

# HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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

**August 19, 2008**

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 3:20 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

## **OPEN PUBLIC MEETINGS ACT**

Deputy Director Mennen 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 August 13, 2008, 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 OF ALLEGIANCE**

## **EXECUTIVE SESSION REQUESTS**

Mr. Sworen moved and Mr. Holt seconded these:

**See Page 08/19/08-1A** **RESOLUTION**

**RESOLVED**, Executive Session to discuss a salary structure in the County.

**See Page 08/19/08-1B** **RESOLUTION**

**RESOLVED**, Executive Session to discuss personnel issues in the Prosecutor's Office.

**See Page 08/19/08-1C** **RESOLUTION**

**RESOLVED**, Executive Session to discuss litigation, personnel and security issues involving the Sheriff's Department.

**See Page 08/19/08-1D** **RESOLUTION**

**RESOLVED**, Executive Session to discuss the selection of an attorney to represent the County in connection with the 911 Building dispute.

**See Page 08/19/08-1E** **RESOLUTION**

**RESOLVED**, Executive Session to discuss various land acquisition proposals.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 3:23 p.m., recessed at 6:30 p.m. and reconvened in Open Session at 6:33 p.m.

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

## **PUBLIC HEARING – County Ordinance No. 2008-01**

Director Peterson opened the public hearing on County Ordinance No. 2008-01, establishing Service Fees, in accordance with the County Environmental Health Act.

There being no comments or questions from the press or public, Mr. Melick moved and Mr. Holt seconded a motion to close the public hearing.

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

Freeholder Melick asked that this Ordinance be held at this time, as it may or may not be timely, to increase the fees for services by the County's Health Department. He is concerned about passing fees on and feels the Board should look at the efficiency of the Health Department first. He asked if everything is being done to make the Health Department work as efficiently as possible. Mr. Melick has some questions that he would like to discuss with the Health Director, John Beckley, to determine if the efficiency of the Health Department can't be improved first before adding on fees. Mr. Melick asked Director Peterson to hold this ordinance for 1 meeting. The County needs to look at itself before raising fees.

Mr. Beckley confirmed for Mr. Sworen that the ordinance is to take effect on September 01, 2008 and the rates based on the Health Department's costs; the County's current costs of providing services that the fees entail. Mr. Sworen confirmed the fees are not for food handling but for environmental services provided such as septic inspections, well permits, septic permits, alterations to septic systems, and plan review fees have been added to the ordinance. These are

all based upon a formula used that includes the hourly costs of the inspectors, the County's Fringe Rate, clerical time and are based upon what the true time costs are, to the best they can estimate.

Mr. Holt noted for the Board and those present that some of the costs have been reduced. Mr. Beckley stated some have but some have also increased because that is where the data placed the rates. It has been six years since the rates have been adjusted.

Mr. Holt asked what would be accomplished in two weeks.

Mr. Melick feels the County should review the amount of staff time put on the different applications to determine how this works. In private business you have to get more efficient as you go along; you just can't raise fees because no one will pay it. Construction work and development is not doing well at this time. Real estate transfers have stopped. Many people are no longer working in construction or development because there is less work. Mr. Melick feels the County should look at adjusting its staff because there is less work to be done, so there are fewer inspections. The County needs to do what is in the best interest of the public as a whole.

Mr. Beckley explained to the Board that the fees are based upon the time for each permit to be processed, to be reviewed, the inspections, the travel time, regardless of whether there are 15 Health Inspectors or 10 Health Inspectors; it does not make any difference in terms of calculating the time and costs associated with each permit. It isn't a function of the number of inspections; it is function of how much time does it take to do the technical review, how many times an inspector has to go out, an inspector could go out 6 times on a new home septic inspection.

Mr. Melick stated there is no incentive to make the office more efficient. Mr. Beckley feels his office is efficient. In the past, the concept has been if the fees aren't adjusted periodically, the taxpayers are subsidizing the costs of providing these services. Mr. Melick has some reservations because these services are costing the taxpayer, and he isn't sure this is being done in the most cost efficient way possible. In addition, everyone seems to be laying off people except government. Mr. Beckley advised the fees are based upon the time for each permit to be processed, reviewed, the inspections, and travel time; regardless of whether there are 15 Health Inspectors or 10, it doesn't make any difference in terms of calculating the time and costs associated with each of these kinds of permits. It isn't based on the number of inspections, it is based on how much time it takes to do the technical plan review and how many times a person needs to go back. On a new home inspection, a Health Inspector may go out 6 times. Mr. Melick recommended that be taken into account in the fee structure, so if an inspector has to visit a site 6 times, that person should pay more, than when an inspector only has to make one site visit.

Mr. Sworen questioned who would look at this. Mr. Melick stated he would ask people to help him, such as the County Administrator and Mr. Sworen if he would like. Mr. Sworen asked why cost the taxpayers more money by wasting the Administrator's time, when she could be doing something else. She has a lot to do as it is.

Mr. Holt noted that a re-evaluation of the fees hasn't been done in 6 years. There are 11 fees listed on the ordinance that are changing and 3 are going down. He would like to see this fee ordinance adopted today.

Mr. Holt moved and Mr. Sworen seconded a motion to move County Ordinance No. 2008-01 forward.

Director Peterson confirmed Mr. Melick is concerned about overstaffing in the Health Department. Mr. Holt thinks that overstaffing is a separate issue than the individual costs per hour to do a certain task based upon what is required mandatorily and that is what these fees represent. If there is an issue with overstaffing in the Health Department; that should not be dealt with here, you need to go to the department and learn what is going on. This ordinance is the per hour costs reflected in a fee rate, it doesn't reflect if the County Health Department is being efficient.

Director Peterson confirmed Mr. Melick is concerned because there are less applications and less work but there hasn't been a reduction in employees. Mr. Melick further stated that an adjustment might be warranted but the County's overhead is probably very high in order to do this work. Director Peterson established that Mr. Melick feels that if there were more efficiency in the office, the costs to do the work would be less, and the fees would not have to be raised as much or at all.

Mr. Mennen asked Mr. Beckley if he has comparables from other counties and is Hunterdon in line with those comparables. Mr. Beckley feels Hunterdon is in line, he hasn't done a formal survey but he spoke with his employees and asked about what Warren County is charging and Hunterdon is in the same area. Hunterdon has been lower until these adjustments. Mr. Mennen feels the Board should be able to see this. He would like to postpone this ordinance, two weeks, in order for the Board to be able to look at some comparables of adjoining counties fees. If they are in the same ballpark, then we can make the determination that Hunterdon isn't entirely inefficient and in the months to come, we can find ways to look to make sure Hunterdon is as efficient as it can be.

Mr. Holt stated looking at the surrounding counties fees can take 2 weeks but a department review can't be done in that short a time.

Director Peterson would like to know how many applications are processed in a year and how many people the County's Health Department has working for it. He confirmed with Mr. Beckley that the information can be supplied in 2 weeks. He asked Mr. Beckley to get the same information from his counterparts in comparable counties such as Sussex, Warren, Cumberland, Somerset and Mercer. Mr. Beckley said that would be a gathering of data. Director Peterson said if there is a problem, he could ask the County Administrator to do it as she seems to be effective in getting information.

Mr. Sworen stated each Freeholder had this Ordinance, as it was introduced at the August 05, 2008 meeting and everyone has had a chance to review it, everyone has had weeks to ask questions, and to pose the questions and put them forward to the Health Department; or to request a delay of this Ordinance before the adoption in order to gather this information being requested today.

