

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, Second Floor
Flemington, New Jersey 08822

August 14, 2007

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:05 p.m. in accordance with the provisions of the Open Public Meetings Act.

PRESENT: MR. MULLER, MR. HOLT, MR. MELICK, MR. SWOREN.
ABSENT: MR. PETERSON.

OPEN PUBLIC MEETINGS ACT

Director Muller announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was mailed on or before January 02, 2007, to the Hunterdon County Democrat, Lambertville Beacon, The Express, Courier News, Trenton Times, Hunterdon Review and The Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

Mr. Peterson came into the meeting at 3:06 p.m.

CONSENT AGENDA

Director Muller announced: "All matters listed under the Consent Agenda are considered to be routine by the Board of Chosen Freeholders of the County of Hunterdon and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately."

Items Held: #17, 18, and 25.

Item #23 removed from the agenda.

Mr. Peterson moved and Mr. Sworen seconded a motion to approve claims in accordance with the Claims Register dated August 14, 2007.

See Page 08/14/07-1A

CLAIMS REGISTER

**ROLL CALL: (AYES) MR. PETERSON, MR. SWOREN, MR. HOLT, MR. MELICK,
MR. MULLER.**

Mr. Peterson moved and Mr. Sworen seconded these:

See Page 08/14/07-1B

RESOLUTION

RESOLVED, Charles Ouslander appointed unclassified, full time First Assistant Prosecutor, Prosecutor's Office.

See Page 08/14/07-1C

RESOLUTION

RESOLVED, Patrick Masterson appointed permanent, full time Assistant Supervising Bridge Repairer, Roads, Bridges and Engineering.

See Page 08/14/07-1D

RESOLUTION

RESOLVED, Helen Nassar appointed permanent, full time Senior Account Clerk, Human Services.

See Page 08/14/07-1E

RESOLUTION

RESOLVED, Jean Raper appointed permanent, part time Librarian, Library.

See Page 08/14/07-1F

RESOLUTION

RESOLVED, Linda Reynolds appointed permanent, full time Librarian, Library.

See Page 08/14/07-1G

RESOLUTION

RESOLVED, Amy Gates appointed permanent, full time Senior Clerk Typist, County Clerk's Office.

See Page 08/14/07-1H

RESOLUTION

RESOLVED, Matthew Kriegl, appointed permanent, full time GIS Trainee, Information Technology Department.

See Page 08/14/07-2A

RESOLUTION

RESOLVED, Michelle Nesti appointed provisional, full time Senior Clerk Transcriber, Division of Social Services, Human Services Department.

See Page 08/14/07-2B

RESOLUTION

RESOLVED, Anthony DeNichilo appointed provisional, part time Security Guard, Sheriff's Office.

See Page 08/14/07-2C

RESOLUTION

RESOLVED, Sandra Liebl appointed provisional, full time Senior Clerk Transcriber, Superintendent of School's Office.

See Page 08/14/07-2D

RESOLUTION

RESOLVED, Corey Fischer appointed temporary, as needed Recreational Leader, Parks and Recreation.

See Page 08/14/07-2E

RESOLUTION

RESOLVED, Tait Mandler appointed temporary, as needed Recreational Leader, Parks and Recreation.

See Page 08/14/07-2F

RESOLUTION

RESOLVED, Lauren Fischer appointed temporary, as needed Recreational Leader, Parks and Recreation.

See Page 08/14/07-2G

RESOLUTION

RESOLVED, Courtney Ngai appointed temporary, as needed Recreational Leader, Parks and Recreation.

See Page 08/14/07-2H

RESOLUTION

RESOLVED, Marc Katz, Public Health Representative 3, Health Department, adjustment of hours.

See Page 08/14/07-2I

RESOLUTION

RESOLVED, Amy Jo Seeley, Senior Technician MIS, Information Technology Department, adjustment of hours.

See Page 08/14/07-2J

RESOLUTION

RESOLVED, Jonathan James, Road Repairer, Roads, Bridges and Engineering, salary adjustment.

See Page 08/14/07-2K

RESOLUTION

RESOLVED, Denise B. Doolan re-appointed unclassified, full time Clerk to the Board of Chosen Freeholders, Freeholders' Office.

See Page 08/14/07-2L

RESOLUTION

RESOLVED, Approving salary adjustments for the County Clerk, County Surrogate and County Sheriff.

See Page 08/14/07-2M

RESOLUTION

RESOLVED, Approving the appointment of Mark Paradis and Irene Pasternak to the Area Agency on Aging Advisory Council.

See Page 08/14/07-2N

RESOLUTION

RESOLVED, Approving a contract modification with the NJ Department of Human Services, Division of Disability Services, for the continued administration of non-service related aspects of the Personal Assistant Services, increased ceiling amount of \$42,320.00.

See Page 08/14/07-2O

RESOLUTION

RESOLVED, Approving a Lease Agreement, for a County-owned 1992 IR DD24 Roller, as an in-kind service with the Township of Holland, for the period of August 20, 2007 through September 3, 2007.

See Page 08/14/07-2P

RESOLUTION

RESOLVED, Authorizing the return of a cash Performance Bond to Ferruggia Associates, LLC, in the amount of \$110,368.57.

See Page 08/14/07-3A

RESOLUTION

RESOLVED, Authorizing the return of a cash Road Opening Bond to Eric Gochko, in the amount of \$1,000.00.

See Page 08/14/07-3B

RESOLUTION

RESOLVED, Authorizing the return of a cash Road Opening Bond to James Foran, in the amount of \$400.00.

**ROLL CALL: (AYES) MR. PETERSON, MR. SWOREN, MR. HOLT, MR. MELICK,
MR. MULLER.**

Mr. Sworen moved and Mr. Peterson seconded these:

See Page 08/14/07-3C

RESOLUTION

RESOLVED, Michael Rasimowicz, Division Head, Information Technology Department, adjustment of hours.

See Page 08/14/07-3D

RESOLUTION

RESOLVED, Michael Rasimowicz, appointed provisional, full time Manager I, Information Processing, in the Information Technology Department.

**ROLL CALL: (AYES) MR. SWOREN, MR. PETERSON, MR. HOLT, MR. MELICK,
MR. MULLER.**

Mr. Peterson had some procedural questions regarding Item #25, regarding Administrative Policy #2007-02, for County In-Kind Services/Equipment Loaning by municipalities and other outside agencies. He doesn't feel the County should have to approve each request that comes to the County; maybe a first time request if all the paperwork is in order. He questioned emergent situations. Mrs. Yard reported she reached out to John Glynn, Director, Roads, Bridges and Engineering about this because it is usually his department that receives emergency types of requests. She explained when emergent requests are received she canvasses the Board for approval or not.

Mrs. Yard explained the reason behind the policy, a few years ago when the Board decided it could not be giving out in-kind services without the Freeholders knowing the reason behind it; what is the County "good" and what it will cost and if it is labor intensive. It was decided requests for in-kind services would be brought before the Board.

Mrs. Yard feels repetitive requests could be agreed to after the initial review by the Board. If the request is emergent, there is a mechanism in place to handle those emergency requests.

Mrs. Yard explained this policy came about because the County cannot be giving away services without the Board understanding what is involved, whether it is the County "good" or if it is labor intensive.

Mr. Peterson asked if Department Heads could be given more oversight on making the determinations, so the Board doesn't receive all the requests, such as after the original paperwork is done for the initial request. He feels once the County gets involved with the Shared Services with the Chamber of Commerce, it will be a clearing house and the County won't be making those decisions, there will be agreements entered into and those agreements will set forth the terms; then it will be a clearing house, which is what is being done in Somerset County and that is the model being touted throughout the State.

Mr. Peterson feels until the Chamber of Commerce has the Shared Services up and running, the County should mimic them and have the requester fill out the application the first time, put an agreement in place, and then let our department heads organize the scheduling and approval. If there is something the department head is unsure of, or uncomfortable with, then they can send the request to the Board for review or County Counsel can review it to make sure it's within the guidelines. Mr. Peterson thinks the Freeholders are getting too much, into the day to day operations.

Mr. DeSapio recommended for repetitive requests that the request be made for a certain amount of time, because the longer the request goes, the less likely it is that someone is making sure they have insurance certificates or signing the agreement. He explained the County had a problem years ago where department heads got into the habit of signing contracts for the Freeholders to purchase things. There was the situation where a department head committed the County to something and the Freeholders were not aware of it, and did not agree to it.

