

# HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

**March 13, 2007**

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:02 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 Palladino announced: "This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been given by posting throughout the year a copy of the notice on Bulletin Boards on the First and Second Floor of the Main Street County Complex, Building #1, Flemington, New Jersey, a public place reserved for such announcements. A copy was mailed on or before January 02, 2007, to the Hunterdon County Democrat, Lambertville Beacon, The Express, Courier News, Trenton Times, Hunterdon Review and The Star Ledger, newspapers designated to receive such notices and by filing a copy with the Hunterdon County Clerk."

## **Pledge Allegiance**

## **CONSENT AGENDA**

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

Items held at this time: #'s 13, 16, 17, 18 and 19.

Mr. Peterson moved and Mr. Holt seconded a motion to approve the regular session minutes of January 23, 2007.

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

Mr. Peterson moved and Mr. Holt seconded a motion to approve claims in accordance with the Claims Register dated March 13, 2007.

**See Page 03/13/07-1A**

**CLAIMS REGISTER**

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

Mr. Peterson moved and Mr. Holt seconded these:

**See Page 03/13/07-1B**

**RESOLUTION**

**RESOLVED**, Rebecca Magron appointed unclassified, full time Horticultural Consultant and Research Associate, Rutgers Cooperative Extension.

**See Page 03/13/07-1C**

**RESOLUTION**

**RESOLVED**, Josephine Malloy appointed permanent, full time Senior Account Clerk, Human Services Department.

**See Page 03/13/07-1D**

**RESOLUTION**

**RESOLVED**, Josephine Glynn appointed permanent, full time Secretarial Assistant, Planning Board.

**See Page 03/13/07-1E**

**RESOLUTION**

**RESOLVED**, Sue Dziamara appointed permanent, full time Planning Director, Planning Board.

**See Page 03/13/07-1F**

**RESOLUTION**

**RESOLVED**, Catherine Zahn appointed permanent, full time Supervising Program Development Specialist, Human Services Department.

**See Page 03/13/07-1G**

**RESOLUTION**

**RESOLVED**, Gail Bowen appointed provisional, full time Principal Clerk Typist, Prosecutor's Office.

**See Page 03/13/07-2A**

**RESOLUTION**

**RESOLVED**, Ernest DiGiovanni appointed provisional, full time Field Rep., Senior Citizens Programs, Division of Senior Services, Human Services Department

**See Page 03/13/07-2B**

**RESOLUTION**

**RESOLVED**, Carol Yard appointed temporary, as needed Employee, Election Board, Elections Department.

**See Page 03/13/07-2C**

**RESOLUTION**

**RESOLVED**, Dawn Sharp appointed temporary, as needed Instructor, Division of Senior Services, Department of Human Services.

**See Page 03/13/07-2D**

**RESOLUTION**

**RESOLVED**, Clint Bush, Senior Mechanic, Roads, Bridges and Engineering Department, granted a leave of absence without pay.

**See Page 03/13/07-2E**

**RESOLUTION**

**RESOLVED**, Approving application for payment #12, for Bid #2005-47, for the addition and alteration of the Communications/Emergency Services Building, with DeSapio Construction, Inc., in the amount of \$152,344.88.

**See Page 03/13/07-2F**

**RESOLUTION**

**RESOLVED**, Approving application for payment #5, for Bid #2006-20, for the renovations of the Hall of Records and Southard Building, with Watertrol, Inc., in the amount of \$316,101.72.

**See Page 03/13/07-2G**

**RESOLUTION**

**RESOLVED**, Approving a modification to the provider service agreement for services to victims of domestic violence, for Human Services, with SAFE in Hunterdon, in the amount of \$47,863.

**See Page 03/13/07-2H**

**RESOLUTION**

**RESOLVED**, Approving appointments to the Solid Waste Advisory Council.

**See Page 03/13/07-2I**

**RESOLUTION**

**RESOLVED**, Approving individuals to sign for grants on behalf of the Department of Parks and Recreation.

**See Page 03/13/07-2J**

**RESOLUTION**

**RESOLVED**, Approving plans for Resurfacing and Storm Water Improvements of County Route 579, in the Township of West Amwell.

**See Page 03/13/07-2K**

**RESOLUTION**

**RESOLVED**, Requesting A4010 and S2193 be recognized as an unfunded state mandate.

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

County Counsel, Gaetano M. DeSapio, informed the Board that Item #13 is the result of a lawsuit which one of the subcontractors of Don Pizzolato, Inc. and the County filed saying he was owed money from Pizzolato and he wanted to make sure the County paid it to him. The County brought in Pizzolato's bonding company and as a result of mediation, Pizzolato and his subcontractor settled on the amount of money, which Pizzolato will pay to the subcontractor directly; the County will not have to pay anything. The case is going to be dismissed. Mr. DeSapio advised he was concerned about the entire controversy doctrine, which is when a lawsuit gets started between two parties, they have to bring everything into court at one time or they might be precluded from bringing it up in the future. The County said to the court that it was premature from bringing all the contractors that have claims into court at this time, on the Library project because the claims could be made bigger than what they are by forcing litigation and if there is going to be a settlement of the claim between Comunale and Pizzolato they wanted to include a Court Order which says the New Jersey entire Controversy Doctrine will not bar other claims being brought at a future date concerning Pizzolato's performance on the Library project.