Director Peterson informed Mr. Sworen that he does review everything but he hadn't considered what Mr. Melick raised until now. He understands Mr. Melick's point of view that he doesn't want to charge people more than it costs to do the work. If there is a high overhead the fixed costs are high because the department is larger than it needs to be then the average cost per hour on items would be higher than need be. Director Peterson doesn't want to charge people more than the actual cost to perform these services because it is a form of a tax. If the County is going to raise fees, we should be sure and the entire Board should be confident that rates are being raised no more than they need to be. He is requesting two weeks to gather some simple information in order to make a quick comparison to see if the Board needs to go into this in more depth or if these fees as listed today are accurate.

Director Peterson stated he finds Mr. Melick's 30 years on this Board to be useful in questioning issues that he has seen before. Most of this Board is fairly new and don't have the ability to think things through because they haven't seen how things happen and don't have the experience of being on this Board for 30 years as Mr. Melick has. Director Peterson said he listens to what Mr. Melick says and then he asks questions because he always has a gem of good advice. Director Peterson agreed with Mr. Melick that a cursory review of this should be done and the information is readily available; then it can be considered in 2 weeks.

Mr. Sworen informed the Board that there is a motion on the floor and if the motion is voted on, a new ordinance would have to be introduced if the motion is defeated.

Mr. Sworen feels if an attack is going to be done on a department; it should be in writing and there should be a specific list of what exactly the questions are going to be. He does feel a comparison of the fees is a fair request. If someone wants to do a department review they should do that but it is separate from this issue. Director Peterson disagreed saying it is related and it is information which the Health Director said is readily available.

After further discussion, Director Peterson advised he will send his questions through an email to Mr. Beckley.

Mr. Holt and Mr. Sworen withdrew the motion to adopt County Ordinance No. 2008-01.

#### **CONSENT AGENDA**

Director Peterson 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. Mennen seconded a motion to approve claims in accordance with the Claims Register dated August 19, 2008.

**See Page 08/19/08-3A**

**CLAIMS REGISTER**

**ROLL CALL: (AYES)**

**MR. SWOREN, MR. MENNEN, MR. HOLT, MR. MELICK,  
MR. PETERSON.**

Mr. Sworen moved and Mr. Mennen seconded these:

**See Page 08/19/08-3B**

**RESOLUTION**

**RESOLVED**, Scott Howarth appointed permanent, full time Senior County Park Ranger, Parks and Recreation.

**See Page 08/19/08-3C**

**RESOLUTION**

**RESOLVED**, Daniel Schulze appointed permanent, full time Public Safety Telecommunicator, Communications Division, Public Safety Department.

**See Page 08/19/08-3D**

**RESOLUTION**

**RESOLVED**, Thomas Dodd appointed provisional, full time County Correction Officer, Corrections Division, Public Safety Department.

**See Page 08/19/08-4A**

**RESOLUTION**

**RESOLVED**, Philip Kablis appointed provisional, full time County Correction Officer, Corrections Division, Public Safety Department. (replacement).

**See Page 08/19/08-4B**

**RESOLUTION**

**RESOLVED**, James Palmer appointed provisional, hourly Public Safety Telecommunicator, Communications Division, Public Safety Department.

**See Page 08/19/08-4C**

**RESOLUTION**

**RESOLVED**, Therese DeGenova appointed temporary, as needed Student Assistant, Library.

**See Page 08/19/08-4D**

**RESOLUTION**

**RESOLVED**, Sara Krisanits appointed temporary, as needed Student Assistant, Library.

**See Page 08/19/08-4E**

**RESOLUTION**

**RESOLVED**, Daniel Zmuda, Mechanic's Helper, Roads, Bridges and Engineering, salary adjustment.

**See Page 08/19/08-4F**

**RESOLUTION**

**RESOLVED**, Tomasina Corley, Public Safety Telecommunicator, Communications Division, Public Safety, adjustment to part time.

**See Page 08/19/08-4G**

**RESOLUTION**

**RESOLVED**, Approving a professional services agreement with Gaetano M. DeSapio to serve as County Counsel.

**See Page 08/19/08-4H**

**RESOLUTION**

**RESOLVED**, Approving a professional services agreement with Archer and Greiner to serve as legal counsel to the Division of Social Services, Human Services Department, in an amount not to exceed \$75,000.

**See Page 08/19/08-4I**

**RESOLUTION**

**RESOLVED**, Opposing a decision to impose a charge to rural municipalities for costs for the New Jersey State Police.

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

Mr. Mennen moved and Mr. Melick seconded this:

**See Page 08/19/08-4J**

**RESOLUTION**

**RESOLVED**, Harry Fuerstenberger appointed permanent, part time Administrative Analyst, Human Services Department.

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

**COUNTY Update**  
**Fleet Management**

Cynthia J. Yard, County Administrator informed the Board that the Fleet Management Committee was reconvened to take a look at what the County has been doing since the 2005 Vehicle Policy was rewritten. Mrs. Yard provided an update to the Board. Mrs. Yard explained the Committee is looking at the on-call and the taking home of vehicles. The Committee is working with the Director of Public Safety, George Wagner and Communications to pull the CAD reports because the Fleet Management Committee wants to make sure that the Freeholders are able to make an informed decision; and to evaluate how many times people are called in/activated on off hours. The cost to maintain a vehicle, gas a vehicle and commuting times needs to be factored in so that the Board can consider modifying the vehicle policy. The Fleet Management Committee is recommending to the Board that the On-Call Policy be modified.

Mrs. Yard explained when the Fleet Management Committee was started in 2005, the County's Fleet size was 134 cars, 139 trucks and in 2008 there are 123 cars and 119 trucks. Although the County usually grows in size, the Fleet size has been reduced but the same amount of vehicles are taken home today as was in 2005, and that number is 40 vehicles but there have been approved positions from the Freeholders that have increased that amount.

Mrs. Yard advised the Fleet Management Committee is reviewing the existing 2005 policy which had significant changes in the way the County handles and uses vehicles. The biggest assignment is to look at how many on-call vehicles are actually being activated from a home situation. Once the CAD Reports have been received, the Fleet Management Committee will meet and get its recommendations to the Board as quickly as possible.

Mrs. Yard reported the Fleet Management Committee is also looking at the function of a vehicle because if the function doesn't warrant a V8, a vehicle will be matched to the function of the need. Also being looked at by Fleet Management are the CG plates, restricted plates, and the markings on the vehicles when they are tagged. Many items are being looked at to update the 2005 Vehicle Policy. Also, the department managers have supplied smart practices which will be placed in a brochure for the County's managers because they are wonderful ideas but they need to be implemented. The smart practices will be talked about at the Administrative Staff meeting the second week in September. Mr. Sworen asked if these smart practices submitted by the department heads have been implemented in their departments. The concerns by the County at this time is the cost of fuel and if we can save one trip a day by each department, it could create a cost savings. Mrs. Yard explained when the Committee received the smart practices from the various managers said they were good practices but she doesn't know if the managers have implemented these. Mrs. Yard will present the Board with the smart practices at the next meeting.

Mrs. Yard explained a large missing piece to be reviewed is how many times the on-call vehicles are activated.

#### **Trips/Training/Meetings/Conferences**

Mrs. Yard reported the policy for Trips, Training, Meeting and Conferences was discussed at the August 05, 2008 meeting and the Board had some minor concerns and those modifications have been made to the policy. The issue of the 75 mile radius has been made clear and noted that the starting point for that is the monument on Main Street in Flemington. A map will be included in the policy indicating where the 25, 50 and 75 mile radius is from Flemington.