Mr. DeSapio thinks for repetitive requests, they can be handled in bulk and monitored to see how many there actually are. A delegation system could be set up with the County Administrator serving as the clearinghouse. Department heads are subject to pressure from agencies asking for requests and insisting, saying the Freeholders would not object; so, occasionally department heads need the cover of the Freeholders to say no or even to say yes to a request. Mr. Glynn would like to see a provision for emergency requests.

Mr. Sworen feels there are a few issues being discussed here but everyone is looking in the right direction. First, the County is going to Shared Services which will involve all new contracts and there will be specific payments. Today, there are groups/organization/towns that have in the past utilized services from the County, which have a track record and there is a good process being used. This policy is needed to be put in place, so that insurance certificates are acquired and whatever else is necessary with the request. Second, the Freeholders do not need to make a decision on each request, especially the emergency requests. Our department heads, such as Mr. Glynn, already have in place a list of people/towns that have used specific equipment before. On this type of requests, where there is a good track record, while they still have to submit insurance certificates and a request, there is the ability to approve them. If it is a new request, it should come before the Board.

After further discussion, Mr. Sworen recommended the Board adopt the In-Kind policy today, make any necessary changes and the revised policy can be adopted at the next meeting. Mr. Holt noted the piece missing from this policy, and he would ask that it be placed in the policy, the date of pickup, the date of use and the date of return. There can't be any open ended requests because for scheduling purposes the County needs to know where its equipment is.

Mrs. Yard informed the Board one of the frustrations, felt by some department heads, is that when municipalities call making a request, they state they have already talked to Freeholder so and so; or they have already talked to a couple Freeholders and they agree that you should do x, y, z for me. Mrs. Yard explained she just had this conversation with one of the department heads within the past two days, and they relayed to her that their department doesn't have enough people for is being asked of them. That is why these requests come before the Freeholders. Department heads have always been instructed that the County work must be done first, and if the Freeholder Board agrees, a request received will incur overtime or something else, then the Freeholder need to give approval. When department heads get calls from municipalities and its prefaced by they have already talked to Freeholder X, who said to call, that is putting the department head in a difficult position but is the County department heads are able to say there is a process and if it isn't an emergency, it has to go before the Freeholders who will make the decision whether to pay overtime, or hire more people, or whatever the case maybe. Mr. Holt confirmed if there is an emergent situation the department head has to make a decision and the Board will/should support the department head. If it is a standard request, it must go through a policy that exists.

Mr. Sworen confirmed the County currently has a policy for these types of request. Mrs. Yard advised there was a memorandum to department heads on May 26, 2006, as far as how to do "In-Kind" or "Shared Services". It was then formalized into a policy and this is the result of the need for the insurance and so.

Mr. Sworen moved and Mr. Holt seconded this:

See Page 08/14/07-4A

RESOLUTION

RESOLVED, Authorizing the adoption of Administrative Policy #2007-02, County In-Kind Services/Equipment Loaning by municipalities & other outside agencies.

ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. MELICK, MR. PETERSON, MR. MULLER.

FOR DISCUSSION

Haz-Mat Technician

John Beckley, Health Director, came before the Board asking for authorization to recruit Haz-Mat Technicians from other County Departments with the understanding that these individuals would be eligible to assist in after hour coverage.

After Hours Coverage

John Beckley, Health Director, came before the Board looking for Freeholder support for two issues; the first being that he is not comfortable with his department's after hour's coverage. He used to have four to six Health Department staff, credentialed and able to respond to Haz-Mat incidents and now he has only three. He would like to build the pool of trained Haz-Mat technicians that he can count on.

Mr. Holt asked Mr. Beckley to explain to the Board, what these Haz-Mat Technicians respond to.

Mr. Beckley explained there is average of 80 to 100 Haz-Mat response incidents per year. While some occur during the day, a certain percentage occurs after hours and these individuals have to respond to a scene. These individuals also respond to calls, mostly from Emergency Services, on other issues relating to the Health Department, such as rabies reports, dead bird reports, flooding or fires affecting retail food establishments, reports of discharges to the surface water and streams, and occasionally a communicable disease type report. There are a variety of issues that can come up after hours or on weekends, where a Health Department person needs to respond and his office does not have a pool of people, particularly for the Haz-Mat responses.

Mr. Beckley would like approval from the Board to recruit, if need be, additional Haz-Mat Technicians from other County departments.

Mr. Holt questioned what the training involves.

Mr. Sworen stated to get the training to be a Haz-Mat Technician, which is 80 hours, you need to be a part of a Haz-Mat Team, according to the State.

Mr. Beckley advised the County's Division of Emergency Management, of the Public Safety Department holds monthly Haz-Mat meetings. So there is not only an initial training time obligation, which is two weeks out of the work, but there are also monthly meetings where the Haz-Mat Team members gather and they train periodically. There is an ongoing time commitment. Mr. Beckley informed the Board if a spill occurred during the day and that person is asked to respond, would they be released from their regular County job to assist. He would like these people to be able to respond at night, after hours, also and he would recommend they be compensated the same way the Health Department staff people are.

Mr. Melick questioned how these people are currently compensated. Mr. Beckley stated the volunteers are not compensated but Health Department staff that respond receive compensation time or time and a half. Mrs. Yard explained the union contract reads if any Health Department employee, if they are notified off hours they are guaranteed 15 minutes for the phone call and if they are activated, they are paid overtime for that, just as are the Road Department employees who get called out at night.

Director Muller confirmed the County bills for being called out during a Haz-Mat incident. Mr. Beckley explained the Health Department works with the County's Finance Department by filling out a form which captures the number of hours of overtime pay to County employees and the costs for disposables used on the site such as brooms, pads, etc. as there is a value to all items used. Finance sends an invoice to the responsible party, and in most cases that is a trucking company. It was noted that this practice started in 1993, and to date the Health Department has billed about \$87,000 and collected has been \$54,000; so there is 61% recovery rate. Director Muller confirmed this is billed at cost, with no markup for labor.

Director Muller asked if it would be cost effective for the County to make up 25% on top of the County's overtime rate, because most of the time, this is covered by insurance. Mr. Sworen asked what the statute calls for. Mr. Beckley explained what the County is doing now, is enabled pursuant to a Freeholder Resolution adopted earlier. Mr. Sworen advised there is a statute which controls this process. The Freeholders need to know what the statute is and what the clarifications are that would allow certain things to happen. Municipalities are allowed to take a specific markup for insurance, use of vehicles, office processing, and that is covered under a statute.

William Powell, County Emergency Management Coordinator, Department of Public Safety informed the Board that the Haz-Mat Respond in Hunterdon County is split into two sections, the Health Department being the CEHA (County Environmental Health) representative on behalf of the State Department of Environmental Protection. There have been incidents over the past year where the Health Department has had trouble finding someone to respond. There were also two incidents where no one from the Health Department has responded. The County's Office of Emergency Management responds with the Haz-Mat team, so either Mr. Powell or his deputy will respond. He is able to do a lot of paperwork for the Health Department, and provides it to them, when they arrive at the scene.

Mr. Powell advised this is the first he is hearing about recruiting from other departments. While he does not have an issue with that but he was not aware that was something being considered. If the County is looking for people to respond to emergencies, that is something he should be involved in, since the volunteer team falls under his office.

Mr. Powell informed the Board that his office does not bill for use of the vehicles, as the current resolution by the Freeholders does not allow for that but if done, he feels a lot of funds could be retrieved towards the vehicle maintenance.

Director Muller stated the Freeholders need to view a list of everything between the Health Department and the Office of Emergency Management which could be billable.

Mr. Holt advised the resolution being mentioned was crafted in 1993, and after 14 years, it seems that it needs to be revised to meet what today's demands are with respect to what the State Statute reads and what costs the County recapture and cost the County should be recapturing for. If there are costs associated with response to Haz-Mat incidents that the County is not billing for, then this needs to be revisited.

Mr. Holt recommended Mr. Beckley and Mr. Powell review the 1993 Freeholder Resolution and draft a revision for the Board to review and approve.

