

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

January 23, 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 Palladino 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."

FLAG SALUTE

Pledge of Allegiance.

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."

Mr. Holt moved and Mr. Sworen seconded a motion to approve the regular session minutes of November 28, 2006.

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

Mr. Holt moved and Mr. Sworen seconded a motion to approve the Social Services Funds Report for December 2006.

See Page 01/23/07-1A SOCIAL SERVICES FUNDS REPORT

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

Mr. Holt moved and Mr. Sworen seconded these:

See Page 01/23/07-1B RESOLUTION

RESOLVED, Lisa Backowski appointed unclassified, full time Confidential Aide, County Clerk's Office.

See Page 01/23/07-1C RESOLUTION

RESOLVED, Jenifer Prokofiew appointed permanent, full time Youth Worker, Youth Facility, Public Safety.

See Page 01/23/07-1D RESOLUTION

RESOLVED, James Mackin appointed permanent, full time Laborer, Roads, Bridges and Engineering.

See Page 01/23/07-1E RESOLUTION

RESOLVED, Jenny Deemer appointed permanent, full time Building Maintenance Worker, Buildings and Maintenance.

See Page 01/23/07-1F RESOLUTION

RESOLVED, Edward Dufford appointed permanent, full time Printing Machine Operator I, Central Printing and Mail.

See Page 01/23/07-1G RESOLUTION

RESOLVED, Kristin Brown appointed provisional, full time Health Educator, Health Department.

See Page 01/23/07-2A

RESOLUTION

RESOLVED, Approving 2007 Longevity for unclassified and non-contact employees.

See Page 01/23/07-2B

RESOLUTION

RESOLVED, Approving 2007 Longevity for employees covered under the CWA Supervisors contract.

See Page 01/23/07-2C

RESOLUTION

RESOLVED, Authorizing the Director and County Counsel to sign the Federal 2007 Fiscal Certifications and Assurances for the Federal Transit Administration Assistance Program.

See Page 01/23/07-2D

RESOLUTION

RESOLVED, Approving the appointment of Meghan Randolph to the Health and Human Services Advisory Council.

See Page 01/23/07-2E

RESOLUTION

RESOLVED, Approving the appointment of John Sherlock to the Construction Board of Appeals.

See Page 01/23/07-2F

RESOLUTION

RESOLVED, Approving the reappointment of George B. Melick to the Hunterdon County Utilities Authority.

See Page 01/23/07-2G

RESOLUTION

RESOLVED, Approving reappointments to the North Jersey Resource Conservation and Development Council.

See Page 01/23/07-2H

RESOLUTION

RESOLVED, Approving a contract with G.L. Entertainment for a concert performance by the Stardust Big Band, on July 5, 2007, for the "Music Under the Stars" concert series, in the amount of \$2,700.

See Page 01/23/07-2I

RESOLUTION

RESOLVED, Approving a contract with the Hunterdon Symphony for a concert performance on July 21, 2007, for the "Music Under the Stars" concert series, in the amount of \$3,000.

See Page 01/23/07-2J

RESOLUTION

RESOLVED, Approving a contract with Barbara MacNiels for a concert performance on July 28, 2007, for the "Music Under the Stars" concert series, amount of \$2,500.

See Page 01/23/07-2K

RESOLUTION

RESOLVED, Approving a contract with The Greencards for a concert performance on July 19, 2007, for the "Music Under the Stars" concert series, amount of \$2,650.

See Page 01/23/07-2L

RESOLUTION

RESOLVED, Approving an agreement with Clinton Township for reimbursement of services by Hatch Mott MacDonald, to complete the Clinton Township Wastewater Management Plan, in an amount up to \$40,000.

See Page 01/23/07-2M

RESOLUTION

RESOLVED, Approving a public hearing on Tuesday, February 13, 2007 at 5:30 p.m. on Intersection Improvements for County Route 513, County Route 612 and River Road, in Raritan Township.

See Page 01/23/07-2N

RESOLUTION

RESOLVED, Recognizing Linda Bryant for having served on the Area Agency on Aging Advisory Council.

See Page 01/23/07-2O

RESOLUTION

RESOLVED, Recognizing Miguel Mendez for having served on the Area Agency on Aging Advisory Council.

See Page 01/23/07-2P

RESOLUTION

RESOLVED, Recognizing Robert Myhre for having served on the Construction Board of Appeals.

See Page 01/23/07-3A

RESOLUTION

RESOLVED, Recognizing Lucille Hornby for having served on the Library Commission.

See Page 01/23/07-3B

RESOLUTION

RESOLVED, Recognizing Estelle Katcher for having served on the Cultural and Heritage Commission.

See Page 01/23/07-3C

RESOLUTION

RESOLVED, Recognizing Laura McKay for having served on the Health and Human Services Advisory Council.

See Page 01/23/07-3D

RESOLUTION

RESOLVED, Recognizing Mary Melfi for having served on the Planning Board.

See Page 01/23/07-3E

RESOLUTION

RESOLVED, Approving change order #1, for Bid #2006-16, for resurfacing and surface treatment of various County roads, with Mannon Excavating and Paving Co., Inc., decrease of \$160,251.08.

See Page 01/23/07-3F

RESOLUTION

RESOLVED, Authorizing the award of contract for the Multi-Jurisdictional Narcotics Task Force, in the amount of \$208,326 (Federal funds \$104,163, County match \$104,163).

See Page 01/23/07-3G

RESOLUTION

RESOLVED, Accepting a subgrant award for the Megan's Law Sex Offender Internet Registry, amount of \$2,040.

See Page 01/23/07-3H

RESOLUTION

RESOLVED, Approving the 2007 Subregional Transportation Planning program contract, with the North Jersey Transportation Planning Authority, in the amount of \$64,880, (FHWA-\$38,928, FTA-\$12,976, County Match-\$12,976).

See Page 01/23/07-3I

RESOLUTION

RESOLVED, Doris Terris appointed temporary, when and as needed Instructor, Division of Senior Services, Human Services Department.

See Page 01/23/07-3J

RESOLUTION

RESOLVED, Paul Chandonnet appointed temporary, when and as needed Instructor, Division of Senior Services, Human Services Department.

See Page 01/23/07-3K

RESOLUTION

RESOLVED, Christine Chandonnet appointed temporary, when and as needed Instructor, Division of Senior Services, Human Services Department.

See Page 01/23/07-2L

PROCLAMATION

RESOLVED, Recognizing Timothy Smith for having attained the designation of Eagle Scout.

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

Mr. Melick reported at a Freeholders' executive session the Board discussed the settlement by an insurance company and a questioned was raised about the attendance of an undersheriff, in addition to questions concerning the leave/attendance cards. He feels it would be inappropriate for the Freeholders to honor the request for the payment of that salary.

Mr. Peterson came into the meeting at 3:12 p.m.

After discussion with County Counsel DeSapio, the issue concerning a mechanism by which a salary can be withheld will be discussed in executive session today. Mr. Melick further explained he brought this forward today because there has been no resolution from the Prosecutor's Office on this issue.

Mr. Holt moved and Mr. Sworen seconded a motion to approve claims in accordance with the Claims Register dated January 23, 2007.

See Page 01/23/07-2M

CLAIMS REGISTER

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 01/23/07-4A

RESOLUTION

RESOLVED, Approving, upon the recommendation of the Open Space Advisory Committee, for eight (8) Municipal Grant applications and three (3) nonprofit grant applications for Open Space Trust Funds.

