform the Freeholders of the gravity of the situation and I hope those who supported the home in the past will encourage the Freeholders to act so the home will survive.

Mr. Warne continued, saying his intent was to read the deficiencies for the record so as the home continues to decline, no one can say they did not know. The deficiencies from the State Department of Health and Human Services for 2010 run 23 pages. Saying he would bring further deficiencies to the Board's attention in the future, at this time, he quoted one: "Facility must have a governing body or designated person or persons functioning as a governing body that's legally responsible for establishing implementing policies regarding the management and operation of the facility. The governing body appoints the administrator who is licensed by the state where licensing is required and responsible for the management of the facility." Mr. Warne alleged this requirement is not being met and launched into a detailed case of a particular resident that was deemed to be in need of one-on-one supervision. No one-on-one policy existed at the time, but as a result, a written policy was established on August 4, 2010. Mr. Warne said the policy should not have gone into effect without the approval of the Freeholders since they are the governing body.

Mr. Chamberlain said he has met with a committee that has concerns about Warren

MINUTES

JANUARY 26, 2011

Haven. There were a lot of questions about purchase orders and so forth. Mr. Chamberlain included the Purchasing Agent and a finance person in the meeting to clarify issues. Then they had care questions. Mr. Chamberlain has asked for a list in advance to prepare for another meeting with management to respond to every one of your care questions if we don't run into problems with HIPAA regulations. Mr. Chamberlain said, "I don't have a problem with bringing in a doctor, a nurse and a social worker to provide an independent review of the nursing home." Independent, not connected with anybody. This is going to cost us some money. Administration doesn't have a problem with it either; they welcomed it. This will be the third step we take. "So when you say, 'Mr. Chamberlain and Mr. Gardner haven't done

anything,' I take offense to that," Mr. Chamberlain said.

Mr. Gardner said he's spoken to a lot of people about Warren Haven. There's no facility that's perfect, but 97-98 percent of the people have very positive things to say about Warren Haven, including that it is very clean. We strive for the best level of patient care that is reasonable and that the public can expect us to provide. An idea had been proposed to form a citizens' advisory panel. That sounded good at the time, but for such a highly regulated industry in which people are licensed and have specialized educations, a panel of lay people may not be that advantageous.

Mr. Chamberlain reiterated that we're going through this methodically and answering questions. Mr. Warne said you're supposed to approve policies. Mr. Chamberlain said he has toured the facility extensively and knows Mr. Gardner has as well. Alluding to Mr. Warne's remark about Mr. Sarnoski appearing to be the only Freeholder interested in investing addressing deficiencies in patient care, Mr. Chamberlain asked Mr. Sarnoski about his knowledge of the facility.

Mr. Sarnoski said he has been to Warren Haven, but has not yet taken a tour. Addressing Mr. Chamberlain, he said you're questioning me on another person's comment about what I have done. Perhaps, and I don't want to speculate on what Mr. Warne is talking about regarding my activities, but maybe it's just a listening ear, advice and comments I've made regarding what you've just mentioned-oversight and getting people in there to review. I've heard a lot about "Mr. Sarnoski doesn't have the experience and hasn't been here as long as some other members", but I was elected on this Board just as you both were and I have every right to be here and make any comments I like just like you both do and what I am doing here is what I feel is in the best interest of the County.

Regarding the one-on-one care criticism, Mr. Gardner said the requirement is to meet the New Jersey Department of Human Services' patient care requirements and Warren Haven does. Mr. Chamberlain said he really doesn't know much about nursing homes, so if a policy came before him for approval, he didn't know how much validity it would really have. Mr. Gardner said we're asked to make that judgment call; we have to ask experts. The majority of the public thinks this facility is wonderful. We could say we don't need to be in the nursing care business, but there's a lot of public out there that have loved ones in there and they have great respect for the staff and dedication that is found there. Mr. Warne said his mother was there for nine years; the staff is fine, but there is a problem and the Board should have read the 23 pages of deficiencies and signed off on responses before they were sent.

This Board does have considerable amount of concern for Warren Haven and if we can improve it in some manner, hopefully, we don't have to expend tens of thousands of dollars to do it. Mr. Chamberlain said he was spending a lot of time answering the questions and assembling people to respond to questions. He thanked Mr. Warne for his comments.

MINUTES**JANUARY 26, 2011**

Elaine Reichart of White Township and member of the Tea Party said she hadn't planned to comment on this topic, but since her name was mentioned, she acknowledged being one of the people looking into Warren Haven with which Mr. Chamberlain has graciously met. We're not done looking at the details of the finances; when we are, we will then move on to care issues and ask about inventory management control. Ms. Reichart took issue with Mr. Gardner's comments about how happy people are with the facility. She said

Medicare rated Warren Haven two out of five stars. A lot of people aren't able to visit on a day-to-day basis to really see what goes on in the nursing homes. When you do, you start to ask questions and that's where we're at with this committee.

For the record, Mr. Marvin suggested the Board accommodate Ms. Reichart's comments and questions, but not engage with her. She is, for all intents and purposes, a potential litigant and anything you say on the record becomes a potential court record. Ms. Reichart wanted to clarify that Mr. Warne mentioned two lawsuits. To her knowledge, that was inaccurate. Two Notices of Tort Claims have been filed and I am one of them, she said.

Fred Foti said there appear to be three areas of great concern: the PCFA, Warren Haven and the Surrogate issue.

On motion by Mr. Gardner, seconded by Mr. Sarnoski, and there being no further business to come before the Board at this time, the meeting was adjourned at 8:35 p.m.
Recorded Vote: Mr. Sarnoski yes, Mr. Gardner yes, Mr. Chamberlain yes

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