Mr. Peterson reported Items 16, 17, 18 and 19 are all professional services and he would like to see a process put into place to make sure these are revisited from time to time and not automatically renewed. He recommended that all professional services be changed after a period of three or five years. Mr. Melick strongly agreed. Mrs. Yard confirmed Mr. Peterson and Mr. Melick are asking that a policy be drafted for the Board's consideration. Mr. Melick added that this might not apply to engineers because they need the historical knowledge of the various projects. Director Muller suggested language be placed in the policy in case the Board wishes to retain current vendor because in some cases, if a vendor is changed, they would have to be trained on various aspects of the project. Mr. Peterson confirmed the policy would not prohibit

the County from retaining a vendor but the Board should look at them and ask for professional bidding, from time to time.

Mr. Peterson moved and Mr. Sworen seconded these:

**See Page 03/13/07-3A**

**RESOLUTION**

**RESOLVED**, Approving a professional services agreement for traffic/transportation engineering services for the Planning Board, with Dewberry-Goodkind, Inc., in the amount of \$15,000.

**See Page 03/13/07-3B**

**RESOLUTION**

**RESOLVED**, Approving a professional services agreement for accounting services for the Public Housing Agency, for the Rental Assistance Program, to Furlong & Ciarrocca, CPA's, LLC, in the amount of \$12,000.

**See Page 03/13/07-3C**

**RESOLUTION**

**RESOLVED**, Approving a professional services agreement for an audit of financial statements for the Public Housing Agency, to Suplee, Clooney & Company, in the amount of \$6,800.

**See Page 03/13/07-3D**

**RESOLUTION**

**RESOLVED**, Approving a professional legal services agreement for matters involving the Human Services Department, to Archer & Greiner, in the amount of \$75,000.

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

#### **PROCLAMATIONS**

Mr. Peterson moved and Mr. Sworen seconded these:

**See Page 03/13/07-3E**

**RESOLUTION**

**RESOLVED**, Recognizing Dan Kelly for taking first place in the 112 pound State Wrestling Championship.

**See Page 03/13/07-3F**

**RESOLUTION**

**RESOLVED**, Recognizing the Delaware Valley Varsity Cheerleaders on becoming the State Cheerleading Champions in the Medium Varsity and Group 2 Varsity Championships.

**See Page 03/13/07-3G**

**RESOLUTION**

**RESOLVED**, Recognizing the North Hunterdon Cheerleaders on placing first in the National Cheerleading Championships.

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

The Board presented a proclamation certificate to Dan Kelly, the wrestler from Delaware Valley Regional High School on his victory.

The Board presented proclamation certificates to each of the Delaware Valley Regional High School Varsity Cheerleaders for their victory.

The Board presented proclamation certificates to the North Hunterdon Regional High School Cheerleaders for their victory.

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 03/13/07-3H**

**RESOLUTION**

**RESOLVED**, Declaring March 2007 as Youth Art Month.

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

#### **PARIS GRANT**

Robert Thurgarland, Director, Central Printing and Mail, reported to the Board that each year when the County applies for a Paris Grant, it requires the governing body to authorize the submission of the grant.

Mr. Thurgarland provided a brief summary for the Board, explaining the maximum award to be received is an amount up to \$1 million for year three of the grant. The grant is due to the state by March 23, 2007. Once the grant is submitted, there is a review process by the state and any recommendations the state has he will bring to the Board so the application can be finalized. The State will make awards for the Paris Grant by the end of June 2007.

Mrs. Yard reported one of the initiatives of the 2007 Paris Grant is to work with the County's 26 municipalities, which Mr. Thurgarland has been doing. Mr. Thurgarland reported an incredible response has been received from the municipalities, with 20 responding so far. He will be working with the County Administrator and Purchasing Agent to develop

Mr. Holt moved and Mr. Melick seconded this:

**See Page 03/13/07-4A**

**RESOLUTION**

**RESOLVED**, Authorizing the submission of an application for the 3<sup>rd</sup> grant year of the PARIS grant, in the amount of \$1,000,000.00.

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

Mr. Melick left the meeting at 3:27 p.m.

**FARMLAND PRESERVATION**

Ms. Peterson moved and Mr. Sworen seconded this:

**See Page 03/13/07-4B**

**RESOLUTION**

**RESOLVED**, Approving a grant agreement with John P. and Ann Gunther, on Block 49, Lot 25, 64.607 acres, (SADC - \$225,890, County - \$51,502.92, Township - \$58,215.08), in the total amount of \$335,608.

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

Ms. Peterson moved and Mr. Sworen seconded this:

**See Page 03/13/07-4B**

**RESOLUTION**

**RESOLVED**, Approving the proposed acquisition of a development easement from Charles Glashoff, for Block 17, Lot 36, estimated 25 acres, in Delaware Township, (SADC - \$150,000, County - \$50,000, Township - \$50,000), in the total amount of \$250,000.

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

Leilani Hershey, Senior Planner and Farmland Preservation Administrator reported the State will be scheduling the 10<sup>th</sup> Farm closing for March. Mr. DeSapio explained the State Agriculture Development Board had a backlog due to a critical person being out sick. The State is getting through that backlog now.

