

**HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS**

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

**October 09, 2007**

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

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

**Open Public Meetings Act**

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

**FLAG SALUTE**

Pledge of Allegiance.

**CONSENT AGENDA**

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

Mr. Sworen moved and Mr. Melick seconded a motion approving the payment of all claims as listed on the Claims Register dated October 09, 2007.

**See Page 10/09/07-1A CLAIMS REGISTER**

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

Mr. Sworen moved and Mr. Melick seconded these:

**See Page 10-09-07-1B RESOLUTION**

**RESOLVED**, Laura Palumbo appointed permanent, full time Library Assistant, Library.

**See Page 10-09-07-1C RESOLUTION**

**RESOLVED**, Robert Sanchis appointed permanent, full time Laborer, Rutgers Cooperative Extension.

**See Page 10-09-07-1D RESOLUTION**

**RESOLVED**, Diana Perovich appointed permanent, full time Senior Clerk Typist BiLingual, County Clerk's Office.

**See Page 10-09-07-1E RESOLUTION**

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

**See Page 10-09-07-1F RESOLUTION**

**RESOLVED**, Terence Carroll appointed permanent, full time Building Maintenance Worker, Buildings and Maintenance.

**See Page 10-09-07-1G RESOLUTION**

**RESOLVED**, Susan Pena appointed provisional, full time Senior Youth Worker, Youth Facility Division, Public Safety Department.

**See Page 10-09-07-1H RESOLUTION**

**RESOLVED**, Matthew Kriegl appointed provisional, full time GIS Specialist 3, GIS Division, Information Technology.

**See Page 10-09-07-2A**

**RESOLUTION**

**RESOLVED**, Robert Hunt Sr., salary adjustment for acting as a Crew Supervisor, Roads, Bridges and Engineering.

**See Page 10-09-07-2B**

**RESOLUTION**

**RESOLVED**, Lawrence Bohnam, salary adjustment for acting as a Crew Supervisor, Roads, Bridges and Engineering.

**See Page 10-09-07-2C**

**RESOLUTION**

**RESOLVED**, Patrick Masterson, salary adjustment for acting as a Crew Supervisor, Roads, Bridges and Engineering.

**See Page 10-09-07-2D**

**RESOLUTION**

**RESOLVED**, Anna Pinkerton, title change to Senior Clerk Typist, Rutgers' Cooperative Extension.

**See Page 10-09-07-2E**

**RESOLUTION**

**RESOLVED**, Authorizing the return of a Road Opening Deposit to Paul deLacy, in the amount of \$500.

**See Page 10-09-07-2F**

**RESOLUTION**

**RESOLVED**, Authorizing the return of a Road Opening Deposit to Marianne Walsh, in the amount of \$500

**See Page 10-09-07-2G**

**RESOLUTION**

**RESOLVED**, Approving a federal aid agreement for the Rockafellows Mill Road project, Bridge RQ-164, in the Townships of Raritan and Readington.

**See Page 10-09-07-2H**

**RESOLUTION**

**RESOLVED**, Approving an InterLocal Health Services agreement with the Township of West Amwell, for certain health activities and services.

**See Page 10-09-07-2I**

**RESOLUTION**

**RESOLVED**, Approving a Senior Citizen and Disabled Resident Transportation Assistance agreement, in the amount of \$627,776, (State "Casino Revenue"), for the LINK.

**See Page 10-09-07-2J**

**RESOLUTION**

**RESOLVED**, Approving a fixed weight limit on County Bridge M-112, on Mill Street, in Milford Borough.

**See Page 10-09-07-2K**

**RESOLUTION**

**RESOLVED**, Approving an agreement with Raritan Township for the Installation of Sanitary Sewer Construction along Route 523 and Route 612, in Raritan Township.

**See Page 10-09-07-2L**

**RESOLUTION**

**RESOLVED**, Approving an agreement with Pino Consulting Group, Inc., to provide financial management consulting for preparation of the indirect cost allocation plans and director costs rates for the time periods ending 2005 and 2006, in the amount of \$36,500.

**See Page 10-09-07-2M**

**RESOLUTION**

**RESOLVED**, Approving the appointment of Katharine Bergacs to the Health and Human Services Advisory Council to fill an unexpired term.

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

**RECOGNITION**

Mr. Sworen moved and Mr. Melick seconded a motion approving Certificates for Years of Service for thirty (30) years to Denise Doolan; for twenty-five (25) years to Arlene (Kay) Strain; for twenty (20) years to Louis (Pete) Maddalena, James Fleming, Thomas Leone and Lee Ann Hughes; for fifteen (15) years to Carol Bodder, George Price, Jr.; David Douglass, Pamela Bowlby, and Luis Rivera; for ten (10) years to Edward Davis, Michael Bunting, and Kathy Burgess; and for five (5) years to Evan Van Gilson, Jason Strauss, Jessica Neiber, Joan Tigar, Victoria Hockenbury, William Tarrant, Dee Parkhouse, Karin Gruss, Victoria Wieboldt, Deborah Herrighty, Patrick Eckard, Robert Silva Jr., and Mary Ann Rodenberger.

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

**PROCLAMATIONS**

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 10/09/07-3A**

**PROCLAMATION**

**RESOLVED**, Recognizing October as National Arts and Humanities Month.

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

Mr. Peterson came into the meeting at 3:10 p.m.

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 01/09/07-3B**

**PROCLAMATION**

**RESOLVED**, Recognizing October as National Disability Employment Awareness Month.

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

Mr. Sworen moved and Mr. Melick seconded these:

**See Page 01/09/07-3C**

**PROCLAMATION**

**RESOLVED**, Recognizing Christopher J. Christie and Raymond J. Vanden Berghe for receiving the Boy Scouts of America, Central New Jersey Council's Distinguished Citizens Award.

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

**COUNTY update**

Cynthia J. Yard, County Administrator, reported the Board gave permission to offer a management series for the County's managers and the first course was just completed. This was an eight week course and there were fifteen nominees from the different departments. It was a good cross section of the County's managers. The County's Human Resources Director, Cheryl Wieder, sat through each class, George Wagner, the Public Safety Director audited one class and Mrs. Yard audited a class. This was a very successful pilot program. It was so well received that another course will be offered. Nominations will be received from County Departments, as well as extending this to the municipalities if they are interested. The course was offered through Raritan Valley Community College (RVCC).

Mrs. Yard thanked Freeholder Sworen for attending the graduation.

Mrs. Yard stated excellent feedback has been received for this pilot program.

Mr. Sworen advised he spoke to a number of people who took the classes and they felt it was worthwhile. They were energetic about it and felt it was a great partnership with RVCC and the instructor was interesting, not boring. He added that relationships have been built between various departments because these people now know other people they normally would not know each other existed and that is good. Mrs. Yard agreed saying the course was being critiqued as it went along and most of the people she talked to, said the same thing.

**ROADS and BRIDGES Update**

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

- Paving should be complete soon on the parking area for the Main Street County Complex, so employees can start parking again tomorrow afternoon. The contractor will stripe the lot on Saturday.
- County Route 615 is the Transportation Trust Fund project. About 65% of the storm drainage is complete, the side slopes on several areas of Route 615 are being graded, the roadway repair should begin next week, and then resurfacing will continue for two weeks after the repairs.
- Field data is still being gathered for County Route 635, and it is 95% complete. The County will be working with Hampton Borough as they want to do safe school access/sidewalk repairs as part of the County's project. Once an agreement is in place, the County would bid those items for the Borough.
- The design for the retaining wall on County Route 579 is being finalized. Also being worked on is the retaining wall, in Whitehouse Station.
- The Preliminary work from Route 617 down to the interchange of Route 78 is picking up. Field work is being done. The County is waiting to hear from Union Township on the Milligan Farm.
- Waiting on authorization from DOT to proceed with Route 523.
- An open meeting was held on October 04, 2007 and approximately 4 people attended. Readington Township is supposed to be getting the County some type of direction to do the project during normal working hours without a detour. The Township wants to compress the workday from 8:30 am until 4 pm which could drive up the cost. The County is still waiting for the official request.

