

HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS
Main Street County Complex, Second Floor
Flemington, New Jersey 08822
December 02, 2008

The regular meeting of the Hunterdon County Board of Chosen Freeholders convened at 4:12 p.m. in accordance with the provisions of the Open Public Meetings Act.

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

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 July 29, 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. Melick moved and Mr. Sworen seconded these:

See Page 12/02/08-1A RESOLUTION

RESOLVED, Executive Session to discuss purchasing term regarding the Sheriff's Office.

See Page 12/02/08-1B RESOLUTION

RESOLVED, Executive Session to discuss personnel in the Sheriff's Office.

See Page 12/02/08-1C RESOLUTION

RESOLVED, Executive Session to discuss a personnel hiring complaint.

See Page 12/02/08-1D RESOLUTION

RESOLVED, Executive Session to discuss labor negotiations.

See Page 12/02/08-1E RESOLUTION

RESOLVED, Executive Session to discuss legal issues involved in the denial of a zoning permit for modular towers in Raritan Township.

See Page 12/02/08-1F RESOLUTION

RESOLVED, Executive Session to discuss redacting the executive session minutes.

See Page 12/02/08-1G RESOLUTION

RESOLVED, Executive Session to discuss legal issues involving a State Department of Environmental Protection directive.

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

The Hunterdon County Board of Chosen Freeholders went into Executive Session at 4:16 p.m., recessed at 6:07 p.m. and reconvened in Open Session at 6:13 p.m.

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

FINANCE

Director Peterson opened the public hearing on Bond Ordinance No. 13-08. There being no comments or questions from the press or public, Mr. Melick moved and Mr. Sworen seconded a motion to close the public hearing.

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

Mr. Mennon moved and Mr. Sworen seconded this:

See Page 12/02/08-1H BOND ORDINANCE NO. 13-08

RESOLVED, ORDINANCE AUTHORIZING THE DEMOLITION OF VARIOUS COUNTY BUILDINGS, AND STRUCTURES, BY THE COUNTY OF HUNTERDON AND APPROPRIATING \$200,000.00 THEREFORE.

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

Mr. Melick recused himself at 6:15pm.

Director Peterson opened the public hearing on Bond Ordinance No. 14-08. There being no comments or questions from the press or public, Mr. Sworen moved and Mr. Holt seconded a motion to close the public hearing.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-2A

BOND ORDINANCE NO. 14-08

RESOLVED, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF DEVELOPMENT EASEMENTS ON AGRICULTURAL LAND FOR THE FARMLAND PRESERVATION PROGRAM IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Mr. Melick returned at 6:16pm

Director Peterson opened the public hearing on Bond Ordinance No. 15-08. There being no comments or questions from the press or public, Mr. Sworen moved and Mr. Holt seconded a motion to close the public hearing.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-2B

BOND ORDINANCE NO. 15-08

RESOLVED, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE, PARK AND RECREATION PURPOSES IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Director Peterson opened the public hearing on Bond Ordinance No. 16-08. There being no comments or questions from the press or public, Mr. Sworen moved and Mr. Holt seconded a motion to close the public hearing.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-2C

RESOLUTION

RESOLVED, BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF AN ADDITION TO THE COUNTY RECORDS RETENTION CENTER AND WAREHOUSE IN, BY AND FOR THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,750,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Director Peterson explained this ordinance was discussed by the Board at the November 18, 2008 meeting and the Board was concerned over a shortage of funding for the project and the project was scaled back.

Director Peterson asked Bob Thurgarland, PARIS Grant Coordinator about how much the County could expect to receive from the state under PARIS or does he feel the continuation of PARIS funding is running short. He further asked if the County could bring the project to a certain point without finishing it until further PARIS funding is received.

Mr. Thurgarland reported that at the last meeting, the Board question if the County could just place shelves in the retention center with the grant money the County currently has, and how would PARIS react to that. Mr. Thurgarland advised he did speak with the State and they would consider the project as not completed as a functional facility.

Mr. Thurgarland explained the County has been awarded \$1.1 million in PARIS funds but only 50% of the funding was received upfront; the other 50% will be received when the project is completed. The County has looked into working on one part of the building; then apply for \$500,000 in the five years to finish the project but there are no guarantees for funding.

Mr. Holt said there is \$2 million dollars that can be put into play for the PARIS Grant project, which would put the County in a position to fulfill the project in 2009. He confirmed the County needs the money in this ordinance for the project.

Director Peterson asked the estimated completed date for the expansion of the Warehouse/Records Retention Center.

Frank J. Bell, AIA, County Project Administrator advised there is no estimated construction completion date but he feels the project could take about a year. If bidding is done this spring and awarded then, construction could be completed by spring 2010.

