

# HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

Main Street County Complex, Second Floor

Flemington, New Jersey 08822

**July 24, 2007**

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 2:00 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 July 17, 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**

Pledge Allegiance.

## **County Update**

Cynthia J. Yard, County Administrator, advised present today are John Trontis, Parks and Recreation Director and Craig Evans who runs the County's Controlled Hunting program because there were additional questions for the approval of the Controlled Hunting program for 2007 and 2008. Mr. Peterson had raised questions about the County's more active parks and what has been done with the bow hunting and if there any arrangement made that are different from last year. Director Muller and Mr. Holt had raised questions about trails that go through properties of people who have private hunting clubs.

Mr. Trontis stated that Mr. Peterson expressed concern at the Parks Advisory Board meeting and there was a discussion about those concerns. The properties in question, the Arboretum, the Furnas property which is a section of the Arboretum and Echo Hill, are hunted in bow season only and they were added to the program last season. There was concern from neighbors who utilize the properties. Mr. Trontis stated his department is trying to accommodate the peak hours of hunting at dawn and dusk. Since the hunters are permitted, the County can specific an hour when hunting should stop in the morning and when it should resume in the afternoon. Mr. Evans stated between these three properties 29 deer were removed last year through archery.

Mr. Trontis and Mr. Evans confirmed for the Board, that restricting hunting during certain hours is doable and it can be enforced. Mr. Evans added that a majority of the deer hunting and activity is early morning/late afternoon. Hunters hunt either before or after work and they aren't spending a whole Saturday for hunting while people who use the park general do so during the middle of their day or during their lunch break. He feels restricting hunting from 10 am until 2 pm, six days a week can be accomplished. Mr. Peterson confirmed there is no hunting on Sundays.

Mr. Peterson moved and Mr. Melick seconded a motion to approve the 2007/2008 Controlled Hunting Program. Mr. Sworen confirmed this policy will be placed on the County's webpage.

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

Mr. Peterson advised he has talked with hunters and they do not feel this is a bad idea, because they recognize they won't be hunting in that area every day; so they were willing to accommodate their schedule to meet the mixed needs.

Mr. Trontis said with the adoption of the Controlled Hunting program today, he will post the hours for hunting on the Parks and Recreation's Orange Warning signs.

Mr. Trontis will call the neighbors who contacted his office last year, to inform them of this.

## **Landsdowne Trail**

Mr. Trontis advised a concern was brought to the Parks and Recreation attention concerning the Landsdowne Trail, by a resident of Clinton Town. Mr. Trontis and Director Muller recognized the resident's concerns and informed him the County would look at possible solutions. One solution would be to amend state regulations because the existing state regulation imposes a 450' buffer zone between hunting and buildings, whether they are occupied or vacant, and school playgrounds. The County's hunting program does not propose hunting near active recreation.

Mr. Trontis at Director Muller urging has drafted something for consideration by Assemblywoman Marcia Karrow. He's had discussions with her office staff that have moved very quickly to discuss this with the State Legislative Office and a bureau of state government that evaluates if this would have any impact on any other entities within the state. Assy. Karrow's staff is following through.

Mr. Trontis stated he has discussed this with Christine Schaumburg, Clinton Town Mayor who recommended that since the Landsdowne Trail also passes through Franklin Township, that they be contacted about adopting a resolution restricting hunting near that facility.

Mr. Holt has also spoken with Mayor Schaumburg, a few council people and the chief of police on this issue. While work is being done in Trenton, the simplest solution would be to dialog with the Town of Clinton and Franklin Township and ask Franklin Township to adopt an ordinance that prohibits hunting within a certain number of feet of the trail. That would be less expensive than having to purchase the property because it would not improve the trail in any way. He recommended the County and Clinton Town appeal to Franklin Township to adopt an ordinance which would solve the problem now, and would work with future legislation to prohibit hunting within so many feet. Clinton Town is meeting tonight and will be discussing approaching Franklin Township.

Mr. Peterson advised we need to see if this can be done. It is his understanding that the state regulates hunting, so the Township may not have the authority to enact an ordinance because it would be limiting hunting. Mr. DeSapio said there are 500 plus laws on where and when you can hunt, so this would need to be checked into.

Mr. Peterson asked if anyone has approached the property owners to see if there could be a voluntary agreement in setting a distance from the property line. Mr. Trontis said before the trail was continuous, the property owner would cross the trail, shoot over the trail, walk up and down the trail, because the public wasn't there. When the bridges were done and the trail was resurfaced, there were numerous complaints, so rangers were sent and issued warnings. Mr. Evans advised the rangers spoke to the gun club who are leasing the property for hunting. Mr. Trontis recalls talking with the property owner.

Mr. Peterson suggested asking the property owner if he would put this into his lease agreement with the hunting club. It would be to the property owner's benefit with regard to liability with people walking on the trail. Mr. Trontis will reach out to the property owner and report back to the Board at the next meeting.

#### **IN-KIND Services** **High Bridge Borough**

Mrs. Yard advised the County has a policy with regard to In-Kind Services dated May 26, 2006 and the caveat is being added for when a municipality wants to borrow equipment. There are also resources at the Chamber of Commerce, they have a \$300,000 grant, to get shared services up and running. The decision of the Board two weeks ago, was that the County would continue with its In-Kind Services policy until the Chamber gets theirs off the ground.

A request was received from High Bridge Borough to print their quarterly newsletter. Bob Thurgarland, Director, Central Printing and Mail has submitted to the Board the cost of this. There will be no overtime involved and there will be no operational interruption in his department. The cost for the paper and work is approximately \$720. There will be costs for pickup or delivery also. Mr. Sworen moved and Mr. Holt seconded a motion granting approval of the request from High Bridge Borough for the County to print their quarterly newsletter at a cost of approximately \$720.

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

#### **Hunterdon Medical Center**

The Director of Public Safety received a telephone call from the Hunterdon Medical Center, (HMC), which was referred to the Buildings and Maintenance Director, to utilize one of the County's new generators. The HMC is changing a large breaker and would like to have it available as backup. HMC does have a backup generator but they want to be sure if that doesn't work they have a contingency plan.

Mrs. Yard advised in keeping with the In-Kind Policy she explained to Pete Maddalena, the Director of Buildings and Maintenance that the person from the HMC needs to put this request in writing but because they need the generator this weekend, she would bring this to the Board's attention today.

Mrs. Yard explained it is her understanding that the County would transport the generator to the HMC on Friday and pick it up on Monday. The breaker work is scheduled to be done on Sunday.

Mr. Sworen advised he has no problem as long as procedure is being followed but he would like to know if there is a cost that the County would need to recover or charge back to HMC. Mrs. Yard said until she sees in writing what the expectations are, she doesn't know but the Board could decide to waive the charge for transportation.

Mr. Holt moved and Mr. Sworen seconded a motion to approve the request for using a County generator by the Hunterdon Medical Center be approved with the understanding that if there are any out of pocket costs incurred by the County, that the HMC pay those out of pocket costs. Out of pocket costs would be for delivery and set up of the generator and the removal of the generator. Mr. DeSapio added that the HMC should provide proof of a qualified operator of the equipment, furnish proof of workmen's compensation insurance, furnish a certificate of insurance covering the operation in the minimum combined single limits of \$1 million, which names the County as an additional insured and sign an agreement stating it will be responsible for any damage to the equipment and pay for any damage or repair.

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

### **Sergeantsville Farmers' Market**

Mrs. Yard reported Director Muller at the last meeting directed her to contact Win Cowgill, Department Head of Rutgers' Cooperative Extension and Charles M. Kuperus, State Secretary of Agriculture concerning farmers markets. She has talked with Director Muller several times about this over the last two weeks. She spoke with the State Farmers Market. She talked with Mr. Holt about some creative interpretation to the Administrative Code. At the suggestion of Mr. Peterson, she spoke to the Collingswood Farmers Market, as well as four other farmers' markets in the State of New Jersey. Yesterday, Mrs. Yard spoke to Mr. Kuperus' Assistant Secretary of Agriculture, Al Murray, and he feels this is something that can be worked on together to solve.

Mrs. Yard said in looking at the Administrative Code, Chapter 28, it talks about what a retail food establishment is not and part of what it is not, and says: "a retail food establishment does not include a kitchen in a private home. If only food that is not potentially hazardous is prepared for sale or service at a function such as at a religious or charitable organizations bake sale. If the consumer is informed by a clearly visible placard that says food is prepared in the kitchen is not subject to regulation and inspection by a health authority."

Mrs. Yard said everyone she's talked to said it sounds like a good idea. They also talk about the market manager having some responsibility.

Mr. Sworen said things need to change further such as the inspection process and the inspection costs. We need to work on what is allowable in a farmers' market.

Director Muller questioned why this can't be resolved in the municipality where the farmers markets are held in by the municipality adopting an ordinance spelling out what can be sold. All Hunterdon does is inspect by agreement with the municipality. Mr. Sworen said the municipality does not ask the County Health Department to come in and inspect, the Health Department on its own, goes into these situations and inspect. Mr. Melick stated the County works for each individual Board of Health through an ordinance adopted by the municipality. Mr. Sworen explained when Frenchtown Borough has events, it does not request the Health Department to do inspections, but they come in just like the state.

Mr. DeSapio advised there is a combination working here. Mr. Melick is right that the Health Department works on behalf of the municipalities and they understood that. Over time it got to the point where people who serve on the local Boards of Health did not realize that they could ask the County or not ask the County to do things and the County was just doing things as a matter custom, and figured that the towns would want the County to do the work. There was a protocol where the County Board of Health just goes out to inspect, it doesn't wait for the town to request and inspections are done uniformly. Also, there is the County Health Services statute which was adopted in the last few years that sets aside money when the County gets a grant to act as an agent of the state to enforce certain health laws. These retail food establishments and some other establishments might be covered under that statute. So, it's a combination of what the municipalities ask the County Health Department to do and have the authority to ask for something to be done, and have the authority to tell the County not to do inspections; and what has been done as a matter of custom and what the new state statute requires the County Health Department to do as agents of the state.

Mr. Sworen feels there are points of confusion other than the farmers market. If there is an event and there is a licensed individual, who is licensed by the state and inspected by the state, and shows all his documents, and he comes to a municipality for an event, the County inspects this person again and charges him a fee even through he's already licensed and inspected by the state. So there is an additional charge.

Mr. DeSapio suggested the Board have the Health Director provide a list of all the food and event inspections the County Health Department does, and whether they do them on their own initiative or on the request of the municipalities or only on request from the municipalities; or if they feel they are doing the inspections under state law and if they charge a fee for it. Then the Board can look it over to determine if the County has discretion or not for certain items. This way the Board can get an understanding of what is going on.

Mr. Sworen is aware the Health Department goes to events without being requested to be at the events by the municipalities and they do impose a fee which gets turned back to the municipality.

Mr. DeSapio confirmed if a vendor pays a state licensing fee the municipality would feel comfortable that the vendor is a safe operator. It is hard for smaller municipalities to attract food vendors because they would not be making that large a profit and if they have to pay the County or town in addition, they might not come to the event. Mr. DeSapio said once the Board receives this list from the Health Director it can decide when the Health Department should inspect.

Director Muller agreed with what Mr. DeSapio is suggesting but the case before the Board is how to assist the farmers' market operations and how they will be able to sell products such as baked goods, jams, jelly and so on. The municipalities could adopt an ordinance to considering waiving fees or not waiving fees.

