

# HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

**July 10, 2007**

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:00 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

## **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."

## **Pledge 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."

Item #1 held at this time.

Mr. Peterson moved and Mr. Sworen seconded a motion to approve the payment of all claims as listed on the Claims Register dated July 10, 2007.

**See Page 07/10/07-01A**

**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 07/10/07-1B**

**RESOLUTION**

**RESOLVED**, Stephanie DiMaggio appointed unclassified, full time Assistant Prosecutor, Prosecutor's Office.

**See Page 07/10/07-1C**

**RESOLUTION**

**RESOLVED**, Bennett Barlyn appointed unclassified, full time Assistant Prosecutor, Prosecutor's Office.

**See Page 07/10/07-1D**

**RESOLUTION**

**RESOLVED**, Janet Previte appointed unclassified, full time Deputy Director, Human Services Department.

**See Page 07/10/07-1E**

**RESOLUTION**

**RESOLVED**, James Price appointed unclassified, full time County Investigator, Prosecutor's Office.

**See Page 07/10/07-1F**

**RESOLUTION**

**RESOLVED**, Brian Engisch appointed permanent, full time Youth Worker, Youth Facility Division, Public Safety Dept.

**See Page 07/10/07-1G**

**RESOLUTION**

**RESOLVED**, Joseph Pacella appointed permanent, full time Family Service Worker, Division of Social Services, Human Services Department.

**See Page 07/10/07-1H**

**RESOLUTION**

**RESOLVED**, Robert McElroy appointed permanent, full time Bridge Repairer, Roads, Bridges and Engineering.

**See Page 07/10/07-2A**

**RESOLUTION**

**RESOLVED**, Elizabeth Staley appointed permanent, part time Youth Worker, Youth Facility Division, Public Safety Department.

**See Page 07/10/07-2B**

**RESOLUTION**

**RESOLVED**, Susan Pena appointed permanent, full time Youth Worker, Youth Facility Division, Public Safety Dept.

**See Page 07/10/07-2C**

**RESOLUTION**

**RESOLVED**, Louis Rodriguez appointed permanent, full time Youth Worker (Bilingual), Youth Facility Division, Public Safety Department.

**See Page 07/10/07-2D**

**RESOLUTION**

**RESOLVED**, Jeaneen Vega appointed provisional, full time Paralegal Specialist (Bilingual), Prosecutor's Office.

**See Page 07/10/07-2E**

**RESOLUTION**

**RESOLVED**, Barbara Chilmonik appointed provisional, full time Housing Assistance Technician, Division of Housing, Department of Human Services.

**See Page 07/10/07-2F**

**RESOLUTION**

**RESOLVED**, Melissa Dolgos appointed provisional, full time Social Worker, Aging, Division of Social Services, Human Services Department.

**See Page 07/10/07-2G**

**RESOLUTION**

**RESOLVED**, Elizabeth Puleo appointed temporary, as needed Recreation Leader, Parks and Recreation.

**See Page 07/10/07-2H**

**RESOLUTION**

**RESOLVED**, Bryan Williamson appointed temporary, as needed Laborer, Roads, Bridges and Engineering.

**See Page 07/10/07-2I**

**RESOLUTION**

**RESOLVED**, Lauren Federici appointed temporary, as needed Recreation Leader, Parks and Recreation.

**See Page 07/10/07-2J**

**RESOLUTION**

**RESOLVED**, Susan Ehlert appointed temporary, as needed Librarian, Library.

**See Page 07/10/07-2K**

**RESOLUTION**

**RESOLVED**, Rebecca Black appointed temporary, as needed Clerk Typist, Rutgers Cooperative Extension.

**See Page 07/10/07-2L**

**RESOLUTION**

**RESOLVED**, Ethan Cooper appointed temporary, as needed Student Assistant, Library.

**See Page 07/10/07-2M**

**RESOLUTION**

**RESOLVED**, Jacqueline Lance, Public Safety Telecommunicator Trainee, Division of Emergency Services, Public Safety Department, leave of absence without pay.

**See Page 07/10/07-2N**

**RESOLUTION**

**RESOLVED**, Safiyah Blalock, Senior Youth Worker, Youth Facility Division, Public Safety Department, salary adjustment (Bilingual).

**See Page 07/10/07-2O**

**RESOLUTION**

**RESOLVED**, Matthew Tamburro, Public Safety Telecommunicator, Division of Emergency Services, Public Safety Department, status changed to part time.

**See Page 07/10/07-2P**

**RESOLUTION**

**RESOLVED**, Adjusting the salaries of employees covered under FOP Lodge #94 contract, (Sheriff's Officers).

**See Page 07/10/07-3A**

**RESOLUTION**

**RESOLVED**, Adjusting the salaries of employees covered under FOP Lodge #29, (Corrections Officers).

**See Page 07/10/07-3B**

**RESOLUTION**

**RESOLVED**, Approving an Agreement with Rutgers State University of New Jersey, for assistance in performing surveillance activities for the County's Black Fly Control Program, not to exceed \$12,924.00.

**See Page 07/10/07-3C**

**RESOLUTION**

**RESOLVED**, Approving a Contract Modification to purchase exercise equipment, gas grill and portable GPS, for the Hunterdon County Youth Facility, with the New Jersey Department of Human Services, Division of Family Development, Contract #06EZKC, for a one-time amount of \$10,019.00.

**See Page 07/10/07-3D**

**RESOLUTION**

**RESOLVED**, Approving a Contract Modification #2, for professional surveying services, for the Farmland Preservation Program, for Bohren and Bohren Associates, Inc., not-to-exceed amount of \$1,580.00.

**See Page 07/10/07-3E**

**RESOLUTION**

**RESOLVED**, Approving a Professional Consulting Services Agreement, for the implementation of activities for health education methods to improve cancer health literacy, with Steve Godin, Phd., MPH, Skylands Public Health Consulting Company, for a not to exceed amount of \$7,800.00.

**See Page 07/10/07-3F**

**RESOLUTION**

**RESOLVED**, Approving a Final Change Order, #1, for Bid #2005-53, for as built quantities, for resurfacing CR.#s 617 and 612, Township of Raritan, with Trap Rock Industries, for a decrease of \$90,630.94 and an adjusted total amount of \$1,185,376.41.

**See Page 07/10/07-3G**

**RESOLUTION**

**RESOLVED**, Approving Final Payment for Bid #2006-12, for the reconstruction of County Bridge #R-165, Barley Sheaf Road, Readington Township, to Empco Contracting, Inc., in the amount of \$22,297.71.

**See Page 07/10/07-3H**

**RESOLUTION**

**RESOLVED**, Approving Final Payment for Bid #2006-22, for the reconstruction of Inter-County Bridge #L-92-W, on Hamden Road, Township of Lebanon, Hunterdon County and Township of Washington, Warren County) to Empco Contracting, Inc., in the amount of \$12,830.37.

**See Page 07/10/07-3I**

**RESOLUTION**

**RESOLVED**, Approving Final Payment for Bid #2006-17, for painting various bridges, in various municipalities, to Aussie Painting Corp, in the amount of \$1,777.16.

**See Page 07/10/07-3J**

**RESOLUTION**

**RESOLVED**, Approving Plans and Specifications for resurfacing and drainage improvements to CR#615, Township of Franklin.