Director Peterson explained he is raising these issues so no one is caught by surprise during the budget discussion for the new year and to make sure that the Freeholders put money aside for a Plan A or Plan B, so it could be a floating fund.

Director Peterson questioned if the project could be done in stages or would it be better to bid it all at once. Mr. Bell's recommendation would be that it would be better to bid a project all at once and not in pieces. He further recommended the Board consider alternates for what it may want in the project.

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

Mr. Holt moved and Mr. Melick seconded this:

See Page 12/02/08-3A RESOLUTION

RESOLVED, Approving the cancellation of a grant receivable in the amount of \$676 for the 2006 State Health Services (BT) grant and the grant reserve in the amount of \$675.36.

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

Mr. Melick moved and Mr. Sworen seconded these:

See Page 12/02/08-3B RESOLUTION

RESOLVED, Approving the cancellation of a grant receivable in the amount of \$477 for the 2007 New Jersey Comprehensive Cancer Control Grant.

See Page 12/02/08-3D RESOLUTION

RESOLVED, Approving the cancellation of a grant receivable in the amount of \$0.04, for the 2006 P.A.R.I.S. grant.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-3E RESOLUTION

RESOLVED, Requesting the Division of Local Government Services insert an item of revenue in the 2008 County Budget for the Area Plan Grant, in the amount of \$305,498.

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

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 the regular session minutes of January 15, 2008, February 05, 2008, February 15, 2008, February 19, 2008 and October 21, 2008.

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

Mr. Sworen moved and Mr. Mennen seconded a motion to approve claims in accordance with the Claims Register dated December 02, 2008.

See Page 12/02/08-4A

CLAIMS REGISTER

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

Mr. Sworen moved and Mr. Mennen seconded a motion to approve Social Services Funds Report for October, 2008.

See Page 12/02/08-4B

SOCIAL SERVICES FUNDS REPORT

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

Mr. Sworen moved and Mr. Mennen seconded these:

See Page 12/02/08-4C

RESOLUTION

RESOLVED, Louis Maddalena III appointed permanent, full time Inspector Trainee Mosquito Extermination, Health Department. (passed Civil Service Exam).

See Page 12/02/08-4D

RESOLUTION

RESOLVED, Stephen Allara appointed permanent, full time Public Safety Telecommunicator Trainee, Communications Division of Public Safety Department. (Replacement).

See Page 12/02/08-4E

RESOLUTION

RESOLVED, Kandi Kaczetow appointed permanent, full time Public Safety Telecommunicator Trainee, Communications Division of Public Safety Department. (Replacement).

See Page 12/02/08-4F

RESOLUTION

RESOLVED, Rebecca Hutchinson appointed permanent, full time Public Safety Telecommunicator Trainee, Communications Division of Public Safety Department. (Replacement).

See Page 12/02/08-4G

RESOLUTION

RESOLVED, Thomas Sheppard appointed provisional, full time Chief Park Naturalist, Parks and Recreation. (approved 11/6/08).

See Page 12/02/08-4H

RESOLUTION

RESOLVED, Guy Silliman appointed provisional, full time Public Safety Telecommunicator, Communications Division of Public Safety. (Replacement).

See Page 12/02/08-4I

RESOLUTION

RESOLVED, Rushita Jampani appointed temporary, as needed Student Assistant, Library. (Replacement).

See Page 12/02/08-4J

RESOLUTION

RESOLVED, Approving an InterLocal Health Services Agreement with Union Township, for public health activities and services.

See Page 12/02/08-4K

RESOLUTION

RESOLVED, Approving no passing zones be established and maintained in both directions of Readington Road (County Route 620) in Readington Township from Whitehouse Road (County Route 523) to the Hunterdon County-Somerset County Line.

See Page 12/02/08-4L

RESOLUTION

RESOLVED, Approving a Senior Citizen and Disabled Resident Transportation Assistance Agreement, with New Jersey Transit, for the provision of \$566,919 of State "Casino Revenue" funding, to be used for Operating, Capital and Administrative costs of providing transportation services to senior and disabled residents of Hunterdon through the LINK.

See Page 12/02/08-4M

RESOLUTION

RESOLVED, Approving a modification to the professional services agreement Steven M. Diamond, D.O., to provide medical examiner services, through March 31, 2009, in the amount of \$60,000.

See Page 12/02/08-5A

RESOLUTION

RESOLVED, Approving a professional services agreement with Steven Godin, PhD, MPH, for consulting services for the implementation of activities pertaining to health education methods to improve cancer health literacy through the Cancer Control Grant, amount not to exceed \$18,300.

See Page 12/02/08-5B

RESOLUTION

RESOLVED, Approving Change Order #14, for Bid #2006-20, Renovation to the Hall of Records and Southard Building, to reinforce the existing front porch at the Southard Building, Watertrol, Inc., increase of \$12,811.65.