Mr. DeSapio said the Farmers Market organization would have to incorporate, if it isn't already, as some kind of charitable organization to promote farming in New Jersey or something along that line. If you read the regulation strictly, they have to sell items at a function such as conducted by a charitable organization.

Mr. Holt explained what was done with the Dvoor Farm was get the County Health Department and Raritan Township's Health Department to meet and they crafted a model ordinance for Raritan Township, which the Township approved with respect to the farmers' market. The 1993 resolution adopted by the Board of Chosen Freeholders gave the County the authority to waive the County's fees for non-profits. An ordinance for a for profit farmers market could be crafted also, but will be different from that of the non-profit.

Mr. DeSapio further explained that the County should get the state, whose regulation this is, to acknowledge that it will be alright because when you read it, it sounds like its to cover a small operation like a bake sale where the people who are part of an organization are going to the function, and its designed to make money for the non-profit, not the person who baked.

Mr. DeSapio recommended to the Board that the burden should be on the farmers' market people. Provide them with this information to run by their attorney and figure out what they want to do, because the first step is they would have to establish a non-profit, and then they would have to interpret it and second, bounce it off the Department of Health to see if they will get support for that interpretation. The situation in Sergeantsville has gotten some notoriety throughout the state; so the state is going to be concerned and won't permit something in Hunterdon if it will impact in other areas on a larger scale.

Mr. Peterson confirmed this is the Administrative Code, not a statute; so it could be changed.

Mr. DeSapio advised the Health Director told him today, that there is a meeting to be held next week that Assemblyman Michael Doherty has organized between himself, his staff and various state departments and agencies to brainstorm this and see how it can be fixed or changed.

Mr. Peterson pointed out that the concern is if the County doesn't follow the Administrative Code, the County could be held liable if someone gets sick and that's is the Freeholders' concern. The code is here to protect people. Mrs. Yard stated she prefaced that with everyone she's spoken to in the last two weeks. Mr. Peterson stated the County isn't trying to extract money from people or make it difficult for farmers. Mrs. Yard confirmed the Board does not want to compromise the health and safety of our citizens. Mr. Peterson added the Board doesn't want to put the taxpayers' money at jeopardy through a lawsuit. Someone needs to find a way to do this legally.

Mr. DeSapio feels someone needs to contact the person who is running the Sergeantsville Farmers' Market rather than the County make the definitive interpretation, this information should be furnished to them and suggest they run this past their attorney to see how it can be structured, and they should bounce it off the state. The County will see what the County Health Department and Assemblyman Doherty are working on. He confirmed the Board is supportive of trying to find a resolution that helps farmers to do these types of markets with the least amount of interference.

After a brief discussion, Mrs. Yard volunteered to call the contact person in Sergeantsville and share the information as recommended by County Counsel, at the Board's approval.

Ms. Sworen advised there is another group who is involved in eating healthy, who goes to farmers markets and looks for the breads, rolls and pies that are baked and made from all natural ingredients, with no preservatives or chemicals. These are farmers making something that they would make for themselves, and selling it.

Mr. Peterson advised Sussex County has received a grant from the Highlands' Council to take foods/ingredients grown in Sussex and process a saleable product such a pies, jams and such in a Polytech/vocational school kitchen, which is a commercial kitchen, and create a market for it. He suggested Hunterdon check to see the status of the grant Sussex has applied for. Mrs. Yard was directed to contact the Highlands' Council and check with the person who handles the grants.

#### **Constitutional Officers National Association Conference**

Mrs. Yard explained the County's Policy regarding trips states when additional employees are going to be authorized attend trips, it must come before the Board for approval. The guidelines for trips and conferences are strictly adhered to.

Mrs. Yard reported a request was received from the County Clerk who wants to add a third person to the annual Constitutional Officers annual conference. The amount is for \$2,250 for the three individuals. In 2005 and 2006, the Deputy County Clerk did attend this conference with the then County Clerk as she was preparing to retire.

Mrs. Yard wrote to Freeholder Peterson, as liaison to the County Clerk, and explained that someone is going to have to authorize who would be in charge while these three people attend this conference. In accordance with County Policy #2003-01, the Board has to approve this additional person, Lisa Backowski.

Mr. Sworen confirmed the \$2,250 is for the three individuals. Mrs. Yard explained they will each have a private room; it also includes the conference fee and such. Mr. Sworen confirmed the funds would be paid for the conference from the County Clerk's Trust Fund.

Mr. Peterson asked if this is an organization they belong to. Mrs. Yard advised this is the annual Constitutional Officers Association Conference which is for four days, in Atlantic City, New Jersey. Mr. Sworen explained to Mr. Peterson that it is similar to the New Jersey Association of Counties conference, except it is for Constitutional Officers. Mr. Peterson pointed out that it is still taxpayer money.

Mr. Melick thinks this is outrageous. The County Clerk has a lot of new initiatives in the office and it will be interesting to see what happens to this budget compared to last year's budget. He questioned who will run the office while all the unclassified people are at a conference. It's insulting to the taxpayers.

Mr. Melick moved to reject this request.

Mrs. Yard advised there were situations in the past with the Board of Elections and the Tax Board where the Freeholders have limited the number of people who could attend a conference. The Board in the past has said you 4 people can't attend but 2 are acceptable. The Freeholders in the past have negotiated when it came to conferences. Until 2005, it was only one person who attended conferences. The Surrogate, as a constitutional officer attends this conference but does not take her deputy and Mrs. Yard is not aware if the Sheriff attends this conference. She sat again in 2005 and 2006, both the County Clerk and the Deputy County Clerk attended this conference because the Clerk was preparing to retire.

Motion died for lack of a second.

Mr. Sworen asked for more clarification about the policy and is it just for County employees. Mrs. Yard explained the policy is for everyone because Hunterdon County has an Administrative Code that covers everyone, the Tax Board, the Election Board, the Sheriff, the Surrogate and so on. The Administrative Code by design incorporates all these people so that the policies and procedures of the County can be adhered to by all who are a part of the County family. Mr. Sworen confirmed that includes Constitutional Officers.

Mrs. Yard stated two or three years ago, the Board of Chosen Freeholders denied a trip for the Tax Board to go to Alaska, to their International Conference but allowed the Tax Administrator to attend. The Board decided not to send the entire Tax Board to Alaska on the taxpayers' dollar.

Mr. Sworen confirmed that the County Clerk's Trust Fund comes from fees. Mr. Peterson stated the Trust Fund is recording fees, so its any documents recorded which could be from mortgages, deed for homes, to record a mortgage. Everyone one of those properties is paying property taxes.

Director Muller stated the difference with this request is that it is for three people to attend, and they have to be authorized by the Board to attend the conference.

Mrs. Yard confirmed for Mr. Sworen the dates of the conference, which are September 25, 26, 27 and 28, 2007.

Mrs. Yard informed the Board that other departments have been told when they asked for a large number of people to attend, that they should rotate who attends from year to year, so everyone gets an opportunity to attend. That has been done in Parks and Recreation and the Board of Elections.

Mr. Sworen feels it's important to attend these conferences for the training that comes from these events; plus the information exchange.

Mr. Holt informed Mr. Melick that conferences are as valuable as the time the individuals, who are attending them put into them. Many people who have served on local government, has spent years attending conferences in Atlantic City. There are some who attend and make great use of their time and come back with a tremendous education and there are those who walk the boardwalk for three days on the taxpayer's dime. As any governing body should, we will educate our people, but it's up to them to utilize the education; but not educating people is a crime. He suggested as an individual is introduced to an educational process, that they not be sent for the entire conference time. The County Clerk or Deputy Clerk will attend for the entire timeframe of the conference, and they wish to begin a training process or a rotation process, they should do it on a shorter timeframe, choosing the dates they wish to attend based on the programs offered during that timeframe. Then after the conference, the individual who attended could appear before the Board and provide a 5 minute presentation, documenting what they learned, what they did creating value to attending.

Mr. Holt moved and Mr. Sworen seconded a motion authorizing the County Clerk and Deputy Clerk to attend the conference for full time training, and the other individual be granted two of the four days for attendance, and then that individual should report to the Board on the conference. Mr. Sworen advised municipalities are required to get CEU's. Mrs. Yard stated there are no CEU's involved and it is part of the County's policy that CEU's and if people earn CEU's, that takes them out of this type of conference, with networking. If they are earning CEU's, then they are not held at the same standard as those just attending annual conferences. When the County adopted its Trip Policy that was taken into consideration. Training seminars held in the State of New Jersey for CEU's or other training required for certifications and/or licenses are not restricted but are to be authorized and monitored by the department prior to the authorization from the County Administrator. It is understood when people have an obligation to maintain service CEU's. This particular conference does not provide any CEU's.

Mr. Melick said this sounds like it's a step in the right direction. He questioned if there will always be someone to oversee the office when the County Clerk and Deputy Clerk attend this conference. Mr. Holt feels it would be up to the County Clerk to direct someone to oversee the office in her absence.

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

### Resignation

Mrs. Yard reported a letter of resignation has been received from Frank Fuzo, for his membership from the Hunterdon County Utilities Authority. She asked the Board to think about who might fill that vacancy. This unexpired term is up in February 2008. Director Muller asked the Board to have some recommendations by the next meeting.

### Information Technology, email system

Mr. Sworen congratulated the Information Technology Department on the successful implementation they did this past week.

Mr. Rasimowicz informed the Board that Walter Lang was the project coordinator and the entire department assisted in the change over for the email system. The project started on Friday morning and ended on Monday afternoon.

Director Muller stated he likes the new format.

### Information Technology

#### Request for Proposals (wireless)

Mike Rasimowicz explained the last he came before the Board, there were questions about local ordinances with Raritan Township and he has contacted Raritan Township. Raritan Township has informed him that they do not have an ordinance for a communication tower the size planned. The Township also advised that the County would be exempt from any zoning regulations. Once the County has its plans together for the wireless system, he would recommend appearing before the Raritan Township Zoning Board and inform them what is being done. Director Muller advised that has always been the policy of the Freeholder Board.

Mr. Rasimowicz reported a proposal has been received for the vendor who has a purchasing coop with Somerset County, to have them assist with the preparation of the specifications to develop the RFP to construct the tower. This project has been approved by the PARIS Grant and the vendor has been approved under the grant, so the project will be PARIS Grant funded, as well as the change in scope for the County to go wireless. Director Muller confirmed with Mr. Rasimowicz that this was a verbal approval from the PARIS group and that the formal paperwork still needs to be filed.

Mr. Rasimowicz advised the RFP with the vendor is in the amount of \$16,000 and there is an optional amount should the County like them to remain on the project as Project Manager. He confirmed for Director Muller that the vendor is needed to develop the specifications and it maybe beneficial to have the vendor as a Project Manager because they are the experts, they build these towers for other companies. They will be able to inform the County is something has been overlooked or if something has been missed. Mr. Sworen confirmed all this would also fall under the PARIS grant.

Mr. Sworen moved and Mr. Holt seconded a motion to move forward with the project.

Mr. Peterson asked if this will be competitively bid. Mr. Davenport advised this is an item where the County could get prices on but Somerset County has chosen to do that already, so Hunterdon County would be piggybacking off their contract. Mr. Peterson confirmed Hunterdon is using one of Somerset's vendors under Cooperative Services.

