

**These minutes were approved by the Board of Chosen Freeholders on September 9, 2020. The full text of the resolution appears at the end of this document.*

The Board of Chosen Freeholders of the County of Warren met in Emergency Session in its offices in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on August 19, 2020 at 7:00 p.m.

Due to social distancing directives, this meeting was conducted without any members of the public in attendance. The public had the opportunity to listen to the meeting, and participate if they chose, via telephone.

The meeting was called to order by Director Gardner and upon roll call, the following participants were present: Freeholder Jason Sarnoski, Freeholder Deputy Director James Kern III, Freeholder Director Richard Gardner, County Counsel Joe Bell, County Administrator Alex Lazorisak, County CFO Kim Francisco and Deputy Freeholder Clerk Holly Luberto.

Following the Pledge of Allegiance, Mr. Gardner read the following OPEN PUBLIC MEETINGS ACT (Open Public Meetings Act, Chapter 231, P.L. 1975) statement: ADEQUATE NOTICE OF THIS MEETING *OF AUGUST 19, 2020* 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. THIS MEETING IS IN CONFORMANCE WITH N.J.S.A. 10:4-6 ET SEQ (THE OPEN PUBLIC MEETINGS ACT) BUT DUE TO THE POTENTIAL IMPACTS OF THE COVID-19 CORONAVIRUS AND OUT OF CONCERN FOR THE SAFETY OF THE PUBLIC, WILL BE CONDUCTED THROUGH ELECTRONIC COMMUNICATIONS EQUIPMENT TO FACILITATE PUBLIC COMMENT. PUBLIC ACCESS IS PROVIDED THROUGH A CONFERENCE CALL USING WEBEX TO PRESERVE THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC IN CONFORMANCE WITH N.J.S.A. 10:4-12. THE PUBLIC IS INVITED TO ATTEND THIS MEETING BY CALLING 1-800-747-5150 or 1-303-248-1290; WHEN PROMPTED FOR MEETING NUMBER (ACCESS CODE) PRESS 4756560 AND THE # SIGN; AND WHEN PROMPTED FOR ATTENDEE NUMBER PRESS THE # SIGN. WE WILL MAKE EVERY ATTEMPT TO BE CONSISTENT WITH SPIRIT AND THE INTENT OF THE ACT. THERE WILL

BE A COORDINATED EFFORT TO ENSURE FULL PUBLIC PARTICIPATION 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.

County Counsel Joe Bell sought a vote from the Board for the record to be clear that this meeting was of an emergent nature in compliance with notice provisions in N.J.S.A. 10:4-9.

On motion by Mr. Sarnoski, seconded by Mr. Kern, THIS MEETING WAS DEEMED EMERGENT IN NATURE AND LIMITED TO DISCUSSION OF AND ACTING WITH RESPECT TO SUCH MATTERS OF URGENCY AND IMPORTANCE; AN EXCEPTION TO OPEN PUBLIC MEETINGS ACT NOTICE PROVISIONS PER N.J.S.A. 10:4-9.

Recorded vote: Mr. Sarnoski yes, Mr. Kern yes, Mr. Gardner yes

Mr. Gardner began to entertain public comments at this time, reminding participants to keep their phones on mute unless speaking, to eliminate background noise and disruption, but asked Mr. Lazorisak to provide a brief summary first.

Mr. Lazorisak said the governor's office met with 12 counties that did not receive any CARES Act funding, and the one item on this agenda was a proposal comprised of three parts. For Warren County, the total was \$1,381,640.30 and broken up into three parts:

- 1) Direct reimbursement for out-of-pocket expenses incurred March-June, 2020 in the amount of \$397,404.30.
- 2) \$357,500 is to be devoted to developing and setting up a testing site.
- 3) \$626,736 is for additional testing from the execution of this agreement through June 30, 2021.

It was decided that the Freeholders would make their remarks to elaborate on the agreement before them, so the public had more information on which to comment if they so chose.