- The County is working with East Amwell Township on the intersection of Van Lieu's Road on Route 514. There has been a site distance issue on Van Lieu's Road and the Township has taken it upon itself to ascertain the necessary right of way to improve the site distance.
- The tree clearing project is well underway, most of the trees on Route 523, at the Buffalo Farm, are down. The stumps are being removed and the contractor will have to do some stabilization work. The second phase is to take down various trees on Route 620 and 629 and on 619 running from Frenchtown to Milford, along the bank.
- Corrective work has been completed on Bridge H-1 in Holland Township.

Director Muller noted that on Route 31 and Foran Blvd. the state has made a change, so there is only a left hand turn onto Foran Blvd., the middle lane goes straight and the right lane, turns to the right; previously the middle lane turned to the left and straight and the traffic signal still has two arrows to turn to the left. Mr. Glynn explained that is being modified as part of the "Mall" project because the lane transitioned quickly into a single lane north. Until the Mall completes their frontage improvements, this is the way the state decided to handle this matter because Raritan Township was reporting quite a few near misses or accidents in the area where the two lanes merge into one. Director Muller said the arrows need to be changed on the signals. Mr. Glynn will check this out with the state.

- A consultant is continuing the work on County Bridge D-437, in Delaware Township. The center line is being set for the project. The box structure should be delivered by the middle of next week.
- A contract modification has been received on County Bridge D-345 from the design team. The cost is around \$10,000. The modification is based on the County's agreement with Delaware Township to change the center line, reduce the pavement section, and modify the drainage.
- The County has sent a letter to the State Historic Preservation Office asking that the County not be required to do a historic district study to make the area near Bridge M-110 in Milford a historic area. Milford Borough also does not want the area to be deemed historic.
- The plans and application are completed for the DEP permit for Inter-County B-26-W on Valley Station Road. Warren County is the lead agency on this project.
- The County continues to work with Raritan Township on the Pennsylvania Avenue Railroad Bridge trying to build an alternative to the Railroad Bridge. The County is working with a developer who will be before the Raritan Township Planning Board soon, concerning how to cross the rail line.

Director Muller confirmed with Mr. Glynn that the Railroad Bridge could be removed.

- The historical and cultural resources consultant for County Bridge A-39 on Mount Salem Road, Alexandria Township feels the feature of the little bridge could be critical to the historical setting of the farmstead. An alternative study will have to be prepared.
- A list of materials for R-99 will be sent to Purchasing to bid the three-sided box structure.
- The variable message sign has been partially installed at the Route 12 County Complex. A policy is needed on who will operate this sign. Mrs. Yard volunteered to work up a draft policy for the Board's approval.
- A final set of plans for the fueling dispensing system for Parks and Recreation should be ready in the next two weeks, and then the project will be bid.
- The temporary signal bridge at the Lehigh Valley Railroad is in need of a system in order to end the project. The bridge is in poor shape and it has been taking months, if not a year in order to get a Memorandum of Agreement (MUA) from the DEP, NJDEP and NJDOT on what has to be done to preserve it. The County agreed to a lot of issues, about nine months ago, such as taking the bridge apart, save the bridge as their might be another need for it someplace else in the County. The MUA has not been prepared so the consultants are just waiting. If an MUA isn't received soon, the County will do an MUA and forward it the Township.
- The stream encroachment and DEP wetlands permit for County Bridge E-174 will be forwarded to the state shortly.
- The County is waiting for the consultant on County Bridge Q-179 to set the public outreach.
- The plans for County Route 513/579 are with the State Historic Preservation Office. The road was realigned and the number of fixtures were reduced on the plans.
- The work on County Route 610/513, (Race Street) needed to be done by the gas company has been completed, the storm drainage is done, concrete curb is being worked on, after all that is done, the contractor will mill and resurface the project.
- Mr. Glynn has been met with the property owner on the northeast corner of the Everittstown Intersection (Routes 519/513) and this individual's driveway will have to be realigned, and he has agreed to that.
- Negotiations are ongoing with the property owners on County Routes 517/523, for the right of way. The County has settled with 2 of the 8.

Director Muller questioned the status of Foran Blvd. and Park Avenue. Mr. Glynn reported Flemington Borough is supposed to be advising the project. He will contact the Mayor of Flemington Borough and inquire when the project will be advertised.

#### **South County Garage**

Mr. Glynn advised the Board, when the South County Garage was built in West Amwell Township, it was anticipated there would be future extensions through the County property to the West Amwell property. The South Hunterdon Regional High School is neighbors to both the County property and the Township property and they would like to extend their school and have a centralized school bus parking area. Mr. Glynn stated provisions had been made to do that but it

is subject to the Board's approval. The High School would be responsible for building this, and maintaining it.

Mr. Sworen confirmed the request from South Hunterdon Regional High School was to utilize a portion of the South County Garage property for a bus depot. Mrs. Yard stated they are requesting use of the South County Garage driveway and development of the land for a bus depot. She questioned if that meant the County would be doing the land work. Mr. Glynn advised all he would give them would be access to the lands owned by West Amwell because the County doesn't want to be responsible for the buses. The Board agreed.

Mr. Sworen confirmed the County would only allow South Hunterdon to use the access road. Mr. Glynn reported the High School would have to pay for the construction to extend the Garage's driveway and if the buses are diesel, then the High School would have to run a power line. There is a process that would need to be designed in outline how the parking area will be. Mr. Sworen stated the County would need to have an agreement, there would be construction, and this would end of being some type of shared service. Mr. Glynn doesn't feel the use of the County's property would be a shared service but the High School would be responsible for the actual dollars. Mr. Sworen said rules are always changing at the state, so every time the County gets the opportunity it should formalize all these agreements for services so both parties can get credit. Mrs. Yard confirmed the person with the Chamber of Commerce is working on Shared Services. Mr. Sworen will talk to the Chamber of Commerce and Mr. Glynn will get clarification to find out exactly what is being requested.

Mr. Glynn advised there are several hundred acres that West Amwell Township has and once this connection is made, what is their vision. Director Muller confirmed Mr. Glynn will get clarification from the Township and the School. Mr. Glynn stated he will go through the School, since that is where the request came from, and he will keep the Township informed also.

#### **519/Holland Twp./Power lines**

Mr. Peterson asked why the power lines on County Route 519, in Holland Township are so low. Mr. Glynn explained the company will be back to set them. Mr. Peterson explained the lines are so low, you can walk across the street and touch them. Mr. Glynn believes they are the Verizon telephone lines, they are not power lines. New poles are supposed to be set and the line redone. Verizon has had a year and a half notice about the utilities.

#### **Tewksbury/shared services**

Mr. Glynn informed the Board that Tewksbury Township is requesting permission to use the County's truck washing facility in Annandale, for the township trucks and equipment. They want the County to open its wash bay up to the various municipal types of equipment, so they can wash them throughout the year. The Township did provide a breakout: it would be 4 times a year for the 9 trucks and their Elgin Sweeper; 2 times for the backhoe, their mowers and miscellaneous trailers. Mr. Glynn doesn't have a problem with it but the County has to figure out how the agreement would work; would the municipality be charged for the water, the electric and so on. He feels a process needs to be worked out on the costs. Since the water goes into a treatment facility there will not be a problem with wash bay site being approved.

Mr. Melick recommended establishing commercial prices, such as what it would cost to do this, is there anyone in the area where this could be done and what do they charge. The County should get a commercial rate as a basis, even though that cost doesn't have to be charged.

Mr. Melick questioned who would be in charge of opening and closing the building for them. Mr. Glynn advised he would not have people present, so there would need to be some trust. Also, with shared services, if you open a facility like this to one municipality you can't turn another away. Mr. Glynn feels the bay can be left open with the rest of the garage in lock down mode.

After further discussion, Mr. Melick said the County wants to help municipalities but there needs to be a protocol. The Board directed Mr. Glynn and Mrs. Yard to work on a protocol for this service and report back to the Board.