**See Page 07/10/07-3K**

**RESOLUTION**

**RESOLVED**, Approving a Project Application and Project Certificate for Payment #3, for Cornice/Roof Work to the Hall of Records, for J. Stober and Sons, LLC, in the amount of \$58,800.00.

**See Page 07/10/07-3L**

**RESOLUTION**

**RESOLVED**, Approving a Project Application and Project Certificate Payment #4, for Cornice/Roof Work to the Hall of Records, for J. Stober and Sons, LLC, in the amount of \$6,370.00.

**See Page 07/10/07-3M**

**RESOLUTION**

**RESOLVED**, Approving a Project Application for Payment #14, for Alterations and Addition to the Route 12 County Garage, with APS Contractor, Inc., in the amount of \$218,703.52.

**See Page 07/10/07-3N**

**RESOLUTION**

**RESOLVED**, Approving a Project Application for Payment #16, for Addition and Alterations to the Communications/ Emergency Services Center, with DeSapio Construction, Inc., in the amount of \$235,776.87.

**RESOLVED**, Authorizing the Health Department to waive inspection fees to municipalities, in consideration of the nature of various charitable, educational and public organizations, which fall under certain established categories.

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

**Item #1 – minutes**

Mr. Sworen asked that the May 8, 2007 minutes to corrected to include his statements asking County Counsel DeSapio that since the County of Hunterdon isn't a part of the lawsuit anymore, with Warren County concerning the Highlands Act, could Freeholder Peterson participate in all of the discussions as an open board member, including executive sessions. Denise Doolan, Clerk of the Board advised the minutes will be corrected and forwarded to the Board with the revision for approval at the next meeting.

Mr. Holt asked that the minutes of May 22, 2007 be revised to include his statements concerning the Urbach property, where he recommended a contribution be given by Raritan Township for the property, not a 50/50 match. Denise Doolan, Clerk of the Board advised the minutes will be corrected and forwarded to the Board with the revision for approval at the next meeting.

**OLD BUSINESS**

Mr. Peterson moved and Mr. Holt seconded this:

**RESOLVED**, Approving the recommendations and findings of, and the service prioritization recommendations resulting from, the Hunterdon County Alcohol and Drug Abuse Services Plan Update 2008.

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

**COUNTY Update**

**Paris Grant Award**

Cynthia J. Yard, County Administrator invited Bob Thurgarland, Director, Central Printing and Mail, and Paris Grant Coordinator, to come and update the Board concerning the Paris Grant.

Mr. Thurgarland announced that for the third year, Hunterdon County has received over \$1 million in Paris Grant funding. This year the County has a very successful application and there were no contingencies on any of the County's projects presented. Including this year's amount, the County's three year total for Paris Grant funds is around \$3.25 million received. Out of the 21 New Jersey Counties, Hunterdon placed 6<sup>th</sup> for funding.

Mr. Thurgarland advised a successful Paris Grant application was submitted to the state with assistance from Mike Rasimowicz of Information Technology and Karla Lamendola from the County Clerk's Office.

Mr. Thurgarland reported the municipal needs assessment project is moving along well. The consultants provide weekly updates. Out of the 24 eligible municipalities, Holland Township and Stockton Borough have decided not to participate and Tewksbury Township is looking at their commitment to see if there is time.

Mr. Sworen said the County is grateful for the Paris grant funds Mr. Thurgarland has been able to secure for Hunterdon.

**Controlled Hunting Program**

Mrs. Yard reported the Controlled Hunting Program has been reviewed by the Deer Management Committee and their recommendation is one change, which is the addition of the recently acquired Mallon property in Holland Township.

Mrs. Yard reported 5,886 acres of the County's 7,181 acres of parkland is open to hunting. 749 permits were issued in the 2006/2007 season. There have been great results in the deer management program from the program and recommendations the Freeholders adopted last year.

Mrs. Yard reported the Heron Glen Golf Course was open for those hunters with special needs and it was a very successful day for the hunters.

Director Muller directed Mrs. Yard to sent Craig Evans of the Hunterdon County Parks and Recreation Department what an outstanding job he has done in collating all the data in reference to the Controlled Deer Hunting program for the Board to consider.

Mr. Peterson stated last year there was an outcry because bow hunting was allowed in the Arboretum and one other park. The Parks Director, John Trontis, did a fantastic job in following through with those who had concerning on how the program would work. Mr. Peterson asked that hunting not be allowed every day in the parks so they could be utilized by walkers. He further recommended that the Parks Director attend the next Freeholder meeting to address the concerns of the residents.

Mr. Sworen asked Mrs. Yard to have Mr. Trontis come to the next meeting, as he would like to hear how the concerns are to be addressed prior to any hunting permits being issued.

After further discussion, Mr. Melick moved and Mr. Holt seconded a motion to add the Mallon property in Holland Township to the Controlled Hunting Program.

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

Mr. Melick reported he usually is out at dusk observing crops, and it appears to him that the deer numbers are up this year, and it is causing more crop damage. A lot of money is spent each year to promote agriculture. He does not want to see Hunterdon overrun by deer. He has heard that the number of hunters has dwindled.

Mr. Melick said it is true there are people who are uncomfortable with hunting, but the damage they cause to Hunterdon's crops is great.

Mr. Melick recommended the Board get an impartial report from someone on how healthy and numerous the deer are in Hunterdon County.

Director Muller reported on an incident which occurred last Fall on the County's Landsdown Trail when shotgun blasts went off when there was someone jogging the trail, during the early morning hours. The County investigated this and it appears the County Park trail goes along private property on both sides. There is an area on one section of the trail which is rented how to a gun club. Thankfully the shots were not fired in this person's direction because there is a safety zone. The problem is that there is not legislation in this area that protects the County or state from incidents like this happening.

Director Muller advised the Board agreed and has contacted Assemblywoman Marcia Karrow to ask her to draw up legislation to prevent people/gun clubs from leasing hunting land owned privately, which is adjacent to park areas. The Parks Director has been working on this to try and get this matter resolved. If the County can't get this issue cleared up legally then the County maybe faced with making a decision on behalf of the public that the trail would be closed during hunting season to the public. Hunterdon County has safety precautions in its parks where there is no hunting near the trails. The County has a huge safety zone.

Director Muller continued by saying the Landsdown Trail cuts through areas where there is private land owned on each side. It isn't like a trail going through a park. The gun clubs who rent properties comply with all the state regulations. There is nothing illegal being done. It is just a frightening sound to hear at 7 am.

Director Muller explained since he's been made aware of the situation, he's been in correspondence with the gentlemen from Clinton. Mr. Holt confirmed the issue is that the trail bisects. The alternative is legislation from the state level that may allow greater set backs in a situation like this, which is unique. Mr. Holt suggested appealing to the property owners who lease to gun clubs, such as those near the Landsdown Trail and ask them to have a voluntarily set back.

**Jessica Ellis, Polytech Student**

Ron Sworen, as the County Representative to the New Jersey Association of Counties (NJAC), proposed a resolution. Each year NJAC awards scholarships to a student in each of the twenty-one New Jersey Counties. At this time, he asked that Jessica Ellis be recognized for being awarded the NJAC scholarship.

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 07/10/07-5A**

**RESOLUTION**

**RESOLVED**, Recognizing Jessica Ellis on being selected to receive the New Jersey Association of Counties Foundation and Verizon Foundation 2007 Partners for Education Excellence Scholarship Award.