Mr. Holt asked Kevin Richardson, Open Space Trust Fund Coordinator to read for the record the process for the plan element in the applications because he is concerned about any application where there is a plan element, that there be an accountability process.

Mr. Richardson reported plan application projects submitted through the Hunterdon County Municipal Grant program are on a reimbursable basis. There are certain prerequisites which must be satisfied in order for the County to consider releasing approved grant funds; first being a copy of the draft plan for the County's review; as well as an itemized cost detailing the specific costs contributable to the planned project. Once an application and plan are received, it is conditional on receipt, review and acceptance of the plan by the Open Space Advisory Committee and recommendation to the Board of Chosen Freeholders for final say, prior to funds being released.

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

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-4B

RESOLUTION

RESOLVED, Setting the salary for the County Clerk of Hunterdon County.

Mr. Melick reported there was discussion in executive session concerning the salary for the County Clerk and he voluntarily did not participate in that session because he did not feel it was proper since previous discussions were held in open session and executive session minutes with regarding to constitutional salaries were released. He asked for an explanation of the rational.

Mr. Peterson explained there was a legal issue which had not been resolved with regard to the County Clerk. He confirmed that closed session minutes concerning constitutional salaries were released from last year and he too would have preferred the meeting held yesterday would have been in open session also. Mr. Peterson reported he was advised if you object to the closed session, you can remain in the closed session, and your objection is noted on the record but you stay in the meeting so you hear the discussion and know what is going on in the meeting. Mr. Peterson explained that is what he did yesterday.

Mr. Peterson advised the minimum County Clerk's salary is set by New Jersey Statute based on the Superior Court Judges' salary and the Deputy County Clerk has a maximum salary by statute and the first Deputy's salary cannot exceed 75% of the Clerk's salary. Since Hunterdon has elected a new County Clerk, the salary was set at the base Clerk's salary and the problem was that based on that the Deputy Clerk's salary exceeded the 75% threshold. The question the Freeholders faced is "what legally are the options in rectifying this issue created by state statute." The resolution was to increase the Clerk's salary by \$190 so that the Deputy Clerk's salary would not exceed the threshold set by statute.

Mr. Melick questioned if other options were considered. Mr. Peterson advised the other option was to reduce the Deputy Clerk's salary by \$140. Mr. DeSapio explained he advised that he did not think the County could or should reduce an employee's salary while they were serving without fault.

Mr. Peterson and Mr. Melick agreed this is a reasonable solution. Mr. Melick would have preferred the matter have been discussed in open session.

Mr. Holt explained the purpose of the closed session was so the two new Freeholders on the Board could get a history and background of the issue.

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

FINANCE

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-4C

TEMPORARY CAPITAL BUDGET

RESOLVED, Approving the Temporary Capital Budget.

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

COUNTY UPDATE

Repetitive Flood Claim Program

Cynthia J. Yard, County Administrator, updated the Board concerning the Federal FY 2007 Repetitive Flood Claim Program. At the last meeting on January 09, 2007, a citizen came before the Board asking the County's participation in the Repetitive Flood Claim Program. A team of

County professionals were assembled and met on January 11, 2007 to try and evaluate what is involved in this grant and how the County could go about actualizing that and if it is something that the Freeholders could embrace. The citizens made a representation that she had been told by either FEMA or someone that this is a very simple process. The County's staff went into the January 11, 2007 meeting to try and not only accommodate this Frenchtown resident but any other residents from river communities that might have been effected by the repetitive floods.

Mrs. Yard provided information to the press and public, the documentation provided to the Freeholder Board on what was considered by the group, what the purpose was, what the internal evaluation and analysis was and the recommendation of the group. The group then contacted Howard Wolfe who made a special trip to Hunterdon County to meet with Ken Bogen of the Planning Board and Kevin Richardson, Open Space Trust Fund Coordinator to discuss the mechanics of the grant. Mrs. Yard submitted to the Freeholders comments and recommendations from that meeting.

Mrs. Yard explained there is a great deal of information that is required to be deemed eligible for the Repetitive Flood Claim Program grant. The recommendation from the County team was to set its sights for a January 2008 application because it would be impossible to complete the necessary paperwork for the January 30, 2007 deadline, to address all the requirements to obtain a grant.

Mrs. Yard reported the County did commit to the citizen to look into a Repetitive Flood Claim Program grant and it has been aggressively looked at and it is not humanly possible to get everything requested done to participate in 2007.

Mrs. Yard recommended to the Freeholder Board that the river communities have a lot of common denominators and the Chamber of Commerce maybe a forum as they have a \$150,000 grant for shared services.

Mrs. Yard advised given the fact of what needs to be done to be eligible for those grant funds, you have to prepare a profile, get approval from the State Historic Preservation Office, and you need a relationship with the State Department of Transportation and the State Department of Environmental Protection to talk about the future of the parcel. You also need to consider, after going through the program, is that the landowner can still say they aren't going to accept the offer.

Mr. Sworen thanked Mrs. Yard and the County staff for the extraordinary effort they did in trying to help out the residents along the Delaware River. They did something that could not have been done by any of the river municipalities based on staffing and knowledge. The County staff has a lot of knowledge and those people came together to see what could be done.

Mr. Sworen advised the Repetitive Flood Claim Program is something that no one knew about and that seems to be the general theme with a lot of FEMA (Federal Emergency Management Association) programs. Nine of Hunterdon's communities were effected including 200 plus residences with 300/400 people and it could happen again.

Mr. Sworen reported he has been approached by three people concerning this Repetitive Flood Claim Program but they are not on the FEMA list for being eligible for this program.

Mrs. Yard reported if the County is going to apply for the 2008 Repetitive Flood Claim Program grant, what the County's partnership is needs to be clearly defined, so everyone knows what their function is and what the objectives are.

Mr. Sworen feels getting the information together was the hardest part and the final responsibility to be the sub-applicant is probably a municipal responsibility because of the requirements to maintain the property as open space and to do the required reporting on the property every three years.

Director Muller acknowledged the hard work by Mrs. Yard and the County's staff in getting this information gathered within two weeks after a constituent brought to the Board's attention. Mrs. Yard got this information in an extremely timely fashion.

Director Muller confirmed that Freeholder Sworen, who is also the Liaison to Emergency Management, will coordinate a meeting with river communities to see what their level of interest in regarding the Repetitive Flood Claim Program and provide that information back to Mrs. Yard. The County needs to determine if this is something those municipalities are interested in participating in.

Status of Emergency Services Building project

George Wagner, Director, Public Safety, reported the contractor has advised that the Dispatch Room will be available for operations on or about May 16, 2007. The County Architect, Frank Bell, has a suggested color pallet for the exterior of the building. The building is located in the middle of a field, and we are trying to be friendly to our neighbors. The Board approved the colors as recommended by the architect and the County Project Administrator.

Mr. Wagner reported his staff aggressively tries to identify grant funding opportunities to offset some of the costs of the infrastructure, because not only is a building being redone but the whole radio system is being rebuilt. To date his office has been the recipient of almost \$2 million of grant funding, not only through the Federal Homeland Security grants but through the local New Jersey State grants.

Mr. Melick left the meeting at 4:40 p.m.