Mrs. Yard explained to the public, that like the State of New Jersey, by virtue of this policy that an approved Conference, Trip, Meeting or Training would be in-State only or the 75 mile radius from Flemington. The State has assumed this policy and the County is considering a similar policy.

Mrs. Yard further explained if an employee is scheduled to go to a conference and it is in the State of California and they are the president of an association, they will either pay for the trip on their own or they should get the association they are representing to pay for it.

Mrs. Yard advised the current policy states that the Board will approve one conference a year, for authorized employees, but it does not restrict where the conference is in the continental United States. Now, with the new policy, it states the County will approve New Jersey conferences.

Mr. Sworen asked if the Board is being asked to adopt this policy tonight. Mrs. Yard stated two weeks ago, the Board asked for changes to the 75 mile radius to be consistent throughout the policy and the changes have been made.

Mr. Sworen feels if there is a situation where the conference is outside the State, there should be some way for that request to be brought before the Freeholder Board for consideration. Also, what if a conference is more than 75 miles from Flemington, can't it be discussed. Mrs. Yard confirmed Mr. Sworen is looking for a caveat where certain requests can come before the Board when they do not abide by the policy. Mr. Sworen said another paragraph should be added to the policy which would allow someone to come forward with a trip that is outside of the area, but with a timeframe of 60 days in advance, so the Board would have enough time to approve it or disapprove it and can research it to see if it is a valid request. Director Peterson recommended a paragraph stating any exceptions to the policy should come before the full Board of Freeholders for consideration.

Director Peterson asked if there are any standards set for the rooms, such as the type of room so someone doesn't reserve a suite or a king size bed. Mrs. Yard said she can add "in the most cost effective/efficient manner" or the "most cost efficient accommodations." Mrs. Yard thinks the key is that the person has to be authorized to attend, and once she receives the requests, and if two women/men from the same department are attending the same training, conference or meeting, she will question why they can't share a room. There is a mechanism in place to review all requests; stating she looks at each request.

Mr. Sworen questioned if there is anything in the Policies and Procedures Manual or the Employee Handbook to cover this. Mrs. Yard stated all it says is that it has to be authorized by the Board of Chosen Freeholders or their designee, the County Administrator and she then asks certain questions on whether 2 people stay in the same room, and they ride together.

After further discussion, Mrs. Yard was asked to make changes to the policy and bring it back before the Board for consideration at the September 02, 2008 meeting. Mrs. Yard advised the County Budget process is being moved up into October/November and the County's managers need to know what to put in their budgets for next year or if they need to have special permission.

#### **Historic Court House Fees**

Mrs. Yard reported on a policy for the use of the historic Court House. Freeholder Sworen had some suggestions and the policy was changed to make it clearer concerning hours and events. For example, if a County employee is acting in their public, official capacity such as the County Clerk or Surrogate marrying someone, then during normal business hours there would be no charge but off hours and weekends, the cost would be \$75 an hour, which is the standard rate. The policy also discusses educational tours and if they are conducted by County staff, whether it is the Sheriff's Office or a designee, during regular business hours, there is no charge. The concern the County had was when someone was conducting tours or showing movies, etc. and if it is an outside agency/entity, which is charging an admittance fee for people to come and listen to the presentation/view the movie/etc. the cost would be \$75 per hour.

Mrs. Yard reported that from the legal standpoint, County Counsel had recommended the County also make sure this entity knows it is free of charge if it is conducted by County staff and in the case of a school, they would know if they came during regular business hours and the County staff conducted the tours, they would not be charged.

Mrs. Yard advised for historic re-enactments related to the actual structure and use of the historic Court House, the cost would be \$75 per hour and if there is an actual show or presentation then the cost would be \$250 or 10% of the revenue for each performance. An example would be if there are 5 shows at the court house to re-enact the Lindberg Trial, then there would be 5 separate amounts charged to that entity.

Mrs. Yard advised this policy also states that the outside agency is required to provide the County Finance Department with a Financial Disclosure Report.

Mrs. Yard informed the Board that after much revising, this is as close as the County will get for the historic Court House Fees policy. Mr. Sworen confirmed this policy is only slightly changed from the original policy, and the fees are the same. Mrs. Yard added that a Certificate of Insurance must be provided by the entity as that is also a part of the application.

After further discussion, the Board directed Mrs. Yard to place the policy for historic Court House Fees in resolution form for approval at the next meeting.

#### **Professional Service Agreements**

Mrs. Yard called John Davenport, County Purchasing Agent to the table. She explained last year the Board asked that every September that the Professional Services Agreements be brought before the Board in order to start plan for the next budget year, to consider whether to ask for a Request for Proposals (RFP) or whether the current agreement would continue or if a different entity would be considered to provide services.

Mr. Davenport reported a list of a majority of professional services agreement that are not contracted through an RFP or through a competitive process has been provided to the Board. A history has been provided on what the costs were last year and what it is this year. Based on the discussion with the Board last year, they started to whittle down the existing contracts which were a rollover, that had fees built into them that weren't needed. An example would be the firm that works with the Planning Board on the Transportation Improvement District (TID) as they have such knowledge on this that it would not make sense to solicit proposals. Mr. Davenport stated they did negotiate an hourly rate, so they are now only paid for the actual work provided. There is not a contract in place that holds the County hostage to a certain amount of time or an amount of money. He stated there are some contracts on the list where there was activity in 2007 but there is no activity in 2008.

Mr. Davenport reported a Request for Quotes (RFQ) was put out requesting the qualifications of various types of services (engineers, surveyors, appraisers, and architects) in order to prequalify people/firms and a list was compiled. That was very successful as there were 270 responses. Now anytime an engineer or surveyor is needed, his office just refers to the list which will expire the end of the year, 2008. He anticipates doing that again by early October 2008. The Board could add other professionals when the new RFQ is put out, so they can be prequalified for services. The next RFQ will be for a two year period, 2009/2010. Mr. Davenport recommended having a list of attorneys with different specialties prequalify.

Director Peterson stated he has been pushing for this for 3 years, especially when it comes to auditors. He feels auditors should be changed every 3 to 5 years on a set basis. He would recommend this be done this year for all auditing services so new people come in. Mrs. Yard stated the County's auditors were changed 4 years ago and last year the current County Treasurer, Charles Balogh, asked the Freeholder Board to extend the auditor 1 year because there is now a new County Treasurer and Director of Finance. Mrs. Yard hoped that the Board would keep the firm that does the County audit for one more year. Mr. Melick agreed with Director Peterson that auditors should be changed periodically but the County has a unique situation having a new Treasurer and Finance Director, and feels the Board should keep the current auditor for one year in order to work with the Finance Department.

Director Peterson recommended the County adopt a policy to change auditors every 3 to 5 years. A policy needs to be written and put in place, so an auditor is here for x-number of years, than the auditor changes. Mr. Sworen recommended the County enter into contracts that are renewable for 1 year.

After further discussion, the Board agreed that the County Administrator and Purchasing Agent meet with the Finance Director and come up with a recommendation for the Board to consider.

Director Peterson asked Mr. Davenport to provide a list to the Board of contracts not bid at this time that could be bid. He would like to see all contracts bid. Mr. Davenport stated Hunterdon County has taken steps, through the previous Freeholder Boards, to make sure contracts are competitive.