#### **PURCHASING**

Mr. Peterson moved and Mr. Melick seconded these:

**See Page 10/09/07-5A**

#### **RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2007-36, to furnish and deliver various Ford vehicles for the County, to Hertrich Fleet Services, Inc., in an amount not to exceed \$257,252.

**See Page 10/09/07-5A**

#### **RESOLUTION**

**RESOLVED**, Authorizing the award of Bid #2007-42, to furnish and deliver one (1) 2007 two (2) Axle 20 Ton Capacity Pintle Pull Slide Axle Trailer or approved equivalent, to H.A. Dehart & Sons, Inc., in an amount not to exceed \$34,395.

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

Item #3, modification to the professional services agreement with Newton Land Surveyors, for surveying services on Block 80, Lot 13, in Raritan Township, increase of \$2,200, amending the not to exceed to \$18,400, was held at this time.

Mr. DeSapio will telephone his office to get the background on this farmland project. Sue Dziamara reported this was a 2003 Farmland preservation application and it was done in an effort to move the farm forward. The state is now saying if the County can't close on these farms, they will take their money back and this was a means to get that done. Mr. Peterson feels if protocol was not followed, then they should not get the full amount. It may seem like a small dollar amount but its \$2,200 and it adds up. No matter what the protocol was, there is a level of responsibility there. The County should be more prudent on how it spends other people's money.

#### **OPEN SPACE**

Kevin S. Richardson, Open Space Coordinator explained before the Board is an Assignment Agreement for a portion of the New Jersey Conservation Foundation's rights to acquire Block 1, Lot 30 and Block 19, Lot 26, in Delaware Township, consisting of approximately 184 acres. Based on the Board's prior discussions, the Assignment Agreement reflects the figure of 45.9% of an adjusted per acre price of \$18,000 per acre to acquire proportionately at 36.7% interest in favor of the County and a 63.3% interest in favor of the New Jersey Conservation Foundation, plus Delaware Township and the New Jersey Water Supply Authority.

Mr. Richardson confirmed for Mr. Sworen that this is Board's agreed to price. He stated based on the proportionate percent of 45.9% of \$18,000 times the 184 acres, this reflects \$1,511,008.

Mr. Melick asked the cumulative price once everyone contributes. Mr. Richardson advised the New Jersey Conservation Foundation and its additional contributors are provided an additional \$2,666,492 which reflects a unit value of \$22,500 an acre.

Mr. Richardson reported based on the additional \$406,492 that the New Jersey Conservation Foundation and the New Jersey Water Supply Authority and Delaware Township have agreed to provide the balance of funds to acquire the property at \$4,117,500 with the County paying \$1,511,008, which is slightly less than the figure had discussed previously. The difference is adding up the additional contributions on the part of the New Jersey Conservation Foundation, the Township of Delaware and the New Jersey Water Supply Authority which reflects a unit value of \$1,212 per acre but it is still based on 45.9% of \$18,000, it is just slightly less than the figure previously discussed by the Board. Mr. Peterson directed that placed in the resolution is the fact that this is \$9,200 less.

Mr. Peterson noted that a few meetings ago, granted to the New Jersey Conservation Foundation was \$400,000 from the County, so the County is putting almost \$2,000,000 into this project. Mr. Richardson stated the \$400,000 is from the County's municipal and non-profit grant program which is on a competitive basis. He advised the County is technically eligible for 50% of its costs of acquisition, so of the \$1,511,008 Green Acres would be \$756,000, if the County purchases the property, expends that amount and submits a request for Green Acres reimbursement. Mr. Peterson asked if there is any reason this would be denied. Mr. Richardson said there are two potential issues that may arise such as that the County has a few outstanding document submissions to Green Acres; (1) is the Amendment to the Project Agreement that approved by the Board and the other is the revised Deed of Encumbrance. Mr. DeSapio explained that he asked the Clerk to make him a copy because when the Board had the issue of possibly locating a Library on the parcel next to the South County Park, a question was raised that a Green Acres Diversion would be needed to do that; then it was determined there was no Green Acres funding used to acquire the parcel and the question was raised as to how that property was Green Acres Encumbered if no Green Acres funds were used and it is because of the period agreements signed with Green Acres. Mr. DeSapio advised he wants to look at the statutory and regulatory requirements and discuss them with Mr. Richardson. He did not realize they were already approved. This can be resolved between now and the next meeting. Mr. DeSapio will meet with Mr. Richardson to resolve this issue.

Mr. Peterson said since the County will have a 36.6% interest in Block 1, Lot 30 and Block 19, Lot 26, in Delaware Township, what will be the agreement between the County and the New Jersey Conservation Foundation. Mr. Richardson stated the County's interest is based on the \$1,511,008 regardless of the reimbursement from Green Acres. Typically, that is a retroactive reimbursement. The County's interest does not change and it does not reflect how much capital funds, open space funds or how much the County will receive from Green Acres as a reimbursement.

Mr. Peterson asked about the other \$400,000. Mr. Richardson explained that would not count as part of the County's real property interest. The grant agreement is between the County through the New Jersey Conservation Foundation, for and in consideration of their purchase. The NJCF's percentage was based on the \$2.6 million left, which needs to be contributed by the partners, including the NJCF. He has not come across the issue of the County's non-profit grant funds being considered part of the County's acquisition costs. Typically non-profits submit an application request and they separately purchase property in their name, potentially with others, whether it is a municipality or another non-profit organization. Typically we are not acquiring a real property interest. Mr. Richardson feels that could be discussed with the NJCF and the other contributors. Once an assignment agreement is in place, the County, NJCF, and the other contributors still have to prepare and agree to a joint maintenance and management agreement that will define the obligations, duties and responsibilities of all parties. There have been preliminary discussions with the NJCF regarding how the property will be managed and maintained, who may undertake that responsibility; but without the input from the other contributors there is no conclusion as to who will ultimately be responsible for the property. All parties are using funds that restrict the property to passive recreation and conservation purposes. Commensurate with that, all contributors understand it can only be used for passive recreation and conservation consistent with the Green Acres statutes and also other funds that are being

contributed by the State Department of Environmental Protection under the environmental infrastructure financing program. It is just a matter of who will have the obligation and responsibility to understand certain maintenance of the property.

Mr. Peterson questioned why that hasn't been worked out yet. Mr. Richardson explained the idea was to get the Assignment Agreement completed so that the NJCF could exercise the Option Agreement, then the parties had principally agreed through several discussions and meetings that once everyone signed the Assignment Agreement, the Maintenance and Management Agreement would be drawn up, reviewed and approved.

Mr. Peterson questioned if the Maintenance and Management Agreement shouldn't be in place prior to spending any money. Mr. Richardson stated no funds have been spent yet, and while this is a commitment, the Assignment Agreement talks about the County as a third party beneficiary and if the property does not close for any reason, then there is no obligation on the part of the County to purchase any interest or contribute any funds.

Mr. Richardson said it has been his position that any maintenance and management agreement that is prepared prior to closing to reflect the Assignment Agreement and the conditions of the Assignment Agreement with the specific section acknowledged that if the property doesn't close for any reason, the County is under no obligation to purchase. Mr. Peterson stated the assignment agreement should specify that. Mr. Richardson stated in his reading the Assignment Agreement reflects that a separate Maintenance and Management Agreement is to be prepared and authorized by all of the parties to the property prior to closing.

John Trontis, Parks and Recreation Director informed Mr. Peterson that the County has entered into similar agreements for other properties. Mr. Peterson stated he would prefer to have all the details worked out. He would like to see the final agreement worked out before this goes too far and it is discovered there is a difference of opinion on something later on. He would like this to be a condition precedent. He has no doubt that everyone won't come to an agreement but he would like to have the agreement in place before the County starts committing itself, and this amount of funding.

Mr. Sworen agreed with Mr. Peterson but advised the County already has a commitment from the last meeting. The current commitment is \$1,511,008 and that amount needs to be placed in the resolution. Mr. Peterson asked that added to the resolution is working stated that the condition precedent to funding this project, is subject to the approval of a Maintenance and Use Agreement.