Director Muller confirmed May 16, 2007 is when the new Dispatch Center is anticipated to be operational and the contractor has identified that September 28, 2007 will be the last day they are on site.

Highlands' Grant

Mrs. Yard reported a time sensitive grant has been received asking the County initiate an application for a pass through grant. The grant is through the Highlands to promote and educate the public regarding farm stands.

John Melick of Hunterdon County and Peter Neise from Morris County came before the Board. Mr. Melick explained he is the President of the New Jersey Council of Farmers and Communities, which is an organization based upon 25/30 communities throughout central and north Jersey and roughly 30 farmers who market their produce at tailgate markets. This organization facilitates these markets in the communities, organizing the farmers and setting up the markets in various communities.

Mr. Holt moved and Mr. Sworen seconded this:

See Page 01/23/07-6A

RESOLUTION

RESOLVED, Approving a grant application with the New Jersey Highlands Council for the New Jersey Council of Farmers and Communities, in the amount of \$50,000 to help promote tail gate farm markets.

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

Monitoring Grants

Mr. DeSapio advised the Freeholder Board has had discussions on grants and how to monitor them and the Board could set some design expectations on what will be accomplished with this grant. The New Jersey Council of Farmers and Communities could provide the Freeholders with a report on what has been accomplished with the grant.

Mrs. Yard reported once the application has been accepted by the Board for grants, the measurable objectives are put in place. Mrs. Yard will work with the New Jersey Council of Farmers and Communities so the integrity of the process is maintained, even through this is just a pass through grant.

Mr. Melick returned to the meeting at 4:45 p.m.

GRANTS

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-6B

RESOLUTION

RESOLVED, Approving a public donor agreement to the Social Services Block Grant to ensure the operation of the Human Services Advisory Council, administration of the Child Abuse and Missing Children's Commission and a component of the County funded School Based Initiative Program, in the amount of \$15,405 and a County match of \$2,485; along with a contract in the amount of \$71,949 for state funds.

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

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-6C

RESOLUTION

RESOLVED, Approving a state contract for Homeless Related Services, in the amount of \$56,399 in state funds.

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

Mr. Peterson moved and Mr. Holt seconded this:

See Page 01/23/07-6D

RESOLUTION

RESOLVED, Approving an amendment to Area Plan Grant #10-001, for administration, increase in federal funds of \$2,500 and a decrease in local funds of \$41,798.

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

Mr. Peterson moved and Mr. Holt seconded this:

See Page 01/23/07-7A

RESOLUTION

RESOLVED, Approving a grant renewal application with Delta Dental, to provide dental programs to low income/uninsured children.

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

Mr. Holt moved and Mr. Peterson seconded this:

See Page 01/23/07-7B

RESOLUTION

RESOLVED, Authorizing the extension of the 2006 County Environmental Health Act Grant, through June 30, 2007.

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

Mr. Peterson moved and Mr. Holt seconded this:

See Page 01/23/07-7C

RESOLUTION

RESOLVED, Approving the submission of an application to the New Jersey Highlands Council on behalf of the New Jersey Council of Farmers and communities, for an amount of \$50,000 to be used for public promotion and education of community based farm markets.

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

PARIS Grant update

Robert Thurgarland, Director, Central Printing and Mail and Mike Rasimowicz, Division Head, Technology Support of Information Technology came before the Board to provide an update on the PARIS (Public Archives and Records Infrastructure Support) grant.

Mr. Rasimowicz reported one of the projects through the PARIS grant was to look at fiber optics to connect some of the County's campuses. The Freeholders conceptually approved this last year but it is now realized that the grant is not going to cover 100% of the project in 2007.

Mrs. Yard reported there are grant funds available to start the fiber connectivity project but if for some reason the PARIS grant funds dried up or the dollar amount of the award changes, they need to know that the Freeholders have embraced this project and will continue. These gentlemen are looking for a commitment from the Board that if grants are no longer available that County money can be used to continue this project.

Mr. Sworen reported he's met with Mr. Thurgarland and Mr. Rasimowicz to discuss specific issues and the future. He's happy to report these gentlemen have good plans in place for the County's future for fiber optics and spending PARIS funds.

Mr. Sworen advised the fiber connectivity project will allow the County to receive more funding through the PARIS grant, as well as manage the County's records and update the County systems with fiber. This proposal is excellent and he would recommend the Board approve it.

Mr. Peterson confirmed this project would link the different County campuses with fiber optics. Mr. Rasimowicz explained this will be done using fiber connectivity on telephone poles. A Request for Proposal would have to be prepared and put out for the project. They have talked with Embarq and First Energy.

Mr. Peterson questioned why the County needs to be connected by fiber optics. Mr. Sworen explained fiber is a lot faster and as we move towards the future in moving information back and forth, such as documents and videos, so the amount of information is increasing which makes the need for speed critical. Currently the County has five different campuses with five basic systems and the future is going to be looking towards consolidation and having one basic system that goes out to all the campuses instead of having satellite systems.

Mr. Rasimowicz further explained the fiber optics also help facilitate some of the shared services initiatives, specifically coming from the state level; they would like to see one localized law enforcement network where the County would have the HUB and that would be the basis of providing it to the municipalities.

Mr. Peterson understands the benefits but the question is does the County need it. Mr. Thurgarland thinks the County is looking proactively for the future needs of the County and the expansion of the County and this provides the County to leverage existing monies now rather than having to pay for it later when grant funds are not available.

Mrs. Yard stated PARIS is very specific on what is an allowable project and the Freeholders already embraced the concept and the project is just being brought to the next level. Mr. Thurgarland explained the Public Archives and Records Infrastructure Support grant department realizes a lot of the counties have the basic groundwork for handling paper documentation, the

retention periods but they also realize that today things are created electronically and has the same legal requirements for retention and discovery. The counties are being allowed to apply for building their infrastructure, consolidating servers, mirrored backup servers, helping to reduce staff time effort and allowing counties to maintain their eligibility for those retentions that counties are obligated to do and eventually, if the Freeholder Board chooses, for the County to be a centralized hub for municipalities should they want to participate. Without the infrastructure the County would not have the mechanism in place for the municipalities to participate.

Mr. Melick confirmed with Mr. Thurgarland that the likelihood of Hunterdon County getting another PARIS grant is very good. He confirmed PARIS funds are still coming to the County for work in the County Clerk's office. He asked if staff could be reduced. Mr. Sworen feels by centralizing the five campuses the County can reduce its overhead costs and perhaps people costs. Mr. Rasimowicz confirmed for Mr. Peterson that the campuses cannot be centralized at this time because there is no infrastructure in place to do it.

Mr. Rasimowicz explained one initiative of the PARIS grant is disaster recovery, for continuation of business if the event of a disaster. If Hunterdon County had fiber optics it would be able to save data at one location and at the records center in the warehouse. The reoccurring maintenance costs are around \$14,000 per year annually for the whole system. The County's current connectivity with the T-1 lines and the equipment currently leased from the telephone company would be terminated and costs would be saved. The way technology changes, you can only plan for what is available today. Mrs. Yard reported this project is being phased in because three years from now, there may be more efficient or effective ways to connect fiber optically. In addition, the project is being phased in so as to take advantage of future grant years.

Mr. Thurgarland advised a commitment is needed from the Freeholder Board in order to move forward and put the RFP out. Mrs. Yard stated as future applications are sent for PARIS grant funds, it would be with the understanding that those funds would be applied towards one of the phases of this project.