Mr. Melick returned to the meeting at 3:26 p.m.

**PURCHASING**

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 03/13/07-4C**

**RESOLUTION**

**RESOLVED**, Approving Requisition #IT.2627, with Dell, for a server and 12 workstations, for the Division of Emergency Services, as per NJ State Contract A81247, in the amount of \$97,163.84.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 03/13/07-4D**

**RESOLUTION**

**RESOLVED**, Approving Requisition #IT.2681, with Dell, for three servers and a power vault autoloader, for Information Technology, as per NJ State Contract A81247, in the amount of \$22,658.70. (Paris Grant Funds).

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

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 03/13/07-4E**

**RESOLUTION**

**RESOLVED**, Approving Requisition #23389, with Dataprobe for four 16 channel Communicating Annunciator Panels and polling software, for Emergency Services, as per County Quote #0021-2007, in the amount of \$5,760.50.

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

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 03/13/07-5A**

**RESOLUTION**

**RESOLVED**, Approving Requisition #40014727, with State Highway Products, for reflective sheeting for the Traffic Maintenance Division of Roads, Bridges and Engineering, as per County Quote #0019-2007, in the amount of \$8,925.

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

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 03/13/07-5B**

**RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2006-31, for Alterations to the Deer Path Park Restrooms, to Hahr Construction, in an amount not to exceed \$177,000.

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

Mr. Melick moved and Mr. Peterson seconded this:

**See Page 03/13/07-5C**

**RESOLUTION**

**RESOLVED**, Authorizing the rejection of 2 proposals received for Bid #2007-02, to furnish and deliver commercial laundry equipment for the Corrections Division of the Department of Public Safety, from HK Laundry Equipment and CILS Inc., as they did not meet County specifications.

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

Mr. Peterson moved and Mr. Melick seconded this:

**See Page 03/13/07-5D**

**RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2007-02, to furnish and deliver commercial laundry equipment for the Corrections Division of the Department of Public Safety, to Fowler Equipment Company, in an amount not to exceed \$41,860.

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

Mr. Melick moved and Mr. Peterson seconded this:

**See Page 03/13/07-5E**

**RESOLUTION**

**RESOLVED**, Authorizing the rejections of a proposal for Bid #2007-03, to furnish and deliver long life resin traffic stripe epoxy, for the Roads, Bridges and Engineering Department, from Innovative Performance Systems, LLC, as they did not meet the County's specifications.

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

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 03/13/07-5F**

**RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2007-03, to furnish and deliver long life resin traffic stripe epoxy, for the Roads, Bridges and Engineering Department, to Epoplex, Division of Stoncor Group, Inc., in an amount not to exceed \$273,945.

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

Mr. Melick moved and Mr. Peterson seconded this:

**See Page 03/13/07-5G**

**RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2007-04, to furnish and deliver structural steel, to Samson Metal Service, in an amount not to exceed \$27,236.88.

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 03/13/07-5H**

**RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2007-05, to furnish and deliver Steel Beam Guide Rail, to Chemung Supply Corporation, in an amount not to exceed \$35,194.27.

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

Mr. Melick left the meeting.

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 03/13/07-6A**

**RESOLUTION**

**RESOLVED**, Approving a professional appraisal agreement with Ronald A. Curini Appraisal Company, for services in connection with the acquisition of the right of way for the 523/517 intersection construction project, as per County Quote #0013-2007, in the amount of \$12,468.

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

**COUNTY COUNSEL**

Gaetano M. DeSapio, County Counsel reported he tried to coordinate a meeting concerning the Forestry Management Plan for everyone to attend; and it was then recommended the best way to approach this was for the Engineering Department to incorporate the proposed changes into a document which was emailed to representatives of the Shade Tree Commission and they wanted the opportunity to review it to determine if a meeting is even necessary.

Mr. Melick returned to the meeting.

Mr. DeSapio reported if a meeting is not necessary, than the plan can be approved at the next meeting of the Board. John Glynn, Director of Roads, Bridges and Engineering, attends the meetings of the Shade Tree Commission and he represents the County on that Commission.

**FREEHOLDERS ASSIGNMENT REPORTS**

**Veterans Services**

Mr. Peterson reported the County will start having services for veterans on Wednesday, May 2, 2007. There will be a ceremony held at May 2, 2007 at the Senior Services office to kick off this event.

**WIB/One Stop**

Mr. Peterson reported he is working on finding a location for the Workforce Investment Board and the One Stop, in Hunterdon County. Mrs. Yard confirmed Mr. Peterson has been working with the Project Administrator on finding available space and the Facilities Evaluation Committee discussed this at the last meeting.

Mr. Melick questioned how this is handled in other counties and asked if the state would pay for the space. Mr. Peterson explained if the County can't find alternative space for the WIB, it will be moving to Somerset County. Mr. Melick asked the County Administrator, Cynthia J. Yard, to perform a phone survey to see if the County or state pays for their space. He feels the state is condensing WIB offices because there isn't enough activity in Hunterdon County to justify paying the rent. Mr. Peterson said the alternative is to not have these services in Hunterdon, so the residents have to go to Somerset County.