Director Muller recognized Greg Ramano, Assistant Director of the New Jersey Conservation Foundation.

Mr. Ramano informed the Board that the NJCF had a 15 day extension for the Option Agreement and if the Board decides to make this contingent upon entering into a management agreement, then the NJCF would have to have committed to the \$4.1 million prior to knowing if there is an actual commitment from the County. He is concerned because the NJCF only has a few days left to exercise this option. Mr. Peterson confirmed with Mr. Ramano that all agreements will and need to be in place prior to the spending of any money. Alix Bacon of the NJCF advised the New Jersey Water Supply Authority is in agreement without having a maintenance agreement, as they want to see the property preserved.

Mr. Trontis reported worked into recent agreements, is that a management team will meet annually; that ensures that the agreement signed today won't change in the future.

Mr. Peterson said this may have been done like this in the past, but there is always room for improvement and having all agreements in place would avoid any misunderstandings between the parties in the future. Good contracts make good relationships. He stressed that the County should have all agreements in place prior to committing the money for the project.

Mr. Sworen confirmed that a draft management agreement will be in place within the next 45 days.

Mr. Peterson noted for the record, that he will not vote for anymore acquisitions in the future if there isn't some type of agreement in place when there are this many partners because the more partners there are, the more of a chance there could be miscommunication.

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 10/09/07-7A**

**RESOLUTION**

**RESOLVED**, Approving an Assignment Agreement with the New Jersey Conservation Foundation (NJCF) to acquire a portion of Block 1, Lot 30 and Block 19, Lot 26, in Delaware Township, with the County assignment to be \$1,511,008, subject to a Management Agreement being put in place within the next 45 days..

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

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

**FARMLAND PRESERVATION**

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 10/09/07-8A**

**RESOLUTION**

**RESOLVED**, Approving a Contact for Sale of Development Easement for Richard and Melissa Crouse, for Block 12, Lot 19, in Kingwood Township, consisting of an estimated 54 acres, (SADC-\$215,325, County-\$55,728, Township-\$62,397), total amount \$333,450.

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

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 10/09/07-8B**

**RESOLUTION**

**RESOLVED**, Approving a Contact for Sale of Development Easement for Marie Janyszeski; Charles and Abigail Kutz, and Benjamin Janyszeski, for Block 17, Lot 4, in West Amwell, consisting of an estimated 36 acres, (SADC-\$199,454.40, County-\$56,512.08, Township-\$76,457.52), total amount \$332,424.

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

Mr. Melick returned to the meeting at 4:42 p.m.

**HALL OF RECORDS/furniture**

Frank Joseph Bell, AIAI, County Project Administrator reported to the Board that he has reviewed the County Clerk's design for her furniture for the Hall of Records, and a quote has been received from the State Contacts' vendor. Mr. Bell is recommending moving forward in ordering furniture for the County Clerk's Office in the Hall of Records in the amount of \$113,400.35. This will keep the project on track. The Clerk would like to wait until after the election to move.

Mr. Melick questioned what this amount includes; what kind of furniture is being requested for \$113,400.35. Mr. Bell explained this is for systems furniture, which is typically purchased for the County. This includes all the Clerk's employees in the Hall of Records building.

Mr. Melick asked what will be done with the furniture currently utilized by the County Clerk's employees. Mr. Bell advised that furniture is quite old and outdated. It is no longer efficient. The furniture to be received will be more efficient and provide more storage based on the type of product it is.

Mr. Melick asked where the funding is coming from to pay for the \$113,400.35. Mr. Bell stated it is a part of the budget for the project.

Mr. Bell confirmed for Mr. Melick that the furniture is being purchased under state contract and stated that the County receives a discount on the product.

Mr. Melick asked if the funding could come from the filing fees at the County Clerk's Office. Mr. Melick stated he would only vote for the furniture purchase if it is being paid for out of the Clerk's filing fees. Mrs. Yard noted that this was discussed briefly at the February 14, 2007 budget hearings. Mr. Sworen feels part of this was discussed but the issue was that the work spaces are inadequate to the function of the office and are not compliant with the needs. His understanding was there would be a workstation environment for most of the people, so that they could have more storage. Currently people have machinery on piles of paper and boxes, their workspaces are inadequate. Mr. Bell stated a furniture plan was presented early on and was approved.

Mrs. Yard explained Mr. Melick and Mr. Peterson are talking about the funding, which was discussed at the February 14, 2008 budget meeting. This came up and it was mentioned that this was something that would fall under the trust fund, which is from filing fees. Mrs. Yard recalls at the time, the statute was discussed as Mr. Sworen brought it up, because the statute reads that it can be used for improvements, operational improvements or improvements of the office. Mr. Peterson recalls the discussion. Mr. Sworen confirmed there was that discussion but stated the funding was approved in the capital budget to fund this purchase.

Mr. Sworen advised Mr. Bell wants to order the furniture for the County Clerk's Office. The money was put in the budget. Mrs. Yard added there was a discussion whether the funds could come out of the trust fund.

Mr. Bell confirmed for Mr. Peterson that earlier he appeared before the Board to get approvals on the sketches for the County's Clerk's Office and to move forward on the product.

Mr. Sworen is not sure if a decision was made or not, but he knows the money was approved in the budget and he feels the discussion was whether or not there would be a reimbursement. If the County wants it can transfer the money. Director Muller stated that the Board agreed the furniture needed to be ordered but did not resolve the funding source.

Mr. Peterson asked Mrs. Yard to find out if the funding for the furniture could come from the County's Clerk's trust fund.

Mrs. Yard reported to the Board, that at the budget hearings on February 14, 2008 and February 15, 2008, the subject was brought up as to where the funds for the County Clerk's furniture could come from. Conceptually the Board agreed people need furniture but it was the matter of trying to figure out what funds could be used. Mrs. Yard stated the Board may have placed funds in the capital budget, so that it was allocated.

Mr. Peterson confirmed with County Counsel DeSapio, that if the Board agrees to order the furniture, the funding source must be identified. Mr. DeSapio further stated for any purchases the Treasurer must issue a Certificate of Availability of Funds stating where the funding is to come from.

Mr. Sworen stated this is a capital purchase and the funds are in the capital budget.

Mr. Peterson said the question is does this fall under the category items in the Trust Fund, which are funds from recording deeds, where funds can be used. The Board needs to know the answer to this question. Mr. Peterson advised he has read the statute and he feels this is an acceptable purchase through the Trust Fund. He recalls there is a difference of opinion on this. He would like to know the answer to that question before ordering the furniture.

Director Muller asked what would happen if the County Clerk does not want to have funds spent from her trust fund, on furniture for her office.

Mr. Melick informed the Board that he was just at the County Clerk's Office and they seem happily seated, and they were able to perform all the duties he needed done, with their present furniture. Mr. Melick said \$113,000 is a lot of money.

Mr. Peterson said if the money in the trust fund can be used to purchase the furniture, according to statute, then it should be done. The trust fund monies are being collected to run that office. This applies to anyone who is the County Clerk, not just the current clerk. Mr. Peterson questioned what good the statute is if the County has to pay for everything. This money is being collected to run that office not to pay for things only they want to do and this pertains to any Clerk in that office. We should let the Clerk know the \$2 million in the trust fund is not just for items like copiers, it is up to her to provide her furniture and computers because the statute allows for this. The intent of the statute was that the furniture and the office equipment would be paid by the recording fees not based on what the Clerk wants. The idea was for there to be a funding source to operate that office, that generates money and the money would be used back in the office so it would not have to come out of the general county budget. Mr. Peterson said he wants to know if that can be done.

Mr. Bell recommended holding off this matter until the next meeting, and he will have that information for the Freeholder Board. Director Muller agreed there needs to be a clarification on the statute. Mr. DeSapio will work with Mr. Bell and Mrs. Yard to provide this information at the next meeting. The Board agreed.