Director Muller directed Mr. Thurgarland and Mr. Rasimowicz to move forward with the project for fiber optics.

Mr. Thurgarland reported \$194,000 has been received from the PARIS grant to conduct a municipal needs assessment, to survey all participating municipalities. Counties are required to offer and fund a municipal needs assessment to continue to be eligible for future PARIS grant funding. Municipalities are required to either conduct their own needs assessment to fund that project or to participate in a county funded project. Hunterdon has acquired the funding of \$194,000 to do this; Mrs. Yard has prepared a letter to be sent to municipalities soliciting their participation. Once the County received responses back from the municipalities, Hunterdon would develop a review of that information for the Freeholders. Mr. Thurgarland stated the County is not committed in getting into shared services but this needs assessment would allow municipalities to inform the Freeholders in a report if they want to participate in some sort of future money leveraging projects and if the municipality wanted to participate in a shared service initiative they could apply directly on their own at no taxpayer costs. Mrs. Yard advised this is the chain of events that PARIS is asking the County to go through, to be able to leverage the \$194,000. It is totally up to the municipalities to participate, so the County needs to send them a letter informing them what the project is about and what the implications are if they chose to do or not participate.

After further discussion, Mr. Sworen moved and Mr. Holt seconded a motion authorizing Mr. Thurgarland and Mr. Rasimowicz to continuing moving forward with the municipal partnership for the PARIS grant and directing Mrs. Yard to send a letter to all municipalities asking if they want to participate in the program. Mr. Thurgarland stated if a municipality wishes to participate, their governing body will send the County a Letter of Intent and resolution indicating their desire to participate.

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

POLYTECH

Mr. Holt moved and Mr. Sworen seconded this:

See Page 01/23/07-8A

PROCLAMATION

RESOLVED, Recognizing February 2007 as Career and Technical Education Month.

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

Director Muller presented Richard Van Gulik, Superintendent of the Hunterdon County Vocational School Board with the proclamation for Career and Technical Education Month.

Director Muller recognized James T. DeCuollo, Senior at Hunterdon Central Regional High School, who is a Junior in the ROTC program. Mr. DeCuollo informed the Board after graduation he will be attending either Norwich or BMI University.

Director Muller recognized Keria Smith, Senior at Hunterdon Central Regional High School, who is in the Auto Body program through Polytech. Ms. Smith has already received \$40,000 in scholarships and will be attending McPherson College, in McPherson, Kansas. The College is giving her an \$11,000 scholarship for each year she attends as long as she maintains a 3.5 GPA.

Mr. Melick left the meeting at 4:15 p.m.

FARMLAND PRESERVATION

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 01/23/07-9A

RESOLUTION

RESOLVED, Authorizing a grant agreement for the acquisition of a Development Easement from Salvatore and Phyllis DiSabatino, on Block 10, Lot 58, in Alexandria Township, (SADC - \$148,230.94, County - \$32,133.98, Township - \$32,133.98), total amount of \$212,498.90.

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

SADC proposed rules

County Counsel DeSapio advised at the last Freeholder Meeting, on January 09, 2007, the Board discussed comments to be submitted to the State Agriculture Development Committee (SADC) within their rule period which expires on February 02, 2007. The County Agriculture Development Board (CADB) forwarded some comments which Leilani Hershey, Senior Planner, County Planning Board authored and the CADB approved.

The Hunterdon County Board of Chosen Freeholders agreed to look at the most recent draft of the letter to be sent to the SADC and if there are no changes, the Freeholder Director is authorized to sign same.

PLANNING BOARD

Sue Dziamara, Planning Board Director, updated the Board on the Farmland Preservation Program.

- 26 farms closed in 2006.
- 2 farms have closed in January 2007.
- 31 applications are at the state waiting for some level of action by the SADC.
- There are 58 active Planning Incentive Grant (PIG) applications.

PROJECT UPDATE

Frank J. Bell, AIA, County Project Administrator, updated the Board on various County projects and facilities.

- Raritan Township has been contacted to conduct the final inspection on the fire alarm system at the Route 12 Library Headquarters.
- Search areas are being completed in the Hall of Records. Painting is being done in various rooms. The flooring should be in within the next week and a half. Once the flooring is in place, the shelving can be installed in the search areas and the lower area of the building. After those items have been completed, the State, through the PARIS grant, will come and do an inspection around March 1, 2007. The second part of the PARIS grant funding will be the front portion of the Hall of Records and that work will start late March. The Southard Building work is part of the PARIS grant also, and when work begins on that building, those offices will be moved into the swing space at the old Jail building.
- Roofing has been placed on the Route 12 Garage addition and steel is now in the office section, which is between the existing garage and the new garage building. A change order is being negotiated for the fiber glass doors at the garage.
- Bids are due January 25, 2007 for the Deer Path Park rest rooms and the Arboretum projects.
- The Project Administrator and County Administrator met with the Supervisor of the Board of Elections and it was agreed to keep the existing office furniture but move the personnel around to better outfit their needs. There will be a need for additional furniture and that will be taken from inventory for election time when the Election Commission is present.
- Bids were reviewed for the jail/correctional facility roof and a recommendation has been made to reject them.

PURCHASING

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 01/23/07-9B

RESOLUTION

RESOLVED, Approving Requisition #IT.2647, with Westwood Computer Corp., for APC Infrastructure Symmetra UPS rack mounted battery back up system, for the County Library, in the amount of \$59,879.

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

Mr. Peterson moved and Mr. Holt seconded this:

See Page 01/23/07-9C

RESOLUTION

RESOLVED, Approving Requisition #3871, with Stewart Industries, for a shredder, for Central Printing & Mail, in the amount of \$8,200.

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

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-10A

RESOLUTION

RESOLVED, Approving Requisition #Human Services.03537, with Knoll, c/o Evenson Best LLC, for furniture for Human Services, in the amount of \$6,414.79.

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

Mr. Melick moved and Mr. Peterson seconded this:

See Page 01/23/07-10B

RESOLUTION

RESOLVED, Requisition #40014271, with Garden State Highway Products, for aluminum sign blanks, for Traffic Maintenance, in the amount of \$13,146.25.

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

Mr. Peterson moved and Mr. Melick seconded this:

See Page 01/23/07-10C

RESOLUTION

RESOLVED, Authorizing the award of Quote #0081-2006, to C.L. Orbaker, appraisal services for the acquisition of a right of way for intersection construction, in Raritan Twp, amount of \$11,000.

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

Mr. Melick moved and Mr. Holt seconded this:

See Page 01/23/07-10D

RESOLUTION

RESOLVED, Authorizing the award of Quote #0075-2006, surveying services for the Farmland Preservation Program, (Verity Farm in Franklin Twp), to Maser Consulting, PA, amount of \$8,820.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 01/23/07-10E

RESOLUTION

RESOLVED, Authorizing the award of County Quote #0075-2006, for surveying services for the Farmland Preservation Program, for the Cifrese/Geha Farm in Delaware Township and the Newcomb Farm in Kingwood Township, to Bohren & Bohren Associates, Inc., amount of \$12,200.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 01/23/07-10F

RESOLUTION

RESOLVED, Approving the rejection of bids received for County Bid #2006-46, for the replacement of the roof at the Hunterdon County Correctional Facility.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 01/23/07-10G

RESOLUTION

RESOLVED, Authorizing the award of Bid #2006-44, for the lease of golf carts to be used at Heron Glen Golf Course, to E-Z-Go Textron, amount not to exceed \$239,688.