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

Ms. Ellis came up to the Freeholders dais and had her picture taken with the Board, to be placed on the County's Webpage.

**County Update continued**

**Space allocation**

Mrs. Yard advised the Board of Chosen Freeholders on May 29, 2007 went on a space walk, walking through the Justice Center to discuss a documented need for space for County departments. When the judiciary saw the Freeholders touring the facility, they decided they needed the space.

Mrs. Yard reported the County Architect, Frank Bell talked with Gene Farkas, Trial Court Administrator for Vicinage 13 who advised the Assignment Judge would be writing a letter stating they desperately need space.

Mrs. Yard stated in 2002 or later, the judiciary was asked to document and provide facts, for the County, that they have outgrown their space and needed more. At that time, they were not able to provide the documentation. Mrs. Yard suggested to Director Muller that the judiciary be asked to provide facts and demonstrate a real need for additional space in the Justice Center, so that the County can re-evaluate whether there is a need.

Mr. Holt confirmed the former Justice Veniero space has been vacant for 3 years. He confirmed the County has a need to utilize that space in question. Mr. Holt feels the judiciary needs to provide some hard data to the Freeholders showing their need for that space after it being empty for three years. Mrs. Yard spoke with Mr. Bell about alternatives.

Mrs. Yard advised the Board that the past two Assignment Judges have been interested in keeping the historic Court House commissioned as an active court house. If there were a court and the County could provide the appropriate Sheriff's Officers, Judge Ross had wanted cameras and televisions in the court room. The Freeholder Board at that time, had said through Mr. Bell that the Administrative Office of the Courts should contribute towards what they are asking for but they never wanted to pony up funding to make it happen.

Mrs. Yard is aware the Board has a lot of considerations for the historic Court House but the courtroom can be used as a courtroom. Director Muller agreed that cases which were not high profile could be heard in the historic Court House. He confirmed with Mr. Bell that the court room is wired so it can be utilized by a judge as a court room.

Mr. Peterson understands the judiciary wants their chancery and drug courts, which are part time, in the Justice Center. Then the judge from Somerset County would utilize the space one day a week, but they want full chambers. His personal estimation, based on what he understands about chancery and the drug court, is that the court room would be empty more than it is full. Currently, everyone goes to Somerset County (Hunterdon, Warren and Somerset) for the chancery court and out of convenience for the bar it will be located in Hunterdon. Chancery used to be in Hunterdon when Judge Mahon was the Chancery Judge and everyone came to Hunterdon.

Mr. Peterson advised he and Mr. Bell went through the Justice Center, and there is space that he always noticed through utilizing the building. There is space not being used to its full extent such as offices for people who are not in the building on a daily basis. There is no sharing of space.

Mr. Holt suggested the County move forward with its project and when the judiciary shows, they can be accommodated with whatever space is available.

Mr. Sworen asked if the County pays the state to occupy the space in the Justice Center or do they pay the County for the space. Mrs. Yard explained there has to be an appropriate space and Warren County, at this time, is arguing their court house is appropriate. The key is the judiciary has to have an appropriate place to conduct the judicial activities.

Gaetano M. DeSapio, County Counsel stated that over the years Hunterdon has had discussions, disputes and arguments with the judiciary over who the court house belongs to and who could use what space. The issues have always been resolved.

Mr. Sworen said the Administrative Office of the Courts dictates the level of security for the court houses and what is adequate for space. The Administrative Office of the Courts has cost the property taxpayers of this state, tens of millions of dollars.

Mr. Holt stated Hunterdon has a documented need for the space in the Justice Center. Mrs. Yard and Mr. Bell were directed to draft a letter to the Administrative Office of the Courts asking them for data to support their need. The Board asked to see the draft before Director Muller signs it and it's sent.

Mr. Melick explained this argument with the AOC is as old as the County, 1714. The County was formed for court jurisdiction. At one time the judges and freeholders sat together. This has been going on for almost 300 years.

Mr. DeSapio advised Mr. Bell wanted to inform the new members of the Freeholder Board that there was an agreement with the state that when the Justice Veniero left the Justice Center; that the state would pay to convert the space back to the way it was before. The state bid the contract to do that work and the state was going to pay that money, which is between \$35,000 and \$40,000, but before the contract was signed, the AOC wanted to make some changes in the bid specifications which exceeded 20%. Since Mr. DeSapio would not sign off on the changes on behalf of Hunterdon County, unless a Deputy Attorney General indicated that it was legal to do it; to change in mid-stream. About three months ago, the Trial Court Administrator said to forget the change order and pursue the original contract with Charles Mann General Contracting, which he is still prepared to do. However the Board resolves this, it also needs to decide how the space is supposed to look like now, or will it be kept the way it is and also, does the Board need to have any discussions with the state about getting some money back from them to convert it to something else.

Mr. Melick left the meeting.

## **FARMLAND PRESERVATION**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/10/07-7A**

## **RESOLUTION**

**RESOLVED**, Approving revised resolution, to reflect the correct increase in acreage, based on previously approved Cost Sharing Grant Agreement and Grant Agreement, for Stamets, Block 14, Lot 16, Alexandria Township, (SADC-\$162,455.42; County-\$36,051.69; Township- \$36,051.69) in the total amount of \$234,558.80.

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

## **UPDATE ON THE NETWORK UPGRADE PROJECT and PARIS FUNDING**

Michael Rasimowicz of Information Technology reminded the Board that at a meeting in April 2007, he was asked to get a wireless survey and a feasibility report for the Freeholders to review. The report says the County can use wireless in place of fiber optics.

Mr. Melick returned to the meeting at 3:50 p.m.

Mr. Rasimowicz explained for the point to point communications the County would have to place a tower, of substantial height, up to about 180', at the Route 12 County Complex. The point to point can be done in a circle and there would be some redundancy. If the Board is interested in doing the wireless, instead of the fiber optics, because this is a grant funded project through the PARIS grant, the County would need to change the scope of the project and obtain approval from the PARIS group.

Mr. Sworen said the key point is that the cost to do the fiber would be around \$1 million to \$1.5 million with an annual reoccurring maintenance costs between \$50,000 and \$75,000. Mr. Rasimowicz stated his budgetary estimates for wireless were coming in around \$700,000 to \$750,000 with an annual maintenance of around \$2,200 a radio. If there are five locations there are five radios. Wireless is less expensive to maintain. The County would have to work with the Townships and Mr. Bell to see if there are any ordinances regarding the placement of towers.

Mr. Sworen confirmed this project would be fully funded with PARIS grant funds. Mr. Rasimowicz stated the first step would be to get the approval of the PARIS group to change the scope of the project.

Robert Thurgarland, PARIS Grant Coordinator, advised both of the County's PARIS grant applications were based fiber insulation. The County needs to change the scope of work, the deliverable is the same. He doesn't foresee a problem but there are time frames that need to be met. The next meeting with the State Records Commission is the middle of August 2007. The County has \$914,000 in PARIS grant funds awarded for this project for two years. The first phase has to be expended by the end of 2007, and that cost is \$378,000.

Mr. Thurgarland advised the County received this year, which is the third year of the grant, \$578,000 to complete the project. He confirmed that any Requests for Proposal would have to be approved by the state if they are funded through the grant.