Mr. Powell feels if extra call-out representation is needed, there is no reason why the Division of Emergency Management cannot assist in doing the DEP paperwork on site, as required as part of the InterLocal Agreement. By regulation the Division of Emergency Management has to be available 24 hours, 7 days a week. While the Health Department is on a call out system, Emergency Management is an on-call system. Mrs. Yard advised since Mr. Powell is on-call like that, he has a County vehicle, and that is part of the vehicle policy.

Mr. Peterson asked why the County doesn't have a higher collection rate. Charles Balogh, Jr., County Treasurer, informed the Board that he wasn't aware that the collection rate was that low. Mr. Beckley said the question is how much the County wants to spend in trying to retrieve these funds. Mr. DeSapio feels in-house counsel, Michelle Nodes, could be assigned to do this. Mr. Powell advised in-house counsel has worked on some of these in the past. Mr. DeSapio will set up a meeting with in-house counsel, Mr. Powell and someone from the Health Department to talk about the process and Mrs. Nodes can set something up, and move forward.

Mr. Peterson asked Mr. Powell if he has received the same training as the Health Department. Mr. Powell stated there is no requirement for a Haz-Mat Technician to have to do the paperwork; they need to do the actual work.

Mr. Peterson said since someone is always going to be available at the Division of Emergency Management, then if Mr. Powell goes through the training to be a Haz-Mat Technician, then the County would have a person who is trained that would automatically be on site. Mrs. Yard informed Mr. Peterson that she and Mr. Holt have discussed this and it will be considered. Mr. Peterson feels more people should be made available, but if there are people who are required to be at the scene, then they should also be trained and that would eliminate many of these concerns.

Mr. Powell stated the training is only offered at certain times by the state and there are two courses coming up, one is in October and the other is in February. The Deputy Office of Emergency Management Coordinator is scheduled to take the October course, to bring him up to the technician level. His understanding from other counties is that for a person to be at the scene, you don't have to have a technician's license.

Mr. DeSapio recommended to the Board, that there be some discussion about the role that the department head whose employees will be solicited is going to have in making a decision on whether or not their employee can participate, since its not only the question of training but it will be the question of release time, if there is an emergency during working hours. He noted there are currently 17 volunteers who do not receive pay; so there is a question if the employees from other departments are expected to volunteer without pay or with pay. The County must also get a clarification and acknowledgement from the union if it will be done without pay, if they are volunteers. If these things have not been discussed, then before the Board authorizes this, he would recommend having a brief internal meeting to go over issues that need to be thought about prior to the next meeting. Director Muller agreed.

Mr. Peterson questioned if the County has asked for volunteers who do not work for the County? Mr. Powell explained the Haz-Mat team recently took on a new member, this past month. They are always looking for new members and have advertised in newspapers in the past. There are about 16 members at this time. There are issues with some of the team members because the by-laws they currently operate under only require them to attend 50% of the meetings and drills but don't require anytime of call volume. That is being considered to be changed because there is about a group of 6 volunteers who regularly attend incidents and there is a group of 10 that are rarely seen at incidents. Mr. Powell stated he has talked with his director about this, as well as the County Administrator, and they discussed different ways to correct this. They are working on recommendations to change the By-Laws to correct this. Mrs. Yard stated there are County volunteers and non-County volunteers. Mr. Powell stated Rick Roll at the Jail volunteers when he is not working.

Mr. Holt confirmed there is a need to get back to a certain level of technicians. There are a number of questions that have been raised with respect to how to do it. So, in theory, the County may have to look outside of the Health Department, so it needs to be determined how that would happen. The County needs to determine how volunteers would fit into this plan. He said Mr. DeSapio has indicated that an internal dialog is necessary to work on those details. He recommended the Freeholder Board should acknowledge that there is a request to look at this and the staffing level for the Haz-Mat and then set the process in motion. Once that has been done, and individuals have been identified, then part of the internal dialog should be what the policy will be as far as their needs and so on. Mr. Holt feels this can be accomplished internally. Mrs. Yard stated it may also involve a change in the current policy.

Mr. Holt told Mr. Beckley, he would like to see the County become proactive. Mr. Beckley agreed saying the County needs to strengthen its response capabilities.

Vehicle Policy

Mrs. Yard advised part of the County's vehicle policy when it was implemented, that every time someone is called from the 911 Center, they are to call back if they are going out. There is a CAD report that tracks everything. Managers should use this as a management tool. So far this year, anything that has to do with the Health Department, and it was tracked from January through today. There was 18 times that the Health Department was notified and only 1 involved an actual response. The CAD report is suppose to be a management tool for the County's managers, and it is something that was built into the policy so when someone states they need vehicles all the time because so and so is called out in the middle of the night, it can be tracked and decisions can be made based on fact. Mr. Holt confirmed when vehicle need is identified, it will have the backup documentation.

Mr. Powell informed the Board, back in the early 1990's, when the Haz-Mat team was started, there was an Advisory Council to steer the Haz-Mat response in the County. That Advisory Council has since been disbanded. He realizes people feel there is a problem with the present system and he would recommend putting together a work group made of the appropriate County officials to see where the County wants to go with the Haz-Mat Response. Mrs. Yard told Mr. Powell, if there are expectations and standards of participation by the Haz-Mat Technicians and they don't live up to them, then the By-Laws should reflect it accordingly. They can't take on this responsibility and then not fulfill that responsibility.

Director Muller agreed a meeting needs to be set up and he would recommend the Freeholder Liaisons to the Health Department and Emergency Management attend that meeting. Mr. DeSapio asked Mrs. Yard to set up the meeting.

PROCLAMATIONS/RECOGNITIONS

Mr. Sworen moved and Mr. Holt seconded this:

See Page 08/14/07-7A

PROCLAMATION

RESOLVED, Recognizing Nicholas Vaughn Pillon for obtaining the distinction of Eagle Scout

**ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. MELICK, MR. PETERSON,
MR. MULLER.**

FINANCE

Charles Balogh, Jr., County Treasurer, informed the Board that the 2006 Audit has been received. The Hunterdon County Board of Chosen Freeholders acknowledged receipt of 2006 Hunterdon County Audit.

ROADS and BRIDGES Update

County Bridges

John P. Glynn, Director, Roads, Bridges and Engineering advised the County has 243 bridges; some are posted and some are structurally deficient, some are geometrically obsolescent. Every bridge is inspected and there is a rating system. Mr. Glynn explained the rating system.

Mr. Sworen advised a press conference was held by the New Jersey Association of Counties, (NJAC), last week to talk about the funding for bridges in the State of New Jersey. There was a \$110 million funding mechanism in 1999 which has now been spent. The New Jersey Department of Transportation came up with a list of bridges and out of Hunterdon's 243, there are 52 County bridges which are functionally obsolete and 58 which are structurally deficient. The purpose of the press conference was to inform the Legislature and get them moving towards getting another grant from the state. The amount of money being sought is \$247 million a year from the state to work on some of these bridges. The press questioned why Hunterdon had so many problem bridges and the answer is that they are not a problem, Hunterdon has a lot of old stone arch bridges and iron truss bridges which were sufficient when they were built but now when someone builds a bunch of houses, it increases traffic on bridges which used to have around 20 vehicles go over it a day and three hay wagons and now there are around 5,000 vehicles a day going over the bridges. There are also concrete trucks and construction vehicles going across these small bridges that were never designed for such loads. There are heavy loads going over the bridges and they collapse.

Mr. Glynn confirmed that in the past year Hunterdon had at least two bridges collapsed and at least a dozen bridges failed since he's been with the County.

Mr. Sworen stated this is not an issue of maintenance; it's the fact that people are misusing the bridges by going over the weight limits on them and they are being used more than they are designed for. The purpose of the press conference was to bring this to everyone's attention.

Mr. Peterson questioned what a structurally deficient bridge could mean. Mr. Glynn explained it could have a very poor deck. The rating of the deck comes to less than 5; a 4 or below would put the bridge as a structurally deficient bridge. It could be the superstructure which is the main supporting elements that spans from the concrete or it could be the substructure of the bridge has a crack and if it is rated 4 or below, it is structurally deficient. If a bridge is rated 2 or less for the structural condition or the waterway adequacy, than that also makes a structural deficient bridge.

Director Muller asked Mr. Glynn to pick three bridges for the Board to review, so that they can see the different types of bridges the County has and to view the various problems.