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

Mr. Melick moved and Mr. Peterson seconded this:

See Page 01/23/07-10H

RESOLUTION

RESOLVED, Authorizing the award of Bid #2006-47, to furnish and deliver three (3) magnum mobile generators or their approved equivalent, for Roads, Bridges and Engineering, to Emergency Systems Service Co., in an amount not to exceed \$142,740.

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

Mr. Peterson moved and Mr. Melick seconded this:

See Page 01/23/07-11A

RESOLUTION

RESOLVED, Authorizing the award of Bid #2006-49, for the reconstruction of County Bridge K-136, on Union Road, over the Lackatong Creek, in Kingwood Township, to Sparwick Contracting, Inc., in an amount not to exceed \$710,988.

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

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-11B

RESOLUTION

RESOLVED, Authorizing a modification to Bid #2202-31, for an extension through February 28, 2007, for the maintenance of Radio Communications Equipment, with TuWay Mobile Communications, Inc., increase of \$41,749.98.

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

Mr. Sworen moved and Mr. Peterson seconded this:

See Page 01/23/07-11C

RESOLUTION

RESOLVED, Authorizing a modification to Bid #2005-27, to provide data processing services for the Tax Board, extending the contract through April 16, 2007, with Vital Communications, Inc., increase of \$26,049.99.

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

Mr. Holt moved and Mr. Peterson seconded this:

See Page 01/23/07-11D

RESOLUTION

RESOLVED, Approving County Competitive Contract #2006-45, for Certified/Non Certified Home Health Aide services, to Open Arms Health, LLC, in an amount not to exceed \$200,000 over a two year period.

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

Mr. Peterson moved and Mr. Melick seconded this:

See Page 01/23/07-11E

RESOLUTION

RESOLVED, Approving County Competitive Contract #2006-45, for Certified/Non Certified Home Health Aide services, to ANC Care LLC, d/b/a Comfort Keepers, in an amount not to exceed \$80,000 over a two year period.

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

Mr. Peterson moved and Mr. Melick seconded this:

See Page 01/23/07-11F

RESOLUTION

RESOLVED, Approving County Competitive Contract #2006-45, for Certified/Non Certified Home Health Aide services, to All Quality Care, Inc., in an amount not to exceed \$200,000 over a two year period.

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

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 01/23/07-11G

RESOLUTION

RESOLVED, Approving modification #1 extending the agreement with Correctional Health Services, Inc., through March 26, 2007, to provide necessary medical care for inmates at the County's Correctional Facility, increase of \$79,168.

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

COUNTY COUNSEL

Health Insurance

Mr. DeSapio explained at the last Freeholders meeting, January 09, 2007, he was asked report on the policy the former Freeholder Board adopted on November 28, 2007 concerning Freeholders being required to pay for the cost of their health insurance.

Mr. DeSapio reported the Freeholders are not considered employees of the County, they are considered the employers, therefore the freedom of post conditions on their own positions, do not apply to everyone else. When Freeholders set their salaries, it is done through a special procedure including advertising and public bidding; however, that statute which permits the Freeholders to set salaries notes that the Freeholders may provide themselves with health benefits insurance in addition to a salary. The law which permits the County to pay for health benefits specifically permits the County to provide those benefits to elected officials; it also permits the Freeholders to require contributions from employees; for employees covered by a union, those contributions can only be negotiated; for employees not covered by a union, the Freeholders would be free to set the contributions reasonably based upon how it will effect employee moral.

Mr. DeSapio further stated if the Freeholders elect to provide health benefits to some elected officials, you can't discriminate and must provide them to all elected officials. Therefore the resolution adopted by the former Board adopted in November, 2006 was deficient and the question becomes whether the resolution is void to begin with or merely void able upon the complaint of someone who was injured; so it would stay in effect until one of the existing Freeholders steps forward to complain. The resolution legally is not void from the outset since the Freeholders have the authority to act in the area that the resolution covered.

Mr. Sworen objected to the November 28, 2006 resolution concerning health benefits because he feels it was done 100% legally and it is discriminating.

Mr. DeSapio advised the Board that the resolution adopted on November 28, 2006 is not enforceable.

Mr. Sworen stated for the record that he is not accepting medical benefits through the County.

Mr. Melick feels this issue should come up during the budgeting process to see what is done for the taxpayers. He has made arrangements through the County Finance Office to pay for his health benefits.

Director Muller explained this is something that the Board should continue to look at objectively in 2007. It has been checked to see if additional monies could be taken from the Freeholders' pay for this matter but it is not allowable. He personally will be contributing an additional 2% of his yearly salary; so his contribution would be what a person making \$51,000 would pay in a year. Any freeholder can write a check and put money back into the County.

Mr. Peterson advised he too has funds taken out of his salary for health insurance. He was informed by a colleague of new different insurance plans that are available and could reduce costs for insurance for all the County's employees and not change their status financially. Some of these plans have unique ways of pricing insurance. He plans on bringing this to the Board when he has additional information, so it can be reviewed with the County Treasurer and the Human Resources Director, who negotiates the health insurance for the County. He feels this maybe a way to substantially decrease the health insurance costs for the County.

Mr. Sworen has also been approached by insurance companies, and he will be bringing that information before the Board.

FREEHOLDERS ASSIGNMENT REPORTS

Passports

Mr. Peterson asked that the County Clerk, Mary Melfi report on his behalf. Ms. Melfi thanked the Board for there support on "Passport Saturdays". There has been a tremendous response from residents seeking passports. Somerset County has Thursday night hours until 6:30 p.m. and they are processing between 30 to 60 passports between 4:30 p.m. until 6:30 p.m. To offset Hunterdon's overtime for this program, the County would have to process 30 passports to break even. Ms. Melfi is confident with the new laws that went into effect recently that this will be a successful program which will pay for itself.

Records Room Course

Ms. Melfi reported Karla Lamendola, Records Room Supervisor, would like to run a course on what the Records Room is, what it does and what is in the Records Room. Jeff Sepela with the Hunterdon County Educational Services Commission (ESC) agreed to put this course in the Adult Education Program. Ms. Melfi is asking for Freeholder support to conduct this program and have an ad placed in the ESC Adult Education Courses Bulletin for the Spring Semester, for a course entitled: "Searching the Search Room". The Course would take place on Saturday, April 28, 2007 and cost around \$30 which would cover the cost to have the building open. If this program is successful, she would come back to the Board for permission to have it placed in the Fall Adult Education course booklet.

After a brief discussion, the Board authorized Ms. Melfi to move forward on having a course held for "Searching the Search Room" through the ESC Adult Education program.

Signage/County Clerk's Office

Ms. Melfi advised people are having a problem finding the County Clerk's Office in its temporary location of the third floor of the former County Jail building behind the historic Court House. The Board directed Frank Bell, County Project Administrator and John P. Glynn, Director of Roads, Bridges and Engineering to assist with signage for the County Clerk's Office.

Vector Control Program

Mr. Holt reported a letter has been received from Rutgers congratulating the County on its plan for the Vector Control Program.