**POLYTECH**

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 03/13/07-6B**

**RESOLUTION**

**RESOLVED**, Authorizing the County Treasurer to draw a check as authorized at a special meeting on February 27, 2007, to the Hunterdon County Vocational School Board of Education, known as Polytech, in the amount of \$457,360.32.

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

**Emergency Services**

Mr. Sworen advised a letter was received by the Fire Chief's Association concerning the County's Emergency Services and everyone who had a question has been responded to by George Wagner, Director of Public Safety and the issues have been addressed.

Mrs. Yard reported she and Mr. Peterson had conversations about this, and Mr. Holt has shared through email. It is agreed the County has an obligation to respond to letters received and the County people who provide services are given the opportunity to address the Board on the issues. Mr. Sworen noted most of the issues in the letter received have been resolved, and the other issues can't be resolved until the renovated Emergency Services Center is up and running.

Director Muller confirmed that a response is being worked on for him to formally respond to the Fire Chief's Association. Mr. Melick reported he attended the Fire Chief's Association meeting the night these issues were discussed, so he is aware of what the issue is and he's confident that the County's employees are able to resolve this issue in the best possible manner. He is comfortable in saying that his issue is adequately being taken care of.

**Planning Board**

Mr. Holt announced at the Planning Board meeting, the former Mayor of Stockton Borough, Greg Rankin was elected as Chairperson. Mr. Rankin will be able to provide direction to the Planning Board with respect to municipal involvement and input. He will be an invaluable with his input.

### **County Agriculture Board**

Mr. Holt reported the County Agriculture Development Board has provided comments with respect to the upcoming April 2, 2007 deadline for comments on the Highlands Master Plan. He is looking for dialog with respect to those comments.

### **County Environmental Health Act**

Mr. Holt advised the County Health Department is requesting to use additional funds from the County Environmental Health Act grant for the scrap tire removal program, as has been done in the past for 240 sites of old tires. Records show there are 7 more scrap tire sites to be cleaned up, with approximately 600 tires in those sites, with about 1000 more that are staged and ready to go. Mr. Holt moved and Mr. Sworen seconded a motion authorizing the County Health Department to utilize an amount up to \$10,000 from the County Environmental Health Act for the removal of scrap tires.

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

### **Medical Reserve Corps**

Mr. Holt asked that the issue of insurance be reviewed, at the request of the Health Department, for the Medical Reserve Corp, (MRC). Mrs. Yard reported the County Treasurer has researched this issue and the Medical Reserve Corp is covered under the County's Liability Insurance.

Mr. Holt explained it was thought by the Health Department that an additional insurance policy might be needed. This is to allow the MRC to be utilized in the standard flu clinics as a training mechanism in the event of a large scale vaccination. Mrs. Yard will check with the County Treasurer to represent that issue and she will follow up with a response to Mr. Holt and the Health Director. It was noted that the Health Director could have asked the Administrator directly for this information.

### **North Jersey Transportation Planning Authority (NJTPA)**

Director Muller reported he met with some officials of the NJTPA after yesterday's meeting to discuss Frontage Road in Union Township, the State Department of Transportation will be contracting Union Township, and advising the County also, of a meeting they will hold soon because they are now aware of the County's interest to get this matter resolved. He expressed to the NJTPA officials that Hunterdon County wants to correct the situation because of safety issues regarding Frontage Road so that the issues regarding Exit 15 in Clinton can be addressed, from all aspect. Director Muller reported that the State will be setting this meeting.

### **South Branch Parkway**

Director Muller reported a meeting has been set for Tuesday, April 10, 2007 at 10:00 for the New Jersey Department of Transportation to provide a presentation to the County on the South Branch Parkway. He directed that the appropriate municipalities and officials be invited to attend.

### **New Jersey Forestry – Fire Truck**

Director Muller advised that a letter was received from the New Jersey Forestry who is interested in assigning a state brush truck to the County; they currently have one stationed in Frenchtown Borough. The County would have no responsibility to fuel or maintain the vehicle. The truck would be stationed at the County's Arboretum. Director Muller asked George F. Wagner, Public Safety Director to look into this further, as it is a fire issue.

### **County Bond Ordinance No. 01-07**

Director Muller recognized William Fritsche and his wife who are present to address a bond ordinance which is set for public hearing today at 5:30 p.m.

Mr. Fritsche introduced his sister, Linda Castner, who is present today also. He reported on property in Alexandria Township which is listed in the County's Bond Ordinance No. 01-07 for farmland preservation.

Mr. Fritsche advised they are in a dilemma between two well meaning governmental acts where public money is being spent. There are twelve people besides him and his wife who lives on the property designated for Alexandria Airport that have homes and hangers on the property. They are trying to develop a community where there would be a buffer between the non-flying public and the flying public. This was a plan that the Township endorsed since 1983. In 1983 an Act was adopted on the State level promulgated by the Division of Aeronautics that said that all lands within a certain designated parameter around the airport be zoned so that it would not allow certain activities and help foster other activities and one of those was the airpark. The Act said that any community in any municipality that had accepted this law as being a legitimate land use promulgated by the State of New Jersey would adopt rules that would bring certain restrictions on the use of that land in the areas around the active runways.