Mr. Sarnoski began, saying, "I am extremely disappointed by this agreement given to us by the Governor in order to get a small piece of the CARES act funding. As stated in their letter to the Governor, our Congressmen intended this money to be given to counties like Warren who received no money from the first or second rounds of CARES Act funding. While counties like Bergen, Monmouth, and many others

have gotten more than they needed to fight this pandemic and have been able to pass that money through to their businesses and other county partners, Warren County has received nothing and has been left to fight all on our own.”

Sarnoski added, “To now offer a small piece of funding when we’ve received nothing and are in such dire need, and with so many conditions pretty much amounts to what I consider extortion, and is unfair to our taxpayers. Unfortunately, though, we have little recourse in my opinion but to accept what is offered at this point or we’ll face a nearly \$2 million budget deficit next year and we’re going to be putting our residents’ health in jeopardy. While other states like Pennsylvania and their governor, have given one million dollars to each county without any conditions, just to support the fight against the COVID, our state continues to put conditions on these plans and on the money that should just be passed through.”

Noting there are concerns over statements Murphy has made about enforcing contact tracing and quarantining, Sarnoski said, “I can promise I would fight any plan to use this funding to violate any of the residents’ civil liberties by over-reaching on any planned testing and contact tracing procedures that we’ve had in place since this pandemic began. No one should be afraid for their life or liberty just because they get sick. We will use this money to make ourselves whole for what we have spent, and to continue to help our constituents through our testing procedures. I think we’re pretty much faced with a condition where we have to accept what we have in front of us. Thank you.”

“For several months, Warren County has tirelessly fought for federal dollars to help combat the COVID-19 pandemic,” Freeholder James R. Kern III explained. “In early April, Congress passed the CARES Act, which provided billions of dollars of stimulus funds, some of which included assistance to state and local government agencies. Due to a rushed legislative process and lack of congressional representation, the counties of Hunterdon, Salem, Sussex and Warren were excluded from direct funding. The Washington, DC insider response was that we were precluded due to ‘long standing, unchangeable and automatic federal formulas.’ To that I simply ask, who writes federal formulas?” Kern said.

He continued, “Nevertheless, this oversight was attempted to be addressed when New Jersey’s entire Congressional delegation sent a bipartisan letter to Governor Phil Murphy on April 10 asking him to immediately allocate the discretionary aid that was included in the act. According to this letter, the Governor had millions of dollars he can distribute as he sees fit. During this time period, Warren County opened up a self-funded COVID-19 testing site to help ease the burden on our local healthcare system and assist with the Governor’s plan of aggressive testing. Our neighbors in Hunterdon and Sussex were forced to partner

with adjoining counties for testing, and Salem operated one on their own. Under the Governor's statewide COVID-19 policy approach, Warren County businesses and individuals have been impacted just as harshly as those in Bergen, Essex and Monmouth, all who received millions of direct federal dollars," Kern said.

"After numerous letters to the administration, our cry for aid was not heard until three weeks ago when Warren County leaders gathered on the steps of the Court House in Belvidere demanding that the CARES Act aid be released. Today Warren County finally has an agreement in front of us that is acceptable for approval. While not perfect, we have an obligation to our taxpayers and general public to recoup costs and also have funding available to assist in future testing should this virus resurge. I thank our County Administration, staff and Counsel for reviewing this document in short order," Kern said.

Mr. Gardner said, "This Board has the obligation and responsibility to look out for our citizens; that's our number one priority – public safety. We do, I think, a fantastic job trying to take care of public in the right way, in frugal manner, and our public appreciates that. But nevertheless, it still costs dollars," he said.

Circling back to a point made by Mr. Kern, Mr. Gardner said, "In Pennsylvania, the governor put forth an equal amount of dollars in all 67 counties. He did not look at whether it's red or blue; that distinction was out the door. He chose to do what an elected individual should do – take care of your public in the right way."