Denise Doolan, Clerk of the Board, confirmed with Mr. Davenport that Hunterdon would obtain its own contract with the vendor. Mr. Davenport has suggested that once the Board gives approval to Mr. Rasimowicz to move forward with the project, he would do the contract documentation. Mr. Davenport recommended that the Project Management portion of the contract have a not to exceed figure so the County would not have to pay out the total amount if they are not used for that amount of time.

Mr. Peterson questioned if there will be language in the contract that the vendor will be responsible for any change orders. Mr. Davenport explained a communications tower is not the same as building a building, its something that is in stock. This vendor will identify the needs of the tower and what size should be. Something can be put in the contract should they make a mistake on the height or something. Mr. Rasimowicz advised the first portion of the contract is for the vendor to assist the County in developing the RFP. The County is looking to them for advice and on the regulations that need to be followed for construction of the tower. Gaetano M. DeSapio, County Counsel, confirmed this vendor would be preparing the plans and specifications for the tower. Mr. Davenport stated they will be assisting the County in preparing them. He explained this is based on their previous proposal where they ran tests to identify what the County's base needs are. Mr. DeSapio confirmed this vendor will be preparing the specifications. Mr. Davenport said the County will do the boiler plate and the vendor will do the technical portion.

Mr. DeSapio stated to avoid the problems that have occurred in the past, is to make sure that there is a good outline of what you want the vendor to do now and that should be incorporated in the agreement. He offered himself and Freeholder Peterson to look at the outline.

Mr. DeSapio stated the vendor would be responsible for change orders that are as a result of their failure to follow the guidelines they were originally directed to do and to provide the expert advice they were asked to provide. The County can't hold the vendor responsible for a change order occurs in the field because of a condition that no one could have anticipated or for something the County changes its mind about later.

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

Mr. DeSapio recommended once the plans are prepared, the design consultant should address the Board to explain what is included and the County should have its professional staff provide a written outline of what is supposed to be in the project. Once the Board hears the design consultant's presentation, the Board could query them to make sure you feel comfortable that they have given Hunterdon the product they promised.

Mr. DeSapio reported when the County deals with local zoning, the County has sovereign immunity but the County needs to go to the Township Planning Board and make a good faith presentation and attempt to comply with their zoning. It is only when you reach a loggerhead that you need to have a public resolution which says that it is in the County's best interest, or there is an absolute need for the County to trump the local zoning. The presentation made to the local Planning Board is not just a matter of courtesy, it is a legal requirement. Mr. Peterson confirmed the County must show reasonable good faith. Mr. DeSapio advised the County must explain in its resolution why complying would not be in the public's best interest and not achieve the County's objective. He stated that cost could not be the only reason for not complying.

#### **FINANCE**

Mr. Melick moved and Mr. Peterson seconded this:

**See Page 07/24/07-7A**

#### **RESOLUTION**

**RESOLVED**, Authorizing the cancellation of the 2006 Work First New Jersey Program, grant receivable, in the amount of \$11,575.00 and a grant reserve, in the amount of \$11,575.31.

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

#### **PURCHASING**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/24/07-7B**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #CountyClerk.894, with Xerox, for a wide format copier, for the County Clerk's Office, in the amount of \$16,107.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/24/07-7C**

#### **RESOLUTION**

**RESOLVED**, Approving a professional services agreement for the preparation of an intensive level architectural survey for the Reconstruction of County Bridge A-39, to Richard Grubb & Associates, Inc., in an amount not to exceed \$6,769.

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

#### **PROJECT UPDATE**

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

- Dispute claims for the Route 12 County Library Headquarters, addition and renovation, with various contractors are being resolved. It is anticipated final applications for payment and closeout documents will be presented for Board review and approval within the next few weeks.
- Work continues on the addition and renovations to the Emergency Services Building, completing most of the painting, tiling and drop ceilings. Duct work has been held at this time. Buildings and Maintenance is working on the duct work drawings for the under-duct for the access floor, to insure there are no hits when repairs have to be done on it. The Public Safety Director has received the purchase order for the furniture ordered for the dispatch area. It is anticipated the furniture will be placed in the dispatch area by the beginning of September. Once that is completed, the dispatchers will be trained in the new space.
- The cornice work on the Hall of Records and Southard Building will be closed out. The second final application for payment has been received on this project and it is being reviewed. The windows have arrived and they will be worked on shortly. It is anticipated all the windows will be completed by the end of August, 2007. The painting, tiling, and carpeting should also be completed by the end of August. The County Clerk is close to approving the final furniture plan and the furniture will take several weeks to order and should be in the building some time in September.

Mr. Sworen asked about the carpeting for the County Clerk's Office. Mr. Bell explained the carpeting has a lifetime guarantee and it won't tear or run. It is similar to the carpeting in the Main Street County Complex. It is a very good, high quality carpet.

- The windows for the Route 12 County Garage Addition have arrived and are being installed. The fuel island drawings have been sent to the State Department of Community Affairs for their review. Once the review has been done, the local agency will do all the inspections for the fuel island at the site. There are a couple of change orders that are being resolved, one is with JCP&L; plus there is a pier installation due to existing

conditions and the \$5,500 cost is being negotiated. An omission occurred on the documents and errors and omissions have to be discussed, because the architect did not place ceramic tile going up the walls in a number of restrooms. He advised a sanitary wall is needed, and it could be gloss paint. Ceramic tile was specified for the base and the floors and the cost is being reviewed to see if it would make sense to do that. If that doesn't work, Mr. Bell will review another method.

- The rough plumbing is 70% complete on the Deer Path Park Restrooms. The excavator will start work on the septic tank installation next week, and the actual field will remain in place.
- Electrical inspections need to be completed for the Arboretum/Greenhouse renovation. There were a couple of failures by the electrical contractor and they are correcting the items necessary for the inspector. The Construction Official has requested a meeting on this project on site to review the use of the space. The original use of the space was a greenhouse and a programming space. It wasn't used as an assembly space. The Construction Official would like to see a fire barrier between the two existing spaces, the office area and the new programming space. The County's argument is that this has always been a programming space and people have been occupying it; so the County doesn't need to do anything because it was a pre-existing condition. The meeting with the inspector will take place either tomorrow or Thursday, whenever the architect can be there.
- One of the County's Planners has located through the NJIT website a documentary on the solar panels, for the Sustainable Green Committee. A meeting will be held on July 31, 2007 with the main committee to talk about the solar meeting which Mr. Bell had with D.T. Solar, where they discussed two ways to provide solar panels if the Board wishes go in that direction in the near future, one is a PPA (Power Purchase Agreement) and the other is by actually going out, bidding and the County installing the equipment. Information is being put together on how to select a building to use as a model and an existing County building will be used to see how to become more energy efficient with that building.
- Mr. Bell advised he will be keeping the Small Cities Community Development Block Housing Grant on the agenda. Mr. Bell is working with Mrs. Yard and Alan Johnson on a program manual for the Small Cities Program. A manual from other county should be received in the next few days, and they will compare it to Hunterdon's. Once that has been completed, it will be brought before the Board for review and adoption.

Mr. Holt said regarding the Sustainable Green Committee, the County also needs to look at what it is doing already and compare what is being done that works in one department, with what is being done in another, and how to make that happen. Mr. Bell advised this information will be shared with the municipalities so the County will be a resource for various towns.

#### **Vault Door/Hall of Records**

Mr. Sworen asked about the vault door that was in the Hall of Records. Mr. Bell stated he did research that with the architect, and they had the Historic Trust come to the site and do a walk through with the pre-grant application and the Historic Trust said it was not an historic element of the building so it was not included to be renovated. The architect did put in his plans for it to be removed and the architect claims it was discussed at a Freeholder Meeting but Mr. Bell does not recall that discussion. It was removed from the building and is no longer available.

Mr. Sworen feels there is an issue regarding fireproof doors now. Mr. Bell advised all the regulations of the State Division of Archives and Records (DARM) have been followed. There is a State recommendation that must be used for storage of documents. It was reviewed and passed onto the architect. Everything installed in the Hall of Records including doors for the lower level is in accordance with those regulations.

Mr. Sworen asked what happened to the door, which was historic to the County and it was very expensive. In today's environment if it was sold for scrap, it's worth a considerable amount of money. That is a valuable resource. Where did it go and who got the money for it. Mr. Bell advised it was placed on the drawing by the architect and the Historic Trust said it was not a valuable item to the building, the architect documented it as being removed, it was removed and it was removed by the contractor. From that point on, there is no way of knowing where it went to or if someone profited from the sale of that door because we don't have that information. The contractor does not know himself because his employees did that during demolition procedures.

Director Muller confirmed with Mr. Bell that he has asked the contractor where the door is and that the contractor has said he does not know.

Mr. DeSapio said since the County asked the contractor to remove the door, he had to factor something into his price, whether he's going to sell it to make a profit or whether it's just for the cost of removal; so he suggested writing a letter from the Freeholder Director telling the contractor that the County did not realize that vault door was going to be removed and that it has historical value to the County and could he ascertain how and where it was disposed of so that the County can try to make arrangements to retrieve it.

Mr. Sworen asked Mr. Bell to research the minutes to see if they reflect when the architect came before the Board in 2006 and if they mentioned the vault door. Mr. Bell will get together with Mrs. Doolan to look at that item.

**OPEN SPACE**

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 07/24/07-9A**

**RESOLUTION**

**RESOLVED**, Approving at the recommendation of the Open Space Advisory Committee, two municipal grant program applications for East Amwell Township, in the amount of \$35,049.62 and West Amwell Township, in the amount of \$26,286.95; plus two nonprofit grant applications with the Hunterdon Land Trust Alliance, in the amount of \$45,000; and the New Jersey Conservation Foundation, in the amount of \$400,000.

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

**ROADS and BRIDGES**

John P. Glynn, Director, Roads, Bridges and Engineering came before the Board and reported as part of the closing on the Wilentz Farm, he has two bridge easements that need to be executed by the Freeholder Director.

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 07/24/07-9B**

**RESOLUTION**

**RESOLVED**, Authorizing the execution of two bridge easements by the Freeholder Director in connection with the closing on the Wilentz Farm.

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

**PUBLIC SAFETY/5<sup>th</sup> Year Anniversary of the Hunterdon Youth Facility**

George F. Wagner, Public Safety Director introduced Karin Gruss, Assistant Superintendent of the Youth Facility, saying she is in charge of the day to day operations. He provided the Board with a handout providing the historical context of the Youth Facility.

Mr. Wagner announced it has been 5 years since the Hunterdon County Board of Chosen Freeholders made the decision to turn the Youth Facility into a County Division and a County operation. On May 14, 2002, the Board of Freeholders adopted a resolution creating the Youth Facility as a Division within the County's Department of Public Safety. From May 14, 2002 to August 06, 2002 the building stood empty with no policies and procedures, no staff and no residents. During that time Policies and Procedures were being developed, staff was being hired and obtained licensing from the Division of Youth and Family Services. The facility obtained its license on August 06, 2002 and on August 12, 2002 the facility received its first resident.

Mr. Wagner stated Ms. Gruss and the staff of the Youth Facility prepared a DVD for the Board. Ms. Gruss explained the DVD was put together by one of the facilities' newer staff members whose forte is video and she is very proud of the job he has done. He did an excellent job, and he put the DVD to music. Ms. Gruss narrated the DVD for the Board.