Chamber of Commerce/Health Department

Mr. Holt reported the Health Director, John Beckley, is meeting on February 15, 2007 with the business community with regard to the pandemic flu and what they can do if they lose 30/40% of their workforce. The County Health Department is co-sponsoring this program with the Hunterdon County Chamber of Commerce.

Mr. Beckley explained Influenza Pandemic is a concern that is worldwide at this time. It is one of the prime public health challenges and the County Department of Health is spending much time on this subject. The objective of the County Health Department is to protect the community and how that could be managed. The business forum being co-sponsored with the Chamber of Commerce on February 15, 2007 is to try and get the local business to take seriously the importance for them to think about how their businesses will get through a pandemic situation that could be several months long. He feels that Hunterdon County also needs to take a serious look at how it would function during such a situation and recommended the Director of Public Safety and the Health Director look at the existing Office of Emergency Management Program to see how to integrate possible additional elements into the program.

Mr. Holt asked Mr. Beckley to update the Board concerning the influenza pandemic. Mr. Beckley reported the influenza pandemic is now a worldwide concern and it is one of the prime public health challenges. The County Health Department is spending much time on this issue but the County's focus is on protecting the community and on how to be prepared to manage that. The business forum being cosponsored with the Chamber of Commerce on February 15, 2007, is a half day program focusing on getting local businesses to take seriously the importance for them to think how their business would get through a pandemic, as does County Government. This will tie into the planning process which the County's Public Safety Department has, called "The Continuation of Operations Plan," referred to as COOP. The COOP plan for the County will focus in on important but broad brushed issues.

Mr. Beckley recommended to the Board of Chosen Freeholders that they consider the formation of a County Pandemic Flu Planning Committee to look at the issues that would not be covered under the general Continuation of Operations Plan. The County should write its own plan that would provide guidance on how the County, as a governmental entity, would be able to maintain central services to the greatest degree possible in order to help minimize the deaths and illness among County residents, at a time when the County may have 35% or higher, of its workforce not showing up for work. If this is done, the document would be equally as useful and valuable for any communicable disease outbreak scenario. He feels a lot of the issues are Personnel Policy issues, which would relate to issues such as how to insure the protection of County employees; what would be the County's policy on sick benefits for employees who have no sick time remaining; how will the County ensure a safe workplace; how will the County exclude employees who may contact influenza; leaves of absence; and allowing certain employees to telecommute if need be.

Mr. Holt recommended that the first step would be for the Director of Public Safety and the County Administrator review the Health Director's recommendations prior to gathering a larger group. He would like to see the existing COOP program reviewed because the primary focus during a crisis is the OEM resource. OEM needs to be coordinated and a committee can be developed from there.

Mrs. Yard reported COOP refers to Continuity of Operations, which means the Countywide operations and COG is Continuity of Government. Its unfortunate that two different County entities are getting message from their counterparts at the State to say you should be doing such and such; when the County has virtually the same expectations and objectives from two different areas. Just like the All Hazards Plan, if written correctly, there are annexes in the plan that should be able to direct people what needs to be done. Mr. Holt's point is well taken and we need to determine where efforts are being duplicated.

After further discussion, the Hunterdon County Board of Chosen Freeholders directed Mrs. Yard, Mr. Beckley and Mr. Wagner to move forward and report back to the Board.

Polytech Open House

Mr. Sworen reported Polytech's Open House was well attended with many interested parents, at both campuses.

Library

Mr. Sworen reported the Library will be looking to replace their bookmobile, using funds in their trust account. He noted the bookmobile is over 15 years old and it is a valuable resource to the residents.

Information Technology

Mr. Sworen reported he has met with the Information Technology staff at the different campuses and stated the County has a very good staff.

Questions answered for the press.

Executive Session Resolutions

Mr. Holt moved and Mr. Melick seconded these:

See Page 01/23/07-14A

RESOLUTION

RESOLVED, Executive session, #07-07, for the purpose of continuing to review executive session minutes of July 25, 2006, August 08, 2006 and August 22, 2006.

See Page 01/23/07-14B

RESOLUTION

RESOLVED, Executive session, #07-08, for the purpose of discussing the legal issue concerning reimbursement by the state for the Kanach Farm and the Kanach Farm auction.

See Page 01/23/07-14C

RESOLUTION

RESOLVED, Executive session, #07-09, for the purpose of continuing the discussion of litigation entitled: Schemic and Huggins versus the County of Hunterdon.

See Page 01/23/07-14D

RESOLUTION

RESOLVED, Executive session, #07-10, for the purpose of discussing legal advice concerning the process to be used before an employees' salary can be withheld; compensatory time process as it applies to the Sheriff's Department.

See Page 01/23/07-14E

RESOLUTION

RESOLVED, Executive session, #07-11, for the purpose of discussing wage policy strategies for use in negotiations for 2007, so as to provide direction to the County Budget office.

See Page 01/23/07-14F

RESOLUTION

RESOLVED, Executive session, #07-12, for the purpose of discussing land acquisition or leasing strategies for the location of a South County Branch Library; report on the status of negotiations for the renewal of the existing South Branch Library lease.

See Page 01/23/07-14G

RESOLUTION

RESOLVED, Executive session, #07-13, for the purpose of reviewing the process for appointments and evaluate candidates for appointments to the Construction Board of Appeals, Health and Human Services Advisory Council; and the Hunterdon County Utility Authority.

See Page 01/23/07-14H

RESOLUTION

RESOLVED, Executive session, #07-14, for the purpose of discussing the status of litigation entitled: Storms versus Hunterdon County.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 5:20 p.m. and reconvened in Open Session at 5:50 p.m.

PUBLIC SESSION

Union Township re: Block 22, Lot 20, the Milligan Farm.

Peter Jost, Attorney for Union Township introduced Mayor Frank Mazza and Committeewoman Patricia Dzubik.

Ms. Dzubik provided an overview of the project as Freeholders Holt and Sworen are new to the Freeholder Board. She stated the entire Union Township Committee feels strongly about this land acquisition which sits along County Route 513. This land acquisition would be afforded the access by many townships within Hunterdon County, not only Union Township and preserves the view shed. This land has the potential for passive recreation use, perhaps trail associations can interconnect.

Ms. Dzubik feels an advantage for the County to contribute to this particular acquisition, is that it will no longer serve as an objector to the County version of the State Master Plan and this would allow the County to continue with its plan for the Route 22/78 corridor.

Director Muller asked if any constituents have come forward during the past year to express comments through correspondence or at meetings. Ms. Dzubik has spoken with many members of Union Township and constituents who have indicated this is one of the best acquisitions Union Township has made and it was purchased at a high price; but it has preserved the aquifer.

Mr. Melick questioned how this acquisition works with the COAH requirements. Ms. Dzubik is not asking the County to support the Township's COAH project. The property does have a subdivision of 14 acres from the 85.618 acres. Mr. Jost the Township is subdividing off approximately 14 acres which will be a COAH subdivision and he confirmed the County would not be asked to contribute funds towards the COAH acquisition. Mr. Jost advised Union Township adopted a bond ordinance to pay for the COAH acquisition and the Open Space acquisition. It is

hoped that this will satisfy the Township's COAH second and third round obligation. Mr. Jost explained the Township was forced to object to the County's designation of that property, in the County's Master Plan and now since the Township has acquired the property; so it no longer has to object to the County's Master Plan. Matt Mulhall, former Union Township Committeeman explained that COAH forced the Township to be an objector to the County plan because they wanted this property to stay PA2, (Planning Area 2) and the County Planning Board designated the area to be a PA5 under the State plan, and that would have created a continuous corridor along Route 78/22 Corridor, which the County was not in favor of. He explained it was COAH forcing the Township in the situation and now the Township no longer has to be an objector to the County version of the plan; so now the 85 acres can now be a PA5 and the Township would be supportive of the County plan. Mr. Jost further explained that the COAH Housing has been compressed from 100 acres down to 14 acres, in the upper corner of the property and the rest will remain as open space.