#### **Sheriff's Correspondence**

Director Peterson recognized Sheriff Trout and Undersheriff Maloney and informed them that County Counsel DeSapio has received a message from the Trial Court Administrator and it would be timely to address it at this time since the Sheriff is here.

Mr. DeSapio advised Sheriff Trout he could indicate what the responses are to her letter addressed to Director Peterson dated August 12, 2008. Mrs. Yard reviewed the message with the full Board and the Sheriff had 5 questions concerning her budget. First the Sheriff wanted to know when Officer Gutsick worked for your department through April 2008 if the Freeholders would absorb his salary from the first of the year to April 2008. The answer to that is yes, they are willing to absorb the salary outside of the Sheriff's present budget figure.

Mr. DeSapio reported the Sheriff also asked if the Board would be willing to hire a 16<sup>th</sup> Sheriff's Officer as recommended by the Hunterdon County Court House Security Committee. The Freeholders have indicated they are willing to hire a 16<sup>th</sup> officer which will be funded through a special allocation that can only be used to pay the salary for a 16<sup>th</sup> officer. It will only kick in when the 16<sup>th</sup> officer is actually hired. The Sheriff is at 15 officers now and the Sheriff has related in her letter that there will be a resignation which takes the office down to 14 officers, so the Sheriff would have to fill the 15<sup>th</sup> spot before filling the 16<sup>th</sup> spot. Mr. DeSapio stated there is an additional issue about what happens when the officer who is on maternity leave returns to work; so the County would have to see what the staffing is at that point. If it is less than 16 officers, it isn't a problem but if it there are 16 full time people and the individual wants to return, then someone may have to be laid off, so the compliment is 16.

Mr. DeSapio said to avoid any questions, the Board would like to memorialize what is being said this evening in writing, so the Sheriff and the Board can sign off on it, so there are no questions.

Mr. DeSapio advised the Sheriff in her letter questioned if the Board was willing to absorb additional costs in regard to security guards. In the beginning of 2008, the Sheriff used security guards at the same rate as the previous Sheriff and the Board understands that; then the Sheriff proposed a budget where in order to save money the use of security guards would be cut back. From the first of the year until that proposal went into place, the Freeholders understand that they will compensate for those extra costs, until the cost saving measures went into effect. What the Freeholders will not agree to fund, and the Board would be glad to have a private discussion about this with Finance, Human Resources and the County Administrator, is any overruns on the budgeted figure for the security guards above 192 hours a week. The Freeholders feel that is something the Sheriff should have taken into consideration when she did the budgeting. The Board would be glad to talk about it. The purpose of this is just to report back to the Sheriff.

Mr. DeSapio stated the Sheriff's letter states the Board is currently engaged in contract negotiations with the sergeants and the question is what happens when a settlement is reached. The Freeholders understand that when the settlement is reached, because they control it in part because the County is doing the negotiations, that the Board will have to come up with that money. The Sheriff is not expected to find that money within her budget.

Mr. DeSapio advised the Board did agree to provide an unclassified clerical person, with the Sheriff's consent, a raise with other unclassified employees and the Board concurs that the amount of that raise does not come out of the Sheriff's budget as the Board will fund that separately.

Mr. DeSapio stated the fifth statement in the Sheriff's letter indicated that the existing collective bargaining agreement provided for additional salaries to certain Sheriff's Officer, which the Sheriff indicates is \$5,900 effective July 01, 2008 and that it was not included in the Sheriff's budget and the Freeholders are prepared to say they will fund that.

Mr. DeSapio stated in regard to the five questions asked by the Sheriff in her August 12, 2008 letter; in regard to four of them the Freeholders are acknowledging the Sheriff doesn't have to worry about that, the Freeholders will worry about those costs. The actual amount of the costs won't be verified tonight and Human Resources will work with the Finance Department to do that. With regard to the question regarding the security guards, the Freeholders are prepared to fund the additional expenditures for them up until the time the Sheriff's budgetary plan was accepted. The Board is willing to talk with the Sheriff about the rest.

Mr. DeSapio told the Sheriff that he does not know where this leaves her. Sheriff Trout stated it is better than before. Mr. DeSapio said there is still the issue of the extra management position which the Freeholders did not fund, originally the title was Confidential Aide, now it is an Undersheriff, the Freeholders are not prepared to provide any extra money for that. If that is an important position for the Sheriff, it needs to be included in the budget.

Sheriff Trout thanked the Board and said regarding extra administrative staff, it is not an extra person but she isn't going to argue that point. It is the same as what has been in the past and she would like that on the record.

Mr. DeSapio informed the Sheriff that since there are a lot of people here tonight, that the Board would just outline where it's at and he suggested, as Mrs. Yard did in her letter, that a meeting be held so everyone can sit down and talk things through, rather than have a debate. He noted there are many people present tonight that would like to address the Board.

Mr. DeSapio informed Sheriff Trout that the Trial Court Administrator, Gene Farkas, left him two voice mail messages during executive Session, and Mr. Farkas is suggesting everyone get together and talk over the Sheriff's recommendation concerning the times the Justice Center would be open. He is aware Mrs. Yard suggested meeting to discuss this also and it is being suggested again so all the parties can be involved and Mr. Farkas can be present to assist with the discussion.

Mr. DeSapio informed Sheriff Trout that the Freeholders asked him to point out a couple of things which may lower the anxiety level. When the Board reads the Sheriff's letter part of what they understand the Sheriff to say is that there are Sheriff's Officers on your staff who have notified you that they are leaving in September and because they are leaving you feel you will have a shortage in staff and the way to address it, might be to cut down on the hours of operation. Undersheriff Maloney and Sheriff Trout advised that is not accurate. Mr. DeSapio explained that is why a meeting is needed because the Board was going to point out that when someone leaves, there is still money in the budget, which is the salary savings that can be used to pay overtime to existing officers or increase the use of security guards on a temporary basis until replacements are located. The combination of that and maybe management helping out for a few weeks to make things work, can avoid the anxiety level which everyone has about what is going to happen. The County would like to discuss all those alternatives because he is aware the Sheriff has disagreed on this in the past with the Freeholders but there were periods of time when the previous Sheriffs were able to keep the Justice Center/court house running on the same schedule for a reasonable period of time when there was officer turnover, and when there was less than 16, 15 and as many as 12 officers. The County would like to meet with the Sheriff, along with the Trial Court Administrator and whoever he feels is appropriate, to discuss these issues with a couple of Freeholders' representatives and the County's Administrative staff and Human Resources, to find mechanisms to make this work.

Undersheriff Maloney asked if there is anyway to set up a time to meet tonight. Mr. Farkas has been in touch with the Sheriff's Office advising he would be glad to meet with the Board. Mr. DeSapio advised he is available next Tuesday or Wednesday of next week.

Sheriff Trout informed the Board that Mr. Farkas sent her a letter in response to the August 12, 2008 letter and she has received permission from him to provide the Freeholders with copies of his letter.

Mr. DeSapio asked Sheriff Trout if she could provide a copy of her letter to Mr. Farkas which triggered this response, which Mr. Farkas refers to in his letter. Sheriff Trout stated there are some issues in the letter to Mr. Farkas that should be kept confidential. Mr. DeSapio asked the Sheriff if she could send it to the Freeholders and mark it confidential, for Freeholders only. Sheriff Trout stated she would.