After the DVD, Mr. Wagner informed the Board that in the last five years, Ms. Gruss has received her Social Worker's license.

Ms. Gruss stated that while the Youth Facility costs money, it also makes money, through grants and reimbursement through the Division of Youth and Family Services. The 2006 revenue generated was roughly \$333,000. The Youth Facility continues to look at other venues to help support the efforts at the facility.

The Board congratulated Mr. Wagner and Ms. Gruss on their 5<sup>th</sup> year Anniversary.

**GRANTS**

Mr. Melick moved and Mr. Sworen seconded this:

**See Page 07/24/07-9C**

**RESOLUTION**

**RESOLVED**, Approving an application for funding from the NJ State Nutrition Education Plan, in the amount of \$168,362, to assess the nutrition education needs of food stamp eligible individuals and families, deliver nutrition education and evaluate the impact of this nutrition education program, through the Rutgers Cooperative Extension, Family and Community Health Sciences Department, as part of the New Jersey Food Stamp Nutrition Education Plan.

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

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 07/24/07-10A**

**RESOLUTION**

**RESOLVED**, Approving a Subgrant Award for the Victims of Crime Act, #V-07-07, in the amount of \$288,035, (Federal funds: \$230,428, County match: \$57,607).

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

## **FOR DISCUSSION**

Director Muller announced that anyone wishing to discuss issues concerning clear cutting along electrical transmission lines by PSE&G may come forward.

John Klotz introduced himself as a resident of Readington Township and as a member of the Readington Township Open Space Advisory Board. This matter came before Readington's Open Space Board. He explained PSE&G has taken an aggressive approach to vegetation management in transmission lines to the point where they are clear cutting the whole right of way. This is an issue based in Administrative Code, N.J.A.C. 14, which is the energy section of the code that describes what can be taken. PSE&G is citing that code in Readington's interactions with them. PSE&G are not leaving a buffer or anything and it is a concern.

Mr. Klotz introduced Julia Allen, Readington Township Committeewoman and Dr. Jay Kelly, Phd, in Ecology, he is a member of Readington's Open Space Advisory Board, and has seen first hand what PSE&G has done.

Dr. Kelly informed the Board that a year ago, he was hired by Readington as the caretaker for the Doboinski Farm, which is a Green Acres property consisting of roughly 100 acres. The property extends up Round Mountain and is adjacent to County Parkland, Deer Path Park and a number of other open spaces on the mountain. The power line cut runs through the Doboinski farm and the Buffalo Farm, up the mountain through Deer Path Park and the adjacent private properties.

Dr. Kelly advised about a week after he started his position at the farm, last year, the power line company or contractors working for them, came through and began clear cutting. The cutting was much wider than was done previously, they were cutting down trees that were more than 100 years old on the property that had been untouched the entire time there had been power lines on the property. Walnut trees more than 2' in diameter, as well as Cherry trees and numerous other valuable timber species. Not only were trees being cut down but they were leaving the debris on the ground making trails on the property either completely impassible or hazardous to cross. One the adjacent County property, the power company cut into the historic pine plantation and cut through signs that were marked by the County as wildlife habitat management areas, where no vegetation was to be disturbed. They also cut through old Oak Trees more than 300 years old on the old Irvington Board of Education property, they dismembered old Beech Trees which were so large that two people could not put their arms around them.

Dr. Kelly reported he raised his concerns to Readington Township last year and nothing was done at the time, partly because it seemed to be an isolated incident but this year, it has become clear that was just the beginning; that PSE&G has been systematically cutting down trees through the power lines throughout all of Hunterdon County and statewide. They are cutting across numerous open spaces that have been funded by Readington, the County and the state and they have greatly expanded the width they are cutting. These activities are extremely detrimental to these properties, for all the reasons they are being preserved. PSE&G has reduced the aesthetic values of the property, they reduced the recreational value because the trails are not passable, and they reduced the wildlife habitat including documented instances of endangered and threatened species in the state. This is problematic for stormwater management and they destroyed the soil and water quality thus eroding the land. PSE&G has destroyed the basic economic value that these trees can provide. Not only are they cutting down the most prized timber species in New Jersey, Cherry, Oak and Walnut; they are cutting so they are useless for anything except for firewood. They are not felling the trees and leaving them intact; PSE&G is cutting them in 2' to 3' sections.

Dr. Kelly feels PSE&G has cut down hundreds, if not thousands of acres in total in Hunterdon County alone. The damage to these trees totals in the millions of dollars. He urged the Board to make a statement about the concerns of PSE&G's activities on the open space that the County has been so active in funding and preserving over the past years.

Director Muller confirmed trees are being cut down on County property. Dr. Kelly said in many cases it's County, State and local properties. Director Muller feels if PSE&G changed their protocols, the County hasn't been notified.

Ms. Allen explained the PSE&G is governed by the Board of Public Utilities (BPU) and the BPU has vegetation management regulation, N.J.A.C. 14:5.A-6. In years past transmission lines have gone across Hunterdon, and PSE&G go underneath the lines and make sure they maintain a safe distance between the lines and any vegetation below it and anything outside the wire zone was left. BPU has an easement for a single line of 200'; for a double line its 300'. About 4 years ago, land owners in Readington Township contacted the local government, and the Readington Township Committee called the vegetation management people and they came out and were shown what was public land, conservation land, and preserving tree lines was discussed with them and they were also shown vegetation and trees near stream corridors, and wetland buffers. There was a good working relationship. As of last year, those regulations are no more by several sections in 14:5.A-6, specifically 2D, 1, 2, 3 and 4; where it says they shall not allow anything higher than 3' in the wire zone and 15' in the border zone. This is a dramatic change, and there are 40' on either side of the easement that is being cut for the 1<sup>st</sup> time. 40' feet doesn't sound like much until you make a swipe through a township 20 miles long on either side and then taking anything under the wires in the original 100' that was trimmed down, and either top it or totally take it down to the ground, so it is a blight on the landscape. Buffers and tree lines are now gone.

Mr. Holt questioned what has changed the policy for tree trimming. Ms. Allen feels its economics, it is cheaper to bring the transmission line to be bare, as is done down south, and then it is managed with time released herbicides. Ms. Allen stated one of the items that makes New Jersey livable is its trees.

Ms. Allen advised Readington is currently doing a Stormwater Management Plan, and the person doing that plan suggested in order to get the attention of the State Department of Environmental Protection, that a meeting be held with BPU. Ms. Allen feels the Freeholders could help Readington get that meeting set up. The Freeholders could also put their voices to the municipalities that have been complaining and this would be the proper time to do that, since PSE&G is considering a revision of the regulations. There has been an outcry across central New Jersey. An example is that a woman in Branchburg, New Jersey tied herself to a tree; and a man had a heart attack when he was confronting a logger who was stripping a property. Ms. Allen asked the Board to help get a meeting organized through Senator Lance's office.

Ms. Allen asked the Board to send a letter to the Board of Public Utilities using the address on the Mayor's fax advisory. She also asked if the County could amend its regulations to require that the PSE&G takes into consideration the environmental considerations, the view shed considerations, the stormwater considerations and respect the property owners whose property they are crossing, as well as the public land that the county and municipalities have spent public money to preserve. Everyone understands the necessity of trimming; as Hunterdon has living with the transmission wires for 40 years but there has been a tremendous change in the way PSE&G goes about clearing near the wires.

Ms. Allen stated she will provide to Director Muller a letter that Readington is composing from the Open Space Advisory Committee and the County can modify that letter for the County's purpose.

Mr. Sworen said this is not Readington's only issue. He has been working on this for a couple of years with JCP&L, mainly because of the storms Frenchtown has been hit with. JCP&L have gone on a despicable vicious attack on anything that is within a certain range of their power lines. The people working for JCP&L clear back 30' to 50' of the power lines and they top trees that aren't even near the lines. They topped one in Mr. Sworen's yard that is 30' away from the power lines, and not growing near the power lines. JCP&L topped the tree because they could. Mr. Sworen feels the damage caused by JCP&L is incredible. What these companies are doing now is causing environmental damage. Their reason for doing this, as told to Mr. Sworen, was that they have to protect their power lines because if there is a storm and a tree comes down, you won't have power. Mr. Sworen feels they need to re-manage their policies on the existing lines. He can understand clear cutting underneath the lines but there needs to be vegetation to hold the ground. Mr. Sworen agreed something has to be done, saying that the State has to make a decision and it has to be statewide.

Ms. Allen asked if the Board could ask Senator Lance to assist in setting up a meeting with someone from the Division of Stormwater Management and from Green Acres.

Director Muller advised this Board has met with the Board of Public Utilities before, on other matters. This Board could request a meeting with BPU. Ms. Allen asked if Somerset County could be brought into this because Branchburg and Bridgewater Townships have been horrified by this cutting also.

Director Muller asked Ms. Allen to provide the Freeholders with documentation that can be acted on to go forward. Ms. Allen will get documentation to the Board.

John Trontis, Director, Parks and Recreation, informed the Board that months ago he contacted the BPU because of clear cutting the Cushetunk area, the Round Mountain area and in Franklin Township. BPU told him that along a public roadway, where there is a wire, there are state regulations as to how far off the wire, vertically and horizontally, they can cut. In terms of their rights of way for high tension lines, the BPU says the public utilities have the right to clear cut their property. There are side and width requirements along roadways but nothing when it comes to power lines.

After further discussion, Ms. Allen confirmed Readington Township will provide information to Mrs. Yard.

Director Muller announced that the Freeholders will be recessing and reconvening its meeting in Lambertville City.

Director Muller announced the Hunterdon County Board of Chosen Freeholders will not be holding a 7:00 p.m. Executive Session today at the Main Street County Complex and that the meeting will continue until it ends at the Lambertville Justice Center.

The Hunterdon County Board of Chosen Freeholders recessed at 4:55 p.m. and reconvened in open session at 5:48 p.m., in the City of Lambertville (25 South Union Street - Lambertville Justice Center).

Lambertville Mayor David Delvecchio welcomed the Board to Lambertville, saying the public thinks it's a great idea for the Board to meet in individual municipalities.

Director Muller introduced the County Administrator, Cynthia Yard; Clerk of the Board, Denise Doolan and County Counsel, Gaetano DeSapio.

Director Muller asked members of the Board to introduce themselves and make a brief comments.

Matt Holt introduced himself and thanked the people for inviting the Board to Lambertville to hold a meeting. He feels more of this should be done.

Ron Sworen, from Frenchtown, said in January he asked for the Board to have some meetings around the County, as he feels it's important and he believes in open government. There are people who don't know what the Freeholders do, and can't make the meetings, so this brings the Freeholders to the people and they can make comments to the Board.

George Melick, from Oldwick, northern Hunterdon County, said he is very pleased to be here this evening. Hopes those present are disappointed tonight.

Erik Peterson stated he currently lives in Milford but when he first moved to Hunterdon County in 1990, he lived in Lambertville. He has resided on Church Street and on Swan Street. Lambertville has a special place with him. He is glad the Freeholders are beginning their road tour with Lambertville. It is important for the public to have an opportunity to come before the Board. He feels an open government is an honest government and honest government is the best government.