Director Muller asked if Union Township is familiar with the comments made by the County's Coordinator of Open Space, Kevin Richardson which says if this is approved by the County, he would recommend that Union Township and the County enter into a Memorandum of Agreement regarding the County's contribution for the property's permanent preservation for recreation and conservation purposes. Mr. Richardson also recommends that the County of Hunterdon be named as an additional grantee in the deed with the Township and the Township perfect a minor subdivision on Lot 20. The Township would also have to agree to an indemnification agreement to hold harmless the County of Hunterdon commensurate with the contribution and percent of ownership of the remaining land. Mr. Jost feels that is standard for the County and he would have no problem with that arrangement as Counsel for the Township.

Mr. Jost confirmed the County is aware that the historic farmhouse will be subdivided and sold as a residence, so it will not have to be maintained and that there will be a historic preservation easement on the outside of the house, so the house can be preserved.

Mr. Sworen questioned how much the County is being asked to contribute towards the purchase and is it for the entire purchase or the preserved purchase. Mr. Mulhall advised the County was asked to contribute 20% of the preserved land; the Township is paying for the 14 acres for the COAH land. The Township purchased 100 acres for \$10 million and the County is being asked to contribute towards the 85 acres; the farmland is being cut off, which is 2 acres.

Mr. Sworen asked Mr. Richardson what amount the County is being asked to contribute towards this purchase. Mr. Richardson explained the original request to the County was 20% of the area to be permanently preserved, the 85 +/- acres, which was purchased by the Township at \$8.5 million and 20% of that is \$1.7 million. Since that time and as a consequence of this and other extraordinary preservation projects throughout the County, the Freeholder Board had asked for and approved a policy governing extraordinary preservation projects. Within the context of that policy, the County could consider providing up to, and in this instance because of the way the property was acquired and how it was acquired, with the County being asked to contribute after the fact, up to but no more than \$1 million. Mr. Richardson advised the County contribution of the property being preserved based on the policy approved by the Freeholder Board in November it would be capped at no more than \$1 million.

Mr. Richardson explained for those present, the County's policy on extraordinary purchases both when the County is involved prior to the purchase and after the purchase by a municipality. Mr. Richardson advised in this scenario the County was not involved prior to the purchase by the municipality and would contribute up but more than \$1 million. Mr. Jost advised the County was aware of the purchase and Mr. Richardson did go on the nature walk through the property. There were communications to certain parties in the County. The Township has to work quickly to make this commitment. Mr. Mulhall added that the Township had to work quickly in order to meet the Round 3 plan for COAH.

Mr. Richardson explained that the cap in the County's extraordinary policy on purchases is for the purpose of salvaging funds to be used on purchases for the County's needs. This way the County is helping where it can and prescribing limits in terms of what the County can reasonably provide and still have ample funds to continue its own initiatives and acquisitions.

Mr. Richardson's reported the policy, which he recommended and was adopted by the Board of Chosen Freeholders, is being sent to all municipalities today so they are aware of the policy and how the Board will review and treat all such applications from municipalities for extraordinary purchases.

Mr. Holt asked if there is an application currently for any existing open space funding. Mr. Richardson stated the Township does have its allocation from the previous year which has not been requested yet that could be used over and above what the Freeholders decide on to assist the Township. Mr. Jost advised the Township is in the process of making that request. He is surprised by the restriction and feels this is an important acquisition. He asked the Board to consider contributing \$1.7 million. Mr. Peterson confirmed that the developer received subdivision approval in 1996. He further added that it isn't enough that the County new about this, it is whether the County participated in transaction itself.

Mr. DeSapio confirmed for Mr. Peterson that if a majority of the Board supports this concept, then the Treasurer could be directed to evaluate where the funding would come from, and to prepare a capital ordinance for the Board's consideration. The next step would be to prepare a memorandum of agreement, determine if Green Acres is involved; if this parcel will be used for active or passive recreation; who will manage the area – whether it be the Township or the County or both; are there going to be any County responsibilities or continuing costs and they

have to be defined; will there be any ongoing County rights regarding decision making on how this parcel will be used for recreational purposes; and in connection with the COAH units, is there any consideration on the impact on the County road and whether there will be improvements and who will pay for those improvements. Mr. Glynn stated he will be working with the Township on who will pay for the road costs. Mr. DeSapio stated If those types of issues haven't already been addressed, need to be addressed by a committee, Mr. Richardson and one or more Freeholders. Once the memorandum of agreement has been prepared, the Board can decide how much it will contribute and put the Bond Ordinance in place.

Mr. Melick advised he would support something; but he is very concerned on how this will play out with other municipalities. Mr. DeSapio raised many good points and he agrees a committee has to evaluate the impact. He is interested in having a checklist for a committee to go through.

Mr. DeSapio advised the Board needs to decided if there is any support in contributing up to \$1.7 million to Union Township on this project and if there is no support for going above \$1 million, then the Treasurer should be directed to evaluate \$1 million. Mr. DeSapio reported he would be willing to work with Mr. Richardson, 2 Freeholders and the Township Officials.

Mr. Holt reported he would be willing to look at \$1.7 million but he need to understand where the funding would be coming from. He is firmly committed to making sure that if the Freeholders differentiate from the policy that exists and Mr. Richardson's recommendation that there is a clear basis for doing so. There needs to be solid rationale for doing so; he's looking at per acre costs that exist and other properties that the County has contributed to. The Board agreed.

Mr. DeSapio reported the Treasurer would need to evaluate where the \$1.7 million would come from and how it would impact the County's overall borrowing, etc. Mr. Richardson could impact on how that would impact the long term plan for acquisition in other areas.

Freeholders Holt and Melick volunteered to be a part of the committee with Mr. Richardson and Mr. DeSapio.

Exit 15/InterState Route 78

Mr. Muller informed Union Township that at the North Jersey Transportation Planning Authority meeting, which he is a member, he was informed that talks with Union Township concerning Exit 15/InterState Route 78 were stalled. Mr. Muller and Mr. Glynn have talked with NJTPA and the Department of Transportation from the State to assure them that the County would meet with Union Township to discuss this issue.

Mr. Jost advised this issue goes back around 2 to 3 years. The Township is more than willing to sit and discuss the issue with the County. There are two new people on the Township Committee who are not familiar with the issue and they need to be brought up to speed. Ms. Dzubik advised the Township has received information from the County, along with maps, today and due diligence will be given to this issue. Additional information has been asked for. She confirmed with Mr. Jost that in 2004 the Committee asked for more information, and that was relayed to the NJDOT. There is concern about the school being in close proximity to the highway.

Director Muller reported the state was under the impression that Union Township was opposed to this and it concerns him because the Board of Freeholders supported this; as well as the Town of Clinton and the Township of Franklin. If Union Township is not going to approve action concerning Exit 15/Route 78 then the State will not approve the project.