Undersheriff Maloney informed the Board that the office has one officer who has provided a date of September 02, 2008 to resign. There is a Sheriff's Officer from Passaic County who was laid off and he is willing to come and work in Hunterdon. There are 2 other officers that will be leaving in a short period of time and if this person is hired as the 15<sup>th</sup> he could go down to the 14<sup>th</sup> or 13<sup>th</sup>. Mr. DeSapio offered to work out the mechanics with the Sheriff's Office. The intent is this is money to fund the extra position, it is not money to use for something else, and he isn't suggesting it would be but there has been an argument that has existed up to this point and the Freeholders just want to know the 16<sup>th</sup> position will be filled and it isn't going to be money available to another use.

Mr. DeSapio said the Board is aware that proposals have been made to do other types of things with the Sheriff's Office such as providing security for the municipal court in North Hunterdon and provide security for they Motor Vehicle Agency and provide police coverage for municipalities in Hunterdon that are having problems with the New Jersey State Police. The Freeholders are respectfully suggesting is the Sheriff step back and get all the issues worked out about providing the basic operations of the office. He asked that all proposals be placed on hold and focus on the immediate problem and the essential services of the Sheriff's Office and see if they can be solved collaboratively.

Undersheriff Maloney asked when the office will have the authority to hire the 16<sup>th</sup> officer. Mr. DeSapio told Undersheriff Maloney to talk with Cheryl Wieder, the Human Resources Director about hiring the 16<sup>th</sup> officer as there was a letter sent about the replacement process and that process must be followed. If that works for the Sheriff then you can fill the position as fast as you can go through the process and if it doesn't work, then put it on the list to be discussed next week. Mrs. Yard confirmed the person being considered would be an intergovernmental transfer and strong suggested talking with Human Resources because there are very specific parameters of the intergovernmental transfers.

Undersheriff Maloney informed the Board that the proposal regarding policing municipalities was never released by the Sheriff. Mr. DeSapio stated he is not criticizing how it became public or the discussions about. There is so much floating around and there are people with anxiety levels with regard to the Justice Center operation. The principal duty of the Sheriff is to provide security for the Justice Center. Mr. DeSapio said the County, the Freeholders, and the Sheriff have to lower the anxiety level and make sure the security at the Justice Center is done and the only way the Freeholders perceive that will be done, is to take a step back and focus all the attention on that. Sheriff Trout and Undersheriff Maloney agreed.

## **OLD BUSINESS**

### **Califon Borough Request/Memorial/Columbia Trail**

Director Peterson asked the status of the request from Califon Borough to create a fireman's memorial on County Parkland. Mrs. Yard informed the Board that she sent a letter to Califon as a result of the August 05, 2008 meeting and advised them they needed to go through the Parks and Recreation Department. The last piece is for County Counsel to provide an opinion on the policy. Mr. DeSapio stated he has not had a chance to do that. The Clerk of the Board was asked to list this issue again on the September 02, 2008 agenda.

Mr. DeSapio explained the issue is whether this requests fits in the County's policy regarding memorials in County Parks and also whether the policy needs to be revised.

Mrs. Yard informed the Board that Califon Borough has said they would maintain the seating area and the County's policy reads that the County will maintain its own property.

Mr. DeSapio confirmed with Mrs. Yard that there is a policy stating when a memorial can be or can't be erected in a County Park. Mrs. Yard added that the Freeholders have to agree that the request will be looked into, and then it goes to John Trontis, Director of Parks and Recreation and he talks with the people making the request. Mr. DeSapio confirmed the process for this request has begun. Mrs. Yard stated Califon has offered to maintain the memorial, which would be done with their current compliment of volunteer firemen, but they change, people come and go. Mr. Trontis stated this is park property and very similar to other benches that were approved. There are two benches that predated the Park taking ownership of the Columbia Trail and it was overgrown. He discussed with Mrs. Yard that if Califon is going to make this into a memorial, that it serve a park purpose and it does seem to fit a dual purpose nicely; it would serve as a rest stop along the Columbia Trail and there would be a plaque honoring fallen fire fighters.

Director Peterson asked County Counsel DeSapio to put together an agreement with Califon Borough concerning the placement and maintenance of this memorial for fallen fire fighters, on the Columbia Trail. Once that has been prepared and executed by Califon, it will come back before the Board for approval.

#### **COAH Resolution**

Mr. DeSapio informed the Board that he has drafted a resolution based upon information provided by the County Planning Board Director, Sue Dziamara, supporting the objectives of an appeal filed concerning the State's new COAH regulations. The Board will review the draft resolution and directed the Clerk of the Board place this on the September 02, 2008 agenda for consideration.

Mr. Mennen left the meeting at 7:55 p.m.

#### **BUILDINGS and MAINTENANCE**

Pete Maddalena, Buildings and Maintenance Director came before the Board to discuss a request from the Business Education Alliance for the County to join, which includes a membership fee of \$2,500. It was noted that the County has reaped many benefits from the Business Education Alliance over the years by receiving overstocked office furniture, free of cost, and various other office items. Mr. Maddalena confirmed that the County has received numerous pieces of almost new furniture from this organization and the cost of that furniture exceeds this membership fee. While he does not know how much more furniture the County may need in the future, he feels membership would provide a cost savings to the County. The Business Education Alliance receives top quality items and the County has the luxury of being able to take from those items and store it in the County's facility for future use, which will be used when older items break or wear out.

Mr. Holt feels this is a great deal for the County and noted the County has received items for years, free of charge. This is a great program.

Mr. Sworen stated while the equipment isn't new, it is like new. Everything is in great shape.

Mr. Mennen returned to the meeting at 8:02 p.m.

Mr. Maddalena advised that Joan Kreig who manages the Business Education Alliance always keeps Hunterdon County in mind when items are available and calls him. He feels comfortable in saying the money for the membership will be put to good use. The normal membership fee is \$3,000 but Hunterdon will be charged \$2,500.

Mr. Melick asked where the money is in the County's budget for the membership fee. Mr. Maddalena feels there is money in his budget to cover this.

Mr. Mennen moved and Mr. Holt seconded a motion agreeing that the County of Hunterdon provide \$2,500 as a membership fee to the Business Education Alliance, at the recommendation of the Director of Buildings and Maintenance, contingent upon funds being available in the County Budget.

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

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

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

- The State Department of Environmental Protection (DEP) is asking for addition information concerning the retaining wall, on County Route 579, in Pittstown, on the environmental assessment on the historical nature of the concrete wall. The County is putting together a small report for DEP. This wall goes back to the 1930's and the question is whether the stairs are used. The stairs were built so the overseer in Pittstown could get to the railroad when the trains came in there.
- The State Department of Transportation (DOT) has not authorized the County Route 523 project running from Route 78 to the Intersection of County Route 517/523.
- The County has finished the 523 project in Whitehouse Station and there are minor punch list items and the contractor will return on August 20, 2008 to complete that work.