George Muller, Freeholder Director, from Raritan Township, reported the Freeholders started their meeting this afternoon at 2:00 p.m. and recessed at 5:00 p.m. There were a number of items that came before the Board such as how trees are being topped off that align the power lines in the County, how the utility is taking out a lot of trees and ruining the vegetation on the ground. The County will be receiving documentation from Readington Township who addressed the Board on this issue and the Board will be contacting other counties to address the Board of Public Utilities on this issue. The Board also discussed hunting in the County parks.

### **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 #29 was held at this time.

Mr. Holt moved and Mr. Sworen seconded a motion to approve the payment of all claims as listed on the Claims Register dated July 24, 2007.

**See Page 07/24/07-12A**

**CLAIMS REGISTER**

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

Mr. Holt moved and Mr. Sworen seconded a motion to approve the Social Services Funds Report for June 2007.

**See Page 07/24/07-12B**

**SOCIAL SERVICES FUNDS REPORT**

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 07/24/07-12C**

**RESOLUTION**

**RESOLVED**, Sam DeBella appointed unclassified, full time Chief of County Detectives, Prosecutor's Office.

**See Page 07/24/07-12D**

**RESOLUTION**

**RESOLVED**, Dan Hurley appointed unclassified, full time Deputy Chief of County Detectives, Prosecutor's Office.

**See Page 07/24/07-12E**

**RESOLUTION**

**RESOLVED**, Jeffrey Farneski appointed unclassified, full time County Investigator Lieutenant, Prosecutor's Office.

**See Page 07/24/07-12F**

**RESOLUTION**

**RESOLVED**, Kathleen Shive appointed unclassified, full time County Investigator Lieutenant, Prosecutor's Office.

**See Page 07/24/07-12G**

**RESOLUTION**

**RESOLVED**, Kristen Larsen appointed unclassified, full time County Investigator Sergeant, Prosecutor's Office.

**See Page 07/24/07-12H**

**RESOLUTION**

**RESOLVED**, Michael Nugent appointed unclassified, full time County Investigator Sergeant, Prosecutor's Office.

**See Page 07/24/07-13A**

**RESOLUTION**

**RESOLVED**, Kevin Burd appointed unclassified, full time County Investigator Sergeant, Prosecutor's Office.

**See Page 07/24/07-13B**

**RESOLUTION**

**RESOLVED**, Sean O'Lone appointed unclassified, full time County Investigator Sergeant, Prosecutor's Office.

**See Page 07/24/07-13C**

**RESOLUTION**

**RESOLVED**, Peter Pfeifer appointed unclassified, full time County Investigator First Class, Prosecutor's Office.

**See Page 07/24/07-13D**

**RESOLUTION**

**RESOLVED**, Joseph DeJesso appointed permanent, full time Laborer, Roads, Bridges and Engineering.

**See Page 07/24/07-13E**

**RESOLUTION**

**RESOLVED**, Donn Brown appointed permanent, full time Laborer, Roads, Bridges and Engineering.

**See Page 07/24/07-13F**

**RESOLUTION**

**RESOLVED**, Shane Fryer appointed permanent, full time County Park Ranger, Parks and Recreation.

**See Page 07/24/07-13G**

**RESOLUTION**

**RESOLVED**, Paola Sahulka appointed permanent, part time Library Assistant, Library.

**See Page 07/24/07-13H**

**RESOLUTION**

**RESOLVED**, Patricia Lillis appointed permanent, full time Principal Docket Clerk, Prosecutor's Office.

**See Page 07/24/07-13I**

**RESOLUTION**

**RESOLVED**, Eleanor Vesey appointed permanent, full time Program Development Specialist Aging, Division of Senior Services, Department of Human Services.

**See Page 07/24/07-13L**

**RESOLUTION**

**RESOLVED**, Ann St. John appointed provisional, full time Social Worker Aging, Division of Senior Services, Department of Human Services.

**See Page 07/24/07-13J**

**RESOLUTION**

**RESOLVED**, Kathi Ragno appointed provisional, full time Supervising Clerk, Division of Social Services, Department of Human Services.

**See Page 07/24/07-13K**

**RESOLUTION**

**RESOLVED**, Amy Jo Seeley appointed provisional, full time Senior Technician MIS, Information Technology.

**See Page 07/24/07-13L**

**RESOLUTION**

**RESOLVED**, Dan Johnson appointed provisional, full time Senior Technician MIS, Information Technology.

**See Page 07/24/07-13M**

**RESOLUTION**

**RESOLVED**, Jonathan Delgado appointed temporary, as needed Building Maintenance Worker, Buildings and Maintenance.

**See Page 07/24/07-13N**

**RESOLUTION**

**RESOLVED**, Approving an application and agreement for State Aid to Counties and Municipalities under the New Jersey Transportation Trust Fund Authority, for the Rehabilitation of County Bridge H-64-W, in Holland Township.

**See Page 07/24/07-13O**

**RESOLUTION**

**RESOLVED**, Approving the Historic Bridge Preservation Program Federal Aid Agreement for Hunterdon County Truss Bridge Bearings and Lower Cord Repairs.

See Page 07/24/07-14A

**RESOLUTION**

**RESOLVED**, Approving a No Passing Zone in both directions of Linvale-Harbourton Road (County Route 579) in West Amwell Township.

See Page 07/24/07-14B

**RESOLUTION**

**RESOLVED**, Approving a change order for County Bid #2006-12, for the Reconstruction of County Bridge T-165, on Barley Sheaf Road, over a Tributary of the South Branch of the Raritan River, in Readington Township, with Empco Contracting, Inc., decrease of \$27,441.44.

See Page 07/24/07-14C

**RESOLUTION**

**RESOLVED**, Authorizing the revision of plans approved on December 29, 2006, for the Safety and Mobility Improvements for Intersections of County Route 523 (River Road) with County Route 612 (Bartles Corner Road) and County Route 523 (Flemington Junction Road), in the Township of Raritan.

See Page 07/24/07-14D

**RESOLUTION**

**RESOLVED**, Approving a Road Opening Deposit release to Brian Plushanski Construction, in the amount of \$1,000.

See Page 07/24/07-14E

**RESOLUTION**

**RESOLVED**, Approving an application for payment #9, for Bid #2006-20, for the renovation of the Hall of Records and the Southard Building, with Watertrol, Inc., in the amount of \$97,068.62.

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

**Old Business**

Mr. Holt moved and Mr. Peterson seconded these:

See Page 07/24/07-14F

**RESOLUTION**

**RESOLVED**, Approving a Mutual Assistance and Volunteer Agreement, for specialized law enforcement services, with the Township of Clinton, through the Hunterdon County FACT Team.

See Page 07/24/07-14G

**RESOLUTION**

**RESOLVED**, Approving a Mutual Assistance and volunteer Agreement for specialized law enforcement services, with the Town of Clinton, through the Hunterdon County FACT Team.

See Page 07/24/07-14H

**RESOLUTION**

**RESOLVED**, Approving a Volunteer Agreement, for the Township of Clinton, with Harry P. Bugal, for the Hunterdon County FACT Team.

See Page 07/24/07-14I

**RESOLUTION**

**RESOLVED**, Approving a Volunteer Agreement, for Town of Clinton, with Timothy McGuire, for the Hunterdon County FACT Team.

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

**RECOGNITION**

Mr. Peterson moved and Mr. Holt seconded this:

See Page 07/24/07-14J

**RESOLUTION**

**RESOLVED**, Recognizing Edward J. Kurowiski for having served on the Area Agency on Aging Advisory Council.

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

Mr. Peterson moved and Mr. Sworen seconded this:

See Page 07/24/07-14K

**RESOLUTION**

**RESOLVED**, Recognizing Gregg Rackin for having served on the Area Agency on Aging Advisory Council.

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

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 07/24/07-15A**

**RESOLUTION**

**RESOLVED**, Recognizing the Bloomsbury Hose Company #1 on their 100<sup>th</sup> Anniversary.

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

**PLANNING BOARD/FARMLAND PRESERVATION Update**

Sue Dziamara, Planning Board Director updated the Board on the farmland preservation program.

- 4 farms are scheduled for closing, which brings the total of farms to 34 since January 2007, which preserves 1,870 acres.
- Tentative numbers from the State reflect that Hunterdon has passed Burlington County in acreage preserved, with a total of 22,582 acres of preserved farmland.
- A municipal farmland status meeting was held on July 18, 2007 and 5 municipalities attended.
- The farmland plan, which is due at the end of 2007, is being worked on.
- A check was received from the State for over \$350,000, a reimbursement for ancillary costs associated with the County's Farmland Program.

Mrs. Dziamara updated the Board on the Planning Board initiatives being worked on.

- The Planning Board is working on the Water Quality Management plan proposal, the comment period ends of August 20, 2007. Comments will be provided to the Board in advance of that deadline.
- The next breakfast meeting will be held in October.
- The Planning Board is working with the Delaware River Basin Commission on their flood hazard planning efforts. The Planning Board staff is working closely with Lambertville and the municipal land use center for their All Hazards Plan.
- Cross Acceptance is coming to a close. Meetings were held with the Office of Smart Growth last week.
- The County Planning Awards program will be scheduled for October 30, 2007.

Mr. Sworen stated that Lambertville, under the leadership of David Burd, is ahead of other municipalities in their All Hazards Plans. A majority of municipalities in Hunterdon did not know what to do for these plans, so the Freeholders asked the Planning Board to get involved, and because of that, all municipalities in the County were able to get, through meetings and the volunteer time from the County's staff, information so that all municipalities can have an All Hazards Mitigation Plan and a Flood Plan, to present to the State. Now every municipality can be certified with FEMA in order to get funding. That is a major accomplishment. Tomorrow Lambertville will be filing their All Hazards Plan with the State, and they will be the first municipality to do so. With the use of the County's resources, all municipalities have been assisted in this venture.

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 07/24/07-15B**

**RESOLUTION**

**RESOLVED**, the Board of Freeholders concurs with the County Planning Board to approve the recommendations and findings of the Hunterdon County Coordinated Human Services Transportation Plan.

Mrs. Yard informed the Board, that the grants received for the County's Transportation System totals around \$1.2 million and the Board of Chosen Freeholders match that with \$1.2 million, to provide the services provided by the County's LINK service. Hunterdon is the only County not supported by New Jersey Transit because they do not feel there is a need in Hunterdon but the Board of Chosen Freeholders has decided there is a need and they match the \$1.2 million received from state grants, dollar for dollar.

Mrs. Yard explained this resolution is being adopted because the County has certain obligations to continue to get the grant funds.

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

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 07/24/07-15C**

**RESOLUTION**

**RESOLVED**, the Board of Freeholders supports A-1308 which seeks to grant County Planning Boards the authority it currently possesses regarding subdivisions, to have the same authority over site plans.

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

## **LIBRARY**

Director Muller introduced Mark Titus, the County's Library Director, noting that he is a resident of Lambertville.

Mr. Titus stated he has been Director of the County Library for almost two years now, and a number of things have been done to improve Library services countywide. There are now numerous programs held at the Library Headquarters. Last Friday's program on Harry Potter, pulled in over 500 people. The Friends of the Library purchased 30 Harry Potter books and they were raffled off to the children. Mr. Titus had no idea that Harry Potter was this popular.

Mr. Titus explained the Friends of the Library is a terrific organization and they have around 700 members currently. The Friends of the Library raised around \$100,000 this year with their annual book sale. The Friends of the Library helps with many events at the Library.

Mr. Titus reported people in Hunterdon County are always ready to help out and to be a part of making things better.