Mr. Fritsche advised a piece of land that they have made many attempts to purchase, has now been placed in farmland preservation. The Township purchasing the rights and they are now asking the County for reimbursement. He is asking for consideration to the 1983 Act which says the town can't adopt any ordinances which prevent the normal improvement of the airports inside the area designated as an air safety zone.

Mr. Fritsche reported he has a farm in the farmland preservation program, which is actively farmed and it can be traced back to 1911 in his family. The farm the airport is on can be traced back to a gentleman that crossed the Delaware River with George Washington on his mother's side of the family. His family plans to stay on the property.

Mr. Fritsche said this rule was put into effect by the State to protect the users of the airport. By putting it into farmland preservation, the only usage allowed would be farming and it prevents anyone from making normal, safety improvements to the airport. About four years ago, they obtained a site plan from the Planning Board with the permission of the owner, in order to place fill onto the property for a run-off safety area, which brought the airport up to a minimum standard.

Mr. Fritsche said the people that purchased land from him with access to the runway have spent million of dollars building homes and hangers and they operate very expensive airplanes. What they are looking for is to keep the safety factor at the airport, which has been there since 1944. Alexandria Township endorsed what the State Division of Aeronautics put into place by accepting the law and the farmland easement says there won't be any fill on the property. The fill that was put into place at the property is being farmed with Timothy Type Hay and it was a state sponsored project.

Mr. Fritsche supports the property being placed in farmland preservation but they hope there is a way to bring it in, to what is in their Master Plan because the property is not zoned agriculture, it is zoned airport business, and residential houses aren't allowed as a use on the property and that has been in effect since 1986. His family is still making attempts to purchase this property.

Mr. Holt explained that by adopting the bond ordinance the Freeholders are not approving the specific farms into the farmland preservation program as they are done separately by resolution. The bond ordinance just puts into place the funds for when the farms are approved. Each property must be approved individually and they are reviewed on a case by case basis.

Mr. Holt feels that County Counsel is going to have to address the legality of what can be done with the property in Alexandria Township.

Mr. Fritsche reported the State's Attorney General is supposedly, through the Division of Aeronautics' being queried on whether or not this law prevents someone from putting this land in farmland preservation or does it protect the airport. The problem is that the Division of Aeronautics' lacks a director. They are interested in finding out if the Act protects the airport.

Mr. DeSapio stated he and Mr. Fritsche have spoken and he recommended the process to be used to resolve this issue is for Mr. Fritsche to speak to the Alexandria Township governing body so they are aware of his concerns and he understands Mr. Fritsche has done that. Mr. DeSapio reported he has talked with Alexandria Township's attorney and told her about the legal concerns and he's also written her a letter for what she thinks.

Mr. DeSapio said effectively Mr. Fritsche has raised a concern about the legality of acquiring the farmland easement; so as a result neither he nor the Freeholder Board are going to make the final decision, it is now a decision for the state to make because Mr. Fritsche has raised a question about the effect of a state law. Mr. DeSapio advised his idea subject to hearing from the attorney for Alexandria Township and further discussion with the Freeholders, is for him to write to the State Agricultural Development Committee and provide them the facts, the circumstances and what the issue is connection with the airport safety zone and ask them as the SADC to provide a legal opinion about whether their easement will be legal or if it will violate the state law or state policy and the SADC can inform the County. If the SADC says they feel it doesn't violate any state law and they will provide the state funding, then the County will close on the property.

Mr. Fritsche asked if it would be appropriate to alert the Division of Aeronautics. Mr. DeSapio advised he will copy the Division of Aeronautics on that letter. The intention is to have everyone know what everyone else is doing and saying so Alexandria Township will be copied on the letter as well, and the SADC will be provided adequate time to consider it before the issue of closing comes up.

Mr. Fritsche said it doesn't have to be all or nothing; he supports the highest or best use of the airport. He doesn't have a problem with the property being a farm. It's where this threatens the safety of the airport. He spent \$80,000 of his own money and placed rocks on the property to stop the erosion.

Mr. DeSapio said the second issue is: If the SADC says if it is legal to acquire the easement and the other modifications being talked about by Mr. Fritsche have to be worked out directly by him and Alexandria Township. Future technology is a bigger issue.

Mr. DeSapio advised when someone has a non-farm use on a property that is going to be deed restricted, they are allowed to continue to maintain it provided the non-farm use is identified in the deed of easement and the state is willing to accept it. Perhaps the state would consider this if Alexandria Township would consider it and provide a statement that says non-farm activities designed to enhance the safety of the airport are permitted. Not airport related commercial activities such as the construction of additional buildings or hangers or things of that nature; but that the premises could be used for non-farm safety improvements as determined by the Division of Aeronautics. Mr. Fritsche needs to talk about that with Alexandria Township.

Mr. Peterson said the property was already sold to a third party at auction and the third party would have to consent to that.

Mr. DeSapio reported Mr. Fritsche had conveyed to him that the present owner of the property is supportive of trying to work something out. It will be up to the present owner and Alexandria Township to figure out what can be done and what Alexandria Township is willing to do and see if Alexandria can legally amend the documents because it might provide a benefit to the property owner that was not incorporated in the additional auction.