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

Mr. Sworen moved and Mr. Mennen seconded this:

See Page 12/02/08-5C

RESOLUTION

RESOLVED, Approving Change Order #13, for Bid #2006-20, Renovation to the Hall of Records and Southard Building, to purchase and install 18 new wreaths on the Southard Building, Watertrol, Inc., increase of \$1,628.14.

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

FOR DISCUSSION

Kingwood property/Equestrian Village

The Board discussed participating in the acquisition of Open Space, known as Block 14, Lots 28.02 and 30, and Block 12, Lot 13, in Kingwood Township, known as the Equestrian Village.

Mr. Melick stated the cost of this would be \$9 million dollars and the State of New Jersey does not have that kind of money in this day and age. The State has made it known they are going to close parks two days a week to save money; which is how the State of New Jersey and the State Department of Environmental Protection are getting money to fund farms.

Mr. Melick does not feel the amount for the acquisition adds up. Currently there are tax assessors working to reduce assessments because the fundings are not there, so they are backing down assessments. May assessments are now subject to appeal on properties. There is no one coming into Hunterdon County trying to buy property except for the County. Also, contractors can not get money for projects so they are leaving.

Mr. Melick advised he has voted for more Farmland Preservation and Open Space in the County than anyone else but the threat of development and the bulldozers are not here anymore. He does not feel purchasing this property would be in the best interest of the public.

The Board will discuss this further at the next meeting.

Morris County agreement/Housing Juveniles

Mr. Holt moved and Mr. Melick seconded this:

See Page 12/02/08-5D

RESOLUTION

RESOLVED, Approving an agreement with Morris County for housing of Hunterdon's juveniles, at the Morris Detention Center.

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

COUNTY UPDATE

Open Space, Farmland, Municipal, Non-Profit, Historic Funding

Cynthia J. Yard, County Administrator provided the Board with the status of the Open Space, Farmland, Municipal, Non-Profit, and Historic funding.

Mrs. Yard stated the Board has been talking about the budgetary restraints, so she, County Counsel DeSapio, Kim Browne, Finance Director and Margaret Pasqua, County Treasurer have been working on a chart that will explain the County's participation in Open Space Funding and it will make sure that the citizens that want to participate in the Open Space Funding will know exactly where the County is at with the funding. They will also know where the County at with the budget so it is not misrepresenting anyone on where the budget is for Open Space.

Freeholder Holiday Luncheon, December 18, 2008

Mrs. Yard stated that the Freeholders' Holiday Luncheon, which the Board sponsors for its employees every year will be held on December 18, 2008 at 11:30am.

The Children's Holiday Program

Mrs. Yard also advised that the Children's Program will be held on December 12, 2008, beginning at 6:00 p.m.. This program is held at Echo Hill Lodge for the County employees and their families. This program is open to all of the County employees and their children. The children will be able to have their pictures taken with Santa.

Outdoor wood fired boilers

Mr. DeSapio informed the Board there has been an increase in installation in the outdoor wood boilers that citizens in Hunterdon County have been using to replace their heating systems. To the County's knowledge, unless there are people who have not complied, the property owners have received permits and put these in with construction standards.

On October 28, 2008, the County Health Department, under CEHA (County Environmental Health Act), received a memorandum from the State Department of Environmental Protection directing/setting standards for enforcing air pollution standards for these boilers. The most critical aspect of this, is that Hunterdon has in its Health Department, two trained employees who can read smoke and are suppose to be dispatched to do routine inspections. These two individuals also respond to complaints concerning the outdoor wood boilers that may be admitting too much smoke in accordance with the DEP standards. At this time, five complaints raised about this issues. If the Health Department is going to be doing enforcement, people are going to be concerned because some may have paid money to install these; and they can't recoup their investment on this type of wood burning boiler. They are not supposed to produce smoke for more than three minutes within a thirty minute period. If the Health Department feels need to enforce this regulation; they will be citing everyone who owns one of these boilers. This is a compliance advisory warning from the DEP and it regulates that stationary outdoor boilers produce no more except for three minutes within a thirty minute period.

Director Peterson asked a question about the stationary outdoor heater. He added that it could include a lot of different devices not just outdoor boilers. Mr. DeSapio said he does not have the regulations in front of him but he can get them off line if the Board would like to discuss this further. It does not include chimneys. There are fines that can be given bases off these standards and the first fine is \$300. He anticipates that virtually any homeowner is going to ask what they did wrong and ask why they need a permit to install this and if they get the permit, the State could say there are illegal to install. There are aspects of this that he wants the Freeholders to be aware of so if the time comes the Board will know how to direct the Health Department on any issue that may arise.