- A preconstruction meeting was held for County Route 514, from Route 202 to Manners Road. This project will be done with Transportation Trust Fund money. The construction will begin on September 08, 2008. Proper signs will be posted.
- A minor correction is needed on County Route 604, a storm water drainage project in Delaware Township, as curbing needs to be added to correct an adverse drainage flow.
- A meeting will be scheduled with Frenchtown Borough to go over the County Route 619 project, from Seventh Street to the Alexandria Township limit. The County has received the Borough's comments and they have been incorporated into a preliminary set of plans. This meeting will be scheduled after Labor Day, September 01, 2008.
- Notice has been received that a letter will be coming from the State Historic Sites Council concerning County Bridge D-345 on County Route 523, in Delaware Township. The County will have to do a Phase II B Archaeological dig. In the area the County will be putting the substructure, there are concerns there may be artifacts.
- The plans for County Bridge M-110, on County Route 519, in Milford Borough will be held until the next meeting. There is a dispute between 2 property owners and that is being worked out with access and the driveway. There is a restaurant in the area and one driveway is unsafe to use and the County would like to relocate that driveway to the south.
- Waiting on appraisal report for the realignment of Pennsylvania Avenue in Raritan Township and the removal of County Bridge Q-168.
- A meeting was held with DEP on the Multi-Purpose Trail/Bridge Project for Echo Hill Park and there are 2 issues that have come up; one is the status of the dam where the abutment would terminate. DEP is looking for a dam inspection report. The second issue is whether there are any historical creatures that maybe disturbed when the trail and bridge are constructed. Mr. Glynn stated he would like to see if the project is feasible before going to the next phase. While it is still feasible, it is becoming more difficult.
- The deck for County Bridge H-93, on Javes Road, in Holland Township should be finished by August 22, 2008 with paving being done the following week. The bridge should be opened by the second week in September.
- A contract will be awarded tonight for the painting of various County bridges and the vendor will start work tomorrow.
- The County is having a difficult time trying to pull a permit for the replacement of the fuel dispensing system at the County's Arboretum at the Park and Recreation Department. The County will have to go to the Clinton Township Planning Board on September 02, 2008, to present the stand alone tanks being considered at the Arboretum. The Township is making the County go for a site plan comment period.
- An additional 6 bridges have been found in the County's Parks and Recreation Department in need of inspection. Originally the County scheduled 6 bridges for inspection and now 12 need to be done. Trans Systems Corporation was the low bidder to do the bridge inspections and there are 6 more structures that need to be inspected. The Board directed Mr. Glynn to get a proposal for a contract modification from the vendor to do the work and bring it back to the Board for approval.
- Authorization has been received to obtain proposals for the design phase for County Bridge F-45, on Whitebridge Road.
- The alternative analysis for County Route 579 over the Lehigh Valley Railroad has been forwarded to the North Jersey Transportation Planning Authority (NJTPA). Discussions are still taking place with Federal Highway on why they issued a stop work order on the project.
- Appraisal services are needed in connection with County Bridge E-166, on Manners Road in East Amwell Township.
- The Cultural Resources Report has been received for County Bridge RQ-179 and it has been forwarded onto NJTPA.
- The surface course has been finished at the River Road/County Route 523 and Route 612 Intersection. The County is waiting to receive the electrical permit from Raritan Township in order to fire up the signals. The pond should be finished shortly and guiderail and striping are being done. The project should be almost complete within the next 2 weeks.
- The County Route 579/513 signal in Pittstown is being constructed. The utility company is now at the site resetting and moving the utilities out of the way. The contractor has set the curbing, storm drainage and some of the electrical signals for the new traffic light.
- The staff has discussed County Intersection for Routes 517/523 and the recommendation may be made to hold the project off and put it out to bid this winter. Also, one property owner is still working with County Counsel's Office to obtain a right of entry. Mr. Glynn recommended the project be awarded in February with the contractor starting work in early March 2009. Meanwhile the utility will be called in to pull the utilities out of the way.

Mr. Mennen left the meeting at 8:18 p.m.

Mr. Glynn reported the Tewksbury Township Road Supervisor has asked to borrow the County's small curb machine. This has been done in the past for other townships. There is very little cost to the County. The Township will come to pick up the machine. Tewksbury is having a drainage problem at Big Spring Road and Route 512 and they would like to put 200' of road asphalt curb in the area. Mr. Glynn asked the Board's permission to work with the Tewksbury Township Road Supervisor in getting the curb machine and providing oversight on how to use the machine. The Board agreed.

Mr. Glynn informed the Board that there have been 2 good meetings concerning the vacation of Hamden Road. His office met with the church and with Franklin Township and everyone is working as partners. The question is how this will be portioned out and the costs. Mr. Glynn has been working with Parks and Recreation on them taking responsibility for this as a park access.

The New Jersey Water Authority is willing to contribute some money and the Wesleyan Church like the realignment concept. The church held a meeting last Sunday and Mr. Glynn is waiting to hear the results of that meeting.

Mr. Mennen returned to the meeting at 8:21 p.m.

Mr. Glynn reported complaints have been received concerning Exit 12 on Interstate 78. There is a section the County is obligated to maintain, from the Bagelsmith to the bridge over 78 and a small section from the bridge to Route 173. The County currently has a resurfacing contract and Mr. Glynn would like to get authorization to modify that contract to include milling and resurfacing for that area. Mr. Glynn stated the cost will be approximately \$25,000 and there are ample funds in the resurfacing contract for this year to cover the additional cost which the vendor will do at the contract cost. After a brief discussion, the Board directed Mr. Glynn to obtain a contract modification from the vendor and provide it to the Board for approval.

#### **CORRESPONDENCE**

A request was received from the East Whitehouse Fire Department, for permission to utilize the Lebanon Garage fuel pumps during evenings and weekends. They already have permission to use the facility during normal working hours. The Board agreed to provide after hours access provided the East Whitehouse Fire Department coordinator this through the County's Department of Roads, Bridges and Engineering. Mr. Glynn stated he will place a lock within lock and the Fire Company can put their own lock on at the facility.

#### **PURCHASING**

Mr. Holt moved and Mr. Melick seconded this:

**See Page 08/19/08-11A**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #23966, using State Contract #A-81236, with Unisys, for a maintenance agreement for the Emergency Services Division, of the Public Safety Department, in the amount of \$13,430.52.

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

Mr. Melick moved and Mr. Sworen seconded this:

**See Page 08/19/08-11B**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #40019056, through State Contract #A-70290, using County Quote #0077-2008, with Modern Equipment, for snow plow parts, for Roads, Bridges and Engineering, in the amount of \$39,474.16.

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

Mr. Sworen moved and Mr. Melick seconded this:

**See Page 08/19/08-11C**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #ElectionBoard.00030, pursuant to NJSA 40A:11-5DD, with Sequoia Voting Systems, for a software license, for the Board of Elections, in the amount of \$22,500.

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

Mr. Sworen moved and Mr. Holt seconded this:

**See Page 08/19/08-11D**

#### **RESOLUTION**

**RESOLVED**, Approving Requisition #IT.2970, through County Quote #0073-2008, with CDW, for lan hardware, for Information Technology, in the amount of \$14,368.60.

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

Mr. Mennen moved and Mr. Sworen seconded this:

**See Page 08/19/08-11E**

#### **RESOLUTION**

**RESOLVED**, Authorizing the award of County Bid #2008-16, for Maintenance and Repair Materials, for Roads, Bridges and Engineering, to Hanson Aggregates, BMC, in an amount not to exceed \$67,725.25.

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

Mr. Melick moved and Mr. Holt seconded this:

**See Page 08/19/08-12A**

**RESOLUTION**

**RESOLVED**, Authorizing the award of County Bid #2008-21, for the Painting of Various Bridges, in various municipalities, for Roads, Bridges and Engineering, to Aussie Painting Corporation, in an amount not to exceed \$96,984.

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

**OPEN TO THE PUBLIC**

**Kingwood Twp. Property, Equestrian Village.**

Director Peterson informed those present that his colleagues have advised him that some of those present may be present tonight because of the Kingwood Township property. He noted there will be no discussion amongst the Board concerning the Kingwood property or any action taken regarding the property. At this point in time, there is no action for the Board to take.

Director Peterson opened the meeting for public comment.