Mr. Sworen informed Mr. Bell, Mr. DeSapio and Mrs. Yard that at the next meeting the Board should be provided with a copy of the statute and a copy of the capital budget to see if this item is in there or not. Mrs. Yard is positive the furniture for the Clerk is in the capital budget because she remembers the discussion and it ended up in the capital budget. Mr. Sworen explained his point is that the Clerk does not have a separate capital budget or does she? This is something the County Treasurer can answer. If this is a capital purchase then it has to be paid by statute out of the capital fund. Those are answers the Board needs to have; plus a dialog before a decision can be made because it maybe appropriate for what is being said but it may not be legal. It would have to be a transfer of funds, mechanism in place if she cannot purchase capital out of that trust fund. Director Muller stated the County could be reimbursed. Mr. Sworen agreed. He stressed that the Board needs to know if it can be done.

Mr. Bell explained when he did the original capital budget for the project, funding was budgeted for furniture. Director Muller stated the Board is not questioning that, the Board is looking for a way to reduce the expense to the County if other funds are available to be used.

Mr. Sworen asked if the windows are done in the Hall of Records. Mr. Bell stated the nine windows that need to be replaced have not been completed yet. He feels the windows should be in place by the middle of October 2007. The contractor promised by the middle of October, early November the windows will be installed and will be 100% complete.

Mr. Bell confirmed for Mr. Sworen that a punch list is being done for the Hall of Records and the County is getting close to getting a temporary certificate of occupancy.

#### **Emergency Services Building**

Mr. Bell reported at the next meeting he will be bringing in change order on the Emergency Services Building addition and renovations for the Board's approval. He has evaluated the change orders and indicated why they came about, whether they were errors or omission on the architect's part and he will be prepared to discuss them.

#### **HVAC – Emergency Services/Server Room**

Mr. Bell stated he is negotiating a price for the HVAC change order for the server room at the Emergency Services Building. The contractor is unwilling to budge on his number. The architect did evaluate this with his engineers and they feel this is over priced. Mr. Sworen stated he has discussed the server room several times with the architect because it is under cooled, through someone's fault. There isn't enough cooling; the venting system is inadequate; there is no

backup air conditions system in case the main air conditioner breaks down. These issues are being working on.

Mr. Sworen advised this is supposed to be a LEAD certified building but a hole was punched in the wall with a fan going 24/7. Mr. Bell stated the architect is attempting to resolve this issue. Mr. Sworen wants to see the plan before work is done.

#### **Heron Glen Golf Course**

Mr. Bell reported at the last meeting, Freeholder Melick requested a number of items to be answered in connection with the golf course. Those figures are included in the agenda packet. The Parks and Recreation Director has provided information on the number of rounds played, the percentage of residents versus non-residents; there are numbers from Roads, Bridges and Engineering for the labor and materials; Buildings and Maintenance has provided labor and materials numbers also and the County Treasurer has provided the principal and interest payment on the various loans. There are three loans: (1) Green Acres at 2% for \$2 million; (2) \$434,000 at 4.759%; and (3) the bond for the Golf Course Construction was \$7 million at 2.9%. There are different numbers for each of the loans for principal and interest. If you add the principal for each of the loans, for one year, the cost is \$1,004,706.04 and for the interest the cost is \$153,073.63.

Mr. Bell advised Mr. Trontis and Kemper Sports Management have put together some numbers for the Board and the total resident rounds have been increasing from 2005 and 2006, and the year to date for 2007 is 15,840 residential rounds and 9,940 for non-resident rounds. Approximately 60% of County residents are taking advantage of the golf course.

Mr. Glynn has provided a list of materials including Class A concrete, bituminous concrete and road stone for various work at the golf course site; mainly for the maintenance area. The cost is \$31,406. Broken out is the 2007 and 2006 figures for County staff to work on the project: for 2007 for Roads, Bridges and Engineering is \$47,815.85 and the 2006 staff costs is \$57,793.14. Mr. Bell stated there are other projects that are non-golf course related that do occur at the golf course. He explained that 30 to 50% of those figures for staff is for non-golf related work and cuts down those figures.

Mr. Bell reported the number for JCP&L for 2007 is \$43,697.80 and last year's number for JCP&L was \$50,224.76. Power at the site costs roughly \$50,000 a year and this includes the clubhouse, cart shed, farm house, pump house and the maintenance shed.

Mr. Bell reported the income for the golf course for 2006 was \$1,883,850 and that includes everything, including rounds, the snack bar and the pro-shop. Once Kemper's expenses, management fees, payroll, cost of goods and maintenance fees, are taken out of that total, there is a net of \$164,018 for the golf course. Mr. Bell recalls that from year to year, the net income has been increasing.

Mr. Melick asked the bottom line with expenses included. Mr. Bell provided a quick calculation by taking out the numbers provided for other facilities, the County is about \$50,000 to \$60,000 negative. That does not include the principal payments. If everything that is done at the golf course, including the County's facilities, it would be \$94,000 negative. The Board could add to that the principal payment of \$1,004,706.04 .

Director Muller confirmed that in those figures are the costs for the maintenance and repair of the current temporary facility.

Mr. Bell reported the loan for the \$7 million bond ends in 2010, so the principal payment of \$875,000 and the interest payment of \$129,981 will be ending.

Mr. Melick thanked everyone for this information and being able to discuss this. There was a time when people did not want to discuss this because they felt the County was making money but it appears that there are expensive to this that the County is picking up. There is a negative cost to run the golf course.

Mr. Sworen asked if these costs include the \$600,000 for the clubhouse originally, and it disappeared. Mr. Bell stated this does not include the clubhouse.

Mr. Sworen asked if these figures include the extra \$476,000 that was allocated, that was taken out of the original process the Freeholders went through, when they took the cart paths out and had to put them back in. Director Muller stated those costs are in the \$7 million.

Mr. Sworen asked if this includes the \$300,000 plus, for the lease purchase agreement to purchase trailers. Mr. Bell will check on that. Mr. Sworen said that was an extra taxpayer expense.

Mr. Sworen asked how the golf course project costs got so high. How did that happen and who did not manage the project. Mr. Melick stated he was on the Board of chosen Freeholders and was quite critical of the expenses as they were presented, and eventually they ran out of money so they had to stop. Director Muller advised the course was built as it is today in line with the money which was authorized by bonding. The bonding which was several years old was never amended to adjust for inflation or rising costs, when the course was constructed. The Freeholder Board, at the time, agreed it would have to be built with the amount of money which was authorized by bond. In order to build the course, with the \$7 million, certain items had to be removed from the project. Mrs. Yard advised the Board made the decision to make sure that the golf course, itself, was done right and they had to forego some of the other things which were

originally included. Mr. Melick stressed the most important issue was getting the golf course done right. Director Muller explained the bond ordinance had been adopted by the Board a number of years prior to its construction, and there were no adjustments for escalation of inflation. Mrs. Yard confirmed this was reconciled by the audit and explains exactly what took place and when. Director Muller stated what was built came in under what was authorized but a number of things were removed in order to have the course constructed and that includes purchasing a temporary facility for \$300,000.

Mr. Sworen questioned how much under budget was the audit. Director Muller feels it was around \$41,000. Mr. Sworen confirmed it was not a large amount of money. Mr. Bell offered to provide Mr. Sworen with a copy of the audit.

Director Muller asked the County Treasurer to put the figures into a sequence source for the Board, so they can be easily understood. While the requested information is here, it needs to be interpreted, as we have five pages of information here. Mr. Sworen advised pieces need to be removed, like the old maintenance building, because there is a cost to maintain that and it isn't a golf course cost because it is utilized by the County. Director Muller agreed.

Mr. Melick agreed there are a lot of hidden costs, such as the electric costs which will be brought to the Board's attention.

Mr. Sworen said part of the problem is that eight years ago the state said the County had to put all utilities in one bucket. Mr. Melick said no one wanted to take the time to break out the figures.

Mr. Sworen asked if the extra costs for the parking lot are broken out or is it in the \$7 million bond. Mr. Glynn advised that was part of the original \$7 million.