Mr. Rasimowicz explained in order to have a complete reign and since the County does not have a line of site from the Route 31 Complex to the 911 Center, the County would have to lease space from a cell phone tower on Route 31 in order to get a complete circle with Route 12.

Mr. Rasimowicz said the County would have to put a similar tower at the Route 31 County Complex, but it is not known what the height would have to be, in order to get the line of site from the Route 31 Complex to the 911 Center. If that were done, then multiple links could be done to that location and it would become a center spoke and every place else would be hubs. If one link goes down, there would still be multiple paths for the data to pass through. He feels that would be a better design for the County. If the County wants to pursue this venue the vendor would do the final design based on what the County states it wants done.

Mr. Sworen said the immediate issue is the tower at the Route 12 County Complex, which would be less than the R.A.C.E.S tower. There are towers that would go on top of County buildings that are around 30' in height. Mr. Rasimowicz said being discussed is a 20' non-penetrating, roof mounted antenna which would go up on the Main Street County Complex and the Route 31 Complex. The towers aren't affixed to the building, cinder blocks are used to keep them in place. Since a tower has to be placed at Route 12, Mr. Rasimowicz recommended it be placed where the construction equipment is located for the expansion of the Route 12 garage, which is in the lot before the driveway to the garage because the farther you go into the complex, the elevation drops. Mr. Rasimowicz informed the Board that a geological survey will have to be performed on where the tower will be located.

Mr. Holt confirmed that changing the scope of the PARIS grant project will not reduce the grant dollars. Mr. Rasimowicz also confirmed if the County is not approved to change the scope for wireless, the County is still approved for fiber optics.

Mr. Melick stated that municipal zoning ordinances usually have height restrictions. Mr. DeSapio said the County would have to make a good faith effort to comply. If it were important enough the County could invoke sovereign immunity and complete the project. The Board stated it would try to comply with municipal ordinances for the project.

Mr. Sworen moved and Mr. Holt seconded a motion to move forward to change the scope of the Network Upgrade for the PARIS grant project, with an award to **bci Communications, Inc.**, in an amount not to exceed \$25,800.00.

Mr. Melick feels the project should be subject to the towers/municipal ordinances. He sees problems with the tower height.

Mr. Peterson said he's been told that going wireless would be cheaper than doing the fiber optics. It will save the County money in the future. The change or scope is needed in order to proceed to the next step which is why he will vote to change the scope of the project and submit it to the PARIS group for approval to amend the County's application.

Mr. Holt confirmed the County will be looking into the placement of the towers, the soils at the Route 12 County Complex, any municipal ordinances that are involved and whatever else is needed to determine if the project is feasible. That presentation should be provided to the Freeholders when the PARIS group gives its approval on the change of scope of the project.

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

Mrs. Yard asked Mr. Rasimowicz to T-Bar the two scenarios so that the Freeholders can review them.

#### **County E-mail**

Mr. Rasimowicz reported to the Board that the County is a few days away from changing the County's e-mail system over to Microsoft Exchange. This was part of the current year PARIS project. The network and infrastructure upgrade are the pieces to moving forward to electronic document management and being able to manage e-mail retention. This goes in concert with the Records Management Program. The e-mail system change order will take place this Monday afternoon.

#### **ROADS and BRIDGES Update**

John P. Glynn, Director, Roads, Bridges and Engineering updated the Board on various County road and bridge projects.

- Plans have been approved for County Route 615, and the bids should be received in about 4 weeks.
- Problems are occurring with regard to the traffic loops for County Route 635. The subcontractor has been directed to look at the intersections with Route 31.
- Tree clearing has been completed on Route 579 south of Route 31 to the Mercer County line. The contractor has started putting in the storm drainage.
- The Route 523 project to Route 78 is at the State Dept. of Transportation for approval.
- The field work is 50% complete from Mountain Avenue to Route 22 project along Route 523 in Whitehouse Station.
- The ribbon cutting was held yesterday for InterCounty Bridge L-92-W. Mr. Glynn thanked the Freeholders for attending.
- County Bridge H-1 on Route 519 has been closed.
- Issues have been raised with concern to York Street and part of Jays Road. The detour has been reinforced and the State Police have been asked to monitor the truck traffic coming through Milford and turning onto York and going up to Route 614.
- A meeting is set with the design team for Bridge D-345 for next week.
- Final items should be completed by tomorrow on Bridge K-136.
- Proposals from Richard Grubb, the cultural resources person have been received for Bridge A-39, they will be sent to Purchasing to draw up a contract.
- The stream encroachment permit has been received for Bridge R-99 and the wetlands permit is in route.
- Bids will be advertised for clearing the Osage Orange Trees on Route 523 by the buffalo farm in the next week.
- Variable message signs have been ordered for the Route 12 and Route 31 Complexs.
- Punch list items are being finished by the contractor doing the bridge painting.
- County Bridges E-174 and E-166, are in final design. Permits are being pulled for the stream encroachment.
- Prints are being made for the River Road Intersection and Route 523 and Bartles Corner and Route 523 Intersection, and they should be delivered to Purchasing to advertise. There is one property for right of way that hasn't been settled that needs to be turned over to County Counsel to take the necessary steps to acquire it.
- Offers went to the property owners on the Route 517/523 intersection project.
- Delays are to be expended at Route 523/Foran Blvd. due to construction.

Mr. Glynn reported a shared services issue has come up with Kingwood Township; they are looking to borrow a crack sealing machine to seal the parking area at their fire house. Mr. Holt feels part of Shared Services is to document the savings and the service. Mr. DeSapio stated the County has a policy for Shared Services, so in order to comply with the policy Mr. Glynn needs to get this proposal on the Fire Company's letterhead, obtain the necessary insurance certificate and/or have them sign an indemnity agreement in case of a problem or accident so the County is held harmless. Mr. Melick confirmed the equipment is to be returned in like condition. The Board agreed and directed Mr. Glynn to get the proposal.

Mr. Glynn reported the Cultural & Heritage Commission is asking for assistance for the historical structure at the Voorhees School. They are asking for millings and the County has a surplus of millings. Director Muller confirmed the County would only be dropping off the material. After further discussion, Mr. Glynn was asked to get this request in writing, but gave their approval.

Mr. Sworen recommended when the County does its contracts, if there are going to be millings, the County should be getting tonnage counts from the contractors for how much is recycled, so the County gets credit for this.

Mr. Glynn advised the parking area of the Main Street County Complex needs to be paved and trees will be added. Lighting planters will also be added to the parking area. Mr. Glynn would like to get the parking area started, as soon as the contractor working on buildings has completed its work. The parking area will be milled and resurfaced by a contractor and the work on the stone wall will be done in-house.

#### **PURCHASING**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/10/07-9A**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #PROS.06298, for computer equipment, for the Prosecutor's Office, with Dell, in the amount of \$14,354.97.

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

Mr. Melick moved and Mr. Holt seconded this:

**See Page 07/10/07-9B**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #03110, for influenza virus vaccine, for the Health Department, with Sanofi Pasteur, in the amount of \$36,476.93.

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

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 07/10/07-9C**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #23516, for computer dispatch furniture, for the Public Safety Department, Division of Communications, with Wright Line, Inc., in the total amount of \$245,816.00.

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

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 07/10/07-9D**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #23515, for computer dispatch equipment, for the Public Safety Department, Division of Communications, with TransCore, in the amount of \$375,898.30.