Mr. Fritsche said in looking at the closing document, the title search has an exception for the airport safety zone. If that is acknowledged isn't it saying it should be incorporated in the title transfer. Mr. DeSapio suggested to Mr. Fritsche that the technical, legal issues be resolved outside of this meeting. Mr. Peterson recommended Mr. Fritsche hire an attorney because it is more complicated than Mr. Fritsche may think.

Mr. Fritsche thanked the Board and County Counsel for its time and direction.

#### **EXECUTIVE SESSION REQUESTS**

Mr. Holt moved and Mr. Sworen seconded these:

**See Page 03/13/07-9A**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss the review of the Executive Session minutes of May 09, and 23, 2006, for a determination of what can be released.

**See Page 03/13/07-9B**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss a request from the Sheriff for authorization to engage a private attorney.

**See Page 03/13/07-9C**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss a complaint received by two private citizens regarding the possible use of the Sheriff's Department's official County seal in connection with activities for the primary election for Sheriff.

**See Page 03/13/07-9D**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss intersection improvements for Route 523 and River Road and Route 523 and Route 612, and the review of appraisals for those intersection improvements and the authorization to provide an offer to the property owner to acquire the needed property.

**See Page 03/13/07-9E**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss the possible construction of a South Branch Library in East Amwell Township and the legal issues involved in obtaining necessary municipal approvals.

**See Page 03/13/07-9F**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss possible land acquisition for the location of a Northeast County Branch Library.

**See Page 03/13/07-9G**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss salary adjustment request for non-union employees in the Sheriff's Office.

**See Page 03/13/07-9H**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss the status of negotiations with the C.W.A. Supervisors.

**See Page 03/13/07-9I**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss personnel issues related to the concerns expressed by various organizations and citizens concerning the performance of County employees.

**See Page 03/13/07-9J**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss the status of negotiations with the Sheriff's Sergeants organization.

**See Page 03/13/07-9K**

**RESOLUTION**

**RESOLVED**, Executive Session to discuss perspective litigation by the County together with Warren County against the Highlands Council.

Mr. Peterson asked if issues 2 and 3, regarding counsel requested by the Sheriff and the use of the Sheriff's County Seal need to be done in private.

Director Muller left the meeting.

Mr. DeSapio advised it could be done in private but it doesn't have to be done in private. It depends how it relates to some of the other private topics the Board has discussed about the Sheriff and his activities. And the same goes for the use of the Sheriff's Department County Seal on a website for Sheriff. He feels it can be done in public, even though he was asked by a private citizen that it not be done in public.

Mr. Holt feels the issue regarding the use of the seal should be done in public.

Mr. DeSapio said in order to protect the citizen making the complaint, that person's name won't be used except to say that it is not anyone within the County organization. It isn't a County employee or a public official of the County.

Mr. DeSapio reported the County Clerk received an inquiry from someone about whether or not it was lawful for Debra Trout to use what they said was the official logo of the Sheriff's Department on her website. A second written complaint was received about the fact it was felt she was dressed in an official Sheriff's Department uniform and they question if it is appropriate. Mr. DeSapio reported the Sheriff's Department uniform is not a Hunterdon County uniform; it's a Mercer County Sheriff's Department uniform. With regard to the logo on Ms. Trout's website, it says Sheriff Hunterdon County New Jersey. It looks like the official Hunterdon County patch but the official Hunterdon County patch says: Sheriff Hunterdon County. It is not the Hunterdon County logo.

Mr. DeSapio advised on the Sheriff's official website, he doesn't use the Hunterdon County logo, he uses a logo that is what Ms. Trout uses on her website. He feels when Ms. Trout set up her website, she just clicked on the logo and placed it on her website. No one knows why what the County uses on its website is different than the official logo. Mr. DeSapio confirmed for Mr. Peterson that Hunterdon County does not have anything officially trademarked. He suggested, in spite of the concerns and since it isn't the same logo, and since it isn't used for any fraudulent purpose protect being a law enforcement officer or being shown to anyone for that purpose and since Hunterdon's logo isn't trademarked; and since Hunterdon has changed its logo at least once since Sheriff Doyle has been in office, it would be a tempest for no useful purpose, with a legal cost to the County that would achieve no ascertainable important objective, so he recommends notifying the two citizens who expressed concerns that the County logo is not being used and Ms. Trout is not wearing a Hunterdon County uniform, so the Freeholders have resolved not to take any legal action. Mr. Peterson agreed.

Mr. Sworen has a concern that someone is using or portraying themselves as a Hunterdon County official.

Mr. DeSapio recommended writing a letter to Ms. Trout informing her that this has been construed to be misleading and ask her if she would consider replacing those click boxes with something else. He's noticed since these letters have been received, that on the first page of the website now say "Trout for Sheriff". He feels Ms. Trout will understand the County's concerns and address it. The Board agreed.

Mr. Peterson recommended at some point the County look into trade marking the symbols of the County.

Mr. DeSapio feels at a later time the Board may want to evaluate certain things that have developed a historic notoriety such as the historic Court House façade; the covered bridge and such and whether or not you want to protect your commercial interest in those. The Board agreed this should be discussed at a future meeting.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 5:05 p.m. and reconvened in Open Session at 5:31 p.m.