Mr. Sworen confirmed the process the Board, at the time did, was when the Freeholders said to do this, they were going to spend \$2 million on the acquisition of property and another \$440,000 on an additional acquisition and then spend \$7 million to construct the golf course. Those were the figures decided in 2002/2003 to spend. Director Muller advised the property had already been acquired; the \$2 million and the \$440,000 existed before he returned to the Board and the project was bid, and they came back too high, so the project was rebid two times and third time it was bid was when the award took place, so it could be built within the scope of the project at \$7 million. Director Muller advised four years after the bond was approved, the project was started.

After further discussion, the Board directed Mrs. Yard to meet with the County Treasurer and Budget Director to draft a report that will easier for the Board and public to understand.

Mr. Melick advised the Board has been informed that the County has a facility that is inadequate. The extent of how it is repaired, replaced or expanded upon is still in the planning stages. The first question that has to be answered is "What is the water situation?" Mrs. Yard explained the County received a notice of violation from the state, so she met with Jason Pierce, from Kemper Management, to discuss the notice. Mr. Pierce is very diligent and diligent in his record keeping. The County is approaching the possibility of exceeding the 27 million gallons. Mrs. Yard sent a response back the New Jersey Department of Environmental Protection (DEP) stating the County needed to determine proactively and reactively what would be done if the County exceeded its water allotment. Also, Kempers Hydrologist, Penelope Althoff's, sent a letter to DEP and the County is going to have to make overtures to have that permit increased. Mrs. Yard noted that the Copper Hill golf course has 35 million gallons and the Back Brook course has 40 million gallons. To get the water permit increase is going to take time but the County is trying to address what it needs to be done on both the short term and long term.

Director Muller confirmed that Mrs. Yard and Mr. Bell are keeping on top of this issue and know what needs to be done.

#### **GRANTS**

Mr. Sworen moved and Mr. Peterson seconded this:

**See Page 10/09/07-11A**

#### **RESOLUTION**

**RESOLVED**, Approving an application to participate in the ACHIEVE (Action Communities for Health, Innovation, and EnVironmental ChangE) Initiative, through the County Health Department, in the amount of \$80,000 (50% for County Health Department and 50% for the YMCA) for 2008.

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

#### **CORRESPONDENCE**

A request was received from the Milford Merchants Association for permission to march on County Route 519, on Sunday, October 28, 2007, during their annual parade, beginning at 1:00 p.m. Mr. Peterson moved and Mr. Sworen seconded a motion approving this request provided the event is coordinated through the County's department of Roads, Bridges and Engineering.

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

Correspondence was received from Victoria Grimes requesting permission to have a tree planted at the County Arboretum in memory of her mother. Mrs. Yard advised the policy regarding these requests reads that the request comes before the Board of Chosen Freeholders and if they are agreeable, then it is forwarded to the Parks and Recreation Department to be processed and work out the specifics. Ms. Sworen moved and Mr. Peterson seconded a motion directing the Clerk to forward this request onto the Parks and Recreation Department to be processed.

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

A letter was received from Hampton Borough requesting permission for the County's Department of Central Printing and Mail, to print their quarterly newsletter. Mrs. Yard advised the Director of Central Printing and Mail has assured her that no overtime will be incurred to process this request. Mr. Peterson moved and Mr. Sworen seconded a motion granting permission.

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

#### **OPEN TO THE PUBLIC**

Director Muller opened the meeting to the public.

Mr. Bell answered questions for Lois Stewart of Flemington Borough on the debt for the golf course and confirmed the current "red" figure is \$1,004,706.04. Mrs. Stewart confirmed 1994 was the worst year at \$1,100,000.00 for the course operating in the red. Mr. Bell added that the figure included the land and the construction. The property acquisition for Green Acres was \$2 million at a 2% loan, the principal for that is \$102,564.10 and the interest is \$21,802.25 and the loan runs until 2017.

Mrs. Stewart stated the point she would like to make that many people are saying the golf course is profitable and it is very misleading to the citizens of Hunterdon County when it is actually over \$1 million in the red ever year. This Freeholder Board and the operator of Heron Glen need to admit that currently the course is running in the red and it is costing the taxpayer a lot of money.

Mrs. Stewart expressed interest in knowing what percentage of the County population actually plays at Heron Glen. She would like to know how many individuals that live in Hunterdon County play golf at Heron Glen.

Mr. Peterson advised there are 11,468 residents who have used the County's golf course, which is about 8.5%. Mrs. Stewart stated the other 91% of County residents are helping to pay for that golf course. Mr. Peterson informed Mrs. Stewart that he did not vote for the golf course or the clubhouse.

Mrs. Stewart stated the citizens of Hunterdon County need to watch what this Freeholder Board is doing, insofar as what will be spent for a different clubhouse.

Mr. Melick confirmed Mrs. Stewart raised these questions at the public hearing for the capital ordinance and the Board was not able to answer those questions but the Board did take the next step and the County's professionals have gone forward and attempted to cut these figures but they still need further refining. The Freeholder Board heard you and is in the processing of getting answers for your questions.

Mrs. Stewart expressed concern as the Board voted to release the money from the capital improvement fund without having all the answers. Mr. Melick stated it was a 3 to 2 vote.

Mrs. Stewart feels she has rational questions about spending over a million dollars to help 8.5% of the population to play golf and asked where the swimming pool is for the people who want to swim and where is the equestrian ring for those who want to have horses. She feels people should pay for their own golf.

Director Muller stated the Board authorized today spending \$1.5 million to work in conjunction with other groups of people to purchase land in Hunterdon and it is not known how many people will know where it is at. Mr. Peterson said the County will get a return out of that purchase because those are houses that won't be built; those are schools that won't have to be expanded and police departments that won't have to be expanded. In the long run, purchasing the property to prevent development pays for itself but the golf course is a constant drain. There is perpetually a cost to run the golf course. He agreed with Mrs. Stewart saying government should not be in the business of swimming pools, horse facilities, golf course or anything else; he believes in small, limited government, doing basic services that only government can do and let the private sector do everything else. Director Muller agreed but noted that the golf course prevented 141 approved lots for homes for the site. The County voted to purchase the property, at the time, to prevent 141 homes being built and the Board at the time voted to build a public golf course based upon a public question. He felt it was his responsibility to carry on what a previous Board had approved. Mr. Peterson feels it would have been better to purchase the property and deed restrict it so it could only be a public golf course with a differential in fees for the Hunterdon County public and then sell it. If the County received a \$1 then the land was preserved and the County also got a golf course and the County would be out of it, with no more drain on the taxpayers as private enterprise would run it.

Mr. Peterson feels the County has no way out from having a golf course because it can't be sold without taking a huge loss. So the County has a golf course that is going to cost money and it's a perpetual cost because there is always maintenance and upkeep and the clubhouse has to be maintained. Based on the numbers presented today, the golf course may make a small amount of money overtime, eventually sometime in the future but that is a long way off; especially if \$2.3 million is spent for a new clubhouse. That is another \$2.3 million out of the County's pocket that has to be recouped. He feels if the course ever turns a profit, it will be a very small one. It is a risk the County should not have taken but he wasn't on the Board at the time.

Mr. Melick advised that he probably approved the property acquisition for \$2.5 million but what he voted against was the \$7 million for the construction of a golf course.

Mr. Sworen said thank God that hindsight is 20/20. The choice by the Freeholder Board to purchase the property with Green Acers funds; they made the choice to construct the golf course. Because of the way the Board made those choices, it is Green Acres property, and this Board can't sell it because it's Green Acres. If it had been purchased in-fee, then it could be sold. This Board needs to plan for what will be done in the future and the Board needs to plan correctly and not duplicate some of the mistakes that may or not have been made in the past. Purchasing the property with Green Acres funds limited the County to what it can do. The property cannot be sold.