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

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 07/10/07-9E**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #23514, for computer dispatch equipment installation, for the Public Safety Department, Division of Communications, with TransCore, in the amount of \$50,568.00.

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

John Davenport, Purchasing Agent received a request from the County Planning Board to hire a consultant to provide planning services for the Smart Future Grant. This would be done without going out for competitive prices. The amount of the contract would be \$3,900. Mrs. Yard reported the Planning Board has used the services of HART in the past. Mr. Davenport if the Board is in agreement, he will get contracts prepared and bring them back before the Board at the next meeting. The Board agreed.

#### **OPEN SPACE**

Kevin Richardson, Open Space Trust Fund Coordinator, came before the Board seeking approval of a Deed of Easement (non-exclusive) with William A. Schleicher, Block 2, Lot 100, to gain access to Block 3, Lot 31, in the Township of Tewksbury.

Mr. Richardson stated this subject was postponed because of pending questions. He and Joe Novak, Esquire talked this morning with County Counsel DeSapio concerning some of the fine points of the Deed of Easement. What has been proposed since 2004, at the request of Mr. Schleicher, is to consider his request for an access easement which was created when the High Bridge Railroad was constructed more than 100 years ago and which cut off a number of adjoining property owners from their property. This is an issue of prescriptive rights of the property owners to their property across the High Bridge Line that was sold to Hector Cole. The County has been in discussions and negotiations with Hector Cole to purchase the Elizabethtown Gas Company property that was sold to Columbia Gas. There are several letters in file documents from the County Parks and Recreation Department that talk about Columbia Gas' responsibility as the owner, commensurate with the Hunterdon County Board of Recreation Commissioners' policies and guidelines concerning granting requests subject to certain County conditions/restrictions governing the use, the obligations and the responsibility on the part of the adjoining owner, as well as the County. There were specific letters from the law firm representing Columbia Gas, which talked about Columbia Gas' obligation to convey the area to the County as a result of its transmission application and State House Commission requirements as a condition of the state's approval, affecting other Hunterdon County parkland. Once the property was conveyed to the County, it became the County's responsibility to address these types of requests, (there have been many requests made to Columbia Gas through the County), which were a result of the railroad company and the County's ownership of the property.

Mr. Richardson explained Mr. Schleicher's original request to the Board of Recreation Commissioners of the County of Hunterdon and former Park System Director dates back to 2000 for a non-exclusive right for an easement to get to his property. Mr. Schleicher owns two lots, one has a stone house that he has been trying to renovate but Tewksbury Township would not grant permits because he did not have access to the road. Mr. Schleicher has had no recorded right to get to his property and he's asking for a deed of non-exclusive easement which would give him the non-exclusive right to cross the Columbia Trail. Mr. Schleicher owns two adjoining lots, (Lot 29 and 31). Lot 29 is improved with a house and Lot 31 is vacant, unimproved land.

Mr. Richardson stated in looking at previous file correspondence and information, there was some expression that the former Board of Recreation Commissioners had created a policy to deal with this specifically, and how they would proceed. Mr. Schleicher has fulfilled all the requests the County initially made, which was to get a survey and describe the area so that the County would consider it, as part of their decision on whether or not to grant him permission to cross the Columbia Trail. In Mr. Schleicher's instance, it would include the right to cross the trail and also, to be able to undertake improvements in the house, which physically exists. Half of the house exists on the Columbia Trail and the other half exists on his lot. The deed of easement for the one lot is designed to address the encroachment of the house.

Gaetano M. DeSapio, County Counsel explained to the Board that this issue was held for a few weeks, because the law says that before you can convey a piece of property or an interest in property to an adjoining property owner(s), the County needs to accomplish several things and one would be to get fair consideration or fair market value for the easement, as the County cannot give away public lands. His office has been investigating the history of this, and why it was that the former Board of Recreation Commissioners for the Hunterdon County Park System did this once before in 1995 for no consideration. It was based upon that experience that Mr. Schleicher asked Mr. Richardson's Office to grant him a similar easement.

Mr. DeSapio confirmed there was discussion this morning on whether or not the County had obligated itself when it purchased the property, to resolve the claims of people who wanted a right to cross the Columbia Trail. He has not been able to find anything where the County obligated itself to do this.

Mr. DeSapio advised in this case, there is a property owner whose piece is landlocked because the County owns the trail and there is an existing barn on that property that the property owner wants to convert to a house but the property owner can't get a permit from the Township unless he has the right of way. There would also be difficulty in getting a mortgage or selling the property unless granted a right of way. In the abstract, the right of way is worth money. If an appraiser were hired to appraise that easement, they would determine the property isn't valuable without the easement, therefore the easement has a value and in accordance with the statute, the County should be charging for the value.

Mr. DeSapio informed the Board that the issue which makes this different, should the Board choose to view it this way, it that there has been some discussion in the correspondence that Mr. Schleicher and property owners on the other side of the Columbia Trail have been crossing the trail for years without objection of the owner and maybe with the consent of the owner and they may have rights of adverse possession (squatter's rights). Mr. DeSapio thought there might be a compromise solution, if Mr. Schleicher contends that he has rights of adverse possession, the County could ask its title company to resolve the matter because if the person does have the right, the title company should pay the County consideration and the person can be provided the easement. It turns out that for some reason when the Board of Recreation Commissioners acquired the trail, they never got title insurance, so the County does not have this opportunity.

Mr. DeSapio recommended the Board evaluate Mr. Schleicher's claims, because the Board needs to have something in its records to show that you have a reason to give him an easement and not require him to pay the County, if that is what the Board is considering.

Mr. Schleicher confirmed for Mr. Sworen that he purchased the property 20 years ago, in 1987, and that it was landlocked when he purchased it. Mr. Sworen confirmed the property was landlocked with the railroad going through the property.

Mr. Richardson confirmed for the Board that the County has owned the property since 1994.

Mr. Sworen's understanding is that act of adverse possession requires a minimum of 30 years in the State of New Jersey, unless two specific factors are involved, neither which are involved in this case. Mr. DeSapio advised it is 20 years but it is longer if it is vacant land and it must be open and notorious but it also has to be without the property owners consent.

Mr. Peterson explained the requirements for adverse possession are very difficult and almost impossible to achieve in most cases. You can't bring an adverse possession claim against a government body, it doesn't apply to government bodies.

Mr. Peterson questioned if when the County took possession of the property did it cut off any claim at that point, and Mr. Schleicher would have to show that he had adverse possession before that. Also, a person would have to take possession, knowing that they was taking it away from the other person. Knowing that they weren't merely trespassing across the property but that they were doing it to take it away from another and that that person had no knowledge of what they were doing, at the time. These cases are very difficult.

Mr. Sworen would like to bring all the points to the surface in order to have a full discussion, not explain merits or the points of law. He would like to have discussion.

Mr. DeSapio reported Mr. Richardson has a lot of information but it isn't packaged and prepared in a way to address an adverse possession claim because until early this afternoon, he thought the County was dealing with a situation where when the County acquired the property something was signed with the seller that said you will give access over the property for anyone whose property is landlocked. While there is some correspondence back and forth, nothing can be located where that specifically was done.