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

#### **FINANCE**

Director Muller reported that William Fritsche was present earlier in the meeting and addressed the Board concerning Bond Ordinance No. 01-07.

Director Muller opened the public hearing on Bond Ordinance #01-07. There being no comments or questions from the press or public, Mr. Peterson moved and Mr. Holt seconded a motion to close the public hearing.

**ROLLC ALL: (AYES) MR. PETERSON, MR. HOLT, MR. MELICK, MR. MULLER.  
(ABSENT) MR. SWOREN.**

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 03/13/07-10A**

**BOND ORDINANCE NO. 01-07**

**ADOPTION, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF DEVELOPMENT EASEMENTS ON AGRICULTURAL LAND BY THE COUNTY OF HUNTERDON AND ACQUISITIONS FOR THE FARMLAND PRESERVATION PROGRAM BY THE COUNTY OF HUNTERDON, IN THE STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

**ROLLC ALL: (AYES) MR. PETERSON, MR. HOLT, MR. MELICK, MR. MULLER.  
(ABSENT) MR. SWOREN.**

Director Muller opened the public hearing on Bond Ordinance No. 02-07. There being no comments or questions from the press or public, Mr. Melick moved and Mr. Peterson seconded a motion to close the public hearing.

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

Mr. Sworen came into the meeting at 5:35 p.m.

Mr. Peterson moved and Mr. Holt seconded this:

**See Page 03/13/07-11A BOND ORDINANCE NO. 02-07**

**ADOPTION**, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR USE AS PUBLIC PARK AND RECREATION FACILITIES BY THE COUNTY OF HUNTERDON, IN THE STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,335,000 TO PAY THE COUNTY'S SHARE OF THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO APPROPRIATE GREEN ACRES LOANS OR GRANTS FROM THE STATE OF NEW JERSEY FOR SUCH PURPOSE.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 03/13/07-11B RESOLUTION**

**RESOLVED**, Authorizing the establishment of a CAP Bank.

Charles Balogh, Jr., County Treasurer explained the purpose of the CAP Bank. Mr. Sworen reported municipal government uses the CAP bank for emergencies that might exceed the amount in the budget. Mr. Balogh reported Hunterdon County has always banked money but the County has never exceeded its CAP.

Mr. Peterson made it known for the record that he is reluctant to consider using the CAP Bank funds unless there is a true crisis.

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

Mr. Melick moved and Mr. Sworen seconded this:

**See Page 03/13/07-11C RESOLUTION**

**RESOLVED**, Approving the delayed introduction of the County Budget.

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

Mr. Holt moved and Mr. Sworen seconded a motion to introduce the 2007 County Budget. Mr. Melick recommended the capital item for a clubhouse for the golf course in the amount of \$3 million be removed from the budget. He doesn't feel this is the time or the year to be spending that kind of money considering the State of New Jersey is selling assets. There are people moving out of the State and Hunterdon County because taxes are unbearable. He feels to place an item of \$3 million in the budget for a clubhouse, which is a commercial establishment, is unnecessary to have the public finance this clubhouse. Mr. Holt stated he would not accept that amendment to his motion.

Mr. Sworen confirmed with Mr. Balogh that all the items they discussed are in the budget.

Mr. Balogh reported the public hearing for the budget will be on Tuesday, April 10, 2007 at 7:00 p.m.

Mr. Melick stated this is the 8<sup>th</sup> consecutive year where the County's tax rate has dropped. It started in 2000 when the tax rate was 40 cents and now the rate is down to 27.754 cents. The reason the tax rate is down is because the ratable base has increased from the year 2000, it has gone from \$12 billion to \$25 billion. While the County tax rate has dropped the ratable base in those eight years has doubled. In addition there was new construction. The budget is being driven by Raritan Valley Community College (RVCC) because Hunterdon County is forced to pay for bonded indebtedness. RVCC is a bi-County college with Somerset County. Mr. Balogh advised last year, rather than bond for some of their capital costs, Somerset County used capital cash so Hunterdon had to pay its share.

Mr. Melick said while Hunterdon County provides a lot of services, the County is also in the education budget with RVCC and Polytech. Education drives the tax rate considerably.

Director Muller pointed out that the County's population has grown also during the past eight years and the municipalities have subdivided properties and allow more housing to be built throughout the County, as well as commercial properties. As a result of more people coming into

the County, there is a demand for more services, with more students attending RVCC than in 2000. It is known that RVCC has had an increase in students because they are looking for a satellite campus in Hunterdon County. Hunterdon is fortunate because it shares costs for the County with Somerset County because other counties have to bear 100% of the cost for their community colleges. With the growth in population the library system has to be increased and the County's Emergency Services system has to be improved. The benefit to the public is that this Freeholder Board works hard and the County's employees are dedicated to provide services. He feels this is a very frugal budget because the amount being raised by taxation is a little over 2% increase. A 2% increase doesn't take into consideration inflation. People should be proud to living in Hunterdon County. He is proud to know that the County can operate with only a 2% increase and continue the high quality of services and high quality life in Hunterdon. It is a tribute to this Board, and the people who worked on this budget, in Finance that drafted the budget.