Mr. Peterson said it is not hindsight on whether to make the golf course or not, to him it is philosophical that government should not be involved in these things. He knows he would not have voted for it at that point in time and he pointed out that Mr. Melick voted against it. Also, he feels the Freeholders have a duty at this point to reduce the bleeding, if not eliminate the bleeding by being more cautious about how to proceed especially with whatever the building will be at the golf course, so more money isn't put into it, that it doesn't generate back. He recommends the County go with a much more scaled down version, for around \$500,000 or so, because something is needed but we should keep it as minimal as possible, so we can save \$1.8 million that won't be put into this as a further expense. He feels Mr. Melick's point is that the costs need to be reigned in now before it gets bigger. Director Muller stated Mr. Peterson is on the committee for the clubhouse. He noted the cost has been reduced from the original \$3 million down to \$2.3 million and he's confident the clubhouse will cost much less than \$2.3 million.

#### **HC Library Addition/Reconstruction**

Don Pizzalatto asked questions of Mr. Bell. County Counsel DeSapio explained to the Board and Mr. Pizzalatto that since he is now in litigation with the County, if he comes to a public meeting that his comment can be taken but the County will only be responding to him through his attorney.

The Hunterdon County Board of Chosen Freeholders recessed at 5:45 p.m. and reconvened in Open Session at 5:55 p.m.

#### **PUBLIC SESSION DISCUSSION**

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

**ABSENT: MR. HOLT, MR. PETERSON.**

Director Muller recognized Franklin Township Mayor Steven Tarshis who wishes to come before the Board regarding Summit Manor.

Mayor Tarshis explained Franklin Township has agreed to purchase as significant tract of property, known as Summit Manor, which is 175 acres, for approximately \$3 million. The Township would like to preserve the property as a public access and open space. The Township would welcome the opportunity to partner with the County in acquiring the property to preserve it as open space, free from the prospect of development.

Mayor Tarshis stated it is the Township's understanding that the County has been aware of this property and this is property that has been designated as potential parkland in the County's Master Plan and now the opportunity presents itself for both the Township and the County to realize that objective. The Township is coming to the County, early on in the process of acquiring the process so that the County has the full opportunity to consider the Township's request, perform any due diligence which may be appropriate, and to ask any questions.

Mayor Tarshis stated it is hoped that by reaching out to the County early in this process, that funds will be made available to assist the Township in the acquisition. The Township's available financial resources for an acquisition of this significance are very limited. The Township wants to keep this property as either open space or public access but in the absence of financial assistance, whether it be from the County or other sources, the Township may have to sell it or have it farm restricted which is not in the Township's best interest. Mayor Tarshis feels the preservation of the property would be best served as open space or parkland.

Mayor Tarshis feels the development of this property for anything other than open space would have a tremendous negative impact on Exit 15 on Route 78. As a demonstration for this kind of support for this acquisition, the Town of Clinton has sent a letter of support from Mayor Christine Schaumburg endorsing Franklin Township's request. This will benefit not only Franklin Township but Union Township, Clinton Town and Clinton Township. Because of the widespread support Franklin Township has received support from the community and the owner of this tract of land made a contribution of \$50,000 towards the acquisition of the property. Support has also been received from the Hunterdon Land Trust Alliance, the South Branch Watershed Association and the New Jersey Water Supply Authority. The Township is pursuing funding from these sources, as

well as other sources, and they hope to realize a significant portion of the purchase price towards the property.

Mayor Tarshis said the Township is asking the County to contribute a 50% cost share towards the acquisition of the property. It is his understanding that the County could use Green Acres funds for this acquisition. Kevin Richardson, Open Space Trust Fund Coordinator stated that is correct.

Mayor Tarshis informed the Board that the Township has authorized securing two appraisals and any other due diligence the Township can offer, will be done. The Township will continue to pursue sources other sources of funding.

Mayor Tarshis stated the Township is willing to consider any use for the property that the County believes is appropriate and the Township is willing to assume a significant role in the management of the property, provided it is parkland. The Township recognizes the burden that this can create beyond the acquisition and they are mindful to maintain a minimal level of maintenance beyond the acquisition. The Township is willing to contribute towards minimizing the County's role and the maintenance involved.

Mayor Tarshis stated Summit Manor is a special piece of property and a huge number of Franklin Township residents are present this evening to let the Board know that.

Director Muller confirmed there are no homes or structures on the property for the County to be concerned about. Mayor Tarshis stated there are cows. He informed the Board that the Township will close on first tract before the end of the year. The settlement agreement with the owner requires that the balance of the property before the end of the first quarter in 2008. The property has 175 acres and 77 acres will be closed on, through a settlement agreement. Mr. Sworen confirmed this is not a subdivision. Mayor Tarshis explained there is more than one tract.

Deputy Mayor Robert Shockley advised the Township has approximately \$300,000 to \$400,000 in capital towards the purchase. If the Township had to purchase the property on its own, it would have to finance the \$2.7 million, in addition to the capital funds. Mr. Sworen confirmed Franklin Township is past the option point.

Mr. Sworen confirmed there are no approved plans for the property, and that there is no subdivision on the property, saying the YMCA was looking to site a new YMCA somewhere in that area. Mayor Tarshis said the Township would prefer that not to be the case and the Township wants this property to be preserved as County parkland and open space. This is a natural fit into what always exists as it abuts the Landsdown Trail. Mr. Sworen stated it is 24 miles of free bike trails.

Mr. Sworen asked how much Green Acres money the Township has. Mayor Tarshis believes the Township has \$150,000 remaining because they made a commitment to preserve 71 acres.

Mr. Peterson advised he will be purchasing a house in Franklin Township, on Sidney Road, so he will be abstaining from voting on this matter. He and County Counsel have discussed this and while County Counsel does not feel he has a conflict of interest, Mr. Peterson doesn't feel he could be impartial since he will be living just down the road.

Mr. Sworen stated that Mr. Peterson works in this area and has always had very pointed questions, which have benefited the entire Board. He feels it would be to the Board's advantage if he had any questions to ask them. Mr. DeSapio informed Mr. Peterson if he is going to recuse himself, then you recuse yourself from the discussion. If the Board wants to consult you, they can but Mr. Peterson should not be the person asking the questions.

Director Muller said it is rewarding as a Freeholder when the governing bodies come to meetings expressing concern to preserve property in their areas. This Board is and has been very committed to preservation. Everyone knows there is only so much land left that can be preserved. He feels the Board is favorable but asked if the Township's Mayor and representations would return when Freeholder Holt is present.

Mr. Melick stated the property is zoned as agriculture and questioned why it isn't being placed in the farmland preservation program? Mayor Tarshis said it isn't zoned agriculture, it is 5 acre zoning. Mr. Melick said it is residential/agriculture. Mayor Tarshis explained the preference is to maintain the property as a park. If it become unfortunately necessary, that there is not cost share with the County then it might be something that will have to be considered.

Bob McGreary advised the Township had a meeting with the New Jersey Water Authority as the Township was looking for less expensive financing for the project and at that September 21, 2007 meeting the NJ Water Supply said they were prepared to have a comfort level of 20% position. When NJWS researched the property it was documented that they concluded that 56% of the property is deemed having critical environmental features.

Mr. Sworen confirmed that Franklin Township has an Open Space Tax. Mayor Tarshis stated the Township does not have enough to do the initial purchase for the property. He advised the Township is looking for a 50% commitment from the County to start but it might be refined as others wants to participate.

Michelle Delassandra, Open Space Coordinator for Franklin Township stated the Township has a strategic plan; and over the years the Township has had a number of successes in preserving land. She feels this is a visionary project and wants to see a proactive response. This property

buffers the Franklin landscape from the pressures of the Route 78 Corridor. The Township is in a unique position because there is an agreement with the landowner to sell.

Margaret Waldock, Hunterdon Land Trust Alliance Director confirmed the Land Trust is fully committed to doing what it can to help this property get preserved. They are also trying to find other partners for financing. A commitment has been received from the South Branch Watershed for funding. This property is on their wish lists for their next round of Green Acres funding.