Mr. DeSapio said if the Board has resolved in its mind that irrespective, you would want to charge the person for the easement, there is no reason to go to step two. If because of the fact that the Board of Recreation Commissioners did this once before and if because the County has been communicating with this person for a couple of years, and he has come to Mr. Richardson based upon the fact that the Board of Recreation Commissioners has done it before, if the Board wants to give Mr. Schleicher an opportunity to air this, a small hearing could be set up at a Freeholder Meeting, and Mr. Schleicher would be asked to present the information about a claim of adverse possession and the Board can evaluate the information and decide if you want to give him an easement without any consideration.

Mr. DeSapio said he has no idea how many other property owners there are in similar circumstances along this trail and whether or not this will be the first of many requests. Also, Mr. DeSapio would like to know historically when the railroad company acquired the railroad line. Mr. Richardson stated the High Bridge Railroad circa 1850.

Mr. DeSapio questions when the properties were originally landlocked, was anything worked out at that time; was there any consideration paid for being landlocked? Mr. Sworen said it is not the County's responsibility to pay to get those answers. Mr. DeSapio said if the Board is going to consider this easement, then a date be set for the Board to hear Mr. Schleicher and he be provided a list of questions to answer for the Board.

Mr. Richardson was asked to provide the Board with copies of the site maps.

Mr. Richardson stated the County has known about these crossings since 1985. He has correspondence from 1990 with requests being made to Columbia Gas, whose response was they could not do anything because they were under an obligation to convey their interests to the County of Hunterdon and the County of Morris, and its those Commissions' responsibility to review and recommend access based on their specific statutes, as well as Green Acres statutes. When the County took title of the property in December of 1994, there were various different deeds conveying certain interests that were adverse claims that were part of a court order settlement. That is in the deed of conveyance between Columbia Gas and the County. Mr. DeSapio feels if there was a court order, then these issues may have been resolved.

Mr. Sworen feels the County will have to consider safety, in terms of crossings on the Columbia Trail where people are walking, biking, or even horseback riding. If a deed of conveyance was done, there would have to be restrictions on vehicles stopping before crossing for the safety of the public.

Mr. Richardson informed the Board that at one time the Board of Recreation Commissioners had entertained granting a blanket easement for all the individual owners. The Columbia Trail is seven (7) miles long and goes through Clinton, High Bridge, Califon, Lebanon and Tewksbury. Mr. Richardson said it isn't known the number of individual lots and owners; as well as the existing driveways that crossover the Columbia Gas transmission line and the County's trail. He would suggest easements be given on an individual basis and not a blanket basis and he feels the County prescription would handle this on an individual case by case basis, based on individual requests. There are certain people crossing the Columbia Trail that do not have a grant or deed, and have been doing so for 30 or more years.

The Board asked Mr. Schleicher to appear before them on Tuesday, August 14, 2007, at 4:00 p.m. to present his case for an easement. Mr. DeSapio confirmed Mr. Schleicher will be sent a list of things to present and his office will do some summary search. He will also contact Mike Ligorano and Mr. Apgar who were the attorney's for the Board of Recreation Commissioners to see what history they have on this and what the thinking was.

Mr. Schleicher informed the Board that he has not asserted a claim by adverse possession and he is not asserting a claim. Also, it isn't a case of crossing the trail; because where he is the trail is the road, and people drive the road. Mr. Sworen explained his concern is that people who use parkland have an impression of being safe.

Mr. DeSapio informed Mr. Schleicher that he and Mr. Richardson will put together a list of questions for his presentation to the Board.

#### **GRANTS**

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 07/10/07-12A**

#### **RESOLUTION**

**RESOLVED**, Approving award of PARIS grants for Public Land Records System and Archives - Phase 3 - \$372,075; Records Management Support and Facilities Planning - \$138,193; and IT/Records Management Infrastructure Support – Phase 2 - \$536,647, total grant amount of \$1,046,915.00.

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

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 07/10/07-12B**

#### **RESOLUTION**

**RESOLVED**, Approving a grant renewal application for Title IV-D Reimbursement agreement, pertaining to child support and/or paternity matters, with the New Jersey Department of Human Services, Division of Family Development, in the amount of \$110,094.06.

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

#### **CORRESPONDENCE**

A request was received from Clinton Township for information from the County's GIS Division, of the Information Technology Department, related to homeowners contained in the Hunterdon County MODIV database to prepare for an update to their Wastewater Management Plan. The Board directed the Clerk to inform GIS that this request should be filled.

#### **FREEHOLDER COMMENTS/REPORTS**

##### **Exit 15**

Mr. Holt reported a date has been established with regard to Route 78/Exit 15 on July 17, 2007 at 10 a.m., at the Route 12 County Complex with all the shareholders.

##### **Sustainability Committee**

Mr. Holt advised a meeting will be held tomorrow at 2:30 p.m. of the Sustainability Committee. He has great hopes on what this Committee will do.

##### **Farmland Preservation**

Mr. Holt informed the Planning Board Director that the State Agriculture Development Committee has received some additional funding that will be brought to the County for the traditional farmland preservation program.

##### **Asset Monetization Plan**

Mr. Holt reported a resolution has been received from Ocean County with respect to the Asset Monetization Plan on the State Budget. He would like to work with the County Administrator on a version of a resolution specifically for Hunterdon County for the Board's consideration.

##### **Landscaping**

Mr. Sworen announced there has been a lot of planting and landscaping taking place at the Route 12 County Library, and tomorrow morning at 8:30 a.m., everyone is invited to help plant the flowers and anything else that is scheduled to be planted.

##### **North Jersey Transportation Planning Meeting**

Director Muller reported the North Jersey Transportation Planning Authority (NJTPA) did approve going forward with a new tunnel into New York City, which will be completed in 2016.

##### **New Jersey Transit Authority**

Director Muller reported after the NJTPA meeting, he met with representatives from New Jersey Transit and he asked when they would start the increased service from Whitehouse Station, going east and west. NJ Transit assured him they would be allowing for 4 eastbound trains and 4 westbound trains a day; with 4 trains during the morning commute and 4 trains during the evening commute.

##### **Route 78 Corridor Study**

Director Muller reported the Route 78 Corridor Study includes park and ride slots and where development will be.

Director Muller advised the County Planning Board has a study which was done a few years back, and will be brought up again about the need for a transportation center, located somewhere within Hunterdon County. There was discussion about it being in Clinton Township but the State Department of Transportation withdrew interest in it because of the concern raised by the local

governing body. NJDOT feels there may be another site along the 78 Corridor to have a transportation center with buses and rail and they are also looking into increasing service into High Bridge in the next four or five years.

### **Blue Stone**

Mr. DeSapio advised at the last meeting the Board accepted a donation from Freeholder Peterson of blue stone to be used in landscaping at the Library and he is recommending the Board adopt a resolution setting forth the facts involving that donation.

Mr. Peterson left the meeting.

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 07/10/07-13A** **RESOLUTION**

**RESOLVED**, authorizing the acceptance of a donation of blue stone, estimated to be worth \$2,500, from Freeholder Erik Peterson, for use at the Route 12 County Library Headquarters.

**ROLLCALL: (AYES) MR. HOLT, MR. SWOREN, MR. MELICK, MR. MULLER.**  
**(ABSENT) MR. SWOREN.**

Mr. Sworen thanked Mr. Peterson for his donation, which is gratefully accepted.

### **EXECUTIVE SESSIONS**

Mr. Sworen moved and Mr. Melick seconded these:

**See Page 07/10/07-13B** **RESOLUTION**

**RESOLVED**, Executive Session to review the executive session minutes of March 2006 and March 2007, for the purpose of determining what items have been completed and can be released.