Mr. Glynn reported the state is the ultimate responsible party for all bridges; the federal government has given that responsibility to the state. The state does all the contracting with the County's consulting groups. The County is asked to help manage the inspection projects by the state, so the County manages the inspection projects for the state.

Mr. Glynn advised there are some bridges that various Freeholder Boards and this Board has made a decision to preserve and they will always be rated as functionally obsolete, such as the Clinton Town bridge, Rockafellow Mills bridge and the Raven Rock-Rosemont Truss. Those bridges are always going to come up with a very low, functionally obsolete rating number, because they are one-lane bridges. The County made that decision and now the County is trying to get federal funds to pay for them, if a bridge can't be maintained up to 15 tons and have justification on why, which is why the historical significance of those bridges has been developed.

Mr. Holt stated the County consistently put money in its budget each year to fund roads and bridges maintenance. The County Department of Roads, Bridges and Engineering has been extremely proactive in maintaining roads and bridges. Road and Bridge projects are ongoing each year. Mr. Holt stated Mr. Glynn's office is not reactionary, waiting for a bridge to fail, it is proactive in terms of funding and maintenance. Mr. Glynn stated the Freeholder Boards have been very proactive the funding. The State of New Jersey in 1999, gave Hunterdon \$7.1 million and that money was spent on a couple of bridges. The County tries to do 4 or 5 bridges a year to bring the bridge inventory up to a certain level of service.

Mr. Melick asked the number of bridges have been done since Mr. Glynn has been here, and he's been here 30 years. Mr. Glynn stated work has been done on almost every bridge in the past 30 years, whether it was a deck or a beam. The County has been doing 6 or 7 bridges a year.

Mr. Melick noted every bridge in the Rockaway/Tewksbury/Readington area has been worked on since he became a freeholder in 1978. Mr. Glynn noted the work was needed. Prior to the era of the 1970's, it was pay as you go. The idea was to repair, patch and replace for the bridges. The Freeholders made a commitment to not only upgrade the bridges but the roadway system. The County used to have a significant problem with the roadway system.

Mr. Glynn updated the Board on various County road and bridge projects.

- Crosswalks have been upgraded for County Route 579, in Ringoes, and more signing has been put in to improve the pedestrian circulation of Route 579 and Route 179.
- The surface course for Route 579 to Route 31 to the Mercer County Line will be put in within two weeks.
- A meeting will be held with Union Township on the Route 513 project to discuss the various issues with the Milligan Farm Development, and to discuss the rest of 513.
- A meeting will be held with Readington Township and the local police to discuss the time of construction for Route 523 through Whitehouse Station. The last time work was done in the area, it was at night and it wasn't well received by the local residents.
- County Bridge H-1 opened yesterday. The guide rail and pylon stone work still needs to be done.
- County Bridge D-347 on Dunkard Church Road will be removed in mid-September and the boxes should be received in early October.
- The County is waiting to receive the contract modification for County Bridge D-345 from the design group on the final layout.
- Punch list items need to be done for County Bridge K-136 on Union Road in Kingwood Township.
- Comments have been forwarded to Warren County concerning InterCounty Bridge B-26-W.
- County Bridge M-112 on Mill Street in Milford has been removed and the steel is being erected.
- The wetlands permit has been received for County Bridge R-99. A proposal will be put together for the materials as the work will be done in-house.
- A preconstruction meeting will be scheduled for the tree clearing on County Route 523, from the Buffalo Farm south towards Flemington.
- The Message Signs have been received and Engineering will be working with Buildings and Maintenance on the installation at the Route 31 Complex and the Route 12 Complex.
- Work is being done at the Parks and Recreation to determine where the self-contained dispensing unit will be located.
- The County is waiting for responses from the Bureau of Environmental Analysis in Trenton, New Jersey on various projects.
- A public meeting will be scheduled for outreach for the Station Station Road Bridge. This is a historical truss the County is trying to preserve. This spans the South Bridge between Raritan and Readington Townships.
- Right of way negotiations are ongoing on the two intersection projects for Bartles Corner. Everyone is on board except the Dvoors, they are talking about developing a mechanism for right of entry.

Foran Blvd.

Director Muller questioned Mr. Glynn about Foran Blvd. Mr. Glynn reported he has talked with the Mayor of Flemington and he was going to have their Engineer call, but that has not happened. Flemington Borough has to be ready to go to bid in September, otherwise their permit will expire. The project has to be advanced. Plans and specifications for the first phase should be advertised in September.

Main St. County Complex

Mr. Glynn provided the Board with a plan sheet for the back of the Main Street County Complex. Mannon Excavating is willing to extend the quantity the County has for surface treatment project, except there isn't an item for curbing. Mr. Glynn feels the price Mannon provided for curbing is a fair price at \$16 a linear price, everything else is at the unit price currently in the contract. The total for the work would be \$67,958.25. Mr. Glynn noted the lighting will be done internally but the foundations and the underground conduit has to be put in place. Funds are in place for this work, as part of the Court House project. Mr. Sworen moved and Mr. Holt seconded a motion authorizing Mr. Glynn to obtain a supplemental contract modification with Mannon Excavating and Paving for work to be done at the Main Street County Complex parking area, in an amount not to exceed \$67,958.25.

ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. MELICK, MR. PETERSON, MR. MULLER.

Mr. Glynn informed the Board the County has an ongoing surface treatment project. The County purchased a new striping machine which is not rolling and is going back to the repair shop to get a brake and air shocks installed. A center line is needed on certain County roads that have been chip sealed, Route 513 from Frenchtown to Everittstown; and 579 from 523 to Croton; and 614 from Spring Mills up to the Hickory; 643 and 627. Mr. Glynn advised the County can't wait for this machine to come back. Mannon has provided a fair price for striping, and he will subcontract this to a third party. Mr. Melick moved and Mr. Sworen seconded a motion authorizing Mr. Glynn to obtain an agreement with Mannon Excavating and Paving to provide a center line on the above listed County roads, in an amount not to exceed \$85,027.

ROLL CALL: (AYES) MR. MELICK, MR. SWOREN, MR. HOLT, MR. PETERSON, MR. MULLER.

Mr. Melick left the meeting at 4:35 p.m.

FARMLAND PRESERVATION

Mr. Sworen moved and Mr. Holt seconded this:

See Page 08/14/07-9A

RESOLUTION

RESOLVED, Approving a deed of easement and grant agreement with Clifford Scott Sekel, on Block 35, Lots 87 and 91.012, in Lebanon Township, (SADC - \$333,801.80, Federal - \$78,541.60, County - \$0, Township - \$78,541.60), total amount \$490,885.00.

**ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. PETERSON, MR. MULLER.
(ABSENT) MR. MELICK.**

Sue Dziamara, Planning Board Director, informed the Board that the public hearing for Cross Acceptance will be held on August 22, 2007, at 6:30 p.m. in the Library Assembly Room. The State Office of Smart Growth will conduct the hearing.

COUNTY CLERK Update

Mary Melfi, County Clerk provided the Board with a quarterly update.

- In the first and second quarter, combined, 837 transactions have been done. That represents anything done outside of the normal business hours, (during the extended hours). Net affect on the income has been paying for the overtime through the Trust Fund. The net affect to date has been \$14,500.
- The Visa/Mastercard has been accepted by the public.
- The course "Searching the Search Room" was held in April 2007; another one is scheduled for October 13, 2007. 3 title searches have agreed to assist the public.
- A pamphlet was printed "A Homeowners Guide to Good Deeds" was printed, and it also available online. This describes how to get a deed, what is in the County Clerk's Office and records.
- The mobile County/Municipal ID program has started, the office is working with 11 municipalities. A problem occurred yesterday in High Bridge as it is not ADA accessible, so a resident was unable to obtain a County ID. Ms. Melfi contacted the individual as High Bridge has offered their Fire House. On Thursday, prior to going to Union Township, the Clerk will stop in High Bridge to issue an ID to this individual.

Director Muller offered to pay for this individual's ID because she has to come back to have it done. He provided the Clerk with that money.