John Trontis, Parks and Recreation Director, stated he is present to answer questions from a park planning perspective. He confirmed the property is a part of the County's Park Master Plan. He noted the County owns a 1,000 acres along the South Branch of the Raritan (the South Branch Reservation), and along that right of way there is an area targeted for preservation. The river is a prominent feature. A bonus is that this property goes along the County's Landsdown Trail. Having dedicated open space against the Landsdown Trail Corridor would be a benefit which is not addressed in the Master Plan. Mr. Trontis advised this property is currently leased to a farmer who is paid to farm and the farmer derives income from a gun club. If the County were to have a portion of the ownership, a gun club arrangement could not exist but through the County's controlled hunting program it could be safely hunted with permitted hunters.

August Knispel thanked the Board for the opportunity to come before them. He stated it is always good to see County Counsel DeSapio. Mr. Knispel explained man was introduced to this world to take care of it and use it. He has strived to be a steward of the land all his life as a farmer. Mr. Knispel asked the Freeholder to partner with Franklin Township.

The following came before the Board requesting support from the County to assist Franklin Township in the purchase of Summit Manor and that it be preserved as parkland: Laura Jones, John DeMarrais, Deborah Hirt and Sam Thompson.

Director Muller advised taxes are always an issue in Hunterdon and Hunterdon has been marked as the highest County paying property taxes in the country and he feels Hunterdon should be noted for the highest county preserving land.

Mr. Sworen said on November 6 you have to vote yes for Question 3. That will extend the Green Acres monies because the money the County receives today is for another year. The state is working hard to make this another ten year program instead of one year.

Mr. Sworen explained Hunterdon open space tax expires in 2009, so the voters support is going to be needed next year to reallocate that tax and maybe even make it a permanent tax instead of a five year tax. Then we can continue getting the money and supporting these programs.

Mr. Sworen advised for parkland, farmland and green acres money, Hunterdon has received more money than any other county in New Jersey. Hunterdon County has received over \$100 million more than the next highest county in money from the state for these purchases. The county partners with the Hunterdon Land Trust, New Jersey Water Supply, the Preservation Foundation are working hard for this and you vote is needed on November 6<sup>th</sup> to push this.

Director Muller stated the consensus of the Board, based upon this discussion is that the project with Franklin Township will continue to work out arrangements for partnering.

Mr. Sworen advised a management arrangement is needed before the County signs. Mayor Tarshis asked if the County is saying it will cost share with Franklin Township for \$1.5 million. Director Muller stated the County is moving forward but he can't confirm an amount. Mr. Sworen advised it depends on the appraisals and any other partners the Township may have. The County is committing that it agrees this is a good idea.

Mr. Sworen stressed an agreement is needed on how the land will be managed. Franklin Township was asked to work with Mr. Richardson and Mr. Trontis on this issue.

The Hunterdon County Board of Chosen Freeholders recessed at 6:50 p.m. and reconvened in Open Session at 6:55 p.m.

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

Deborah Hirt, Parks Advisory Board came before the Board and stated from time to time Mr. Richardson provides a preview of properties being proposed for acquisition. After last Tuesday's presentation, the Parks Advisory Board discussed several of the properties presented and they were distressed to find out the Freeholders are slow in acquisition of these properties because they feel strongly that they would be excellent acquisitions to continue greenways in the different areas of the County.

Mr. Trontis said in due respect, it is the process that is slow not the Freeholder Board's action on them.

Mr. Melick left the meeting at 7:00 p.m. and Mr. Peterson returned to the meeting.

Ms. Hirt said the parcels she is referring to is the Pelio property in Lebanon Township, a parcel in East Amwell and one in Kingwood Township. As a Parks Advisory Board member she encouraged the Board to go after these tracts. She realizes there are a lot of properties in the County that everyone wants to preserve. Ms. Hirt stated she is speaking for the Parks Advisory Board at their request.

Ms. Hirt asked if any properties have been acquired by the County this year, for open space or parkland. Mr. Trontis said he would have to check but he feels that offers have been made but is unsure if any have closed. Mr. Richardson explained no properties have been closed on this year and it has to do with contract terms and conditions, and title issues.

Director Muller explained the Freeholders have been meeting the Monday before their regular meetings to discuss land issues. Land is requiring more time for the Board but because of various issues none of the projects have been brought to close.

Ms. Hirt is concerned about parkland and open space. She is not chastising the Board because she realizes the busy schedule of the Board and she feels the Board does a fine job for parkland and open space. She is concerned about the pressures being put on property owners by the larger developers and money talks. She wants the Board to know the Parks Advisory Board is being the Freeholders 100%.

Jack McConnell, Springfield Road, in Frenchtown stated there are three resident Bald Eagles in the Kingwood/Delaware area. Tourism is big today and birders spend lots of money. Something needs to be done with regard to the Kingwood property. Agra-tourism could be done where it would become a farm; he would plant switchback grass or reeds canary. That would be a good profit for the County when it is sold, because you can get methanol from it and you can make paper from it. This is a large 300 acres of property near the Delaware River. If this is purchased it would go from the Delaware up to Route 12 with a buffer zone. There are different animals and birds that travel through there that need this open space, such as hawks and such. If houses are built there it would be on argillite and its unknown what that would do to the water.

Kingwood Township Mayor, James Burke, came before the Board to say he is here to support everyone and their efforts for preservation. Ms. Hirt asked him to come in support of the overall concept of partnering for all the properties, including the property in Franklin Township. He is not here to support the Kingwood property tonight. The expenditure of the County tax collected over the years shows the public the Freeholders are using the money in the best way as it comes into the County.

Director Muller stated it is always good to see the elected officials of the municipalities come forward and to see them doing site tours on the various properties.

Mr. McConnell stated that John Flynn, Administrator of Green Acres met with them two weeks ago at the Kingwood Township site and he was very pleased and he wanted to put state funds towards the property. He was very positive and said the state wants this property.

Jenny Pandi of Sping Hill Road in Kingwood Township stated she resides next to this property being considered and feels this is a time sensitive property. She came from a farm family, as did her husband and her grandchild are fifth generation on her farm next to this property. It is a farmable property and it has fabulous wildlife.

Mr. Sworen advised there are no appraisals on the Kingwood property. The Freeholders don't have the core information to move forward on this project but it is being worked on. He assured Ms. Pandi that there are people working on an agreement for this property, outside of this Board, and they will be presenting it to the Freeholders in the near future.

Mayor Burke stated there are two appraisals on the property and the Board is correct that the Township has not come before the Freeholders with a request for a presentation with a signed agreement.

#### **OPEN TO THE PUBLIC**

Don Pizzalato came before the Board and asked about money owed to him for work done at the Hunterdon County Library.

Mr. DeSapio explained to Mr. Pizzalato that his lawyer has apparently filed papers with the Court but they haven't been sent to the County yet.

Mr. DeSapio informed Mr. Pizzalato that he can't answer any questions this evening.

#### **EXECUTIVE SESSION REQUESTS**

Mr. Sworen moved and Mr. Peterson seconded these:

**See Page 10/09/07-16A RESOLUTION**

**RESOLVED, Executive Session for the purpose of reviewing the executive session minutes of June 2007 and to determine what may be released.**

**See Page 10/09/07-16B RESOLUTION**

**RESOLVED, Executive Session for the purpose of discussing an acquisition of property in Lebanon Township, known as the Pelio property.**

**See Page 10/09/07-16C RESOLUTION**

**RESOLVED, Executive Session for the purpose of discussing a perspective joint acquisition with Raritan Township for the Urbach property.**

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See Page 10/09/07-17A

**RESOLUTION**

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RESOLVED, Executive Session to discuss the Schleicher request for an easement over the Columbia Trail.

See Page 01/09/07-17B

**RESOLUTION**

RESOLVED, Executive Session to discuss legal issues regarding a pending investigation of the Sheriff by the Prosecutor's Office.

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

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The Hunterdon County Board of Chosen Freeholders went into Executive Session at 7:30 p.m. and reconvened in Open Session at 8:45 p.m.

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There being no further business to come before the Board, Director Muller adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Denise B. Doolan  
Clerk of the Board

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01. To discuss personnel matters.¶  
02. To discuss legal matters.¶  
03. To discuss land matters.¶  
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