Thomas Sommo of Kingwood Township informed the Board that he thought this was a done project. Director Peterson stated that nothing has changed on the County's part.

Caroline Vitalines of Fairview Road, Kingwood Township stated action was already taken by the Freeholder Board and asked what other type of action the Board of Freeholders would need to take.

Mr. Mennen advised a member of the audience indicated to him that most of the people here tonight, are here to discuss the Kingwood project; so in the interest of saving the time of those present, he asked the Director to make an announcement to inform everyone that the issue was not on the agenda and that the Freeholders were not going to be deliberating on this matter or taking any action with regard to the project tonight. Mr. Mennen explained if people were here on the expectation that action was to be taken or the matter was to be discussed, he asked the Director to make an announcement so everyone was not under a false impression. It was meant to be a courtesy to the members of the public.

Mr. Mennen went on to explain that in the past people have been told that certain things were going to happen; they were promised by people other than the Freeholders and they were led astray.

Mr. Vitalines stated she lives in the area of the Kingwood that is being considered for preservation and it has been some time since the Freeholders committed to the project and it still hasn't been closed on. She asked if the Board is still committed to the project.

Mr. Mennen stated the County's position hasn't changed from its commitment made by a motion to Kingwood Township on April 01, 2008, so long as the conditions are met. The County's attorney and Kingwood Township's attorney are trying to work through the paperwork so all the conditions may come to fruition.

Mr. Sworen said the condition is simple, when the Board voted on this, it was that the whole property would be purchased; all three pieces. At this time 2 parcels are fine and the 3<sup>rd</sup> is under negotiations. Hunterdon County is just waiting for this to be done, in order to move forward.

Linda Facey agreed with Mr. Vitalines and she would like to see the process sped up if possible.

Elaine Neimann, Kingwood Township Committeewoman, stated as a municipal official she appreciates the conflicting polls that you have to address in the dispatch of your duties as Freeholders. It seems to her that the preservation deal which Kingwood brought to the County is substantially unchanged. She feels the County's failure to officially adopt a resolution to approve the release of open space funding speaks volumes to her. She hopes there will be a resolution at the next meeting.

Jenny Pandi of Springfield Road, Kingwood Township, advised she heard rumblings that there was chance this deal would fall through. She said the money was earmarked for this project and it should be used for this purpose.

Wendy Pandi, lives on 519, stated she supports the proposal to turn the Kingwood Township property into open space. This is a worthwhile cause to support and many people support this project.

Meg Sleeper, Horseshoe Bend Road, Kingwood Township, asked the Board to support this project and asked the whole Board to fully support the project. It is critical to save as much open space as possible.

Richard Dodds, Kingwood Township, questioned what the County is doing to move this project ahead.

Mr. Holt informed those present that the Board's decision that all three parcels must be purchased stands as is. There is a rumor concerning the 3<sup>rd</sup> piece to the property. The County has asked the funding partners for information and how it affects the deal. After that, if this needs to be re-examined, then the Board will look at it.

Mr. Dodd asked if the 3<sup>rd</sup> parcel could not be obtained, would the County withdraw its support. Mr. Holt stated that it would have to come back before the Board for consideration.

Mr. Dodd stated the concept was the County would purchase the larger parcel of the 3 parcels, with Kingwood purchasing one and the Hunterdon Land Trust purchasing the other.

The Board tried to explain to those present that any public discussions on this issue could have adverse affects on the negotiations taking place with regard to the project.

Mr. Sworen stated he has supported this project since day one. He has worked to draw the parties together, meeting with different people and as the County's Open Space Liaison, as is Freeholder Mennen, and they have met with people to draw this to a close. Mr. Sworen stated he would push for this even if it were only one parcel because it is important to the area since there are no County supported parks in the west part of the County. Also this is a tremendous piece of land with a lot of potential with the 3 parcels together. The issue today is the 3<sup>rd</sup> parcel and the negotiations.

Phil Lubitz of Kingwood Township thanked the Board for allowing the people present tonight to speak. He stated that Bill Pandi talked about an eagle that nests on this property and last week Mr. Lubitz saw that bald eagle fly down Route 29 below tree top level and it was truly a magnificent sight. No one in a national park has seen an eagle as close up as the eagle in Kingwood Township.

Mr. Lubitz said the property could hold 54 houses and in addition it would generate an additional 14 COAH units. If this became a development, and it is still under approval, could cost Kingwood Township around \$600,000 each year for schools.

John Mathew, Chairman of the Kingwood Township Planning Board and the Township's Open Space Committee. He stated he's been in open space preservation for many years and most open space deals are never structured the way they are originally presented; there is always a snafu. He understands one has to be flexible in allocating dollars but what the public is looking for is a firm commitment from the Board to the project and the determination to see the project to through to a conclusion.

Director Peterson informed those present that nothing has changed the County's side of the equation. Nothing has changed. The Freeholders put a commitment on record on April 01, 2008 and a motion was adopted, unanimously by this Board. The Board has been updated today in executive session concerning what is being down regarding the project. The County's terms have not changed at all; they remain the same as they were on April 01, 2008.

Director Peterson stated there are other parties who changed and that is being worked out. At this time, there are negotiations and it would not be in the best interest of the County's taxpayers to expand on those negotiations.

The Board thanked everyone for taking the time to come to tonight's meeting.

### **PROJECT UPDATE**

Due to the lateness of the hour, the Board accepted the report by Frank Joseph Bell, AIA, County Project Administrator as written:

#### **UPDATE ON CONSTRUCTION PROJECTS**

##### **I CLOSE OUT OF CONSTRUCTION PROJECTS**

- ROUTE 12 LIBRARY ADDITION  
We continue to resolve claim disputes. Contractors are filing final applications for payments and close out documents.
- DEER PATH PARK RESTROOMS  
(Substantial Completion: December 26.)

The CO for the building has been issued. I have requested the Contractor provide all closeout documents and final payment requests.

- ARBORETUM GREENHOUSE CONVERSION  
(Substantial Completion: December 26.)  
The Contractor is now preparing to file the closeout documents.
- RT. 12 GARAGE ADDITION AND RENOVATIONS  
(Substantial Completion August extended to October 26)  
We have requested final close out documents.

##### **II CONSTRUCTION ADMINISTRATION PHASE OF PROJECTS**

- EMERGENCY SERVICES ADDITION AND RENOVATIONS  
We are met with all parties (contractor, vendors, insurers and various experts from all sides) on Friday, July 11, 2008 to review the existing damaged equipment. The experts along with the vendors did review the CML telephone switch unit and found portions of the power supplies not operating. The attorneys for the insurers have sent a letter to Powerware requesting access to the laptop that was used during the testing of the UPS unit.

We will be working on the parking and drainage once the building addition was completed or near completion. I am working with John Glynn on this phase. The County Survey crew has been out to the site and is preparing a map for drainage and parking. Work on the site will be started in the late summer of 2008. The start time was revised due to the UPS delays.

- HALL OF RECORDS AND SOUTHARD BUILDING RENOVATIONS  
(Substantial Completion: October 20)

Roof/Cornice/Interior work:

We are reviewing the final payment application and closeout documents for the Cornice.

The lead paint has been removed from the building. The Contractor has placed the lead paint into the proper containers and will be disposing of them in the proper manner. Interior renovations have begun with demolition of interior work. All shop drawings have been submitted and approved.

- JUSTICE CENTER VENIERO SPACE REVISION/PROSECUTORS SPACE

The Contractor began working on the renovations.