Mr. Sworen said the vendors are trying to put into standards in the regulations so these outdoor systems have everything, including the height of a normal chimney which would end any smoke problems. He recommended working with DEP to come up with solutions to fix the problems. He stated that the problem is coming into play because these are not normal chimneys and they are not made like normal chimneys so they give off more smoke then a normal chimney would.

Director Peterson asked under what authority does the County's Health Department have the right to issues summons under these regulations. Mr. DeSapio explained that the County signs a grant agreement annually (CEHA Grant) with the DEP to accept grant funds and to act as their enforcement agency in the County.

Director Peterson questioned what would happen if the County did not accept the CEHA Grant. Mr. DeSapio advised he would need to speak with the Health Director about that grant and to determine what would happen if the County did not accept those grant funds.

Mrs. Yard said the Health Director takes the CEHA money and breaks it up among the employees' salaries that are enforcing these regulations and working under these grants. Some of these grants give targets to reach. There are times when the County does turn down the grants but when the CEHA grant was approved, it made the Health Department one of its enforcers.

Mr. DeSapio said the Health Department will come to the Board for guidance. The Health Director has been working with Aaron Culton from Mr. DeSapio's office to get guidance because many people in the County use these outdoor systems. In a letter dated, October 29, 2008, Mr. Beckley wrote to the governing bodies in the County, informing them of the problem and asking them to review the situation and to determine if they want to put some form of notification into place so when people come for permits they are aware of what may come. He is going to talk to Mr. Beckley and instruct him that the County is going to continue to work with the State but that he should put out the warnings to the municipalities and see what happens from here.

Director Peterson asked how someone would know if the machine is boiling smoke at three minutes at a time, out of thirty minutes. This is a hard thing to enforce. Someone is going to have to physically go out and watch each one in order to provide enforcement.

Mr. DeSapio said what they are saying is the State advisory's suggest if you do not notice anything right away then go to talk to the property owners and see what can be done and so on. They want the Department to use their best judgment.

OPEN SPACE

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-6A

RESOLUTION

RESOLVED, Approving an agreement with Green Acres for \$600,000 to fund the Open Space Plan.

ROLL CALL: (AYES)

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

Mr. Sworen moved and Mr. Holt seconded this

See Page 12/02/08-7A

RESOLUTION

RESOLVED, Approving Amendment #6, to the Green Acres Project Agreement and Declaration of Encumbrance with the Department of Environmental Protection, to provide a matching grant in the amount of \$600,000.

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

PURCHASING

Mr. Mennen moved and Mr. Holt seconded this:

See Page 12/02/08-7B

RESOLUTION

RESOLVED, Approving Requisition #HCJ.47372, using County Quote #0079-2008, with E&A Hotel Restaurant & Supply, for a kettle, in the amount of \$13,442.10, for the Division of Corrections of the Public Safety Department.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-7C

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2008-29, for Maintenance, Service and Supplies for County copier equipment, to Ditto Copy Systems, Inc., in an amount not to exceed \$35,669.88.

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

Mr. Sworen moved and Mr. Melick seconded this:

See Page 12/02/08-7D

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2008-32, for the Reconstruction of County Bridge #H-64-W, in Hunterdon and Warren Counties, to Sparwick Contracting Inc., in an amount not to exceed \$810,172.

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

Mr. Melick moved and Mr. Sworen seconded this:

See Page 12/02/08-7E

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2008-37, to provide Home Health Services, Certified and Non-Certified, for the Human Services Department, to ANC Care, LLC, d/b/a Comfort Keepers, in an amount not to exceed \$80,000 for two (2) years.

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

Mr. Holt moved and Mr. Sworen seconded this:

See Page 12/02/08-7F

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2008-37, to provide Home Health Services, Certified and Non-Certified, for the Human Services Department, to Open Arms Health, LLC, in an amount not to exceed \$120,000 for two (2) years.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-7G

RESOLUTION

RESOLVED, Authorizing the award of County Bid #2008-37, to provide Home Health Services, Certified and Non-Certified, for the Human Services Department, to Visiting Health and Supportive Services, in an amount not to exceed \$180,000 for two (2) years.

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

FARMLAND PRESERVATION

Mr. Melick recused himself from the meeting at 7:05 p.m.

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-8A

RESOLUTION

RESOLVED, Approving a Deed of Easement and Grant Agreement from Philip Rochelle and Susan Rochelle, for Block 10, Lot 52, in Alexandria Township, 53.012 acres, (SADC-\$206,746.80, County-\$55,662.60, Township-\$55,662.60), total amount of \$318,072.

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

Mr. Mennen recused himself at 7:06 p.m.