- 18 marriages have been done.
- A program was done at the Hunterdon County Grange on July 14, 2007 for public awareness.
- A Bi-Lingual person joined the Clerk's staff and she has been a tremendous assist, especially with the passports. Hunterdon County is 100% in getting people off to their vacations with passports.
- The elections ran smoothly with results being posted on line.
- The Clerk developed a County Election Calendar which contains all the key election dates, and it runs July 2007 through June 2008. This calendar has been mailed to all County Committee people, both parties, it is at both party headquarters, it has been sent to all school boards. The calendar is available at the County Clerk's Office.
- Notice was received there is \$10 million in the state budget for the presidential primary. The Clerk is working with the Supervisor of the County's Board of Elections as it is not known yet how those funds will be disbursed.
- A 6204 Xerox wide format copier has been ordered and will be paid for out of the Clerk's Trust Fund. This copier will enable documents to be scanned and placed directly into the Clerk's data system.
- A copy of the drafted response on the copier lawsuit was received and a meeting will take place with County Counsel on this matter.
- Ms. Melfi asked to recognize Carrie Moore and Jacqui Rochelle of the Information Technology Department. They have been a great asset to the Clerk's Office and getting all the documents online, as well as mobile ID program. Ms. Melfi recognized the County Print Shop who did a tremendous job on the calendar and the guide.
- The veterans ID program will begin during the next quarter.
- The County Clerk will be participating in the Chamber of Commerce's EXPO.

Mr. Sworen advised the County Clerk's ID program came to Frenchtown Borough and it was a positive experience.

OPEN SPACE

Schleicher Easement Request

To discuss a request by William Schleicher, for a deed of easement (non-exclusive) for an easement across a portion of Block 2, Lot 100, Township of Tewksbury.

Director Muller recognized William Schleicher and his attorney, Mr. Thatcher to come forward.

Mr. Sworen stated he would like to have Freeholder Melick participate in the discussion. Mr. DeSapio explained that Mr. Melick was going to recuse himself, but if the Board would like him to participate, he could sit in the audience. Mr. Sworen feels Mr. Melick might have to answer some questions before this Board can make a decision.

Mr. Melick came into the meeting, and sat in the audience. Mr. DeSapio explained that the situation with William Schleicher on his request for an easement over the Columbia Trail. He informed the Board that Mr. Melick was recusing himself but Freeholder Sworen has said he may have some questions that he might want to ask, so it was suggested Mr. Melick sit in the audience in case he has a question.

Mr. DeSapio informed the Board, the purpose of Mr. Schleicher and his counsel being present today is because when his request came up for an easement over the Columbia Trail, there is a statute which governs how the County can give rights on public lands to people or sell public lands to people. Basically the statute recites a procedure which says you have to get consideration for the property because the County has no authority constitutionally to give away public property for private benefit. The question was raised on how this could be done for no consideration. That question resulted in Mr. Richardson letting the Board know that this property was previously owned by the Board of Recreation Commissioners and that Commission, on some occasions had provided easements to property owners across the County property for them to reach their property. It was decided to investigate those circumstances and report back to the Freeholder Board on that investigation, to see how that affected Mr. Schleicher's request.

Mr. DeSapio explained those easements were granted when the parks were run by a separate Commission, a Parks Commission. Sometime in the late 1990's, the Parks Commission (Board of Recreation Commissioners) was dissolved and those properties were turned over to the County for Freeholder control by operation of law. The review of the history is complicated because when the properties were turned over the Parks Department's records were sent to the Records Retention Center/Warehouse and they were not indexed at the time. Mr. DeSapio has been able to piece some things together; he can't say everything was located specifically. The Parks and Recreation Department and the Open Space Coordinator have tried very hard to meet every request to try and locate information but specific files have not been found that deal with this easement, with the County's ownership of the property and the previous easements that were granted.

Mr. DeSapio reported from the bits and pieces they have been able to cull, and through talking with Mike Ligorano, the attorney for the Board of Recreation Commissioners, and taking with David Hay who was on the Commission about what happened. An overview would be that the County did not acquire this property until December 30, 1994 from the Columbia Gas Pipeline Company that was in bankruptcy. There is correspondence that goes back into 1990 where the Board of Recreation Commissioners and the Parks Counsel was communicating the Columbia Gas Pipeline and a couple of property owners, and attorneys for property owners about these easements. This was an issue that predated the County's acquisition of the property by at least 4 years. In 1991, there is communication between Mr. Ligorano and a local law firm about an easement request from a party named Hoffman and the Recreation Commissioners had reviewed the request and concurred with it and was prepared to recommend to Columbia Gas that the easement should be granted. No one has a good memory as to why 4 years prior to the Parks acquiring title, why the Board of Recreation Commissioners was reviewing these easement requests. Mr. DeSapio explained in looking through the material there was probably an understanding the County was going to acquire the property because Columbia Gas was in bankruptcy proceeds. The bankruptcy took a number of years, and Columbia Gas had told the County to look over the easement requests since the County was going to acquire the property. The Board of Recreation Commissioners developed a policy, which cannot be located in a separate writing but there is various communications from the Parks Attorney to other attorneys, and property owners saying this is the County's policy. The County's Policy is if you want to obtain an easement over this trail, you have to show that you have been using it already; that it has been a long standing duration ; that it is the only means of you accessing your property; and you must furnish do a search and a survey. If the County agrees to grant the easement, will be limited to the present use.

Mr. DeSapio advised Mr. Hay related to him that the Board of Recreation Commission's policy and understanding was that if someone had 30 or 50 acres, that an easement would not be an easements, so they could develop; if someone was using an entry was to gain access to their house or farm parcel, it would be confirmed in writing that they could continue doing that, because today people need to have a good title. The County would not require payment for this if they could show they have been using it for access for years. He asked Mr. Hay that since they would not give large scale developers an easement, but what does that mean if someone had a vacant lot. Mr. Hay said the Board of Recreation Commissioners never got that far, they never had to face that issue. Only three easements were granted formally. One of the easements was granted to "Goodman" and there is a confirmation in the paperwork that the Goodman's had sued Columbia Gas Pipeline saying they have the easement by prescription, because they have sued it for years. There was a settlement of that lawsuit but no one has been able to locate a copy of it yet. Columbia Gas Pipeline has agreed to acknowledge that the easement existed because at the time of closing with the County, there was communications that they said they wanted the County to sign the easement to the Goodman's after they acquire the property because it would be less complicated because if they signed it, they would have to go back to bankruptcy court. There are minutes from the Board of Recreation Commissioners in 1995, saying that the Commissioners agreed that it would honor the settlement with Mr. and Mrs. Goodman and would execute the easement to Mr. and Mrs. Goodman, which was done.

Mr. DeSapio advised in reviewing those Recreation minutes, there is a heading that says Columbia Gas Easement requests and it notes that Counsel has received numerous inquiries from attorneys and individuals as to the status of this matter. Counsel advised them that this matter is on hold pending the outcome of the bankruptcy.

Mr. DeSapio reported there were 3 easements which were signed by the Board of Recreation Commission, one was on March 31, 1995 to Mr. Goodman; another was March 01, 1996 to Mr. Hoffman; another was on April 16, 1996 to Mr. and Mrs. George Melick. That is the reason why Mr. Melick is recusing himself and not participating in this discussion. There is information, based on what can be gleaned from those easements that they were apparently granted as a result of the applicant following the Parks' Commission process which included proving that the access and entry existing and that it was a long standing duration and then limiting the use to what it was currently used for.

Mr. DeSapio reported there is correspondence where Mr. Schleicher was involved in contacting the Parks Commission since the late 1990's about doing the same thing for him. Mr. Schleicher wants to use a portion of the area which was already granted to Mr. Hoffman.

Mr. Sworen confirmed with Mr. Thatcher that the property in question to be developed is Block 3, Lot 29.

Mr. Thatcher stated there was previously an easement granted with Mr. Hoffman. Mr. Thatcher stated William Schleicher is looking for an easement in the area that is cross-hatched, which is approximately 36' in width and in excess of 200' in length, which goes to Venoy Roads. You will notice a stone building on Lot 29; that is partially on County property. The easement that was granted to Mr. Hoffman basically goes over that crosshatched area from his property to Venoy Road. So they are going over his driveway. Nothing new is being requested. If you look at Lot 30, owned by Wayne Golden; Mr. Golden travels from his property over the Schleicher property and over the requested easement area.

Mr. Sworen confirmed there is an active driveway being used daily. Mr. Thatcher stated lot 30 used it, Lot 3, and Mr. Schleicher also uses it. Mr. Hot stated Lot 3 has already an approved easement.