"I feel Warren County has been put on a back burner here, and we're getting the cookie crumbs," continued Mr. Gardner, "While a county, whose population may be eight or nine times that our ours, got dump truck loads of money. But our people may not be as valuable to this governor and his administration, and it's reprehensible. However, there are a few meager dollars coming this direction and we're going to have to put it to good use. Whatever we do, we have to spend every dollar correctly, because it will impact our budget and how we move forward. But we have to protect our citizens to the best of our ability. That is our job," concluded Mr. Gardner.

Mr. Lazorisak elaborated that the third part of this agreement, the ELC grant funding for testing in the amount of \$626,736, "This money has to last until June of 2021 to continue testing," he said. Having spoken with the County Health Officer and working out various scenarios to continue testing through the end of the year, cost estimates ranged from \$590,000 to \$1.6 million. When Mr. Lazorisak brought this to the attention of the governor's office, apparently this was a formula that was

calculated in Trenton. “I’ve been meeting with our Health Department, working up a plan; we’re going to do our best to try to get as much testing as we can out of this \$626,000, but I am very confident to report that we are not going to make it to June with this little amount of money,” Mr. Lazorisak said. If we run out of money, we may have to renegotiate with the governor’s office. “This is going to be a very challenging part of this grant moving forward,” he said.

Mr. Sarnoski said if we run out of money for testing, “I can’t see mortgaging our residents’ futures for the governor’s plan. If he’s mandating this testing, he’s going to have to keep forking up the money to do it,” said Mr. Sarnoski.

Mr. Gardner then invited Public Comment.

Lori Ciesla of Lopatcong thanked everyone in county government for everything they have been doing for COVID-19, and continually beating the drum down to the governor’s office to convey the predicament we are in, as some counties are treated more favorably. She asked, “Should we run out money by June for testing, do we have the ability to try to go back to the governor’s office to negotiate for more?”

“Why not?” answered Mr. Gardner. Warren County may not be successful, but it should never be a one-way street. “The door has to be open. They can’t lock us out,” Mr. Gardner said.

Ms. Ciesla said our taxpayers deserve to be reimbursed, and she truly appreciated all the hard work required to make this happen.

Mr. Lazorisak noted that we will have to show supporting documentation for reimbursement for the third testing component, so the governor’s office will know where we stand on costs for testing.

Takesha Thomas of WFMZ TV asked for the dollar figures to be repeated to ensure accuracy in her reporting. Mr. Lazorisak reiterated the numbers.

Kurt Brusswein from the Express-Times and Lehigh Valley Live asked for further clarification regarding concerns regarding this agreement.

Mr. Lazorisak said administration was concerned that the amount of money pledged to provide testing until next year would not be enough to last that amount of time.

Mr. Gardner added that the counties of Warren, Hunterdon, Sussex and Salem received zero dollars in CARES Act funding, while counties such as Bergen received \$162 million. He said our public is still sending in their state tax money. “We are not receiving the attention we deserve out here,” said Mr. Gardner.

Mr. Sarnoski added that municipalities and school districts in Warren County – which were also battling this crisis - were receiving nothing. “If we had received more funding, we could have passed some of that through to our partners,” he said, but this was the only option for our residents at this point.

RESOLUTION 345-20

On motion by Mr. Kern, seconded by Mr. Sarnoski, RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT/NEW JERSEY DEPARTMENT OF HEALTH AND THE COUNTY OF WARREN FOR FUNDING FOR COVID-19 TESTING AND REIMBURSEMENT FOR EXISTING COVID-19 EXPENSES.

Recorded vote: Mr. Sarnoski yes, Mr. Kern yes, Mr. Gardner yes

Mr. Gardner added he was voting yes with reservations.

On motion by Mr. Sarnoski, seconded by Mr. Kern, and there being no further business before the Board at this time, the meeting was adjourned at 7:25 p.m.

**THE BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF WARREN**

Wayne Dumont, Jr. Administration Building
165 County Route 519, South
Belvidere, NJ 07823

RESOLUTION 345-20

On motion by **Mr. Kern**, seconded by **Mr. Sarnoski**, the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held August 19, 2020.

**RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT
BETWEEN THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT/NEW JERSEY
DEPARTMENT OF HEALTH AND THE COUNTY OF WARREN FOR FUNDING FOR
COVID-19 TESTING AND REIMBURSEMENT FOR EXISTING COVID-19 EXPENSES**

WHEREAS, the 2019 coronavirus SARS-CoV-2 outbreak, which causes the disease known as COVID-19 has spread throughout the United States of America, including but not limited to the State of New Jersey (State); and

WHEREAS, the spread of COVID-19 within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of the State; and

WHEREAS, on March 9, 2020, New Jersey Governor Philip D. Murphy issued Executive Order No. 103 (EO 103) proclaiming that a public health emergency and state of emergency exist in the State due to COVID-19 and, thereafter, issued Executive Order Nos. 119, 138, 151, 162 and 171 continuing EO 103, as well as all other Executive Orders issued to respond to the COVID-19 public health emergency, due to the continued public health emergency; and

WHEREAS, EO 103 recognizes that it is necessary and appropriate to take action against this public health hazard to protect and maintain, as well as, restore the health, safety and welfare of State residents and visitors pursuant to the Emergency Health Powers Act (EHPA), N.J.S.A. 26-:13-1 et seq., and the Disaster Control Act (DCA), N.J.S.A. App. A:9-33 et seq., among other legal authorities; and

WHEREAS, the State of New Jersey may be able to use or apply for federal funding to cover some or all of the costs of this Agreement; and

WHEREAS, the Commissioner of the New Jersey Department of Health (NJDOH) has determined that expansive and extensive testing of individuals for COVID-19 is essential not only for mitigating and controlling the spread of the virus but also to determine the prevalence of the spread of the virus in the State; and

WHEREAS, the New Jersey Office of Emergency Management (NJOEM) has been designated to administer and disburse Coronavirus Relief Funds (CRF) received by the New Jersey Department of Treasury (NJ Treasury) through the Coronavirus Aid, Relief and Economic Security (CARES) Act, Pub. L. 116-136; and

WHEREAS, the costs of providing COVID-19 testing are permissible CRF expenditures pursuant to guidance issued by the United States Department of Treasury (U.S. Treasury); and

WHEREAS, U.S. Treasury permits CRF grantees to transfer funds to local government units, such as counties, for CRF-eligible expenses; and

WHEREAS, the County of Warren (County) desires to further implement COVID-19 testing in accordance with the State's overall testing scheme; and

WHEREAS, in order to continue to execute the County testing program, the State has agreed to provide the County with CRF funds as outlined below; and

WHEREAS, pursuant to an award from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, under the Cooperative Agreement entitled "Epidemiology and Laboratory Capacity for Prevention and Control Emerging Infections Diseases - Enhancing Detection Supplement" ('ELC'), Grant No. 1 NU50CK000525-0100, CFDA No 93.323, effective August 1, 2019 through November 30, 2022, NJDOH has received funding to conduct public health activities into the surveillance, detection and investigation of communicable diseases, including COVID-19; and

WHEREAS, pursuant to N.J.S.A. 26:1A-15, NJDOH is authorized to enter contractual agreements to carry out the mission of the Department; and

WHEREAS, pursuant to N.J.S.A. 26:4-1 et seq., NJDOH is authorized to conduct public health activities related to communicable disease prevention and control; and

WHEREAS, under the declared Public Health Emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls and treatment for infectious disease; and

WHEREAS, the ELC Grant requires the Grantee to work with local health departments to build local capacity for testing of COVID-19/SARS-CoV-2 including within high-risk settings or in vulnerable populations that reside in their communities; and

WHEREAS, the State has determined that it is imperative to establish and support robust County-based testing operations to ensure there is sufficient capacity available to test State residents for COVID-19; and

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

1. The Freeholder Director is authorized to execute the Memorandum of Agreement between the County of Warren and the New Jersey Department Office of Emergency Management/New Jersey Department of Health.

RECORDED VOTE: Mr. Sarnoski yes, Mr. Kern yes, Mr. Gardner yes

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

Alex J. Lazorisak

, Clerk