Mr. Jost confirmed the Township did withhold its approval but not irrevocably. He does not recall any feedback from DOT in the past two years. Director Muller stated DOT's opinion is that this wasn't going anywhere and they were not going to get involved. Mr. Jost stated the Township was not aware of how much interest and concern the Freeholder had in this matter. Mr. Holt reported this has been going on for a number of years. It was inadvertently discovered that \$5.3 million from the State of New Jersey was removed from the project. This project was borne form a school bus accident on Exit 15. There are three steps to this project; which is the entire Exit 15 reconfiguration and this is Phase II. This project cannot die and he has been aware that there has always been Freeholder support for the project. Union Township made a point with the respect to the 85 acres, to proactively help prevent development there which would impact that intersection.

Ms. Dzubik reported Union has participated with Clinton, recently, in the closure of Exist 15 in order to accomplish the roadwork which needed to be done. Union has also been supporting Clinton on traffic slowing devices.

Mr. Holt explained he wants Union to focus on this project, for Exit 15, as he feels it's imperative to get this project done in the most amicable way that works not only for Union Township but the rest of the region but not to let the state money disappear for Hunterdon County.

Mayor Mazza confirmed he has no problem in meeting with a subcommittee appointed by the Freeholder Board on this project. The Board directed the County Administrator to set up a meeting for the subcommittee.

Delaware Township

Director Muller recognized Kristen McCarthy, Mayor, Delaware Township and Christine French, head of the Township's Open Space program.

Mayor McCarthy reported after talking with Freeholder Sworen concerning a property which the Township is actively trying to preserve, it was recommended they come to the meeting this evening.

Ms. French advised the family in Delaware Township, holding this property, has holdings throughout Hunterdon County and they have developed many of those pieces of property over time. Delaware is fortunate that this property was a family gift and they are reluctant to have it developed because there is some emotional attachment. They are asking Delaware Township to pre-acquire the easement for this farm. She noted that the property is being subdivided for possible development. This family developed the Robin Hill Subdivision, in Raritan they developed the Robin Hill II Subdivision and there is a Sandhill Subdivision they developed, also in Raritan Township, and this family had sold property to Exxon across from North Hunterdon High School.

Ms. French advised this specific piece of property is on a County Road and up to 96% is considered prime soils, over 90% of its total. It is currently an active farm. Ms. French said they are here to night to ask the County to cost share 50/50 and when the property is placed in the preservation programs at the state level, the County would be reimbursed. Delaware is looking for temporary assistance to place this property on the fast track.

Director Muller explained that all recreation and open space projects must be evaluated by the County's Open Space Trust Fund Coordinator, Kevin Richardson. Mayor McCarthy does recognize that but wanted to get feedback from the Freeholder Board on whether it would be interested in helping the Township pursue this property.

Mr. Sworen advised he asked Mayor McCarthy to reach out to Mr. Richardson with the information on this property and then Mr. Richardson would come back to the Freeholder Board on whether this is a valuable property. Director Muller confirmed the Township Committee has been discussing this project also. Mayor McCarthy advised in order to go further with negotiations, the Township needs the County's backing and partnership.

Director Muller confirmed with Mayor McCarthy that the existing buildings are going to remain on the property. Ms. French explained the Township is looking to purchase the farmland easement and there would be an exception and the County would not have those buildings, just the land.

Mr. Melick confirmed the County was involved with Delaware Township last year. Mr. Richardson reported that project is still in the process between the Township and the state in terms of getting the reimbursement for the development easement. Upon getting reimbursed, the Township will auction off the property and it will include the County's participation with the Township.

After further discussion, County Counsel DeSapio recommended that the County's Agriculture Development Board be asked to evaluate this farm and provide a recommendation to the Board on whether this is worth acquiring.

Director Muller informed Delaware Township that once the County gathers enough information, the Township will be invited back before the Board.

Farmland Preservation Program

Beth Kelly, Alexandria Township, wants to publicly state that some facts represented at last month's Freeholder Meeting, on December 29, 2006, by Boyden Stretch were incorrect. Her property is currently under application with the County for Farmland Preservation. The press ran a front page story which did harm to the farmland preservation program. She feels if the press had interviewed her to check those facts, they would have discovered that the Kelly and Muiz applicants are one family and they are contiguous applications. The Kelly application currently has 802 feet of road frontage on Creek Road and that those two applications butt up three additional preserved farms and total over 350 preserved acres.

Ms. Kelly feels the County has worked hard to make the farmland preservation program successful and she's shocked that Mr. Stretch would represent incorrect information.

Ms. Kelly advised the Muiz application is a landlocked piece and currently Mr. Stretch has purchased a landlocked piece of property and he's legally threatened an adjoining landowner to gain access to that piece.

Mr. Kelly said for the record, she supports the farmland preservation program and she's sorry this happened. She's aware the County Planning Board wrote a letter to the Freeholders about those pieces, that the preservation program takes into consideration all the attributes of each parcel. Please don't lose confidence in the program.

Director Muller thanked Ms. Kelly for coming to the Board to make this clarification.

Newspaper Article – Flood Claims

James Hyman, Delaware Township Resident and homeowner in Holland Township, advised he's present because he read that the Freeholders were instructing the examination of an application process for someone with repeated flood claims. He asked if there is anything further on that discussion.

Director Muller feels Mr. Hyman should speak with Freeholder Sworen who is head of the committee to get people together.

Mr. Sworen reported the County can not be sub-applicant because they do not have the information on maintaining the properties and reporting; but municipalities can do the supporting work. At this point, he isn't aware of any municipality that can meet the currently state deadline of January 31, 2007 listed in this policy. He will be working with New Jersey to extend that deadline.

Mr. Sworen will be providing information on this application process to those he knows have been effected and he will be meeting with the towns to see if a cooperative effort could be put in place for the next funding round. The requirements that have been put in place are extreme, including a cost benefit analysis must be done for each property based on past floods. While the County can provide GIS and much information that is required but there needs to be a partnership with municipalities, homeowners, the County and the state. The point is the sub-applicant must be at the local level because of property reporting which must be done every three years, open space reporting has to be done on an annual basis, and there is a huge list of items that have to be done. He will be talking with FEMA and the state police to get information that is needed and to see if people can file an application next year for 2007.

Mr. Holt reported in the two weeks that the County had notification that this FEMA program exists, the County staff has done an incredible job in digesting through the information, to come up with a starting point. He believes in two months even more can be accomplished to set the stage, so if there is applicability to Hunterdon County, it can be taken advantage of.

The Hunterdon County Board of Chosen Freeholders returned to Executive Session at 7:00 p.m. and reconvened in Open Session at 7:38 p.m.

Mr. Melick moved and Mr. Sworen seconded these:

See Page 01/23/07-18A

RESOLUTION

RESOLVED, Authorizing the release of a portion of executive session minutes for July 25, 2006.

See Page 01/23/07-18B

RESOLUTION

RESOLVED, Authorizing the release of a portion of executive session minutes for August 08, 2006.

See Page 01/23/07-18C

RESOLUTION

RESOLVED, Authorizing the release of a portion of executive session minutes for August 22, 2006.

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

There being no further business to come before the Board, Director Muller adjourned the meeting at 7:39 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board