**See Page 07/10/07-13C** **RESOLUTION**

**RESOLVED**, Executive Session to discuss potential land acquisition for regional library services.

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

Mr. Peterson returned at 5:24 p.m.

Mr. Sworen moved and Mr. Melick seconded these:

**See Page 07/10/07-13D** **RESOLUTION**

**RESOLVED**, Executive Session to discuss right of way acquisition in connection with the intersection of River Road and Route 523.

**See Page 07/10/07-13E** **RESOLUTION**

**RESOLVED**, Executive Session to discuss personnel in connection with the restructuring of the Information Technology Department.

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

The Hunterdon County Board of Chosen Freeholders recessed at 5:25 p.m. and reconvened in Open Session at 5:40 p.m.

### **PUBLIC SESSION**

#### **New Reporter for Freeholder Meetings**

Freeholder Sworen recognized Warren Cooper, a reporter new to covering the Freeholder meetings from the Hunterdon County Democrat.

Director Muller opened the meeting to the public.

### **Recycling**

Erma Bodine introduced herself to the Board, as a Flemington Borough resident, lifelong resident of Hunterdon County, and as a senior citizen who participates in a lot of the activities at the County's Senior Center. The seniors had a luncheon today and when she was assisting in gathering the garbage, everything went in the same container. There was no recycling. Ms. Bodine asked about recycling containers for the senior center since they have none at this time.

Mrs. Yard informed Ms. Bodine that this was an error on the part of those at the Senior Center because all County buildings are supposed to be recycling. Mrs. Yard will follow up by talking with the Human Services Administrator tomorrow, who is the Department Head for the Route 31 Complex.

### **Alternative Insurance/Health Benefits Presentation**

Freeholder Peterson explained when Freeholders discussed health insurance, awhile ago, Michael Pierce contacted him with ideas on various health insurance programs that may be able to reduce the cost to the County. With the consent of the Board, Mr. Pierce met with Cheryl Wieder, Human Resources Director and Charles Balogh, County Treasurer. Mr. Pierce provided information on alternative health benefits March 28, 2007 and today he is here to make that presentation so the Board can advance discussion and make a decision.

Michael Pierce thanked the Board for allowing him to make this presentation. He reached out to Mr. Peterson because he read the County was looking at its health insurance and he noticed there wasn't any mention to the health savings accounts.

Mr. Pierce advised that in the United States, at this time, almost half of the companies and employees who work at those companies are in a health savings account type of arrangement as the health insurance they receive. This is done everywhere except in New York and New Jersey and that is an anomaly while this has been a national trend.

Mr. Pierce explained a health savings account is a hybrid between the HMO accounts and the old style indemnity insurance policies of the late 1980's. In the late 1980's there was the deductible and co-insurance health insurance and the HMO's cropped up as a way to help contain costs. There was tremendous resistance to the migration over to the HMO's at that time. Today, about 98% of the population is in some variation of an HMO, whether it is a pure HMO or a PPO. What transpired from the late 1980's to present is the fear that everyone had about those plans, evaporated once everyone learned how to use them. Statistics show that each American went to the doctors last year about 4 times a year.

Mr. Pierce advised a health savings account has different names, it is called consumer driven health care. You take the HMO and insert the deductibles and co-insurance so that the member has to determine if he needs to have a test or to go to a certain doctor or not. The preventive care is covered, typically, 100% but if you twist your knee have to determine if you are getting an MRI for \$1000 or \$1500. If \$500 or \$1000 is coming out of the members' pocket they will think hard about whether they will have the test or not. That is the part that will create the rational behavior in terms of consuming health care.

Mr. Pierce stated the two groups that have migrated rapidly to the health savings accounts have been the most highly compensated employees, such as business owners, accountants and attorneys. They get the care they want and there are tax advantages to them. Also using health savings accounts are the lower compensated employees because they are getting better health care than they were, and that is in a general sense. If you looked at the County employees the people who would be interested in health savings accounts would be the new younger employees who are replacing older employees because older employees may need more medical coverage but younger employees/people hardly get ill or go to the doctor. The health savings accounts also have a savings bucket on top that becomes the member's money that is portable with them for the rest of their career. Mr. Pierce compared the health savings plan with a savings bucket to a 401K, which increases.

Mr. Pierce said the idea is not to introduce this to the employees in a way that is coercive but as an additional choice. Then a proactive educational program about health savings accounts should take place along with conversations with people, so if it is a proper choice for them, they are aware of it and they would self-select into the program. Once an employee chooses a health savings account insurance plan, there is a host of benefits including the savings bucket. If a 20 year old went ten years and saved \$3,000 a year, that's \$30,000 that came in tax free and it can be invested. There are a number of ways to introduce the plans into the County's insurance offerings, so that it works.

Mr. Pierce stated Blue Cross and Blue Shield of New Jersey has amassed a \$2 billion profit and as a non-profit they were ordered to disgorge those funds, so they have bought down their rates until they consumed those funds. The renewals are now coming up to what a fair market value is in New Jersey. The other carriers have not cannibalized their own book of business by dropping the health savings accounts by 20%.

Mr. Pierce explained for the County, his thoughts were that if the County could weave the health savings account into its health insurance programs, and actively managing the process so the County employees will realize the benefits of this and migrate to it because it's in their best interest. As that happens, it will keep the County's costs down per employee.

Mr. Pierce feels by proactively embracing where the future is going, now while it is happening, a lot of good things will happen over the next ten years, in that the County will have its costs as low as it can be and not position the executive management, management and the employees in any kind of an adversarial posture but rather just be part of the larger wave that is coming.

Director Muller asked Mr. Pierce for a model to review.

Mr. Pierce said he can supply the Board with something to look at for the design of the program. He wanted to provide an overview for the Board tonight so it would have a macro vision of this. The second part of this is the implementation success of this program, which has been documented. If the employer seeds the pot a little, and brings in active management to train employees about how the program works, it will get off the ground well. If it's just put on the table and left to self-propel, it will die.

Mr. Pierce informed the Board that his firm is positioned to dedicate an employee to this to support the operation. He provided personal information about himself and his family.

Mr. Pierce wants everyone to be able to optimize what is available and do as well as they can. That process is individual to each employee based on what they are trying to accomplish. Have a level of support makes it possible. The savings bucket money is the difference between the health savings accounts rate and the HMO rate; and rather than the insurance company getting that money, the employee is getting the money for taking on a little risk.

Mr. Pierce advised his vision would be to schedule periodic meetings on a regular basis, for a long time, in order to support it actively. He asked that his firm be engaged to do this, and they would also evaluate all the health insurance and the ancillary benefits as well, in order to evaluate exactly where they are at, so that each is giving the County as much bang for the buck as possible.

Director Muller asked for a model so that the Board can see where the cost savings are, and where they would be on an annual basis. He would like to see statistics on that.

Mr. Pierce said if the health insurance cost is \$6 million, he would project it would range from a savings of \$300,000 a year migrating up to \$1 million a year and you would carry that savings moving forward, so over a period of 10 years the County could save between \$3 million to \$6 million. Director Muller feels the Board needs to see that demonstrated and what would happen if something catastrophic or an illness comes on someone and they are only 2 years into the program. Mr. Pierce said this is like the old indemnity where there would be a maximum exposure and it would be 100%. Director Muller again stated the Board needs to see that.