### **III RFP, SCHEMATIC, CONSTRUCTION DOCUMENT AND BIDDING PHASES**

- EVERITTSTOWN GARAGE STORAGE BUILDING ADDITION

The Contractors have submitted the shop drawings. I have reviewed the electric shop drawings with Building and Grounds and the building with John Glynn. We had a few comments. Construction is expected to begin in 4 weeks.

- SOUTH COUNTY PARK

T&M has sent the TWA Permit documents to the NJDEP on July 7, 2008 for review and approval. Pole Building with restrooms: I met with the Fair Committee several time. The Committee has changes to the plans. I am waiting for them to finalize their comments.

Treatment Works Approval (TWA Permit): T&M has received the approved documents from East Amwell Township. T&M will now submit those documents to the DEP for approval.

T&M is preparing the following permits: Stream Encroachment, TWA (septic – the design is complete), Wetlands (transition waiver request), Soil Erosion and Storm Water Management (a General Permit from DEP).

- RECORDS RETENTION CENTER ADDITION (PARIS GRANT)

The PARIS Grant has been approved.

We are working on the completion of the contract for the Architect for the next phase of the work/design/cost estimating.

- INFORMATION TECHNOLOGIES – POINT TO POINT WIRELESS SYSTEM

IT is reviewing the Bids for the project.

### **IV RELATED PROJECT MANAGEMENT SPECIAL ASSIGNMENTS**

- MISCELLANEOUS ROOF WORK

Jail Roof: the Contractor is finalizing his documents and performing punch list items.

- SMALL CITIES HOUSING GRANT

We have awarded several contracts to Contractors for renovations for homeowners' properties.

We continue to receive Bids on work for other Applicants.

### **GRANTS**

Mr. Melick moved and Mr. Holt seconded this:

**See Page 08/19/08-15A**

### **RESOLUTION**

**RESOLVED**, Approving an Operating Assistance Agreement with New Jersey Transit Corporation, for Section 5311/NJT Federal Grant funding in an amount not to exceed \$317,659. (NJ Transit - \$158,830, County Match - \$158,830).

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

Mr. Mennen moved and Mr. Sworen seconded this:

**See Page 08/19/08-15B**

### **RESOLUTION**

**RESOLVED**, Approving a renewal donation from Merck, Inc., in the amount of \$9,800, to continue two (2) Partnership Action Team initiatives "Fitness Without Walls" and "Know Your Numbers, Know Your Risk", through the Hunterdon County Health Department.

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

Mr. Holt moved and Mr. Melick seconded this:

**See Page 08/19/08-15C**

### **RESOLUTION**

**RESOLVED**, Approving the renewal of a Title IV Reimbursement Agreement, with the with the New Jersey Division of Family Development, for funding in the amount of \$103,791.12, for the Hunterdon County Sheriff's Office, for the period of October 1, 2008 through September 30, 2009.

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

### **OLD BUSINESS**

Mrs. Yard advised the Board had asked for more information concerning a request by the Tax Board to attend a conference in Reno, Nevada. Director Peterson questioned if this is something the Tax Board Administrator must attend. Mrs. Yard explained this is the International Conference of Tax Administrators. She noted that the Tax Administrator is also attending a conference in Cape May, New Jersey.

Mrs. Yard is aware this was discussed by the Board on August 05, 2008 and the issue of C.E.U.'s (Continuing Education Units) came up but she was not at the meeting. If CEU's are needed for employment, they can be obtained at most of the conferences but they can also be obtained in New Jersey. The Tax Administrator is attending a conference in New Jersey and he is getting CEU's at that conference.

Mrs. Yard advised when the policy for trips, conferences, meeting and training was first installed in the County, the Department Managers were asked to plan ahead; but if they happened to get one conference they should decide where the conference would be. The issue now is that the Tax Administrator came in with a second conference in Cape May, New Jersey after getting approval for the conference in Nevada, so he was over the approved number of conference. Mr. Mennen noted the conference in New Jersey is August 25, 2008 to August 29, 2008 and the conference in Nevada is the following week, September 07, 2008.

The Board briefly discussed the fact that the Tax Board Administrator is the president of the New Jersey Association, so he knew when he booked the Nevada conference that he had to attend the New Jersey conference.

After further discussion, the Board directed Mrs. Yard to inform the Tax Board Administrator that he has approval to attend the conference in New Jersey and if he attends the conference in Nevada, that the County will not pay for it.

### **COAH Resolution**

Mr. Melick stated this is a municipal function and only 5 municipalities are involved in the COAH lawsuit, the other municipalities have either done what was expected of them or just haven't joined in the lawsuit. Mr. Melick advised he would not know where to get money to contribute towards the lawsuit in the budget.

Mr. Sworen stated the County has spent considerable County funds towards this process with work down through the County's Planning Board and the GIS Division of Information Technology. These departments have supported this process by putting together maps; have put together a standard that the attorney for this group, Stewart Koenig, will use for all the towns and counties involved. This will be the standard for a number of other litigants against the State regarding COAH. All these municipalities and counties will have the same platform thanks to the County's Planning staff and the GIS Division.

Mr. Melick advised he has no problem with the County's Planning staff helping out but to come up with a check to contribute towards legal expenses is different.

Director Peterson stated while there maybe only 5 municipalities of Hunterdon that are actively partaking in the suit, it will benefit most, if not all of the County's municipalities in Hunterdon. All the municipalities are facing the same issues with COAH.

The Board discussed where the money would come from if it were to contribute to the lawsuit. Mr. Holt asked if the Board would support a resolution contributing \$10,000. After further discussion, the Board agreed to have a resolution prepared for consideration at its September 02, 2008.

### **FREEHOLDERS ASSIGNMENT REPORTS**

#### **Veterans Services**

Mr. Sworen informed the Board that a letter was received concerning continued veterans services in Hunterdon County. Mrs. Yard advised the letter was from the people doing the OneStop program. Mr. Sworen stated they are looking for veterans. Mrs. Yard informed the Board that there is a Facilities Evaluation Committee meeting to discuss the Fulper Stangel people and they are asking to use the County's Senior Center, and there is already someone who comes every Wednesday to supply services to veterans. Mrs. Yard will report on the Facilities meeting at the Board's September 02, 2008 meeting.

#### **Union Township/Milligan Farm**

Mr. Holt advised the Board's resolution concerning Union Township/Milligan Farm held two components. One issue was the Frontage Road project and he feels that has been resolved and recommended the Board agree to move forward with the resolution. The second portion of the resolution is really between Union Township and the Planning Board which deals with COAH housing/affordable housing, and the County road opening. That is clearly not something this Board can resolve because it is between the Township and the Planning Board. If one part of the resolution is resolved, it can move forward.

Director Peterson said what if the COAH housing isn't built for another 5 years. If the Township builds the COAH housing then improvements need to be made to the County road and if that is a condition for releasing the funds to Union Township for Milligan Farm, it could be years down the road because they aren't going to do any of that until they submit plans for the housing. The Township can't build until they receive approvals from the County.

Mr. Sworen is not sure that is what the Board's resolution said. Mr. Holt stated there were 2 conditions in the resolution, and he feels the second condition was resolved regarding Frontage Road and if the first condition gets done, he would like this to move forward.

Mr. Sworen would like to have an update regarding this resolution concerning Union Township/Milligan Farm. Mrs. Yard volunteered to pull the resolution and see if the conditions have been met before the next meeting.

There being no further business to come before the Board, Director Peterson adjourned the meeting at 9:36 p.m.

Respectfully submitted,

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Denise B. Doolan  
Clerk of the Board