Mr. Thatcher stated Mr. Schleicher is seeking a non-exclusive easement over the entire cross-hatched area.

Mr. Thatcher stated there are no plans to develop this property. The only plan they have is to improve the structure which is on the property. This is a stone home which dates back to the early 1800's that was owned by Mr. Vernoy. It is in good condition and it can be restored. Mr. Schleicher is in the business of restoration. This is a unique, historical, one of a kind property in Hunterdon County.

Mr. Thatcher explained that Tewksbury Township will not approve this restoration project, until this problem has been resolved, with the County.

Mr. Holt asked if the restoration will change the footprint of the building on the section that is located Hunterdon County. Mr. Schleicher said it does not.

Mr. Sworen said this is the restoration of an historic building, to return it to its historical characteristics only and it is not an expansion of the building. Mr. Thatcher advised they have not gotten that far. Mr. DeSapio advised this point needs to be clarified because it will come up late in discussions.

Mr. DeSapio confirmed the building has not been resided in since the 1940's, upon information and belief. He confirmed with Mr. Schleicher that it does not have a septic, so in order to restore the building a septic would have to be put in, and probably a well and contemporary plumbing. Mr. Schleicher informed the Board, that the building had electricity at one time, it is currently disconnected but there is a meter on the side of the building. Mr. Schleicher advised there is a pole on the corner of the driveway, and there is a pole on the other lot that takes current up another driveway to Mr. Schleicher's home.

Mr. DeSapio asked Mr. Schleicher if his thought was to jut fix up this building or is an addition going to be added to it, because it doesn't seem very large given today's contemporary standards for homes. Mr. Schleicher stated the building is about 450 square feet. He was going to ask Tewksbury Township if he receives permission from the County for the easement, if he could put an addition onto the building. He consulted with an architectural historian who recommended maintaining the historical integrity of the existing building by attaching something to it with a breezeway. Mr. Schleicher said he envisions putting something rather small but something that would be acceptable to people today. The homes are small in the neighbor. He felt he could add on something that could hold a kitchen and a dining room, and maybe a master bedroom on the first floor and two bedrooms upstairs and use the existing house as a living room. The architectural historian agreed with that thought.

Mr. Sworen asked if the front or back of the building faces the trail. Mr. Schleicher stated the back of the building with the two windows faces the trail.

Mr. Holt confirmed in all the discussion Mr. Schleicher had on what to do with the property, there would be no change of the footprints of the main building. Mr. Richardson stated the County's easement never contemplated nor would have allowed an expansion of that area that encroaches on the County right of way. Mr. Richardson confirmed the crosshatch is not the width of the trail, the trail is 100' in width, and Venoy Road is to the southern most area of the existing right of way. Mr. Schleicher stated his driveway does not cross the hiking trail.

Mr. Trontis informed the Board that between the road and the hiking trail is a small grass strip. The neighbors along the road mow it, opposite their lands.

Exhibits were passed around the audience.

Mr. Holt confirmed there is an existing easement that encompasses all of what is being requested today. Mr. DeSapio stated that would be the Hoffman easement. Mr. Holt stated the Hoffman easement exists and encompasses all of what Mr. Schleicher's request is about. Mr. DeSapio said he has looked at the description but has not had time to compare it with the easement. Mr. Thatcher said if it isn't identical, it is close. He doesn't believe Hoffman was given an easement with respect to the footprint where his client's building encroaches over.

Mr. Sworen questioned if the zoning in Tewksbury Township would allow this. Mr. Schleicher stated it would require a number of variances and he doesn't know if they will grant them.

Mr. Sworen said the fact is this is still part of the County's property. His concern is for the taxpayer because there were costs to get us to this point. It took Mr. DeSapio's time and other people's time to do this work.

Mr. Sworen advised he asked Mr. Melick to be present for this discussion, not because he received an easement but he made comments about having to get an attorney. Mr. Sworen asked if there are any requests that provides an idea about how much that cost or how many hours of time was spent; because if the Freeholders are going to do these easements, the Board needs to have a judgment board that says this is about what the cost of that easement would be, or what the minimal costs would be. Obviously the costs for Mr. DeSapio's time is much higher today than when Mr. Melick obtained his easement. He feels the Freeholders have to look for money to cover the costs for doing this work. Mr. DeSapio feels the costs for the earlier easements can be determined but for this request, it will cost more than back then because he has had to reconstruct what happened so the Board would be able to know what went on.

Mr. Peterson asked how does the Board know whose house this is since it is equally split on the property. Is there a chain of title that shows the house if on Mr. Schleicher's property and that it isn't really on the County's property. Mr. Schleicher advised the line goes through the house because by eminent domain, the railroad took a 100' wide strip in a straight line and it went through the house. He does not know when they or if they ever became aware of that circumstance until modern surveys took place but for 130 years whoever owned his lot and the house paid the taxes on the house. The railroad and Columbia never paid the taxes on the house.

Mr. Peterson asked how the railroads went about acquiring land. Mr. DeSapio isn't familiar with that. Mr. Peterson would like to know more about that aspect of this because he feels it is pertinent in how this came about today. Mr. DeSapio will attempt to find a parcel map in the County Clerk's Office. He feels the property was surveyed by the railroad and a parcel map drawn, so he will attempt to find them.

Mr. Peterson questioned when Mr. Schleicher purchased the property. Mr. Schleicher purchased one of the properties in 1986 and the other property he took an option on 1986 but it did not close until 1994. The lot with the house is the property he had an option on. Mr. DeSapio confirmed Lot 31 was purchased in 1986 and Lot 29 with the house on it closed on December 14, 1994.

Mr. Peterson confirmed with Mr. Schleicher that at the time he purchased the property a survey was not done. Mr. Richardson advised that a survey was done by the County, at the County's request, and it's dated December 1994.

Mr. Peterson confirmed with Mr. Schleicher that a Title Report was done on the property. Mr. Schleicher will provide a copy. If the Board is going to ask if reflected that he did not have access to the road, the answer would be yes, but it also indicated that the access had been there for a substantial amount of time, the prescriptive easement.

Mr. DeSapio advised they found out that the Board of Recreation Commissioners' policy was if people have been using the right of way for a long period of time for a specific purpose, they would help them memorialize that they have it without having to go to court but they would not give any consent to expand that use. It sounds to him that the house has not been lived in for 65 or 70 years and there is the additional complication that it is partially located on County land. The right of way with the roadway that was used was not used within 60 years to service that particular house. He questioned if this is something the Freeholders can make an accommodation for, which is what the Recreation Commission did for the other property owners, or if this is a circumstance that (1) if it can be done the County would have to charge fair market value for doing it because the County is enabling Mr. Schleicher to develop a property in a way that it was never developed before, which has an economic value that the public is entitled to get fair consideration for.

Mr. Thatcher said there is no guarantee that Tewksbury Township will permit the restoration of this building. His gut feeling is if it is done tastefully due to its historic nature, Tewksbury would probably allow it; there is absolutely no guarantee. He does not feel this is just an accommodation, just because the property wasn't lived in since the 1940's, his client has used this property since he has owned it. He has gone up and down the driveway; as has his predecessors in title. In terms of charging consideration, Mr. Thatcher believes his client has an action for a prescriptive easement against the County. He feels he has an action for adverse possession of where this house sits, potentially. Mr. Thatcher feels a covenant not to sue and to settle with the County on getting an easement would be consideration from Mr. Schleicher back. Mr. Thatcher stated Mr. Schleicher does not want to pay any money. Mr. Thatcher would recommend something reasonable for your time be taken into consideration, to make sure everything is done correctly. He feels Mr. Schleicher could give up certain rights and he could

even acquire partial title to the property. As a practical matter, Mr. Thatcher does not want to do that but it's there and Mr. Schleicher is willing to give that up for an easement that is in existence already.

Mr. Peterson said the threat of litigation is not very strong; (1) you can't have adverse possession against a government entity; (2) he owns the adjacent property, so a prescriptive easement would be a tough argument that he would have a right to that in any function, not to mention it has not been used in an extended period of time as a residence. The settlement according to the deed from Goodman said that if it had not been used for 5 years, the easement would be extinguished. Mr. Peterson finds those two arguments difficult, not to mention Mr. Schleicher purchased the property being well aware that it was landlocked at the time without a structure on it that was currently in use.