Mr. Holt moved and Mr. Sworen seconded this:

See Page 12/02/08-8B

RESOLUTION

RESOLVED, Approving a Municipal/County Cost Share Agreement with Tewksbury Township, for the acquisition of a Development Easement on the Melick Farm, Block 37, Lot 151.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-8C

RESOLUTION

RESOLVED, Approving a Municipal/County Cost Share Agreement with Tewksbury Township, for the acquisition of a Development Easement on the Tewksbury Associates, Inc. Farm, Block 16, Lots 23, 23.01 and 23.02.

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

Mr. Mennen and Mr. Melick returned at 7:08 p.m.

ROADS and BRIDGES UPDATE

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

- County Route 514, from Route 202 to Mayers Road, the final surface course is being constructed and should be completed by the end of next week.
- County Bridge D-345, Sandbrook Road, there is going to be another meeting with DEP and various concerned officials in Delaware on December 9, 2008.
- County Bridge M-110, the County has received acceptance from Mr. Hackman and will be working on modifying the plan.
- County Bridge D142, more structural work is needed on the substructure. It appears to be deteriorating a lot further along than anticipated so additional field work will be done.
- Funding has been received for County Bridge R123 from DOT for that project.
- County Bridge T-52, the project is advancing and the culvert pipe should be received tomorrow. The first footing should be done on Friday.
- The fueling system for the Parks and Recreation Department, the concrete pad for the tanks is under construction.
- The intersection projects, the County did meet with the contractor on the Intersection project of County Routes 513/612 River Road. The contractor is going to be completing the outstanding items. A solution has not been reached yet with the contractor on the claims for the project.
- County Routes 513/579 Intersection project, that signal will go into operations tomorrow if everything checks out with the design engineer.

GRANTS

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-9A

RESOLUTION

RESOLVED, Approving a public donor agreement to the Social Services Block Grant (SSBG) contract #09AHKC, reflecting the provision of \$15,405 in cash funds and \$2,485 in in-kind funds as a County match and authorizing a Contract Agreement with the New Jersey Department of Human Services for \$73,742 in state funding to provide for the operation of the Human Services Advisory Council.

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

Mr. Sworen moved and Mr. Holt seconded this:

See Page 12/02/08-9A

RESOLUTION

RESOLVED, Approving a Section 5310 Grant application with New Jersey Transit for one 16 passenger and 2 Wheelchair position Extended Minibus and one 24 + 2 Wheelchair position small Transit Bus.

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

CORRESPONDENCE

A letter was received from Pellettieri Rabstein and Altman, Esquires, representing Allied Village Square, LLC, offering for sale, County Block 1004, Lot 1.01 in Lambertville, for Open Space as it cannot be developed.

Director Peterson stated it appears some of the property in the flood area and they are asking the County to take it off their hands. This is the property in between the houses (Allied Village) and the bank.

Mr. Mennen is unfamiliar with the process for this but added that it seems the property was under approval and after the approval was received, it was discovered that the property was contained in a flood plain. It appears there some protocol that says to give the commission a wavier, they need to show that the land cannot be used for any other use; one use being preservation for open space.

Mr. DeSapio said he knows that the County has taken property before because he just ran into this recently with a Farmland Acquisition buy he does not believe that it ever got elevated to the point for Freeholder approval. He recommended this be referred to the Open Space Trust Fund Coordinator, and then it could be evaluated by all departments in the County and see if there is a need.

The Board expressed concerning as the letter, while addressed to the County, refers to the City of Lambertville being asked to do something. Mr. Mennen feels that this is clearly a form letter that just had the address changed.

Mrs. Yard pointed out that Pellettieri Rabstein and Altman, Esquires do not want to give the land to the County, they want the County to purchase this piece of property. The Board directed this be referred to the Open Space Coordinator for processing.

FREEHOLDERS ASSIGNMENT REPORTS

6 County Coalition Meeting

Mr. Sworen confirmed the date for the 6 County Coalition meeting has been rescheduled until January 2009. Mrs. Yard informed him that the County has been in contact and plans are underway.

Resolution re: Sheriff

Mr. Melick brought forward a resolution dealing with the Sheriff's Department. He passed aound copies for the Board and County Counsel to review. Mr. Melick feels the resolution is self-explanatory and that everything in the resolution is true. If the Board is not prepared to adopt the resolution this evening, he will have it placed on the next agenda for consideration. Mr. Melick stated that if anyone wants to make changes to this resolution, he is open to that.

Mr. Holt stated that he is sure that Mr. Melick has put the truth in the resolution and understands that he is passionate about it but at this time, he can not take a two page resolution and fully consume all the material listed in it. He does not think the Board is ready to consider this tonight. Mr. Holt appreciates the time Mr. Melick has put into preparing this resolution and feels the Board should be given the proper time for review.

Director Peterson believes the entire Board is in agreement with Mr. Holt and that they will table the resolution until the next meeting on December 16, 2008.