Mr. Melick advised the County Treasurer, Charles Balogh, developed several years ago a Comparison of Key Elements of the Budget and County Tax Rate. This was developed, as Freeholder Boards change from time to time, so Freeholders could be cognizant of the facts and figures of the budget and what drives the budgets. This provides a great historical perspective.

Mr. Balogh informed Mr. Peterson that of the increase in the rateables \$205 million was due to increased construction.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 03/13/07-12A RESOLUTION**

**RESOLVED**, Authorizing the cancellation of a grant receivable for the 2005 Homeland Security Grant, in the amount of \$32,000.

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

Mr. Melick left the meeting at 6:03 p.m.

#### **ROADS and BRIDGES**

Mr. Peterson moved and Mr. Sworen seconded this:

**See Page 03/13/07-12B RESOLUTION**

**RESOLVED**, Approving a cross release and vacation of easement on Block 16, Lot 11, in the Township of Tewksbury, from Donald Storms Sr. and Madeline Storms.

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

#### **Public hearing – Route 523/527 intersection improvements**

John P. Glynn, Director, Roads, Bridges and Engineering, advised the public hearing on the acquisition of twelve properties involved with the improvements of County Route 523/517 intersection. All approvals have been received from the State Department of Environmental Protection, an approval has been received from Tewksbury Township to proceed with the project and now the property has to be acquired in order to construct the project. An appraiser will be brought on board to appraise the property and offers have to be made to the property owners. Mr. Glynn advised this is the first step to authorize him and County Counsel to proceed with the acquisition of the property.

Mr. Glynn reported for Mr. Peterson that a traffic signal will be placed at the intersection with auxiliary turning lanes.

Director Muller opened the public hearing for intersection improvements for Route 523/517 in Tewksbury Township. There being no comments or questions from the press or public, Mr. Holt moved and Mr. Sworen seconded a motion to close the public hearing.

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

Mr. Holt moved and Mr. Sworen seconded this:

**See Page 03/13/07-12C RESOLUTION**

**RESOLVED**, Authorizing County Counsel and the Director of Roads, Bridges and Engineering to negotiate with property owners, in accordance with the appraisals, for the acquisition of land for intersection Improvements for County Route 523 and County Route 517, in Tewksbury Township.

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

### **Roads and Bridges Update**

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

- The truss for Bridge L-92-W which crosses the Musconetcong River was set today.
- Meetings are being scheduled with the Transportation Authority for Route 617. Work will start again on April 2, 2007. This project runs from Cherryville to Sidney Road.
- A start up meeting is scheduled for Route 645 in New Hampton, which will start again on March 26, 2007.
- Small deck replacements are being scheduled for F-11 and F-12. County Route 615 will be closed from Pittstown down to Route 12 for three weeks while those decks are replaced. This is a key state aid project for resurfacing.
- A couple of meetings are being scheduled by NJTPA with Union Township, the County and NJDOT to discuss the Exit 15 project.
- Correspondence has been received about the joint Park Avenue project with Flemington Borough, for a number of years. DEP has authorized the County and Borough to proceed with the project. It is now Flemington Borough's has the lead and they are giving their engineer to prepare a design schedule. There are a couple new Borough Council members who need to familiarize themselves with the project. Since Hunterdon County has an interest in the project, his office will set up a meeting to offer assistance since the drainage from the County's Justice Center and Jail run onto Park Avenue. Director Muller reported he would like to attend that meeting.
- A letter has been received from Hunterdon County Polytech asking for public works assistance on top soil and seeding. Polytech sent out proposals and received a quote of \$10,000 to re-grade, top soil and seed at the Central Campus.

Mrs. Yard advised this request would have to follow the guidelines for in-kind services. The costs need to be identified; it has to be a public purpose; there has to be an assignment of how much the costs would be; and County work must be done first. The Board directed Mr. Glynn to proceed with the protocol. Director Muller said if it meets the protocol, the work can be done.

Mr. Melick returned to the meeting at 6:15 p.m.

Mr. Glynn reported he attended a meeting in Delaware Township concerning County Bridge D-345. Being discussed with the Township are a couple hundred feet for both approaches. Several alternatives were discussed with the Township, and they are seriously looking at Alternative #3, which scales everything back and does just the approaches to the first driveway. The Township has been given a month to respond. Another field meeting will be scheduled and another traffic count will be performed. Delaware Township has hired a traffic engineer to review the project.

### **Traffic Counts**

Mr. Melick asked about traffic counts on county roads. Mr. Glynn will present the traffic count data at the next meeting.

Jason Reed from East Amwell Township confirmed the traffic data could be placed on the County's webpage.

### **Open Space**

Kevin Richardson, Open Space Trust Fund Coordinator received permission from the Board of Chosen Freeholders to release his annual report on Open Space.

### **Reports from Executive Session**

Mr. Peterson reported the Sheriff is asking for his own attorney. He will be contacting the Sheriff for more information as the Board is unsure of the reason for his request.

Questions answered for the press.

The Hunterdon County Board of Chosen Freeholders returned to Executive Session at 6:33 p.m. and reconvened in Open Session at 8:01 p.m.

There being no further business to come before the Board, Director Muller adjourned the meeting at 8:01 p.m.

Respectfully submitted,

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Denise B. Doolan  
Clerk of the Board