Mr. Thatcher asked the Board to understand, in fairness to Mr. Schleicher, that he is looking to take something that has value to Tewksbury, to the County as an historic site, and restore it, if Tewksbury permits him to do that.

Mr. Peterson explained the County cannot give away what the public has purchased and paid for with good and valid considerations. Mr. Thatcher stated David Hay told him the County was given the Columbia Trail. Also, he isn't asking for anything that isn't there and isn't being used.

Mr. DeSapio feels no consideration was paid by Mike Ligorano, told the County on two occasions that it was originally going to be given to the County for nothing but since it took so long to decide to do it, that they decided to charge the County but Mr. Ligorano could not remember how much the County was charged.

Mr. Holt said if Mr. Schleicher receives approvals from Tewksbury to develop this property, and if the County grants permission for an access easement, which currently without access it won't happen and the current landowner were to profit from that; then the granting of the easement does have a profit which the public should have the right to participate. His thought is if the easement is granted and the property is developed than at some point when the profit is received, the public should benefit from that.

Mr. Thatcher feels the public would benefit from the property being developed because there would be increased taxation and the fact that it would no longer be an eyesore.

Mr. Holt stated if there is a gain to be gotten by this easement then there should be consideration back to the public. It doesn't have to happen today, but if it is development, then when it's sold, a portion should come back to the public. Mr. DeSapio advised the statute does say if the property is sold to a contiguous property owner and it is less than the minimum lot size; there has to be consideration for it. Any such sale shall be not less than the fair market value of the property.

Mr. DeSapio explained the question he is raising, is that it is one thing for the Board of Recreation Commissioner to say it is alright so and so already has a house there and he lives in the house, and he has been driving across the driveway for so many years, and he just doesn't have an easement in writing as a consideration to acknowledge the existence of that, he is being given an easement in writing. He feels that is legally sustainable. Now, it is being said in this instance, being said, is not only are we going to say you can drive in and out; but you will be given an easement saying you can drive in and out of there for the purpose of restoring the structure, putting an addition on it, so it will be marketable and in addition, to giving you the right to access, you will be given the right to maintain a structure which encroaches on the County property. If the Freeholder Board were to elect to do this, it would seem to him that it should be evaluated as to what kind of benefit this person is being given and he will have to decide if he is willing to pay the public for the benefit. That statute is designed to avoid favoritism.

Mr. Peterson thinks the Parks Department was using the facts of the Hoffman easement, which is fact specific, to give easements; which are not the facts that are here today. The prescriptive easement case was against the prior owner. He is not sure that case can be brought against the County, especially after 13 years has passed. The facts are quite different today, then when the property was acquired. His concern is that this is the property of the people of Hunterdon County and the Freeholders have been given the responsibility to ensure that it is properly used and sold. The Freeholder Board can't give away rights to the property without adequate consideration. The Board has to be cautious when proceeding in these types of issues because there maybe others.

Mr. Peterson said the Board needs to think this out before making a decision because it's not known how this will evolve into other requests.

Mr. Thatcher explained his client can't have access to Venoy Road, the land is valueless. If the County's consideration is going to be that you need to know what the fair consideration is for Mr. Schleicher to purchase access to Venoy Road, what is that.

Mr. Sworen confirmed the discussion is on Lot 29 and Lot 31 is owned by Mr. Schleicher also. He asked if there is access to Venoy Road from Lot 31. Mr. Thatcher said there is not. Mr. Schleicher advised all the properties along the trail have a little space between the property line and the pavement. Lot 31 does not abut the pavement. Mr. Sworen confirmed Mr. Schleicher does not live on the property and that this property is landlocked. Mr. Schleicher explained there is a driveway that goes on the property from Venoy Road, and that provides him access. Mr. Sworen asked if it would not be easier to provide access to that lot from Lot 31, rather than create something new. Mr. Schleicher advised if the driveways were to be combined, he would have to cross a small stream. There are neighbors who currently use it, and he is not sure how they would feel changing the alignment.

Mr. Sworen said since the driveway is on Mr. Schleicher's property; then Mr. Schleicher should have some opinion on adding access from his property.

Mr. DeSapio confirmed Lot 31 no longer has a house on it, as it burned down a few years ago. He confirmed there are other people who use the driveway through Route 31 to get to Venoy Road. Mr. Schleicher stated Lots 26, 28 and 32 uses the driveway. Mr. DeSapio confirmed Lots 26 and 28 has houses on them and Lot 31 does not.

Director Muller noted that there a member of the Freeholder Board is on a time schedule, and has to leave by a certain hour tonight. He asked if this discussion could continue at the next meeting. It will also give the County time to look at its policy.

The Board informed Mr. Thatcher and Mr. Schleicher that they will be contracted to verify what time to appear at the next meeting or the first meeting on September.

Mr. Melick returned to the meeting at 5:50 p.m.

OPEN SPACE

Mr. Sworen moved and Mr. Holt seconded this:

See Page 08/14/07-14A

RESOLUTION

RESOLVED, Approving sale of real property, formerly "Juniper III", Block 57, Lot 13, in Delaware Township, at a public auction, scheduled for September 20, 2007, conducted by Max Spann Real Estate Auction Co.

**ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. MELICK, MR. PETERSON,
MR. MULLER.**

Mr. Sworen left the meeting at 5:52 p.m.

PURCHASING

Mr. Peterson moved and Mr. Holt seconded this:

See Page 08/14/08-14B

RESOLUTION

RESOLVED, Approving Requisition #23531, with D & D Trailers, for trailers, for the Department of Public Safety, in the amount of \$12,090.00.

**ROLL CALL: (AYES) MR. PETERSON, MR. HOLT, MR. MELICK, MR. MULLER.
(ABSENT) MR. SWOREN.**

Mr. Holt moved and Mr. Peterson seconded this:

See Page 08/14/07-14C

RESOLUTION

RESOLVED, Approving Requisition #HCJ.46803, with Derby Industries, for mattresses, for the Division of Corrections of the Public Safety Department, in the amount of \$11,336.00.

**ROLL CALL: (AYES) MR. HOLT, MR. PETERSON, MR. MELICK, MR. MULLER.
(ABSENT) MR. SWOREN.**

Mr. Peterson moved and Mr. Melick seconded this:

See Page 08/14/07-14D

RESOLUTION

RESOLVED, Authorizing the award of Bid #2007-22, for roof replacement at the Correctional Facility, to VMG Group, in an amount not to exceed \$186,000.00.

**ROLL CALL: (AYES) MR. PETERSON, MR. MELICK, MR. HOLT, MR. MULLER.
(ABSENT) MR. SWOREN.**

Mr. Sworen returned to the meeting at 5:28 p.m.

Mr. Peterson moved and Mr. Holt seconded this:

See Page 08/14/07-14E

RESOLUTION

RESOLVED, Authorizing award of Bid #2007-26, to furnish and deliver transportable and portable aluminum bleachers for the County Parks Department, to Louis Barbato Landscaping, Inc., in an amount not to exceed \$42,114.00.

**ROLL CALL: (AYES) MR. PETERSON, MR. HOLT, MR. MELICK, MR. SWOREN,
MR. MULLER.**

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 08/14/07-15A

RESOLUTION

RESOLVED, Authorizing award of Bid #2007-25, for 87 Octane unleaded reformulated gasoline to the Petroleum Traders Corporation, amount not to exceed \$718,502.40.

ROLL CALL: (AYES) MR. SWOREN, MR. PETERSON, MR. HOLT, MR. MELICK, MR. MULLER.

CORRESPONDENCE

A request was received from the Tewksbury Township Forestry Advisory Board, to have a memorial plaque/tree for Mr. John Van Doren. Mr. Melick moved and Mr. Sworen seconded a motion granting permission and directed the Clerk of the Board refer this to the Department of Parks and Recreation.

ROLL CALL: (AYES) MR. MELICK, MR. SWOREN, MR. HOLT, MR. PETERSON, MR. MULLER.

GRANTS

Mr. Holt moved and Mr. Sworen seconded this:

See Page 08/14/07-15B

RESOLUTION

RESOLVED, Approving the Special Initiatives and Transportation contract with the NJ Human Services Department, Division of Family Development, for reimbursement of child care fees; employment-related transportation thru LINK; various vehicle expenses for employment for TANF, potential/post TANF consumers, in the amount of \$111,519.00.