Mr. Holt feels this is a new concept and the County has unions to deal with and contracts. He understands there is a cost savings and that the same coverage would be provided and once that is established, it would need to be taken to the employee base in a way that is clear, concise and controlled with an educational base to show the benefit to the employee, in addition to the County.

Mr. Peterson said what is good about this type of policy is that there will be a cost savings to the county and of course, the Board needs to see what it would be to determine if it is worthwhile. From looking at insurance costs, there is a big difference in premiums.

Mr. Peterson had concerns also about the unions, and said this could be another option which employees could choose to go into or not go into. The County can outline the benefits of the new plan versus what the County currently offers so each employee can decide.

Mr. Peterson feels that younger people, who don't use health care unless they have a pre-existing condition, so they can front end load the savings in this program for the future. An important part of this program, is that there needs to be a level of education to show the benefits of the program. It will be the same care, its just a shifting of the responsibilities in such a way, that depending on how you use healthcare, this could be a financial benefit to the employee. He doesn't think that people who are middle aged or older would want to do the change over to this program because it may not make sense for most of them.

Mr. Peterson asked Mr. Pierce to get a case study of a county or an organization about Hunterdon's size with similar circumstances and how it worked for them, for this Board to review. Mr. Pierce will get that to the Board for review.

Mr. Pierce advised at the end of 2006 the government, in order to facilitate this, said that a person could exceed the pot on the health savings by transferring from an IRA or 401K, because typically it isn't until the second year that the pot (savings) is growing.

The Board thanked Mr. Pierce for his presentation and asked for a case study and model from him, for the Board to review.

### **Sergeantsville Farmers Market**

Ron Schapella, Mayor, West Amwell Township, came before the Board concerning the article in the Hunterdon County Democrat about the visit by the County Board of Health to the farmers market. He explained this is a concern for the people in West Amwell because the Township is looking at having a farmers market. He asked the Freeholders to make it possible for farmers to add income in this way.

Mayor Schapella explained West Amwell has been looking at agriculture retention and coming up with a plan that will help rejuvenate agriculture, as it is an important part of community for the future. He feels that the County and its municipalities enshrine agriculture, as something that is central to all its communities. Being able to sell a variety of goods at a farm market is very important and it helps farmers. He asked the County to do what it can to lighten the regulatory load for farmers in terms of permitting and the costs involved. People like to purchase things that have been made locally.

Mr. Sworen explained a lot of farmers make money from baked goods in addition to the vegetables or selling jams and jellies they have preserved. The issue with the Health Department is that if something hasn't been made through a processed plant, it can't be sold.

Director Muller questioned how the Amish Markets sell their products.

Mr. Sworen feels there has to be a way to manage the safety of the public without charging the farmers \$165 for a permit for 5 weeks. A policy needs to be put in place for local farmers.

Director Muller stated at the June 27, 2007 Freeholder meeting, the Board approved waiving fees for non-profits holding a 5013C.

Mr. Sworen said something needs to be put in place for reducing fees for farmers. The County wants to encourage agriculture and the small farmer. If local farmers are selling local baked goods, and jams and such, the County should consider amending its policy.

Director Muller said regarding baked goods, he understands that is covered under the Board of Health State Regulations.

Mr. Holt agreed saying farmers markets exist in Hunterdon County, and as such there needs to be a separate ordinance that would encompass these farmers markets. It could be done through local municipal ordinances. When the issue occurred at the Dvoor farmers market, the County Health Department worked with Raritan Township's Health Department to craft an ordinance that would allow the market to take place and what the products were, and to eliminate the fee structure on the local level and the County agreed to waive the fee structure for all non-profits.

Mayor Schapella recommended this become part of the Right to Farm. Mrs. Yard recommended that be forwarded to the County's Agriculture Development Board (CADB) for consideration. Mr. Melick stated the CADB's rules won't supersede the Health Regulations.

Mrs. Yard reported that she, Mr. DeSapio, Aaron Culton and members of the County Health Department met to talk about the inter-local agreements with the municipalities. The County has expectations from municipalities of what tools are needed from them for the County to do its work as their health agents and in turn the County receives a fee. Some municipalities have not signed these agreements and some have not provided the County with the tools to be able to be their health agent. At this time, those agreements are being reviewed so they can be crafted to help the municipality, as well as giving the County what it needs to get things done. There are many things that could be addressed in these inter-local agreements with the municipalities, so the County could be an asset to the municipalities.

Mrs. Yard advised out of the 26 municipalities in Hunterdon, there are about 15 to 18 municipalities that have signed inter-local agreements.

Director Muller asked Mrs. Yard to contact Winn Cowgil, Department Head, Rutgers' Cooperative Extension to see how other counties have addressed this issue and if so, how they addressed it.

Mr. Melick advised his family has several permitted farm market stands and they also do 6 tailgate markets. Each of the tailgate markets is licensed by a Board of Health where the market takes place. His son is currently at a tailgate market in Hoboken, New Jersey and he is licensed by the Hoboken Board of Health. It is a state law that a license is needed because baked goods are brought in and baked goods have to be licensed. Those baked goods are prepared in a licensed kitchen. The key is the baked goods have to be prepared in a licensed kitchen that is inspected.

Mr. Melick said the County Health Department uncovered a resolution adopted by the Board of Chosen Freeholders back in 1993 that tried to deal with this issue and there is no way around the state law. The state wants to be able to track goods in case there is an outbreak of something. Mr. Holt feels the fee structure is how to keep track of those items. The Freeholders would never ask its Health Department to function in a fashion that is not safe.

Mayor Schapella understands that.

Mr. Melick said the County has a fee structure for services rendered to the municipality and the municipality then tacks on a premium for the paperwork they do. Mrs. Yard recommended this be reviewed. Mr. Holt stated the County worked on a mechanism with Raritan Township that allowed the farm market to take place at the Dvoor Farm and the fee structure for non-profits to be waived by both the municipality and the County.

Mr. Melick feels the County Health Department is going to be looking for a license where those products were made. Mr. DeSapio doesn't feel that getting a licensed kitchen is that complicated. He recalls when a woman came in because of her bed and breakfast, she was not concerned about the requirements for her kitchen, she was concerned about the fees. Unless the regulations have changed, he is not so sure that these farmers would have to change a lot about the place where they baked, they may just need to be inspected by the Health Department.

Mr. Melick said there are certain basic requirements for a commercial kitchen. Mrs. Yard recommended that be reviewed with the Health Department.

Mr. Peterson advised there Collingswood in South Jersey has a farmers market one day a week, all year long, in Camden County. Farmers come from all over and sell all kinds of things. He asked Mrs. Yard to contact Camden County to see how they handle that.

Mr. Peterson advised the Highlands Council gave a grant to Sussex County for the purpose of developing a way to take apples and make pies and jams and it was to be done with Polytech or a vocational school. Whatever they have learned may be helpful to Hunterdon in this matter. These are some models that the County should look at that Hunterdon could duplicate.

The Board thanked Mayor Schapella for coming this evening and bringing this to the Board's attention.

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 6:30 p.m. and reconvened in Open Session at 7:38 p.m.

There being no further business to come before the Board, Director Muller adjourned the meeting at 7:38 p.m.

Respectfully submitted,

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Denise B. Doolan  
Clerk of the Board