Mr. Titus advised the Library instituted a program for new residents, where they are sent a welcome packet, because there is no welcome wagon. This has been a very successful program for the Library. The packet talks about library services, other County services, and businesses who have partnered with the Library.

Mr. Titus stated the Library is working towards getting the Bookmobile out on the road in early 2008. The Bookmobile is used to provide services in various parts of the County. It will provide the Library with more flexibility and mobility to get out to special events.

Mr. Titus explained the Library is about the facilities, the people, community and services. If you go to the Library's website you will be able to see just how much is available. There is also a new computer system at the Library and anyone can now reserve books online.

## **CORRESPONDENCE**

A request was received from the Lebanon Township First Aid Squad, asking permission to hold a coin toss on September 01, 2007 and September 02, 2007, from 8 am until 4 pm, at the Intersection of Route 31 and Van Sycles Road, in Lebanon Township. Mr. Melick moved and Mr. Holt seconded a motion granting permission provided this event is coordinated through the County Department of Roads, Bridges and Engineering.

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

## **COUNTY COUNSEL**

Gaetano M. DeSapio, County Counsel informed the Board that on June 28, 2007, Governor Corzine signed a bill to raise the salaries of a variety of people, including the judges of Superior Court to \$149,000. The County has four Constitutional Officers and three are affected by this decision and they are the County Clerk, the Sheriff and the Surrogate. These three people are all elected. A Constitutional Officer is a position established by the State Constitution. Under the New Jersey Statutes, these people receive an automatic pay increase whenever the judges receive a pay increase. Under those statutes they are entitled to 65% of the annual salary of the judge, and in this case the salary would be \$96,850. The Board of Chosen Freeholders will be adopting a resolution this afternoon authorizing the Human Resources Department in the County to process the pay increases as required by law.

Mr. Sworen moved and Mr. Holt seconded a motion to establish the salaries for the County Clerk, Surrogate and the Sheriff, in the amount of \$96,850, to be effective July 01, 2007, as required by law and directing the Human Resources Department of the Payroll Office of the Treasurer's Department, to process the necessary paperwork.

Mr. Peterson explained to those present, that the Board is not thrilled about making this motion, when it is mandated by the state, and the funds come out of the County budget; plus it takes away the Freeholders' control. The Board feels it would do a better job in managing its money than the state is and this Board has proven that with the fiscal health of the County compared to the state.

Mrs. Yard confirmed the exception would be if any of these people are currently making more than that amount.

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

## **FREEHOLDER REPORTS**

### **Sustainability Ad Hoc Committee**

Mr. Holt advised touched on the Ad Hoc Committee for Sustainability saying about two weeks ago around 12 people from the planning area sat down to look at both the long range and short range goals within the County with respect to sustainability or greening. There are some long range goals with respect to using solar, a potential pilot project not only for energy saving but for green. The County has looked at what is currently being done within the Master Plan and the County will be looking department by department, not only on items that are currently being done on green operations, which will be compiled and submitted to the Freeholder Board, but also to look at departments to make recommendations on small items also, so we can push and make Hunterdon County a leader within the State of New Jersey not only for Open Space Preservation and Farmland Preservation, but everything else that is green.

Mr. Holt has asked this committee to start to put together something formal to approach the Board with to possibly consider. As ideas are developed, they will determine where to go with them and also if this could be a permanent, full time committee within the County.

Mr. Holt commended the people in the Planning Board and the Solid Waste/Recycling Coordinator who are involved with this committee, which is making important strides.

### **Information Technology**

Mr. Sworen reported to the Board that most of the Information Technology people have been moved to the Main Street County Complex. An issue has come up about there is only one pool car and that number needs to be increased to 2 or 3, because they are using personal vehicles. Mrs. Yard explained in the philosophy of the Fleet Management Committee, pool vehicles should not be assigned to a department, it should be assigned to the Main Street Complex. Mr. Sworen agreed.

Mrs. Yard confirmed a pool vehicle at the Main Street Complex was lost due to a vehicle accident and it wasn't replaced. She recommended the Fleet Management Committee meet, and recognize that the Freeholder Board wants a second pool vehicle to Main Street, and it can be done with the general use vehicles. It may not be a new car, but it will be functional.

Mr. Sworen feels it maybe advisable to have three pool vehicles stored at the Main Street County Complex, because the Information Technology people travel to various County buildings. Mrs. Yard stated pool vehicles are driven by need. The Fleet Management Committee will look at the general use pool.

Mr. Melick advised the pool vehicle which was totaled in a vehicle accident had problems with its breaks rusting out because it wasn't used enough. The County would pay mileage for minor usage.

Mrs. Yard explained a charge of the Fleet Management Committee at the end of each year is to jockey vehicles around and give low mileage vehicles to departments who have high mileage vehicles. The Committee is going to pull two vehicles from the Route 31 Complex and bring them to another location, because at Route 31 they drive a lot of elderly and special needs people and they did not want to be going in and out of the 4 wheel drive vehicles as they are too high for the elderly to maneuver getting in and out of.

### **Liaisons**

Mr. Sworen explained to those present that the reason he brought up the issue regarding the vehicles for Information Technology because he is the liaison to IT. Every Freeholder is a liaison to at least four County Departments and sometimes, Freeholders share duties as is the case with Polytech where he and Mr. Holt are liaisons. Mr. Sworen explained on the Planning Board, Director Muller is a member because he is Director and he and Mr. Holt are liaisons. All Freeholders have at least four Liaison duties in addition to attending different meetings.

Mr. Sworen advised there is a lot of information on the County's website, and it will show what each Freeholder is a Liaison to.

### **Meetings – Freeholder Comments**

Mr. Peterson informed those present that the Freeholder Comments portion of the meeting is new. He and Director Muller worked on changing how meetings are conducted. They felt it important for the department heads to go to their liaison and the liaison would bring the information back to the entire Board, so that individual Freeholders would not be able to change things without the knowledge of the other Freeholders. It was felt this made more sense and it brought a lot more control back to the Board and it allows the Freeholder Liaisons to get a handle on certain areas, so all information is brought back by the Liaisons and it's shared, in public, with the entire Board. When people come to the Freeholder meetings they heard what issues are going on and what issues have been brought up.

Mr. Peterson further explained if he had a question about the Health Department, he would reach out to Mr. Holt who is their liaison. If there is an issue, Mr. Holt is the Freeholder who can work on it and he brings information back to the Board.

Mr. Peterson advised he is the liaison to the County Parks and Recreation Department. He introduced John Trontis, the Parks Director. He encouraged everyone to go on the County's website to see what the Parks and Recreation Department has to offer. There are many programs and opportunities offered by Parks, but you need to sign up quickly because they fill up, because they are very popular.

Mr. Peterson stated he is also the liaison to the Human Services Advisory Council, which is where all the Human Services come together; whether it is general assistance or alcohol and drug programs or handicapped disabled programs, and even the Link which is the public transportation in Hunterdon County. There are a lot of issues in Human Services. Hunterdon County is the wealthiest County in New Jersey and in the country, there are people who need these services. It is very difficult in Hunterdon to provide those services than it is in other places because Hunterdon does not have mass amounts of people needed these services, they are disbursed. Getting services to people in a cost effective way is an ongoing challenge and the County is always looking for new ways to provide services.

Mr. Peterson reported he is also the liaison to the Hunterdon County Housing Corporation which is a nonprofit organization that helps provide, in different ways, low and moderate income housing.

Mr. Peterson is also the liaison to the Constitutional Officers, who are the County Clerk, Surrogate, Sheriff and the Prosecutor. If any issues come up with them, he will go to those departments and discuss the issues with them and he brings back the knowledge he has gathered back to the Freeholder Board.

### **Volunteering**

Director Muller reported if anyone has any interest in serving as a volunteer in some capacity, the County is looking for volunteers in every area of County government and in every area of the County. The volunteers in Hunterdon are the County's greatest asset.

Director Muller noted there are vacancies on many of the County's boards, counsels and committees, so please submit resumes and area(s) you are interested in serving in.

### **Farmland Preservation**

Mr. Melick confirmed the County has now preserved over 22,000 acres. Twenty-five years ago when Hunterdon County first started preserving land, he was sitting on the Freeholder Board, and no one envisioned this would be such a success. Ben Kirkland and George Muller were members of the Freeholder Board at the time. The goal has always been to maximize the County's dollars, with the Township matching the County's 20% and the State providing 60%. Preserving farms caught on in Hunterdon and he is very pleased with the program.

Mr. Melick advised he has been involved in a lot of things with the County but he feels Preservation has been the most successful.

Mr. Peterson noted that earlier today the County approved money from the Open Space Trust, in the amount of \$35,000 to East Amwell; \$26,000 to West Amwell; \$45,000 to the Hunterdon Land Trust Alliance, which is a nonprofit that preserves land; and \$400,000 to the New Jersey Conservation Foundation to preserve land in Delaware Township.

Mr. Peterson stated the County is aggressive in preserving land because it is a race against the developers. If Hunterdon County is going to keep being the finest place in New Jersey to live, with the finest quality of living, a great, safe place to raise a family then the Freeholders are going to have to keep preserving its lands. Also, we are going to have to think of new and innovative ways to preserve land and open space for the future as money gets tighter and tighter from the state and tax wise. The County is working on creative ways to do just that.

Mr. Peterson feels George Melick, George Muller and prior freeholders all deserve a lot of credit for taking this program on, getting it going and keeping it going so Hunterdon is now at the point where it has preserved 22,588 acres of farmland land.

Director Muller also informed those present that Hunterdon County has just under 7,500 acres of preserved parkland.

Mr. Sworen advised municipalities, without the help of the County, have also saved and preserved massive amounts of land through Green Acres, parks, farms and open Space.

### **Space Walk**

Director Muller reported the Freeholder Board did a space walk on May 29, 2007. This is when the Freeholders go through County buildings to analyze the various space needs and/or requirements in different areas. The Freeholders are trying to take care of growth and utilize the County's buildings which have been repaired, renovated and maintained. Currently the County is restoring the Hall of Records building through the assistance of a PARIS Grant, which has enabled the County to bring the building up to standard. Once the Hall of Records is complete the County Clerk's Office will move back in it and the space they are currently utilizing will be considered for another use.

Director Muller recommended the next space walk for the Board take place on Wednesday, August 15, 2007, at 3:00 p.m. The Board agreed.

Mrs. Yard will send the Board out a set of floor plans, as was done for the last space walk, for the Board to consider.

### **High Bridge Borough**

Director Muller recognized the Borough of High Bridge. High Bridge Mayor Mark Desire introduced Council members Ralph Batch and Lynn Hughes, as well as Borough Administrator, Douglas Walker.

Mayor Desire said he's here today to talk about the future of High Bridge because they are facing 138 units to go up on a 2 square mile piece of Hunterdon County. That would be a 10% increase in housing in the Borough. The fear is the adverse affects this would have on High Bridges' school system, the infrastructure and the Borough's sewer capacity.

Mayor Desire explained the Borough would like to purchase this property in order to take control of their destiny and to protect the quality of life for the citizens of High Bridge; and also the citizens in surrounding townships who will feel the effects of the increased traffic.

Mr. Batch came forward to talk about the engineering issues.