Mr. Melick advised he is open to comments and suggestions on the resolution.

OPEN TO THE PUBLIC

Complaint

Kathy and Don Thorton approached the Board concerning their complaint concerning a Supervisor in the County but they do not want to address it in public.

Mr. DeSapio said asked if they could confirm who you are then he thinks the Board may be aware of why they are here and the Board can get them a response within a couple of days.

Director Peterson advised he received their letter in the last day or two and asked if their phone number was on the letter. Mrs. Thorton stated that she had gotten his phone number and then emailed Mr. Peterson to request that he get back to her.

Mr. Thorton made a suggestion that the Board should have voicemail, that he could not believe that they did not have voicemail.

Mrs. Thorton stated that with all due respect, she is getting attitude. She and her husband do not want a written response they want something in person. They have been very upset with the way they were treated by the Supervisor and other members of the County. They feel it is their time to be heard by the Board on their concerns.

Director Peterson said people can also call him at his law office; some people do that on their own or call the County and get the number from there. He will call the Thorton's and speak with them directly either tomorrow or Thursday on this issue.

Sheriff's Office

Present: Undersheriff's Maloney, Russo and George Muller.

Undersheriff Maloney stated that on November 25, 2008, a letter was sent requesting to continue with the approved hiring that the Board had approved. In addition, the officer on lease has informed them she will return, which leaves the Sheriff's Office with three open positions. Mr. Maloney said they have tried to save the County money by hiring off a RICE list, which is a list of people who were laid off. They learned in May, that Sheriff's Offices can not hire off the RICE list only the Countywide Police forces can. The Sheriff's Office then had three other officers leave in the fall. Since they have already talked to the State Department of Personnel (DOP) and DOP indicated they would take into consideration the Sheriff's Office situation and allow them to hire and do an inter-governmental transfer; which is what they have been asking the Board to do. They have completely finished the background checks and would like Mr. DeSapio to come over as County Counsel to review them to make sure that they are complete and ask any questions he may have about these individuals. They are ready to move forward with this, they had their evaluations today and spoke with Dr. Rossi. They believe the people passed the evaluation, so all they have left to do is the County physical.

Mr. Maloney said the Sheriff's Office is staying within the County salaries that are left and would like to have these people start December 15th. The Board has already approved 16 officers so he is unsure as to what the problem may be. These people are already trained so it is saving the County the academy costs and other costs because they have the backgrounds and the experience. In addition, none of these gentlemen are connected with anyone in the Sheriff's Office they were recommended to them by way that they found the officers in Passaic County and contacted those people and asked if they would be interested in coming down to Hunterdon County. They need some kind of movement so they can get these people started by December 15, 2008.

Mr. Mennen said the Board is aware there have been ongoing discussions concerning the housing of employee records and that the Sheriff's Office has written a number of memos on it. He does think it is fair of Mr. Maloney to say that it appears the Board is the hold up. As a department, the Sheriff's Office does not wish to have those employment records housed with the County Human Resources Department and as a Board, the Freeholders have expressed that their wish to receive those records and that they be housed in Human Resources.

Mr. Maloney stated they have given over personnel files, and secondly he feels they are on firm legal ground. Past practice is that the records have always stayed in the Sheriff's possession and that the County can only authorize that turn over under the Administrative Code. So far the Board has not presented an amendment to the Administrative Code to reflect that they need to be turned over and they have not been informed if that is the case. The Administrative Code is personnel procedures and they have not been informed if that has been amended. He questioned if the Prosecutor's Office has been required to turn over their backgrounds and their physiologies. He feels w the Board is doing then is holding this over the Sheriff's Offices' head instead of letting them figure out another way to handle this situation. He questioned if they could move them to the County building under lock and key. He asked if Mr. DeSapio could confirm that they have been locked. Mr. Maloney stated no one should be reviewing these files unless it is County Counsel because no one else has the authority to review them.

Director Peterson asked if Mr. Maloney feels that anyone on the Board would be reviewing these files. Mr. Maloney said he does not know but he does not know why there is a sudden change in the policy that has not been changed in the past.

Director Peterson explained this is a situation now due to that fact that the Sheriff's Office has had many problems with the employees they have hired and the Board wants to make sure that procedures are being followed so that there are not these problems in the future with future employees. Mr. Maloney stated that has been addressed by agreeing that County Counsel can review them and provide legal advice. County Counsel can also report back to the Board and state that he has reviewed them and that there were no issues. He stated that the Board wants to be assured and they are agreeing to assure them. He aid they have no problem with County Counsel coming over whenever he wants and disclose the information that needs to be addressed and they are trying to address these concerns in a good way. He stated that where the records are housed should not be a concern. Director Peterson said if that is the case, then the Sheriff's Office should not have a problem them with securing the documents and putting them in a secure area here. Mr. Maloney said if the Sheriff's Office were sure that they are secure and are placed in a secure area.