ROLL CALL: (AYES) MR. HOLT, MR. SWOREN, MR. MELICK, MR. SWOREN, MR. MULLER.

Mr. Sworen moved and Mr. Peterson seconded these:

See Page 08/14/07-15C

RESOLUTION

RESOLVED, Approving a 2006 Enhanced 9-1-1 County Coordinator contract with the NJ Office of Information and Technology, Office of Emergency Telecommunications Services, for Enhanced Telecommunications Services, in the amount of \$25,000.00.

See Page 08/14/07-15D

RESOLUTION

RESOLVED, Approving a 2007 Enhanced 9-1-1 County Coordinator contract with the NJ Office of Information and Technology, Office of Emergency Telecommunications Services, for Enhanced Telecommunications Services, in the amount of \$25,000.00.

ROLL CALL: (AYES) MR. SWOREN, MR. PETERSON, MR. HOLT, MR. MELICK, MR. MULLER.

Mr. Sworen moved and Mr. Holt seconded this:

See Page 08/14/07-15E

RESOLUTION

RESOLVED, Approving a Sustainable Agriculture contract with the NJ Highlands Protection & Planning Council, to support the Rutgers Integrated Crop Management Program, in the amount of \$75,000.00.

ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. MELICK, MR. PETERSON, MR. MULLER.

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 08/14/07-15F

RESOLUTION

RESOLVED, Approving the FY06 & FY07 Job Access/Reverse Commute (JARC – Round 8 & 9) with NJ Transit to allocate appropriated funds for job-related transportation to the general public, TANF/Post TANF, low income & transit-dependent consumers, also supports the evening/Saturday Flemington Shuffle, (Federal -\$216,000.00; Local Match - \$216,000.00).

ROLL CALL: (AYES) MR. PETERSON, MR. SWOREN, MR. HOLT, MR. MELICK, MR. MULLER.

OPEN TO THE PUBLIC

Reaville Church

Director Muller recognized Irvin Hockenbury.

Mr. Hockenbury provided a history of why he purchased the property next to the Reaville Church in 1980 and why his attorney placed a deed restriction on the property. The Church Community purchased the property from him to use as a parking area. His attorney at the time placed a 50 year deed restriction on the property. The Presbytery decided to close the church and changed the locks. Mr. Hockenbury stated he offered to purchase the church but he wasn't considered.

Mr. Hockenbury advised according to the deed the County is to get 2 1/5 acres for parkland.

Director Muller said if the County feels it has no need for this property as a park. He thanked Mr. Hockenbury for this thought but feels its not enough land for the County to work with. What happens if the County cannot use the property?

Mr. DeSapio feels the property could revert back to Mr. Hockenbury or the County might own it and if it isn't going to be used for recreation purposes, the County might have the authority to sell it but he would need to look into that further.

Director Muller asked if the County can look into this further. He would like to know if the County can't use the property, if it would revert back to Mr. Hockenbury since it was originally his land.

Mr. Hockenbury said he would like to purchase the church and continue to use it as a church in the community of Reaville.

Mr. Peterson recently received an email regarding this property, which may be of benefit to the County. He would like to talk about this in Executive Session first.

Mr. Peterson told Mr. Hockenbury that his attorney gave him smart advice to put that covenant into the deed.

Director Muller said the Freeholder Board will discuss this further.

Barbara Pizzalatto, Annandale, New Jersey said if it was Mr. Hockenbury's property originally, then it should revert back to him.

Shelia White of Ewing Township, Presbytery Representative, feels there is a slight misinterpretation of who owns everything. The Presbytery General Assembly, which is the national church, owns everything all the churches owns, and the Presbytery is expected to take care of it. It was the Presbytery Commission that closed the church. There have been several offers on the church and two were in writing. Mr. Hockenbury did not make an offer. Mr. Hockenbury stated he was not aware the church was for sale.

Ms. White said when Mr. Hockenbury sold the church this piece of property for a parking lot, the church paid \$25,000 for the property. Director Muller advised the Board is aware of that.

Guy Stabber, East Amwell Township resident, informed the Board that he is interested in purchasing the church but the parking lot became an issue. He said the deed clearly states it has to be for recreational purposes. He is trying to have a performing arts center for Hunterdon County into the church building.

Mrs. Hockenbury feels the building should remain a church. This building has been a church and is in a historic district. She feels to change the purpose to make it a recreational theater and cafeteria would be a sacrilege.

Director Muller thanked everyone for their time.

Library Headquarters

Don Pizzalato is seeking payment for his bills in connection with work done at the Main Library Headquarters.

Mr. DeSapio informed Mr. Pizzalato that he will get back to him shortly on this matter.

Statement re: High Bridge

Denise Doolan, Clerk of the Board read a statement from Mike Jones who is unable to attend tonight's meeting.

Mr. Jones understands the Freeholder Board is considering whether to give money to High Bridge to purchase open space for what is currently the Catanzaretti Development. He asked the Board consider giving as much as possible, and is allowed for open space.

FREEHOLDERS ASSIGNMENT REPORTS

Link

Mr. Holt reported a Countywide meeting was held with the Health Department, the County's Office of Emergency Management, the Hunterdon Medical Center and the State with regard to having an open dialog on the notification of the Link System. 60 people attended this meeting with good information coming out of the meeting; including there are some updates within the Link System that needs to take place.

FEMA Meetings

Mr. Sworen reported on two meetings with FEMA, which was attended by OEM, State OEM and Federal OEM. It was a very good contact meeting. He feels because of the efforts of the County and the OEM, there was \$1 million allocated for 100% buyouts for Frenchtown Borough and that is still in process. Discussions were held on flood prevention and getting money into Hunterdon County for flood prevention. The day after this meeting, he met with Congressman Holt to continue the dialog and requested more help from the Congressional offices to assist Hunterdon in getting more funding. Also discussed was continuing the All Hazards Plan with the County helping the municipalities.

Polytech Vacancy

Mr. Sworen moved and Mr. Holt seconded this:

See Page 08/14/07-17A

RESOLUTION

RESOLVED, Approving the appointment of Judith Formalarie to the Hunterdon County Vocational School Board, known as Polytech.

**ROLL CALL: (AYES) MR. SWOREN, MR. HOLT, MR. PETERSON, MR. MULLER.
(ABSTAIN) MR. MELICK.**

Easements

Mr. Sworen said the easement discussed earlier today, it has been a very costly exercise. This is thousands of dollars being spent on something that does not profit the County. Is there some way when these requests from private citizens are received to have an escrow set up? Is there a way to establish an escrow to pay for County Counsel's time, and maybe the Open Space Coordinator's time.

After a brief discussion, Mr. DeSapio said he will work with the County Administrator to develop a policy for these types of requests.

Parks Advisory Board

Mr. Peterson reported that the Parks Advisory Board is looking to change the name of the Harbinger and the formal, as well, because it looks like all those other newspaper you get in the mail for fee that are thrown away. The public will be asked to submit names.

The Board discussed printing the Harbinger in-house to save on costs.

Mr. Holt left the meeting at 6:30 p.m. to attend a viewing.

Questions answered for the press.

EXECUTIVE SESSION REQUESTS

Mr. Sworen moved and Mr. Peterson seconded these:

See Page 08/14/07-17B

RESOLUTION

RESOLVED, Executive Session to discuss a request received from the County Surrogate.

See Page 08/14/07-17C

RESOLUTION

RESOLVED, Executive Session to discuss the issue of non-compliance by various employees with the County's internet policy.

See Page 08/14/07-17D

RESOLUTION

RESOLVED, Executive Session to discuss a request for a possible salary adjustment for the Deputy County Clerk.

See Page 08/14/07-17E

RESOLUTION

RESOLVED, Executive Session to discuss appointments/reappointments to the Professional Advisory Committee on Alcoholism and Drug Abuse.

**ROLL CALL: (AYES) MR. SWOREN, MR. PETERSON, MR. MELICK, MR. MULLER.
(ABSENT) MR. HOLT.**

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 6:37 p.m. and reconvened in Open Session at 6:57 p.m.

There being no further business to come before the Board, Director Muller adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board