Mr. Batch stated High Bridge is in a race with a developer. In 1984 the builders remedy was established in High Bridge which called for 170 housing units. They were 136 market rate, 4 bedroom, single families and 34 COAH units. 32 of that 170 were build, market rate, 4 bedroom houses. That happened a few years ago and this would be the second phase. The COAH units are proposed for two multi-story buildings which would be located at the far end of this development.

Mr. Batch explained the Borough has been in court for years over this issue and with the new administration coming in, it was decided to stop the court action and see what could be done to solve this problem.

Mr. Batch advised the court just ruled the developer has his preliminary approvals and should be given his final approvals, so he is ready to start the project. The developer will be appearing in front of the High Bridge Planning Board in September to get his final approvals.

Mr. Batch said High Bridge's concerns with regard to its sewer capacity, is that this development would wipe out the Borough's sewer capacity. When this development was set up, it was based on how much sewer capacity the Borough had remaining and that is the number of units the developer chose. High Bridge Borough feeds into Clinton Town's sewer and they are not able to build; so over the next ten to thirty years, this will restrict anything the Borough might want to do in town for commercial development such as developing the downtown area, the transit area around the railroad station or anything else. Some of the houses are still serviced by old septic systems; about 70% of the houses are on old septic systems or old cesspools. Historically, if a septic failed and you could not get a new perk, then it was hooked up to the septic system, but if this development is built, that can't happen.

Mr. Batch explained there have been concerns about the school system. This development would add to the number of children that would have to be educated. There are also quality of life issues because this puts 10% more housing in the area and it puts more development in the County.

Mr. Batch stated High Bridge has been trying to review every possible option and the new administration has been working on this and he feels the administration has been doing a 2 or 3 year project in the last 6 months, to figure out what can be done to solve this problem. The simplest solution would be to let the developer build but the new administration did not want to go there until it exhausted every possible opportunity. High Bridge has been meeting with the state agencies, professional planners, State legislators, attorneys with expertise in this situation, High Bridge's in-house professionals, and everyone they could possibly meet with to go over all aspects of this. A lot of time has been spent in Trenton with the State and they have been very encouraging and actively working with the Borough to and develop some funding mechanizes. High Bridge has been researching methods and costs of funding any proposal that maybe made. High Bridge is trying to come up with a solution that has the least impact on its taxpayers and the best solution for everyone. High Bridge is stepping forward and is willing to take the burden of this cost. It is understood that it will cost the Borough's taxpayers money. High Bridge is looking for additional support from the County.

Mr. Batch advised an alternative being considered is to purchase the property, in its entirety, using available funding sources and then subdivide the top portion out and sell it to help recoup funds. Then the Borough would be able to have control over what is built there and would be able to set up the zoning and come to an agreement with the potential builder. High Bridge has looked at putting in single family houses which would be similar to the development that already exists there. He feels less single family houses would be one solution. Another solution being looked at with the Borough's planners are upscale townhouses. In order to do anything of these solutions, the Borough would need to purchase the property or purchase a portion of the property and let the rest of it be available for development.

High Bridge's research indicates that this property is valued at \$7.5 million and the state has certified that value. Mr. Batch feels the Borough might be able to recoup at least \$3 million on the sale to developers. High Bridge is currently in the planning and fact finding mode. Another alternative would be to purchase development rights from the developer, so the Borough could purchase some of the units so they would not be built.

Mr. Batch explained part of this would meet the COAH obligation. The Borough has been meeting with COAH in Trenton because the Borough does not want to not provide its COAH obligation. Trenton COAH is pleased that High Bridge intends to meet its COAH housing.

Mr. Batch stated the Borough wants to have sewer capacity for future beneficial growth, take the pressure off its schools, but time is limited.

Mr. Batch advised the Borough has spent time talking with the County's Open Space Trust Fund Coordinator who suggested the Borough look for assistance from the County through its Extraordinary Aid program and that is why the Borough is here tonight.

Ms. Hughes read a prepared statement saying: "The purchase of this property is consistent with the Borough's long time open space acquisition and with the Borough's future goal to protect environmentally sensitive property. The proposed property acquisition by High Bridge would result in the guaranteed, long term protection and maintenance of the quality of the surface water, groundwater and wetlands of this area, in addition to protecting High Bridge's quality of life. There are quality of life concerns. The very high density building project unlike anything else in the Borough being located along a main traffic route, it will remove the small town feel, which is what High Bridge is all about. The local infrastructure was not designed to accommodate the

additional traffic generated by this development. A report from March 2004 stated the traffic could increase up to 50%, with 2/3<sup>rd</sup>s going towards Annandale and 1/3<sup>rd</sup> going towards High Bridge. This increase would have an effect on County Route 641, which connects Annandale and High Bridge and especially the one lane culvert which is on this road. The increase in both vehicle and people generates both light and sound pollution, which is another concern for the residents. What affect will the high density of light generated have on the observatory in Voorhees State Park? Due to the high density buildings, drainage easements will limit the amount trees that can be planted. What about the location of the open space recreation component of this high density development? There are also storm water management concerns and the new storm water management regulations from the State Department of Environmental Protection which have been adopted since 2004. Will this 23 year old plan be required to meet DEP requirements or will this be built to the standards of 23 years ago. If High Bridge were to purchase this property, it would have to resubmit new site plans that would meet the 2007 standards.

High Bridge has seen first hand the increased runoff caused by phase I of this development, where the water runs down East Main Street causes flooding in a small creek, thus causing problems for the residents. Also, Washington Avenue had a run off problem and a retaining wall had to be built. Ms. Hughes questioned who is taking care of the retaining wall now that the developer is not there. Retaining walls are not a permanent fix and who will take care of them.

Ms. Hughes advised there are a lot of wildlife habitat areas where the development is to go. Four basic components of habitat needed by wildlife are naturally found in this area. The High Bridge Environmental Committee is working with the National Wildlife Federation presently to certify High Bridge as a wildlife habitat community. To qualify High Bridge must have a certain number of homes, schools and community areas designated as wildlife areas. If the Borough had control of this property, it would preserve a section and it could count as one of the wildlife areas.

Ms. Hughes urged the Freeholder Board to consider assisting the Borough in the acquisition of this property, so that High Bridge will have the opportunity to minimize the environmental impact to the Borough and its downstream neighbors.

Director Muller asked what amount of funding the Borough of High Bridge is looking for from the County. Mayor Desire advised the Borough is looking for a 20% contribution of \$1.8 million, based on the County's Extraordinary Policy. Director Muller confirmed with Mayor Desire that the Borough would be able to arrange for the rest of the financing. Mayor Desire said the Borough is asking for support but it is also willing to stand and raise its own funds.

Director Muller asked the timing for this. Mayor Desire said timing is short because the developer will be appearing before the Borough Planning Board in September, so the funding would be needed in November. Director Muller advised the Board will look at this sometime in August in Executive Session. He directed Kevin Richardson to prepare a summary to inform the Board on this issue in August 2007.

Mr. Sworen stated the Borough talked about selling the property to recoup funding and he wondered if part of that profit would come back to the County. That is what the County has done in the past with other acquisitions. Mayor Desire advised the Borough's funding would have to go towards the open space in perpetuity. High Bridge's money would have to secure that portion that is not going to be built on. In working with the New Jersey Historic Trust there would have to be open space.

Mr. Sworen asked what happens to the COAH obligation. Mayor Desire stated the Borough's COAH obligation is currently 34 units and that is above Rounds 1 and 2. The Borough only needs 27 units but it has 34 built in for Rounds 1 and 2, based on builders remedy. In talking to COAH, should High Bridge strike an agreement and everything works, and the builder, who has the builders remedy, might relinquish the builders remedy because the Borough would be purchasing then the COAH units would be reduced to 4, but that does not include Round 3.

Mr. Holt confirmed with Mayor Desire that appraisals have been done on the property which have been certified by the State Green Acres, and the property is worth \$7.5 million.

Mr. Holt confirmed with Director Muller that the Board will discuss this in executive session and it needs to be navigated through Mr. Richardson's department.

Representatives from High Bridge thanked the Board for its time.

### **PUBLIC SESSION**

Director Muller opened the meeting to anyone else who wishes to address the Board.

Don Pizzalato addressed the Board stating his company, Don Pizzalato, Inc., did the sprinkler system and plumbing system for the Route 12 Library addition. He is waiting for payment of \$65,000 on requisitions which were approved last year. He has letters from Frank Bell that when the liens are removed, and there was one lien on his work which was resolved after eight months and he would like to get paid.

County Counsel DeSapio explained the Library took longer than anticipated to finish the work. Raritan Township issued a stop work order, which was in effect for approximately three months. The stop work order was issued because the plans for the sprinkler system in the Library had not been approved by the Department of Community Affairs. The contract documents required Mr. Pizzalato's firm to obtain that approval and Mr. Pizzalato disagrees with that but that is the County's professionals' interpretation of the documents. After that three month period, it took

awhile for the other contractors to remobilize and towards the end of the project, three contractors submitted delays claims against the County seeking close to \$500,000, contenting they were entitled to that money because Mr. Pizzalato had delayed the project and them up so they had additional costs. The County's professionals have been working hard the past year to try and resolve those claims at a minimum expense to the County and all the parties. Two of the other contracts were prepared to waive their claims and walk away with the final balance due them.

Mr. DeSapio informed the Board that a month ago, Mr. Pizzalato said he might want to come to a Freeholder meeting. Mr. DeSapio had a meeting with him and his attorney and Mr. DeSapio advised Mr. Pizzalato that he did not think the notoriety or publicity would be productive to their negotiations to resolve the two sets claims because if there is a brouhaha in public, the contractors that have not yet signed off could change their minds. There is one contractor who has not yet agreed to sign off and his is the biggest claim, around \$324,000.

Mr. DeSapio stated both Mr. Pizzalato and his attorney know the County has been holding up his payment because under the contract documents if another contractor makes a claim against the County intending that a different contractor caused the delay, the two contractors are responsible for negotiating and resolving the claims because otherwise the County is not going to pay the person who is alleged at being at fault. Mr. DeSapio advised that is the reason the County is not paying Mr. Pizzalato. The County is holding his money because he is alleged to be at fault and the County is at jeopardy, somewhere between \$325,000 and \$500,000 to get the claims resolved. Mr. DeSapio stated Mr. Pizzalato disagrees with that and while his position is understood, and the two or three meetings held to try to resolve this, he has been cordial but Mr. DeSapio does not recommend the Freeholders pay Mr. Pizzalato anymore money because if he is found to be held wrong and the cause of the problem and if the contractor is able to object a judgment against the County; then the County will be asking Mr. Pizzalato to pay.

Mr. Pizzalato confirmed with Mr. DeSapio that currently there are no suits against the County for delay claims. He stated there were four delay claims and his firm had a delay claim. The only person who took the time to understand was Mr. DeSapio. He could not get anyone to sit down to understand who was to blame for this delay. His firm is not to blame for this delay. At this time, he doesn't want to sue the County but said he feels that is all he can do. His firm was not responsible for any delay at that project. Mr. Pizzalato informed the Board that when he found out that the State of New Jersey wanted to get a resolution in this matter, and the architect did not have a qualified engineer on staff, his firm jumped in and took care of it. It was his firm that got what the state wanted.

Mr. Peterson asked what the statute of limitations runs for making a claim, for delay claims. Mr. DeSapio advised in the contract it states delay claims have to be made within twenty-one days of the event. No one filed a timely delay claim; which was one of the grounds the delay claims were denied but there is case law that, that could be relaxed under certain circumstances. The final AIA Documents which serve as a basis for the contract, for all the contractors, say no contractor can get final payment unless all claims against them are resolved.