Mr. Maloney said that he does not have questions about the Board but he does have some concern on them being in a secure place. No one else but County Counsel DeSapio and Ms. Wieder should have access to the records; but he even has some doubts about Ms. Wieder, not because of professionalism but as the hiring authority and putting them there under lock and key with only access to County Counsel and the Sheriff's Department.

Director Peterson stated that all County employee files are located in the Human Resources Office, located in the Main Street County Complex/Administration Building, and the Board has never asked to look at them. The entire Freeholder Board confirmed they have never requested to view personnel records.

Director Peterson stated that the County has a practice and procedures set up due to the confidentiality of this. He feels that the Sheriff's Office is implying that the Board and other employees would be looking through those files and told Mr. Maloney that is totally off base. Mr. Maloney said he understands that is not the case but he wants to guarantee that no one else would have access to those files. Director Peterson advised that the County has all its other employee files located there and that there is no problem with this.

Mr. Mennen stated that the files are going to be given the same level of authority that the other files are given.

Mr. Maloney stated that their files are different from other County employees' files because they do not need to have psychological physicals done.

Mr. DeSapio asked Mr. Maloney if the Sheriff is prepared to have her employee records housed in Human Resources if they are placed under lock and key. He relayed to the Freeholders that there was another condition but if he misunderstood that maybe he could speak with Ms. Wieder and make sure that could work. He advised that there is no need to go into what the other condition was because if the Sheriff is willing to have the files over here under lock and key then he could review them. This is a different scenario than what the Freeholders had discussed two weeks ago. If the Sheriff is prepared today to bring the files over here as long as there is only one key, then Ms. Wieder will be available to keep these locked and under safe keeping to know who was in there and when.

Mr. Sworen said that his interest is not what is located in the files but that they are completed correctly and the correct process is taking place. As long as they go through the correct processes then he is content and that is his only concern.

Title in Sheriff's Office

Mr. Maloney said his other issue is that the Board has not adopted a resolution acknowledging George Muller's position as an Undersheriff. He would argue at this point that he has already been an Undersheriff since June 2008 and has been on the payroll under a different title since March 04, 2008; but then he was made aware that that title was not correct and it was changed to Undersheriff. Mr. Maloney said that while the Board may not agree with the title for Mr. Muller, the Sheriff is the hiring authority there needs to be documentation of the acknowledgement that he is what he is.

Mr. Holt said on that topic, one of the concerns that the Board has is the budget review and their concerns and decisions made on the budget. The Board made good decisions as to how they arrived at their budget concerns. The Board is having trouble acknowledging three Undersheriff's and at this time, there has been no resolution to resolve that. The Board has not moved forward on this. One of his recommendations to the Board would be that frankly they are at this point only three weeks before 2009 comes and the Board has a new budget to be looking at for 2009. It is important that the Freeholders go on the record, as it obviously did in 2008, that there will be a temporary budget. He thinks that the Board has felt that as they work on the 2009 budget that a resolution could be made on this issue with the new budget. He is unsure as to what that resolution will be but hopes everyone will come to one.

Mr. Muller said he is looking for clarification because the title of Confidential Aid was not appropriate as the statue pointed out. So that title, listed in the March resolution can not exist. He is looking for clarification since he has been sworn in and appointed by a Constitutional appointing authority that entitles him to that classification and not to have a classification that is not appropriately allowed in that office.

Mr. Muller said the Sheriff Office has submitted their finances for the 2009 budget. He feels it needs to be adjusted and if it needs to be aired publicly then we should talk about it. He informed the Board that he uses his own vehicle to serve papers and he has not sent anything to the County to reimburse him. Also, he goes to school at his own expense to better serve the County and has not asked to be reimbursed by the County. He confirmed he is doing this all on his own. He would like to know why he is still being called a Confidential Aid since that is not his correct title. He asked why he is being singled out and not being allowed to be called by a title which statue says he should be called. He asked the Board to do what is right.

Mr. Holt said that he feels the Board is having a problem approving a position that they do not have money for in the budget.

Mr. Muller said that does not make sense because the appointing authority is the one that appoints and she has picked her offices and it should not be a problem.

Mr. Holt said that is a grey area and we need to resolve the financial areas. The Board has looked at the structure of the Sheriff's Office and it was authorized to have two Undersheriffs and there in lies the conflict.

Mr. Muller said he is looking for guidance as to how he can be sworn into office and yet he is carrying a title from March 4th which is not allowed in that office but the one he does have is allowed in that office.