Mr. DeSapio reported he told Mr. Pizzalato and his attorney two or three weeks ago, that anyone is free to stop this and go to court. Mr. DeSapio advised he did not think that was in the best interest of anyone if all the parties are still talking. If someone did that a year ago, then the other two contractors would not be on the verge of dropping their claims. Mr. DeSapio said Mr. Pizzalato is free to do what he feels he has to do.

Director Muller explained to Mr. Pizzalato that the Freeholders cannot resolve this matter this evening. Mr. Pizzalato informed the Board that he just wanted to bring it to the Freeholders' attention.

Mr. DeSapio assured Mr. Pizzalato that the Freeholders are going to want more details on this situation, and that will have to be done in private so as not to prejudice the litigation. That won't be done this evening, as the Board has a long list yet to go through.

### **Reaville Church property**

Drew Foster, Manners Road, East Amwell Township, came before the Board. He introduced his Pastor, Bill Crawford and his daughter, Michelle. Mr. Foster stated they are here this evening about the Reaville Church property.

Director Muller explained the Clerk has informed the Pastor that the Board would not be able to discuss this issue today, but if you want you can talk to the Board about it. Director Muller reported he has been in contact with the attorney for the Presbytery about the property. The Freeholders need more information on several issues, which the Board doesn't have at this time, as to how this matter can be handled. The County understands how this issue came about and how it was put together and purchased. Director Muller is aware that if the property were to change that it would revert to the County's Parks and Recreation Department and it needs to be determined if Parks and Recreation has a use for it.

Director Muller explained County had no idea this existed until it was brought to the Freeholders' attention. This is currently being investigated to find out what the County's responsibility is in this particular matter. Mr. Peterson added if the County cannot use this property for what it was recommended, for recreational purposes, then it might revert back to the original owner. The property was given to the church under certain contingencies and if those contingencies weren't met; then the property was to go to the County for recreation on the contingency it be used for that purpose. If the County doesn't use the property for recreation it could revert back to the original owner of the property or his heirs or assigns.

Mr. Peterson advised the Church was using the property as a parking lot and it was contingent on the church remaining active. As soon as the church stopped being, the property then went to the County for recreation purposes. If the County doesn't use it, he believes it would revert back to the original owner who sold the property to the church.

Mr. Foster advised his Pastor is the Pastor of Calvary Chapel of Flemington and they are interested in purchasing the church. He attended Reaville Church for about eight years, until going to Calvary Chapel. He noted the church is on a small lot and is worthless as a church without space for parking. Mr. Foster knows the person who sold the property to the church for parking, and feels the clause was placed in the deed to prevent the Presbytery from getting that piece of property.

Mr. Foster informed the Board that their hope is that the County relinquishes its rights to the property either to the Presbytery or directly to whatever church purchases the building. Mr. Foster offered his services if the Board needed information from him. Mr. DeSapio told Mr. Foster there are two pieces of information he could furnish, and he can take the time to think about this. One is how much of that lot would you actually need for parking; and Second, when would the parking requirements be necessary; would it just be on certain days of the week, or every day of the week, or would it be different on different days of the week. If you can provide the County with that information, it would be helpful in connection with one of the options the County is thinking about to try and resolve this matter. The County understands the Presbyteries concerns and their interest in trying to market the property they do own, it is understood the other piece is difficult for a church to use without the parking. Mr. Foster confirmed he could send that information through an email to the Freeholder Board.

Director Muller hoped that the Board would be able to get this matter clarified and resolved sometime next month. If anyone wants to know when this issue is back before the Board, they can always call the Clerk of the Board, Denise Doolan, she will know the Thursday, prior to the Board's Tuesday meeting what will be list on the agenda.

Reverend Crawford asked to share what he sees for this church. This church has had over a 250 year history in the County, a rich history that he would like to see maintained. Just like farmland preservation, once you loose something you can't reclaim it. Our nation is at a point where we are spiraling downhill. In 1985, he built a house in Delaware Township and he works full time besides pasturing the church. He had to move and went to Branchburg and now his lives in Franklin Township in Somerset County but his heart is still in Hunterdon County. The church is currently meeting in the Grange in Stanton. When he sees a church building like this, with such history and tradition associated with it, he's drawn to it. To do anything else with this property and building besides being a church would be a sin. Current his congregation meets for church on Sunday morning at 8:00 a.m. and everyone leaves around 1:00 p.m. That's all they do, and they are looking for a home, where the church can be used for a base of operations to reach out to the community and give them more morality, more extensive family and more of a boost to draw them together as team because you need that sense of unity in this world.

Rev. Crawford respects the timeline the Board needs and the legality that has to be discussed but he wanted to share what his heart is when he sees that building. Thank you for your time.

### **Boy Scouts**

Amy Wells, of Lambertville, thanked the Board for coming to Lambertville today and thanked the Board for its support with the Boy Scouts. A couple of the Freeholders came and attended an Eagle Court of Honor for five scouts who made Eagle Scout this year, which was absolutely awesome. There will be quite a few this year making Eagle Scout also, and she looks forward to the Freeholders being in attendance.

Mr. Sworen informed those present that the Freeholders are proud of what these scouts are doing and if you go to the County's website you will be able to see their current Eagle Scout Award, along with a proclamation from the Freeholders' individually recognizing these Eagles, and noting what their Eagle projects were. The County would like to receive photographs for inclusion on the webpage.

### **Recycling**

Ms. Wells advised she is also a member of the Lambertville Environmental Commission. Although Lambertville is limited in space, you will find a life support for open space, farmland preservation and all the environmental issues. This is an environmentally aware area.

Ms. Wells reported currently Lambertville is in the process of revising its recycling program and in the Spring, Lambertville will be recycling plastics 1 through 7, as well as cardboard. The Environmental Commission is looking for opportunities to make this venture more "user friendly" and to educate the children. Lambertville would appreciate any support the County could offer in educational materials or making it "user friendly" by helping offset the costs of purchasing recycling bins to help increase the recycling rates.

John Trontis, Director, Parks and Recreation, offered to help Lambertville with Environmental Education Programs and Recycling Programs for youth. Mrs. Yard explained the County receives a grant for environmental education and the County is always looking to increase the amount of programs held. Mrs. Yard stated that is part of Parks and Recreation's goals and objectives.

A member of the Lambertville Environmental Commission, who works with Ms. Wells, informed the Board that Lambertville is looking for funding for the new recycling bins that will be needed, so they can be distributed to each home in Lambertville. The cost per household would be around \$50 for the large bins around \$100,000 and he asked if the County would give them those funds.

Mrs. Yard advised the County's Solid Waste/Recycling Coordinator, Alan Johnson, is here this evening, and Lambertville would need to contact him. George Melick, Hunterdon County Utilities Authority Chairman, advised that the County has never put the cost of recycling on the tax rate. The County created a surplus for running the Transfer Station. The County tried recycling but it fell apart because of the cost. Mr. Melick confirmed Lambertville picks up its own garbage.

Mrs. Yard, a member of the HCUA also, confirmed the County is also rewriting its recycling plan and she's aware the numbers in Hunterdon County. She recognized that Lambertville does a great job.

Mr. Melick explained the County has been trying to run things on state grants, but they are limited.

Mr. Johnson confirmed for Mrs. Yard that Paul Crounce, of Lambertville, faithfully attends and is a member of the Hunterdon County Solid Waste Advisory Board, (SWAC) and SWAC is diligently trying to finalize the recycling plan by the Fall 2007. The obligation, countywide, is to raise the percentage and the numbers.

Mr. Johnson confirmed for Mr. Peterson that in 16 of the 26 municipalities, have direct contracts between the private resident and their garbage hauler; Lambertville is the exception because it has a municipality collection and it has municipal workers who do the actual pickups.

Mr. Johnson advised there are grant opportunities that are available, and they come about annually. Currently, they are dedicated towards funding of the household hazardous waste collection days, which costs the County \$26,000 for each collection day. The County is getting some pressure to have an increase in the number of household hazardous waste collection days. The HCUA is trying to balance out what the grant funding allows to be done. The funding the HCUA has is already being taken up by programs that are in place.

#### **Deer Management**

Ms. Well congratulated the Board on its Deer Management efforts and asked them to keep up the great work.

#### **Delaware Township**

Mr. Johnson, representing Delaware Township, reported to the Board that last month the Township closed on the Brown property, a 65 acre farm. He thanked the Board because the Township could not have done it without the help of Hunterdon County.

Mr. Johnson advised the auction of the property is scheduled for September 20, 2007. He stated the Delaware Township Committee invites the Board of Chosen Freeholders to attend the auction to see the culmination of this cooperative project which has gotten 65 acres in Delaware Township farmland preserved.

#### **County Services**

David Burd, OEM Coordinator for Lambertville City, confirmed the City is trying to pull its Hazardous Mitigation Plan together and it would not have been possible without the professionalism of the County's staff and the ability of tools and systems have really made a difference. He expressed his thanks to the County's staff, and the Board of Freeholders as the leadership that sees the need to provide these types of services. The small 26 municipalities do not have the resources to do what can be done at the County level appropriately.

#### **County 911 System**

Mr. Burd advised he has also been involved in the City of Lambertville's EMS (Emergency Medical Services) and OEM (Office of Emergency Management) for a number of years. He hopes the Freeholders understand what a jewel it has in the County's 911 System. That system has been around for a long time, and if you list to the radio and hear them, you hear the professionalism that they bring to their jobs. If you ever have the need to pick up the phone and get that service, you have a good operation there. He congratulated the workers as well as the management, and the Freeholders as the leadership team, who have made the office, function and be what it is.

Mr. Burd welcomed the Board of Chosen Freeholders to Lambertville City and made an offer to the Board to come back again.

#### **EXECUTIVE SESSIONS**

County Counsel DeSapio explained in the State of New Jersey there is an Open Public Meetings Act, which requires most of what public official do, to be done in public. It also permits under certain limited circumstances that are deemed to be in the public interest for the Freeholders to meet privately to discuss matters but that can only be done if a resolution is adopted first which outlines what will be discussed privately and under what exception to the Open Public Meetings Act the private discussion is permitted and outlining in detail when the minutes of the executive session can be made available to the public.

Mr. Holt moved and Mr. Sworen seconded these:

**See Page 07/24/07-24A**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss the legal issues involved with SAFE in Hunterdon, a home which is used as a domestic violence shelter and has the opportunity to obtain a grant, to do work on the County building.

**See Page 07/24/07-24B**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss a possible land acquisition in Lebanon Township.

**See Page 07/24/07-24C**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss a possible land acquisition in High Bridge Borough.

**See Page 07/24/07-24D**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss a possible land acquisition in Raritan Township for a property which might be used by the Hunterdon County Polytech school.

**See Page 07/24/07-24E**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss possible appointments to the Area Agency on Aging.

**See Page 07/24/07-24F**

**RESOLUTION**

**RESOLVED**, Executive Session to review pervious executive session minutes to determine if topics have been completed and can be released.

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

The Hunterdon County Board of Chosen Freeholders recessed at 8:10 p.m. and reconvened in Open Session at 9:28 p.m.

There being no further business to come before the Board, Director Muller adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Denise B. Doolan  
Clerk of the Board