Mr. DeSapio said it is an interesting question because when people see eye to eye things go smoothly and when they do not they do not go smoothly. Since Sheriff is the appointing authority what you are called is what she calls you and the purpose for the Freeholder resolution is to authorize the payroll department to issue a check at a certain rate of pay and if there was no resolution then a person would not get a pay check.

Mr. Muller said he is not happy with the situation because at the beginning of the year there were three Undersheriffs.

Mr. DeSapio explained the situation is one that the Freeholders never agreed to and then were given a court order, so they adopted a resolution which was necessary to issue paychecks. However if the position was not in the budget, the Sheriff was advised that you would need to be terminated but the resolution has never been pushed by the Freeholders. As Mr. Holt said, the County has three weeks left in 2008, his recommendation is that the Freeholders meet with the Sheriff to address these issues for the new year. A request should be made of the Sheriff to meet this month, December 2008, so problems can be avoided going into 2009.

Mr. Holt said feels the next step to take place is to have a meeting with the Sheriff and determine an outline for staffing levels and requirements and what the Office hopes and projections are so the County and the Freeholders are not faced with the same problems in 2009 as were had in 2008.

Mrs. Yard reported that a memorandum asking the Sheriff to set out her expectations for the 2009 budget was sent. The memo also asked what the Sheriff hopes to recommend and have the Board consider and she has received that memo back so the next step will be to set up a meeting so that the Freeholders have a chance to look over what has been presented as consideration and expectations and then they go get them squared away and have the Sheriff in to discuss them.

Mr. Maloney stated he just completed a memorandum to Mrs. Yard on their discussion with County Counsel concerning the County's concerns regarding the vehicle policy and so on. He did an analysis to help solve the issues for 2009 to resolve the budget issue.

Mr. DeSapio said there were a number of issues and he instructed the Sheriff's Office to meet with the Freeholders to discuss those concerns and issues. His first reaction was to not go over old issues but to move forward and work on new issues; but they felt strongly that this should be looked at and instructed them to provide answers on questions that may be raised.

Mr. Holt encouraged everyone to participate as there are a great number of things he would like to avoid for the 2009 budget sessions. He would like to come to agreements and move forward with the budget. The last remaining issue for 2008 moving into 2009 should be resolved and there should have a resolution by the end of the year.

Mr. DeSapio asked to meet with Mr. Maloney for five minutes to resolve the issue of the housing the Sheriff's personnel records.

The Hunterdon County Board of Chosen Freeholders recessed at 8:12 p.m. and reconvened in Open Session at 8:20 p.m.

Mr. DeSapio stated that Undersheriff Maloney has agreed that all of the Sheriff's personnel files/records will come to Human Resources; including the background files and that there will be two keys for the cabinet, Ms. Wieder will have one as the Human Resources Director and the Sheriff's Office will have another. To help with the concern of the employees file, they are going to be placed in a sealed envelope that will have a seal on the back with initials and the date it was sealed so one will be able to know if anyone was in the file. There will also be a log if anyone goes in the file; then it will be resealed and put back in the file cabinet. He will work with Ms. Wieder and the Sheriff's Office to come up with a protocol/system once the backgrounds and paperwork are completed. Ms. Wieder will schedule the physical examines once all the paperwork is completed and has been reviewed by County Counsel.

Director Peterson confirmed the Sheriff's Office will be forwarding the proper paperwork to the psychologist before the appointments. Mr. DeSapio stated that they would work that out and will have a way to insure that it gets done and everyone knows that it is done and will probably with part of protocol will have something for Dr. Rossi to sign off that he has received and it will be put in the file so there is no question as to what he has seen.

Mr. Sworen said his only question is that if someone new gets approved what will the process be. Would they come before the Board first or who will make the determination that it fits into the budget. Mr. DeSapio stated that the Sheriff would determine if it fits into the budget and then it can be verified by Ms. Wieder and if there are questions then they will need to get resolved. As far as there are people now they are going a little bit out of order but they were scheduled today for appointments so we can't do it exactly in a way that will be good. But when they get the paperwork in the office on Monday he will sit down and review it and speak with Dr. Rosso that what he has seen and Mr. DeSapio can indicate that even though it was done a little differently then it will be in the future that there is nothing to worry about.

Mr. Holt just wants to make sure that the process for the future is going to be correct and that things are checked with the budget before being made. Mr. DeSapio stated that they would sit down and go over things and make sure that everything is followed.

Mr. Maloney asked Ms. Wieder if he could call her tomorrow to set up appointments for physicals.

Ms. Wieder explained that typically once the results come back and are reviewed, then the physical is scheduled. Normally, the results are received in a day or two. If these people went today then we would most likely get the responses back from Dr. Rossi shortly. Mr. DeSapio confirmed everyone is moving forward.

There being no further business to come before the Board, Director Peterson adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Denise B. Doolan
Clerk of the Board